

## LIMITATIONS ON SUSTAINABLE DEVELOPMENT OF ENVIRONMENTAL RESOURCES IN NIGERIA.

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### Abstract

*Man unsustainable activities such as, wood logging, bush burning, unregulated hunting of wildlife, over-grazing, deforestation, oil spills, gas flaring, artisanal mining, urbanization among others which usually results to some adverse environmental impact like climate change, loss of carbon sink, desertification, pollution, depletion of biological resources, coastal erosion and flooding are the major limitations to sustainable development of environmental resources in Nigeria. However, in order to prevent the total annihilation of environmental resources and to conserve same for the benefits of both present and future generations. Legislations and policies have evolved which aimed at addressing the unsustainable uses of environmental resources highlighted above. This paper finds that despite the plethora of laws on resources sustainability and conservation in Nigeria, people still embark on unhealthy practices which impact on eco system leaving lives worst for it. It also finds that there is a serious gap between laws and its enforcement in Nigeria as those responsible of its enforcement are either ill trained and unequipped or affected by corruption that has eaten deeply into the system. It further finds that industrial emissions of fumes and toxic substances go on unchecked due to lack of political wills to end same. The aim of this paper is to examine the concept of sustainable development of environmental resources in Nigeria and its limitation. In view of the identified challenges, this paper recommends as follows: the government concerned should carry out a serious law reforms on the area of environmental resources management. There should be adequate trainings for the agencies responsible for the enforcement of environmental laws and there is also need to equip them with modern facilities for dictating pollutants and chemical emissions. There is need for serious public enlightenment and awareness on the need to sustain environmental resources. Governments should establish special courts all over the federation with the exclusive jurisdiction to try violators of laws on sustainable development and the judges to be appointed should be those with expert knowledge on environmental laws, among other recommendations.*

### Introduction

The main goal of the Nigeria National Policy on the environment is sustainable development.<sup>1</sup> The concept of sustainable development presupposes that man in his quest for survival and development must draw the line between his immediate needs in term of development without jeopardizing the ability of future generation to meet their needs. God, while creating the planet earth endowed it with numerous natural resources for the comfort of man. After the creation of man, God gave him authority and dominion over other creatures, as such as the fish of the water, the bird of the air, the creeping things, animals and the entire planet earth.<sup>2</sup>

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<sup>1</sup> Fagbemi Sunday Akinlou; the Concept of Sustainable Development: a Double – Edged Word, NIALS Journal of Law and Public Policy (Maiden Ed; (2012)

<sup>2</sup> John C. Maxwell and Tim Elmore: the Maxwell Leadership Bible, (Second Edition), Thomas Nelson Inc, 3, (2007).

Man's survival on the planet earth therefore depends on various developmental activities. The interaction between man and his environment to achieve developmental needs in terms of construction of good roads, hospitals, dwelling houses, markets, schools, industries, business and other social amenities have been a source of great concern over the years. The threat which human development processes pose to the environmental resources is too alarming. However, the awareness of the concept of sustainable development is the means by which activities of government as well as that of individual could be checkmate to preserve part of the environmental resources for the use of the future generations.<sup>3</sup> This, in concrete term is the essence of the concept of sustainable development of environmental resource in Nigeria and that is exactly what this paper seeks to address.

### **Definition of terms**

For better understanding of this work there is need to define the key terms used herein.

**Sustainability.** This involves a deliberate process whereby the essential ecological processes and life support systems are maintained including the preservation of genetic diversity and sustainable utilizations of species and ecosystem for the present and future generation of mankind.<sup>4</sup>

**Development:** this means the process by which a country provides for its entire population, all the basic needs of life such as health, nutrition and housing, and provides every one with the opportunities to contribute to the very process through gainful employment as well as scientific and technological innovations.<sup>5</sup>

**Environment:** environment has been defined to include, water, air, land and all plants and human beings or animals living therein and the inter relationship which exists among these or any of them<sup>6</sup>

**Resources:** Resources is a source or supply from which benefits is produced. Typically resources are materials energy, services, staff, knowledge or other assets that are transformed to produce benefit and in the process may be consumed or made available.<sup>7</sup>

### **The Concept, Aims and Principles of Sustainable Development**

The term sustainable development has been defined as:

Development that meets the needs and aspiration of the current generations without compromising the ability to meet those of future generations.<sup>8</sup>

According to the report "Our Common Future" by Ms. Harlan brundtland, sustainable development was seen as development that satisfies the needs of the present without compromising

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<sup>3</sup> *ibid* Fn. 1

<sup>4</sup> G. Amokoye Oludayo: *Environmental Law and Practice in Nigeria*, Lagos, University of Lagos Press, 16, (2004).

<sup>5</sup> *Ibid*

<sup>6</sup> S. 39 NESREA Act, 2007

<sup>7</sup> <http://www.wikipedia.accessedseptember10th,2015>.

<sup>8</sup> Lawrence Alsegbua, Vincent Akpotaire, Folarin Dimowo, *Environmental Law in Nigeria; Theory and Practice* 2<sup>nd</sup> Ed, Ambik Press, Isiohor, Benin City, 2010, p.68

the ability of future generations to satisfy theirs. The concept insists on the need to protect the diversity of genes, species and all terrestrial and aquatic ecosystems nature.<sup>9</sup> This is possible particularly through measures that protect the quality of the environment and by the restoration, development and maintenance of habitats that are essential to species. It connotes the sustainable management of the use of the animal and plant populations being exploited. In other words, it is the rational management of human, natural, and economic resources that aims to satisfy the essential needs of humanity in the very long term.

Sustainable development implies the fulfillment of several conditions, such as preserving the overall balance, respect for the environment and preventing the extinction of natural resources. In order to be sustainable, development must combine three main elements which are fairness, protection of the environment and economic efficiency.<sup>10</sup> The aim of sustainable development is to define viable schemes combining the economic, social and environmental aspects of human activity. These three areas must therefore be taken into consideration by communities, companies and individuals. As such the ultimate goal of this concept is to find a coherent and long-lasting balance between these three aspects.

However, consensus of ideas and behavioral trends of state has led to the emergence of some principles of international environmental law which are geared towards the regulating, remedying and punishing of activities that threaten or damage the environment. This is to ensure environmental health and safety. The principles include<sup>11</sup>:

**Intergenerational Equity:** this principle is hinged on Brundtland declaration of meeting the need of the personal generation without compromising that of the future generations. It assumes that each generation receives a natural and cultural loyalty in trust from previous generations and holds same in trust for the future generations.<sup>12</sup>

**Sustainable use of Natural Resources:** this involves the maintenance of stable resource base, avoiding over exploitation of renewable systems or environmental sink function and depleting non-renewable resources only to the extent that investment is made in adequate substitutes. It includes the maintenance of biodiversity atmospheric stability and other ecosystem functions not ordinarily classified as economic resources<sup>13</sup>

**Polluter Pays Principles:** this is an embodiment of the idea that the polluter should bear the expense of carrying out measures decided upon by the public authorities to ensure that the environment is in an acceptable state.<sup>14</sup>

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<sup>9</sup> *ibid*

<sup>10</sup> Nkechinyere V. Attach, *Environmental Sustainability and Sustainable Growth: A Global Outlook* University of Pennsylvania Scholarly Commons (2010) 1.

<sup>11</sup> Violet O. Aigbokhaevbo, *International Environmental Law principles: Sustainability Challenges*, University of Benin Journal of Private and Property Law, vol. 1, (2010)

<sup>12</sup> *ibid*

<sup>13</sup> Ralph A. Luken "Equivocating on the Polluter Pays Principles: the Consequences for PAKISTAN" *Journal of Environmental Management* 90 No 11 (August 2009): 3479

<sup>14</sup> Justine Thornton and Silas Beckwitt, *Environmental Law* (London: Sweet and Maxwell Ltd 2004), 44.

**Precautionary Principle**, this principle also known as “anticipatory caution” is premised on the moral and political notion that where an action or policy would occasion severe harm or irreversible damage to human and the ecosystem, there is a duty to intervene to ensure that the public is protected from such harm or adverse exposure before they occur<sup>15</sup>

**The Principle of Common Heritage of Mankind:** this canvasses that exploitation of natural resources shall be for all mankind and for the benefit and interest of all nations. It connotes global concern to establish a balance between the utilization of natural resources by states and the need to preserve same for future generation.<sup>16</sup>

### **Types of Environmental Resources**

The entire ecosystem is filled with various kinds of environmental resources which were deposited by nature. The environmental resources are located in the following aspects of ecosystem.<sup>17</sup>

**Land and Mineral Resources**, these are environmental resources found on land, they includes tin, coal, iron, ore, gold, stone, diamond quarry agricultural produce such as cash groups, garment, futile zircon, zinc etc.

**Water Resources**, this includes all resources that could be found in both surface and underground waters such as, fish, sand, gravel, crude oil, gas etc.

**Forest Resources**, there are many forest resources such as, timber, rubber, cotton, coach, wildlife,

**Air Resources:** air resources include, birds, ozone layer.

### **Adverse Impact of Unsustainable use of Environmental Resources in Nigeria**

Man’s unsustainable use of environmental resources has a great adverse impact in all aspects of ecosystem. Consequently, the likely environmental impacts that are expected from unsustainable activities in Nigeria are as follows:

- i. Land related impacts: activities such as agriculture, mining especially by artisans may cause many environmental impact on land such, surface, disturbance, emersion, loss of carbon sink, desertification, loss of soil fertility, refuse piles.<sup>18</sup>
- ii. Water related imports. unsustainable use of water resource such oil spills, use of chemical for fishing, dumping of wastes in water, inorganic fertilizers etc., may result to surface erosion, sedimentation of streams and lakes, acidic water, depletion and extinction of aquatic species, flooding etc<sup>19</sup>

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<sup>15</sup> Kheitets I and E.MF “The Precautionary Principle Implication and Evaluation”, Journal of Risk Research 4(2) 2001:113.

<sup>16</sup> *ibid*

<sup>17</sup> A.A. Adedyi, R.T. Ako & T.A Ogunlege; towards the Sustainable Management of Nigeria’s Coastal Environmental, NIALS Journal of Environmental Law, (Maiden Ed), (2011), 297

<sup>18</sup> Peter Terkaa Akper, Addressing Environmental Concerns in the Exploitation of Solid Minerals in Nigeria: Issues, Problems and Prospects, NIALS, Journal of Environmental Law vol. 1 (2011), 183

<sup>19</sup> *ibid*

- iii. Air related impacts: unsustainable use of environmental resources such as gas flaring, effluent emissions etc. may cause the following environmental impact; deflection of ozone which leads to global warming, acid rain, respiratory problems resulting health hazards, extinction of heavenly animals<sup>20</sup>
- iv. Forest related impacts: sustainable use of forest resources such as hunting of wildlife, logging of woods, bush burning, deforestation etc are the greatest cause of both genetic resources and wildlife depletion and extinction in Nigeria.<sup>21</sup>

### **Environmental Resources Sustainability/Conservation Methods in Nigeria**

Nigeria has devised methods of sustaining and conserving its environmental resources. As such the country has a network of protected areas in different categories as follows:

1. **National Parks**, these are areas consisting of natural or semi natural land which is of ecological and cultural importance. Habitation is not allowed but tourism is encouraged. Currently Nigeria has eight national parks across different biogeography zones of the country. These parks are managed by the Federal Ministry of Environment through the National Park Service.<sup>22</sup>
2. **Game Reserve**: these are wildlife protection areas of the state government. Game reserves consist of wildlife parks and wildlife sanctuaries. There are 15 game reserves in the country.<sup>23</sup>
3. **Forest Reserve**: these are forest areas under the state government, exploitations are restricted in these areas for the protection of timber, fuel wood and other forest resources. Each state of the federation of Nigeria has at least one forest reserve.<sup>24</sup>
4. **Biosphere Reserve and Statute Nature Reserve (SNR)**: these are areas within forest reserves, specially set aside for scientific or educational purposes. Hunting, felling of trees and other human activities are highly prohibited. There is currently the OMO biosphere reserve in Ogun State of Nigeria.<sup>25</sup>
5. **Special Ecosystems and Habitats**: these are areas or sites considered as totems by communities or groups which are used for recreational and socio – economic reasons. Such sites are spread across communities in Nigeria.<sup>26</sup>

Other methods include botanical gardens, zoological gardens etc. these are all effort towards ensuring that the Interest of the future generation is not compromised but rather protected in the exploitations of Nigeria environmental resources.<sup>27</sup>

### **Regulatory Framework on Sustainable Development**

In order to ensure sustainable use of environmental resources in the country some legislations have been enacted aimed at advancing the concept of sustainable development in Nigeria. The said legislations comprised both ratified international instruments and domestic laws. They include.

### **Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973:**

The convention came into force on 1<sup>st</sup> July 1975 and was ratified by Nigeria on the same year.

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<sup>20</sup> *ibid*

<sup>21</sup> *ibid*

<sup>22</sup> National Park Service Act, Cap. N46 LFN 2004

<sup>23</sup> B.A Usman, L.L Adefalu, “An Appraisal of the Nigerian National Policy

<sup>24</sup> *ibid*

<sup>25</sup> National Biodiversity Strategy and Action Plan, (NBSAP), 2001. 36

<sup>26</sup> *ibid*

<sup>27</sup> Lawrence Atsegbua and violet O. Aigbokhaevbo, Ecolabelling as a Tool for Sustainable Development: Viability In Nigeria, UBLJ, (2010) – 12) 321

This convention came as a response to growing concerns that over-exploitation of wildlife through international trade was contributing to the rapid decline of many species of plants and animals all over the world.<sup>28</sup>

The main objective of the convention is to make trading of wild fauna and flora to be done in a sustainable manner by contracting states. It also seeks to regulate the trading of wild fauna and flora by laying out strict procedural guidelines.

As desirous as the convention looks, it is sad to note that unregulated hunting of wildlife in forest including forest reserve areas is still taking place as such leading to the extinction of the wildlife this convention seek to protect.

**United Nations Framework Convention on Climate Change and its Protocol (Kyoto):** Nigeria ratified this convention on 29 August 1994. The objective of the convention is to achieve stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. It provides for the negotiation of international instrument for regulating emissions especially substances that deplete the ozone layer.<sup>29</sup>

Though Nigeria has ratified both the convention and its protocol but industries still emit substances that deplete the ozone layer, such as flaring of gas among other environmental pollutions.

#### **Convention to Combat Desertification and Drought Mitigation 1994**

The convention came into force on 26<sup>th</sup> December 1996 and was satisfied by Nigeria on 8<sup>th</sup> July 1997. the main aim of the convention is to combat desertification and mitigate the effect of drought in countries experiencing serious drought and desertification and mitigate the effects of drought in the affected countries the convention advocates effective action programs i.e. long – term integrated strategies that focus on improved productivity of land and the rehabilitation, conservation and sustainable management of land and water resources.<sup>30</sup>

Despite the existence of this convention there are still incidences of desertification in Nigeria especially in the Northern part of the country.

#### **Convention on Biodiversity Conservation (CBN) 1992**

Nigeria is one of the signatories to the convention, members states to this convention were specifically mandated to provide for in situ conservation of biodiversity through the establishment of protected areas within the natural setting of bio-resources or special areas where special measures are required to regulate, manage and monitor such areas to ensure that areas adjacent to the protected areas are maintained in a environmentally sound and sustainable manner.

However, Nigeria government has not kept to its obligations under the convention due to its inability to enforce the provisions of the convention relating to sustainable development of natural resources.

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<sup>28</sup> Violet O. Aigbokhaegbo “Bio-Prospecting, Utility in Biodiversity Convention in Nigeria International Energy Law Review 32, NO. 1 (2013): 27

<sup>29</sup> Article 2 UNFCCC

<sup>30</sup> Articles 1-4 of the Convention

Apart from international instruments as noted earlier, Nigeria government has enacted domestic laws on sustainable development of environment resources. They include the following:

### **Consitution<sup>31</sup>**

The constitution makes a fundamental provision for environmental sustainability and clearly identifies important components of environment **Section 20** contains the country's environmental objective that are meant to protect and improve the environment and safeguard the water, air, land, forest and wildlife. However it is important to point out here that this section falls under chapter two of the constitution which is not justifiable.<sup>32</sup>

### **National Environmental Standard and Regulation Enforcement Agency (NEREA) Act**

This Act is the flagship of environmental regulations in Nigeria. The Act focuses on the protection and sustainable development of the natural resources of Nigeria. It covers a lot of areas bothering on environmental issues such as monitoring environmental regulations and standards on air, noise, land, seas and other water bodies excluding the oil and gas sector.<sup>33</sup> The Act empowers the Agency to make and review regulation on air and water quality limitations, control of harmful substances and other forms of pollution. Pursuit to the Act the minister has made some regulation which aim at sustainable development. They include:

- i. **National Environmental (Soil Erosion and Flood Control) Regulation 2011:** This regulation aims at protecting human and the environment through the restriction or protection of land disturbing activities and usage which are dangerous to health, safety etc. This is as a result of water induced erosion caused by increased flow of surface run off. Basically it is for the regulation of activities which may increase soil erosion or flooding incidence.
- ii. **National Environmental (Coastal and Marine Area Protection) Regulation II:** This regulation is meant to protect the marine environment by avoiding marine degradation as well as reduction of long term effect of such activities on the coastal and marine environment. It is essentially to preserve natural and ecological operations so as to safeguard the natural, biological, economic and aesthetic values of the marine environment. This is done by applying precautionary measures or approaches.<sup>34</sup>
- iii. **National Environmental (Protection of Watershed, Mountainous, Hilly and Catchments Areas) Regulation 2009:**  
Land owners and occupiers of watershed, mountainous hilly and catchments areas are mandated to observe, respect the carrying capacity of the land, carry out measures for the protection of water catchments areas, maintain adequate vegetation cover and utilize the best available environmentally friendly technologies to minimize significant risks and damage to ecological landscape.<sup>35</sup>

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<sup>31</sup> Constitution of Federal Republic of Nigeria 1999, (As Amended 2011).

<sup>32</sup> Attorney General of Lagos State v Attorney General of the Federation and 36 Ors (2003)12 NWLR (pt 833)

<sup>33</sup> Section 7 & 8 of the Act

<sup>34</sup> *ibid* Fn. 28

<sup>35</sup> *ibid*

iv. **National Environmental (Access to Genetic Resources and Benefits Sharing) Regulation 2009:**

This is concerned with conservation, monitoring and prohibition of any activity that may adversely impact on any ecosystem and the introduction of exotic species or utilization of natural resources in an unsustainable manner without an Environmental Impact Statement.

7. **Mineral and Mining Act 1992:**

The Act requires a lessee to submit for approval by the Mines Environmental Compliance Department, all environmental impact assessment studies and mitigation plans under the regulations operational in Nigeria<sup>36</sup>. Pollution of water within area of operation is prohibited. However, the minister may order compensation, rehabilitation or restoration of a polluted environment. Any breach of the provision of the Act is punishable with revocation of the license granted at first instance and a fine not less than N20, 000 000<sup>37</sup>. But it is sad to note that despite the penal sanctions provided by the Act, artisanal mining still persist in the country.

8. **Environmental Impact Assessment Act 1992:**

The purpose of the Act is to assess the potential impacts of a proposed project on the environment before the execution of the project. It deals with the consideration of environmental impact in respect of public or private projects. Non-compliance is punishable with a fine of N50, 000 for individual and N100, 000 for corporate body respectively.

**Limitations and Constraints of Sustainable Development of Environmental Resources of Nigeria**

There are many factors militating against the effort towards achieving the sustainable development of the environmental resources of Nigeria the limitation include the following:

1. **Lack of Enforcement of Environmental Legislations:** It has been said that the problem of Nigeria is not availability of laws but that of enforcement. In fact, in Nigeria there are many laws on sustainable development of environmental resources of all forms. But due to lack of political will to enforce them, all manners of unsustainable exploitations are being carried out on resources leading to their depletion and extinction.<sup>38</sup>
2. **Lack of Adequate Data Analysis:** In Nigeria we do not have the custom of data collection and keeping, therefore the same thing applies to the use of environmental resources. In fact, there is usually no record of number of biological resources destroyed in a particular year, in order to know what plan is to be taken to conserve or reclaim it for the use of the future generation.<sup>39</sup>
3. **Lack of Manpower, or Experts:** Lack of trained personnel is one of the major factors hindering the success of sustainable development of the Nigeria environmental resource. And this is the reason for extinction of some of these resources.
4. **Population Pressure on Environmental Resources:** The prediction is that the population of Nigeria is expected to triple in the nearest future, as such this will lead to increase demand for natural resources thereby posing threats on ecosystem. Therefore, increase in population challenges the concept of sustainable development as such putting the interest of future generation in great danger.

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<sup>36</sup> S.71 of the Act

<sup>37</sup> S.3 of the Act

<sup>38</sup> *ibid* Fn. 17

<sup>39</sup> *ibid*



5. **Urbanization:** The rapid nature of urbanization has collectively increased all manner of unsustainable use of environmental resource such as felling of trees and deforestation for various development projects pose a great danger on generation to come.
6. **Some Cultural Practices:** Some cultural practices that encourage the use of specific species for festivity often limit the population of species the consequence is over exploitation of environmental resource and subsequent loss of species.
7. **Environmental Pollution:** Oil spills, flaring of gases, industrial effluent emission, inorganic fertilizers among other environmental pollution through industrial activities are also part of the reason why we have sadden migration and extinction of environmental resources in Nigeria; and this poses a big problem in the interest of future generation in relation to these resources.
8. **Industrialization:** Most industries located in developing countries usually depend on raw materials for their existence. As such the major source of raw materials to the industries is the environmental resources and in order to secure it the resources are depleted, by so doing destroying the hope of the future generation over the environmental resources.
9. **Lack of Awareness:** In fact, more than half of Nigeria population is alliterate and unaware of the need to protect environmental resources for the benefit of future generation, such accounts for the environmental resources destruction done on daily basis all over the country.<sup>40</sup>
10. **Artisanal Mining:** Mining of environmental resources by unskilled miners causes great adverse impact on the resources which effects range from desertification, loss of carbon sink, erosion, acid rain, etc. which usually result to extinction of these resources to the detriment of the future generation.
11. **Agriculture and Habitat Destruction:** Agriculture in Nigeria is largely based on traditional technology. As such shifting cultivation remains a major farming system among the peasant farmers who produce over 90% of the total food supplies. Also some of the farmers use inorganic fertilizer for cultivation. This farming method is the primary cause of habit destruction. It also characterized by vegetable destruction, shot follow periods and unequal access to farmlands.<sup>41</sup>
12. **High Poverty Level in the Country:** Poverty accounts for high level of environmental resources depletion in Nigeria. People both in urban and rural areas depends on biomass fuel for cooking, some are even in to firewood and charcoal business which leads to environmental resources extinction in turn impact negatively on the interest of future generation.
13. **Corruption among Public Officers:** Corruption has eaten deep into Nigeria system which account for the reason why the environmentalists such as waste disposals, Law Enforcement Agents usually abandoned their duties whenever pollution is occasioned by industries who are always ready to bribe them. Because of bribe they receive they will decide to compromise interest of future generation.
14. **Paltry Penal Sanctions Provided by our Law:** The low nature of penal sanctions provides by our laws to be paid by polluters is the major reason why industries in Nigeria pollute the environmental resources on the daily basis and even prefer to pay the penalty with ease. For instance Forestry Act provides a penalty of N200 to be paid by offender.
15. **Deforestation:** People cut trees on daily basis for different developmental project without minding the adverse impact on the environmental resources. This is one of the dangers on sustainable development.

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<sup>40</sup> Federal Republic of Nigeria, Fourth National Biodiversity Report Abuja 2010

<sup>41</sup> ibid

16. **Unregulated Hunting:** Unregulated hunting of wildlife especially the endangered species is the great cause of wildlife depletion and extinction in the country and this has a negative consequence on the interest of the future generation.
17. **Over Grazing and Bush Burning:** This also imposes a serious challenge on the interest of the future generation and the achievement of sustainable development of environmental resources.<sup>42</sup>

### **Recommendations**

Given the above limitations to the achievement of sustainable development of environmental resource, this paper has proffered the following solutions by way of recommendations. They include:

1. The reform of applicable legislations on sustainable development of Nigeria environmental resources, and its law enforcement to reflect emergent socio-economic value of the time<sup>43</sup>
2. Penal provisions of all the legislations relating to this should be revered upward so as to have relevance to and deterring effect on violators of these laws. In extreme cases environmental pollution offences should be made strict liability offences.<sup>44</sup>
3. Conscious effort by government at institutional and human capacity building and policy analysis for the implementation of best practices on the protection and conservation of Nigeria environmental resources for the benefit of future generation
4. Deliberate and collaborative effort by governmental with relevant research institutes and various environmental resources management of higher in situations, the media and other stakeholders on the implementation of relevant policies relating to sustainable development of natural resources, reduction of resources crimes, as well as public/private participation are required in this regard.
5. Establishment of special courts for the hearing and determination of environmental pollution offences
6. Deliberate effort by relevant government agencies in the provision of equipment and logistic support for and the continuous training of environmental enforcement personnel.
7. Governments should ensure adequate annual budgetary allocation for implementation of the provisions of the national policy on the environment and in particular, the amelioration of key environmental problems.
8. As the relationship of man and nature is necessarily complementary appreciation and protection of the environment should be fostered at all levels at both formal and non-formal education. Therefore basic education provides the foundation for development, sound and sustainable means of resources exploration.<sup>45</sup>
9. The reduction if not eradication of poverty in the country will reduce environmental degradation of biological resources in Nigeria.

### **Conclusion**

The condition of the environment is extremely serious. In spite of improvements in certain areas, the situation as a whole has continued to deteriorate. It would be irresponsible to delay drastic measures any longer. Radical decisions, which will affect everyone, are unavoidable. Not only the improvement of environmental quality, but also the very survival of mankind is in issue. Unless

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<sup>42</sup> *ibid*

<sup>43</sup> Dennis Odigie, *the Imperative of Forest Conservation and Forest law Enforcement in Nigeria* UNIBEN JPPL, Vol. 1 N01, (2010).

<sup>44</sup> *ibid*

<sup>45</sup> Emelie, C. I. N *Achieving Effective Sustainable Environmental Protection in Nigeria: A more Pragmatic*

*Approach*, UNIBEN JPPL, Vol. 1 No.1 (2010)

we set a different course quickly and resolutely we are heading for an environmental catastrophe. The only way to avoid it, is to lay a basis now for sustainable development.<sup>46</sup> This concept is “process of change in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional change are all in harmony and enhance both current and future potentials to meet human needs and aspirations”. Thus, the purpose of emphasizing sustainability is not to stop development or even to slow it down; instead, the purpose is to expand the concept of development, so that its costs and benefits are more clearly perceived and more effectively balanced.

To achieve a better protection for the environment, functional instruments and measures are needed. It will also take time and lot of inconveniences to institute the necessary measures and required changes, thus, the suggestions and solutions attempted here should not be adjudged impracticable for reason of inconveniences and change that might occur, for it is only change that is constant. The novel nature of the solutions calls for a change. “For a static system is a decaying system, a system at the verge of collapse without room for innovations”. In the words of Nlerum<sup>47</sup>, legislation no matter how well drafted cannot be too comprehensive as there will always be new discoveries of environmental problems. Laws, as we have, cannot solve all conflicts because they cannot for all times set rules to govern the resolution of such conflicts. Thus these laws should be constantly reviewed and amended for the purposes of implementation and attempting to meet with the realities of the times<sup>12</sup>.

Our hope therefore, is that the honest implementation of most, if not all the suggestions will save the environment from total condemnation. The responsibility is for all, the legislature, the executive, the judiciary, the national and multinational companies, the environmental protection agencies and indeed the general public whose lives are at stake. To this end, the earth, our environment, our home’s future is not hopeless.

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<sup>46</sup> *ibid*

<sup>47</sup> F. E. Nlerum “The Challenges of Environmental Protection in Nigeria” Nnamdi Azikiwe University, Faculty of Law vol.5 No.1 2005 343

<sup>48</sup> Emelie, C. I. N (FN.45)