

A Legal Framework of Sustainable Environmental Governance in Nigeria

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Abstract

The aim of this paper is to propose a legal framework for sustainable environmental governance that will serve as a bed-rock for the socio-economic development in Nigeria. This study is focused on how to attain a framework that will promote sound environmental governance and the attainment of a sustainable society in Nigeria.

The findings of the paper revealed that Nigeria enjoys a comparatively well established body of laws and a full-fledged ministry to regulate the Nigerian environment but in spite of all measures put in place to safe-guard the Nigerian, Nigeria is experiencing regulatory failure in environmental governance and the ability to handle same has continued to dwindle despite all efforts and that economic development is priced over and above the sustainability of the environment. Environmental concerns are not faithfully integrated into economic and development activities in such a manner as to positively influence behaviour in any significant manner. Sustainable governance in environmental matters is lacking in Nigeria. There is therefore a need to integrate economic development with environmental protection.

The study concludes that pursuit of a unilateral economic growth cannot lead to the realization of Nigeria's economic and environmental objectives and that it takes sustainable environmental governance to attain a sustainable society. It is hoped that the paper will help to fast-track environmental governance process on the path of ensuring the sustainability of the environment.

Key words: Legal framework; Environmental governance; Sustainable environmental governance; Sustainable society

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INTRODUCTION

The importance of the environment to man and every other living creature cannot be over-emphasized.

The environment and issues relating to sustainability is the contemporary question of this age. As an oil producing nation, the exploration and exploitation in Nigeria impact negatively on the environment. The Nigerian environment is in danger, having been degraded by human activities especially in the oil sector of the economy. Economic activities are not carried out in an environmentally sustainable manner and with adequate attention and concern for the environment. The quest for economic development and the by-products of economic growth cause cumulative stress on the environment thereby resulting in environmental degradation. Survival on the earth now depends more on the ability to restore the balance between the biosphere¹ and the ecosystem.² If necessary measures are not taken to reduce environmental degradation and other unwholesome practices which threaten the health of the environment, calamity will be inevitable.

The increasing rate of environmental degradation taking place the world over and particularly in Nigeria has generated more concern for the sustainability of the environment. Nigeria aspires to be among the best 20 economies of the world through her vision 20-20-20. This aspiration cannot be achieved without a stable and sustainable environment. The need to reconcile economic development with protection of the environment is expressed in the concept of sustainable development which obliges man to take a second look at the environmental consequences of his economic activities. It has become necessary to search for ways of accomplishing economic growth without jeopardizing the environment on which that growth depends and to reconcile economic growth and environmental protection in a sustainable manner. One of the most significant movements of this age is therefore how to effectively preserve and maintain the purity of the environment and thereby reduce environmental degradation so as to enhance the base of economic productivity. Improving global efficiency in consumption and production and preventing economic growth from resulting in environmental degradation is one of the sustainable development goals currently being worked on

¹ That is the part of the earth's surface and atmosphere in which plants and animals can survive.

² This means all the plants and living creatures in a particular area, considered in relation to the physical environment.

at the global level in order to ensure sustained, inclusive and sustainable economic growth, full of productive employment and work for all. This makes the search for a legal framework for sustainable environmental governance in Nigeria imperative.

1. ENVIRONMENTAL GOVERNANCE

The term governance covers various fields such as corporate governance, welfare governance, economic governance and environmental governance. For the sake of this work, the emphasis is on environmental governance. When placed within the context of the environment, the concept of governance is generally defined as encompassing the relations and interplay among government and non governmental entities, processes and normative frameworks, where powers and functions, directly or indirectly influence the use, management and control of the environment (Graham, Amos, & Plumpre, 2003). It is concerned with how legal and policy decisions are made, with particular emphasis on the participation of the human beings who will thereby be directed by the outcome of such decisions. Environmental governance is defined³ as a concept in political ecology or environmental policy related to finding the elements needed to achieve sustainability. It advocates sustainability as the supreme condition for the management of all human activities be it social, economic or political (Brandes & Brooks, 2005). It views natural resources and the environment as global public goods, belonging to the category of goods that are not diminished when they are shared (Launay & Mouries, 2003). Environmental governance comprises the whole range of rules, practices, policies and institutions that shape how humans interact with the environment (Guillaum, 2007) as well as the management of the environment in its different forms.⁴ It is also defined (Tacconi, 2011) as the formal and informal institutions, rules, mechanisms and processes of collective decision-making that enable stakeholders to influence and coordinate their interdependent needs and interests and their interactions with the environment at the relevant scales. It is all those processes and institutions that encompass the standards, values, behaviour and organizing mechanisms used by citizens, organizations and social movements as well as the different interest groups as a basis for linking up their interests, defending their differences and exercising their rights and obligations in terms of accessing and using natural resources (Ojeda, 2005). At the international level, global environmental governance is the sum of organizations, policy instruments, financing mechanisms, rules, procedures and norms that regulate the processes of global environmental protection (Najam, Papa, & Taiyab, 2006).

Environmental governance views natural resources and the environment as global public goods, belonging to the category of goods that are not diminished

³ Wikipedia, the Free Encyclopedia.

⁴ It can take the form of conservation, protection, exploitation of natural resources etc..

when they are shared (Launay & Mouries, 2003). According to Wallace Partner,⁵ environmental governance is where sustainability performance and traditional corporate governance intersect. It is a mechanism or strategy of governance that seeks to integrate environmental protection into development plans. It is also defined (Walker, 2011) as the process of governing the environment and those issues associated with the environment. In the view of Wallace Partner, environmental governance is the way in which people choose to engage with other members of society,⁶ to manage the process and structure by which their natural resources and environment are used and sustained for future generations. It is all the processes of collective decision making, related to the management of the environment and used by a nation or society to address environmental issues and concerns that challenge such a nation. It does not only deal with the kinds of top-down mechanisms frequently used by government to ensure regulatory compliance, but it is also concerned with those actions taken at various levels⁷ to improve the environment (Yusuf, 2009).

2. SUSTAINABLE ENVIRONMENTAL GOVERNANCE

Environmental governance advocates sustainability as the supreme condition for the management of all human activities be it social, economic or political (Brandes & Brooks, 2005). Sustainability is the concept for the process of strengthening environmental governance. Environmental sustainability means the management of the environment in such a way that ensures that the environment and its natural resources give their optimum yield and preserved for the benefit of both present and future generations. From the theory of sustainable development, sustainability is concerned with ensuring that the dynamic equilibrium between man and nature is maintained in order to maintain the co-evolution of both within the earth surface. This study adopts sustainable environmental governance approach towards the attainment of effective environmental governance in Nigeria. Sustainable environmental governance is the management of the environment in such a way that ensures that natural resources are conserved rather than being endangered, and that the environment is preserved for present and future generations. It ensures that the environment is self sustaining and it seeks to meet the needs of both present and future generations in an equitable manner. It is a governing model that seeks to increase the availability of life, goods and services.⁸

Nigeria aspires to be among the best 20 economies of the world through her vision 20-20-20. This aspiration cannot be achieved without a stable and sustainable

⁵ Wallace Partner, *Convergence Journal*.

⁶ Such as communities, schools, businesses and politicians.

⁷ Such as civil society groups, scientific community, business as well as the public.

⁸ Such as food, education, health, protection etc..

environment. The Declaration of the Millennium Development Goals,⁹ (MDG) has set a target based framework for ensuring a sustainable environment. The MDGs goal of ensuring environmental sustainability is said¹⁰ to aim at putting an end to further deterioration of the natural resources and ozone layer among others.¹¹ Environmental sustainability is made goal seven of the MGCs, with three major targets namely:

(a) Integration of the principles of sustainable development into State policies and programmes and reverse the loss of environmental resources;¹² (b) Halving the proportion of people without sustainable access to safe drinking water and basic sanitation;¹³ and (c) Achieving a significant improvement in the lives of at least 100 million slum dwellers,¹⁴ by the year 2020.¹⁵ It takes environmental sustainability to attain sustainable development and environmental sustainability requires good environmental governance. Environmental sustainability cannot be achieved in the absence of sustainable environment governance as it takes efficient management of the environment to be able to derive more natural resources from the ecosystem. It is therefore imperative to put in place, a framework that will ensure sustainable environmental governance in Nigeria.

Environmental governance is a key vehicle towards attaining a sustainable environment and society. The challenge of environmental degradation can only be solved effectively by emphasizing the inclusion of the protection of the environment to economic goals so as to ensure the attainment of environmental sustainability. There is therefore a need to develop policies, joint actions and best practices for improved environmental governance in Nigeria in order to avoid compromising the country's ability to achieve its economic and social objectives on a sustainable basis. Sustainable environmental governance, is an approach to environmental governing (Lundqvist, 2004) that seeks to balance environmental protection against economic growth and social justice.

The sustainability concept is one of the concepts of environmental governance which has been framed by the international community to the quest for the protection and preservation of the environment. The concept of sustainable development was formulated as a welding tool as well as a framework for the realization of economic growth in an environmentally viable world. The concept originated in international

⁹ Millennium Summit in 2000. The MDGs is a single agenda issue that requires priority to address development question in order to attain social justice.

¹⁰ Kofi Annan, the Millennium Development Goals, 30.

¹¹ Such as availability of amenities such as safe and drinkable water, bathrooms and toilets in every home, etc...

¹² Target 11 of the MDGs.

¹³ Target 12 of the MDGs

¹⁴ Target 13 of the MDGs.

¹⁵ For the sake of this work, attention will be on the first goal which deals with integrating the principles of sustainability into relevant policies and programmes in Nigeria.

law, in realization of the fact that the world's environment, its economies and the ways in which it treats human and animal inhabitants are all interlinked.

Three interdependent and mutually reinforcing pillars of sustainable development are presently being recognized world-wide in the transition towards a sustainable society. These are economic sustainability, environmental sustainability and social sustainability. Within this concept, the environmental dimension plays a significant role, being the natural system which serves as the surrounding medium in which the social and economic systems are embedded. It has been pointed out that the global socio-economic system can only be environmentally sustainable, if the total volume extracted does not overburden the environment (Stefan et al., 2005). The maintenance of environmental functions is thus very crucial for long term economic development and human well-being. It is therefore not surprising that the emphasis is currently being laid on the need to speed up the pace of reforms to improve the state of the environment (European Commission, 2003). Because life on earth is conditioned upon a healthy environment, the environmental pillar must of necessity be viewed as of utmost importance, providing the necessary foundation or stability for the economic and social pillars of sustainability. The integration of environmental governance with social and economic governance must therefore be emphasized in order to bring about the attainment of a sustainable society. It is therefore imperative for Nigeria to strengthen governance frameworks to guide the use of the environment in a manner that sustains it for present and future generations.

Many nations of the world have made significant progress in the realization of the MDGs. Calls have been made for all nations of the world to enact laws that will preserve the environment and to ensure that both economic activities and environmental considerations are integrated in order to ensure sustainable development. Giving the deadline of 2015 for the realization of environmental sustainability by the MDGs, and giving increasing evidence of environmental degradation in this nation, it is time for Nigeria to take stock of the progress made so far. There is therefore an urgent need for reforms of environmental laws in Nigeria in order to ensure the attainment of the governance of the environment in a sustainable manner, thereby fulfilling Goal 7 of the MDGs.

Nigeria needs a change that will recognize the intrinsic linkage between economic growth and environmental protection, a change that will ensure environmental sustainability so as to pilot the country in the direction of environmental sustainability if Nigeria is to avoid taking a destructive path to economic development. A Legal framework for sustainable environmental governance will give a legal definition of the term 'sustainability' and provide the necessary legal platform to enable the implementation of global environmental agenda and to secure legal compliance. The transformation of the fundamental rules of sustainability into a statutory rule will help to give it an increased formal validity. When the obligation to integrate public policies is made legal, its infringement

renders the law or regulatory provisions unconstitutional. Thriving for sustainable development as a legal obligation will then be removed from the sphere of political will. This will make the judiciary to be bound to enforce such laws. The transformation of these ethical standards into enforceable norms will make for better environmental governance system in Nigeria.

3. THE FRAMEWORK ON ENVIRONMENTAL GOVERNANCE IN NIGERIA

Law in Nigeria has attempted to redress abuse of the environment through either the criminal law process or through civil remedies or through the operation of administrative law. Civil remedy is enforced through the Law of Tort to prohibit activities causing harm to the environment and where harm is done, to ensure that compensation is paid appropriately (Malemi, 2013). Broadly put, we have the common law and legislative regime on environmental protection in Nigeria (Ikhariale, 1998).

The legal protection of private persons and propriety rights at common law which gives liability for environmental pollution in civil law is mostly based on actions in the tort of trespass to land, nuisance, negligence and the rule in *Rylands v. Fletcher* and these deal with liability for damage caused by the escape of noxious substances from the land (Emejuru, 2006).

The statutory framework of environmental protection in Nigeria is made up of the Nigerian Constitution, *The Criminal Code*, *The Urban And Regional Planning Act*, *The Harmful Wastes (Special Criminal Provisions Etc) Act*, *The National Gas Policy Act*, *The Environmental Impact Assessment Act etc..*

Aside from statutes, there are also some regulatory agencies and other institutional frameworks¹⁶ for environmental governance in Nigeria such as *The Federal Ministry of Environment*, *The Effluent Limitation Standards*, *The National Policy on the Environment*, *The National Gas Policy*, *Environmental Guidelines and Standards for the Nigerian Petroleum Industry*, *National Environmental Regulations*, *Effluent Limitation Standards etc..*

4. EVALUATION OF THE FRAMEWORK ON ENVIRONMENTAL GOVERNANCE IN NIGERIA

Most of our environmental laws are out-dated and penalties stipulated are grossly

¹⁶ Such frameworks include the Federal Ministry of Environment, the National Policy on the Environment, the National Gas Policy, Environmental Guidelines and Standards for the Nigerian Petroleum Industry, the Effluent Limitations Standards, the National Environmental Regulation etc..

inadequate, coupled with cumbersome procedure for enforcement (Atsegbua & Company, 1997). Common Law provisions have great limitations in the remedies provided for the environment by the law of tort and the procedures for the enforcement of common law remedies are cumbersome. Common law is reactive in nature. It operates on the basis of reactive cure rather than prevention.

These legal measures to ensure for environmental protection as well as the remedies for environmental damage are grossly inadequate to secure the protection of the environment as they were not essentially promulgated as comprehensive environmental protection laws. They were designed mainly to preserve the utility of the air, land and water. Also there are a number of substantive and procedural impediments inherent in Nigerian laws which inhibit the actual implementation of these measures and preclude the generality of the masses from having access to environmental justice in Nigeria (Rabie & Fuggle, 1995).

The institutions on environmental governance in Nigeria have not also succeeded to effectively arrest the further deterioration of the environment. The general inability of agencies responsible for the safe-guard of the environment to enforce appropriate laws and regulations is a major factor responsible for continued degradation of the environment. The will power to so do in order to mitigate the degradation of the environment is not taken as a thing of serious concern. The attitude of the courts in this regard is not encouraging as they often fail to ensure that relevant authorities fulfill their obligations in safe-guarding the environment.

5. A LEGAL FRAMEWORK FOR SUSTAINABLE ENVIRONMENTAL GOVERNANCE IN NIGERIA

5.1 Good Governance

Governance is a critical factor in the process of development and to the attainment of sound environmental governance. Good governance is essential for sustainable environmental governance. The conservation and improvement of the environment can only take place effectively within the framework of good governance. A framework of good governance is fundamental to the development of policies that can protect and improve the environment. Nigeria's capacity to formulate, implement and sustain sound environmental policies is enhanced by her capacity for good governance. The concept of good governance incorporates the participation of civil society in shaping and influencing public decisions that affect their lives.

5.2 Effective Compliance and Access to Fair and Responsive Environmental Dispute Resolution Mechanisms

Lack of corporate compliance with environmental regulations forms a tremendous problem in many developing countries. There is a clear need to establish legally

binding rules to ensure corporate compliance with domesticated rules as well as international law regulating the environment. The establishment of effective compliance and dispute resolution mechanism that would ensure compliance with instruments that encourage sustainability can be used to either effectively monitor compliance, or to settle disputes about possible non-compliance. Such a mechanism would provide direct access for civil society groups. The absence of dispute resolution mechanism will lead to civil disturbance or other extra-legal means of venting grievances. There must therefore be a fair and responsive resolution of disputes arising from environmental conflicts. Where serious environmental crimes¹⁷ are committed, mandatory jurisdiction should be given to our criminal justice system to intervene.

5.3 A Comprehensive and Coherent Statute on the Environment

A core environmental statute linking piecemeal and scattered components of environmental legislation into a body of law is yet to be achieved in Nigeria. There is therefore a need for a principal statute for the management of the Nigerian environment. Nigeria therefore needs an integrated, coherent and a more robust all encompassing framework and a well focused environmental regime to serve as a core principal legislation on the management of the Nigerian environment. An effective national legal and policy framework that incorporates environmental protection in every decision making process is necessary for sustainable environmental governance.¹⁸ Such an Act should incorporate the elements of sustainability in order to ensure reduction in environmental harm and to protect the natural resources to enable them to provide the necessary support mechanism needed to maintain a good quality of life for all. Such an Act should make it mandatory to give proper consideration to both long term and short term economic, social and equity considerations in deciding all matters relating to environmental protection, restoration and enhancement. The adoption of a national framework that will build upon and harmonize the various sectoral economic, social and environmental policies and plans that are in operation in Nigeria in accordance with the requirement of Agenda 21¹⁹ is imperative if environmental sustainability is to be achieved. National regulatory framework that strives to integrate environmental considerations into private sector investment, coupled with capacity to execute effective enforcement are therefore needed in Nigeria.

5.4 Provision for an Environmental Rights Act

A healthy environment is vital to the quality of life of human beings (Mekete & Ojwang, 1996). This has made it imperative to safe-guard the human environment

¹⁷ Such as crime against mankind.

¹⁸ Agenda 21 supra at 8.16(b).

¹⁹ Agenda 21 supra at 8.7.

for human interest. Environmental right is one of the tools used to address environmental problems at the global, regional and national levels. It has been posited (Adu Plessis, 2008) that environmental rights could be employed to restore the balance between man's activities and the preservation of the environment for future generation. Environmental harm and the abuse of human rights often go together (Hayward, 2005). An unhealthy and unfavourable environment is a violation of the right to life and human dignity (Gbemre, 2005). Every human being is entitled to a healthy and productive life in harmony with nature. A healthy and ecologically balanced environment is a fundamental right which ought to be enjoyed by all. The enjoyment of other human rights can be affected directly or indirectly by environmental factors (Raff, 2008). As a result, the right to a clean and healthy environment should be adopted as a fundamental right so as to enhance environmental governance in Nigeria. By so doing the importance of the issues of environmental governance will be elevated in Nigeria and Nigerians will be assured of a healthy and ecologically balanced environment.

Procedural rights are indispensable to the implementation of environmental rights for the attainment of sustainable environmental governance. These procedural rights should be given effect to under the Nigeria laws in order to enhance the enforcement of environmental rights in Nigeria. Provision should therefore be made for an Environmental Rights Act which has incorporated in it "procedural rights"²⁰ and such an Act should be given effect to under the Nigerian Constitution. Such procedural rights provide civil society with the mechanism for learning about actions that may affect them, participate in governmental decision making processes and holding the government accountable for its actions and inactions. They also serve to enable civil society to be bond together to protect the environment through the exercise of those procedural rights (Bruce et al., p.22).

5.5 Integration of Environmental Objectives Into Economic Goals

Sustainable economic growth cannot be achieved without tackling the challenges of environmental degradation. A core idea behind sustainability is that the goals of social equity, economic competitiveness and environmental protection should be integrated in planning for the future (Weiss, 2000). The framework of sustainable environmental governance requires the integration of environmental objectives into economic goals. Adequate consideration should be given to social and economic factors during regulatory decision making. Such a framework will encourage the handling of both economic development and social development and environmental protection in a synergistic manner, rather than as antagonistic forces. Sustainable environmental governance framework will ensure that environmental protection

²⁰ Such as access to information, public participation, access to justice including judicial and administrative remedies.

and economic activities are carried out in a more effective manner. A framework of this sort will ensure the incorporation of the environment into social goals, and insists that economic goals be made compatible with environmental protection and it will recognize the responsibility of the present generation to future generations. It will lead to a synthesis of economic activities with environmental protection (Maggio & Lynch, 1996) and also help to further environmental, social and economic goals together. This is the framework that will ensure that economic activities are carried out in a more sustainable manner. A normative framework for sustainable environmental governance, premised on the view that economic activities can be and should be made sustainable (Futrell, 1994), will promote environmental protection, social progress and economic development at the same time. A sustainable environmental governance framework ensures simultaneous progress towards environmental and economic goals. A sustainable environmental governance framework is very essential towards the actualization of such a life.

5.6 Making Public Participation in Environmental Governance Imperative in Nigeria

Public participation also has a role to play in achieving sustainable environmental governance. Environmental issues are best handled by the participation of all concerned citizens at the relevant levels. The war against environmental degradation cannot be won without establishing a regime that is acceptable to all stakeholders. The process of negotiation of environmental policies should include effective participation of stakeholders in order for them to appreciate and be committed to the goals of such policies. Equal opportunities for public participation should be created mandatorily for all stakeholders in the environment arena. It entitles the people with a right to know about pending government decisions (Bruce et al., p.70). It will afford the Nigerian citizens and civil society an opportunity to engage the government on matters regarding regulations that affect them, and the opportunity to challenge erroneous and unprincipled government decision-making.

Nigeria will do well by changing her mode of hierarchical environmental governance system to a more participatory one as is the practice currently in other States (Pierre & Peters, 2005). There can be no effective environmental governance without the constructive participation of civil society. It has been observed (Evans, 1996). that Government commitment will be useless if they are not paralleled by similar commitments by the business sector and civil society. Federal government cannot do everything; the essential role of government is to encourage and facilitate sustainable activities in order to further rather than impede sustainability goals.

Nigerian government needs to foster sustainable environmental regime by energizing all parts of society to seek the end result of sustainable environmental governance through public participation that is founded on clearly defined

principles,²¹ ground rules and objectives. A framework of sustainable environmental governance is therefore one that takes into account the role of all actors which all impact on the environment.²²

5.7 Access to Information

Access to relevant information²³ is an essential public policy tool for protecting the environment. It is very vital to the enforcement and implementation of environmental rights. The promotion of individuals' right of access to information concerning the environment cannot be compromised. This is especially important with regards to the environment held by public authorities in line with the Rio Declaration on the Environment and Development.²⁴ Routinely making environmental information public enables civil society to play an active role in ensuring reinforcement and expanding upon government efforts to ensure accountability. This provides a basis for community engagement and fosters development of an environmental ethics throughout civil society, industry and government. Access to information will help to enlighten citizens on environmental threats and the origin of such threats and enable the public to effectively advocate for environmental protection. Effective right to information is what will enable citizens to question, challenge and otherwise influence decision making in a more positive manner as well as to enhance the transparency of environmental justice. Part of the global environmental movement is therefore the provision of up-to-date information on critical issues. A framework that makes environmental information available in a transparent and user-friendly manner will surely assist in ushering in sustainable environmental governance in Nigeria. Failure of relevant authorities to inform the public about the hazard and procedures to be followed in the pursuit of any activity should be viewed as amounting to an infringement of the right of the public to freedom of information as guaranteed by international conventions.²⁵ Failure to provide essential information that could enable an applicant or plaintiff to access the risk they and their families are exposed should be held as constituting a breach of the right to respect for private and family life as entrenched in international conventions.²⁶

²¹ Such as the principles of transparency, collaboration, equity etc..

²² Nasa Nagui, See UNEP, Senior Legal Officer, Division of Environmental Law and Conventions available at <http://www.unep.org/environmentalgovernance/> (accessed on 31st March, 2013).

²³ Environmental information includes any information in writing, visual, oral, electronic or in any other material form on the state of the environment, policies or measures taken or the state of human health and safety that will affect or likely to affect the state of environment.

²⁴ Principle 10 of the Rio Declaration on Environment and Development (1992).

²⁵ See Article 10 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

²⁶ See Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

5.8 Delegation of the Responsibility of Environmental Management to Lower Levels of Governance

Responsibilities for sustainable environmental governance that can be most effectively carried out at the state level are to be delegated to State while those that can be most effectively carried out at the local government level should to be delegated to local governments for effective governance. Because many problems manifest themselves at the local level, Nigeria can make substantive progress towards sustainability by encouraging local governments to create and implement their own sustainability strategies, National governments in federal systems are therefore called upon to delegate responsibility for sustainable environmental governance to the lowest level of public authority consistent with effective action.²⁷ Delegation of environmental governance responsibility to lower levels of government can help to ensure that national policies are carried out in a manner that fosters self determination and accountability at the local level. Nigeria can take a cue from the above by enabling local governments to establish their own sustainable strategies in order to better protect the environment.

CONCLUSION

The economic policy of Nigeria is to harness the resources of the nation and promote national prosperity and an efficient, dynamic and self reliant economy. Unfortunately, Nigeria pursues a unilateral economic growth pattern. The present environmental governance system is incapable of rescuing the endangered environment. Nigeria needs a change that will recognize the intrinsic between economic growth and environmental protection and the preservation of the environment and the resources therein for both present and future generations. The present quest for a better functioning environmental regime the world over necessitates the adoption of sustainable environmental governance as a vehicle for emphasizing and strengthening green values to policy formulation and implementation. The prospects of a prospering Nigeria stem from the flavouring of development with sustainability and the incorporation of environmental protection criteria in every process of development decision-making. The adoption of a framework for sustainable environmental governance will lead to a more effective and sustainable environmental governance in Nigeria.

The preservation of mankind requires the sustainability of essential resources necessary to preserve life, the natural environment must be preserved in order to avoid disequilibrium between economic desires and environmental consequences. Changes in the legal regime in environmental protection are needed in order to realize environmental sustainability. It is therefore imperative for Nigeria to

²⁷ Program for the Further Implementation of Agenda 21.

strengthen a governance framework that will guide the use of the environment in a manner that sustains it for present and future generations.

RECOMMENDATIONS

The importance of law in promoting effective environmental governance cannot be underestimated. The legislative arm of government can be a useful tool and a powerful agent of change in sustainable environmental governance. There is a need for a principal statute for the management of the Nigerian environment. Nigeria is in need of an integrated and coherent framework for her environmental management. Nigeria needs a strong legislative system if she is to achieve her environmental commitments and goals. Consideration for a reformed regime, taking into account both the economic and social benefits of preserving the environment needs to be looked into. Nigeria therefore needs a more robust all encompassing and well focused environmental regime to serve as a core principal legislation on the management of the Nigerian environment. The capacity of the Nigerian legislature needs to be strengthened not only to enable it legislates for sustainable environmental governance, but also to enable it promotes institutional reforms that will bring about sustainable environmental governance. Environmental sustainability should be made an integral part of economic planning at all levels of governance and integrated into all policies in Nigeria. Economic policies which aim at balancing sustainability initiatives backed by conscious efforts to safeguard and protect the environment should also be made use of.

It is also important to have adequate institutional machinery for supervising implementation of environmental obligations/commitments. The legal and political frameworks for environmental governance require effective enforcement mechanisms. There is a need for the full utilization of the law as an instrument of social change or social engineering to achieve a balance between environmental protection and development activities.

Public participation, which is a central element of sustainable development, has a role to play in achieving sustainable environmental governance. Nigeria should encourage broad based participation to enable her deal effectively with her environmental challenges. Such public participation should include local communities and their representatives as well as indigenous people and other marginalized groups who should be given opportunities to inject their knowledge and understandings into policies for sustainability as a matter of rights. Local governments should be assigned a greater role in the administration of environmental management. They should also concern themselves with the consultation of members of their communities.

Stakeholders at all levels have a critical role to play in strengthening environmental governance. Good environmental governance which takes into

account the role of all actors²⁸ that impact on the environment should be explored. Civil society offers a wealth of expertise, knowledge and implementation experience. The contribution of the participation of civil society in environmental governance needs to be enhanced particularly through a strengthened and more formalized structure to engage them. There is therefore a need to ensure the strengthening of the roles of civil society and especially non-governmental organizations within a new or a restructured national environmental governance system in order to facilitate the participation of civil society in national environmental governance in Nigeria. Improved access and participation of civil society would also improve the transparency and accountability in environmental governance. Legal measures should be taken to ensure the full and effective participation of civil society in environmental governance at all levels and in the decision making processes that lead to its reform.

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²⁸ Such as government, NGOs and the private sectors.

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