

# THE IMPERATIVE OF ETHICS IN ENVIRONMENTAL POLICY AND MANAGEMENT IN NIGERIA

*Olanrewaju, P. O.*

## **Abstract**

In the last two decades the environment has become increasingly important as a subject of scientific, economic, political and aesthetic concern. The environmental lobby has become more vocal and environmental protection organization claiming rapid increases in membership. Government has responded with public consultation and statements of policy, and with legislative intervention. The purpose of this paper is to critically examine the various government policies relating to environment and proffer requisite panacea that will incorporate ethics and sustainable development, which will meet the needs of the present without compromising the ability of future to meet their own needs.

## **Introduction**

Problems associated with environmental degradation and the need to maintain balanced and sustainable developmental objectives have been found to be too fundamental to be tackled only by merely deploying judicial and administrative mechanisms of state control for redress. It has therefore become germane to incorporate ethical imperatives in our environmental policy and management in Nigeria. It was therefore, a considerable relief when 1999 constitution states that "the state shall direct its policy towards ensuring that the materials resources of the community are harnessed and distributed to serve that common good and that the exploitation of human and natural reserves in any form whatsoever for reasons other than the good of the community shall be prevented"

## **Conceptual Clarifications**

It is pertinent at this juncture to explain the concept of Environment. Under section 38 of the Federal Environmental Protection Agency Act, ("FEPA") 1988, the term, "environment" is defined to include "water, air, land and all plants and human beings or animals living therein and the interrelationships which exist among these or any of them". Ran and Wooten (1980), defined the word "environment" as "cultural, economic and aesthetic factors which affect individuals and communities and ultimately determine their form, character, relationship and survival".

They went further to categorize the dimensions of the environment into four namely: The physical environment (natural and constructed) which includes: land and climate, vegetation, wildlife, the surrounding land uses and the physical character of an area, infrastructure/public services, air, noise and water pollutions.

- a) The social environment which includes community facilities and services and the character of community facilities and services and the character of communities.
- b) The aesthetic environment - scenic areas, vistas, views including architectural character of buildings.
- c) The economic environment, which includes employment, land ownership pattern and land values.

What clearly emerges from the above explanations is that matter relating to environment is all embracing and that requisite panacea to our environmental problems can only be secured through holistic approach.

## **The Antecedent of Our Environmental Policy**

For our environment, however, the direct spin-off of the dependent and dictated development was the growth of negative externalities of development. In the words of Adegoroye (1994).

"Over time, hot and heavy metal laden, coloured effluent discharged into streams by textile factories in certain localities assumed mythical references (including disease curative properties). Industrial effluents and sludge were erroneously used as manure to produce 'fresh' but deadly crops for the kitchens and dining tables of our urban population, luses and crabs caught from polluted rivers and lagoons were sold and eaten freely. Containers of chemicals (and pesticides) littered the surroundings in open dung sites waiting to be picked by innocent and illiterate folks who would use them to store their own food and water. The list was endless."

What clearly emerges from the preceding analysis is that the country's current environmental problems has been related to the country's policy. The turning point for Nigeria came in June 1988 at the height of the revelation that toxic waste had been dumped on a site in Koko, a small port town in the Southern part of Nigeria. From policies and laws that were 'reactive' responding to the changing needs of economy, industry and rectification of problems of health and safety of an expanding urban population, the orientation became environment-centered, with direct environmental legislation and policies becoming a tool for social engineering and planning.

#### **Institutional and Administrative Framework of Environmental Policy.**

Aftermath of the Stockholm Conference on Human Environment which Nigeria attended in 1972 was the awareness it gave the government on the need to evolve a holistic rather than sectoral approach to environmental protection. Yet, the government of Nigeria as earlier noted did not pay much attention to the serious problems facing the environment until the late 1980's,. It was subsequent the Koko incident that the government began to develop rudimentary government structures and adopted some regulations designed to protect the environment.

The Federal Environmental Protection Agency was created by Decree 58 of 1988 as the overall (central) regulatory body responsible for formulating environmental policies, prescribing national guidelines, criteria and standards, and supervising and enforcing compliance. As an arm of the presidency, the headquarters of the Agency is located in Abuja. This is aside from its five zonal offices located in Lagos, Benin, Kaduna, Port Harcourt and Kano to give support to State Environmental Protection Agencies. The Agency carry out its operations through it five technical departments, namely, Environmental Resources Conservation, Planning and Evaluation, Environmental Technology, Environmental Quality and the Inspectorate and Enforcement.

There is also a consultative and policymaking forum known as the National Council on Environment. The task of this council is to promote co-operation, co-ordination and harmonization of policies and implementation of enforcement strategies between the Federal and State EPAs as well as among the state EPAs themselves Adegoroye 1994. In the same way as FEPA, this council also executes its functions in accordance with the goals of the National Policy on Environment, which was launched on 27<sup>th</sup> November 1989.

Aside from the main agencies of government, there are environmental units set-up in enterprises, industries and government parastatals whose operations might cause environmental problems, so also are research institutes involved in environmental protection research work. Largely, it would be seen from the above framework established from national level to local level that Nigeria relies on central planning and regulation to manage its environment. According to Odubela (1998) the basic strategy of FEPA in the implementation of its environmental protection policy is campaign exhortation and the bureaucratic, authoritative approach. This is supplemented by the limited use of the market approach.

#### **Environment laws and Regulations**

In order to implement it environmental protection policies, Nigeria enacted several laws. Most significant among these are the following:

- a) Harmful Waste (Special Criminal Provisions) Decree No. 42 of 1988;
- b) The Federal Environmental Protection Agency Decree 1988;
- c) The National Guidelines and Standards for Environmental Pollution Control in Nigeria;
- d) The National Effluents Limitations Regulations S. 1.8 of 1991 which make it mandatory for industrial facilities generating wastes to retrofit or install anti-pollution equipment for detoxification of effluent and chemical discharges at commencement of operations. The

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regulations also clearly prescribed penalties for those who contravene the limits of effluents and emissions which it spelt out by industrial categories;

- e) The management of Solid and Hazardous Waste Regulations S.I. 15 of 1991, which gave a comprehensive list of dangerous and hazardous wastes, the contingency plans and emergency procedures. The regulations also prescribe the guidelines for ground water protection, toxic waste programme, and the environmentally-sound technologies for waste disposal;
- f) The Pollution Abatement in Industries and Facilities Generating Waste Regulations S.I.9 of 1991. This provided for restrictions on release of toxic substance into Nigeria's ecosystem; the pollution monitoring requirement for the industries, the strategies for waste reduction, requirements for environmental audits and penalties for contraventions;
- g) The environmental Impact Assessment Decree No.86 of 1992 which aims at infusing environmental Considerations into development project planning and execution.

The above list of domestic laws and regulation is not exhaustive, since there are numerous state, local government and issue-specific group. In addition, Nigeria has joined international organizations and subscribed to international convention and other blueprints concerning protection of the environment. There is the Convention on the African Migratory Locus, 1962; Treaty Banning Nuclear Weapon Tests in the Atmosphere in Outer Space and Under Water, 1963; Convention on Prohibition of the Development Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction 1972; African Convention on the Conservation of Nature and Natural Resources, 1968; Convention on International Trade in Endangered Species of Fauna and flora: Convention for the Protection of the World Cultural and Natural Heritage, 1972;

Convention on the Prevention of Marine Pollution Dumping Wastes and other Matters 1972; I he United National Convention on the Law of the Seas, 1982; the Vienna (Austria) Convention for the Protection of the Ozone Layer; the Montreal (Canada) Protocol on the Elimination of Ozone Depleting Substances, 1987 and Agenda 21.

Again, the above list of conventions and blueprints is not exhaustive. Clearly however, the examples given greatly underscore the fact that Nigeria has actively and seriously participated and assumed its share of obligation in international co-operation in the ■ field of environment and development.

Despite the awareness of government of the need to improve environmental management and the steps taken so far to put on ground a viable institutional and administrative framework backed by relevant laws and regulations, it is not in doubt that Nigeria has continued to face a serious problem of environmental pollution and degradation. The major indications of environmental change point to a worsening condition. There is among others the crisis of energy use, SO emissions, coastal erosion and allied problems, desertification, urbanization and other problems of rapid growth of population, solid waste, water pollution, deforestation and excessive home use of fluorocarbon based equipment as a result of poverty. We cannot pretend that we do not know those competing interests that have facilitated our inability to achieve the desired goals.

### **The Need for Strategies Based on Ethics**

Despite some progress made since the late 1980s, environmental protection in Nigeria is still at a low ebb. The overall environment continues to deteriorate at an alarming rate. As noted by a Oladele (1998), the gravity of environmental degradation Nigeria is better imagined than experienced. For examples statistics released by the Food and Agricultural Organization (FAO) shows that nearly 15.4 million hectares of natural forests are being lost annually in the tropic. The rate of deforestation is conservatively put at 250 kilometers per annum.

If our aim is not just to sweep our problems under the carpet and pretend that all is well, then we cannot for several reasons be optimistic about environmental protection in Nigeria. Nigeria we must admit is faced with negotiating a series of delicate balances. On one hand are those negative vices that have become so deeply ingrained in us that it has become a way of life, with government leading the way, i.e. greed, incompetence, ignorance, intolerance, neglect, insincerity, arrogance, dishonesty, religious bigotry, moral decadence and corruption. On the other hand is that dilemma

which is to be found in not developing our economy to improve the living standard of Nigerians with having effective environmental protection.

Looking at our background and orientation, Nigeria's present predicament is clearly one where issues relating to the environment could easily be pushed aside for economic considerations as is currently happening. Indeed, true as it may be that public concern about the environment is gradually becoming widespread, our social construction of environmental problems is still not threatening enough to involve the mobilization of the majority to upset the seeming pact of the government and business blocs. A cursory look at the level of our discourse of democracy and social justice today is what will convince us that concern for the environment at the mass level still has a long way to go.

### **Recommendations**

What then are the imperatives for Nigeria to sincerely reappraise its strategies? We may proffer the following recommendations;

Starting from the President, we *need* committed and sincere leaders who can be constitutionally charged to see that laws are faithfully executed. Permit me to opine that this can only be achieved if we have democracy in the true sense of it to guarantee us the requisite checks and balances needed by (the three broad organs of government and their agencies to function effectively.

It is not enough, as is presently the case, for government to accept the general need for environmental and social responsibility. Rather, this must be translated into meaningful action. In this direction, we urge the following: accountability should take a step to curb increasing poverty and growing unemployment; government should put a stop to repression of NGO's and such allied bodies as they are best placed (when effectively enhanced) to regularly carry out requisite social auditing process; finally in this regard, government should remove all structures presently debilitating citizen rights and democratic powers of the individual. We have had enough of the lip-service and rhetoric of the business bloc in its bid to cloud the crisis of environmental protection. All over the world, businesses are the major polluters. Yet, they have succeeded in hijacking the concept of sustainable development while redefining it in a way most suitable to their operation. As rightly opined by WELFORD (1997), what we need now is a more critical agenda about the unsustainable practices of business and a clear framework for putting the results of that research into a clear programme of action.

If we are truly desirous of implementing and enforcing environmental policies and regulations, then, we must be ready to subordinate all other agencies, parastatals and other bodies who are partners in end-point activities of enforcement and compliance to the specific administrative agency i.e. FEPA which has been delegated with responsibility for ensuring compliance. Furthermore, we must reduce the conflict and confusion now associated with our multiple levels of regulatory enforcement responsibility and multiple levels of compliance responsibility. The ideal thing is for us to have the federal laws and rules establish the overall government framework of goals, standards, criteria, abatement and control technologies, and specific monitoring and compliance criteria. Each state must, in turn develop a plan specifying how it will achieve the set federal policy which is then backed with specific state laws. For effective co-ordination, state plans must at all times be approved at the federal level. Finally in the train, specific industries and business must also be encouraged to establish their own plans for achieving compliance.

We have had enough of the "Keep-Lagos-Clean" kind of crusade in generating environmental awareness in the public mind. As we have done such concepts and ideologies- as "democracy" and "social justice" so, we must incorporate issues of environmental protection into the political menu. For FAGBOHUN (1999), Environmental Watch Groups should be set up in all neighbourhoods while schools should incorporate environmental education as part of their curriculum. Already,

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public concern about the environment is rapidly growing and this is an indication for us to be optimistic.

For our NGOs, they cannot push aside institutional capacity building. In addition to this, accountability, goal determination using the bottom-up approach, effective networking and information sharing should be their networking and information sharing should be their watchword. The government through its relevant agencies must also be prepared to liaise with them to sustain the tempo of environmental protection. Government should stop seeing them as adversaries but more as partners with whom they can play complimentary roles.

Finally, and as has been reiterated now and again, the solution to our environmental problems cannot be devoid of the significant assistance that advanced countries must be ready to give in the form of technology and capital. Regrettably, advanced countries have exhibited extreme reluctance in giving sufficient assistance. One cannot blame them giving the 'plundering penchant' that has now characterized governance in many third world countries. We cannot but emphasize that our approach to governance must change if we are to establish satisfactory working relationships with these advanced countries. On their own part, however, they must remember that environmental pollution recognizes no national boundaries. The implication of this is that neither side can afford to jettison the advantages of joint efforts'.

### Concluding Remarks

It is visible from the above discussion that the presence of laws, regulations, standards, guidelines and practices provide no cure for the scale of today's environmental degradation. We need a positive change in public attitude and practices in addition to strict compliance with environmental regulations. The propensity of major conflict in our environmental policy and may be reduced and appreciable success made in the attainment of harmony between the twin necessity of human needs (i.e. economic growth) and human survival (i.e. environmental protection) through the formulation of appropriate national environmental ethics and by integrating all economic players in the economic system into a system of decision making through the prescriptive method of environmental legislation.

Moreover, our government should encourage environment protection norms in all economic activities and eschew greed, wasteful life styles, parochial interest and negative attitude towards environmental hazards in order to meet the present needs and without jeopardizing the ability of future generations to meet their own needs.

### References:

- Adedipe, N.O. and Nwoboshi, I.C. (1977). Environmental Problems in Nigeria Bull Science Association Nigeria 3(2) P. 233.
- Adegoroye, A. (1994). The Challenges of Environmental Enforcement in Africa: The Nigeria Experience Proceedings of the Third International Conference on Environmental Enforcement, held at OAXACA, MEXICO between April 25 - 28 P. 43.
- Adewoye, R. O. (1992). The Working Environment. In E.O.A. Aina and N.O. Adesipe, Eds; FEPA MONOGRAPH 2: PP 135 - 146.
- Iagbohun Lanre (1999). Law and Policy in Nigeria: The Dilemma of the Concept of Sustainable Development, CESSE, LASU. Pp 34 - 37.
- Federal Environmental Protection Agency, (1991). Guidelines and Standards for Environmental Pollution Control in Nigeria. The Nigerian Environment 3 (2) Pp 3 - 4.
- Mabogunje, A.L. (1999). Nigerian Environment in the New Millennium. Federal Environmental Protection Agency. Abuja: January 25, 1999.

- Odubela M. (1998). Negotiation as a Strategy in Enforcement - Nigeria's Experience. Simpson S. and Fagbohun Lanre(eds.). Environmental Law and Policy, Law Center. LASU: P. 225.
- Okpala, J. (1996). Enhancing Environmental Protection in Nigeria Through Environmental Education. In the Petroleum Industry and the Environmental Impact in Nigeria. E.O.A. Aina N.O. Adedipe, (eds.). FEPA Monograph 5, Pp 191 - 209.
- Oladele, A.A (1998). A Peep into FEPS'A first 10 Years. The Punch November 19, P. 26.
- Ran J.G. and Wooten D.C. (1980). *Environmental Impact Analysis Handbook*. McGraw-Hill Publishers.
- Welford R. (1997). *Hijacking Environmentalism*. Earthsian Publications Ltd London PP 215 - 216.