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A Legal Analysis of the Role of Host Communities in Environmental and Natural Resources Management in Nigeria

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SCAN ARTICLE

A Legal Analysis of the Role of Host Communities in Environmental and Natural Resources Management in Nigeria

Opuende, Lolo Isaiah

Abstract

It is beyond doubt that the local communities play pivotal role in environmental and natural resources management. The role of local communities in environmental and natural resources management, national economy and in ecology was emphasized in the 1988 National Forest Policy, which focused on ensuring environmental stability, sustainable development, restoring the ecological balance, and preserving the remaining. The doctrinal methodology was adopted in course of writing this paper. The paper aimed at examining the role of local communities in environmental and natural resources management in Nigeria. The paper found that the provisions on the environment in the Constitution of the Federal Republic of Nigeria 1999 (as amended) have been given effect by the courts. This should further strengthen the enforcement of the right to a healthy environment in Nigeria. The paper also found that there is lack of enforcement of environmental laws in Nigeria. This has resulted in environment degradation and destruction of the environment and natural resources. The paper concluded that it is sad to note that the environment and natural resources in Nigeria are not preserved as there is no deliberate policy to preserve or manage the environment and natural resources for sustainable development. Thus, there is a need for conservation of the ecosystem, protection of wetlands and prevention of environmental pollution to ensure sustainable development. The enactment of specific legislation for environmental protection was also recommended in addition to a more pivotal role for the judiciary and local communities in the protection of the environment. The paper further suggests the domestication of UN Conventions like Ramsar Convention on Protection of Wetlands, and UN Convention on Biodiversity. The paper among others recommended that the Constitution of the Federal Republic of Nigeria 1999 (as amended) should be amended to incorporate the right to a healthy environment in chapter four of the Constitution to make same enforceable. There is a need for the enforcement of environmental laws in Nigeria to address environment degradation and destruction of the environment. Finally, there is a need to establish special environmental courts to expeditiously handle cases bordering on environmental degradation.

Keywords: Local Communities, Environment, Management, Natural Resources

Introduction

The role of local communities in environmental and natural resources management, national economy and in ecology was emphasized in the 1988 National Forest Policy, which focused on ensuring environmental stability,

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sustainable development and restoring ecological balance. Other objectives of the policy are; meeting the need for fuel fodder, and small timber for rural and tribal people while recognizing the need to actively involve local people in the management of environment and natural resources. In 1988, the Forest Conservation Act of 1980 of India was amended to facilitate stricter conservation measures. The 2009 Indian national forest policy document emphasizes the need to combine effort at environmental and natural resources management. Environmental and natural resources management take place where the economic needs of local communities are not ignored; rather forests are sustained while meeting nation's economic needs and local issues through scientific management.It is sad to note that the environment and natural resources in Nigeria is not preserved as there is no deliberate policy to preserve or manage them for sustainable development. The protection of environment is needed for sustainable development. The industrial pollution, degradation of forests or deforestation, depletion of ozone layer, the greenhouse gases results in global warming and climate which will have an adverse impact on environment and human health. Thus, there is a need for environmental and natural resources management, conservation of ecosystem, protection of wetlands and prevention of environmental pollution to ensure sustainable development.The need for environmental protection has necessitated the enactment of certain legislations. The judiciary also plays a pivotal role in protection of environment. The United Nations passed several UN Conventions like Ramsar Convention on Protection of Wetlands, and UN Convention on Biodiversity.

In Nigeria, Section 1(2) of the National Environmental Standards and Regulation Enforcement Agency (Establishment) Act, 2007 provides that the Agency shall have, among other things, the responsibility for the sustainable development of Nigerian's natural resources in general. In the same vein, the Agency could be sued for failing to ensure the sustainable development of all-natural resources in Nigeria. The Environmental Impact Assessment Act in its section 1 (c) also guarantees the involvement of the people or local communities in the process of environmental impact assessment which is geared towards environmental and natural resources management.

Environmental and Natural Resources Democracy in Global Fora

The debate over the recognition and enforcement of a right to a healthy environment and the extent to which this right is guaranteed in National Constitutions and Regional and International Instruments is a never-ending

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debate.[1] Where the environment and natural resources are not preserved for sustainable development, it affects the right of the people to a healthy environment. Globally, within the framework of International Treaties and Conventions, there appears to be an undisputed right to a healthy environment. International and Regional Treaties give credence to this right.[2] From the Stockholm Conference,[3] to the Rio Declaration,[4] the Johannesburg Summit,[5] Africa Charter[6], Aarhus Convention,[7]and so on, the jurisprudence appears to allude to this right globally[8].

The United Nations Human Rights Commission provides thus:

> All persons have the right to a secure healthy and ecologically sound environment including that which is adequate to equitably meet the need of the present generations and at the same time does not impair the rights of future generations to equitably meet their needs[9].

It has been posited that five factors are responsible for the current globalization of environmental rights. These factors have been identified to include transplantation, harmonization, integration, convergence and elite networking.[10]Accordingly, over 130 Constitutions in the world made provisions to include a State's obligation to protect and preserve the environment or a right

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1 E E Okon, 'The Legal Status of Sustainable Development in Environmental Law'<http://www.nials.edu.ng> accessed 17August 2021.

2 A Lewis, 'Environmental Rights or a Right to the Environment: Exploring the Nexus between Human Rights and Environmental Protection [2012] (8) *Macquarie Journal of International and Comparative Environmental Law,* 36

3 Stockholm Conference Cited in P Sands, *Principles of International Environmental Law* (2nd edn, Cambridge University Press, 2003) 294.

4 United Nations Conference on Environment and Development, held in Rio Brazil, 1992.

5 World Summit on Sustainable Development, Johannesburg 2002.

6 The Universal Declaration of Human Rights 1948, The Bill of Rights 1791, The Magna Carta 1215; The African Charter on Human and Peoples' Right 1986; The European and Peoples' Right 1986; The European Convention on Human Rights 1950.

7 The Aarhus Convention 1998; The African Charter on Human and Peoples' Right 1986, Art. 24.

8 Okon (n 1).

9 UN ESCOR Sub-Commission on Prevention of Discrimination and Protection of Minorities, ESC Res 1990/43, UNC Doc E/CN4/1990/94, 104.

10 Yang and Others 'The Emergence of Global Environmental Law [2009] (36)(3) *Ecology Law Quarterly Journal*, 615.

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to live in a healthy environment.[11]A good example is the French Constitution that was amended in 2005 to include a Charter for the environment which affords all French citizens which affords all French citizens the right to live in a balanced environment favourable to human health.[12]

Again, and most importantly is the apparent constitutional recognition of an enforceable right to a healthy environment in the South African Constitution.[13]Section 24of the South African Constitution provides in clear terms the right of everyone.

(a) To an environment that is not harmful to their health or well-being; and
(b) To have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that
    i. Prevent pollution and ecological degradation;
    ii. Promote conservation; and

Secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.[14] The South African Constitution, it appears has alluded to the principle of sustainable development by not only making provisions for the present generation but also preserving the environment for future generations.[15] Accordingly, the South African courts have recognized that socio-economic rights that are set out in their constitution are vital to the enjoyment of the other constitutionally guaranteed rights.[16] The inclusion of environmental rights in the South African Constitution gave rise to the formulation of subsidiary legislations to conform to the provisions of the Constitution.[17] These include National Environmental Management Act, Promotion of Access to Information Act,[18]Draft National Policy Framework for Public Participation of 2005, Waste Management Bill of 2007[19]and others. The

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[11] D Anton and D Shelton, *Environmental Protection and Human Rights* (Cambridge University Press 2011) 1.
[12] Legifrance, Charter for the Environment, Art. 1, <http://www.legifrance.gouv.fr/html/constitution/constD3.htm> accessed 17August 2021.
[13] The Republic of South African Constitution, 1996 S. 24 (a).
[14] The Republic of South African Constitution, 1996 s 24 (a) & (b).
[15] *Ibid* s 24 (b) (iii).
[16] *Government of the Republic of South Africa and Others v Grootboom and Others* [2011] 1 SA 46; [2000] 11 BCLR 1169 CC.
[17] Okon (n 1) 87.
[18] Promotion of Access to Information Act [PAIA 2] 288 [2004] 03/16337, ZAG PHC 18.
[19] Okon (n 1).

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NEMA remains the major legislation in South Africa and makes a number of provisions recognizing some environmental law principles including biodiversity, mining air quality and protected areas and so on.[20]

The right to a healthy environment is therefore recognized in South Africa in cases involving land development, mining, air pollution, nuclear, energy, waste incineration and toxic substances.[21]In *BP South Africa v MEC for Agricultural Conservation, Environment and Land Affairs*,[22] the court held that by the singular act of elevating the environment to a justiciable human right, South Africa has positively embarked on a mission that will lead to the preservation, protection and attainment of a protected environment by integrated approach while also taking cognizance of socio-economic concerns and principles. Thus, it is evident Africa has a positive right to a healthy environment that is enforceable by courts and recognized in the constitution and subsidiary legislations. Section 27 (1) (b) of the South African Constitution[23] affirms the right of everyone to have access to sufficient food and water and, there is a corresponding duty on the state to prevent pollution and ensure conservation of water resources.[24] It should be noted that one of the most remarkable conclusions of the Ksentini Report[25]to the effect that there has been "a shift from environmental law to the right to a healthy environment" and that this right forms part of existing international law capable of immediate implementation by human rights bodies as are presently constituted. The report elaborates the right to a healthy environment to encompass right to life, health, development, public participation, access to information and judicial remedies[26].

The jurisprudence of case law and legislation on environment in South Africa is overwhelming and highly commendable.[27] India, just like Nigeria has no positive substantive constitutional right to a healthy environment. The only mention of environmental right is in Article 43 A of the Indian Constitution[28]

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20 *Ibid*.

21 Director Mineral Development, Gauteng Region and Another v Save the Vaal Environment and Other [1999]. 133/98 2 all SA 381 in Okon (n 1).

22 [2004] 03/16337, ZAGPHC 18.

23 The Republic of South African Constitution, 1996, S. 24 (a).

24 A Razzaque, 'Human Rights and the Environment in South Asia' [2002] (32)(2) *Journal of Environmental Policy and Law*, 99.

25 F Z Ksentini, Sub-Commission for the Promotion and Protection of Human Rights, 1994 UN Doc E/CN4/ Sub 2/1994/9.

26 Anton and Shelton (n 11) 28.

27 Okon (n 1) 90.

28 Constitution of India (Ninety-Eight Amendment Act) 2012.

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and that provision, save for the positive and pragmatic radical approach of the Indian courts is generally unenforceable[29]. However, the overwhelming jurisprudence of case law in India tilts towards the positive recognition[30] and enforceability of environmental rights as being implicit in the right to life[31], etc. as contained in the Indian Constitution[32]. The Supreme Court of India noted in *Tarun Bharat Sangh Alwar v Union of India*[33], that "issues of environment must and shall receive the highest attention from this court."

Accordingly, environmental rights issues have received serious attention from the courts in India. In *Mathur v Union of India*,[34]the Supreme Court of India again used the right to life guaranteed in Art. 21 of the Indian Constitution as a yardstick for placing emphasis on the need to take drastic steps to combat air and water pollution.[35]This is the position in Pakistan. Thus, in *Mohiveddin Farooque v Bangladesh*[36], the question before the court was whether the fundamental human rights in the constitution include the protection and preservation of the environment and so on. The court held, per Hon. Justice BB Roy Choudhury that, 'Rights to life encompass within its ambits, the protection and preservation of the environment, ecological balance free from pollution of the air and water and sanitation, without which life cannot be enjoyed.'

In *Zia v Wapda*,[37] the Indian Court, interpreting Art. 9 of the Indian Constitution noted that the right to life includes the right to a healthy environment. This is also the attitude and decision of the Indian court in Mehta's case.[38]As a matter of fact, these basic rights need not even be written down in the constitution for they are assumed to exist from the inception of human kind.

Although, there is no positive enforceable right to a healthy environment in the Indian Constitution, Indian Courts have taken a progressive and pragmatic approach to the question of environmental right[39].The attitude of Indian courts

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29 Okon (n 1) 94.
30 *Ibid.*
31 R Temitope, 'The Judicial Recognition and Enforcement of the Right to Environment: Differing Perspectives from Nigeria and India' [2010] (3) *NUJS Law Review*, 424 440.
32 Constitution of India (Ninety-Eight Amendment Act) 2012, Art. 24.
33 [1992] 2 Supp SCC 448.
34 [1996] 1 SCC 119.
35 Temitope (n 31).
36 *Dr. Farooque v Bangladesh & Ors* [1997] 49 Dhaka Law Reports 1 Para 101
37 *Shehla Zia v WAPDA* (1994) PLD 693 SC.
38 *MC Mehta v Union of India* (2002) 4 SCC 356.
39 R Temitope (n 32) 440.

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towards the provisions of Art. 51 of the Indian Constitution is highly commendable.

The said Art.51 deals with fundamental objectives and directive principles of state policy. Thus, in *Minerva Mills v Union of India*[40], the Supreme Court of India held inter alia that the:

> Directive principles in Part IV of the Indian Constitution are not more showpieces in the window dressing but they are fundamental in the governance of the country. In appropriate cases therefore, whenever the court is called upon to give effect to the directive principles and fundamental objectives, it should not shrug its shoulder and say that priorities are matters for policy making authorities to decide and not the court.

Although Indian Constitutional provision on the environment is analogous to that of Nigeria, Indian Courts have taken a pragmatic and progressive interpretation of the subject matter[41]. The jurisprudence of environmental rights cases in India has substantially come from the Indian Supreme Court and the High Courts. Apart from the decision of the Federal High Court, Benin, in Gbemre's case,[42]there is no other positive and direct decision on the right to a healthy environment in Nigeria.[43] Until the Supreme Court of Nigeria makes a progressive pronouncement on the above subject matter, one cannot assert or pontificate that such a right exists as an independent right or as being implicit in the right to life by virtue of hierarchy of courts or judicial precedent.[44]

The Role of Local Communities in Environmental and Natural Resources Management in Nigeria

Despite the veritable nature of the environment, it was in 1972 that environmental concerns became crucial in both developed and developing nations. Thus, many developing countries never responded to environmental issues to stimulate environmental consciousness. Many developing countries feared that this new trend would adversely affect their economics by diverting economic and technical resources, from national development to pollution

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40 [1980] AIR SC 1789

41 Okon (n 1) 94.

42 *Mr. John Gbemre v Shell Petroleum Development Company Nigeria Limited* [2005 reported] Judgement of the Federal High Court, Benin FHC/B/CS/53/05.

43 R Temitope (n 31).

44 C T Emejuru, 'Human Rights and Environment: Whither Nigeria?' [2004](30) *Journal of Law Policy and Globalization*, 23.

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abatement.[45] However, the United Nations Conference on the Human Environment in 1972 at Stockholm stressed the need for concerted efforts to be made by nations of the world towards the protection of the environment. This Conference also recognized the interrelationship between the environment and development[46]. The Conference observed that most of the environmental problems in developing countries are caused by under development. Millions of people have been living below the minimum levels required for a decent human existence and without adequate food and clothing, shelter and education, health and sanitation.

Again in 1992, the United Nation's Earth summit in Rio de Janeiro in Brazil highlighted the close relationship between the environment and development. The summit emphasized that development must be sustainable. In Africa, the finding that the industrialized countries were now turning the African continent into their "dust bin" to dump their industrial waste awoke the people of the continent to the danger this posed to their environment. The African Charter on Human and People's Rights adopted in 1981 in Article 24 recognizes the people's rights to a general satisfactory environment favourable to their development.[47] As a result of the growing international awareness on environmental issues, it has become imperative for states to adopt a positive approach towards environmental protection measures.

For the first time, the Constitution of the Federal Republic of Nigeria, 1999 (As Amended) made provision for the environment. However, the said Constitution does not in any way protect the environment.[48] Although, the environment has been given a pride of place in the foregoing Constitution, but the Constitution only presents Nigeria as a country that is not environmentally conscious. The Constitution provides that: "The state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria."[49]

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[45] N Robinsson, referred to in F Okorodudu, *Law of Environmental Protection*; *Materials and Text* (Ibadan: Caltop Publications, 1998)3

[46] O Oyewo, *The Problem of Environmental Regulation in the Nigeria Federation*" in Omotola's Edition, *Environmental Laws in Nigeria Including Compensation* (University of Lagos 1977) 79

[47] C Peter, 'Tasking Environment Seriously: The African Charter on Human and People's Right and the Environment in Review of the African Commission on Human and People's Right, RADIC'[1993](3) *African Journals,*41.

[48] Emejuru (n 44).

[49] The Constitution of the Federal Republic of Nigeria, 1999 (as Amended), s 20.

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The foregoing provision of the Constitution finds expression in Chapter II of the same Constitution which is one of the Fundamental Objectives and Directive Principles of State to protect and improve the environment for the good of the society.[50] It laid down the groundwork for environmental legislations and the government's responsibility in Nigeria. Thus, section 13 of Chapter II of the Nigerian Constitution states that: 'It shall be the duty and responsibility of all organs of government, and all authorities and persons, exercising legislative, exclusive or judicial powers, to conform to, observe and apply the provisions of this chapter of this Constitution.' Section 17(1) (d) of the Constitution appears to further support section 20. It provides as follows: 'In furtherance of the social order-exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented.'

The above section of the Nigerian Constitution goes to show that where a natural resource is being exploited and the environmental consequences to the host obligated to stop its exploitation.[51] It therefore follows that it is within the duties and powers of the State to impose restrictions on the use of those resources and factors which adversely affect life and its development. The Directive Principles obligate the State to improve the quality of human life by controlling the exploitations of natural resources and protecting the environment.[52] Section 24(e) of the said Constitution provides that; it shall be the duty of every citizen to render assistance to appropriate and lawful agencies in the maintenance of law and order. In other words, the responsibility for abatement of pollution and protection of environment is not a duty of the State alone; it is an obligation of every citizen so that an individual may not overlook his duties to the community in exercise of his fundamental rights or commit wanton destruction of natural environment.[53] It therefore, behooves on every citizen to protect and improve the natural environment. However, section 6(b) (c) of the Nigerian Constitution dilutes the efficacy of sections 20 and 24(d) (e) of the same Constitution.

This thus renders the legal utility of fundamental objectives and directive principles of State policy otiose. It makes it difficult to enforce the compliance of the fundamental obligations of the government as enshrined in section 13 of

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50 H Sengar, *Environmental Law* (Prentice Hall, India, 2007) 7

51 *Ibid.*

52 The Indian Supreme court has held in *MC Mehta v Union of India* (2002) 4 SCC 356 that the Directive Principles individually and collectively impose duty on the state to create conditions to improve the general health level in the country, and to protect and improve the natural environment.

53 Emejuru (n 44) 22

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the Constitution. Basu takes the view that in relation to the Indian Constitution, although they are not legally enforceable in the courts, but if the state makes a law to prohibit the breach of such duties as in sections 13 and 24(d) and (e) of the Nigerian Constitution, the courts would uphold it as a reasonable restriction on the relevant fundamental right.[54] The Constitution suffers so seriously from inherent loopholes as it is virtually unenforceable or implemented inadequately. Section 6(6) (c) provides that the judicial powers vested in accordance with the foregoing provision of this section shall not, except as otherwise provided by this Constitution, extend to any issue or question as to whether any Act or omission by any authority or person or as to whether any law or any Judicial Division is in conformity with the Fundamental Objectives and Directive Principles of State Policy set out in Chapter II of this Constitution. The foregoing provision of the Constitution directly renders the judicial organ of government inefficient as it affects the duty to conform to and apply the provisions of Chapter II imposed on it by section 13 of the Constitution.

Based on the foregoing, it is the position of this paper that environmental consciousness in Nigeria is very poor. Even the highest law of the land being the Nigerian Constitution does in any way promote environmental consciousness with due respect. The judicial organ of the government has leaned on the provisions in Chapter II of the Nigerian Constitution to justify some of its decisions on environmental rights which virtually in all cases are in favour of the defendants. However, the judicial organ of the government can be more active especially in environmental matters by going beyond the technicalities of the law.

Since 1980 the world has had series of enlightenment as to the devastating effect of environmental degradation on both human lives and the environment. It was also starting point in Nigeria's quest to legislate against environmental spoliation. It is noteworthy that although the Nigerian judiciary did not actually respond rapidly as had been the case in other jurisdictions, nonetheless, during the period, the judiciary gradually started moving away from the approaches of the past decades. It was during this era that a number of landmark cases were decided by the courts.

Section 1 (c) of the EIA Act clearly states the role of local communities and involvement of the people in the process of Environmental Impact Assessment which is aimed at environmental and natural resources management. The

[54] U Basu, *Shorter Constitution of India* (Prentice Hall, 1989) 279.

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involvement of public participation as contained in Section 1(c) is in accordance with Principle 10 of Rio Declaration of 1992 which says: "environmental issues are best handled with the participation of all concerned citizens at the relevant level and that at the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes" and Principle 22. This is why Eweje[55] says: "the general principles set out in Section 1 of the EIA Act of 1992, and in the entire Act, are consistent with the set of Environmental Guidelines and Principles set out and approved by the General Council of United Nations Environmental Programme (UNEP) in 1987 to assist member states in establishing laws and machinery for EIA".

There is indeed room to challenge many of the EIA processes in Nigeria and relating to oil and gas projects in Nigeria in the court within and outside Nigeria. In the case of *Councilor F.B Farah and others v Shell Petroleum Development Company Limited*,[56] the claimants brought an action against the defendant for failing to carry out an environmental impact assessment of their farmland which led to an oil blow out that lasted several weeks and caused extensive damage to the claimants' land. The company accepted to rehabilitate the claimants' land to its *status quo ante* but the rehabilitation was substandard. The trial judge found in favour of the claimants and awarded them damages under various headings amounting to N4, 621,307.

According to Omaka, in some countries such as the United States, the courts are empowered by law to review disputed environmental impact statements'.[57] Though section 59 of the Act appears to restrict the courts review where the application sole ground for relief is based on forms or technical irregularity, calls can be made for an amendment of the statute in order to give the public participation and comments requirement in the Act some efficacy.[58]

Local communities assist the government in the enforcement of environmental laws that ensure environmental and natural resource management. This can be

[55]G Eweje, 'Environmental Costs and Responsibilities Resulting from Oil Exploitation in Developing Countries: The Case of the Niger Delta of Nigeria' [2006] (69)(1) *Journal of Business Ethics*, 27-56.
[56] (1995) 3 N.W.L.R (Part 382) 148.
[57] A Omaka, *Municipal and International Environmental Law* (Lagos: Lions Unique Concept, 2012) 133.
[58]*Ibid.*

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done by reporting cases of environmental degradation to the government so that culprits can be prosecuted. The government can only effectively prosecute those who cause environmental degradation when it gets useful information in that regard.

Local communities can also ensure environmental and natural resources management by approaching the court to restrain multinational corporations from causing all forms of environmental degradation. If legal actions are brought by local communities against violators it will deter them from continuous environmental degradation.

Conclusion

The environment is the life support system given by the Creator to mankind. Sometimes in the past, the three components of the environment -air, soil and water - were pure, virgin, undisturbed, uncontaminated and basically most hospitable. However, the reverse is the case today because progress in science and technology is also leading to environmental degradation and serious ecological imbalance, which in the long run, may prove disastrous for mankind.

In quest for economic development, which seeks to increase the quantum of economic output without caring about the short- and long-term short-changes of human and material resources arising from the process, the activities of people and nations conquer and wreck the world, rather than sustain it for the present and future generations. Progress in agriculture, industry, transportation and technology is usually the barometer of economic development of any nation. Such activities of man have created adverse effects on all living organisms in the biosphere. Rapid industrialization has left with us polluted rivers, contaminated soil, depleted wildlife, and exhausted natural resources. As a result, the environment of today has become foul, contaminated, and harmful for the health of living organisms, including man. The unlimited rapacious exploitation of the splendid plenteousness of nature by man has disturbed the heritage of ecological balance existing between living and non-living components on the earth planet. This undesirable situation created by man has threatened the survival of man himself and other biota on the earth. Hence, everyone including local communities should make concerted effort to ensure environmental and natural resources management to prevent environmental degradation.

Recommendations

It is therefore recommended that as follows:

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The role of local communities in environmental and natural resources management should be entrenched in all environmental laws in Nigeria and given a pride of place.

The position of the law in relation to chapter two of the Constitution of the Federal Republic of Nigeria 1999 has changed as the court has now given effect to the provisions of the said chapter to make it enforceable. However, a further step should be taken to incorporate the right to a healthy environment into chapter four of the CFRN 1999 to make it a fundamental right.

There is a need for the enforcement of environmental laws in Nigeria to address environment degradation and destruction of the environmental and natural resources by serious entrenchment of penal laws on environment.

The penalties prescribed by the environmental laws for degrading the environment in Nigeria do not contemplate present realities as these laws were made when Nigeria's currency had so much value. Thus, there is a need to amend the environmental laws (NESREA Act, CFRN 1999, NOSDRA Act and so on) to reflect present realities.

There is lack of capacity to implement policies and programmes effectively. In most developing countries including Nigeria, governance is poor in terms of human capability on one hand and lack of transparency and accountability on the other. It is, therefore, essential that the developing countries take necessary steps to establish good governance, including rule of law and improvement in the economic and social management capacity.

There is a need to establish special environmental courts to expeditiously handle cases bordering on environmental degradation. This is because the regular courts are already congested with other cases.

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