
A Critique on Nigeria National Policy on Environment: Reasons for Policy Review

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Abstract

This paper is a critique on Nigeria National Policy on environment. The Nigerian national policy on environment has been ineffective in achieving a sustainable economic growth and development because it was not based on certain fundamental principles which could lead to sustainable development of Nigeria. More importantly, this policy has been frustrated due to implementation gap issue arising from lack of community participation in the drafting and implementation of policy guidelines and failure to take into cognizance the cultural diversity and circumstances in which the document is to operate. We, therefore, recommend that the government should decentralise environmental responsibilities and create a timeline for policy implementation in order to achieve a sustainable national policy on environment and to preserve our biodiversity.

Keywords: *environment, policy, biodiversity, sustainable development.*

1. Introduction

It is unfortunate that environmental concerns in Nigeria only gathered momentum lately in comparison to most developed countries of the world. The dumping of hazardous wastes in 1989 into Koko Port crystallised in the formulation of two foremost decrees on the environment by the federal government of Nigeria (Tayo, 2009). Before this period, government had been adamant about the necessity for a sound legal framework towards sustainable environment. The consequence of toxic waste disposal brought about the enactment of the Federal Environmental Protection Agency, (FEPA) decree No 58 of 1988 and amended in 1992 as decree no 59. Also, the Harmful Waste Decree No 42 of 1988 was promulgated to address harmful waste disposal. The essence of these decrees subsequently led to the establishment of different bodies and legal frameworks dealing with environmental matters in the country. This constitutes what is being analysed in this paper. However, before proceeding it is imperative to make some clarifications on principles of environmental policy. This clarification will help establish the adequacy of the policy document in question. In other words, the assessment of various principles of environmental policy will set the exact parameters for possible review areas in the policy document.

A good environmental policy must be based on certain principles. The idea behind principles in an environmental policy is to guarantee the safeguard of the environment and its biodiversity. Environmental policy principles according to Gordon (2012) necessarily guide the environmental thinking towards reshaping the surrounding variables on environmental management. These principles set the legality of action to be pursued in the policy. Generally speaking, the United Nations Environment Programme (UNEP) stipulates that a sound environmental policy must address four cardinal issues. These include health, energy, agriculture and population. Similarly, the United Nations Development Programme (UNDP)

also emphasised that a sound environmental policy must extend its stronghold beyond the mentioned parameters to include sustainable resource exploration and conservation of biodiversity. Even though Nigeria National Policy on Environment addressed these critical sectors, the issue has been with the strategies for implementation. In this case, the strategies adopted for implementation is contradictory to the overall policy objectives. By so doing, it becomes difficult for the Agencies of government responsible for implementation to complete their work with ease. This perceived difficulty creates an unending vacuum between the policy guidelines and implementation.

One of the environmental principles is that of equity and justice. These two concepts are very similar in nature. Nonetheless, in most literature there is frequent interchange of their usage even though there is slight difference between them. The movement to fair distribution of environmental risks among populations often fall within the purview of environmental equity while environmental justice refers to the total aim of annihilating the associated risks mostly in areas affected. Borak and Peak (eds. 2013) contend that the prerogative of the principle of equity and justice rest upon fair treatment of all people irrespective of differential variables such as biological, physical, economic and social characteristics with respect to environmental policy and practice. In essence, the safety of the environment is a primary responsibility of mankind so all humanity is a custodian to its stewardship.

The task of humanity brings to the fore ethical issues of environmental stewardship and accountability. Tayo (2009) decried Nigeria's inability to tackle this inadequacy in the policy. This inadequacy culminates into indiscriminate litter of hazardous contents at vacated mining sites across the country. This too is visible in decommissioned oil wells and abandoned artisanal refining sites scattered around the Niger Delta. The effect is capable of causing impaired human health and irreversible environmental damage. A sound environmental policy must address this imbalance by de-emphasising anthropocentrism while promoting biocentrism.

Another vital principle is that of biological integrity. This principle first appeared in 1972 in the US Federal Water Pollution Control Act also known as Clean Water Act. At first, its definition was narrowly applied to fish and wildlife conservation. But of recent, biological integrity has been extended to all forms of life in various ecosystems. Frey (1977 in Wikipedia, 2014) observed that biological integrity is the idea, support and activities geared towards a balanced cohabitation of organisms. The originality of the environment and its biodiversity in this circumstance is devoid of undue human advantage. The reason is that there could be decline in reserved areas if the search for resources by human activities continues unrestricted. For a valid environmental policy, it is necessary to safeguard environmental resources from excessive exploitation and the basic assumption here is that of the preservation of biodiversity and this must reflect clearly in the environmental policy.

The polluter pays principle is based on remediation of impacted sites where pollution occurs. This involves the polluter bearing the cost. However, the challenge has always been the increasing rate of free trade treaties which allows the capitalist the opportunity to exploit environmental resources with limited responsibility for damages caused as a result of such exploitation. This advantage as Gainest (1991) argues creates international awareness on political change in response to global free trade. This response to global free trade raises the question on who bears the burden of pollution incurred on the course of resource exploration. This burden in Nigeria is often over-looked because the government has major shares in the

joint venture operations of the oil and gas industry. Any environmental policy that fails to incorporate this principle in fairness is doomed to fail. The burden of interpretation and implementation of the polluter pays principle of environmental policy remains one of the most challenging technicalities of enforcing the regulation. Fersund (1975) believes that policy makers may decide to deal with the obscurity of the principle by either engaging in levying effluent charges or direct regulations. Even at that, a workable plan on the polluter pays principle must be developed with emphasis on who pays what and at what price if the principle is to be successful at all.

The precautionary principle ensures that those using the environment must be cautious in such a way that preventive measures are put in place to lower the extent of destruction. This principle is solely responsible for safety precaution in work places and the environment as a whole. The central components of the precautionary principle rest on four critical issues. The first one is that preventive measures must be taken during periods of uncertainty. Second, there is need for high level of proof to be made by those campaigning for precautionary measures on environment as the centre of activity. The third factor is that stakeholders must engage in alternative line of action aimed at reducing harmful impact on the environment. Finally, there is need for increase level of participation by the general public in cases of decision making on the environment.

To sufficiently implement the precautionary principle, Kriebel et al., (2001) agrees that policy makers must engage the scientific process to understand the dimensions through which the precautionary principle works before integrating it into the environmental policy. With objectivity in mind, policy makers will be able to effectively deal with the threats to human life and the environment. Douma (1996) is of the view that the more the level of damage done to human life and the environment, the more the need for preventive measures to be put in place to curb such incidences from occurring.

The principle of sustainable development limits the over exploitation of the resources of the earth and places emphasis on equal access to resources by all generations, both present and the future. The principle of sustainable development must duly run through any environmental policy. The reason for this is to reflect in concrete terms how growth tendencies intend to sustain resource availability for future consumption. But it is often worrisome with the increasing rate of growth disparity among various communities. The reason is always associated with the negative tendencies surrounding the worsening health conditions and the degraded environment due to capitalist expansions. Deliberate attention must be given in the environmental policy to resource availability, environmental sustainability and survivorship of species in different ecosystems. Harris (2001) observed that the negligence of resource sustainability occurred most in about half a century ago and have increasingly reverse development efforts into failures due to the increased incidence of threats to human life and the environment. This reversal in development strides constitute the central point which environmental policy must tackle if the future is to be spared from paucity of resources.

The prevention principle is related in context to the precautionary principle but in practice, they differ slightly. The prevention principle strives to ensure safer, easier and better approach to avoiding the incidence of environmental damage before they occur. In application, the principle suggests that organizations invest meaningfully and positively to control technicalities of work to avoid environmental problems. The essence of this is to get

people involved in environmental management. To achieve this means that government must put down appropriate legislation supported by membership in international treatise pursuing similar objectives. The essence of membership in international treaties and legislation is to checkmate incidence of trans-border generation, movement, handling, storage and disposal of hazardous contents (Encyclopaedia Britannica, 2014). It is important to state that basically, the prevention principle is the precursor to the Basal convention on the control of Trans-boundary Movement of Hazardous Waste and Disposal of 1989. The principle was resurgent in the European Commission's Third Environmental Action Programme of 1983. This ensures its inevitability in environmental policy to keep watch on the growing trend of environmental degradation.

The user pays principle upholds the need for resource availability; a situation where the user incurs expenses involved at all the productive stages through which resources pass down to the finishing. In the literature, there is wide spread controversy on the distinction between polluter pays principle and user pays principle due to contextual overlap. Many writers are quite sceptical about this and argue that many remains undone to clarify this overlapping similarity of concepts since the confusion between the two principles of environmental policy still linger in contemporary debate. However, the Queensland Consolidated Regulations (2000) insists that the primary objective of the user pays principle deals with associated costs of resource usage including the prices of commodities and services accruing down to the end user. But in practice, it must be stated in unequivocal terms that the user of any resource incurs the losses down to the future generations. To avoid this inter generational inequality to resource availability, policy makers must develop practices susceptible to industrial ecology as an alternative to virgin material exploration in the production cycle.

The principle of intergenerational equity is almost the same with that of sustainable development. The point of difference between the two principles is that intergenerational equity affords ethnic and cultural groups of a country opportunity to the right of equal share from the resources of that country. Weis (1990) believes that intergenerational equity stretches its frontiers beyond the human perspective to that of other species within the environment. As such, the human species share within various ecosystems the natural and cultural environments with other plant and animal species. As surviving generations therefore, it behold on all unarguably to provide solace in all fairness to the future by protecting the environment and its biodiversity. Osberg (1997) feels that interpretation of the principle of intergenerational equity must reflect key features of equality of opportunities with intergenerational transmission of economic status and the sharing of resources within groups at equal level. However, the importance of this principle wherever applicable in the environmental policy must indicate in completeness the validity of generational accounting and the moral relevance of fairness to succeeding generations. On the whole, variables such as ethnic, biological, social, cultural and economic status of all generations must be fairly treated

The principle of participation holds that decisions about the environment as much as possible are taken by the affected communities or at worst by their representatives. This principle was instituted at the United Nations Conference on Environment popularly referred to as Rio Declaration of 1992. This conference cited human beings as the centre of sustainable development. Moreover, Greater Dublin Strategic Drainage Study (2005) revealed that community participation approach has become a requisition for regulatory approach to environmental governance with long term effect. This entails that a more vibrant and all

involving policy on the environment must reflect the social structure by galvanising public participation in environmental decision making. This has been the missing link between government's intentions in the policy guidelines on environment and the expected results in Nigeria.

These principles in theory reflected in the policy but in concrete terms, the implementation is almost impossible. Thus the issue of implementation of actions by certain authorities on the environment are not explicitly stated in the policy except the Federal Environmental Protection Agency (FEPA). The bulk of the responsibilities of implementation are left within the domain of FEPA granting little powers to its subsidiary bodies at state level making the enunciated Principles illusionary and rhetorical. The enforcement of these decisions in the environmental policy requires specialised agencies of government that will ensure the day to day implementation of various provisions of the policy with fairness and equity. Environmental management and justice in Nigeria must go beyond the ambit of the Federal Environmental Protection Agency.

2. Analysis of Nigeria National Policy on Environment

The intension of the Nigerian government in the document is to formulate a national policy on environment that is geared towards sustainable development. This was made possible due to the numerous consultations prior to the drafting of the policy. Federal and State Agencies, experts from Universities, International Agencies and some countries of Europe, UK and the USA among others were consulted. Much awareness was also created. It was intended to be an elaborate effort than the initial policy; it was necessitated by the rewritten strategies which are basically targeted at monitoring the productive sectors of the economy.

2.1 A Synopsis of the Policy

The introductory part opens up the debate on the desirability of environmental management and justice which clearly stipulates that human needs must not outweigh the resource carrying capacity of the environment. In achieving this, Nigeria's Environmental Policy is based on very strong principles that have already been enunciated in the introductory section of this paper. The need for this is effectively captured in the policy goal which is to galvanise all environment stakeholders to work towards the achievement of sustainable consumption which, on the long run, will result in sustainable environment.

There are twenty one strategies exhaustively written covering various components of the productive sectors of the Nigerian economy. These components start from human population cutting through agriculture, mining and mineral resources, energy, oil and gas to science and technology. Let us make a rundown of these strategic areas briefly starting from human population. Population is the most valuable human resource such that everything about development starts and ends with it. In the Nigeria Environmental Policy, human population is designed to expand to balance between population and environment. The essence of this is to guarantee a tendency where the demographic variables do not over-shoot expected projections. As such, it is intended that the national population policy will not be jeopardised and at the same time the demographic variables will harmonise itself in bringing about inter-institutional cooperation with the various components of the Nigerian economy. The cooperation between the population policy and environmental policy should bring about sustainable improvement of life in Nigeria. The trouble with this is how to effectively manage the demographics and resource sustainability in terms of its interplay with national development planning.

In terms of culture, the policy guidelines suggest that since different ethnic groups in the country have evolved independently in ways of dealing with the environment, the inter-relationship must sustain a rational outlook in the utilization of Nigeria's resources; at all times, none of it must compromise the pursuit of sustainable development of the country. Respective cultural groups have been encouraged to incorporate their sustainable indigenous cultural practices into community development. They are also to promote intellectual customary practices in various areas such as craft and medicine in such a way that on aggregate, it should enhance national development. The challenge with this is the point where cultural groups lack awareness on the importance of the environment to their survival. As a result, they should be encouraged to inculcate environmental awareness on collective responsibility of safeguarding the environment for immediate and future consumption. The question here is how the authorities intend to achieve this since the livelihood of rural communities is extremely dependent on the environment in terms of food, wood, energy, source of income, medicine etc.

On housing, the policy guidelines suggest that as human settlements expand, authorities must reflect on the possibility of ensuring an environmentally sustainable approach towards settlement pattern. As reflected in the document, housing structures must be constructed in such a way that it must not encroach beyond acceptable standards; it must strike a balance in conformity with environmental friendly structures. As such, before settlements are approved, there must be planning. This sort of planning ensures that people must engage in housing types that support family development. This mean that there must be proper restructuring of all institutions involved in housing regulation to strengthen authorities responsible for housing provision and look into the betterment of rural infrastructure. Now, what about old structures? This area is left unattended to and there is urgent need for gentrification programme in areas where urbanisation first occurred in Nigerian cities if inner city decay is to be contained.

Threat to species is captured in the call for biological diversity. As such, management of Nigeria's biodiversity is re-echoed so it is intended that environment must be sustainably explored. To achieve this, there must be large reserves basically put in place to support various forms of life that will as well support agriculture, medicine and industry. Also, government at all levels must ensure the restoration of degraded areas in the country and implement the biodiversity action plan. One ideal thing here is that the responsibility of ensuring biodiversity sustainability in the policy document rest solely with the government. For instance, it is the role of government to exchange information of importance for the preservation of biological diversity. The truth about it is that the conservation of biodiversity is all encompassing for both government and the private sector. For it to succeed, it must be integrated into the cultural necessities as attributes of the people and not just the exclusive responsibility of government.

On natural resource conservation, it is intended in the policy that improvement of life must favour the present generation and at the same time considering the needs of the future generations. In achieving this directive, efforts of government must not be compromised at any point. As such, natural resources must be conserved at all cost. So to get to this stage, this policy lends credence on technologies that uses resources efficiently. Secondly, to ensure that user pays the full cost of the benefits from natural resources, there must be systematic elimination of barriers guiding against sustainable utilisation of resources.

Land use and soil conservation in the policy document are to be checked routinely. This is to be done such that the impacts from certain production activities in various socio-economic platforms involving the national resources do not deteriorate in quality. Resources such as water, air and atmospheric components are to be routinely accessed to determine their quality. By so doing, it is intended for an effective transition into sustainable allocation of these resources accordingly. It is stated in the policy that there shall be comprehensive land classification, assessment of land use practices as well as vetting soil degradation cases and transition into sustainable land use. The policy must drive stakeholders into the promotion and conservation of forest resources and reforestation, including community based initiatives. On agriculture, emphasis is high on the need for ecologically sound farming systems prone to sufficient profits and appropriate rural development programmes. Such programmes are to target small scale farmers. There is insistence in the policy that environmental impact assessment must be carried out before any major agricultural project is initiated, that there must be promotion of farming systems that must conform to sustainable land use and ensure the use of materials devoid of destroying soil quality through sound management. Farmers should be discouraged from use of marginal lands; rather farmers should make use of off farm contributions. Farmers should engage in the use of ecologically appropriate livestock and poultry production as well as other forms of domestication of animals and birds.

The essence of water resources, forestry, wildlife and protected natural areas is also taken very seriously in the policy document. Since water is an essential component of life, it is necessary to safeguard it from contamination in its natural form. Water needs to be safeguarded from contamination that may lead to water pollution and this is what is strongly supported in the document. Forestry, wildlife and restricted areas are intended to be a boast to the richness of biodiversity. Series of strategies are put in place to ensure that forestry, wildlife and restricted areas are not tampered with. Some of the strategies include the promotion of ways that support rational exploitation of forest resources to meet domestic consumption and at the same time achieve a significant quota for international trade. No matter the demand, forestry resources must not be over explored; rather, conservation is highly encouraged to bolster sound management practices. Also, there must be the use of modern technological tools such as the geographic information system in order to monitor changes with forest areas. There must also be available information on current trends in forest biomass and ecological changes which are likely to have significant impact on the environment and the need to protect forest flora and fauna from the possibility of species extinction.

To sustain the uniqueness of marine resources, ecological master plans will become necessary in order to expose baseline ecological data to guide against conflicting and industrial needs of the country. This is to guarantee the continued use of various ecosystems. As such, Environmental Policy directive on marine and coastal resources stipulates nineteen conditions through which resources can be sustained. Most of the guidelines include the task to study and highlight the various components of marine resources that are susceptible to extinction. This is done bearing in mind their limited nature. There will be need to identify and map out environmentally sensitive index maps as a means of projecting planners towards inventing sustainable ways of conserving the marine biodiversity. The same data shall be forwarded to the appropriate authorities for effective planning and implementation. Another measure is to study the marine and near shore geomorphologic conditions and identify the various areas that are likely to be affected by changes over time. This measure is to ensure

prompt responses in respect to coastline recession and the essence is to intervene where necessary in order to guide vulnerable areas from being caught up in irreversible conditions. The increasing demand for the extraction of solid minerals in the country necessitates the inclusion of mining and mineral resources into the policy document. On it, great attention is focused on extensive environmental degradation. To achieve this, it becomes mandatory for environmental impact assessment to be conducted at every mining site after getting approval to conduct any mining activities. Other conditions include the facilitation of proper development of mineral resources for economic growth, prevent haphazard disposition of mines to eliminate the possibility of ecological challenges and setting of high industrial conditions aimed at eliminating or reducing dust and noise pollution from open mines. The reason for this basically is to lower the rate of environmental degradation in mining districts and the desire to observe high safety standards in industrial work. This also shall ensure stringent conditionality for mining beneficiation tailings and dumps targeting long term stability.

In order to achieve sustainable industrial development, the policy stipulates most of the following intentions of government. Government will ensure the ubiquity of indigenous technological materials, industrial raw materials and inventing and maintaining an effective research base that will bring about proper technology. The other condition is to promote the need for technological and industrial growth of the country. Within the context of precondition for takeoff, all industrial development projects are to be followed by environmental impact assessments. It becomes necessary too that all industries must be classified to bring about optimal utilisation of certain common services by industries dealing on the same line of production. This will promote inter-institutional linkages in service delivery and sharing of knowledge. Another guideline in this direction was aimed at ensuring that industries were not sited close to the restricted and ecologically sensitive areas. To this end also, it was necessary to buttress that industries must not be sited close to residential areas and ensuring the state of the art technological hardware are put into use as a means of enhancing safety and health standards at operational sites. There are several other conditions that were put in place to ensure efficient use of the industrial sub sector of the Nigerian economy but the crux of it all was targeted at ensuring a sustainable environment.

Due to the highly complex and dynamic nature of energy sources and their impact on the environment, the guidelines on energy production and use in Nigeria contained in the policy are extensive. Summarily, the severity of the regulations were derived from certain parameters such as energy source, mode of securing the energy fuel on a sustainable basis, incidence of power generation, energy transmission and use as well as conservation. To this end, the conventional energy sources which have been predominantly in use were targeted for control. On the other way round, the non conventional energy sources were expected to play a significant role and as such, they were as well regulated in the policy. Among other expected regulations were the insistence that there must be environmental impact assessment at all intended energy project sites. This was to be conducted in areas throughout the country and was to be followed by a development of workable National Energy Utilization Master Plan. The master plan will promote conservation with premium standard and socio-economic needs. There was the need for a continuous monitoring and regulation of levels of particulate matter and other toxic components emitted into the atmosphere including the ambient temperatures. The monitoring was extended to other substances that could impact negatively on human health, plants and other species in various ecosystems. Also, another responsibility set to achieve in the policy was to ensure that the right of way was observed for transmission

line in order to maintain a substantial reduction in the noise level and other forms of disturbances on the habitat and the overall environment.

As the stronghold of the Nigerian economy, the oil and gas sectors were looked at closely and the policy issues raised in this regards include the following guidelines. First of all, it became necessary to insist that a realistic national conservation policy be put in place and to achieve this, the welfare of the host communities where oil and gas exploration takes place was foremost. Secondly, there was the need to ensure minimal disturbance of the soil and other physical properties of the sensitive parts of the ecological zones of the country when going about oil and gas activities in the affected areas. More so, it became important to regulate the continuous disturbance of the aquatic habitation and biodiversity of the overall marine life during occasions of oil exploration. This was to be achieved by reducing to minimal level, the rate of contamination of benthic aquatic culture. Another step was to minimize drastically the rate of distractions and displacement of host communities and their sacred places. Generally, environmental conditions from time immemorial of host communities represented in their heritage were never to be altered and compensations were to be paid for cases of pollution where it occurred. Other guidelines included the need for environmental remediation and clean up of site discharge and wastes capable of destroying the ecological wealth of the nation. Oil and Gas companies were directed to maintain an up to date record of all the oil spill incidences which have occurred. They were also to ensure drastic reduction of gas flaring and the generation of green house gases as well as ensuring the functional state of the pumps in relation to the integrity concern of the pump through periodic test and use of appropriate technological devices to arrive at near perfect situations.

The construction sub sector was not left aside in the policy. The objective of this was to arrive at sustainable construction work. On such note, three important issues were raised namely: the need for sustainable procurement of construction materials, the use of engineering practices that conform to environmental friendly practices and the possible effect of completed structures and their utility value on the environment. Having said so, it was stipulated that there must be environmental impact assessment of all major construction works. Secondly, caution must be taken to ensure limited impact of construction work on the environment; ensure post construction environmental audit to arrive at situations where it will be ascertained that all construction works meet up with the anticipated environmental standards. Governments were to enact environmental bylaws targeting activities that promote negative impact on the environment such as those relating to procurement, transport and transport system utilities with regards to noise pollution, reduction of vibration, pollution from noise and conservation of local ecological resources among others.

The Federal Environmental Protection Agency was to work out modalities together with the health sector to ensure the environment and health improvement of the people of Nigeria. Similarly, the educational sector was assigned the responsibility of performing two distinctive roles on the basis of formal and non formal sectors. The formal means was to provide the basic foundation for evolving a sound and sustainable means of resource exploitation while the non formal was to intensify awareness towards strengthening orientation that will bring about sustainable development. The school curriculum was to be reviewed with the inclusion of sustainable environment into the teaching guide for students and it was to support the development of courses and programmes that will arrive at the award of certificates in the discipline of environmental education, environmental sciences and environmental management.

The transport and communication system, trade and tourism are sensitive areas of the environment. Since the transport system is basically involved in the consumption of non-renewable energy products, its impact in polluting the environment was given a serious consideration. Outside pollution issues, it also creates problems from cases of road congestion and accidents which directly impacts on man. Due to these consequences, the need for integrated transport policy was advocated. To achieve this, there was need for an effective, affordable, physically accessible and environmentally sound public transport and communication system. As the volume of waste accruing from trade is big, so is the tendency for big volume of environmental problems posed by trading activities. To lower this trend, people were encouraged to engage in waste recycling, reuse and recoverable materials which are environmental friendly and eco-label awards were suggested as a way of encouraging producers and buyers from reducing the rate of wastes being generated from trade. For tourism, it became important to reconstruct, rehabilitate and modernize the country's facilities with particular interest on roads, bridges, air, water etc. The wheel was reinvented in the direction of making tourism consumption oriented such that they could be an increase in the flow of tourists to the various tourist sites to be developed in the country. Outside creating avenues for restricted sites, there was the call for establishing norms for control of the restricted areas for tourism.

To implement all these policy guidelines, it was reemphasised that science and technology had a very crucial role to play. Some of the issues raised in this regard include how science and technological programmes could impact on development to become sustainable; how information and data could be synchronised among scientists and decision makers. There was need for supporting environmental technology research programmes including new technological innovations. Another way is to develop scientific quality of life indicators encompassing health, education, social welfare, state of environment and the economy. Much of the other indicators are research based and involve basically the desire to share the knowledge from scientific enquiry which will bring about sustainable development.

Other components which the policy makers considered were in specific disasters such as drought, desertification, flood and erosion. These specific cases are natural disasters and the guidelines contained in the policy issues directives at various stages of implementation. Some of the guidelines are more or less based on enforcing compliance by authorities to planning regulations and the construction of embankments levies along rivers and coastlines prone to flood while other guidelines are suggestions on what to do in order to avoid being caught up by these disasters.

The cross-sectional issues deal with sanitation and waste management, toxic, hazardous and radioactive substance management, air pollution, noise pollution, working environment (occupational health and safety) and public participation. The point behind these conditions is to help the agencies of government responsible for implementation such as the Federal Environmental Protection Agency and the National Environmental Standard Regulations Enforcement Agency, (NESREA) carry out their work with little difficulty. So the various standards contained respective conditions that are generally geared toward a sustainable environment. The action which is to be taken by the public and the community is to emphasise the need for over all cooperation in implementing environmental policy objectives and the decision making process.

Under institutional and intergovernmental arrangements, the policy makers insisted that there must be cooperation, coordination and constant consultation which must be focused on sound policy formulation and implementation. To this end, there must be effective institutions and

linkages within the various tiers of government for the purpose of achieving the overall goal set in line with our environment. The role of the three tiers of government is in the area of funding the activities of the environmental bodies at all levels of government and to harmonise relations with the advisory boards from federal to local government level. The legal arrangement recognises the desire to arrive at a state of harmony between environment, development and the socio-economic considerations of the time. Though the legal perspective has a minor role in the issue of policy guidelines. Some of the outstanding responsibilities of this sector include a periodic review of available legislation ensuring its effectiveness. In another way round, the legal unit review harmonise holistically all the various components of the policy on environment into an integrated unit for this is to eliminate overlapping of functions within various tiers of government.

The issue of monitoring and evaluation is an important segment so there were other conditions put in place to ensure implementation and they include the establishment of a National Data Collection and Information System to be run by the Federal Environmental Protection Agency, a national environmental monitoring and information management network and the dissemination of relevant data and general information on environmental records among relevant agencies. Government's responsibility here involves ensuring the enforcement of environmental quality and regulations, regular examination of environmental conditions, monitoring the applicability of national environmental assessment of guidelines and procedures for development policies and the issue of contingency plans to respond swiftly to environmental crises.

3. A Critical Assessment of Policy Guidelines and Review Areas

As earlier stated, that a sound environmental policy should rest upon some principles. It is upon these environmental principles that the efficacy of Nigeria's National Policy on Environmental will be validated. Outside these principles, the implementation process requires serious scrutiny as well in order to understand the applicability of various guidelines established in the policy. However, having painstakingly gone through the contents of the document, it will be a fallacy leading to hasty generalization to conclude that the document is grossly inadequate. Nevertheless, not minding the extremely difficult task in going ahead with the critic in this circumstance, it will be of mention here that some technical omissions are obviously inherent in the document. Such technical omissions must not be ignored to avoid grievous consequences leading to a situation called tragedy of the commons which may flout the task of ensuring a sustainable environment. These omissions in the policy may provide the missing link in ensuring a sustainable environment which the policy seeks to provide in the first place.

One of the most obvious neglects in the policy formulation is that the task of ensuring a sustainable environment is entirely, if not exclusively, left within the ambit of the Federal Environmental Protection Agency. By extension, it may be argued that the National Environmental Standards and Regulations Enforcement Agency, (NESREA) and the Ministry of Environment are all stakeholders in Nigeria's environmental issues but the obvious is that the challenge of enforcing all the various specifications in the policy are absolutely beyond these stakeholders. Environmental matters are everyone's responsibility so it should have been stated that collective effort is required to ensure sustainable development. To match actions in this regard, government must diversify various aspects of the policy into units that can be implemented by specific agencies of government and the general public. It is by the principle of collective responsibility of the public in environmental matters which is

erroneously ignored in the guidelines that is needed to uphold the tenets of sustainable development.

To achieve stated results, it must be emphasised that the policy document should have been designed with various strategies of implementation. The strategies of implementation would have been resting on the principle of distribution of environmental responsibilities. For instance, section 4.6 on Land use and Soil Conservation where it is stated that "the impacts of the various social and economic activities on natural resources such as soil, water, air and biota should routinely be assessed, at every stage of the development process". This section just like any other sub category needs to be tied to an agency of government, extra ministerial department and or ministries for quick action and effective implementation. For clearer understanding, Sub section 'g' which states that there should be "intensification of public awareness of the causes, consequences and remedies of land degradation"; section 4.10 on marine and coastal areas resources sub section 'k' which also stipulates that there should be "public awareness of the dangers of dumping toxic waste, sewage and other domestic and industrial waste in coastal and marine waters" ought to be performed by the National Orientation Agency, (NOA).

Section 4.11 under mining and mineral resources, sub section 'h' which states that there is need to "monitor the health of workers involved in mining and mineral beneficiation and protect miners from excessive exposure to dust, particulate matter, radioactive and toxic materials in and out of the mines and make provisions for adequate treatment of mining related diseases" should be performed by the ministry of health and social services. Section 4.12 sub section 'q' stating the prescribed action that there should be "...strict adherence to the polluter-pays principle" is supposed to be undertaken by the justice system. Similarly, section 4.14 sub section 'f' which states that there is need to "monitor water quality in open drains, streams and other water bodies around oil and gas operations, as well as groundwater quality in all areas prone to pollution" is a duty that should have been performed by the ministry of water resources. Still on 4.14 but sub section 'd' which says there should be need to "minimize disturbances/displacement of the local inhabitants, their artefacts, roads, historical sites, sacred groves/places of worship, etc..." ought to have been performed by the ministry of culture and tourism. With these few examples, it is quite obvious that there is need to synergise to distribute environmental monitoring responsibilities to other ministries, departments and agencies of government for implementation purposes.

Another serious flaw in the policy is the underutilisation of the judicial system in the implementation process of the guidelines. This makes the policy incomplete and difficult to implement. Environmental crimes should be clearly enshrined with penalties in the constitution and not stated as human rights violation. This should similarly go to the level of involving the judiciary in the monitoring and implementation processes must be extensively rewritten to include penalties for environmental defaulters at all levels. This is a serious omission. If Nigeria's National Policy on Environment excludes the penalties for saboteurs and environmental terrorists, the issue of continued pollution will remain high. Cases of carbon emission, third party interference in cases of oil theft and pipeline vandalism leading to spills, setting of fire on oil wells and poor attitudes to the maintenance of oil facilities which have caused severe ecological hazards will continue to perpetuate acts of destruction on the environment. The legal arrangement must be properly strengthened to tackle cases of malicious damage of environmental resources by either corporate bodies or individuals who attempt to plunder the common wealth of the Nigerian nation.

Some other salient points which either needs to be included or modified include emphasising the absolute necessity for non conventional energy sources in replacing the conventional energy sources which are currently in use. The need for renewable energy replacing non renewable energy must be stated in the policy with milestones for achieving outright switch over. It is only in so doing that Nigeria will reasonably pursue the achievement of sustainable goal 7 and 13 which is talking about affordable and clean energy as well as climate action. Another point is the increasing rate of urban sprawl which is accompanied by high densities and structural development. If this trend is left unchecked, the achievement of sustainable goal 11 on sustainable cities and communities will be unachievable. A more disturbing trend is the heavy presence of increased availability of communication masts in cities. The truth is that these communication masts apart from the tendency to alter the urban aesthetics with their aerial antennas. An environmental policy should specify clearly the exact location where these masts can be sited well away from residential areas because of the possibility of hazardous content being emitted from the masts.

Another visible technical omission in Nigeria National Policy on Environment is the way the document is being structured. The structure of the document shows clear ignorance of the surrounding circumstances under which the document is to operate. For instance, Makinde (2005) observed that the policy makers must demonstrate in the first place a strong grip of the social, economic, political and cultural variables in which any policy is to operate if such a policy is to succeed otherwise it will suffer from implementation gap syndrome. Such ignorance of the policy formulators has bedevilled the operators of it with a serious administrative deficiency syndrome known as implementation gap. The manner in which the policy is written in its present form cannot escape the implementation gap because of the existing vacuum between intentions of government and the procedures set for the achievement of stated goals. It is written in form of an academic proposal on environment. There is no timeline for any action, say, when a particular problem for instance, gas flaring will come to an end. No one or agency is following up on actions outside Federal Environmental Protection Agency. It is more of a proposal for an environmental event that is why it does not state authoritatively as a document of action any timeline for implementable actions.

The importance of a timeline of events on the environmental policy should have checkmated precisely various milestones and indicators for in a result chain situation. Activities outlined in the policy would have been matched with inputs so as to measure outcomes. In such a situation, it would have been easy to measure performance of each objective. Take for instance the Sustainable Development Goals as being presented by the United Nations. The MDGs have milestones and sub objectives, all pointing to the 2030 date line. With such guidelines stating precisely the dates when certain actions are to be achieved, it is easy for implementers to follow up results based on stipulated guidelines. It would have been more effective to implement the policy document should it have been explicit enough stating which agency of government does what and at what time because monitoring and evaluation would have been fast tracked under such circumstances. It would have been easy to find certain guidelines in the policy like Nigeria will cut down 50 percent of gas flaring by the year 2025 and this task is to be monitored by the Federal Ministry of Environment. Or Nigeria will completely migrate from the use of fossil fuel to bio fuel by the year 2050 and this objective is to be monitored by the Ministry of Petroleum Resources. This at least is measurable.

The document in its present state without such categorical guidelines and specific dates of implementation as emphasised in above leaves the entire document to be more of a proposal

on environmental management rather than a policy meant to safeguard Nigeria's environment. Until such amendments are done on the policy, the dream of sustainable development shall remain a spectacle. Moreover, because the document lacks, in entirety, concrete timeline for action, implementation remains vague. It is therefore unavoidable for the policy makers in Nigeria to initiate action towards policy review. Before addressing the anomalies to be corrected, it is recommended for the policy makers on environment to take a critical look at the environmental policy of the United States and the European Union. These environmental policies exemplify the best approach to the principle of extended producer responsibility and distribution of responsibilities. These two principles which are obviously excluded from Nigeria's policy on environment are necessary additions to the document if the goal of achieving sustainable growth is to be achieved.

4. Conclusion

In view of the forgoing, it is hereby stated that even though Nigeria's National Policy on Environment strongly encapsulates sound environmental principles intended to bring about environmental sustainability, there is need for policy review. The intended review should endeavour to tow the way of the United State Environmental Policy particularly where environmental responsibilities are distributed among the executive, legislative and the judicial arms of government. The United States Environmental Policy incorporates the Senate and House of Representatives Committees into discharging environmental responsibilities as stated in the policy guidelines. With such structural arrangements, the decentralization of these responsibilities can break the bottle necks that create implementation gap which is a major hindrance in the case of Nigeria. More so, a policy document on environment should come with timeline for implementation. It is based on such timeline that evaluation of objectives will be based and new milestones set where necessary.

Nigeria's Environmental Policy should promote environmental activism which is currently weak at the moment and Community Based Organisations should be encouraged to get involved in the awareness for sustainable environment. There is also need to specify in the environmental policy the rate of compliance to issues such as reduction in emission of greenhouse gases and rate of awareness of disaster level. Of note is the need for appropriation of statutory budget on ecological fund by various tiers of government. Ecological funds of various state governments in Nigeria must be used to address critical issues affecting the environment in order to avoid continued environmental degradation. When these issues are addressed, the policy will become richer in content and easy to implement for the betterment of all as we march forward towards a sustainable environment in Nigeria.

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