

## Environmental Abusive Practices in Nigeria: Causes and Effects

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### **Abstract**

*Environmental pollution is a far reaching problem which has generated increased concern. This article examines the issue of contaminants introduced into the environment which in turn causes grave and irreparable damage to the environment. House hold sewage, house hold detergents, pesticides, smokes released from industrial plants, chemical discharge from industries, decay of household waste e.t.c. causes immense amount of pollution. The effect may vary from minor discomforts to severe diseases and even death. According to Eckhart Tolle, the pollution of the planet is only an outside reflection of an inner psychic pollution: millions of unconscious individuals not taking responsibility for their inner space... if humans clear inner pollution, then they will also cease to create outer pollution.*

### **Introduction**

The attempt to define the environment as a global concept has attracted the efforts of various writers and specialized professional bodies.<sup>1</sup> Due to the very complex nature of the concept of environment, definitions have been diverse and varied.<sup>2</sup> A number of such attempts are salient and useful for academic discourses of

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<sup>1</sup> This effort has also been demonstrated in a number of statutes like the Nigerian Environmental Impact Assessment Act of 1992, the United Kingdom's Environmental Protection Act of 1990, etc.

<sup>2</sup> As a result of the obvious complex nature of the environment, Albert Einstein in his attempt to define the environment said: the environment is everything that isn't me". See Thornton J, and Beckwith S. *Environmental Law* (London; Sweet & Maxwell, 1997) 2 ( hereinafter "Thornton and Beckwith")

this nature. This is because such efforts serve as inroads to the establishment of a relationship that naturally exist between the state of the environment and the general well-being of human beings and the ecosystem. This paper seeks to examine the meaning of the environment, the importance of a healthy environment to human existence and the causes and effects of abusive environmental practices in Nigeria. Recommendations on how to minimize the identified environmental abuses will be highlighted, the article will conclude with suggested legal measures for the preservation and protection of the environment.

### **The Meaning of Environment**

The Nigerian Environmental Impact Assessment Act of 1992<sup>3</sup> defines the environment as “including land, water, including all layers of the atmosphere, all organic and inorganic matters and living organisms which interact with the natural system”.<sup>4</sup> Although not presented in the form of a definition, the 1999 Constitution of the Federal Republic of Nigeria (as amended) equally recognizes water, air, land and wild life as forming part of the environment.<sup>5</sup>

In her contribution to knowledge on this score, Fubara defined the environment as the “complex of physical, chemical and biological factors or processes, which sustains life.”<sup>6</sup> Ola, in his own contribution, said “the environment may be defined as covering the whole universe, including not only human beings but also plants, animals, forest, refuse and waste disposal”;<sup>7</sup> while Happlod simply defined the environment as “the surrounding and

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<sup>3</sup> Cap. E 12 Law of the Federation of Nigeria 2004.

<sup>4</sup> Section 63(1).

<sup>5</sup> *Constitution of the Federal Republic of Nigeria, 1999* ( as amended ), s.20; this expression is similar to the definition of the Environment in the United Kingdom’s Environmental Protection Act of 1990 where environment is defined as consisting of “...all or any of the following media, namely, the air, water and land...” see Thornton and Beckwith, 3.

<sup>6</sup> Okorodudu M.T Fubara, *Law of Environmental Protection* (Ibadan, Caltop Publication, 1998) 15.

<sup>7</sup> Ola, C.S. *Town and Country Planning and Environmental Law in Nigeria*, 2<sup>nd</sup> edition (Ibadan: University Press, 1984) 2.

conditions in which an organism lives”.<sup>8</sup> In the Black’s Law Dictionary,<sup>9</sup> the environment is defined as “the totality of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of people’s lives”. In addition, the Cambridge Encyclopedia<sup>10</sup> defines the environment as “the conditions and influences of the place in which an organism lives.”

Drawing inference from the gamut of definitions of the environment given above, it is safe to state by way of definition that the environment, in a holistic form, is the totality of the physical, social, economic, aesthetic and cultural surroundings which are capable of influencing the health and general well-being of man, plants and other animals. For this reason, Professor Atsegbua posited that the development of legal tools and strategies is meant to maintain a balance between man and his ecosystem.<sup>11</sup>

### **Abusive Environmental Practices in Nigeria**

A number of abusive or harmful practices that are not friendly with the environment take place in Nigeria on a daily basis. In simple terms, such abuses can easily be referred to as environmental pollution. Such adverse practices are capable of undermining the benefits that are ordinarily accruable from the ecosystem vis-à-vis the environment. Among other available definitions on the point, section 37 of the national Environmental Standards and Regulations Enforcement Agency (Establishment) Act (NESREA) of 2007 defines “pollution” as man-made or man aided alteration of chemical, physical, or biological quality of the environment beyond acceptable limits.<sup>12</sup> It has also been defined as the unfavorable alteration of our surroundings, wholly or largely as a

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<sup>8</sup>Happold, D.C.D. *The Mammals of Nigeria* (Oxford: Clarendon Press, 1987) 332.

<sup>9</sup> Sixth edition.

<sup>10</sup> 1992.

<sup>11</sup> Lawrence Atsegbua and others, *Environmental Law in Nigeria: Theory and Practice* (Lagos: Ababa Press, 2004)3 (herein after “Atsegbua, *Environmental Law*”).

<sup>12</sup> This definition is in consonance with the definition contained I ns. 38 of the Federal Environmental Protection Agency of 1988 which has now been repealed by s. 36 of the NESREA Act.

by-product of man's actions, through direct or indirect effects of changes in energy patterns, radiation levels, chemical and physical constitution and abundances of organisms.<sup>13</sup> The problem of environmental pollution reached an alarming rate in Nigeria when tones of deadly toxic wastes were dumped in Koko in the present Delta State of Nigeria in June 1988 by an Italian firm. There are four basic forms of pollution, namely water, air, land and noise pollution.

**(i) Water Pollution**

Water pollution is one of the common abuses which the environment suffers. The United Nations Convention on Law of the Sea (UNCLOS) defines water pollution as the introduction by man, directly or indirectly, of substances or energy into the marine environment, coastal zones and related inland waters resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities, including fishing, impairment of quality use of sea-water and reduction of amenities.<sup>14</sup> Water is essential to human survival and well-being, therefore any act of adulteration of water results in serious negative effect on man and other animals and plants that derive their source of livelihood from the environment. The common causes of water pollution include oil spills, indiscriminate disposal of domestic and industrial refuse or waste in water courses, etc. this has largely resulted in diseases to man and destruction of aquatic life thereby leading to economic waste and threat to human existence.<sup>15</sup>

Water pollution occurs in rivers, oceans, seas, lakes and streams and they affect human and animal life directly through toxicity, killing most water plants and animals and causing reproductive failure in others<sup>16</sup>, pollution also reduces the amount of oxygen in the water there by severely impairing aquatic plant

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<sup>13</sup> International workshop on the Impact of the Environment on Reproductive Health (1991) 20 *Copenhagen progress in Human Reproduction Research*, 1-11, cited in Adeleke, F.A.R, "Environmental Pollution: women's Reproductive Health Concern" (2011) 1 *NAILS Journal of Environmental Law*, 104.

<sup>14</sup> United Nations Convention on the Law Of the Sea III, 1982, art. 1(4).

<sup>15</sup> *Ibid.*

<sup>16</sup> Atsegbua, et al. 98.

and animal life. Water pollution can also result in several water borne diseases in humans such as cholera, typhoid, dysentery, etc all these have dire consequences on the physical, social and economic well-being of the individual. The principal sources of water pollution are oil spills, industrial refuse and agricultural fertilizers<sup>17</sup>. Water pollution comes in many forms such as:

- (a) De-oxygenating materials, e.g. sewage and other organic waste like spillage, farm waste and waste from a number of heavily industrial processing units, e.g. food processing, textile and dairy product processing.
- (b) Nutrient enrichment by materials such as fertilizers may cause an acceleration of plant growth and lead to a decline in water quality.
- (c) Solid waste: this may impede the flow of water or block out light for the growth of plants that live in the water.
- (d) Toxic materials: some materials such as heavy metals and pesticides are toxic to aquatic life, depending on the dosage received.
- (e) Those which may affect biological conditions and also de-oxygenate water.
- (f) Discharge of waste from sewage system also affects the quality of inland and coastal waters.<sup>18</sup>
- (g) The inherent dangers and health implications of water pollution both in the rural and urban areas cannot be emphasized, particularly in an undeveloped country like Nigeria where the poverty level is very high; a very large percent of the population cannot afford any form of water treatment and they utilize the water in its polluted state, this has very grave health implications for such individuals who drink, bath, cook with such water without any form of treatment, which can lead to various illnesses and even death. It is therefore necessary that government does a lot

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<sup>17</sup> Ibid.

<sup>18</sup> United Nations Groups of Experts on Scientific Aspects of Marine Pollution in 1969, cited in Atsegbua, et al. *Environmental Law in Nigeria: Theory and Practice*, New ed. (Benin: Ambik Press, 2010) 99.

more in ensuring that industries treat their waste properly and dispose of same in a proper and healthy manner.

**(ii) Air Pollution**

This involves the emission of harmful substances into the atmosphere with the resultant effect of causing danger to living things in the environment.<sup>19</sup> In other words, it is the upsetting of different gasses against natural design or contamination of the atmosphere by gases or other effluents that are detrimental to the health and welfare of man.<sup>20</sup> It can arise from accumulation of substances in the air or insufficient production of the required gases (Nitrogen and Oxygen) that produce negative effects on man. Other common causes of air pollution in Nigeria include flaring of gases, electric cables, homes and incinerators, motor vehicles, digging or tilling, and burning while cooking or clearing bushes and fumes by industries operating in our environment<sup>21</sup>. Hazardous emission of carbon by vehicles and other machines also contribute to this kind of abuse. Even though it may not be possible to completely stop these practices because of the present age of industrial revolution it is advisable that they should be minimized because of the attendant negative consequences of excessive emission of gas, fumes and other forms of carbon on our environment. For example it has been scientifically established that emission of excessive carbon on the atmosphere can lead to debilitating consequences like:

- (i) The greenhouse effect/global warming
- (ii) Creation of ozone holes (ozone layer depletion)
- (iii) Acid rain and global climate change
- (iv) Soil acidification and ground water contamination<sup>22</sup>
- (v) The above can result in different kinds of cancers, skin diseases, and deformities, and various novel kinds of

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<sup>19</sup> Atsegbua, et al., *Environmental Law*, 103.

<sup>20</sup> Oludayo, A.G. *Environmental law and Practice in Nigeria* (Lagos, Unilag Press, 2004) 379.

<sup>21</sup> Atsegbua, et al., *Environmental Law*, 104.

<sup>22</sup> Malcom, *A Guide Book to Environmental Law*, 9-11.

diseases suffered by man today are as a result of various abusive practices carried out on the environment.<sup>23</sup>

In the light of this dire consequences and implications of environmental pollution on the environment and human health, one would wonder if this present industrial revolution taking place in Nigeria and the world over if it is worth trading a healthy and balanced environment for; to a great extent no amount of industrialization is worth trading the continuous sustenance and existence of the earth and environmental protection for. It is therefore imperative that since we cannot trade one for the other and we cannot do away with either of them continuous and concerted efforts be made to ensure that there is industrial development and in the same vein environmental protection is ensured by ensuring effluent limitation as much as practicable, gas flaring is stopped as soon as practicable and that industrial and household waste are properly treated and disposed of properly, this duty is a collective duty not just for the government alone but for all individuals, companies, institutions, and non-governmental organization as the world is our common heritage which we ought to preserve and keep for future generations yet to come.

**(iii) Land/Soil Pollution**

Land pollution is any activity that leads to the degradation of the land and results in danger to man, vegetation and agricultural production. Activities that can constitute land pollution include dumping of harmful material on land, deforestation, desertification, bush burning, over grazing, un-healthy farming practices, indiscriminate waste disposal<sup>24</sup>, and other technological or industrial activities that are injurious to land and its inhabitants. However the major cause of land pollution in the modern age is the development of technology, i.e. industrialization- which led to urbanization, and the over concentration of the world population in particular areas of the landmass.<sup>25</sup>

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<sup>23</sup> Atsegbua, et al., *Environmental Law*, 101.

<sup>24</sup> A good example is the indiscriminate dumping of 'pure water sachets' on the ground irrespective of the fact that this product is not bio-degradable.

<sup>25</sup> Atsegbua, et al, *Environmental Law*, 105.

Other pollutants associated with petrochemical industries are effluence, which contains a wide range of organic and inorganic contaminants such as phenol, oil, grease and toxic metals, hydrogen sulphide and ammonia. Also, quarrying, mining of all sorts, causes damage to the environment on a large scale. It is a process, which inevitably creates pits, ponds and mounds. It destroys the topsoil and the subsoil and renders land non-arable and agriculturally wasted and ruined.<sup>26</sup>

Deforestation is the act of cutting down trees that are supposed to be allowed to mature and be properly harvested for economic purpose or cutting down trees that serve as protection to the soil and that can prevent deadly wind that is capable of causing hazard to man and other animal habitats, like bush burning, this practice is embarked upon mostly by peasant farmers in the rural areas for agricultural and domestic purposes like cultivation of land for planting crops, hunting for animals in the forest and cutting down the trees to be used as fuel for cooking purposes among others.

However, such practices are very unfriendly to the environment. They deny the land of the needed cover from the direct sun, rain and other natural phenomena like flood. This can lead to erosion which washes away the top soil and the nutrients necessary for growing crops. This can constitute danger to human and animal inhabitants as a result of the resultant gullies. It can also lead to huge economic loss to individuals and the nation. In Nigeria a greater percentage of cases of land pollution and degradation are caused by the activities of Multinational (OIL) companies operating in Nigeria.<sup>27</sup> In *Umidje v Shell petroleum*,<sup>28</sup> the plaintiff instituted an action to challenge the continuous escape of oil waste from a pit in the control and management of the defendants which caused enormous damage to the plaintiff's ponds, lake and farmlands. The action which was premised on the rule in *Rylands v Fletcher*<sup>29</sup> succeeded because it was a case of *res ipsa loquitur*.<sup>30</sup> It

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<sup>26</sup> Ibid.

<sup>27</sup> See the Civil Liberties Organization (CLO) Annual Report of 1998 and Ewere Anthony Osaro, *NEITI and Good Governance in the Nigerian Oil Industry* (Benin City: Ambik Press, 2011), 58.

<sup>28</sup> [1975] 5ECSLR 585.

<sup>29</sup> [1866] L.R Ex. 265.

is worthy of mention here that the Niger Delta region of the country has suffered the worst hit of oil explorations related pollution in Nigeria. Oil spills have led to deformation and sometimes complete annihilation of aquatic lives besides the contamination of sources of potable water and transportation for man. Other kinds of abusive environmental practices include poaching or illegal hunting of wildlife,<sup>31</sup> etc.

**(iv) Noise Pollution**

This happens when there is an unwanted or excessive sound for an unreasonably long period thereby exposing inhabitants in the affected environment to health problems as a result of the long continuous exposure to noise. Economic growth, industrialization and increase in population have led to an increase in the source of noise pollution. Noise pollution seems to have been taken for granted and in fact accepted by most people in the society as normal.

This general acceptance may be largely due to the ignorance of the inherent health hazards created by noise.<sup>32</sup> However the ignorance or non-challant attitude of individuals and society towards noise pollution does not in any way avert or remove the negative health implications of excessive exposure to noise of high intensity as such may cause hearing impairment, psychological disorder, decreased concentration, emotional disturbance, fatigue, insomnia, restlessness, and it can increase a person's blood pressure. Sources of noise pollution also include the following: domestic noise, amplified music, motor vehicle noise, airplane and railway noise, voices, boat engines, road traffic noise, construction sites, factories, industries etc.<sup>33</sup>

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<sup>30</sup> A Latin phrase for obvious cases of damage which automatically shifts the burden of proof from the plaintiff to the defendant in a case.

<sup>31</sup> Use of chemicals and other unlawful means in hunting animals can make certain species of animals extinct and also constitute danger to human existence.

<sup>32</sup> Atsegbua, et al., *Environmental Law*, 102.

<sup>33</sup> Atsegbua, et al., *Environmental Law*, 103.

**Major Causes of Abusive Environmental Practices in Nigeria**

The above mentioned abusive practices are no doubt anti-development and injurious to human existence if not abated or at least mitigated. Unfortunately, these retrogressive practices continue to thrive in our polity as a result of actual or perceived lapses in the system. Without claiming to be exhaustive, it is however apposite to mention some of the cardinal causes or reasons why these abusive environmental practices continue unabated in Nigeria. Major causes include:

**(i) *Non-implementation of Environmental Laws***

It has been opined elsewhere that the problem in Nigeria is not as a result of lack of laws but that of non-implementation of existing laws.<sup>34</sup> Even though our laws are not perfect (in fact no law in the world is perfect), if the laws are effectively implemented the way they are, we would not experience up to half of the problems we have today in Nigeria. Without mincing words, experience over the years has shown that it is either there are inadequate provisions on environmental laws as a result of novel developments which have made earlier provisions otiose or completely moribund or there is non-compliance with (on the part of the people) or non-implementation of existing environmental regulations or laws in the country, the lapses in our legal system can reflect in the following ways:

**(ii) *Legal Interpretation of Provisions on Environmental Protection***

The opinion has been expressed elsewhere that the 1999 constitution of the Federal Republic of Nigeria is unprecedented to the extent that for the first time in the history of Nigeria the fundamental law of the land gives recognition to the need to protect the environment.<sup>35</sup> To be precise, section 20 of the extant 1999 Constitution (as amended) provides thus: "The state shall

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<sup>34</sup> Ewere, *NEITI and Good Governance in Nigeria*, 225.

<sup>35</sup> Andrew O. Okukpon "The 1999 Constitution of Nigeria and the Protection of the Right of Citizens to a clean Environment" in Lawrence Atsegbua., ed. *Selected Essays on Petroleum and Environmental Laws*, (Benin: New Era Publications, 2000) 29.

protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.”

There is no doubt that the intendment of the drafters of the constitution here is to expressly provide for the protection of the environment as a whole for the benefit of man, plants and other animals.<sup>36</sup> Even though the innovation brought about by the above provision is highly commendable, it is however painful to note that the legal interpretation given to the above provision in section 20 of the Constitution under the Nigerian jurisprudence does not help the case of the people of Nigeria in their determination to enforce their rights to a clean and healthy environment. The reason being that section 20 is contained in Chapter II of the Constitution under the head: “Fundamental Objectives and Directive principles of state policy.” This has been adjudged to be non-justiciable but merely persuasive.<sup>37</sup> In other words, it is not mandatory for those in power to execute these directives. This is a major setback and one of the reasons why there is wanton abuse of the environment by individuals, companies and even the government that is supposed to be the custodian of the law.

The Nigerian judiciary is advised to holistically protect the citizens’ right to life under section 33 of the 1999 Constitution by promoting the right of citizens to a clean, healthy and un-abused environment. It is also suggested that section 45(1) of the Constitution which appears to provide lee ways for environmental offenders be amended by the legislature in their current determination to amend the Nigerian constitution so that the life of the people can be made whole.

### ***(iii) Locus Standi Issues***

It is equally canvassed here that the judiciary should relax the procedural rule on the issue of *Locus standi*,<sup>38</sup> a rule that has been

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<sup>36</sup> Section 16, 17 and 44 of the Nigerian Constitution is also environmentally friendly.

<sup>37</sup> *Constitution of the Federal Republic of Nigeria*, 1999, s.6(6)(c).

<sup>38</sup> See Upendra, B. “Taking suffering serious: Social Action Litigation in the Supreme Court of India” in Neela, T. and Radbika, L. eds. *The Role of the Judiciary in a Plural Society* (London: Frances Brinteirs Publishers, 1987) 32&33.

used by the courts to deny litigants with robust cause of action from ventilating their rights, particularly when such environmental pollution and abuses fall under the class of torts known as public nuisance.<sup>39</sup> However, the decision of the Supreme Court in *Adediran & Anor v. Interland Transport Ltd*<sup>40</sup> in its effort to give a proper interpretation to the provision in section 6(6) of the 1999 Constitution no doubt gives some vista of hope to many litigants who suffer irreparable loss from environmental degradation because of the reliance on the common law rule that only the Attorney-General or a person authorized by the Attorney-General has the right to institute an action where there is a public nuisance.

**(iv) Lapses in Environmental Legislations**

Another lapse in our environmental law can be seen in the provision of the Harmful Waste (Special Criminal Provisions) Act, 1988.<sup>41</sup> Although this Act contains very beautiful provisions,<sup>42</sup> very few persons have been successfully prosecuted under the Act for engaging in sale, importations, transit, transportation, deposit and storage of harmful waste despite obvious cases of spillages and other pollutions experienced in the country and particularly in the Niger-Delta region. This shortcoming may be attributed to the problem with the rules of procedure and available opportunity for defenses which offenders can always take advantage of to escape liability. Again, even though the Oil in Navigable Waters Act of 1968<sup>43</sup> contains very comprehensive provisions on oil pollution, particularly its provisions on offences,<sup>44</sup> the Act however makes provision for avalanche or high number of defences so that the offender is afforded the opportunity to escape liability one way or the other by relying on the available defences. It is sad to note that

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<sup>39</sup> In *Amos v. Shell BP Petroleum Development Co. Ltd* [1976] 6 SC 109, the court stated that the plaintiff's action and claim for damages failed because according to the court, the plaintiff could not show that he had suffered over and above other people in the immediate society and he had no consent of the Attorney-General to initiate the action.

<sup>40</sup> [1991] 9 NWLR (Pt. 214) 155.

<sup>41</sup> Cap H1 Law of the Federation of Nigeria 2004.

<sup>42</sup> See Sec.1 (1) and 6 of the Act among other provisions.

<sup>43</sup> Cap, O6, Law of the Federation of Nigeria 2004.

<sup>44</sup> See sec. 3 and 5 of the Act.

by the time all the defences are pleaded, it is hardly feasible to convict anybody under the Act. This will no doubt encourage abuses on the environment.

**(v) Political Factors**

Other factors responsible for abuse of the environment in Nigeria include political and other factors. For instance, it is clear that the enforcement of environmental principles and laws is carried out by institutions set up for that purpose.<sup>45</sup> However, there is no gainsaying the fact that Nigeria is a Federal State. This means that the federal government (central government) and the federating states are involved in protection of the environment.<sup>46</sup> This arrangement does not allow administrative directive to flow from a single source. The federal and state governments have their limits so that one cannot, in a normal circumstance, force its will on the other. This kind of arrangement can lead to conflict of interest and frustrate enforcement of laws.<sup>47</sup> Furthermore where the state and local governments are starved of funds, they cannot muster enough courage that is needed to check environmentally abusive practices.

**(vi) Social Factors**

First and foremost, some of the major social factors that increase the rate of abusive practices on the environment include population explosion, decreasing standard of living, increase in poverty rate and low level of environmental awareness. These are common features of developing nations like Nigeria. In average developing countries like Nigeria, the level of awareness as to the materials that are not friendly with the environment is very low, in order to enhance the social status of individuals and to measure up with others in the society, environmentally unfriendly materials are used and discarded indiscriminately; not minding the negative effect such materials may have on the environment. For instance, it is common, to see used sachet of “table water” littered all over the place in parts of the country, plastic bags and other materials with

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<sup>45</sup> E.g., the former Environmental Protection Agency (FEPA) now National Environmental Standards and Regulations Enforcement Agency (NESREA).

<sup>46</sup> Atsegbua, et al., *Environmental Law*, 60.

<sup>47</sup> *Ibid*, 61.

adverse environmental effects are used and disposed of recklessly not minding their effect on the environment. It is speculated by scientist that sachet of table water and other plastics used by women and other shoppers take decades to get decomposed. Such materials destroy the strength of the environment and reduce its carrying capacity. This low level of awareness occasioned by poor education and failure on the part of government to create positive awareness is a far cry from what obtains in the western societies.<sup>48</sup>

The desire of many high public office holders to attract development to their area by attracting industries to such areas whether they merit it or not sometimes lead to negative effects on the environment. High concentration of industries goes with so many negative environmental factors if not properly handled. The attendant problem faced by most Niger-Delta communities as a result of the high concentration of oil industries is a good example.

Poverty is another major cause of environmental pollution. To avert this problem, there is need to achieve considerable balance between the environment and development or industrialization. Government must ensure that the nation is not turned into a dumping ground for all kinds of wastes like fairly used cars, motorcycles, electronics and other industrial and household devices that are usually imported into Nigeria from Europe and other parts of the world.

***(vii) Economic Factors***

Economic hardship has a way of affecting every aspect of the life of an individual, a group and even the entire state or nation. Where there is shortage of resources, obligations or usual responsibilities will suffer. A country may not be able to properly enforce existing environmental laws and take steps to implement normal environmental standards where there is shortage of resources. This will give rise to abuses by people and companies, particularly those in business who would want to maximize profit at the expense of safeguarding the environment.

Again, too much reliance on oil has contributed greatly to the environmental abuses experienced in Nigeria today. The activities of oil industries are largely responsible for the degradation and

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<sup>48</sup> Ibid, 58.

distortions experienced in the ecosystem today. These abuses are more pronounced in the Niger-Delta region of the country as a result of the fact that communities in the region serve as hosts to a number of oil and gas companies operating in Nigeria. The above scenario equally applies to individual. Poverty has a way of influencing abnormalities like failure to take proper care of the environment or surrounding usually because of lack or shortage of funds.

**(viii) Industrial Factors**

It is on record that the era of industrial revolution came with a high level of abusive practices on the environment.<sup>49</sup> Despite the advantages of mechanization or industrialization, the level of environmental hazard that goes with industrial activities cannot be quantified. This is because of the effluent and wastes which the machines must as a matter of necessity discharge as they function. In the process of using machines and turbines to power the operations of these industries, the air is polluted with carbon and other effluents and wastes discharged into the water, arable land and air. This can destroy crops, aquatic life and generally degrade the environment and reduce its carrying capacity. The problem identified above is worse in developing countries like Nigeria where the technological know-how that would have helped to reduce the negative side effect of using these machines is either completely absent or in low supply. The present health problem in society today caused by the depletion of the ozone layer, the greenhouse effect, different types of cancer, skin diseases, etc were completely unknown during the pre-industrial revolution days in Nigeria and other parts of the Africa continent and the world.

**(ix) Cultural Factors**

Customs are age long practices that have come to have the force of law because of the long period of the adoption of such practices which make the people recognize such practices as binding on them,<sup>50</sup> because the people recognize the customary practices as part of their lives, it becomes difficult to change the orientation of

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<sup>49</sup> Ewere, *NEITI and Good Governance in Nigeria*, iv.

<sup>50</sup> Black's Law Dictionary. 7<sup>th</sup> edition.

the people even though the current realities of the evolving time no longer make such practices relevant to the well-being of the general society.

For instance, the practice of bush burning before cultivating crops has become inherent in the life of the people and difficult a habit to change. This practice continues despite the introduction of modern methods of farming that are more profitable and environmentally friendly. Also, the idea of dumping waste in an open place by the side of the house is still prevalent in most rural communities despite the attendant health implications of such practice. This kind of practice, among others becomes difficult to stop because it has become endemic as a part and parcel of the daily life style and custom of the people.

### **Recommendations**

In view of the foregoing, it is strongly believed that the following suggestions if adhered to will help to abate the identified abusive environmental practices among others. The recommendations will also promote the standard of environmental protection strategies that will enhance sustainable development and make life more meaningful and enjoyable for man, plants and other living things. To this end, this paper suggests the following:

- There is the urgent need to take a second look at the state of our laws particularly as they relate to environmentally friendly provisions. The National Assembly in Nigeria is thereby admonished to either expressly provide that provisions in Chapter II of the extant 1999 Constitutions are justiciable like other parts of the Constitution, or transfer the provision in section 20 and other similar provisions on the need to protect the environment to chapter IV of the Constitution which has the force of law.
- However, before the National Assembly listens to the clarion call to make environmental provisions in the constitution justiciable, it is necessary for the judicial arm of government to be proactive on issues bothering on the environment, as is the case in similar jurisdictions like Pakistan and India. This is the only way to curb the abuse

of the environment, protect the interest of man and generally promote sustainability in the interest of posterity.

- It is also suggested that section 45(1) of the Constitution which appears to provide lee ways for environmental offenders be amended by legislature in their current determination to amend the Nigerian constitution so that the life of the people can be more meaningful and better protected.
- There is no gainsaying the fact that more than 50% of our problem from abusive practices on the environment is caused by lack of proper implementation of existing laws on the environment. It is therefore necessary to call on the law enforcement agencies to be up and doing in the discharge of their duties, particularly as it relates to environmental laws. This is because; our hope of guaranteeing a better future for the present and future generations is hinged on the proper protection of the environment. The only way the law enforcement agents can succeed in this onerous task is to shun greed, corruption and lackadaisical attitudes in the discharge of their official duties.
- As part of its policies on the environment, government must make conscious effort to put measures in place to arrest the identified cases of abuses on the environment. Government must be able to caution the oil companies that are the major causes of land, water and air pollution in our country today. Government should not only be interested in the huge revenue received from the oil companies alone. It must put in place stringent rules that will dissuade potential offenders from perpetrating abusive practices on the environment.
- Efforts must also be made to set up specialized companies that can help manage wastes in such a way that their hazardous nature will be reduced to its barest minimum. Government can succeed in this aspect if the enabling environment is created for private investors to be interested in setting up proper waste management institutions in the country.

- The government must intensify effort to carry out public orientation on the need to protect the environment and ignore practices that are harmful to the environment. This effort to create awareness should not be limited to the cities or urban areas alone as is usually the case. It must be extended to the rural areas where over 70% of the country population stays. This will help to mitigate cases of environmental abuses that take place without restriction in the rural areas where the people see such abuses as the norm.
- There is the need to provide modern equipment and training for staff in agencies charged with the responsibilities of checking abusive environmental practices in Nigeria. It is also necessary to encourage such staff in terms of better remunerations and provisions of other incentives that will lead to better productivity.
- On the part of the populace, there is the need to know that whatever happens to the environment happens to its inhabitants, including man. Therefore, we must shun retrogressive practices that will degrade our environment. Besides, in as much as we need to respect our custom, we should also know that some customary practices like bush burning and deforestation are no longer sustainable if we must safeguard our future and that of our unborn children. We must be willing to accept arguments and orientations on the need to avoid abusive environmental practices.
- Also, adequate fines that are enough to deter polluters should be introduced in the various environmental protection laws by the state and federal governments in Nigeria.

### **Conclusion**

The importance of living in a clean and healthy environment cannot be overemphasized. however, the point has been made that unless abusive environmental practices are discouraged, and a more civilized attitude adopted, the chances which man, plants and animals have to enjoy the benefits of a healthy environment will be seriously threatened.