

Protecting our Environment and the Ecosystem through an Enduring and Comprehensive Legislative Reform Agenda

Being a Paper presented by the House of Representatives Committee Chairman on Environment, Hon. Duro Faseyi at an Environmental Management Seminar organised by the Manufactures Association of Nigeria (MAN) held on 4th of November, 2008 at MAN House, 77 Obafemi Way, Ikeja Lagos under the theme; “Preparing Business in Nigeria for Environmental Challenges and Opportunities.”

Preamble

Let me start this paper by observing that this seminar woven around the theme; “Preparing Business in Nigeria for Environmental Challenges and Opportunities” is insightful and germane given the symbiotic relationship between industry and the environment. While most business concerns depend largely on environmental resources for survival, the manner a business entity is run has a corresponding effect on the environment. This makes it imperative for a business to be structured such that it is capable of stimulating environmental sustainability. Given the increasing rate at which businesses of varying dimensions are sprouting out in Nigeria on a daily basis; for the nation to begin to win the battle against environmental degradation, designing of technologies capable of ensuring environmental conservation and protection should be a major consideration when a business is being developed. This crucial balance and harmony between business management and environmental protection to my understanding underlines the significance of this seminar. It is in the recognition of this that I expect this seminar to fashion out best business practices that are capable of encouraging environmental management.

Need for Environmental Protection

Having made the above observation, it is unmistakable that our environment is largely threatened due to the unbridled manner the ecological balance is being devastated by human beings. In fact since the Stockholm Conference on Man and his Environment organised by the United Nations in 1972 the awareness of the ecological disaster awaiting humanity over evils of environmental devastation and natural resources mismanagement has remained a recurring decimal. A workshop organised in 1991 by Nigerian Environmental Study\ Action Team recognised urbanisation, population

growth, poverty, industrialisation, general economic growth as some of the major causes of environmental mismanagement.

The overall effects include; increasing wave of land degradation, loss of biodiversity, pollution, deforestation, desertification, drought, flood, erosion, waste mismanagement, global warming resulting in climate change. Only last week the Federal Government declared South East as ecological disaster zone because of the menace of erosion and floods. In the Niger-Delta region activities of the oil companies have exerted severe environmental hazards resulting in economic and social turmoil. In the North, desert encroachments are fast getting to the settlement areas. Rise in sea level resulting in ocean surge, floods and water contamination has remained a permanent feature in the Lagos axis. Oyediran (1997) adds that in major cities of the country mounds of municipal wastes dot the streets, defacing the cities' landscapes. These excruciating incidences have evidently had adverse consequences on the nation's food security, industry, commerce, human settlement, human health and the overall socio-economic development (Inyang Abia, 1997)

This is essentially so because the raw materials used by the industries, the agricultural yields, fisheries that account for the major source of income and sustenance to many Nigerians and indeed other natural resources such as crude oil that constitute over 90 percent of the export base of the nation are bountiful products of the environment. Accordingly, when the environment is threatened, it has a corresponding impact on human survival.

It is on account of the foregoing that efforts are being made in Nigeria and also at global level to create the necessary awareness, initiate policies and to embark on actions geared towards environmental conservation, protection and management. Records show that the first concerted effort made in Nigeria to create environmental awareness was in 1981 when the Fourth National Development Plan (1981-1985) was rolled out which alluded to environmental policy. From hence, national awareness on environmental protection commenced. This development has continued till day. For instance, environmental management is one of the 7-point agenda of President Musa Yar'Adua's Administration. A compelling question I am sure that is now agitating all of us includes; how far have we as a nation fared in the battle against environmental degradation since the last 27 years? To my mind, the battle is still a far cry from being accomplished.

To win the battle, there is need to evolve ideas, skills, values and policy frameworks that have the potentiality to intrinsically change people's wrong attitude towards the environment and capable of encouraging the application of environment friendly technology. To succeed also requires a holistic approach, which as a matter of environmental imperative can integrate the rural dwellers, industrialists and the policy makers through enlightenment campaigns and capacity building programmes.

Role of Legal Framework

However, of immense relevance to this paper is the role of legal and policy frameworks to the achievement of environmental management. It is indeed ostensible that for environmental ruin to be checked there must functional legislation and effective policy direction to be put in place. More importantly, efforts should be made by appropriate authorities to enact new laws, revamp and reform the existing laws considered moribund for enhanced result. This is based on the incontrovertible logic that the ability to change wrong attitude, inspire, regulate and moderate good environmental practices and values is inexorably linked to effective legal framework. This lies at the heart of this paper and falls within the purview of the state and federal legislatures since environmental issues are contained under the concurrent list in the Constitution of the Federal Republic of Nigeria.

Proposed Environmental Legislation

In the House of Representatives where I chair the Environment Committee, environmental issues are accorded top priorities on account of the attendant challenges which have already been enumerated above. The House is committed to the pursuit of legal frameworks geared towards the protection and management of the environment. This is evidenced in the fact that since the inception of the present House three environment-based bills have been proposed. They are seeking the establishment of Climate Change Commission; Desertification and Drought Control Commission and Ecological Agency. While the Climate Change and Desertification Control Bills have reached second reading and public hearing being planned as a prelude to passing them, the Ecological Agency Bill will soon be listed for second reading. The fourth one, Erosion and Floods Control Bill is already being considered in the Senate because it emanated from there and will soon get to the House for consideration. The interesting thing about the bills is that they are all private member bills which underscore our dedication to

effective environmental management. We intend to give the bills accelerated attention

Understandably so, environmental issues are global in scope, content, challenges and management particularly climate change. It is indeed this recognition that has informed the resolve of this committee to pursue the ratification of the environmental treaties and conventions Nigeria has entered into at international level. The ratification of the treaties will undoubtedly sell Nigeria more to the international community for greater collaboration and partnership towards environmental management.

Review of Existing Environmental Policies and Legislation

We are not unmindful of the obvious fact that some legislation and policies bordering on environment are moribund and therefore need to be reformed and revamped for enhanced battle against environmental degradation. Some of such Decrees enacted during military administrations include; The Factory Decree No 16 1987; Harmful Waste Decree No 42 1988; Natural Resources Conservation Council Decree No 50 1989; The Endangered Species Decree No 11 1985, among others. We are looking into them with a view to amending them for effectiveness and better result. We also intend to revisit the National Policy on Environment and National Conservation Education Strategy to identify possible gaps. This reform agenda is essential and desirable if the pursuit of environmental sustainability must be achieved.

However, since environmental issues fall within the concurrent list, the state legislatures should also be deeply involved in the reform agenda. They will reinforce the battle by identifying environmental laws in their various states that have gaps that need to be filled. They should therefore take decisive steps to amend them. Where necessary they should enact new legislation capable of strengthening the cause. Beyond amendment and enactment of new laws, efforts should be made by the relevant authorities to ensure that the laws are enforced. This is the only way the laws can be meaningful and thus achieving the intent and spirit behind them.

Oversight Responsibility of the House Committee on Environment

The power of the committee to embark on oversight function is a constitutional mandate. Sections 88 and 89 of the constitution empower the Senate, the House or any of its committees to direct investigation into the conduct of affairs of any person, authority, ministry or government department charged or intended to be charged with the duty of or responsibility for executing or administering laws enacted by the National Assembly. It is on the basis of this constitutional prescription that the Committee on Environment conducts oversight function over the Federal Ministry of Environment and all the relevant government agencies. The committee achieves it by monitoring and evaluating their activities to establish whether they conform to the laws of the land and in national interest. Where we notice any inconsistency we would summon the head of the institution concerned to point it out, seek explanations and necessary adjustment. We rely on this to direct policies geared towards environmental management.

Besides, we adopt budget as a key tool for oversight. We ensure that more funds are appropriated to subheadings that have the potentiality to enhance environmental protection. The committee does not end there, for it monitors budget implementation in the ministry and the relevant parastatals to ensure that it is consistent with budgetary prescriptions. The greatest snag in this business of oversight is the challenge of getting relevant and reliable information that can arm one to whip the ministry and the parastatals' top officials back into line. Inadequate fund also hamstrings large scale oversight function.

Conclusion

It is common knowledge that environmental degradation for catalogued reasons is on the rise in the country and thus constituting a huge threat to our collective way of life and socio-economic development. This unfortunate reality makes it imperative for amalgamated approach to be adopted in the pursuit of environmental management. The private sector, public sector, civil society organisations, rural and urban dwellers, religious leaders and indeed all Nigerians must network and be deeply involved in this battle if we must succeed. Government at all levels and the business entities however have greater responsibilities to perform. Government must set the tone by providing enabling mechanisms in so doing putting in place functional policy and legal frameworks and exerting the political will to enforce them.

On the other hand, the business entities should as a matter of obligation adopt environment-friendly practices in the running of their businesses as a key step to stemming the tide of environmental mismanagement.

On a final note, this committee is prepared to partner with corporate bodies including the Manufacturers Association of Nigeria (MAN) for the pursuit of environmental sustainability in the country. I am convinced that this environmental interactive session organised by MAN will further provoke a critical need for environmental management. I commend MAN for this laudable and worthy cause and thereby urge other organisations to take a cue from MAN.

I thank you for your attention.

References

Ekekwe, E.N, 1997 Towards Developing A Culture of the Environment in Nigeria in Perspectives in Environmental Management (pp129-137)

Inyang-Abia, M.E, 1997, Formal Dimensions of the Green Campaign in Perspectives in Environmental Management (pp139-150)

Oyediran, A.B.O.O, 1997 Waste Management and Disposal in Nigeria in Perspectives in Environmental Management (pp 95-100)

Climate Change in Nigeria: A Communication Guide, Ibadan: NEST Publication, 2003(pp 27-33)

The 1999 Constitution of the Federal Republic of Nigeria

Votes and Proceedings of the House of Representatives, 2008.

