

Environmental Health Law and Sustainable Development in the Niger-Delta: An Educative Perspectives Discourse

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ABSTRACT

Sustainable development, which has been described as the development that meets the needs of the present without compromising the ability of future generations to meet their own needs, is undoubtedly an essential ingredient for human existence. As much as the zealotry in the establishment of every human endeavour is of great importance to the success, similarly, the resilience of maintaining the successful attainment of such success should not be taken with levity. Unfortunately, this does not seem readily attainable among humans. Hence, sustainability forms the foundation for today's leading global framework for international cooperation of the 2030 agenda for Sustainable Development and its Sustainable Development Goals. Sustainable development provides a framework for humans to live and prosper in harmony with nature as seen in other parts of the world, rather than a compromised environment, which has plagued Nigeria and by extension the Niger Delta, where 90% of Nigerias' oil exploration takes place, at the expense of nature as well as healthy lifestyle. Furthermore, in spite of the many environmental and natural resources laws that exist, or that exist in different forms, most of these laws have not translated to a healthy environment that can engender sustainable development in the region. Nonetheless, sustainable development was initially rooted in earlier ideas about sustainable forest management and twentieth century environmental concerns. However, as the concept developed, it has shifted to focus more on economic development, social development and environmental protection – the environmental healthful living - for future generations. Environmental health addresses all the physical, chemical, and biological factors external to a person, and all the related factors impacting behaviours. It encompasses the assessment and control of those environmental factors that can potentially affect health. Therefore, the existing legal tools used by lawyers in protecting the environmental health formed environmental health laws. These acts were enacted as measures of controlling the human behavioural excesses that could jeopardise healthful living life within human environments. Using literally existing facts, this work, is out, to assess and describe the existing environmental health laws as relate to their functional roles of enabling sustainable development within the confide of this study, the existing lapses, possible solutions as recommendations using educative strategies.

Keywords: Environmental Health Law, healthy lifestyle, Niger Delta, Sustainable Development

Aims Research Journal Reference Format:

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1. SUSTAINABLE DEVELOPMENT CONCEPTUALIZED.

It is evident that when development is mentioned, one is to assume it covers both the physical and psychological wellbeing. Development entails a synthesis between the social, economic, physical, psychological and institutional processes which will be able to meet up with the ever increasing demands of the future in relation to the wellbeing of the local population as well as the responsible uses of human, natural and material resources.

Theoretically, it has been observed that there is no single definition for sustainable development, however salient amongst all definitions is 'the unethical exploration of natural resources, leading to poor environmental maintenance practices, which could be detrimental to future generations. However, according to A-Z geography handbook, sustainable development is 'development that meet the needs of the present without compromising the future of later generations in meeting their own needs'. The environment should be seen as an asset for the past, present and future to explore. The government of United Kingdom defines sustainable development as a means to better the quality of life now and for generations to come. It means, not using up the resources faster that the planet can replenish. This can be done through protectionist policies for natural resources and their exploitation, providing information to the public in an open and accessible way and involving the local population in the communities where these resources can be found in its exploration, control as well as protection. In the issue of sustainable development, awareness, application, integration, and leadership issues must be taken with utmost importance in order to achieve sustainable development.(diamond of sustainability) In this diamond illustrated by Bo Kjellen (1999), he depicts a list of principles for sustainable development which entails the social, economic, political and psychological norms.

2. ENVIROMENTAL PROTECTION

Nigeria, as part of the global community, also shares in the effects which technological advancement has caused especially in relation to environmental management. Nigeria's economy depends heavily on the oil and gas sector, which contributes 95% of export revenues, 80 to 85% of government revenues, and approximately 32% of gross domestic product (GDP). Nigeria is the largest oil producer in Africa and among the top ten globally. Its recoverable reserves were estimated at 36.2 billion barrels in January 2007 (Paul Francis, Diendre Lapin, Paula Rossiasco, 2011). This oil is primarily explored from the southern part of the country, also popularly called the Niger delta. The oil rich region of Nigeria, which is predominantly the Niger delta region, has suffered most of the environmental degradation challenges in various unethical incidences such as oil spillages, gas flaring, and so on. Crude oil contains substances such as sulphur, nitrogen, oxygen as well as hydrocarbons. Oil spillages will affect living things on land, in the soil, aquatic life, plant life, either directly or indirectly, thereby causing complications and degradation for the biodiversity of all living things now and in the future. Gas flaring also contributes to environmental pollution which entails the burning of greenhouse gases which contains toxins, and these may lead to medical, physiological, social and physical complications in the environment. Ailments such as asthma, respiratory illnesses, cancer, and premature death cannot be ruled out. All of these circumstances and activities cannot and will not engender sustainable development. In reference to the diamond of sustainability in figure 1, the lifestyle of the inhabitants of the area is greatly affected. Land is degraded, water is polluted, air is compromised, thereby leading to poverty, ill health, unemployment (especially for those in the agrarian occupation) and their lifestyle is drastically affected and altered.

3. ENVIRONMENTAL LAW AND MAINTENANCE IN NIGERIA.

Environmental law is the collection of laws, regulations, agreements and common laws that govern how humans interact with their environment. The purpose of environmental law is to protect the environment and to create rules on how people can use their natural resources for the greater good. Until recently in Nigeria, there was no adequate legal and institutional framework for managing environmental activities and infringements. The closest document of the sort was the 1969 petroleum act, which was later discovered to be grossly inadequate, as it was vague on what was considered good oil field practices, and only covered activities on the pollution of the waterways and atmosphere. Even at this, the practices were to be regulated by the owners of the oil field licenses and no federal parastatals monitored their compliance to the act. Other acts were also enacted later and these include the Associated Gas Re injection Act Cap 26, 1980, Harmful Waste Decree No. 42, 1988, which birthed the establishment of the Federal Environmental Protection Agency (FEPA), and the FEPA was charged with the responsibility of protection and development of the environment in general.

In 1992, FEPA amended its decree and its powers and functions concerning the protection of the Nigerian environment were unlimited. However, despite the enormous powers conferred on FEPA, it has not been able to apply legal sanction on defaulting oil firms on environmental laws. In 1999, the ministry of environment was established and it absorbed FEPA. The new ministry under the Environmental Renewal and Development Initiative (ERDI) has not been able to curtail extensive pollution and degradation witnessed by the Nigerian environment, especially the Niger Delta, by multinationals. It is worthy to note that, as the above stipulates, environmental laws put in place shone its spotlight on corporate paraastatals and had laws addressing the activities of oil firms, license holders, and multinational companies. However, it was silent and ambiguous about the activities of local saboteurs and organized criminal syndicates as well as community dwellers trying to make ends meet by siphoning fuel from pipelines running through their communities. In an empirical study conducted by Bello, O. (2017), it was discovered that about 65% of oil spills in the Niger Delta are caused by Organised criminal syndicates, local saboteurs, militants and community dwellers under the most unethical conducts of oil mining. This is commonly referred to as 'Bunkering'. while the crime syndicates are run and protected by the rich, highly placed people and government officials, who know how to bend the law or out rightly avoid it, where present, the community dwellers and local saboteurs attribute their participation in illegal bunkering to the widespread human insecurity issues that has stripped the dwellers of a decent livelihood.

Osahon is of the perception that bunkering in Nigeria did not start as an illegal trade; rather it was legal with licenses issued by the DPR in 1979. The overthrow of General Ibrahim Babangida from the Idiagbon government brought an end to legalized bunkering in Nigeria. This was due to abuse and mismanagement of the system. However, stopping some the firms that were originally licensed to bunker fuel became a problem and crude oil theft gradually crept into the Nigerian system with these firms as the forerunners. This was the cause of the lacuna created in the environmental laws instituted for bunkering firms and not other adhoc actors in the bunkering business, which were not factored into the operations initially. Overtime, there have been accusations and counter-accusations about the totality of those involved in illegal oil bunkering in Nigeria. For example, Asari Dokubo (a militant leader in the Niger Delta) once said: "There is nothing wrong if I take the crude oil found in our land, refine it and sell to our people.... The real bunkerers are the federal government who has been stealing oil from Ijaw land since 1958" (quoted in Ikelegbe, 2005:227). While some Niger Deltans like Asari Dokubo are self-acclaimed oil bunkerers, many others who are not even Niger Deltans have been pointed as suspects of illegal oil bunkering. "Bunkering is the term used to describe the process of filling up a ship with oil" (Garuba, 2010:110).

According to Human Rights Watch (2003), the bunkerers tap directly into pipelines away from oil company facilities and connect from pipelines to barges that are hidden in small creeks with mangrove forest cover. From the above, it is evident that illegal oil bunkering is not limited to the local population alone, rather, other interest groups like "militants, gangs and pirates" from the Niger Delta and beyond are directly or indirectly involved. Furthermore, during the illegal bunkering processes, oil is spilled either at the tap point or during the transportation, and even when some of the oil is refined locally, the undefinable waste is simply dumped into the environment by the artisans at these camps which cause enormous environmental damage. Furthermore, multinational corporations were quite careless with laying of pipes and decommissioned oil wells. In an interview with a Joint Task Force Officer, He said they did not adequately secure oil their oil fields and wells that were no longer serviceable or even destroy them which provided easy route for illegal bunkering and eventually led to spills. In his words, he said that "... unfortunately, we have a lot of these oil wells all over the swamps, with pipe networks inside the water, this is where some of these illegal bunkers divert the oil for their own use and trade". Pictorial evidences are also presented below



Fig. 1a: Pictorial Evidences



Fig. 1b: Pictorial Evidences

Sensitization of the local population about the effects of their activities on their environment has been minimal to near absent and the degradation continues unabated by the local population and criminals, thereby compromising sustainable development and an inevitable failure to secure a future for later generations.

4. SOLUTION PARADIGM

Sustainable development cannot be achieved without adequate environmental protection through social awareness, creation of functional environmental and health laws, maintenance and restructuring of economic policies and implementation of security strategies to generate a wholesome development in the area. The following are ways through which sustainable development can be achieved include;

- a. The Nigerian federal government should endeavor to legalize oil bunkering through widespread sensitization of the public, while she harnesses her resources to provide social and infrastructural amenities, sustainable developmental programs at all levels, educational facilities, as well as attractive employment opportunities for the communities and youths in the region.
- b. The federal government should also create avenues, like the creation of institutions which will be saddled with the responsibility of widespread sensitization, to educate the local populations in the area on the effect of illegal bunkering on their environment, health and livelihood.
- c. The federal government also needs to revisit the existing institutions and mechanisms used to create and maintain environmental laws by charging them with the responsibility of creating more specific laws to accommodate recent and unfolding unethical environmental conducts by both companies and individuals in the Niger Delta. This will assist the government in identifying, apprehending and prosecuting all parties responsible for destructive environmental activities.
- d. The government should also put in place sustainable mechanisms for cleaning already degraded and compromised environment. This will assist on putting the country back on a steady path towards sustainable development.

REFERENCES

1. Akintoye V. Adejumo and Opeyemi O. Adejumo (2014), Prospects For Achieving Sustainable Development Through The Millenium Development Goals In Nigeria, *European Journal Of Sustainable Development*, ISSN:2299-5938, Vol. 3, Pp33 -46
2. Garuba, D. S. (2010). Trans-border economic crimes, illegal oil bunkering and economic reforms in Nigeria. Policy brief series. *Global Consortium on Security Transformation*, 15.
3. Human Rights Watch, (2010). Everyone's in on the Game: Corruption and human rights abuses by the Nigeria police force. New York: August. Retrieved in August 08, 2014. <http://www.hrw.org/sites/default/files/reports/nigeria0810webwcover.pdf>
4. Ikelegbe, A. (2005). The Economy of Conflict in the Oil Rich Niger Delta Region of Nigeria. *Nordic Journal of African Studies* 14(2): Pp 208-234
5. Ogbonnaya, Ufiem M (2011), environmental law and underdevelopment in the Niger Delta Region of Nigeria, international multidisciplinary Journal, Ethiopia, ISSN 2070-0083, Vol. 5(5), Serial no. 22, Pp 68 - 82
6. Oluwatosin Bello (2017), Joint Task Force and Oil Bunkering in the Niger Delta, Nigeria, A Thesis Submitted to the Department of Political Science, College of Post Graduate Studies, Babcock University, Ogun State
7. Tamuno, T. N. (2011). *Oil wars in the Niger Delta 1849-2009*. Ibadan: Stirling-Horden Publishers Ltd. ISBN: 9780323627; 9789780323622