

# Law and the Reconstruction of the Environment in Nigeria for Socio-Economic Development

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*Abstract- The environment in its natural order is strategic for socio-economic development, hence the global concern for the protection of the environment. In Nigeria, the case of the environment is no longer for protection but rather, it is a demand for the reconstruction of the environment already degraded by anthropogenic forces. To say that the environment is bleeding is an understatement, the earth environment in Nigeria is due for intensive care because of the chronic degradation by anthropogenic forces. Ecological balance of biosphere is disturbed frequently by inter-alia, environmental pollution, indiscriminate disposal of waste, flooding, erosion, deforestation, global warming and climate change. The focus of this study is how law can be deployed for the reconstruction of the environment for socio-economic development. The study is doctrinal and the data were obtained from both primary and secondary sources. The primary sources of data are treaties, statutes, regulations and judicial decisions while the secondary sources of data include text books, articles, newspapers and internet materials. The study found that the scars of environmental degradation which are visible are the barriers against socio-economic development. Reversing the trend, the study concluded the strict enforcement of laws and the mobilization of the people to participate in the task of reconstruction to eliminate the unsustainable patterns of production and consumption. It is recommended that the preventive and precautionary approach should be adopted for post-reconstruction management of the environment*

**Keywords:** Reconstruction, Degradation, Hazardous, Regeneration, Biosphere.

## I. INTRODUCTION

Nigeria is one of the West African countries and it shares common boundary in the north with the Republics of Niger and Chad; to the east by the Republic of Cameroon; to the south by the Atlantic

Ocean and to the west by the Republic of Benin. Nigeria is endowed with abundant deposit of natural resources sufficient to launch Nigeria into the group of developed countries. Nigeria is one of the Africa's biggest oil producing countries and she has also abundant deposit of gas reserves; and assorted solid minerals located in more than 500 locations across the six geopolitical zone of the country. The solid minerals include Gold, Iron Ore, Lead, Zinc, Limestone, Columbite, Coal, Tantalite, Lithium etc. The unsustainable exploitation of these resources, ignorance of the value of environment, improper use of land are among other variables that have resulted in the monumental degradation of the environment. A land blessed with both natural and human resources of the magnitude should rank among the developed countries of the world, but paradoxically the availability of these resources is not justified by the reality of the socio-economic development. The productivity of the land and water resources has diminished because of the unsustainable methods of exploitation even as the forest resources has continued to suffer substantial decimation or gradual extinction of some species. The environment is daily incapacitated in supporting socio-economic development in Nigeria, and reversing the trends is an imperative, calling for the reconstruction of the environment. The challenge of the environment in Nigeria is not the dearth of laws as the environmental space is a firmament bejeweled with galaxies of legal instruments. The main challenge is lack of enforcement and paucity of knowledge by the masses of the significance of environmental protection. The state of the environment in Nigeria is the theme of part one of this study and part two discussed the factors that caused the environmental deficiencies in Nigeria. Environment and socio-economic

development is the theme of part three. Reconstructing the environment in Nigeria as opposed to the campaign for protection is the theme of part four and the final part is the conclusion and recommendation.

#### 1. The State of the Human Environment in Nigeria

The environment across the length and breadth of Nigeria before the discovery and exploitation of oil and solid minerals was pristine without any scintilla of degradation. Agriculture was the mainstay of the economy, and pollution, flooding, erosion, deforestation, if they ever existed, were minimal without any destructive effect. Climate change or global warming was unknown just as erosion and flooding were strange phenomena. Wildlife species of animals and plants enjoyed their habitat without any disturbance and the ecosystem thrived according to the order of nature. Mining activities historically began with the survey in 1903 and 1904 for minerals both in the southern and northern protectorate and followed by actual mining of gold in 1914 and Coal in 1916 in Enugu. Crude oil was discovered in Oloibiri, Bayelsa State in 1956. The forests were like a paradise to the array of wildlife species of plants and animals unlike the hellish experience of today. Marine living resources knew no pollution and the water body expanded rather than shrunk from the effects of global warming. The air atmosphere had numerous birds flying with their melodious songs. The environment was serene and attractive for tourism. Plateau State of Nigeria just like many other places in Nigeria, was a tourist attraction for visitors from all over the world and for vacation because of the temperate and all-round the year conducive weather. The farmers had no problem in farming as the climate pattern was easily predictable. The golden era for the environment began to manifest signs of ailment immediately after the end of the civil war in 1970. The preference for Nigeria's crude oil by importers which began shortly before the beginning of the civil war in 1967 attracted more foreign investors and precipitated aggressive exploration and exploitation without regard to the environmental impacts of the activities. As one of the world largest oil producers, oil exploration and exploitation increased rapidly after the civil war and in 1971, Nigeria joined the Organization of the Petroleum

Exporting Countries (OPEC). Between 1970 and 1974, oil production and crude exports increased by over 500% and Nigeria was the second largest supplier of oil to the United States of America because of the Arab oil embargo on the United States of America. The period was popularly known as the period of oil boom in Nigeria, an era of aggressive production onshore and offshore which resulted in severe impacts on the environment. The environment that was already battered by unbridled solid mineral exploitation as witnessed across all parts of the country, and particularly Jos, Plateau State in Nigeria began to contend with the new dimension of degradation caused by crude oil exploitation.

The environment was not given any priority by the government of Nigeria until the 1988 toxic waste saga in Koko village, Delta State, Nigeria. The incident was the importation and dumping of about 4,000 tonnes of toxic waste from Italy by an Italian businessman. The toxic waste found its way into Nigeria in disguise as a road construction material and was kept in the compound of a local chief on a monthly rent of One hundred dollar (\$100). As at the time of the incident, Nigeria was under the military and there were neither legal framework nor institution saddled with the protection of the environment in Nigeria. There was no law also for environmental impact assessment of any economic project. The oil boom in the era generated massive funds which motivated the military government to embark upon series of unprecedented and grandiose construction projects aimed at modernizing the country. City topography was transformed with the construction of new multi-lane high ways and flyovers, bridges, hospitals, schools, universities, dams, factories, hotels, army barracks and office complexes. It was a welcome development but then at the cost of the environment as the administration did not appreciate the need for planning the use of lands for economic development, hence there was no impact assessment. Another effect of the oil boom on Nigeria is that it led to a shift from agriculture to dependence on crude oil money. Urbanisation made many people to relocate from the rural areas to the urban centres and the consequence was overpopulation of the urban centres without adequate facilities to cater for the new entrants.

Exploration and exploitation of crude oil unsustainably at the detriment of the environment propelled the agitation by the oil producing communities for environmental protection. The people of Ogoniland for instance, began their agitation for compensation for pollution and environmental damage caused by oil drilling and dilapidated pipeline infrastructure owned by Shell oil companies which caused oil spills. The struggle got to a climax in 1995 when nine activists led by the late Ken Saro-Wiwa were condemned to death and hanged by the military government of the late General Sanni Abacha for protesting against the devastation of the environment. The United Nations Environment Programme conducted an assessment of the environment and public health impacts of oil contamination in Ogoniland with over 4,000 samples collected from more than 200 sites and found severe contamination of the land. Areas which appeared unaffected at the surface were in reality contaminated underground. The report further shows that there were at least 10 communities where drinking water was contaminated with high levels of hydrocarbons, which threatened public health. There is no reprieve yet in Ogoniland. The people of Bodo, one of the communities in Ogoniland on Monday 1st June 2026 protested against the oil spills of their land caused by the operation of an oil company in 2008. According to the protesters, the oil spill of 2008 damaged mangrove forests and aquatic ecosystems in the Bodo Creek area resulting into polluted water ways, damaged farmlands, loss of livelihoods and worsening health conditions. The UNEP Report of 2011 on Ogoniland recommended emergency clean water provision and a long-time environmental restoration program. One unassailable fact about degradation in Nigeria is that the incident of oil pollution is not limited to Ogoniland but it occurs everywhere there is exploration and exploitation of minerals in Nigeria. Gas flaring, a concomitant of oil production is another source of pollution in Nigeria. Other challenges of the environment include erosion caused by solid mineral exploitation, deforestation, flooding, climate change and draught.

In Nigeria, the rainy season is usually a period of mixed blessings. Flooding is an annual disaster

across all the thirty-six States and the Federal Capital Territory, Abuja. The effect of flood disaster includes the monumental damage of farmlands that are washed away and the destruction of buildings and properties, displacement of people and loss of lives. Wildlife species of animals and plants are either in extinction or degraded because of the degradation of the environment. The forest lands are equally not spared as the sizes of many forests in Nigeria have been reduced because of human invasion. As part of the global community, there is intense global warming and climate change. Although, there is no earthquake or incident of severe tremor in Nigeria, the fact is that the lithosphere is overstressed and weak. The recent cases of building collapse and landslide in Nigeria are sufficient evidence of the symptom of an environment that demands reconstruction.

## II. SOURCES OF ENVIRONMENTAL DEFICIENCIES IN NIGERIA

The earth environment in Nigeria has lost its natural form and physique, and the task of safeguarding and restoration must begin with the identification of the sources of the grievous harm that portend ominous bleak future for the environment. The sources are:

### 2.1 Oil and Gas Exploration

Nigeria is the biggest Africa Oil producing country with proven crude oil and condensate reserves estimated at 37.01 billion barrel and gas reserves of 215.19 trillion cubic feet and the reserves life index at 59 years for oil and 85 years for gas. There are about 606 oil fields in the Niger-Delta area composed of 360 onshore and 246 offshore and over 300 flow stations linked by several kilometres of pipelines. Upstream petroleum activities in Nigeria include the clearing of land, discharge of toxic waste, pollution of land, air and water resources caused by oil spillage. Upstream operations involve drilling for oil and gas and bringing them to the surface. The process has severe environmental impacts on the environment such as destruction of wildlife habitats, pollution of the environment arising from the activities of oil thieves making illegal connections to oil pipelines ; destruction of marine living resources; disruption of

recreational activities; scarcity of drinkable water supply and triggering unemployment.

The mid-stream sector of the oil and gas industry in Nigeria is another source of environmental woe. Midstream operation involves the processing, storage and transportation of crude oil and natural gas. The sector is engaged in the establishment and construction of refineries and petrochemical production facilities. The storage terminals are where crude oil, condensates and refined petroleum products are stored, processed and distributed before arriving at the downstream sector while transportation includes the operation of pipelines and transportation of oil by roads and sea. Nigeria's gas reserve is rated as the ninth in the world since Nigeria's crude oil is light, gas flaring is estimated to have the capacity of emitting about 35 million tons of Carbon dioxide per year and about 12 million tons of methane within 48 hours. The activities of illegal refineries in the downstream sector in Nigeria make the fate of the environment precarious as the reckless and unregulated emission of methane can exacerbate the climate change crisis, harm community health and safety. Apart from the activities of the illegal refineries, modular and major refineries owned by the Nigerian National Petroleum Corporation Limited (NNPCL) and Dangote refinery should invest in Methane reduction technologies. The downstream oil sector is responsible for the distribution and marketing of refined crude oil and gas. The distribution of petroleum products is mostly by road transportation and pipeline. Distribution through pipeline makes theft by bunkering unavoidable. Apart from the theft of petroleum products by bunkering, pipelines are the major source of oil spillage caused by ruptured old pipelines or deliberate vandalisation by militants or agitators. There is also regular tanker explosion arising from road accident in the course of transportation of petroleum products from depot to the marketers. Every tanker explosion has always left behind gory sight and colossal loss of human lives and properties. In October 2024, more than 150 people were killed and more than 100 people hospitalized in one tanker explosion in Majia town, Jigawa State in northern Nigeria after an overturned fuel tanker exploded and roasted those who rushed in to collect spilled gasoline from the spot.

## 2.2 Solid Minerals Mining

Nigeria is endowed with over forty-four solid minerals tucked in the earth crust across the thirty-six States of the federation and the Federal Capital Territory, Abuja. Some of the minerals and locations are Bitumen (Lagos, Edo, Ondo, Ogun); Coal (Ondo, Enugu); Gold (Edo, Ebonyi, Kaduna, Niger, Osun, Oyo, Ekiti); Iron Ore (Benue, Anambra, Kogi, Enugu, Niger, Kwara, Delta); Lead and Zinc (Ebonyi, Benue, Cross River, Kano); Tin (Plateau, Bauchi); Gemstones (Plateau, Kaduna, Bauchi). The need to diversify the revenue sources in Nigeria has generated more focus into the solid mineral sector recently by the government. The sector before now was dominated by illegal activities of criminal gangs with the support of foreigners alleged of supplying them with weapons and ammunitions employed to cause insecurity in Nigeria. Illegal mining activities in Nigeria are the major cause of environmental degradation such as destruction of land and vegetation, erosion, destruction of wildlife, damage to the ecosystem and environmental pollution. It has also resulted in the depletion of soil nutrients, destruction of wildlife habitats, forced migration by wildlife, disruption of food chains, depletion of groundwater levels and generally biodiversity loss.

## 2.3 Improper Waste Management and Disposal

Improper Waste management and disposal remain a challenge to environmental health and hygiene in Nigeria. Wastes are indiscriminately disposed of along highways, streets, pathways, water bodies and drainage channels. The wastes range from plastic wastes, nylons, waste food, carcass of domestic animals, wrappers, cartons, discarded household items, human excreta and much more making the environment ugly with the noxious odours. The wastes are dumped either in the early hours of the morning or late at night by residents. Sometimes the wastes are carried by wind from one location to the other and during rainy season, the wastes found their way into water bodies or drainage channels. Improper waste management is made possible because of the failure of the authority to enforce the planning laws. Residential houses are built without provisions for waste disposal while the backside of many houses or a portion of the compound is used as refuse dumps. The effects of improper waste management are

obvious and these are seen in the outbreak of epidemic diseases such as cholera, diarrhea, Lassa fever and other form of water and airborne diseases. The refuse dumps are usually the breeding site for mosquitoes, the vector of malaria fever. Improper waste management and disposal result in the pollution of surface and underground water, hence there is scarcity of drinkable water in many communities.

#### 2.4 Deforestation

The massive deforestation of the forest lands in Nigeria has continued to affect the functioning of the forests as carbon sinks. Deforestation takes place predominantly in the lowland rainforest areas with array of timber resources in the southern states of Nigeria. Illegal lumbering of timber resources takes place in all the categories of forests namely forest reserves, free areas and conservation areas. Other causes of deforestation include conversion of forest lands into agricultural land, estate development, road and rail line construction, construction of educational institutions and worship centres. In the rural communities, gradual deforestation takes place daily by the felling of trees to produce charcoal or for cooking directly. Immediate impact of deforestation is the destruction of wildlife habitats and the destruction of soil nutrients.

#### 2.5 Harmful Methods of Farming

Farming is predominantly the occupation of the people in the rural villages and towns in Nigeria and this includes crop production, fishing and animal husbandry. In the production of both food and cash crops, the conservative method of farming such as clearing the bushes, felling of trees, setting the bush ablaze is still a common practice. Nigeria is one of the countries in Africa confronted with the challenge of food insecurity. According to report, about 35 million Nigerians are facing food insecurity caused by combined forces of rural-urban migration, overpopulation, conflict, draught, ecological disaster and displacement of people from their homelands. The consequence is the demand for food that is higher than the supply. The remnants that are still engaged in farming are constrained to embrace the use of organic fertilizers and chemicals such as herbicides and pesticides to enhance their yields.

Application of Agro chemicals yearly on the same piece of land makes the land acidic and dangerous for living organisms of the soil such as earthworm, algae, fungi, centipede, millipede, ants, insects and other micro-organisms and macro-organisms that inhabit and serve as the earth engine for optimal functioning of the land in crop production. Apart from this, surface and groundwater are polluted regularly by the chemicals especially during rainfall. Fish farmers are also culpable for dangerous fishing methods such as the use of chemicals and dynamites. Free range animal husbandry in Nigeria is one of the causes of soil degradation and water pollution in Nigeria. Apart from being a nuisance on the roads and environment through their open defecation, the mode of rearing makes every community prone to emissions of carbon, methane and nitrous oxide which are greenhouse gases causing global warming and climate change.

#### 2.6 Drilling of Boreholes and Wells

Nigeria is endowed with abundant water resources, and in Africa, Nigeria has the most freshwater but paradoxically, the people still don't have access to safe drinking water. The lack of access to safe drinking water and the fact that people have a desire to overcome every disease arising from unhygienic water source, the drilling of boreholes and wells for domestic use has continued to be a driving force for boreholes and wells in every household, schools, government offices and industries. In Nigeria, each State of the federation has an agency responsible for the supply of water but the existence of the agencies cannot be justified by the fact that only 67% of a population of over 230 million people have access to basic water services while nearly two out of three people consume water from polluted sources contaminated with pathogens or industrial effluents. In the oil producing areas of the Niger Delta region, there are some communities that rely only on rainwater supply which is harvested and stored throughout the year as oil pollution has made the water sources unfit for use. The reliance on boreholes and wells is a necessity driven by the urge not to hydrate, however, the environmental impacts of drilling boreholes and wells, though not prompt, includes the disturbance of the soil structure which may occasion the leaching of nearby water bodies;

precipitation of earth tremor, contamination of groundwater and the dropping of water tables

### III. ENVIRONMENT AND SOCIO-ECONOMIC DEVELOPMENT IN NIGERIA

Man is a lessee on the earth planet and his interest arising from the truth should be secondary to that of the environment. The environment is *primus inter pares*, hence the interest must be protected first for the realization of the goal of socio-economic development. The United Nations affirmed this at the UN Conference on the Human Environment to wit, 'the protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world. The Conference recommended principles that should guide man and the government in the task of preserving the environment. According to the Conference, 'Economic and Social Development is essential for ensuring a favourable living and working environment for man and for creating conditions necessary for the improvement of the quality of life. The world leaders in another Conference declared unequivocally that the issue of environment and economic and social development cannot be treated in isolation. The global community at the meeting was concerned not merely with socio-economic development but also with development that is sustainable in all ramifications in which the environment is at the top of the scale of preference. In order to achieve sustainable development and a higher quality of life for all people, the Conference agreed as a principle that States should reduce and eliminate unsustainable patterns of production and consumption and promote appropriate demographic policies.

Indices of social-economic development main focus are the human development and the state of social infrastructures and the indicators include variables such as, the real Gross Domestic Product per capita, the purchasing power, malnutrition level, access to safe water, literacy rate, state of social infrastructures, average life expectancy, political stability, share of agriculture in economy and wildlife diversity. Nigeria Gross Domestic Product (GDP) per capita as at 2024 was US\$1,084 compared with

some countries like Ghana US\$2,390; USA US\$84,534; UK US\$53,246; Qatar US\$76,688; Italy US\$40,385 South Africa US\$56,267. A comprehensive analysis of the indicators will lead to irresistible conclusion that there is a dire need for socio-economic development. For instance, there is a high rate of youth unemployment, a significant number of children in Nigeria and particularly in the northern States are out of school, there is shortage of drinkable water supply, the state of roads are generally deplorable while poverty can boldly be deciphered in the faces of majority of the people, malnutrition arising from food insecurity, lack of electricity supply in many communities and where there is electricity, it is not stable but at high cost. Terrorist activities such as kidnapping for ransom, banditry, and ritual killing and Boko Haram insurgency are all the drivers of food insecurity in Nigeria. Other drivers of food insecurity include climate change, overpopulation and draught.

The basis for these indicators is purely the unsustainable harnessing of the resources of the environment. Nigeria, as stated earlier, has the largest water bodies in Africa and paradoxically there is scarcity of drinkable water supply because of pollution of both surface and ground water. The deplorable state of the roads in many parts of the country is largely because of neglecting the need for environmental impact assessment at the time of construction of the roads. Environmental factors often neglected include water management to prevent erosion; reduction of flooding through proper drainage design that prevents erosion and protects wetlands; soil stabilization; minimizing stream crossings and bridges which protects water quality; habitat protection through provision of culverts which allow small animals and fish to cross without blocking embankment and the use of native plants to stabilize embankment. Road failures and surface erosion can exert a tremendous impact on natural resources and can cause serious economic loss. On food security, environmental protection through the conservation and sustainable use of land, prevention of human activities causing erosion and flooding and combating insecurity are measures that can guarantee food security. Environmental protection is the sure insurance for healthy living. Environmental pollution

caused by the use of agro-chemicals such as, pesticides and herbicides in farming and fishing, indiscriminate waste disposal and poor management of wastes are issues that should be tackled urgently.

The environment must be given adequate consideration in every planning for economic development. The government as trustee of land must take proper step to ensure proper planning of the use of land in order to ensure that projects are properly sited without obstructing natural flow of waters. The natural resources of the environment are for development and their exploration and exploitation must not endanger the health of the environment.

#### IV. ENVIRONMENTAL RECONSTRUCTION IN NIGERIA

Reconstruction is the process of rebuilding, recreating or reorganizing something. Environmental reconstruction is defined as the deliberate process of assisting degraded ecosystem to regain their health, biodiversity and essential services for a flourishing planet. It is the active and deliberate process of assisting damaged or destroyed natural places to regain their health and vitality. Generally, it is the act or process of rebuilding, recreating or reorganizing the environment. Environmental reconstruction in Nigeria is an imperative task to recover the environment from its debilitating state. The health status of the environment is not opaque or latent but visible from the cumulative symptoms of unsustainable exploitation of solid mineral resources at the advent of the colonial powers in Nigeria. The health status of the environment became complicated with the exploration, exploitation of and refining of crude oil and gas. The degree of apathy for the environment by the global community which made environmental issues to be relegated to the background until the '1972 United Nations Stockholm Conference on the Environment and the Earth' is the same in Nigeria until 1988 when large consignment of toxic waste from Italy was dumped on the Koko village of Delta State by an Italian businessman. The impact of exploitation of Tin ore in Plateau State over a century is still visible. The exploitation of coal in Enugu; oil spills causing environmental pollution in the oil producing Niger-

Delta area of Nigeria and particularly the Ogoniland in Rivers State; massive deforestation, lack of planning for land use, are among other factors that have affected the health status of the environment in Nigeria.

In 2024, flooding submerged over 70% of land area of Maiduguri, the capital of Borno State in the northeast with about 419,000 displaced from their houses in addition to the destruction of properties and farmlands washed away. Flooding in 2024 caused massive displacement of people from their homes in many States such as Bayelsa, Kogi, Lagos, Sokoto, Benue, Niger etc. In Nigeria, what the environment needs is not protection but strategic reconstruction. There is massive deforestation of forest lands especially in the southern States with rain and mangrove forests because of unregulated lumbering, illegal mining activities and activities of terrorists that have turned the forests to their operational headquarters. Wastes are daily improperly managed and disposed in manners detrimental to environmental hygiene and safety of the environment. Wildlife species are substantially degraded or forced into extinction; water bodies continue to shrink; erosion reduces available lands for farming and residential buildings; scarcity of safe drinking water are in all towns, communities and cities.

In 2005, Nigeria developed the 'National Economic Empowerment and Development Strategy (NEEDS) and recommended inter-alia 'the maintenance of the environment as part of the key strategies for economic empowerment'. The Report observed among other issues that development has proceeded with no regard for waste management or pollution control as cities have inadequate systems for the safe disposal and treatment of wastes; deforestation followed by erosion and desertification; threat to mangrove habitats from exploitation of timbers, oil spills and gas flaring. The situation as observed after twenty years of the report has not changed but rather sordid and there is no reprieve despite annual pledge by the government to tackle the challenge. The United Nations Environment Programme (UNEP) gave Nigeria the mandate of up till 2023 to complete the cleanup of Ogoniland and specifically shoreline

remediation and the restoration of mangrove areas destroyed. The cleanup project which is handled by the Hydrocarbon Pollution Remediation Project (HYPREP) is an example of reconstruction required to stabilize the environment in Nigeria. The project is not limited to cleanup of lands and water bodies devastated by oil spills but it includes, construction of water facilities to provide portable water to communities, power project construction at substations, public health interventions such as construction of hospitals, provision of jobs for youths and women, scholarship awards and empowerment programmes. The remediation programme in Ogoniland should be replicated for the restoration of the environment already degraded by the various sources of deficiencies. The following measures are recommended for effective reconstruction of the environment:

#### 4.1 Poverty Alleviation

Poverty is a powerful driver of anthropogenic source of environmental degradation. As observed during the 1992 United Nations Conference on Environment and Development (Earth Conference) in Rio de Janeiro:

All States and all people shall cooperate in the essential task of eradicating poverty as an indispensable requirement for sustainable development, in order to decrease the disparities in standards of living and better meet the needs of the majority of the people of the world.

Poverty in Nigeria has many strands and must be addressed holistically and contemporaneously. The drivers of poverty in Nigeria includes youth unemployment, low income, insecurity, over-bloated family size, cultural and religious values, corruption and poor government policies. The cost of living in Nigeria makes it difficult for people to meet the basic needs of life. Illegal felling of trees that is common in Nigeria is propelled by graduate unemployment, need to produce charcoal and firewood for cooking. The cost of cooking gas as at the time of this study in Nigeria is two thousand Naira (N2, 000) per kilogram in a country where the minimum wage is Seventy Thousand naira (N70,000:00) which is an equivalent of (US\$50). The use of kerosene stove is no longer

fashionable as the cost of kerosene is equally high. Electricity supply in Nigeria is not available in many communities and where it is available, it is epileptic and not regular. Absence of electricity supply has rendered many small scale retailers and artisan jobless, hence the compounding nature of poverty. In the rural communities and even in some towns and cities, firewood and charcoal are the energy source for cooking. The effect of the use of firewood and charcoal is obvious for propelling deforestation. The government must provide alternative source of energy in order to dissuade the use of charcoal and firewood. The measures will include subsidizing the cost of cooking gas, kerosene and electricity. Agriculture can lift up the people out of poverty but the government must effectively ensure adequate security of lives and property. In Nigeria, terrorists have made farming a dangerous occupation because of the senseless kidnapping and murder of people in both the rural and urban communities. People who should provide food for subsistence and commercial purpose like the people of Benue State are now living in Internally Displaced People's (ID) camps where they relied on government for survival.

#### 4.2 Law Reform

The environment in Nigeria before 1988 as previously stated did not receive adequate regulatory attention from the government until the discovery of the toxic waste from Italy dumped in the Koko village of Delta State, one of the oil producing States in Nigeria. The federal military government took the first legislative initiative by enacting in June 1988 the decree, which prohibits the carrying, depositing and dumping of harmful waste on any land or territorial waters of Nigeria. Although the response was prompt, it was like putting the cart before the horse, as there was no institution saddled with the responsibility of environmental protection. The administrative lapse was recognized immediately and in December 1988, the Federal Environmental Protection Agency Decree number 58 was enacted and it provided for the establishment of the first federal agency saddled with the responsibility of environmental protection in Nigeria. The Agency existed until 2007 when the enabling law was repealed and replaced with the National Environmental Standards and Regulation

Enforcement Agency Act 2007 which provides for a new agency known as National Environmental Standards and Regulation Enforcement Agency. The Agency since inception has taken progressive steps by initiating other legal instruments and subsidiary legislations to cover other fields of environment that were not considered previously.

The Environmental Impact Assessment (EIA) Act was promulgated in 1992. In 1995, the Nuclear Safety and Radiation Protection Act was also enacted among others. Other legislative interventions include the Oil in Navigable Waters Act; Sea Fisheries Act; Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Ratification and Enforcement) Act; Water Resources Act; the Endangered Species Act. These laws and others not mentioned are due for reform because of the inadequate sanctions contained in them and the absence of provision for the new dimension of environmental hazards not yet covered by the extant laws. Environmental issues were not mentioned in the previous Constitution of Nigeria until in the 1999 Constitution, and even at that, the 1999 Constitution recognizes and makes a terse reference to the environment under the Fundamental Objectives and Directive Principles of State Policy in Chapter II, which is not justiciable. Environmental issue should be substantive matter in the Constitution to ensure adequate protection of the environment

#### 4.3 Enactment of Law on Ecocide

In Nigeria, the spate of assault against the environment and the resources is dastard and, unless decisive action is taken to abate the trend, the environment may in the nearest future become hostile for habitation not only for man but for all other living resources. Already, wildlife species of animals and plants are gradually going into extinction because of the reckless manner in which they are being harvested for economic reason. Nigeria should join the train of nations agitating for international criminalization of ecocide. Ecocide is unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe widespread or long term damage to the environment being caused by those acts. Acts of ecocide in Nigeria include the

deliberate destruction of the environment by setting the forest lands ablaze during the process of farming, the use of dangerous herbicides and pesticides for farming and fishing, hunting of wildlife and lumbering, illegal exploitation of solid minerals, occupation of the forest lands by terrorists, gas flaring, pollution of the environment during the process of exploration and exploitation for crude oil, and the conversion of forest lands to construction sites. Nigeria should develop her own version of ecocide law while existing legal instruments prohibiting the various forms of assault on the environment should be enforced.

#### 4.4 Enforcement of Planning Laws

The greatest challenge of the environment in Nigeria is the lack of adequate planning of land use and the absence of enforcement of planning laws. Physical planning is not a luxury but a necessity to ensure effective land use and development control in a way that enhances the quality of life. Planning laws ensure that lands in the society are put to appropriate use and they dictate the types, standards and specifications of structures in different locations of both the urban and rural communities. Planning laws are usually not obeyed especially in the rural communities and in the urban cities. Planning laws are only obeyed in new sites, hence, the need for urban renewal and regeneration. Environmental disasters such as building collapse, erosion, flooding are the consequences of non-compliance with planning laws. Reconstruction of the environment should begin with the enforcement of planning laws in all the villages, towns and cities in order to attack the root of environmental hazards in Nigeria. Enforcement of planning laws will ensure that no building is erected without the approved survey and building plan. This will check the menace of building on flood plane and the blocking of drainage channels. Planning will also facilitate easy waste management and disposal.

#### 4.5 Reforestation and Tree-Planting Exercise

Reforestation is a strategy of reconstruction to reverse the trend of deforestation that has aggravated the loss of habitat and destruction of biodiversity and the ecosystem. As the forest is the source of timber for the processing of planks for construction, the government should evolve a policy mandatorily

requiring a prospective harvester to plant at least a minimum of five seedlings for each trunk of tree fell. This will reduce the pressure on primary and old-growth forests. Seedlings of economic trees should be made available to all citizens at no cost for planting annually. As the forests serve as carbon sink, this will help to promote the functioning of the forest by absorbing pollutants. Owners of residential buildings as well as commercial premises and institutions should be mandated to plant trees within their compounds. Extant laws prohibiting illegal felling of trees should be enforced while additional legal provisions should be developed to give value to standing forests. The existing tree planting program in Nigeria should be fortified by the federal government by designating a day annually for tree planting nation wide.

#### 4.6 Provision of Safe Drinkable Water

Nigeria has abundant water resources made up of about 215 billion cubic metres of surface water and 87 cubic metres of groundwater resources, however, it is one of the countries of the world faced with acute shortage of safe drinking water. The water sector is reported by the World Bank in 2021 to be in a state of emergency with approximately 60 million Nigerians lacking access to basic drinking water services. In many of the thirty-six States of the federation, supply of pipe-borne water is only available at the State capitals and to selected area and class of people on irregular basis. It was reported in 2024 that 179 million Nigerians out of a population of 230 million people lack access to portable water supply. The sordid state of water supply makes it imperative for the citizens to rely on wells and boreholes for hygienic water supply. It is noteworthy that in many of the rural communities, the rural dwellers still rely on polluted streams and hand-dug wells for drinkable water while in the riverine area affected by oil pollution, the only source of safe drinkable water is rainwater harvested during rainy season. The reconstruction process for safe drinkable water supply in lieu of water from individual boreholes and wells is the construction of new dams by both the federal and State governments. The dams will meet the water needs of the populace and thereby take over the task of individual water supply by households.

#### 4.7 Prevention and Control of Erosion and Flooding

Flooding is a natural disaster and at the same time a disaster facilitated by human activities in Nigeria. Flooding has continued to wreak havoc annually especially during the rainy season in many of the States in the federation. The impacts of flooding include the destruction of lives and properties, displacement of people from their homes, destruction of houses and farmlands; and the destruction of aquatic living resources, and the damage to social infrastructures such as electricity and road networks. The catastrophic effect is animated by non-compliance with planning laws by the owners of residential and commercial buildings and on the part of the government by the inadequate or non-enforcement of planning laws. To stem the tide of the tragic effect of erosion, the therapy is the enforcement of the planning laws both in the rural and urban cities. The focus should shift from curative to preventive and precautionary approach.

Erosion in all dimensions is the aftermath of unsustainable economic activity of man such as mineral exploitation, poorly constructed road network and the impact of warfare strategies of digging tunnel especially during the Nigeria civil war in the southeastern part of Nigeria. Erosion in Nigeria has deprived the people of the affected area of land space for farming, access roads and space for building either for residential or commercial purposes. It endangers humanity, plants and animals. Reconstruction of the environment to reduce the land space affected by erosion demands a decisive action of reclamation and sand-filling of the affected locations especially the land areas affected by solid mineral exploitation. The government should prevent the construction of buildings in locations beside the sea level especially in the coastal and riverine States.

### V. CONCLUSION AND RECOMMENDATIONS

The environment in Nigeria has been degraded beyond the scope of the argument for protection. The environment must be salvaged and this is a task for the moment and not for the future and also the collaboration of the people and the government. Conservation, protection and the restoration of the

health and integrity of the earth and its ecosystem are major tasks of reconstruction but with differentiated responsibilities for the government and the people. The fulcrum of the challenges of the environment in Nigeria is the lack of planning of land use. This is followed by lack of education on environmental matters. Environmental issues should be incorporated in the curriculum of all levels of formal education in Nigeria in order to promote respect for the environment. Enforcement of regulations is hampered by weak institutions. The institutions must be strengthened while the government should declare a state of emergency on the environment in Nigeria in order to stabilize the environment for the task of sustainable development. Also, crucial is the need to employ the preventive and precautionary strategy towards environmental issues.

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