



LAW AND THE ENVIRONMENT

MAINSTREAMING CLIMATE SMART PRINCIPLES AND PRACTICES AMONG FAITH BASED COMMUNITIES IN NIGERIA¹

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Abstract

There was a Papal encyclical of 16 June 2015 entitled *Laudato Si* focused on the care of our common home-the Planet Earth. The content of the said scriptural verses underscored the relationship of God, man and the environment. Significantly, it should be obvious that any act of man that changes the course of God's ordained purpose for the environment should therefore be of concern to Faith Based Organizations. This, presumably, must have informed the declaration of Pope Francis. The paper therefore weighs the inter-relatedness of the trilogy of ecological economics and education; simplicity; and concomitant spirituality as well as a call for divestment from oil, gas and coal, in preference for other and alternative power source. The author argued logically that if it is accepted that the environment is the main forte and natural refuge for man, then the sustenance and protection of the same environment must *ipso facto* be seen as the fundamental right of man. Consequent on the above, the paper by diverse reasoning concluded with respect to the Nigerian constitution 1999 that the creation of novel section in Chapter 4, invoking the rights, duties and obligations of the citizens in relation to the environment.

Keywords: Laudato Si, Planet earth, environment, rights, duties

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1. Introduction

On the 16 of June 2015, Pope Francis² released a Papal Encyclical, titled *Laudato Si* on the care of our common home-the Planet Earth. The Papal Encyclical was addressed to everyone on the Planet as well as calling for a global dialogue and action on the shaping of the future through our daily activities.³

Although the main message of the encyclical was centred on care for our natural environment, the encyclical also interrogated the relationship between God, humans and the Earth in a septuple,⁴ which for our present purposes, can be recast to the trilogy of Ecological Economics and Education; Simplicity; and Spirituality that resonate well with the “Cry of the Poor for the Involvement of all in the Remediation and Sustenance of our earthly Environment.” We must say, at once, that this clarion call is in consonance with the scriptures which, in relation to creation, provides in the Book of Genesis that:

...And God said, let us make man in our image, after our likeness; and let them have dominion over the fish of the sea, and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth. So God created man in his own image, in the image of God created he him; male and female created he them. And God blessed them, and God said unto them, Be fruitful and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea, and over the fowl of the air, and over every living thing that moveth upon the earth. And God said, Behold I have given you every herb bearing seed, which is upon the face of all the earth, and every tree, in the which, is the fruit of a tree yielding seed: to you it shall be for meat. And every beast of the earth, and to every fowl of the earth, and everything that creepeth upon the earth, wherein there is life, I have given every green herb for meat, and it was so. And God saw everything that he had made, and behold, it was good. And the evening and the morning were the sixth day.

If the above scriptural verses underscore the relationship of God, man and the environment, any act of man that changes the course of God’s ordained purpose for the environment is

² Jorge Mario Bergoglio (17/12/1936: Argentine); Pope and head of the Catholic Church, Bishop of Rome and sovereign of the Vatican City State.

³ *Laudato Si* (Praised Be) were the opening words of St. Francis of Assisi’s *Canticle of Creatures*, 1224 AD; rekindled in *Canticle of [the] Sun – creation*, 1225 AD.

⁴ *The Cry of the Earth; The Cry of the Poor; Ecological Economics; Ecological Education; Ecological Simplicity; Simple lifestyle; and Community Involvement and Participation.*

therefore of concern to Faith Based Organizations.⁵ This, presumably, must have informed the declaration of Pope Francis.

At the first anniversary of this Encyclical, Pope Francis declared that the Catholic Church perceives and construes climate change as a serious moral issue that has to be addressed to protect the Earth and its inhabitants. Flowing from the encyclical, Christiana Figueres,⁶ maintained that the Papal encyclical provide a clear moral imperative for taking climate action, supported by the Paris Climate Change Agreement, and backed by the Seventeen Sustainable Development Goals. She added that one year on, faith groups need to continue the valuable work to ensure that words are turned into action, at the speed and scale required to lift the world's most vulnerable populations out of poverty, in order to catalyse sustainable development and to realize the Paris Agreement vision of a safe world.

The fire ignited by the *Laudata Si* Encyclical has rapidly spread across the world. In a sequence, there emerged other dominant authorities such as: the Four Australian Catholic Organizations who announced their divestment from oil, gas and coal; Anglican Bishops and other religious leaders, including Muslim Clerics and Jewish Rabbis, who have navigated out of the polluting fossil fuels into cleaner energies. The raging diversion and exclusion from fossil fuels has operated to provide the moral compass in achieving a safer and cleaner environment.

Eighteen years after,⁷ the Catholic Caristas Foundation of Nigeria, has not only picked up the gauntlet, but is also consolidating and extending the frontiers of environmental management into such areas as:

- i. Alternative Energy Source and Clean Energy;⁸
- ii. Alternative Refuse Management Strategies;⁹
- iii. Clean Water Access and Water Sanitation and Hygiene;¹⁰
- iv. Climate Smart Principles and Practices;¹¹
- v. Ecological Justice and the Niger Delta;¹²

⁵ [Hereafter, FBO]

⁶ Executive Secretary of the United Nations Framework Convention on Climate Change

⁷ That is, between 2005 and 2023

⁸ That is, generating systems that do not pollute the environment.

⁹ Particularly, recycling of refuse to generate power

¹⁰ The WASH campaign by the WHO has been particularly useful. Diarrheal deaths were in the MDG goal period of 1990 and 2015 reduced by half. See WHO <<https://www.who.int>>

¹¹ The SMART acronym represents Specific, Measurable, Attainable, Relevant and Time-based measures. Such measures in practice would include Education, Climate Smart Agriculture, Climate Smart Mitigation Activities, etcetera, in Nigeria, Climate Smart agriculture promotes efficient water management practices, including Rain Water Harvesting, Drip Irrigation, and Mulching. See <https://eerce.org>

- vi. Environmental Waste Energy Pollution;¹³
- vii. Environmental Waste Management Policies;¹⁴
- viii. Fossil-Fuel Pollution and Net-Zero Carbon Emission;¹⁵
- ix. Indigenous Waste Management Methods;¹⁶
- x. International Treaties and Protocols on Environmental Protection;¹⁷
- xi. Knowledge, Attitude and Practices (KAP) of Environmental Protection;¹⁸
- xii. *Laudato Si* and Environmental Management;¹⁹
- xiii. Management of Biodiversity;²⁰
- xiv. Theological Underpinnings of the *Laudato Si*; and²¹
- xv. Urban Development and Environmental Management²².

Due to length restraint, the investigation shall only reference the adumbrated items whenever, it is possible.

2. The Nature and scope of the interaction between Man and the Environment

The natural environment as opposed to the man-made environment is ‘the surroundings or conditions in which a person or animal or plant lives or operates.’ It is the sum total of all the living and non-living elements and their effect that influence human life. It includes the biotic²³ and abiotic,²⁴ both of which are components of the environment that constantly interact in harmony. The major environment systems are the atmosphere (air), biosphere (living organisms), hydrosphere (water), cryosphere (ice), pedosphere (soil), and lithosphere

¹² Conflicts in the Niger Delta rose sharply in the 1990s resulting from deteriorating environmental conditions for local inhabitants stemming from major oil spills and other petroleum extraction activities of foreign big oil companies and other contractors. See <https://en.wikipedia.org>

¹³ Whereas waste incineration is a form of recycling, the process of creating energy, in the form of electricity from such incineration, produces emissions in the form of acid gases, dioxins and heavy metals to the air!

¹⁴ S. 20 of the Constitution provide for Environmental Objectives under the Fundamental Objectives and Directive Principles of State Policy. Pursuant to the mandate of this provision, there are waste management policies, indeed, Acts of the National Assembly, Laws of State Houses of Assembly and even bye-laws of the Local Government Legislative Councils on waste management.

¹⁵ Carbon emissions stem from the burning of fossil fuels and also the manufacturing of cement, and include carbon dioxide produced during consumption of solid, liquid and gas fuels, as well as gas flaring. See <https://ec.europa.eu>

¹⁶ The careful selection or segregation and sorting, selective burning, burying, composing and conversion of wastes are indigenous practices that require that support of the SMART principles.

¹⁷ These are referenced at some length later in this work.

¹⁸ Environmental sanitation includes generally the provision of facilities and services for the safe disposal of waste, the maintenance of hygienic conditions and the prevention of diseases. See <https://scirp.org>

¹⁹ Major basis and *Raison D'tre* of this paper

²⁰ This is basically the protection and management of biodiversity to obtain resources for sustainable development, particularly in the areas of preserving the diversity of species, sustainable utilization of species and the ecosystem. See <https://byjus.com>

²¹ The contributions of Faith Based Organizations are a major thrust of the recommendations herein.

²² Urbanization not only destroys and fragments habitats but also alters the environment itself. Deforestation and fragmentation of forest lands lead to the degradation and loss of forests interior habitat as well as creating forest edge habitat. See <https://www.fs.usda.gov>

²³ That is living organisms.

²⁴ That is physical rather than biological things.

(rock).²⁵ All the systems theories agree that the environment is the basic life support system for all living beings. It provides the air to breathe, water to drink, food to consume and land for life.²⁶

The natural or biological or ecological environment, according to Fatubarin and Alabi,²⁷ means the surrounding of an organism in the place where he lives, the components of the localities in which living things (plants, animals, microbes and human beings) are found and with which these living things interact and through such interactions, sustain their life...It includes such things as air, water, soil, light, temperature and the living things...[as well as] geographical location, climatic conditions and the terrain, which is the topography. As the biological environment, it is the portion of the earth where all activities essential to life take place...It has been in the planet Earth before humankind...It can be assumed that this is the environment the Almighty God put in place during the six days of creation before he rested on the seventh day.²⁸This natural environment provides for living organisms certain necessities of life which include the following: Sunlight, Rainfall, Temperature, air, Water, Land, Soils, Rocks, Minerals, Plants and Animals.²⁹

But this biosphere is in perilous state and dire straits because of the activities and inactivity of man. Science and technology have taken man to space. Man has learnt about the stars and the deep oceans but has not cared to converse his backyard farm and garden. Land hitherto useful has been desecrated, polluted and destroyed by man without considering the environment and biodiversity³⁰. Trees are felled indiscriminately, animals poached without protection, sites and reserves devastated...³¹ Thus, Usoro reached the conclusion that the principal threat to man comes from man who disregards the endowments of nature from which he makes a living and lives a good life.³²

²⁵ The Environment System, in a Dictionary of Environment and Conservation, Oxford
<Reference:oxfordreference.com > see also <<https://www.oxfordreference.com>> accessed on 16/05/24

²⁶ See BYJU'S Questions-Answers <<https://byjus.com>>

²⁷ A. Fatubarin and D.O. Alabi, "Religion and Environment: Evaluating the Role of Religions in the Nigerian Environment", *Journal of Humanities and Social Science (IOSR-JOHSS)*, Vol. 19, Issue 10, Ver.IX (Oct.2014),Pp. 01-08

²⁸ Genesis 1:3 – 31, Holy Bible

²⁹ Ref. Fn 22 and 23.

³⁰ F.R. Kim and R.D. Weaver (eds), *Biodiversity and Landscapes: A Paradox of Humanity*, Cambridge University Press, 1994, 12

³¹ M. Chorom, "Bioremediation of Crude Oil Polluted Soil by Application of Fertilizers", *Iran Journal of Environmental Health, Science and Engineering*, (2010) 7 (4) 319 -326

³² E. Usoro, "Environmental Management and Conservation" in I.A. Ikhuoria (ed.) *Cartography and Rural Development in Nigeria*, Nigerian Cartographic Association, Woodwell, 1994, 24

Pollution appears to be the behemoth in this matter of environmental degradation. Pollution generally, is the “undesirable change in the physical, chemical or biological characteristics of air, land and water that may or will harmfully affect human life or that of other desirable species, industrial processes, living conditions and cultural assets.”³³

While “man can live for weeks without food, a few days without water, he can only live for few minutes without air... [thus] human beings cannot avoid breathing air, regardless of its impurity or source.”³⁴ Yet man ceaselessly pollutes the air through transportation, fuel combustion, wild fires (including bush burning), etc.

It is not only air and the natural environment that humans pollute. Noise pollution is often ignored but it is also very harmful to man. In *How to be a Nigerian*, Peter Enahoro, wrote that:

In the beginning, God created the universe, then he created the moon, the stars, and the wild beasts of the forests. On the sixth day, He created Nigerians and there was peace. But on the seventh day, while God rested, Nigerians invented noise...³⁵

Foul air constitutes stench to the nose, so also excessive noise constitute damage to the ear. This comes from traffic congestion, occasioning vehicle horn, operation of religious institutions, music shops, record sellers, music from neighbourhood, weekend parties, sirens, eruptions from drug sellers, etc. The effects of noise can also be very dangerous to human health. Sound decibels can even harm the foetus in the womb and lead to congenital disability. It can increase the heartbeat of adults and result in palpitations and spasmodic attacks, etcetera.³⁶

There is also water pollution, which is when water is unfit for ordinary use, or its desired use. Water is often polluted through wastes from industrialization and mining operations, domestic wastes, urban slums, oil spills, etc. Like other pollutions, the consequences are also dire, and sometimes, ghastly. Polluted water imperils the flora and fauna, and also precipitates such life-threatening diseases as typhoid fever, dysentery, cholera, and etcetera.³⁷

³³ U.D Ukom, *An Introduction to Nigerian Environmental Law*, Malthouse Press, Lagos, 2010, 38.

³⁴ *Ibid*

³⁵ “How to be a Nigerian,” *The Daily Times, Lagos*, 1966, P.14 quoting U.D. Ikoni, *An Introduction to Nigerian Environmental Law*, Malthouse Press, Lagos, 2010, P.33

³⁶ *Ibid*

³⁷ G.T. Miller, Jr. *Living in the Environment: Concepts, Problems and Alternatives*. Wadsworth Publishers, Belmont, California, 1975, P. 277

If, therefore, the environment is this important, why is man treating it so whimsically and issues that affect it so lackadaisically? Before Pope Francis wrote to the whole world in 2015, Chief Obafemi Awolowo³⁸ had told Nigerians during the electioneering campaigns towards the 1979 general elections that if he became the President of Nigeria, he would stop the flaring of natural gas into the atmosphere because of its negative effects on Nigerians and the Nigerian economy³⁹. It is now over 45 years, and, of course, the Chief did not become President. He who became President⁴⁰ and those that have been Presidents since then⁴¹ did not prioritize this socio-economic necessity. So, the volume of natural gas being flared and the quantum of monetary loss have simply increased alongside increased production.

Furthermore, Messrs. Olawuyi and Olaniyan, are of the view that Nigeria holds the unenviable record as one of the world's highest gas flaring countries in the world. Figuratively, that of the estimated 226.255 Billion Standard Cubic Feet (SCF) of gas produced monthly, 39.070 SCF or 18% is wasted via flaring, which is equal to 25% of the natural gas consumed by the United Kingdom and 40% of that of the entire African continent. In fact, in monetary terms, Nigeria loses an average of \$170.166 million⁴² to gas flaring monthly.⁴³ Corroborating the assertions, Aghalino, added that in Africa, Nigeria's flared gas account for over 75% of that of the entire continent.⁴⁴

Olawuyi and Olaniyan were not only concerned with the economic losses to Nigeria but also the dire effects on Nigerians and the Nigerian environment. The devastating impacts of oil pollution on its victims cannot be underestimated.⁴⁵ 'Severe impacts such as contamination of drinkable water; loss of life, degradation of the environment, pollution of the marine environment, loss of business profits, loss of property, loss of fertile land, release of toxic wastes into the rivers and stream, death of aquatic animals, epidemic cholera, and other serious human health challenges are some of grave negative consequences of oil pollution.'⁴⁶

³⁸ Nigerian Nationalist and Statesman (1909 – 1987)

³⁹ He gave the undertaking when he visited Kwale, (Ndokwa, in the defunct Bendel State) in 1978 while campaigning for the 1979 elections.

⁴⁰ His Excellency, Alh. Shehu Shagari became President (1979 – 1983).

⁴¹ Nigeria has since then had 5 Heads of State and 5 elected Presidents.

⁴² Naira has since drastically fallen against the USD.

⁴³ D.S. Olawuyi and A.J. Olaniyan, "Oil Industry Pollution in Nigeria" in *Laws on Oil and Gas Exploration and Production in Nigeria*, M.C. Ogwezzy (ed), Princeton and Associates Publishers, Ikeja, 2020, P. 449

⁴⁴ S.O. Aghalino, "Gas Flaring, Environmental Protection and Abatement Measures in Nigeria: 1969 - 2001", [2009](11)(4)*JSDA* at 219 220.

⁴⁵ Olawuyi & Olaniyan, *supra*, at P. 448

⁴⁶ D. Olawuyi. 'Legal and Sustainable Development Impacts of Major Oil Spills'. [2013] (9) (1) *Journal of Sustainable Development* (Columba University) 1

They occur from on and off shore exploration, extraction, refining, distribution, and terminal activities.⁴⁷

The continuous burning of natural gas releases carbon dioxide (CO₂), methane (CH₄), and other harmful pollutants into the atmosphere. This not only contributes to climate change but is also harmful to local ecosystems, air quality, and water sources. The Niger Delta with its rich biodiversity and fragile ecosystems cannot afford to bear the brunt of this environmental degradation any longer.

3. Legal and Logistic Aspects of Environmental Management in Nigeria

The need to invoke and apply law on the activities of man on the environment and as part of government's environmental management strategies, in regulating the life of man as well as concomitant relationship with the environment cannot be over-emphasised.

3.1 Legal Framework

Environmental law has been developed to regulate man's activities in and relationship with the environment. Indeed, Environmental Law is the collection of laws, regulations, agreements and common law that govern how humans interact with their environment. It can also be seen as the principles, policies, directives and regulations enacted and enforced by local, national and international entities to regulate human treatment of the non-human world.⁴⁸

The legal framework for the control of oil pollution in Nigeria is a complex and multifaceted issue that involve various enactments, regulations, and international treaties. The activities of the oil industry in Nigeria, though a major contributor to the national economic power has been identified as one of the major sources of environmental pollution in Nigeria. There are consequently many and varied legislations supported by diverse institutional regulatory agencies aimed at regulating the multifarious fallouts associated with the exploitation and exploration of oil in Nigeria. The process of exploration and exploitation, and other process of handling, transporting and storage of oil have as a matter of fact resulted in oil pollution. Consequently, there is the Petroleum Act, which laid the basic legal foundation for oil prospection and exploration.

⁴⁷ J.N. Nwankwo and D.O. Irechukwu, "Problem of Environmental Pollution and Control in the Nigerian Petroleum Industry", *The Petroleum Industry and the Nigerian Environment*, Lagos, 1983, P. 102

⁴⁸ I. Celia, "Sustainable Environment Law in United States of America," *Journal of Environmental Science and Natural Resources*, (2015); 4 (4) 12 – 30

Beside the above, there are other dominant legal and institutional frameworks employed by government to regulate management of the environment in Nigeria. They include some of the following:

- I. Oil in Navigable Waters Act.⁴⁹ This was enacted to implement the terms of the International Convention for the Prevention of Pollution of the Sea by Oil, 1954 – 1962 and to make provisions for such prevention in the navigable waters of Nigeria. It was geared towards the mitigation and amelioration of coastal pollution in Nigeria.
- II. Harmful Waste (Special Criminal Provisions, etc.) Act, 1988.⁵⁰ This Act criminalizes certain activities in the oil industry which may result in pollution. These include dumping, depositing or causing to be carried, deposited or dumped or being in possession of any harmful waste. Under the Act, harmful wastes include any injurious, poisonous, toxic or noxious substance and in particular, includes nuclear wastes emitting radioactive substance if the waste is of such quantity, whether with or without other consignment of the same or different substance, as to subject any person to the risk of death, fatal injury or incurable impairment or physical or mental health.
- III. Environmental Impact Assessment Decree No. 85 of 1992.⁵¹ This Act sets out the general principles, procedures and methods to enable the prior consideration of environmental impact assessment on certain public or private projects. There are also the National Environmental Standards and Regulation Act, No. 25 of 2007; and the National Oil Spill Detection and Response Agency (Establishment) Act, 2006.
- IV. Niger Delta Development Commission (NDDC) Act.⁵² This Act mandates the Commission to tackle ecological and environmental problems arising from the exploration of oil mineral in the Niger Delta, and advise the Federal Government and the NDDC States on the promotion and control of oil spillages, gas flaring, and environmental pollution. S.30 of the Act provides that the NDDC States provides that

⁴⁹ Cap 337, LFN, 1990 [LN 34 of 1968]

⁵⁰ Cap H1, LFN2004.

⁵¹ Now cap E12, LFN. 2004.

⁵² Cap 68, LFN 2004

the NDDC States are: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, Rivers and any other oil producing State.⁵³

V. Federal Environmental Protection Agency Act. The creation of the Federal Environmental Protection Agency (FEPA) by Decree 58 of 1988 set FEPA as the sole body charged with the responsibility of protecting the environment. The decree gave the agency broad enforcement powers to act, even without warrants, in bringing violators to book. They have the power to gain entry, inspect, seize, and arrest with stiff penalties of a fine and or jail term on whoever obstructs the enforcement officers in the discharge of their duties or make false declaration of compliance. The FEPA Decree prohibits the ‘discharge in such harmful quantities of any hazardous substance into the air, or upon land and the waters of Nigeria or at the joining shorelines except where such discharge is permitted or authorized under any law in Nigeria. However, an owner or operator is exempted from strict liability where the oil spillage was because of “natural disaster” or an act of war or by sabotage.

VI. National Oil Spill Detection and Response Agency Act. This is the agency at the forefront of response to oil spill incidents is the National Oil Spill Detection and Response Agency (NOSDRA). Section 1 (1) states that NOSDRA is the federal agency with the statutory responsibility for preparedness, detection, and response to all oil spillages in Nigeria. A National Oil Spill Detection and Response Agency (NOSDRA) was also approved by the Federal Executive Council of Nigeria. The Ministry of Environment, which initiated the Agency, has also forwarded to the Federal Executive Council for approval, the reviewed draft National Oil Spill Contingency Plan (NOSCP) which the Agency would manage the establishment of the contingency plan and the agency was in compliance with the international Convention on Oil Pollution Preparedness, Response and Cooperation (ICOPPRC) to which Nigeria is a signatory. Apart from intensifying efforts towards compliance monitoring and enforcement of oil and gas regulations and standards, the ministry is also mounting pressure on the oil and gas operators for a gas flare-out. Efforts are also being made to ensure the use of environmentally friendly drilling fluid and mud systems.

⁵³ With the discovery (purported?) of oil in Lagos and some other States in the Northern part of Nigeria, these States under S.30 of the Act, would become member States of the Commission.

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VIII. National Enforcement Standards and Regulation Enforcement Agency Act⁵⁴

The Act established the National Environmental Standards and Regulation Enforcement Agency, and it is currently the major federal body charged with the protection of Nigeria’s environment. NESREA was created to replace the defunct Federal Environmental Protection Agency (FEPA). Section 7 (a) states that the Agency is authorized to enforce compliance with laws, guidelines, policies, and standards of environmental matters. Its authority extends to the enforcement of environmental guidelines and policies, such as the National Policy on the Environment, 1999.

IX. Environmental Guidelines and Standards for the Petroleum Industry in Nigeria⁵⁵

The Nigerian Department of Petroleum Resources (DPR), the department primarily responsible for regulating the oil industry, expanded these requirements in 1991 by promulgating the Environmental Guidelines and Standards for the Petroleum Industry. EGASPIN confirms that oil and gas operations are governed by the Nigerian Petroleum Act and subsequent federal legislation.” Regarding oil spills, EGASPIN requires that oil companies commence clean-up within twenty-four hours of the occurrence of a spill. Where a spill is on inland waters or wetlands, the only

⁵⁴ [Hereafter, The NESREA]

⁵⁵ [Hereafter, The EGASPIN]

option for clean-up is complete containment and removal. Operators must conduct their clean-up efforts in a way that does not cause additional harm to the environment.

- X. Petroleum (Drilling and Production) Regulations 1969. The Petroleum (Drilling and Production) Regulations 1969, provides in Section 25, that licenses and losses should take prompt steps to control oil pollution where it occurs and if possible, end it. Yalaju averred that in the context of this section, operators in the industry do not have an obligation to control nor end pollution.

- XI. The Environmental Impact Assessment (EIA) decree No. 86 of 1992

This act was promulgated to protect and sustain our ecosystem. The law makes the development of an EIA compulsory for any major project that may have adverse effects on the environment. It sought to assess the likely or potential environmental impacts of proposed activities, including their direct or indirect, cumulative, short term and long-term effects, and to identify the measures available to mitigate adverse environmental impacts of proposed activities, and assessment of those measures. The carrying out of EIAs is policed by the Federal Environmental Protection Agency, and by state environmental protection agencies. Federal and State Agencies A few Federal and State agencies deal with the problems of oil spill in Nigeria. The agencies include: the Department of Petroleum Resources (DPR), the Federal Ministry of Environment, the State Ministries of Environment and the National Maritime Authority. The efforts of the Oil Companies and Non-Governmental Agencies, led to the forming the Clean Nigeria Associates (CNA) in November 1981. The C.N.A. is a consortium of eleven oil companies operating in Nigeria, including Nigeria National Petroleum Corporation (NNPC). The primary purpose of establishing the C.N.A is to maintain a capability to combat spills of liquid hydrocarbons or pollutants in general. Amnesty International is another notable non-governmental agency which has contributed a lot to the people living in Niger Delta to aid in enforcing and protecting their fundamental human rights. Furthermore, it was formerly known as the Niger Delta Project for Environment, Human Rights, and Development.⁵⁶ The Centre for Environment, Human Rights and Development⁵⁷ is a rural-based and rural-focused non-profit

⁵⁶ [Hereafter, The NDPEHRD]

⁵⁷ [Hereafter, The CEHRD]

organization founded on August 15, 1999, by conservationists, environmentalists, activists, and health workers in the Niger Delta region of Nigeria. CEHRD was formed to respond to the environmental, human rights, rural health, and underdevelopment problems plaguing the Niger Delta. Their goal is to serve as a bridge between the rural communities of Nigeria and their rights by empowering them through education and assistance. Furthermore, to forge a common link with the rural communities of the Niger Delta region through the following; campaigns, participatory education, and enlightenment of the people on the problems confronting them. Equipping them with the basic knowledge of their situation and encouraging them to address the issues themselves in a non-violent manner, our mission is to assist the people of the Niger Delta both as an organization, but also in helping them gain more control and self-determination over registered with the Nigerian Ministry of Environment as an environmental non-governmental organization (ENGO) and also with the Social Services Bureau of the Ministry of Social Welfare as a Non-Governmental Organization (NGO) with the Government of Rivers State of Nigeria with tax-exempt status respectively.

XII. Petroleum Industry Act. The Petroleum Industry Act (PIA) of 2021 is a comprehensive legislative framework that aims to restructure and reform Nigeria's oil and gas industry, including addressing issues related to oil pollution.

3.2 Institutional Framework

These laws were not just made. Government took steps to establish Agencies to supervise, monitor, superintend and execute the mandates of the laws; and give effect to the *raison d'être*. Consequently, the following Agencies, amongst others, were put in place.

- A. Forestry Research Institute of Nigeria, (FRIN)⁵⁸ for sustainable forest research management, food production security, provision of forest based industrial raw materials, biodiversity conservation, etc.
- B. National Biosafety Management Agency, (NBMA)⁵⁹ to provide regulatory framework to adequately safeguard human health and the environment.

⁵⁸ Established under the Forestry Research Institute of Nigeria (Establishment) Act, 2018. Originally created as Federal Department of Forestry in 1974; converted into an Institute under Decree 35 of 1977.

C. National Environmental Standards and Regulations Enforcement Agency, (NESREA)⁶⁰ for the enforcement of all environmental laws, guidelines, policies, standards and regulations in Nigeria.

With the cross border characteristics and global ramifications of environmental issues, Nigeria has also entered into and domesticated many treaties and conventions, including –

- i. Convention on Biodiversity (CBD).⁶¹ This Convention is for the conservation of biological diversity, sustainable use of its components and the fair sharing of the benefits that arise from the use of genetic resources. This convention was signed by Nigeria and ratified in 1994.⁶²
- ii. United Nations Convention to Combat Desertification (UNCCD).⁶³ This is the sole legally binding international agreement linking environment and development to sustainable land development. This was ratified by Nigeria in 1997.
- iii. Convention on International Trade on Endangered Species (CITES).⁶⁴ This treaty is to protect endangered plants and animals from the threats of international trade. Nigeria became a member of CITES countries of secondary concern in 2014.
- iv. Convention on Wetland on International Importance as Waterfowl Habitat (CWIIWH).⁶⁵ This is the intergovernmental treaty that provides for the framework for the conservation and wise use of wetlands and their resources. Nigeria effectively became a member-country in 2001.

⁵⁹ Established under the National Biosafety Management Agency Act, 2015

⁶⁰ Established under the National Environmental Standards and Regulations Enforcement Agency Act of 2007

⁶¹ 1992; came into effect in 1993

⁶² It has however not been domesticated in terms of the provisions of S.12 of the Constitution.

⁶³ 1974; came into effect 1994

⁶⁴ 1973; came into effect 1987

⁶⁵ 1971; came into effect 1975

- v. United Nations Framework Convention on Climate Change (UNFCCC).⁶⁶ The main aim of this Convention is the prevention of dangerous human interference with the climate system. The Kyoto Protocol of 1997 and the Paris Agreement of 2015 was built on this framework. Nigeria became a party to this Convention in 1992 and was also a signatory to both the Kyoto Protocol and the Paris Agreement.
- vi. Convention Concerning the Protection of the World Cultural and Nature Heritage (Heritage).⁶⁷ This Convention has the main objective of promoting cooperation among nations to protect heritage around the world that is such outstanding universal value that its conservation is important for present and future generations. Nigeria signed the Convention in 1974, enabling its historical sites for inclusion on the list.
- vii. Convention on the Conservation of Migratory Species of Wild Animals (Basel).⁶⁸ This Treaty provides a global platform for the conservation and sustainable use of migratory animals and their habitat. Nigeria registered in 1991.
- viii. Convention for the Protection of the Ozone Layer and Montreal Protocol on Substances that Deplete the Ozone Layer (Ozone).⁶⁹ The Vienna Convention of 1985 and the Montreal Protocol of 1987 protect the stratospheric ozone layer by phasing out the production and consumption of ozone-depleting substances. Nigeria ratified the Protocol in 1988.
- ix. International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (IEFCOPD).⁷⁰ Nigeria ratified this Convention in 2006.

⁶⁶ 1992; came into effect 1994

⁶⁷ 1972; came into effect 1975

⁶⁸ 1979; came into effect 1983

⁶⁹ 1985; came into effect 1988

⁷⁰ 1971; came into effect 1996

- x. International Convention for the Prevention of Pollution from Ships (ICPPS)⁷¹. This is the main international Convention aimed at the prevention of pollution from ships due to operational or accidental causes. Nigeria ratified this Convention in 2002.⁷²

Significantly the scourge of environmental degradation neither abated nor halted, whether due to natural factors such as flooding, coastal and marine erosion, desertification, drought, etcetera, or through anthropogenic factors like over population, squatter settlements, non-biodegradable waste, and etcetera.⁷³ Rather, with the supervening issue of climate change, the scourge has gained momentum and intensity.

Fortunately, there appears to be some hope in the horizon, as Nigeria has finally taken steps to address gas flaring. Apart from requiring oil companies to reduce gas flaring, the Nigerian Government has set out an ambitious target to end routine gas flaring by year 2030. As a matter of fact, the Nigerian Upstream Petroleum Regulatory Commission (NUPRC),⁷⁴ shortlisted 42 indigenous Companies out of the many that bid for the Gas Flare Commercialization.⁷⁵ However, there is need for one and all to work together: Governments, oil companies, local communities, environmental organizations and all persons and groups concerned about the environment, including Caritas. Furthermore, it should be noted that the Petroleum Industry Act prohibits gas flaring though with some exceptions.⁷⁶ These actions have hardly deterred the erring oil companies as they prefer to pay the fine of \$2.50 USD for every 1,000 cubic feet of gas flared.⁷⁷ ‘The laws are there’, according to Chorom, ‘but the agencies are constrained from discharging their duties due to *Nigerian factor*...’⁷⁸ The provisions of NESREA captures the fact that ineffective enforcement strategies is a major challenge. That most of the enforcement mechanisms, including waste transporters, waste

⁷¹ 1973; came into effect 2007

⁷² Codified in International Convention for the Prevention of Pollution from Ships 1973 and 1978 Protocol (Ratification and Enforcement) Act 2007

⁷³ Many of which have already been mentioned herein.

⁷⁴ Established under S,4(1) of the PIA. The PIA also established the Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA) vide S. 29.

⁷⁵ This-Day Newspaper of 14/09/2023

⁷⁶ S. 102 of the PIA.

⁷⁷ See the Gas Flare (Prevention of Waste and Pollution) Regulations, 2018.

⁷⁸ M. Chorom, Bioremediation of Crude Oil Polluted Soil by Application of Fertilizers. *Iran Journal of Environment, Health, Science and Engineering*, (2010): 7 (4) 319 – 326.

vendors, landfill areas, company's effluent emission, carbon foot print, sewage treatment plants and other recycling companies are neither developed nor implemented.⁷⁹

4. Foundation for Faith Based Organisations in support of the Environment

The world's population was projected to be 8.019 billion as at January 2024. The distribution of this figure amongst the religious groups and denominations are as follows:⁸⁰

| | |
|--------------------|--------|
| 1. Christianity | 31.0 % |
| 2. Islam | 24.9 % |
| 3. Unaffiliated | 15.6 % |
| 4. Hinduism | 15.2 % |
| 5. Buddhism | 6.6 % |
| 6. Folk Religions | 5.6 % |
| 7. Sikhism | 0.3 % |
| 8. Other Religions | 0.8 % |
| <hr/> | |
| Total | 100 % |
| <hr/> | |

It has been opined that roughly 84% of the global population identifies with one religion or the other, and, therefore, there is potential for faith to mobilize social environmental change.⁸¹ Religion possesses the capacity to have a significant and positive influence on people's behaviour when it comes to the environment. Spiritual practices and liturgies are being developed to help believers integrate environmental concerns with their spirituality. Christopher Ives therefore identified with Pope Francis's 'Encyclical' (*Laudatosi Si*) Care for our Common Home; and Zen Master Thich Nhat Hanh's 'Zen and the Art of Saving the Planet.' These religious interventions highlight the relevance of spiritual ideas to environmental crises and potentially guide peoples to live sustainably. Ives thereafter, appealed to the moral and spiritual worldviews, and concluded that these views are capable of inspiring people to think about environmentalism in terms of justice, sacred duty, compassion,

⁷⁹ NESREA Address on Many Challenges of National Environmental Standard and Regulation Enforcement... (2014) 1 – 21

⁸⁰ On other challenges to environment see < <https://worldpopulationreview.com>>

⁸¹ Christopher Ives of Nottingham University UK, 'How Faith Can Inspire Environmental Action,' SAST, Nottingham University, 2023 <<https://theconversation.com>>

empathy and kindness. Having a community of faith that can support, reinforce and sustain environmental action is another critical function of religion.⁸²

Previous and extant efforts by faith based organizations, all of them, at remediating the environment must be acknowledged. The Catholic Church, for example, has been in the forefront of the campaign on the environment. Here in Nigeria, the Catholic Diocese of Abuja launched a campaign to plant thousands of trees aimed at fostering “ecological conversion.”⁸³ The Church’s leaders have also taken a strong stance on the environment, framing the climate change challenge in the language that is not only particular to Catholicism but also common among people of other faiths. Thus, the Church teaches that taking action to curb carbon emissions is a strong moral imperative. Indeed the Catholic Catechism states that “in the beginning God entrusted the earth and its resources to the common stewardship of mankind, to take care of them, master them by labour, and enjoy their fruits. The goods of creation are destined for the whole human race”⁸⁴.

Similarly, Islam recognizes and professes care for the environment as a moral imperative. “God has created man to be his Khalafa (vicegerent) on earth.” Such prerogative carries with it a heavy responsibility. “Humans are responsible for maintaining the unity of all God’s creation, the integrity of the earth, its flora and fauna, its wildlife and natural environment.”⁸⁵ Galil supported his postulations with provisions from the Qur’an, adding that Qur’anic verses describing nature and natural phenomena outnumber verses dealing with commandments and sacraments. “Some 750 verses, or over One-eighth of the Book, exhort believers to reflect on nature, to study the relationship between living organisms and their environment, to make the best use of reason and to maintain the balance and proportion God has built into his creation.”⁸⁶ On the principles, Galil posited that the Qur’an and Sunna stipulate some principles that affect man’s attitude towards the environment. He mentioned Fitra (initial state of creation); Tawhid (unity with God); Khalafa (vicegerency); Mizan (balance); and Hikma (wisdom) as some important concepts that seem to lay the pathway for Muslims as they deal with their environments:

Nor are you permitted to engage in the chase (killing)
Of wild animals or game while you are on pilgrimage –
major or minor–(in the sacred months). God ordains

⁸² *Ibid*

⁸³ Statement by the *Local Ordinary* on the 29/08/2023

⁸⁴ Catholic Catechism, Paragraph 2402. <<http://www.scburromev.org>>

⁸⁵ R. Galil, *Islamic Principles an Dealing with the Environment*, AMUST, 2019.

⁸⁶ *Ibid*

what He will.⁸⁷

It is thus clear why and how faith based organizations are involved in environmental sustenance, remediation and regeneration issues. But rather than abate, environmental challenges keep exacerbating. Therefore, rather than rest on their oars, religious groups should lace their shoes for more work.

John Arierhi Ottuh suggests that religious groups can set up committees to study the environment, get information from Government Institutions like NIMET and educate their followers. He says that with about 80% of Nigerians as either Christians or Muslims, a successful awareness campaign by religious institutions in Nigeria will go a long way to reduce human abuse of the environment. While acknowledging the contributions of religious organizations, he suggests that they should also focus on adaptation to disaster situations. That no matter how hard scientists may work to prevent climate change by natural and anthropogenic perturbations of the atmosphere, there is still the possibility of climate oriented disaster on human environment, and as such, [religious organizations] should educate their followers to collaborate with Government on tree planting, preservation of animal species, etcetera, concluding that this is where ecology theology comes in.⁸⁸

Ives agrees, and adds that appealing to moral and spiritual worldviews could inspire people to think about environmentalism in terms of justice, sacred duty, compassion, empathy and kindness. Having a community of faith that can support, reinforce and sustain environmental action is another critical function of religion. Humanity's ability to avert environmental catastrophe will depend on sustainability becoming embedded into every institution and cultural setting. Religion is no exception.

5. Conclusion

Having extensively considered the nature and scope of the interaction between man and the environment as well as the concomitant agitation and support flowing from the various faith based-organisations in disambiguation of the future but stark realities of challenges very likely to overwhelm human kind, there is therefore, the need to conclude the acceptance that

⁸⁷ Holy Qur'an 5:1

⁸⁸ J.A. Ottuh, 'Climate Destabilization in a Religious World: The Role of Religion in Addressing Climate Change in Nigeria,' *Unizik Journal of Arts and Humanities*, Vol.19 No.1, 2018

beyond the various animals that have since received conservation protection, or the inanimate subjects of various laws and regulations, it is man, that is the truly endangered species. It therefore becomes very clear why and how faith based organizations are involved in environmental sustenance, remediation and regeneration issues. Sadly, the looming danger largely comes from the activity and indolence of man. It has always been the case that the indolent majority are served, miss-served or dis-served; led or misled, by the active minority. Unfortunately, the activities or inactivity of the indolent majority, and the capriciousness of the sinister few, have wrought all the environmental problems on all. So, now, let the active minority lead the way to man's salvation from his own damnation. But the indolent must support, or at least, follow, or perhaps be coerced to do so!

Given that all our legislations and regulations have not been sufficiently effective, and the obvious irreducible and inescapable importance of the environment, it makes sense that its protection be upgraded from a constitutional ideal to the imperative, mandatory provisions of the Constitution. Thus, the time has come to invoke the declaratory provisions of S.20 of the Constitution, shackled under the non-justiciable Chapter II of the Constitution, to be liberated and entrenched within the self-propelling provisions of Chapter IV.⁸⁹ If it is accepted that the environment is man's main forte, it must *ipso facto* be seen as his fundamental right.

The United Nations Declaration on the Human Environment already forthrightly encapsulated environmental right as fundamental right. The declaration states that: 'Man has the fundamental right to freedom, equality and adequate condition of life, in an environment of a quality that permits a life of dignity and well-being...'⁹⁰ Furthermore, S.20 of the Constitution of the Federal Republic of Nigeria, 1999 (as altered) provides that: 'The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.'

The activist posture of some Justices towards environmental rights in particular and chapter two of the Constitution in general is acknowledged as a right step in the right direction. Nevertheless, it is recommended that this be entrenched as a new section, created in Chapter IV.

It is strongly suggested that a subsection thereof would then create rights, duties and obligations of the citizens in relation to the environment. The answer to the question of the

⁸⁹ Chapter 4 deals with the Fundamental Rights of Citizens.

⁹⁰ I. Prince, UN Declaration on Human Environment, 1972. See again M. T. Okorodudu-Fubara, Law of Environmental Protection, Materials and Text, Caltop Pub.Ibadan.,1998, P. 79

purpose of this elevation lies, *inter alia*, in the difference between the pious declarations of Chapter two and the mandatory provisions of Chapter four of the Constitution.



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