

NIGERIA AND PRODIGAL ENVIRONMENTAL STEWARDS

Guest lecture by Nnimmo Bassey¹ at the 18th Bassey Andah Memorial Lecture hosted by the Bassey Andah Foundation at Transcorp Hotel, Calabar, Nigeria on Saturday 21st January 2017.

Let me begin by thanking the Board of Bassey Andah Foundation for giving me the opportunity to share my thoughts on the Nigerian environment on this auspicious occasion of the 18th Bassey Andah Memorial Lecture. The array of lectures so far held in memory of the Late Prof Andah speaks volumes about the enduring legacy that he left behind. The theme of this year's lecture is most appropriate considering the fact that the Nigerian environment has suffered much neglect, and has had harm inflicted on it over the years, and we risk losing all that has been bequeathed to us by our ancestors if care is not taken. It is my hope that this event will not merely make us shake our heads in despair over our prodigal handling of the gifts of Nature, of our ecological carelessness and the global fixation on the exploitation of Nature, but serve as a call on all of us to action to preserve our environmental heritage.

Heritage speaks of *birthright* and *inheritance*. It connotes an acquisition from a predecessor and a handing down from one generation to another. In other words, our heritage is that something possessed as a result of one's natural situation or birth.² Our heritage can be both tangible and intangible. For example, we could have a building or land as a heritage. Our way of doing things as conditioned by our culture or cosmovision – the state of our inner consciousness of who we are in space and time - is also part and parcel of our heritage.

An inheritance can be wasted, squandered, damaged, diminished or destroyed as is well illustrated by the Biblical story of the prodigal son³. We also note that the ideal situation is that an inheritance should be owned with a sense of stewardship, with the knowledge that it would be inherited by subsequent generations. This sense of stewardship includes the responsibility to bring about improvements on the inherited artefacts. Thus, heritage connotes the ideals of sustainability. Overall, the future of what is inherited depends mostly on the disposition of the inheritor. This is the person that decides if to preserve and handover to the next generation or to squander and waste what was inherited.

Nigeria has a number of valuable environmental spots that deserve to be protected, defended, preserved and improved upon when necessary. They are great place-markers and places of beauty, knowledge and cultural relevance. Some of these include the National Parks and Games Reserves. They also include places like the Ogbunike cave, Ikogosi Warm Springs, Qua falls, Olumo Rock and many others. Man-made ancient artefacts like the famous Ikom Monoliths inspire awe and challenge us to reflect on what great indigenous knowledge that were generated and developed in the past have been lost for lack of documentation or capacity to interpret what had been documented.

ECOLOGICAL HARM

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² Merriam-Webster dictionary. <https://www.merriam-webster.com/dictionary/heritage>

³ Holy Bible. Luke 15:11-19

The environment itself is the basic heritage of a people, community or territory. This includes, but goes beyond, the re-sources bestowed on the people or territory by nature. Sometimes the tendency is to only consider those environmental features that have monetary or commercial values attached to them. That perspective is fundamentally flawed because when say, as in our cultural worldview, that life is *wealth*, monetary consideration is not part of the equation. True wealth includes a sense of health, wellbeing, solidarity and happiness. There are many threats to our collective national heritage from local and global forces. At the global level, we are witnesses of political turns and twists that truncate possibilities to frontally tackle global environmental problems that place the planet on a highly perilous path.

In all these we see Africa squarely on the firing line with little potential for protective cover. Possibilities of caring for our heritage are marred by the persistent exploitative relationships with foreign capital as well as the endemic reluctance or inability to interrogate certain undergirding concepts such as development – its meanings, drivers and ends. Elevation of neoliberal paradigms to the status of religious creed makes environmental protection almost impossible when States embark on roadshows to attract foreign investments to the detriment of our environmental patrimony. While some of us reject the concept of resource curse as an inevitable outcome of natural resource endowment without controls, we see unequal geopolitical power play and the extractivist path concretised by insatiable global production and consumption realities as the key challenges.

GLOBAL CONTEXT

The environmental changes in the world today appear to be set in irreversibly negative path because of the obstinacy of the drivers of those changes. The exploitation of nature, including by its transformation, is being pursued as though the planet were limitless or that Mother Earth did not require times of rest to replenish herself. Industrial agriculture gets more intensified with the same land being ploughed relentlessly and with artificial chemical inputs that literally enslave or obstruct natural processes. Technological advancement moves in the direction of products with in-built obsolescence requiring that such products are replaced or thrown away rather rapidly. Add to this scenario the entrenchment of a petroleum-based civilisation.

The volatility of the mix of rabid exploitation of nature and labour, the pursuit of maximum financial profits and the externalisation of environmental costs pose a complex existential threat to our global environmental heritage. These factors are also the protagonists of threats to our local and national environmental heritage.

It is useful for us to dwell a bit on the question of *value* before we focus more on the threats around us. The intrinsic value of nature has been rapidly degraded by the forces of neoliberalism – especially the notion that elements of nature can only be valuable when monetary values are attached to them. The creed is that only things with economic value can be protected. In a certain sense, we can say that an extension of this idea explains why some human lives appear to matter more than others. In other words, the billionaire expects, and is accorded, higher levels of protection than the worker that earns less than living wages after hours of backbreaking labour.

The idea of placing financial values on nature has thrown up the concepts of payment for environmental services, carbon trading and various forms of market environmentalism including Emissions Trading Schemes, Clean Development Mechanisms, Reducing

Emissions from Deforestation and forest Degradation (REDD). Payment of ecosystem or environmental services simply means payment made to humans for managing their lands in a way that the said land performs certain environmental services.

Payment of ecosystem services can be seen as a result of the application of neoliberal ideologies to ecosystem management. The International Institute for Environment and Development (IIED) explains the usefulness of the approach this way: “Payments for environmental services (also known as payments for ecosystem services or PES), are payments to farmers or landowners who have agreed to take certain actions to manage their land or watersheds to provide an ecological service. As the payments provide incentives to land owners and managers, PES is a market-based mechanism, similar to subsidies and taxes, to encourage the conservation of natural resources.”⁴

According to the United Nations Environment Programme (UNEP) “The key characteristic of these PES deals is that the focus is on maintaining a flow of a specified ecosystem “service” — such as clean water, biodiversity habitat, or carbon sequestration capabilities — in exchange for something of economic value. The critical, defining factor of what constitutes a PES transaction, however, is not just that money changes hands and an environmental service is either delivered or maintained. Rather, the key is that the payment causes the benefit to occur where it would not have otherwise. That is, the service is “additional” to “business as usual,” or at the very least, the service can be quantified and tied to the payment.”⁵

Those that sell ecosystem services are expected to assure the payer (or buyer) that the ecological services are maintained and this would necessarily entail having independent verification of the actions of the seller and the impacts those have on the resources. As with other climate related market mechanisms, a good ratio of the revenue that passes from seller to buyer ends up in the hands of consultants who measure carbon stocks as well as ecological services- predictably to the detriment of the seller who would often be a poor landowner with no understanding of the intricacies of these mechanisms. Consider this list of illustrating ecosystem services⁶:

- 1) Purification of air and water
- 2) Regulation of water flow
- 3) Detoxification and decomposition of wastes
- 4) Generation and renewal of soil and soil fertility
- 5) Pollination of crops and natural vegetation
- 6) Control of agricultural pests
- 7) Dispersal of seeds and translocation of nutrients
- 8) Maintenance of biodiversity
- 9) Partial climatic stabilization
- 10) Moderation of temperature extremes
- 11) Wind breaks

⁴ IIED. Markets and payments for environmental services. See at <http://www.iied.org/markets-payments-for-environmental-services>

⁵ UNEP. 2008. Payments for Ecosystem Services: Getting Started – A Primer. http://www.unep.org/pdf/PaymentsForEcosystemServices_en.pdf

⁶ UNEP. 2008. culled from Daily, Gretchen (Editor). 1997. Nature’s Services. Washington D.C., USA: Island Press.

12) Support for diverse human cultures

13) Aesthetic beauty and landscape enrichment

We should note that market mechanisms do not recognise the intrinsic values of our heritage.

CLIMATE CHANGE

Global inaction on climate change is one of the biggest threats, facing us today. Already global temperature increase above pre-industrial levels is already at 1.2 degree Celsius according to an assessment by the World Meteorological Organisation (WMO). The 1.5 degrees Celsius set by the Conference of Parties (COP) of the United Nations Framework Convention on Climate Change (UNFCCC) is already an unattainable target. Of course, without binding commitments to emissions reduction at levels determined by science and at source by the major polluting and industrialised nations, there is no way (voluntary) actions taken within the subsisting Paris Agreement would stem the tide.

The factors pushing the temperature rise include the reality of higher methane emissions, unabated deforestation, burning of fossil fuels (coal, oil and gas) and land use changes in which half the planet⁷ is now being dominated by human activities – including by the cultivation of crops for biofuels.

It is broadly acknowledged that for the world to have a good chance of limiting temperature increase to about 2° Celsius, 80 percent of known fossil fuels reserves must be left untapped and unburned. “The pollution and the global warming threats notwithstanding, the race to squeeze the last drops of fossils from the earth is on. An official US Department of Energy Report is quoted to have said “The world has never faced a problem like this. Without massive mitigation more than a decade before the fact, the problem will be pervasive and will not be temporary. Previous energy transitions were gradual and evolutionary. Oil peaking will be abrupt and revolutionary.”⁸

The year 2016 notoriously broke several environmental records.⁹ The months of July and August were the hottest in recorded history, and 22 countries experienced all-time heat records. The ice levels on the Arctic sea were the lowest in 2016 and the first ever climate change-induced extinction of a mammal species was recorded.¹⁰ The mammal species wiped out is the Bramble Cay melomys, a rat that was endemic to Great Barrier Reef in the Pacific region.

Nigeria is already being heavily impacted by climate change. The floods of 2012 took the lives of 300 Nigerians and displaced millions. It should be noted that besides the

⁷ WCS. 06 December 2016. STUDY: Global habitat loss still rampant across much of the Earth. <https://newsroom.wcs.org/News-Releases/articleType/ArticleView/articleId/9426/STUDY-Global-habitat-loss-still-rampant-across-much-of-the-Earth.aspx>

⁸ Nnimmo Bassey. 2016. *Oil Politics – Echoes of Ecological Wars*. Daraja Press p.68

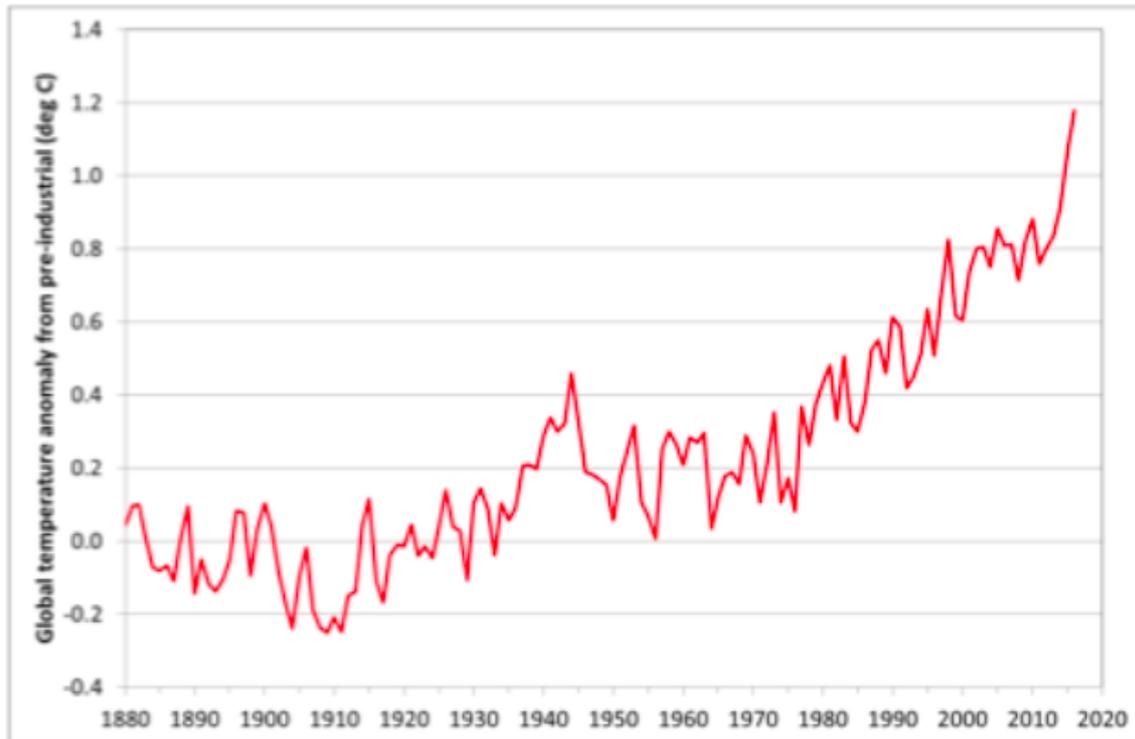
⁹ DemandClimateJustice. 2 January 2016. The World at 1°C – 2016. <https://medium.com/@DemandClimateJustice/the-world-at-1-c-2016-f2edd7ed6795#.lx1fa8t8v>

¹⁰ Michael Slezak. 14 June 2016. “Revealed: first mammal species wiped out by human-induced climate change”. <https://www.theguardian.com/environment/2016/jun/14/first-case-emerges-of-mammal-species-wiped-out-by-human-induced-climate-change>

displacement of populations due to the shrinkage of Lake Chad, some animal species are endangered or significantly reduced. The species include the African elephant, hippopotamus, striped hyena, red monkey, Dorcas gazelle and Kuri cattle.

In addition to the environmental factors that endanger species, Nigerians love bush meat and these animals are killed and displayed openly for sale along our highways. Sometimes bush burning is utilised as a means of hunting these animals – a method that has multiple attendant environmental costs.

Global temperatures – change from pre-industrial



Data: NOAA, NASA, UK Met Office/CRU

The impacts of climate change have manifested as contributory factors to the rising violence in the North East of Nigeria. Increased desertification, the shrinkage of Lake Chad and general water stress pose extreme pressures on the people and contribute to the massive displacement of citizens, beyond the push by the AK47s, daggers, bows and arrows. Desertification is estimated to be increasing at the rate of half a kilometre annually.

Nigeria has an 850km long coastline and this is being threatened by rampaging coastal erosion. Community lands, infrastructure and properties are being washed away. Moreover, deforestation is a serious threat across the nation, with a tiny fraction of our rainforest cover still standing.

Africa is generally being ravaged by climate impacts. Floods and droughts are two manifestations of climate variabilities. A recent article in New York Times on impact of climate change on Madagascar is worth a lengthy quote at this point:

“Southern Africa’s drought and food crisis have gone largely unnoticed around the world. The situation has been particularly severe in Madagascar, a lovely island nation known for deserted sandy beaches and playful long-tailed primates called lemurs.

“But the southern part of the island doesn’t look anything like the animated movie “Madagascar”: Families are slowly starving because rains and crops have failed for the last few years. They are reduced to eating cactus and even rocks or ashes. The United Nations estimates that nearly one million people in Madagascar alone need emergency food assistance.”¹¹

Besides Madagascar, severe drought has also been recorded in Lesotho, Malawi, Mozambique, Namibia, Somalia, Swaziland, Zambia and Zimbabwe. The drought in the Horn of Africa continues. Somalians living in Puntland region trek over an average distance of 60 km to fetch drinking water.¹²

PROTECTED AREAS

A statement made with regard to protected areas in Congo DRC by Save Virunga group may as well have been said about protected areas in Nigeria or anywhere else in Africa: “Every day we hear that the integrity of a protected area is being challenged by the expansion of infrastructure and industrial activities such as oil, gas and mining exploration”¹³ The truth is that protected areas are getting more and more unprotected. Examples abound in the East African Rift Valley and also closer home. Oil is being drilled in protected areas in the Lake Albert Graben area of Uganda. World heritage locations in the Turkana region of Kenya are also under threat of extractivist pursuits. Other threats particularly on biodiversity in protected areas arise from agricultural activities as well as urban expansion. Generally, threats on protected areas are not restricted to activities within such areas, but also on the peripheral zones. In other words, the threats are from factors that are both within and without.

Forests and Games Reserves in Nigeria are very valuable assets. They are sanctuaries for the preservation of vital elements of our environmental and cultural heritage. In recent times, the threat on our forests have ranged from the pressure of infrastructural needs to the use of forests as territories for the brewing of mischief and outright violent rebellion. Case in point is the illegal refineries in the forests and swamps of the Nigeria Delta. Another is the Sambisa Forest that has become a metaphor for murderous activities of the Boko Haram type. When people hear of Sambisa Forest, what comes to mind is that this is the stronghold of the violent group. The Sambisa Forest is not a little clump of trees. It is a vast, 1,300 square kilometres forest that sits across Bauchi, Borno, Gombe, Jigawa and Yobe States. Parts of it is even said to stretch to Kano State. The occupation of the forest by the insurgents clearly posed threats beyond those on the human population. Their activities posed direct threats to the trees, wildlife and general biodiversity. Military action to flush out the insurgents from the forest has obviously inflicted harm on the forest ecosystem. The harm includes the military wastes – these are highly specialised wastes that can only be cleared by professional and specialised

¹¹ Nicholas Kristof. 6 January 2017. As Donald Trump Denies Climate Change, These Kids Die of It. http://www.nytimes.com/2017/01/06/opinion/sunday/as-donald-trump-denies-climate-change-these-kids-die-of-it.html?_r=0

¹² Katy Migiro. 28 November 2016. Thirsty Somalis trek 60 km for water as drought and conflict bite. <http://www.reuters.com/article/us-somalia-aid-idUSKBN13N11H>

¹³ Save Virunga. 9.1.17.

waste managers. Other threats come from the unexploded ordinances that may still litter the environment. The plan by the Nigerian military to turn the Sambisa Forest to a training and weapons testing arena¹⁴ will pose unusual challenge to our environmental heritage. The idea should be dropped while efforts should be made to revive and clean up the forest.

The fact that Sambisa Forest could be occupied and so blatantly taken over and turned into a terrorist enclave makes the call by the Taraba State governor that the Federal Government should secure the Gashaka-Gumti Games Reserve should be given serious attention.¹⁵ The Games Reserve traverses Taraba and Adamawa States and is managed by the Nigerian Tourism Development Corporation (NTDC).

The cross-border nature of our forests underscores the fact that the environment does not respect political boundaries. It also shows that caring for our environmental heritage is one sure way of building national cohesion and unity.

A major threat to our environmental heritage is the need for the development of infrastructure. Unfortunately, due to the infrastructural deficit in Nigeria, our politics has become *infrastructure politics*. An electric pole here, a water borehole there – even without water quality control, a one kilometre paved or graded road, a classroom block, an empty health centre building, all receive raucous applause. All a politician needs to show that he/she has brought his people the “dividends of democracy” is to point at what infrastructure has been procured. Think how much applause a 260km long Super Highway ought to attract.

The Super Highway project proposed by the government of Cross River State is planned to start at a deep-sea port at Akpabuyo and to terminate at Katsina Ala in Benue State. Considering that this would be a chart-bursting infrastructure if delivered, it is understandable that the governor of the State cannot fathom why people are opposed to the project.

Some of the many reasons why this major infrastructure project is globally rejected are that it cuts through community forests and passes close to the Cross River National Park, a protected forest. Another reason is that a major sea port such as is being proposed ought to link the sea to industrial or commercial zones. This is not the case here. This makes people wonder what cargoes are intended to be delivered or evacuated from the sea port. Perhaps the most vexatious reason why the world is aghast with regard to this project is the potential displacement of communities and citizens from lands bordering this Super Highway. The government issued a public notice on 22 January 2016 literally dispossessing communities lying within 10 km on either side of the proposed Super Highway of their heritage and patrimony.

¹⁴ Friday Olorokor. 27 December 2016. “Army will turn Sambisa to training ground- Buratai”, Lagos, The Punch <http://punchng.com/army-will-turn-sambisa-training-ground-buratai/>

¹⁵ Hindi Livinus. 05.01.17. FG should develop Gashaka-Gumti Games Reserves or risk its turning into another Sambisa – Taraba governor. <http://www.cityvoiceng.com/fg-should-develop-gashaka-gumti-games-reserves-or-risk-its-turning-into-another-sambisa-taraba-governor/>

The government has gone to great pains to dissociate the land uptake from the Super Highway project, but the two are connected by an umbilical cord as the government gazette indicates. **The claiming of 10km development corridor through community forests is a self-inflicted injury that the government can cure by simply rescinding that vexatious order.**

The forest communities in Cross River State deserve to have suitable access roads or highways, but the taking up of 10 Km on either side of the super highway as a development corridor or for whatever purpose, will serve the immediate and ultimate ends of deforestation and diminishing of the environmental and cultural heritage of the peoples. We should emphasise here that even after the Federal Government approves the environmental impact assessment for the Super Highway, and if it gets to be built, the right of way and taking up of community land or forests should not go beyond the standard width permissible for highways of the type being proposed.

A press release issued by the Ekuri Community¹⁶ whose forest is threatened by the highway project underscores the importance of the forest to the people and the threat to our collective heritage. We reproduce a portion of the press release in the box below.

Box 1: Ekuri community press statement on the Super Highway project

The people of Ekuri live in Cross River State, deep in the heart of one of Nigeria's last surviving rainforests. Their forest is sandwiched by the Ukpon forest reserve to the north and Cross River National Park to the east and south and to the west by the Iko Esai community forest. Their rainforests are spectacular and are home to a number of rare and endangered wildlife species including Nigeria-Cameroon chimpanzee, some of the last forest elephants in West Africa and forest buffalo. **However, all of this is about to disappear forever due to the construction of the Cross River State Super Highway** which will destroy the ancestral lands and forests of the Ekuri people and thousands of others along the proposed 260 km route.

The villages of Old Ekuri and New Ekuri (popularly called the "Ekuri Community") are located in Akamkpa LGA, in the buffer zone of Cross River National Park. These are two of only five villages in the whole world that speak the Lokoli language. These two villages between them jointly own 33,600 ha of community forest. This is probably the largest community owned forest in all of West Africa. For hundreds of years, the Ekuri people have relied completely on their ancestral lands and forests for everything. The forest provides the people with fruits, vegetables and a wide range of other valuable forest products. It also provides fertile farmland, their medicines and shapes their unique culture, language, and identity.

These forests are so important to the Ekuri people that in the early 1990s when they were approached by two logging companies offering to build them a road in exchange for logging their forest, they said "No". Instead they asked the World Wide Fund (WWF) for Nature and the UK's Overseas Development Administration (now the Department for International Development (DFID)), to help them set up a forest management organisation called the Ekuri

¹⁶ Ekuri Community. March 2016. "Cross River Super Highway destroys the forests and lives of the Ekuri people and thousands of others." Press Statement

Initiative. This community-run body has been instrumental in managing the Ekuri forests and also successfully brought development benefits to their villages including the construction of a 30 km road to the villages and the establishment of a health centre. This was so successful that in 2004, the Ekuri Community received the highly prestigious Equator Initiative Award from the United Nations Development Programme (UNDP) for their outstanding contribution to biodiversity conservation and poverty reduction.

The forests of CRS are globally recognised for their international importance as one of the richest sites for biodiversity in Africa. The World Wide Fund for Nature and other NGOs have documented the fact that they harbour an enormous diversity of plant and animal species almost unmatched anywhere else in the world. In recognition of this, the UK government invested millions of pounds into the Cross River State Forestry Department in the 1990s. WWF also invested millions of pounds into the establishment of Cross River National Park over a period of 7 years. ...

But now this forest and the entire Ekuri way of life, is threatened with destruction.

In its press briefing¹⁷ of 6th November 2015, the Rainforest Resource and Development Centre (RRDC) expressed the fear that contrary to the requirement of the Land Use Act, no schedules of compensation (including the names of beneficiaries) had been made public. “The risk is that this project could end up escalating rural poverty if the issues of compensations are neglected. This is so because the affected indigenous people and communities of Cross River State of Nigeria who own these resources could end up losing their sources of livelihoods, income and wellbeing, as well as their natural heritage and territories.”

The above fears were hinged on the proclamation conveyed by the **Public Notice of Revocation** signed by the Commissioner for Lands and Urban Development of Cross River State and published in the Nigerian Chronicle newspaper on 22nd January 2016 decreeing, among other things, that: “all rights of occupancy existing or deemed to exist on all that piece of land or parcel of land lying and situate **along the Super Highway** from Esighi, Bakassi Local Government Area to Bekwarra Local Government Area of Cross River State covering a distance of 260km approximately and having an offset of 200m on either side of the centre line of the road and further 10km after the span of the Super Highway, excluding Government Reserves and public institutions are hereby revoked for overriding public purpose absolutely.”

The Okokori community that is equally threatened by the Super Highway project wrote a letter to the Governor of Cross River State¹⁸ in which they decried the revocation of their rights of occupancy of their land and stated, among other facts that

- *The 20.4 km width of the revoked lands include our farms, community forest and our settlement.*
- *Our customary use of our lands for centuries where our ancestors have been buried is about to be desecrated.*

¹⁷ See at <http://www.vironewsigeria.com/buhari-demand-answers-questions-super-highway-project/>

¹⁸ Okokori Traditional Rulers Council. 13th February 2016. “Re: Notice of Revocation of Rights of Occupancy for Public Purpose Land Use Act 1978: Our Collective Position.”

- *The rich biodiversity of our community forest contiguous [to] the Ekuri community forest and the Cross River National Park contributes to the forests in Cross River State being named one of the '25 biological' hotspots' in the world will be lost forever and this legacy is about to be ruined.*
- *Our eviction from our inherited lands is looming and we will become another [set of] Internally Displaced Persons (IDPs) not because of war but a Super Highway. Even IDPs in a war are better than us as they will certainly return home when the war is over, but ours is in perpetuity.*

Our recommendation to the government of Cross River State is that a highway may be built to grant the people access to their communities, existing roads like the one linking Edondon to Old and New Ekuri should be fully completed as it is currently only partially completed up to Okokori although a signpost (at Okokori) claims otherwise. Acts of government should aim to preserve the heritage of the peoples, protect the rich biodiversity of the forests (including rare and endemic species) and to maintain its status as an environmentally conscious State.

Some analysts perceive the super highway project as a ruse for harvesting of the timber that communities have preserved over the centuries and that the sea port is merely an evacuation valve for the exercise. It would revamp and entrench the colonial patterns of exploitation and expropriation without responsibility and ignite a missive impoverishment of our peoples. If that should be true, this will stand as the greatest loss of biodiversity and our collective socio-cultural, economic and ecological heritage. It will also erase all claims of Cross River State to being an environmentally conscious State. Furthermore, it would rubbish the efforts of Nigeria to contribute to the stabilising of the global climate. In many ways, this project has huge local and global implications.

AGAINST THE EROSION OF OUR HERITAGE

A review of environmental challenges often ends with questions on what citizens can do. Indeed, sometimes it is vigorously argued that government cannot do everything and that the onus is on the people to do something. As we have endeavoured to show in this discourse, it is not a matter of one or the other. There are actions that governments must take and there are others that necessity for action is placed on citizens. For example, it is the duty of the government to enforce laws and regulations pertaining to environmental protection. The state also has the responsibility of providing the enabling environment for citizens' action. On the other hand, citizens have a duty of care over their immediate environment and collective actions can add up to fruitful results for which governments cannot legislate.

A key path to environmental protection is through the laws governing our relationship with nature. Historically our communities set aside protected territories and species that could not be tampered with without sanctions. Our cultural world view elevates the individual's duty of care for the environment and this is taken very seriously as a matter affecting the collective heritage. Some of these conservation zones were known as sacred forests or sacred lands and rivers. Some clans or communities would not kill or eat certain species of animals, for example. Such restrictions helped to promote and retain some biodiversity hotspots and along with the significant knowledge built, preserved and transmitted to subsequent generations. The clash of civilisations, consolidated by colonialism and cemented by neoliberalism, continue to erode the gains of past centuries and whatever remains now may be lost if intentional actions are not urgently taken.

LAWS, CONSTITUTIONS AND ENVIRONMENTAL DEFENCE

The constitution of any country is a document that provides fundamental direction for the securing of the right to life of citizens. This **right to life cannot be enjoyed without the right to a safe environment**. This includes the right to water – a right that is severely challenged in Nigeria. Indeed, due to the centrality of the potable water and water for sanitation the United Nations recognised water as a human right on 28 July 2010 through Resolution 64/292.¹⁹

Although the 1999 Constitution of Nigeria has some provisions on the environment, the provisions are in Chapter II as part of the fundamental objectives and directive principles of State policy. Provisions made under this chapter are not justiciable. In the words of a respected Chief Judge, “Nigerian citizens have no rights whatsoever to invoke this provision to challenge and enforce public violation of environmental rights.”²⁰ The Judge, as well as the 2014 National Confab, recommended that the environmental objectives of State under Chapter II of the constitution should be transferred to the justiciable rights under the chapter with fundamental rights in the constitution.

Box 2: Examples of environmental provisions in the constitutions of African countries

1. Right to a clean, healthy environment²¹
2. Right to a clean and healthy environment, which includes the right (a) to have the environment protected for the benefit of present and future generations through legislative and other measures, particularly those contemplated in Article 69; and (b) to have obligations relating to the environment fulfilled under Article 70.²²
3. All have the right to an environment not detrimental to health²³
4. It shall be the duty of all to defend and conserve a healthy, balanced environment²⁴
5. It shall be the duty of all citizens as well as of the state to conserve the environment and promote the standard of life²⁵

¹⁹ http://www.un.org/waterforlifedecade/human_right_to_water.shtml

²⁰ Hon Justice B. A. Njemanze – former Chief Judge of Imo State. “The Environmental Objectives of the State Under the 1999 Constitution of Nigeria – An Alternative Way Ahead.”- a paper submitted to the Environment Committee of the 2014 National Confab.

²¹ Constitution of the Federal Republic of Ethiopia, 1994 Article 44

²² Constitution of Kenya, 2010 Article 42. Sections 69-72 further detail means of enforcement of these provisions.

²³ Constitution of the Republic of South Africa, 1997 Article 24

²⁴ Constitution of the Republic of Cape Verde, 1992 Article 69

²⁵ Constitution of the Republic of Mali, 1992 Article 15

6. Everyone has the right to request compensation for the damages caused to him by the violation of his fundamental rights and liberties.²⁶
7. The Congolese People has the inalienable imprescriptible right to possess their riches and natural resources.²⁷
8. All citizens shall have the right to live in a healthy and unpolluted environment. The state takes the requisite measures to protect the environment and national species of flora and fauna throughout the national territory and maintain ecological balance. Acts that damage or directly or indirectly jeopardize conservation of the environment is punishable by law.²⁸
9. Articles concerning the protection of environment from the Togolese constitution:
 - a. Art. 40: The State has the duty to safeguard and promote the national cultural heritage.
 - b. Art. 41: Everyone has the right to a healthy environment. The State ensures the protection of the environment.
 - c. Art. 84: The law establishes the rules concerning
 - i. Health and population;
 - ii. The protection and promotion of the environment and conservation of natural resources;
 - iii. The creation, extension and commissioning of national parks, wildlife reserves and forest reserves;
 - iv. The Elaboration, implementation and monitoring of national development plans and programs;
 - v. The integration of national cultural values;

The environmental provisions in the African Charter on Human and Peoples Rights²⁹ has been seen as a possible way to make up for the lack of justiciable provisions for environmental rights in the 1999 Nigerian Constitution. In the case of *Sanni Abacha v. Gani Fawehinmi*, the Supreme Court ruled that the provisions of the African Charter are integral parts of the laws of Nigeria based on the fact that Nigeria's National Assembly had domesticated the Charter as "the African Charter on Human and peoples' Rights (Ratification and Enforcement) Act."³⁰

²⁶ Constitution of the Republic of Cape Verde, 1992 Article 15

²⁷ Constitution of the Republic of Congo, 1992 Article 54

²⁸ Constitution of the Republic of Angola, 1992, Article 24

²⁹ See at <http://www.humanrights.se/wp-content/uploads/2012/01/African-Charter-on-Human-and-Peoples-Rights.pdf>

³⁰ the African Charter on Human and peoples' Rights (Ratification and Enforcement) Act - CAP. A 9 L.F.N. 2004

Of particular relevance to our discourse is Article 24 of the African Charter which provides the overarching environmental justice clause that states,

All peoples shall have the right to a general satisfactory environment favourable to their development.

Furthermore, Article 21 of the Charter has five sections and dwells on economic independence and the right to the management of natural resources:

1. All peoples shall freely dispose of their wealth and natural resources. This right shall be exercised in the exclusive interest of the people. In no case shall a people be deprived of it.
2. In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.
3. The free disposal of wealth and natural resources shall be exercised without prejudice to the obligation of promoting international economic cooperation based on mutual respect, equitable exchange and the principles of international law.
4. States parties to the present Charter shall individually and collectively exercise the right to free disposal of their wealth and natural resources with a view to strengthening African unity and solidarity.
5. States parties to the present Charter shall undertake to eliminate all forms of foreign economic exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.

In terms of modern legislation on environmental issues, Nigeria was in slumber until the toxic waste dumping incident that occurred at Koko, Delta State (then in Bendel State) in 1988. The response of government to the incident where unscrupulous persons shipped in toxic wastes from Italy led to the creation of the now defunct Federal Environmental Protection Agency (FEPA) and a number of environmental policies and laws, including the Environmental Impact Assessment (EIA) Decree 86 of 1992. There are also a number of government agencies saddled with the responsibility of ensuring good environmental behaviour. The key agencies include the National Environmental Standards Regulatory and Enforcement Agency (NESREA) and National oil Spill Detection and Response Agency (NOSDRA). Everything said, Nigerians have laws and agencies that they can depend on in efforts to protect the environment and to secure justice with regard to the state of the environment.

From researches, and from casual observation, the major challenge facing the regulatory institutions with regard to the Niger Delta include poor funding as well as administrative conflicts amongst the government agencies, poor funding of the agencies, poor quality of available information and poor communication of information on the state of the Niger Delta environment.³¹

³¹ Obinna Okafor. September 2011. The State of Environmental Monitoring in Nigeria and Ways to Improve it: Case Study of Niger Delta. Wageningen University: MSc Thesis.

Accessed at

https://www.academia.edu/909562/The_State_of_Environmental_Monitoring_in_Nigeria_and_Ways_to_Improve_It_Case_Study_of_Niger_Delta

MIREN IN CRUDE

Many of the laws that have particular focus on the oil industry were promulgated in the late 1960s and early 1970s. These include:

- Mineral Oils (Safety) Regulations, 1963
- Oil in Navigable Waters Act No. 34, 1968
- Oil in Navigable Waters Regulations 1968
- Petroleum 1967; Petroleum Decree (Act) 1969
- Petroleum (Drilling and Production) Regulations 1969
- Petroleum (Drilling and Production Amendment) Regulations 1973 and
- Petroleum Refining Regulation 1974.

The Department of Petroleum Resources (DPR) established the Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN).³² The DPR writes on its website that they are “*required to ensure that petroleum industry operators do not degrade the environment in the course of their operations. To effectively carry out these regulatory activities, the Department has been developing environmental guidelines and standards since 1981. These cover the control of the pollutants from the various petroleum exploration, production and processing operations.*” As it turned out from the assessment of the Ogoni environment by the United Nations Environment Programme, the complicit oil companies did not adhere to the stipulates of the DPR, and they did not adhere to either international or their in-house standards. This disposition again reminds of the problematic situation that arises when nations depend on private entities, driven by the profit motive, for the extraction of single or few natural resources. The pressure to extract for foreign exchange earnings, the drive for consumer cargoes from abroad and often inbuilt lack of transparency all translate to unregulated or poorly regulated activities.

A consideration of the fact that most of these laws were enacted by autocratic military governments and within the context of a civil war,³³ and centrist governance structures, makes it easy to see why enforcement did not, and still do not, place the people and the environment as central concerns. Conflict situations somehow instigate more unregulated resource exploitation because the resources get extracted to pay war bills and to satisfy the deep pockets of arms dealers and other purveyors of violence within the petro-military complex.

The oil field communities of the Niger Delta provide disturbing pictures of utter erasure of heritage. The dastard pollution of the Niger Delta environment by oil spills, sundry toxic wastes and gas flares show what happens when monetary considerations trump the concerns for life and the environment. The story of the Niger Delta has been one of downward slide since the first oil commercially viable oil well was sunk in 1956. To underscore the depth of prodigal and wasteful utilisation of our environmental resources, the Niger Delta ranks as one of the top ten most polluted places on earth. Hundreds of oil spills occur yearly and thousands of sites remain to be cleaned and restored. The pollution of the environment is so pervasive that the new normal is that people breathe contaminated air, drink obviously polluted water and farm polluted lands and harvest and eat poisoned crops. The truth is that when our people

³² See at <https://dpr.gov.ng/index/egaspin/>

³³ Biafra-Nigeria civil war

remain stuck in the pollution it is simply because they are trapped in the vice-grip of poverty in the midst of plenty.

With the world view that *the environment is our life*, the people were deeply jolted by the arrival of mindless pollution in their communities. Complaints and calls for dialogue over the rising spectre were largely ignored. When the oil companies could not continue to shrug off the concerns raised by the people over the routine oil spills and gas flares their response was to blame the oil spills on sabotage or third party interferences. As for the wasteful and toxic gas flares, the explanation was that the practice became industry practice because at the take-off of the sector in Nigeria there was no market for natural gas. There are three options for handling the associated gas that has been flared over the decades in the Niger Delta. One is to reinject the gas into the wells. Second is to utilise the gas for energy or electricity production. The third option is to simply flare or burn the gas. This third option is what has been done here despite a law abolishing it since 1984.

One important thing is to note how oil companies see our environment. Many oil fields are named after wildlife and fish endemic or important to the communities in which they are located. This may not be coincidental. Some of the oil fields are named after animal, fish and insect species such as *Ebok (monkey)*, *Okwok (bee)* and *Bonga (fish)*. It appears to be a conscious or unconscious acknowledgement that with the decimation of the species, the names of the oil and gas fields may secure the memories of what once was the ecological heritage of the people.

Today the Niger Delta is associated with violence, neglect and massive pollution. Huge sums of money have been sunk into the region to little impact. Efforts justifiably continue to be focussed on provision of basic infrastructure – roads, electricity and buildings for health centres. As good as these are, they don't address the critical reality of environmental and cultural degradation which eliminate the webs that support the lives of the people.

The restoration of the basic fabrics of life support is what Ken Saro-Wiwa and the heroic peoples of the Niger Delta have fought and died for. The entry of local persons into the business of pollution (including especially bush refining of crude oil) and the current resurgence of violence are manifestations of the festering wounds inflicted by oil extraction and the ecological negligence of both the government and the oil companies. It is a malignant sore that requires deep surgical responses, not through military might, but through carefully crafted, people-driven, organic responses. The Ogoni clean-up programme and the eventual clean-up of the entire Niger Delta is a much-needed step in the right direction. The exercise should be a template for the environmental auditing and remediation of the highly trashed Nigerian environment.

WASTES

Much has been said about converting waste to wealth and there is truth in it. It is also true that in an age of products being made with in-built obsolescence, we are probably generating more waste than should be otherwise necessary. Those who can afford to, take delight in changing mobile phones, laptop computers, diverse electronics and cars frequently. Most of the wastes are not handled professionally. The story is the same whether we are speaking of medical wastes, e-wastes or military wastes. The hierarchies of wastes ranging from domestic wastes to highly toxic wastes require varying levels of handling, treatment and disposal. We have the tendency to think that once any waste is thrown into the gutter, gully, canal, lagoon,

creeks or rivers, they have been adequately disposed of. The mind-set is that once trash is not in our backyard it has been taken care of. How wrong can we get!

What can we say concerning our predilection to the use of plastic bags that are carelessly dumped in our environment? Citizens insist on receiving everything they buy in plastic bags as though they were the very epitome of perfect packaging. Even our foods (pounded yam, garri, fufu, etc.) are wrapped and served in plastics without regard to their toxicity and the problems associated with their disposal. It is time to ban these plastic bags as they clog our drainage systems, litter our environment and pose threats to wildlife.

We hardly consider that poorly disposed of waste end up poisoning both our surface and ground water. Some of these wastes end up promoting the growth of invasive species that clog our water ways, degrade our wetlands and generally erode our heritage. Besides, increasing urbanisation, land speculation and poor planning continues to permit sand filling of wetlands, and even sea fronts, in our mad dash to *cementify* our environment. The *cementification* of our wetlands through the construction of exotic housing estates may be appear like unavoidable way of bridging the housing shortage in the country, but the loss of wetlands and natural drainage basins constitute time bombs that would blow up when the floods come in this era of rapidly changing climate.

The cavalier disposition to waste management is a result of the loss of our ecological heritage of sound environmental behaviour and general stewardship care for Nature and our relatives - the other species and beings on planet Earth.

IN CONCLUSION: WE ARE OUR HERITAGE PROTECTORS

Distinguished ladies and gentlemen, brothers, sisters and friends, permit us to bring this lecture to a close with a few points on which we must open up new conversations.

Unless we know our heritage, we may not know what we have lost and are losing. There is an urgent need for an inventory of environmental assets in Nigeria. We urgently need to institute a regular assessment of the state of the Nigerian environment as a means of revealing threats and fashioning the means for tackling the threats. The last assessment was almost a decade ago, and it was more or less an inconclusive exercise.

Beyond the **environmental audit**, a programme for national environmental remediation should be mapped out and commenced. We believe that this would not only assure us of a healthy environment, but would be a veritable means of creating jobs and rebuilding livelihoods.

Communities should be empowered to manage our forests. They have the knowledge and the passion to preserve local biodiversity as well as the customs and traditions associated with such forests. Threats of displacement of forest communities without free prior informed consent and without regard to climate impacts, endangerment of biodiversity and destruction of watersheds must end. Deforestation for any reason, must be halted. Trees and associated ecosystems cannot be replaced by planting two or more saplings for every one established tree felled. Trees are not carbon stocks and forests are not a mere collection of trees. **Forests are arenas of life and theatres of culture.**

Nigerians are very proud of our culinary diversities. A map of our agricultural and food systems indicates a solid basis of our strength and unity in diversity. There is a rapidly emerging threat to our agriculture and food systems, and this is coming especially with the opening of the doors to flood Nigeria with genetically modified organisms (GMOs) by the National Biosafety Management Agency (NBMA). Within a year of the NBMA Act coming into effect, the agency received and rapidly issued permits to Monsanto to bring in genetically modified cotton as well as two varieties of maize. Although GMOs are presented as a panacea to hunger and malnutrition, these claims have not been shown to be true in reality. On the other hand, Nigeria can be sure of rapid erasure of crop varieties once the genetically modified ones are released into the environment and this directly threatens our food sovereignty, environmental and human health, as well as culinary heritage. Varieties that have been developed by our farmers and preserved over the centuries should not be lost simply to enhance corporate profit portfolios. These varieties thrive with agro-toxics and operate in monocultures and present the spectre of land grabs, land use changes, deforestation and displacement of farmers and communities. **We use this forum to call for the reversal of permits issued to Monsanto and the restriction of genetic engineering to laboratories in the National Biotechnology Development Agency (NABDA) and universities.** We cannot afford the risks and health/environmental challenges associated with the needless GMOs. National interest must trump other considerations.

We should not end without stressing that public agencies responsible for protecting our environment and related artefacts should be adequately funded and supported to perform their duties. If this is not done, we may as well be in dreamland concerning halting our prodigal destruction and consumption of our inheritance.

Our ecological heritage is closely bound to our cultural heritage. Protecting and preserving our environment is the duty of every Nigerian. We all have the duty of bequeathing our environmental legacy to future generations. Consume less, protect more, replenish the Earth. It is time to halt our profligate tendencies and think beyond ourselves. The proverb says: he that burns his father's house inherits ashes. We certainly do not want that.

Thank you.