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LINKAGE BETWEEN POPULATION GROWTH AND SUSTAINABLE DEVELOPMENT: LEGAL AND REGULATORY ANTIDOTE

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ABSTRACT

This paper examines the linkage between population growth and sustainable development and various legal strategies introduced to achieve sustainable development in Nigeria. The paper adopted doctrinal analytical approach. The paper examines the provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended) and various subordinate laws enacted in Nigeria to achieve sustainable development. Due to the negative impact which population growth has on the achievement of sustainable development, the paper examines the provisions of the population policy for sustainable development as well as the National Policy on the Environment. The paper argues that the ineffective implementation of population policy and various legal frameworks have inhibited the attainment of sustainable development in Nigeria. The paper concludes that the increasing rate of population growth has been a recurrent challenge to the achievement of sustainable development and therefore recommends the need for enactment of substantive law with sanctions for population control. The paper further recommends that the existing laws and policies on sustainable development should be enforced by relevant agencies, whilst the 1999 Constitution should be amended to make environmental objective part of human rights provisions.

Keywords: *Population Growth, Sustainable, Development, Legal and Regulatory Antidotes.*

INTRODUCTION

Population growth has negative impacts on the achievement of sustainable development which is the main goal of the Nigerian National Policy on the Environment 1989. The primary objective of sustainable development is to ensure that development is carried out in such a way that the present generation meets their needs without compromising the ability of future generations to meet their own needs. The starting point towards achieving sustainable development in Nigeria is the recognition of the linkages between population growth and sustainable development. The word 'population' in its simplest form means: 'all people who live in a particular area, city or country, the total number of people who live there'. From this definition, the world population is the total number of living human being on Earth. One feature of population is growth. Hence, Biraben has observed that, the world population has continuously grown since the end of the Great Famine and the Black Death in 1350, when it was 370 million. Since that era, the world population has continued to increase at a steady rate, and as at 2014, the world population is in the region of 7 billion people.

In spite of the great strides taken globally in educating people around the world about family planning and birth control, the projection is that the global fertility rate still hovers around 2.5 children per woman. With this rate of growth, it has been projected that by the year 2050, the world population would have risen to 11 billion and nearly 27 billion by 2100. The continuous existence of the environment is a condition precedent for man's presence on the earth as man depends on the environment for all his basic needs such as food, shelter and clothing etc. It is the natural responsibility of the environment to ensure that man lives a comfortable life. Right from antiquity and with reference to biblical allusion, man has been given dominion over the environment to replenish and subdue it and have dominion over the fish in the sea and the birds in the sky and over every living creature that moves over the ground. In the context of this biblical injunction, the two operative words are 'replenish' and 'subdue'. To replenish is to make full something again by replacing what has been used. To subdue on the other hand means 'to bring something or somebody under control, especially to use free'. The combined effect of the two words according to Osondu, is that man ought to use the earth's resources in a sustainable manner.

However, due to population growth much pressure is exerted on the natural resources which are the component elements of the ecosystem and the main stay of sustainable development. Over utilisation of natural resources severely depletes supplies of non-renewable resources, such as fossil fuels and depletes renewable resources such as fisheries and forest. The integration of population variables into planning is, therefore, a *sine qua non* if the country must attain sustainable development. The thrust of this paper is to discuss the linkages between population growth and sustainable development. To this end, the paper is divided into six sections. Following this introduction, the paper examines the historical overview of population growth in Nigeria. Section three discusses the impacts of population growth on sustainable development. In section four, the paper highlights the evolution of Concept of Sustainable Development. Section 5 is devoted to the examination of legal and regulatory strategies to achieve sustainable development in Nigeria. The sixth section concludes the paper with recommendations.

HISTORICAL OVERVIEW OF POPULATION GROWTH IN NIGERIA

The term population in demographic usage refers to the total number of people resident in a particular area at a particular time. Population growth, in sum total, means the addition to or subtraction from the existing population through the interaction of the three elements of population change namely: Fertility, Mortality and Migration. Population growth is the numerical change in the size of a region's population between two periods and the growth is usually expressed in percentage. Nigeria, which is referred to as the demographic "giant" of the world's fastest growing region (Sub-Sahara Africa) has been growing in such a way that the population figure recorded in every census surpasses the figure of the immediate past census. Etymologically, the first census in Nigeria was conducted in 1866, the census was taken by the British colonial government and it was limited to the colony of Lagos and its environs. Another one was held at the colony in 1871 and thereafter population census was conducted about every 10 year until 2006.

The first national population census was conducted in 1911. Of the 16.054 million persons counted, the Northern Protectorate has 8.12 million, about 50.1 per cent of the total population. After the amalgamation of the Northern and Southern Protectorates in 1914, another census was held in 1921, when the population was put at 18.7 million with the South having 48 per cent of it. Other census was conducted in 1931, 1952/53, 1962/63, 1973, 1991 and 2006. During the most popular population census conducted between 1952/53, the Nigeria population figure was put at 30.42 million people. By 1963, the figure had risen to 55.7 million. Although, the 1963 population figure was contested in court on the account of purported gross irregularities, the Federal Government accepted the figure and used same as the basis for all demographical calculation and projections in the country.

In 1973, the Gowon regime conducted another census which placed the population of Nigeria at 79.8 or approximately 80 million people. This figure did not command widespread acceptance and so was cancelled by the succeeding General Murtala Mohammed/Olusegun Obasanjo administration which annulled it and continued to use the 1963 census figures as the basis for all demographic calculations and projections in the country. In 1980, no census could be conducted. In 1991, the then military government conducted a census. The provisional result of the 1991 census, conducted during the regime of President Ibrahim Babangida, put the population of Nigeria at 88,514,501. The next and most recently conducted 2006 census in Nigeria put the country's population at 140,431,790 million people, comprising 71,345,488 males and 60,086,302 females. The recent estimate of Nigerian population put it at about 184 635 279 million people as at December 2015. Although, another population census in Nigeria was to have taken place in 2016, however, it was postponed to 2018 due to logistic problems and inadequate funding.

The population growth rate of Nigeria has evident above make the population issue in Nigeria a rather disturbing question. Most of the estimates on population growth rate in Nigeria range between 3 to 3.5 percent per annum. This growth rate, is without doubt, has adverse effects on the quest to achieve sustainable development and this informed this paper to expose the linkage between population growth and sustainable development in Nigeria and the effectiveness of legal and regulatory antidote to the recurring problem.

IMPACTS OF POPULATION GROWTH ON THE ACHIEVEMENT OF SUSTAINABLE DEVELOPMENT

As evident in the preceding section, Nigeria population growth is relatively high when it is realised that even China, the world's most populous country, has a growth rate of about 1.3%. Hence, it is safe to conclude that based on this growth rate, Nigeria population will double itself in few years. This growth rate, without doubt, has some implications on Nigerian environment. The manifestation of population growth and its adverse effects on the achievement of sustainable development includes: economic and social problems, land degradation and deforestation, desertification, pollution to mention just few. Although these implications are interwoven, they are discussed briefly below.

Desertification

Desert is barren lands, waterless and treeless and often sand covered soil as Sahara desert which spread across Africa continent. Desertification is therefore the encroachment of the desert on land that was once fertile. According to Omofonmwan *et al*, desertification can be induced either by natural process or by the action of man. Natural hazards such as drought and sand deposits by winds are prime factors in the desertification process. Desertification is more prominent in the Northern part of Nigeria. Giving a typical example of desertification in the Northern part of Nigeria, Fasihu posits that between 50% and 75% of Bauchi, Borno, Gombe, Kano, Sokoto, Zamfara and Yobe States are under threats of desertification. These ten States according to the learned author, with a population of about 27 million people, account for about 38% of the country's total land areas. In these areas, population pressure, resulting from over-grazing, over exploitation for fuel wood and marginal lands and aggravated drought due to global warming has accelerated the rate of desertification.

Land Degradation

Another consequence of population growth in Nigeria is environmental degradation. For instance, the population pressure on the dwindling resources in the arid prone areas has caused a number of devastating socio-political and sectarian conflict in the country with concomitant death, injury and heavy economic losses. Other major factors contributing to land degradation as a result of population growth is inappropriate agricultural practices, the destruction of watersheds and the opening up of river banks and other critical areas, which have led to silting of river beds and loss of water courses.

Pollution

Environmental pollution is a major environmental problem in Nigeria. Pollution is the introduction by man directly or indirectly of substances or energy into the environment resulting in such deleterious effects as harm to living resources, hazard to human health, hindrances to marine activities including fishing, impairment of quality of seawater and reductions in amenities. From this definition, man's activities on the planet earth are the major causes of environmental pollution made worse by increased population growth. Environmental pollution can be categorised into three groups; these are air, water and land pollution. Population growth has contributed to the increased of three categories of pollution in Nigeria.

Economic Implications

Economically speaking, the population growth rate of 3.18 percent per annum for the nation is said to be faster than the rate of food production and general agricultural output. This situation is further compounded by the fact that there are 'inequalities in access to available food supplies'. For instance, rapid population growth has also given rise to escalating food price inflation, which constitutes the greatest threat to the living standards of many families in Nigeria, most of whom spend some 60 percent of their earnings on food and merely existing on survival food budgets. While painting a further gloomy picture of the food situation, a panel of physicians in Nigeria recently reported that one out of every four children, under the age of three, is suffering from stunted growth due to the escalating costs of food.

With rapid population growth rate in Nigeria, it naturally follows that increasing number of job seekers will scout for jobs in the labour market. This development becomes precarious in an economic environment like ours where job opportunities are getting slimmer and slimmer with the passage of each day.

Social Implications

Socially, rapid population growth has serious implications on education, crime rate and unemployment. In term of education, Coombs opined that 'population explosion acted as a quantitative multiplier on the social demand for education.' The Government of Nigeria, according to Agbodike, has stressed the issue of using education as an instrument, par excellence, to effect the socio-economic growth of the country and thereby ensuring faster development in the nation. Pushed by these driving forces, the social demand for education soars very high regardless of what may be happening to the economy and the resources available to education.

The result of this state of affairs is that school buildings, classrooms, equipment, laboratories, books and other teaching materials, whose costs continue to rise as the Nigerian economy progressively dwindles, will be in short supply. At the same time, the services of more and more teachers would be needed and so more teachers would be recruited into our school system, resulting in astronomical rise in teachers' salaries. A gloomy picture of this state of affairs was painted by Adesina *et al*, when they observed that over the years that there is abundant evidence of inadequacies funding and inappropriate provision of school buildings and materials for instruction and submits that with these unfortunate situations, much learning cannot occur. The logical outcome of the above situation is that our educational system turns out low quality products and the standard of education in most of our institutions has fallen. This development.

coupled with the high un-employment rate in the country, especially among school leavers, has made education unattractive, uninspiring and rather un-rewarding due to non-availability of job.

In the health sector, rapid population growth creates problems in the area of provision of health services, as more medical institutions, equipment, drugs, health programmes, doctors, nurses and paramedical personnel would be required. Furthermore, in the face of galloping inflationary trends prevalent in the country today, health costs become very high and rise far above the reach of many Nigerians, especially the poor rural masses of our people. And what is more, the dense population of the country, concentrated in the rural areas, tends to migrate into the urban areas in search of jobs, better life and modernisation. Such continuous drift of the population from the rural areas leads to shortage of labour, particularly in agriculture, which is the mainstay of rural economy and as such constitutes the greatest problem of rural development.

Deforestation

Deforestation is a process whereby trees are felled for several purposes, but without replanting to replace the ones felled. Estimates have it that Nigeria loses 3,000 hectares of vegetation per year through tree-felling, bush-burning and general desertification. It is also believed that over the past four decades, 96 percent of Nigeria's pristine forests have been cut down. It is common knowledge that Nigeria, which once had large areas of rainforest, now has only about 5% of such forests standing. As a result of the loss of this vital natural resource due to population pressure, it has been estimated that up to 75% of the nation's furniture needs are met with imported timber. The minimum reasonable forest cover of our country according to FAO standards should be 25%.

Increase Manpower/Labour Force

Increasing population will generate increasing manpower most especially in the long run. Children who are great in number will later enter the labour force and generate higher supply of labour. In Nigeria, rapidly increasing population has generated rapidly growing supply of labour. For instance, 1991 Population Census revealed that 51.7% of the total population belonged to age group 15-64. The population Census of 2006 equally revealed greater percentage. At present, there is a great number of people who are able, capable, willing and available for employment. But it is saddening to point out that there are not enough jobs to absorb this great number of labour force. The resultant effect of this is the high level of unemployment and poverty.

EVOLUTION OF SUSTAINABLE DEVELOPMENT

Considering the vagueness of the concept of sustainable development, it is imperative to trace the origin of the concept in order to have a better understanding of it. Of course, there have been different landmark events in the idea of global strategy to tackle environmental issues, however, the concept of sustainable development is an idea that has been evolving for over forty years. The concept of sustainable development emerged from the post-war environment movement, which recognised the negative impacts of human growth, development and communities on the environment. The idea was consolidated by several summits held, where influential people have tried to come to term on how to tackle the 'burning issues' of 21st century which include: increasing inequality, poverty, environmental and human health degradation.

Thomas Robert Malthus, an economist in his essay on principle of population as far back as 1790, held the view that population growth is one of the factors affecting sustainable development. He predicted that the world population growth would eventually starve off at the least, at a minimal level of subsistence because of food production which could not keep pace with the growth of population. His view has gained tremendous recognition on the account of vivid effects of population growth on the environment and the quest to achieve sustainable development. Furthermore, the 1950s and 1960s was the time of increasing concern that human activity was having severe disastrous impacts on the environment and that the prevailing pattern of growth and development would be unstable if left unchecked.

The theoretical framework for sustainable development evolved between 1972 and 1992 through a series of international conferences and initiatives. The UN Conference on the Human Environment, held in Stockholm in 1972, was the first major international gathering to discuss sustainability at the global scale. During the conference, there was a declaration which highlighted the problem of population, destruction of natural resources, damage to the environment, danger to other species and the need to enhance human and social wellness. The conference acknowledged the need for countries to improve the standard of living of its population and stipulated twenty-six principles that would ensure that development is sustainable. The conference further created considerable momentum, and a series of recommendations that led to the establishment of the United Nations Environment Programme (UNEP), and saddled with the responsibility

of providing leadership by inspiring, informing and enabling nations and the people to improve their quality of life without compromising that of the future generations.

The recommendations from Stockholm were further elaborated in the 1980 World Conservation Strategy—a collaboration between the International Union for the Conservation of Nature (IUCN), the World Wildlife Fund (WWF), and UNEP, which aimed to advance sustainable development by identifying priority conservation issues and key policy options. In 1983, the UN convened the World Commission on Environment and Development (WCED), chaired by Norwegian Prime Minister Gro Harlem Brundtland. The Commission is comprised of representatives from both developed and developing countries, the Commission was created to address growing concern over the 'accelerating deterioration of the human environment and natural resources and the consequences of that deterioration for economic and social development'. Four years later, the group produced the landmark publication *Our Common Future*, which provided a stark diagnosis of the state of the environment. The report popularised the most commonly used definition of sustainable development: '[d]evelopment that meets the needs of current generations without compromising the ability of future generations to meet their own needs'.

The acceptance of Brundtland report by the UN General Assembly provided the momentum for the landmark 1992 UN Conference on Environment and Development (UNCED) in Rio de Janeiro, Brazil, also referred to as the Rio Summit and the Earth Summit, which laid the foundations for the global institutionalisation of sustainable development. The conference also produced two major plans for sustainable development call Agenda 21 which proposed that poverty can be reduced by giving people access to the resources they need to support themselves. It also calls on countries to reduce pollutions, emissions and the use of toxic substances.

In 1997, the Kyoto Protocol, a protocol to the United Nations Framework Convention on Climate Change (UNFCCC) was established in which developed countries agreed on specific targets for cutting down their emissions of GHGs and also set emission trading from developing countries and clean developed mechanism for developing countries. In 2009 at the United Nations Millennium Summit, eight Millennium Development Goals (MDGs) were agreed and 199 countries subsequently signed up for it. It includes eradicating extreme poverty and ensuring environmental sustainability by 2015. In 2002, there was a World Summit on Sustainable Development (WSSD) which took place in Johannesburg, South Africa. The summit reconfirmed the MDGs and added more such as sanitation, minimising use of harmful chemicals and halting loss of biodiversity. It added a commitment of reducing GHGs emissions by 5.2% during the next ten years and to bring together government and the people to implement joint actions. Consequent to the expiration of the MDGs goals in 2015 and coupled with its failure to eradicate poverty and holistically address the nature of development as promised among others, the United Nations General Assembly in its 70th session met to set international goals aimed at improving the wellbeing of present and future generations. This new agenda is called Sustainable Development Goals (SDGs), which is a move by the World Leaders to re-direct attention, among others; to solve the problems of population growth on human physical environment and development. The new SDGs have 17 goals with a focus on both developed and developing countries to direct and frame their development agendas and policies until 2030. These goals are: End poverty in all its forms everywhere; End hunger, achieve food security and improved nutrition and promote sustainable agriculture; Ensure healthy lives and promote well-being for all at all age; Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; Achieve gender equality and empower all women and girls; Ensure availability and sustainable management of water and sanitation for all; Ensure access to affordable, reliable, sustainable and modern energy for all; Promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all; Build resilient infrastructure, promote inclusive and sustainable industrialisation and foster innovation; Reduce inequality within and among countries; Make cities and human settlements inclusive, safe, resilient and sustainable; Ensure sustainable consumption and production patterns; Take urgent action to combat climate change and its impacts; Conserve and sustainably use the Oceans, Seas and Marine Resources for Sustainable Development; Protect, restore and promote sustainable use of terrestrial ecosystems, sustainability manage forest, combat desertification and halt and reverse land degradation and halt biodiversity loss; Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels; and Strengthen the means of implementation and revitalise the global partnership for sustainable development.

LEGAL AND REGULATORY STRATEGIES TO ACHIEVE SUSTAINABLE DEVELOPMENT IN NIGERIA

Legal strategies are methods, ways, means and methodology supported by law by which a nation or country ensures that sustainable development and its principles are observed and practiced by the government of that country and citizenry. The major problem contributing to the non-sustainable development is the issue of population growth, which has invariably created difficulties affecting the realisation of sustainable development as it affects the use of natural resources, management of pollution of air, water, land, foods, micro-economics problems of waste management and urban physical planning and spatial development. The linkages between population growth and sustainable development in relation to environmental planning and development is evident in various policies and legal strategies approved or enacted in Nigeria to achieve sustainable development. These legal strategies include the following.

CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA 1999 (AS AMENDED)

Ever since the 1972 Stockholm declaration proclaimed that man's natural and man-made environment are essential to his well-being, over 130 countries have granted constitutional recognition to environmental protection while about 60 of them granted individual and fundamental human rights to clean environment to their citizens. These trends, suggest the importance of environmental protection to the nations of the world. It is perhaps on account of this awareness that made it imperative for the environmental objectives of the State to be incorporated into the Constitution of Federal Republic of Nigeria 1999 (as amended) being the first of its kind in constitutional making process in Nigeria.

Also to make foreign treaties and conventions effective in Nigeria, section 12 of the 1999 Constitution provides the mechanisms for the ratification and recognition of any treaty (including environmental treaties) to which Nigeria is a party. In recognition of the fact that government should be responsible for the protection of the natural resources of the land and welfare of her citizens, the Constitution in sections 17 and 21 require the state to protect and improve the environmental quality of the nation and to exploit its natural resources for the good of the community and to ensure healthy and sustainable development of the country's natural resources. In addition to these provisions, section 20 of the 1999 Constitution specifically enjoins the state to protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria. To guarantee these provision, section 13 of the 1999 Constitution states *inter alia* that: 'it shall be the duty and responsibility of all organs of government, and of all authorities and persons exercising legislative, executive or judicial powers to conform to, observe and apply the provisions of Chapter II of the Constitution'.

The implication of above provisions, according to Razzaque, is to ensure that the Government of Nigeria takes necessary precautions to protect the rights of the people in all policies formulated to exploit natural and human resources of the state. Furthermore, the justification for incorporating environmental provision in the Constitution, in the words of Abdulkadir, is to ensure a healthy environment for Nigerian Citizens.

While the recognition accorded environmental protection in the Nigerian Constitution may seem commendable, sections 17, 20 and 21 of the 1999 Constitution, have failed to guarantee citizens' right to a healthy environment due to population growth and provision of section 6 (6) (c) of the 199 Constitution. For instance, whilst section 13 of the 1999 Constitution seems to guarantee right to a healthy environment, section 6 (6) (c) of the same Constitution is a clog in the wheel of actualisation of sustainable development as envisage in the Nigerian National Policy on the Environment. In concrete terms, section 6 (6) (c) of the Constitution denies the courts the power to adjudicate on any issue having to do with the enforceability of the provisions of the Fundamental Objectives and Directive Principles of State Policy.

The result from the foregoing has shown that, States often express some degree of nonchalance towards fulfilling obligations they owe to citizens where the mechanism for the enforcement of same are inefficient or lacking completely. This situation has further contributed to lack of access to environmental information, inability of the public to adequately participate in the making of decisions that affect the environment and ultimately, lack of access to justice in environmental cases. In contrast to the situation in Nigeria, the importance of the right to a healthy environment has been recognised by many other national governments. For instance, in India, the court has extensively interpreted the right to life, which is the same provision with section 33 of the Nigerian Constitution to include right to a healthful environment. Similarly, section 48 of the Constitution of India, which is identical with section 20 of the 1999 Constitution has proven to be potent in protecting environmental rights. It is equally noted that the government of Brazil has adopted a new Constitution, which acknowledges the right to a healthy environment as a fundamental right.

It is hereby asserted without mincing word or argument that the Nigerian Constitution as it were has failed to guarantee the right to a healthy environment and by extension the move to actualise environmental sustainability. Hence, sustainable development will continue to elude Nigeria unless all the sections inimical to the actualisation of Chapter II of the 1999 Constitution are amended to bring it in tandem with the happening in advanced economy. The point being made here is that irrespective of arguments in several quarters, that the provisions of African Charter on Human and People Rights (Ratification and Enforcement) Act should be applied for the purpose of enforcement of people's rights to clean environment and other similar rights in the Chapter II of the Constitution cannot be a permanent antidote to various environmental problems confronting Nigeria and militating against sustainable development.

THE ENVIRONMENTAL IMPACT ASSESSMENT ACT, 1992 (EIA)

This is the core legislation that governs the environment in respect of proposed projects in Nigeria and flows directly from the provision of Principle 17 of the Rio Declaration. According to Garner, environmental impact assessment involves the evaluation, prediction and public discussion of the direct and indirect effects that policies, programmes and investment have on the social and national environment. Describing the procedure for environmental impact assessment, Shelton, opined *inter alia* that environmental impact assessment is a procedure, which seeks to ensure that adequate and early information is obtained on likely environmental consequences of development projects (or processes), on possible alternatives (including not undertaking the project or avoiding the process), and on measures to mitigate harm. Premised on the foregoing, an environmental impact assessment is simply an assessment of the potential impacts, whether positive or negative, of a proposed project on the natural environment. These assessment, according to Osondu, embraces element such as human health and safety, soil, air, landscape, water, climate, fauna and flora, historical monuments, cultural heritage or socio-economic conditions of the people. The Act, like the United States of American's National Environmental Policy Act (NEPA), 1969 was promulgated to protect and sustain our ecosystem. The Act is cast in terms of omnibus mandate to regulate the general principle and procedure and methods that will inform consideration for the assessment of development of both public and private projects. The EIA Act requires that private, local, state and federal agencies should consider values of environmental preservation in their spheres of activity and like NEPA prescribes certain procedural measures and principles to ensure that those values are in fact fully respected.

In sum total, the Act basically covers the environmental assessment of projects, which includes:

- Screening and reviews and matters incidental thereto;
- Mandatory study, notices and council's decision;
- Discretionary powers of the Agency, mediation and constitution of review panels and matters incidental thereto;
- Decision of the Agency including implementation of mitigation measures, follow up programmes and certification; and
- Trans-border matters both domestic and international; international agreements and arrangements; access to information etc.

NATIONAL ENVIRONMENTAL STANDARDS AND REGULATION ENFORCEMENT AGENCY (ESTABLISHMENT) ACT

On 17th May, 2007 and 30th May, 2007 respectively, the Nigerian Senate and the House of Representatives passed the National Environmental Standards and Regulations Enforcement Agency (Establishment) Bill, 2007. The Bill was signed into law by late President Musa Ya'radua on 30th July, 2007 as an Act of the National Assembly. This Act heralded new law on environmental protection in Nigeria having repealed the Federal Environmental Protection Agency Act – the first enactment on the environment in Nigeria.

NESREA is administered by the Ministry of Environment. Section 1 of the Act establishes the National Environmental Standards and Regulations Enforcement Agency and confers it with the responsibility for the protection and development of the environment in Nigeria. Section 7 of the Act confers on the Agency the functions to enforce compliance with laws, guidelines, policies and standard on environmental matters including local and international, on environmental sanitation and pollution prevention and control through monitoring and regulatory measures. Section 8 of the Act empowers the Agency to submit proposal for the review of existing guidelines, regulations and standards on the environment other than in the oil and gas sector and this include regulations on air and water quality; effluent limitations; control of harmful substances and other forms of environmental pollution and sanitation.

Section 27 of the Act is a punishment section and to this end, it prohibits, without lawful authority, the discharge of hazardous substances into the environment. The offence is punishable under the section, with a fine not exceeding, ₦1,000,000 (One Million Naira) and an imprisonment term of 5 years in the case of an individual. With regards to corporate body, there is an additional fine of ₦50,000.00, for every day the offence persists. Although, NESREA repealed the Federal Environmental Protection Agency Act, however, being the most recognised national legislation on the environment, the Act has taken over all the policies, legal instruments and regulations hitherto in force in Nigeria under the FEPA Act and is at present the most comprehensive legislation and compendium of all the environmental regulatory laws in Nigeria.

NATIONAL POLICY ON THE ENVIRONMENT AND PRINCIPLES OF SUSTAINABLE DEVELOPMENT

The National Policy on the Environment was launched by the Government on 27 November, 1989. It was revised and enlarged in 1999 in order to achieve balanced cross-sectoral linkages to accommodate the environmental concerns of all sectors of the Nigerian economy. The Policy contains specific guidelines for achieving sustainable development in fourteen vital sectors of the nation's economy namely: Human Population; Land Use and Soil Conservation; Water Resources Management; Forestry, Wildlife and Protected Natural Areas; Marine and Coastal Area Resources; Sanitation and Waste Management; Toxic and Hazardous Substances; Mining and Mineral Resources; Agricultural Chemicals; Energy Production; Air Pollution; Noise in the Working Environment; Settlements; Recreational Space, Green Belts, Monuments, and Cultural Property.

The main goal of the policy is to achieve sustainable development. The reasoning in sustainable development is to ensure that our environment is safe for human habitation while at the same time checkmating the adverse effect of emerging environmental problems. However, the ability of the populace to adhere to the terms and condition of the National Policy on the Environment will assist in the realisation of sustainable development. In aid of this target, the policy has developed the following environmental development principles among others: Precautionary Principle; Pollution Prevention Pays Principle (3p+); Polluter Pays Principle (PPP); User Pays Principle (UPP); Principle of Intergenerational Equity; Principle of Intra-Generational Equity and Subsidiary Principle. The purpose of these principles is to achieve sustainable development.

In appreciation of the fact that the achievement of sustainable development is a battle which a country cannot handle single handedly there have been various collaborations at global level to tackle the problems of environmental sustainability. The battle was championed by the United Nations Organisation, which was established to maintain international peace and security. To meet this mandate; the body is conferred with enormous powers to adopt measures aimed at strengthening universal peace. Besides, United Nations is designed, among others, to develop friendly relations among nations, achieve international co-operation in solving international economic, social, population, cultural or humanitarian problems. Most importantly, Article 55 of the Charter of the United Nations requires the UN to promote high standards of living; full employment and conditions of economic social progress and sustainable development; promote solution to international economic, social, health and related problems and observance of human rights and fundamental problem. However, the realisation of these objectives will be impossible if individual state is allowed to pursue divergent economic interests at the expense of environmental degradation and problems on account of population growth. To this end, the United Nations in 1946 and in collaboration with other countries that shared the same goals and aspiration organised conventions, conferences, protocol, bilateral and multi-lateral agreements and treaties to make the realisation of sustainable development a reality. A good example of this was the recent United Nations General Assembly 70th session, where the heads of state agreed to set international goals aimed at improving the wellbeing of present and future generations. This new agenda took over from the previous targets, the Millennium Development Goals which expired in the year 2015. Hence, the new Sustainable Development Goals (SDGs) has taken over the centre stage of world event for some decades to come. Nigerian government has reaffirmed its commitment to the implementation of the new SDGs, having failed to meet the targets its set towards achieving the MDGs, one of which is ensuring environmental sustainability.

NATIONAL POLICY ON POPULATION FOR SUSTAINABLE DEVELOPMENT

In a bid to reduce population growth and achieve sustainable development, a frontal approach was taken in 1988, when Nigeria adopted a National Policy on Population for Sustainable Development. Historically, Nigeria's Population Policy was derived from differing perceptions of population problems and the need to adopt policies to influence the identified problems. The political strategy adopted to draw support for this

policy was through extensive public awareness programme carried out throughout the preparatory stages and the participatory approaches taken by the government, including the general community in the policy formulation stage. Hence, the objective of the policy amongst others is to educate all young people on population matters, sexual relationships, fertility regulation and family planning (FP) before entering the age of marriage and childbearing, to assist them towards maintaining responsible parenthood and reasonable family sizes within their ability to foster;

The population policy programme components include the provision of family and fertility regulation services to all persons who wish to use them voluntarily and the strengthening of the maternal and child health programmes to reduce the current rate of high childhood and maternal morbidity and mortality. The policy also aimed at integrating women, children and youth into the development process, provided awareness and enlightened the people on the consequence of their population education and information programme. Reversal of rural-urban migration by taking positive action to improve rural economies as a major component of the population policy programme. The policy also puts emphasis on data collection, training, research, monitoring and evaluation of population programmes.

From the foregoing analysis of Nigerian Population Policy, it is observed that the goals of the Policy was to achieve reduction of the Nigerian population through provision of family and fertility regulation services to all persons who wishes to use them. The objective of this is to improve the standards and quality of living and of life of the people; to lower population growth and birth rates through voluntary fertility regulation and to achieve a more balanced spatial distribution of population between rural and urban areas all aimed at achieving sustainable development. The target date for the achievement of above objectives was 2000. However, it is sad to note that in 1988, when the Policy was approved, Nigerian population was 89,593,267 million people, but by 2000 when the Policy supposed to have been fully implemented, the Nigerian population had risen to 121,351,477. Of course, the Nigerian population growth rate experienced reduction from 2.67% in 1988 to 2.54% in 2000. However, this reduction was never sustained because as at January, 2016, the Nigerian population had risen to 184,635.279 million people with a total growth rate standing at 2.67%.

The conclusion to be drawn from the foregoing is that the Nigerian National Policy on Population has remained ineffective probably due to the fact that the Policy was predicated on the principles of 'voluntarism and social responsibility' without attendance sanction for non-compliance with its provision. Similarly, the four children stipulation in the Policy target only women while men are left to have as many wives as they may wish to have. Hence, unless concrete steps are taken to reduce population growth, the quest to achieve sustainable development will continue to elude Nigeria.

CONCLUSION

Sustainable development is not just about conserving our resources, it is about changing our cultures and values to make conservation a way of life. The earth has a natural balance, hence, over consumption of its resources, whether in term of polluting or diverting water, over-fishing the ocean, or burning too many fossil fuels throws that balance off and makes it difficult for the earth to renew itself. Living sustainably means consuming as much as we need, while making sure to never consume so much that it cannot be replaced, restored and or renewed. Of course, concerted efforts have been made by some developed and developing countries to promote environmental protection through the adoption of strong environmental policies and laws. Similarly as evident in this paper, Nigeria government has equally enacted laws and formulated policies on environmental management to achieve sustainable development. Theoretically, these laws and policies appeared laudable, but in practice, there are much to be desired, as the provisions enshrined in the various instruments of intervention are rarely enforced. The reasons for this is due to inadequate human resource; inadequate and mismanaged funds; low degree of public awareness of the effects of population growth on the environment as well as their effects on sustainable development and corruption on the part of enforcement officers.

Although, Nigeria is signatory to a large number of international and sub-regional treaties and conventions. However, Nigeria is yet to promulgate the constitutionally mandated laws at the national level to give effect to most of these international treaties in the country. For instance, there is no direct statutory provision for population control in Nigeria; government, must, as a matter of urgency, enact direct law on population control in order to enforce compliance and ultimately checkmate its adverse effects. To create fear in the mind of people, such law, when enacted, must stipulate penalty for failure to comply with its provisions. It must also stipulates the number of children a couple shall have as against the present stipulation of four children per woman. In other words, the population law must target couple and not woman.

Finally, there is a conflict in the provisions of the 1999 Constitution and the National Policy on the Environment. For instance, while it seems the government is committed to the achievement of sustainable development goals as stipulated in the National Policy on the Environment by introducing sections 13, 17, 20 and 21 into the 1999 Constitution. However, section 6 (6) (c) of the Constitution is a major impediment to this commitment having rendered the provisions within the Fundamental Objectives and Directive Principles of State Policy non-justiciable. The antidote to this apparent double standards is amendment of the Nigerian Constitution to make environmental right part of the provision of the Fundamental Rights in the Constitution. Doing this will place the Nigeria Constitution on the same pedestal with recent happening in other jurisdictions such as: Brazil, India and South Africa just to mention few, where their Constitutions acknowledged the right to a healthy environment as fundamental rights.

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