

2014

Climate Change and Nigeria's Sustainable Development of Vision 20-2020

Dr. S. Gozie Ogbodo

University of Benin, Nigeria, gozieogbodo@yahoo.com

Dr. Ngozi F. Stewart

University of Benin, Nigeria, ngozistewart@yahoo.com

Follow this and additional works at: <http://digitalcommons.law.ggu.edu/annlsurvey>



Part of the [Comparative and Foreign Law Commons](#), and the [Environmental Law Commons](#)

Recommended Citation

Ogbodo, Dr. S. Gozie and Stewart, Dr. Ngozi F. (2014) "Climate Change and Nigeria's Sustainable Development of Vision 20-2020," *Annual Survey of International & Comparative Law*: Vol. 20: Iss. 1, Article 6.

Available at: <http://digitalcommons.law.ggu.edu/annlsurvey/vol20/iss1/6>

This Article is brought to you for free and open access by the Academic Journals at GGU Law Digital Commons. It has been accepted for inclusion in Annual Survey of International & Comparative Law by an authorized administrator of GGU Law Digital Commons. For more information, please contact jfischer@ggu.edu.

CLIMATE CHANGE AND NIGERIA'S SUSTAINABLE DEVELOPMENT OF VISION 20-2020

DR. S. GOZIE OGBODO* & DR. NGOZI F. STEWART**

ABSTRACT

Nigeria's current development vision is to become one of the fastest developing economies in the world by the year 2020. Unfortunately, Nigeria flares an estimated 2.5 million cubic feet of gas each day which amounts to almost 40 percent of the total gas consumed in Africa. Thus, the country is one of the leading emitters of carbon dioxide, a veritable source of climate change. This paper will argue that the negative consequences of climate change are inimical to Nigeria's sustainable development. Further, the paper will fault the sincerity of the vision and assert that the leadership of the country owes a duty to both the present and future generations to develop the country sustainably.

By 2020, Nigeria will have a large, strong, diversified, sustainable and competitive economy that effectively harnesses the talents and energies of its people and responsibly exploits its natural endowments to guarantee a high standard of living and quality of life to its citizens.

- Nigeria Vision 20:2020 Economic Transformation Blueprint (2009)

* LL.B., Nnamdi Azikiwe University Awka (Unizik), Nigeria; LL.M., Golden Gate University School of Law; S.J.D., Golden Gate University School of Law; Senior Lecturer and Deputy Coordinator of the Post Graduate Program, Faculty of Law, University of Benin, Nigeria. Former Adjunct Professor, Golden Gate University School of Law. Email: gozieogbodo@yahoo.com.

** Ph.D., University of Leicester, UK; Lecturer, Senior Lecturer, Administrative and Environmental Law, University of Benin, Nigeria. Email: ngozistewart@yahoo.com.

I. INTRODUCTION

Nigeria is one of the leading exporters of crude oil in the world with an estimated production capacity of over two million barrels a day. In order to refine crude oil, the associated gas must be extracted.¹ Rather than harness the associated gas in the oil production process for domestic and export benefit, the gas is wantonly flared into the Nigerian atmosphere. Since 1956 when crude oil was discovered in commercial quantities in the country,² the accompanying gas has been flared into Nigeria's atmosphere. Despite the enormous environmental consequences of gas flaring, the practice continues unabated in the country's oil industry. In fact, Nigeria is currently reported to be flaring an estimated 2.5 million cubic feet of gas each day which amounts to almost 40 percent of the total gas consumption in Africa.³ By so doing, the oil industry in Nigeria pumps over 400 million tons of carbon dioxide into Nigeria's environment.⁴ This places Nigeria in the unenviable position of being responsible for one-sixth of the entire gas flared in the world.⁵

Gas flaring is inimical to the health of human beings and is a major pollutant to the environment; little wonder there is a prevalence of serious health conditions emanating from gas flaring in the oil-rich Niger Delta region of Nigeria. Cases of asthma, bronchitis, skin rashes, and other maladies abound in the region. The environment also suffers from air pollution, acid rain, and more particularly, increased emission of carbon dioxide into the atmosphere. Although carbon dioxide, methane, nitrous oxide, and chlorofluorocarbons (CFCs), constitute the main greenhouse gases contributing to climate change, carbon dioxide is the most portentous gas with respect to climate change.

In addition to gas flaring, the burning of other fossil fuels, such as coal and oil for both domestic and commercial purposes, contribute enormously to the generation of carbon dioxide in the Nigerian

1. The associated gas in the extraction of crude oil can be harnessed for secondary use; it can also be re-injected into the ground where it came from; and it can be flared or vented into the atmosphere. The least expensive process of all the processes is flaring or venting; which explains why Nigeria prefers to flare its associated gas despite the huge environmental and economic losses associated with that process.

2. Oil was discovered in commercial quantities in Oloibiri, which is presently in Bayelsa State, one of the 36 States of the country. Bayelsa is one of the oil-producing states in the oil-rich region of the country called the Niger Delta region.

3. See *'Is The Clean Development Mechanism An Option In Nigeria's Quest To Eliminate Gas Flaring?'* available at http://www.kas.de/proj/home/pub/33/2/document_id-11468/index.html. Cited by Adebayo S.M. and Arowolo, G.A., *The Efficacy of the Legal Framework for Combating Climate Change in Nigeria*, UBJPPL, Vol.3, 2012, 85.

4. *Ibid.*

5. *Ibid.*

atmosphere. It is note-worthy that due to the unstable power situation in the country,⁶ Nigeria is one of the leading importers of generators in the world. Further, deforestation is another major source of carbon dioxide generation in the atmosphere. Again, Nigeria ranks as one of the leading countries in the wanton destruction of their rich and dense forests.

It is against this environmentally harmful background that Nigeria adopted the official policy to become one of the fastest developing economies by the year 2020 (popularly called the "NV 20:2020" Project). A very ambitious development plan, NV 20:2020 envisions that by 2020, the Gross Domestic Product (GDP) of the country should not be less than US\$ 900 billion;⁷ that the national per capita income will not be less than US\$ 4000;⁸ that the country's economy must grow at an average rate of 13.8 percent⁹ between now and 2020; and that the country must generate not less than 60,000 megawatts (MW) of electricity.¹⁰ No doubt, NV 20:2020 is a commendable development plan,¹¹ because it envisages a faster rate of development in the country by, "effectively harnessing the talents and energies of the people and responsibly exploiting its natural endowments to guarantee a high standard of living and quality of life [for] the citizens."¹²

6. Presently, the current produces less than 4,000 MW of electricity which falls way short of its targeted production capacity by the year 2020. For further reading see, Ikeotuonye, A.I., Preparing Teachers For The Challenges Of Nigeria Vision 20: 2020, a lead paper presented at the 25th Annual Congress of the Nigerian Academy of Education, 12 th November, 2010, 2. See [www.http://nigerianacademyofeducation.org/vision%202020.html](http://nigerianacademyofeducation.org/vision%202020.html). (last accessed on September 14, 2013).

7. Otoibo, E.E., The Challenges of Realizing Nigeria's Vision 20: 2020, being a paper presented at the Annual Convention of the Government College Ughelli Old Boys Association in North America, 6 August 2011, 3. Currently, Nigeria's GDP is \$262.61 billion. See www.tradingeconomics.com. (last accessed on 16 September, 2013).

8. This is in contrast to the country's present national per capita income which is \$1,052.34. See www.tradingeconomics.com. (last accessed on 18 September, 2013).

9. Currently, the country's economic growth is an average of 7.5 - 8%. See Ikeotuonye, A.I., *supra*, note 6.

10. See Ikeotuonye, A.I., *supra*, note 6.

11. Since its independence in 1960, Nigeria has experimented with various kinds of development plans. A consistent feature of these plans is the Annual Plan or annual budget which is formulated on a yearly basis. However, from 1962 to 1985, it experimented with a mixture of the Annual Plan and Short-term Plans which were titles Development Plans. The Development Plans were four in number as follows: First Development Plan which spanned from 1962-1968; Second Development Plan which spanned from 1970-1974; Third Development Plan which spanned from 1975-1980; and the Fourth Development Plan which spanned from 1981-1985. Thereafter, the Structural Adjustment Programme (SAP) was introduced in 1986. In 1993, the Vision 2010 was introduced, but was short-lived. In 2010, the present Vision 20:2020 was introduced. See Eneh, O.C., Nigeri'a Vision 20:2020 – Issues, Challenges and Implications for Development Management, *Asian Journal of Rural Development*, 1(1): 21-40, 2011, 25.

12. See the Vision Statement of the Nigeria's Vision 20:2020 Economic Transformation Blueprint (2009).

20 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

This work analyzes the unhealthy tension between two policies of the government: the lofty goals of NV 20:2020 and the unabating gas flaring in the oil industry. The analysis is premised on the principle of *sustainable development* with a view to determining whether, indeed, such a gas flaring practice can guarantee the attainment of the targets of the NV 20:2020 and the sustainable development of the country. In other words, can such practice of unabating gas flaring be complementary to NV 20:2020? By any stretch of economic and development imagination, can gas flaring be said to amount to a sustainable practice that can guarantee the overall sustainable development of the country? This is the Philosopher's Stone of this work.

This work argues that such a gas flaring practice with its concomitant negative consequences are inimical to both NV 20:2020 and the sustainable development of the country. Further, the work will fault the sincerity of NV 20:2020 and will hold that the leadership of the country owes a duty to both future and present generations to develop the country sustainably.

II. THE CONCEPT OF SUSTAINABLE DEVELOPMENT

Development of any kind will take place within a distinct geographical environment. Thus, Nigeria's development will invariably be pursued within the country's geographical environment. The process of development involves the deliberate inter-play of activities within the country's geographical environment which includes the tripartite constituents of man, the physical components and the environment. Indeed, development has been defined as: "A comprehensive economic, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals on the basis of their active, free and meaningful participation in development and in the fair distribution of benefits resulting therefrom."¹³ Nigeria's flagship law on the environment, the NESREA Act,¹⁴ apparently took that into account in its definition of the environment as follows: "Environment" includes water, air, land and all plants and human beings or animals living therein and the inter-relationships which exist among these or any of them.¹⁵ This definition clearly recognizes the physical components of

13. See the United Nations Declaration on the Right to Develop

14. The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, otherwise known as the NESREA Act. This Act repealed the former Act, the Federal Environmental Protection Act, 1988, otherwise known as the FEPA Act. For further reading see, Ogbodo, S Gozie, Handbook on the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, Law Development Company, 2010.

15. Section 37 of the NESREA Act.

the environment, as well as the human beings and animals living therein. Further, it appreciates the inter-relationships (or developmental activities) which may occur (and which invariably occur) among these various components. To circumvent any hint of doubt, the subject of this discourse falls squarely into the realm of development activities, *i.e.*, the inter-relationship between gas flaring in the oil sector and the implementation of NV 20:2020.

In a bid to accelerate development, the tendency has been to harness environmental resources without due regard to environmental, economic, health, social and other consequences. It is in realization of this risk that the need to strike a delicate balance between development and environmental protection arose. While development is unavoidable, it must not be recklessly pursued. There is, therefore, a need to place certain limitations in order to ensure that it is carried out in a sustainable manner.¹⁶ Which begs the question, what then is sustainable development?

The Brundtland's¹⁷ definition of sustainable development has become the most commonly accepted definition. It defines sustainable development as the 'development that meets the need of the present without compromising the ability of the future generations to meet their own needs.' The definition attempts to find a delicate balance between the needs of the present generation and that of future generations. In the same vein, the Expert Group on Environmental Law of the WCED articulated a list of legal principles — one of which was the right to a healthy environment as a fundamental human right.¹⁸

The concept of sustainable development is premised on the *Precautionary Principle*, which states that in the management of the environment and its resources, allowances must be made for scientific *uncertainty* where there is the potential for *serious* or *irreversible* harm.¹⁹ In other words, the Precautionary Principle serves as a restraint on the

16. See the foreword of Judge Nagendra Singh to the Report of the Experts Group on Environmental Law of the World Commission on Environment and Development (WCED). According to Judge Singh, "The right to development does, however, have certain limitations in as much as it cannot be accepted at the expense of the community or even at the expense of neighbouring state whose prospect may be jeopardized."

17. The United Nations Commission on Environment and Development's report was entitled, 'Our Common Future'. For further reading, see the Report of the World Commission on Environment and Development (WCED), ch.2(1), U.N. Doc. A/42/427 (1987), <http://www.worldinbalance.net/agreements/1987-brundtland.html>. (accessed March 5, 2013).

18. R. Munro and J. Lammers, *Environmental Protection and Sustainable Development – Legal Principles and Recommendations* (Graham & Trotman 1987), 25, art 1.

19. K. Gustavson and R. Kent, 'Applying the Precautionary Principle in Environmental Assessment: The Case of Reviews in British Columbia' (2003) 46 (3) JEPM 365, 365.

22 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

excessive use and enjoyment of natural resources, and further calls for anticipation with respect to the causes of environmental pollution and degradation in the environment.²⁰

More importantly, sustainable development connotes both rights and responsibilities, while recognizing the right of the present generation to use and enjoy natural resources; however, it burdens the present generation with the responsibility to take cognizance of the interests of future generations while harnessing the environmental resources. Practically, sustainable development is distinguished from traditional development policy which is myopically focused solely on serving the interest of the present generation to the detriment of subsequent generations.²¹ The sustainability concept encourages the present generation to value environmental resources not only as an investment opportunity, but also as a generational trust passed to us by our ancestors for our benefit, as well as for the benefit of our descendants.²²

In order to discharge this generational trust creditably, the present generation must preserve the following: the life support systems of the planet; the ecological processes and environmental conditions necessary for the survival of the human species; and a healthy and decent environment.²³

III. NV 20:2020

Currently, Nigeria has a rather ambitious development plan, NV 20:2020²⁴ which aims at propelling the country into the league of the world's leading economies by the year 2020. The Vision is aimed at two specific targets as follows²⁵:

- (a) Gross domestic product of not less than US \$900 billion;

20. J. Cameron and J. Abouchar, 'The Precautionary Principle: a Fundamental Principle of Law and Policy for the Protection of the Global Environment' (1991) *B.C. Int'l & Comp L. Rev.* 14.

21. M. Salvo, 'Constitutional Law and Sustainable Development in Central Europe: Are We There Yet? (1996 – 1997) *S S C Env L. J.* 141, 145.

22. E. Weiss, 'In Fairness to Future Generations and Sustainable Development' (1992 – 1993) *8 Am U J Intl L & Policy* 19, 23-25.

23. E. Weiss, 'The Planetary Trust: Conservation and Intergenerational Equity' (1984) *11 Eco L Q* 511.

24. Nigeria's Vision 20-2020 was approved by the Federal Executive Council on 14 October 2009. It was also endorsed by the National Council of State on 8 June 2010 and was launched by President Goodluck Ebele Jonathan on 14 June 2010. The apex body of the Vision is the National Council on NV 2020 (NCV2020). It is noteworthy that the President and Commander-in-Chief of the Federal Republic of Nigeria is the Chairman

25. Usman, Shamsuddeen, Nigeria's former Minister of National Planning, Nigeria – Vision 20: 2020, The First Implementation Plan (2010 – 2013), being a paper presented at the Validation Workshop on the First Four-Year Implementation Plan for NV 20: 2020, 5 August 2010.

- (b) Per capita income of not less than US \$4,000.

The two main objectives of the Vision are as follows:²⁶

- (a) Make efficient use of human and natural resources to achieve rapid economic growth and;
- (b) Translate the economic growth into equitable social development for all citizens.

The strategies for a successful prosecution of the Plan will include the following:²⁷

- (a) Achieving double digit growth rates and maintaining strong economic fundamentals;
- (b) Achieving significant progress in economic diversification;
- (c) Stimulating the manufacturing sector and strengthening its linkages;
- (d) Raising the relative competitiveness of the real sector;
- (e) Deepen the financial sector;
- (f) Massive investment in infrastructure and human capital; and
- (g) Adoption of pragmatic fiscal, monetary, trade and debt management policies.

For an efficient implementation of the NV 20:2020, the Plan has been broken down into three medium-term development plans or national implementation plans.²⁸ The first medium-term plan will span from 2010–2013 (NP 2010—2013; the second will span from 2014—2017 (NP 2014—2017), while the third will span from 2018—2030 (NP 2018—2020). The first national implementation plan (NP 2010—2013), and indeed all the three development plans, are anchored upon some critically indispensable national aspiration which include the polity, macro-economy, education, infrastructure, manufacturing, health and agriculture.²⁹ There is no doubt that a sustainable development plan must be pursued in a peaceful, harmonious and stable democracy. The economy must be stable and globally competitive and must be supported by efficient infrastructure in all sectors of the economy. The educational system must be able to teach students the best global practices in all spheres of human endeavor, while the health care sector must be capable of ensuring a healthy and productive citizenry that can drive all sectors of

26. Nigeria Vision 20: 2020, Abridged Version, 12 December 2010, 2.

27. Usman, Shamsuddeen, *supra*, note 23.

28. *Ibid.*

29. *Ibid.*

24 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

the economy. In addition, the agricultural sector must have the capacity to make the country self-sufficient in food production and processing, while the manufacturing sector must be globally competitive in order to provide adequate employment and goods. In fact, the theme of the first implementation plan or NP 2010 — 2013 is aptly captioned: accelerating development, competitiveness, and wealth creation.³⁰

Further, the six main policy thrusts of the first national implementation plan or NP 2010 — 2013 are as follows:³¹

- i. Bridging the infrastructure gap to unleash economic growth and wealth creation;
- ii. Optimizing the sources of economic growth to increase productivity and competitiveness;
- iii. Building a productive, competitive and functional human resource base for economic growth and social advancement;
- iv. Developing a knowledge-based economy;
- v. Improving governance, security, law and order and engendering more efficient and effective use of resources to promote social harmony and conducive business environment for growth; and
- vi. Fostering accelerated, sustainable social and economic development in a competitive and environmentally friendly manner

In the same vein, the development aspirations are anchored on four dimensions:³²

- (a) Social: building a peaceful, equitable, harmonious and just society;
- (b) Economic: developing a globally competitive economy;
- (c) Institutional: having a stable and functional democracy;
- (d) Environmental: achieving a sustainable management of the nation's natural resources.

From the foregoing, it is obvious that the NV 20:2020 is a well formulated policy with all the critical components for an effective implementation. However, the two main objectives of the Vision intend to not just maximize “human and natural resources to achieve rapid

30. *Ibid.*

31. *Ibid.*

32. Nigeria Vision 20: 2020, *supra*, note 24.

economic growth,”³³ but more importantly to do so by “fostering sustainable social and economic development”³⁴ in the long run. The Philosopher’s Stone of this work lies in the appreciation of the legal conundrum which we are faced with in trying to reconcile the feasibility and practicability of such lofty goals in the light of such an unsustainable practice as unabated gas flaring, which tremendously expedites the perils of climate change.

How, for instance, can the development aspirations of NV-2020 be accomplished when gas flaring, and its concomitant effect on climate change, is antithetical to the four dimensions of the development aspirations and particularly, on the environment? Is the environment not the bedrock of every human development aspiration?

IV. CLIMATE CHANGE

The United Nations Framework Convention on Climate Change (UNFCCC)³⁵ defines climate change as “a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to other natural climate variability that has been observed over comparable time periods.”³⁶

According to Michael Kerr,³⁷ the main cause of climate change is attributable to “higher concentrations of greenhouse gases in the earth’s atmosphere leading to increased trapping of infrared radiation.” The major greenhouse gases contributing to climate change include carbon dioxide, methane, nitrous oxide, chlorofluorocarbons (CFCs). In particular, carbon dioxide contributes most to climate change in Nigeria. The chief sources of carbon dioxide in Nigeria include the burning of fossil fuels like oil, coal and natural gas, as well as deforestation.

33. *Ibid.*

34. See the three pillars of the Vision; particularly, the third pillar. For further reading, see Usman, Shamsuddeen, Nigeria – Vision 20: 2020, The First Implementation Plan (2010 – 2013), 22.

35. The United Nations Framework Convention on Climate Change (UNFCCC) is an international environmental treaty that was opened for signature at the Earth Summit held in Rio de Janeiro in 1992 and came into force in 1994. The supreme body or the highest decision-making authority of the Convention is the Conference of the Parties (COP), which consists of all the countries that are Parties to the Convention.

36. See Article 1 (2) of the UNFCCC.

37. See Michael Kerr, *Tort Based Climate Change Litigation in Australia*. A Discussion Paper Prepared for the Climate Change Litigation Forum, London, 2002, hosted by Friends of the Earth International. Available at http://www.acfonline.org.au/uploads/res_climate_change_litigation.pdf. Cited by Adebayo S.M. and Arowolo G.A., *The Efficacy of the Legal Framework for Combating Climate Change in Nigeria*, UBJPPL, Vol. 3, 2012, 83.

This paper focuses primarily on the anthropogenic effect of gas flaring in enhancing climate change which is inimical to the sustainable development of NV 2020. It has been estimated that Nigeria's natural gas reserves are 174 trillion cubic feet (cf), which far exceeds the country's oil reserves. However, "out of the 5.78mm cf of gas produced per day, 80% of it is flared while 12% is re-injected to enhance oil production. This leaves the nation utilizing only about 8% of its produced gas for both domestic and industrial uses as well as for export."³⁸ With respect to Nigeria, there is no concerted process for harnessing the associated gas derivable from oil production. Consequently, the bulk of the gas is flared into the atmosphere. In fact, Nigeria is reported to be flaring an estimated 2.5 million cubic feet of gas each day which amounts to almost 40 percent of the total gas consumption in Africa.³⁹ Because it flares over 400 million tons of carbon dioxide into its environment, Nigeria is responsible for one-sixth of the entire gas flared world-wide.⁴⁰ Despite the environmental⁴¹ and economic⁴² consequences of gas flaring, Nigeria has been paying lip-service to its commitment to end the practice by extending the deadline from 2004 to 2007, and from 2008 to 2010, and finally to 31 December 2012. It is noteworthy that many months after the last deadline of 31 December 2012, the flaring continues in different oil production locations in the country.

In the light of the inestimable environmental and economic consequences of gas flaring in Nigeria, the government has formulated many legal frameworks and collaborated on many global initiatives aimed at reducing the amount of gas flared in oil production activities. Of particular reference is the Associated Gas Re-Injection Act ("Act")⁴³ and the Global Gas Flaring Reduction partnership, which is a World Bank

38. Tajudeen J. Ayoola, Gas Flaring and its Implication for Environmental Accounting in Nigeria, *Journal of Sustainable Development*, Vol. 4, No. 5, October 2011, 244.

39. See 'Is The Clean Development Mechanism An Option In Nigeria's Quest To Eliminate Gas Flaring?', available at http://www.kas.de/proj/home/pub/33/2/document_id-1148/index.html. Cited by Adebayo S.M. and Arowolo, G.A., *ibid.*, 85.

40. *Ibid.*

41. From an environmental point of view, gas flaring does not only waste critical energy resources but adds an estimated 400 million tons of CO₂ in annual emissions.

42. According to a study commissioned by Nigeria's Bureau of Public Enterprises, it was reported that each year the country loses between US\$500 million and US\$2.5 billion to gas flaring. The meager 20 to 50 million Naira (equivalent to US\$150,000 – 370,000) charged oil companies in Nigeria annually for flaring gas pales in comparison to the huge amount the country loses each year. For further reading, see GAS Global Gas Flaring Reduction Initiative: Report No. 3: Regulation of Associated Gas Flaring and Venting – a Global Overview and Lessons (World Bank, March 2004), page 64. See also Nnimmo Bassey, Gas Flaring: Assaulting Communities, Jeopardizing the World, a paper presented at the National Environmental Consultation hosted by the Environmental Rights Action in conjunction with the Federal Ministry of Environment, 10 -11 December 2008.

43. See the Associated Gas Re-injection Act 1979, Cap A25, Laws of the Federation of Nigeria, 2004.

initiative.⁴⁴ Although the Act aims at compelling every company producing oil and gas in Nigeria to submit preliminary programs for gas re-injection, gas flaring has continued beyond the 1 January 1984 deadline that the Act mandates.⁴⁵ With respect to the Global Gas Flaring Reduction partnership, it developed a guiding document called the Global Gas Flaring and Venting Reduction Voluntary Standard ("Standard").⁴⁶

In addition to gas flaring, the record with respect to deforestation is not quite different. The economic demand for wood for logging, timber exports, wood fuel, and agriculture, requires massive deforestation. Consequently, it has been reported that between 2000 and 2005, the country cleared 55.7 percent of its forests.⁴⁷

Through the process of photosynthesis, trees are a major absorbent of carbon dioxide. Therefore, as trees are recklessly hewed for economic and domestic ends, the atmosphere is substantially deprived of one of its major bulwarks against the environmental effects of carbon dioxide. Yet, the present government is bold to initiate the NV 20-2020 in light of the unsustainable consequences of gas flaring and reckless deforestation which exacerbate the perils of climate change.

V. CHALLENGES TO DEVELOPMENT

There are certain challenges that are inimical to development in general; however, from the foregoing, it is apparent that some of the identified challenges are particularly inimical to Nigeria's development plan (NV 20:2020). Therefore, in order to accomplish the rather ambitious goals of the Vision, Nigeria must immediately and aggressively address some of

44. The Global Gas Flaring Reduction partnership (the 'GGFR') was launched at the World Summit on Sustainable Development in August 2012, as a Type II public-private partnership. It aims at reducing Gas Flaring globally with a view at mitigating the consequences of climate change. The core activities of the GGFR are as follows: (i) Global activities which include the support, adoption and implementation of standards and practices recommended in the GGFR Report Number 4 and the development of recommendations on legal, regulatory, technical and fiscal best practices to promote Gas Flaring reduction investments. (ii) Country-specific activities like assisting governments to gather Gas Flaring data from their countries and develop Gas Flaring reduction strategies and the promotion of gas commercialization through associated gas utilization reviews, demonstration projects, etc., and (iii) Dissemination activities which include the organization of country/regional workshops, the organization of high-level international conferences, publication of reports and communication and media outreach.

45. Note 41, *ibid.*

46. The Global Gas Flaring and Venting Reduction Voluntary Standard (the 'Standard') is a document, established and recommended by the GGFR which provides guidance on how to achieve reductions in the flaring and venting of associated gas in the oil production activities. As a mark of its commitment to the partnership, Nigeria established the Nigeria Flare Reduction Committee (NFRC) which was set up in 2007 and is under the Ministry of Petroleum Resources.

47. *Ibid.*

28 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

the major challenges that are presently confronting the country. There is no doubt that climate change impacts the social, economic and environmental components of any country's development aspirations. For a developing country like Nigeria, the impact of climate change on its development aspirations can be dire. In addition to climate change, there are other challenges that are inextricably inter-related with climate change, and which must be addressed in order to create an economically enabling environment for the Vision. Specifically, some of the major challenges to NV 20:2020 can be identified as follows:

A. OVER-DEPENDENCE ON OIL REVENUE

Currently, Nigeria earns over 80 percent of its foreign exchange earnings solely from oil revenues. Consequently, the bulk of the development plans of the country hinge upon the steady inflow of oil revenue. This is tantamount to putting all the country's proverbial eggs into one basket. If the oil sector suffers a hiccup, as has happened in the past, then all the development plans will be skewed.

In the same vein, the over-dependence of the economy on the oil sector has occasioned the neglect of other productive sectors which could have been complementing the revenue from the oil sector. As it stands, a monolithic economy solely dependent on oil revenue will not mitigate the consequences. Currently, the growth rate of the Nigerian economy is estimated at about 8 percent per annum. However, in order to meet the targeted GDP by the year 2020, the economy must grow at the rate of 13.8 percent per annum.⁴⁸

Perhaps, if the other economic sectors were developed and producing maximally, they could be expected to bridge the current gap in the attainment of the NV 20:2020. Unfortunately, Nigeria is a monolithic economy depending wholly on oil revenue to the total neglect of the other sectors of the economy.

B. LACK OF INTEGRATION OF ECONOMIC, ENVIRONMENTAL AND SOCIAL GOALS

A good development plan must be aimed at a holistic integration of the economic, environmental and social goals with the ultimate goal of ensuring sustainable development. As stated earlier, this differs significantly from the traditional development goal which is geared towards the short-term needs of the present generation and devoid of any

48. See Otodo, E.E., *The Challenges of Realizing Nigeria's Vision 20: 2020*, supra, 3.

consideration for the needs of the future generation. Unfortunately, Nigeria's development plan lacks a concerted integration of economic, environmental and social goals. Therefore, it appears that the primary goal of the country's development is focused upon the satisfaction of the immediate goals of the present generation. As can be imagined, such a short-term goal ignores the interest of the future generation of the citizens in that development goal. By not taking into account the interest of future generations, some environmentally deleterious policies are pursued that ultimately jeopardize the interests of future generations. A classical case in point is the endless flaring of gas in Nigeria's Niger Delta region.

C. LIMITED FOCUS ON 'ENVIRONMENTAL PROTECTION' TO THE EXCLUSION OF 'ENVIRONMENTAL MANAGEMENT'

From the plethora of laws geared towards the protection of the Nigerian environment, it is apparent that their emphasis is solely on environmental protection to the exclusion of environmental management. While environmental protection is narrowly aimed at the protection of the environment for the benefit of the present generation, environmental management encompasses both the protection of the environment and the harnessing of the natural resources for the benefit of both present and future generations. Since a limited focus on environmental protection fails to harness the natural resources, it will impede the speedy development of Nigeria, particularly, with respect to the NV 20:2020.

D. LACK OF, AND THE POOR MAINTENANCE OF DEVELOPMENT INFRASTRUCTURES LIKE ROADS, STEADY ELECTRICITY SUPPLY, TELEPHONES, AND WATER

The availability and reliability of development infrastructures like roads, steady electricity supply, telephones, and water, to list a few examples, are critical drivers of any modern economy. If Nigeria desires to meet the ambitious goals of the NV 20:2020, then she must aggressively tackle and ensure the availability and reliability of these 'drivers' of the economy. If these infrastructures are not immediately addressed, it will be akin to building all those lofty goals on a shallow foundation. The consequences of such a fool-hardy plan are quite obvious.

30 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

E. PERVASIVE INFLUENCE OF CORRUPTION

It is not news that Nigeria is one of the countries with a very high incidence of corruption in its polity.⁴⁹ The pervasiveness of corruption in the country is alarming and hinders the implementation of the best economic policies. Recently, the government established some anti-corruption laws and agencies to add teeth to the efforts of the police in the enforcement of some existing laws against such crimes.⁵⁰ These include the Economic and Financial Crimes Commission (Establishment) Act,⁵¹ the Corrupt Practices and Other Related Offences Act (ICPC),⁵² the Money Laundering (Prohibition) Act⁵³ and the Advance Fee Fraud and Other Fraud Related Offences Act.⁵⁴ In addition to these are international laws dealing with corrupt practices.⁵⁵ Despite all these efforts to stem the tide of corruption in the country, it is not abating.

F. POVERTY AND ILLITERACY

Despite the huge amount of foreign exchange which Nigeria has earned since 1956 when crude oil was discovered in commercial quantities in Nigeria, the majority of its citizens remain poor and illiterate. To further compound the problem is the fact that the standard of education is on the decline from the commanding heights it used to be. Since every economy depends on a workforce that is well-educated and healthy, a poverty stricken and illiterate workforce cannot meet the ever-increasing challenges of development.

49. For further reading, see Ogbodo, S. Gozie, *The Immunity Clause Under The 1999 Constitution And The Anti-Corruption Crusade – A Case Of Strange Bed-Fellows?*, NIALS Journal of Law and Development, Vol. No. 1, 2011. In 2001, Nigeria was ranked as the No. 1 corrupt country in the world by Transparency International while the same international organization ranked the country in 2004 as the No. 3 most corrupt country in the world. See also, Inegbedion, N.A., *Corruption and Anti-Corruption Legislations in Nigeria: A critique* (2004) 7 UBLJ 139, P.141; Ekpu, A.O.O., *Curbing Corruption in Nigeria: The Role of the Code of Conduct Bureau*, BJPL (2004) Vol. 2. No. 1, p.63.

50. Some of the existing laws before the introduction of new ones include the Criminal Code Act and the Penal Code, otherwise known as Cap C. 38, Laws of the Federation of Nigeria 2004 and Cap 89, Laws of Northern Nigeria 1964, respectively.

51. Act No. 1 of 2004, which repealed Act No. 5 of 2002.

52. Cap C. 31, Laws of the Federation, 2004.

53. Cap E.1, Laws of the Federation of Nigeria, 2004.

54. Cap A6, Laws of the Federation of Nigeria, 2004.

55. They include the African Union Convention on the Prevention and Combating of Corruption and the United Nations Convention Against Corruption. The treaties were adopted by the 2nd Ordinary Session of the Assembly of the African Union, held in Maputo on 11 July 2003 and adopted by the United Nations with effect from 5 December 2005, respectively.

G. LACK OF ENVIRONMENTAL AWARENESS

The environment is the theater where all economic activities take place. In fact, the Mission Statement of the NV 20:2020 expressed the indispensability of the environment in the successful implementation of the Plan when it acknowledged that Nigeria will have a “sustainable and competitive economy that effectively harnesses the talents and energies of its people and responsibly exploits its natural endowments to guarantee a high standard of living and quality life to its citizens.”⁵⁶

Unfortunately, the lack of environmental awareness is still pervasive in both public and private sectors. For instance, the incessant flaring of associated gas by the oil producing companies with the tacit support of the Nigerian government is a clear manifestation of a gross lack of environmental awareness by the ruling elite. The short-sightedness of permitting the flaring of associated gas due to the immediate gains from the sale of refined crude completely ignores the huge economic and environmental losses suffered by the economy in the long term. With respect to the private sector, the story is about the same. As a result of a lack of awareness by the citizens, a lot of activities are carried out by the citizens that pollute the environment and contribute immeasurably to the menace of climate change.

H. RECOMMENDATIONS AND CONCLUSION

If Nigeria is determined to attain the lofty and ambitious goals of NV 20:2020, she must begin to seriously address some unavoidable ‘building blocks’ which must be in place before such goals may be attained. Given the current socio-economic situation in the country, such ‘building blocks’ are mostly unavailable. Where they are available, they are either poorly developed or maintained; thus making their utilization a recurring challenge. In the light of the foregoing, the following recommendations are proffered:

1. Diversification of Nigeria's Economy From Over-Dependence on Oil Revenue

Currently, Nigeria's foreign exchange earnings from oil revenue account for over 80 percent of the total foreign exchange earnings of the country. For a country which was a leading exporter of cocoa, palm oil, and groundnut, prior to the discovery of oil, such a gross relegation of those agricultural products in the economic development of the country is

56. Vision 20-2020 Economic Transformation Blueprint (2009).

32 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

disappointing. In the same vein, the country has neglected the commercialization of the abundant natural gas in its environment. In addition to that, the failure to harness the enormous amount of associated gas from oil production is a clear manifestation of the national focus solely on oil revenue to the exclusion of other complementary sources of revenue and employment.

2. Integration of Economic, Environmental and Social Goals in Order to Promote Sustainable Development

Sustainable development is a rather holistic approach to development. It demands a concerted effort at integrating economic, environmental and social goals in any genuine development plan.

Thus, in pursuance of NV 20:2020, the country must take into account the critical components of economic, environmental and social goals. Any attempt to ignore any component will not only be inimical to the plan, but will clearly evince insincerity and naïveté. A classic example is the enormous amount of gas flared daily, as well as the reckless spate of deforestation in the country. Not only are both practices the major sources of a lack of carbon dioxide, which facilitates climate change, but they are tantamount to an enormous amount of lost revenue for the country. In a country with an alarming rate of graduate unemployment, the harnessing of both the flared gas and commercialization of the natural gas deposit will create many job opportunities for the country. No doubt, these are critical components of a serious development plan. The economic, environmental, and social consequences of such practices are inestimable.

3. Policy Shift From 'Environmental Protection' to 'Environmental Management'

A radical shift in policy from environmental protection to environmental management should be adopted in pursuance of the lofty goals of NV 20:2020. While environmental protection aims at protecting the environment solely for the preservation of the environment for the present generation, environmental management encompasses both the protection and harnessing of environmental resources for the benefit of both present and future generations. Environmental management, therefore, guarantees sustainable development which should be the overarching goal of NV 20:2020.

4. Adoption of the Principle of Closing the Loop, Shifting Emphasis From Industrial Waste to its Secondary Use

A corollary of environmental management is the principle of "Closing the Loop," whereby the emphasis is shifted from industrial waste to its secondary use. Industrial waste is an intrinsic consequence of development. If not properly managed, as is the case in many developing countries like Nigeria, industrial waste can become a cog in the wheel of sustainable development of the economy. In the light of this, the principle of Closing the Loop encourages the development of secondary uses for such industrial waste. It challenges the policy makers to shift their emphasis from the challenges of industrial waste to the economically beneficial secondary uses which they can be applied to. A classical application of this principle to Nigeria will be the optimal utilization of the enormous amount of gas flared daily in the oil sector.

5. Provision and Maintenance of Development Infrastructures Such as Roads, Steady Electricity Supply, Telephone Service and Water

Development is expedited by the availability of critical infrastructures like roads, a steady electricity supply, telephones, and water. Where these are lacking, or those available are unreliable and speedy development of the economy becomes unrealistic. With particular reference to the power supply in Nigeria, it hampers not only expeditious development, but contributes enormously to nation's climate change challenges. Due to the poor power supply in the country, almost all the commercial businesses depend on generators for power supply. The same situation applies to almost all the households in the country. Consequently, the burning of fossil fuels by all the generators in the country exacerbates the generation of carbon dioxide which is known to be a major catalyst of climate change.

6. Concerted Effort to Eradicate Corruption From the Polity

Nigeria's development has been impeded by the massive corruption in the country. Despite the huge amount of foreign exchange, which it has been earning since oil was discovered in the country in 1956, Nigeria still lacks many basic infrastructures due to official corruption. Although every successive government vows to fight corruption, the situation appears to be worsening. As stated elsewhere,⁵⁷ the menace of corruption has two major consequences for a country; it not only 'pollutes' the morality of the citizens but more dangerously, it also discourages the

57. See Ogbodo, S. Gozie, footnote 49, *supra*.

34 ANNUAL SURVEY OF INT'L & COMP. LAW [Vol. XX

corrupt elite from aggressively prosecuting the anti-corruption laws. As we have vividly illustrated, “a thief does not do a good job when he doubles as a security guard.”⁵⁸

It is noteworthy that one discernible common characteristic of all developed countries is that corruption is negligible in those countries. Therefore, if Nigeria must seriously aspire to join the league of the twenty most developed economies in the world in the next seven years, it must find the courage to fight corruption. If these ‘building blocks’ are not addressed, Nigeria’s aspirations in NV 20:2020 will remain a mirage. Conversely, if the country addresses these recommendations, coupled with a consistent focus, the goals may eventually be attained, but definitely not by the year 2020.

58. *Ibid.*