
IMPLICATIONS OF PEACE AND CITIZENS' COMPLIANCE OF ENVIRONMENTAL LAWS IN THE SUSTENANCE OF DEMOCRACY IN NIGERIA

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ABSTRACT

Peace is a situation or period of time, where there is no violence, war, crisis, cacophony, discord or conflict in a state or country. It is a state of harmony, tranquility, serenity and solitude. Thus, peace is the absence of violence and the presence of justice in a given environment. Sustainable development depends upon good governance, good governance depends upon the rule of law, and the rule of law depends upon effective compliance and enforcement. Descriptive-Analytical approach method of data collection was adopted. Qualitative method was therefore adopted and employed in the analysis and presentation of information collected. Results from the study revealed that to ensure a peaceful co-existence of citizens for the sustenance of democracy in Nigeria, laws and policies must be designed with compliance and enforceability in mind. For the regulated communities to comply, it must be aware of the rules, willing to comply, and able to comply. This study will therefore be useful to all peace lovers, democrats, planners, researchers, politicians and Government in ensuring peace and sustenance of democracy in Nigeria.

KEYWORDS: Citizens, Compliance, Implications, Peace and Sustenance of Democracy.

1.1. INTRODUCTION

Peace is a state of harmony characterized by lack of violent, conflict and the freedom from fear of violence. Peace is commonly understood as the absence of hostility, peace also suggest the existence of healthy or newly healed interpersonal or international relationships,

prosperity in establishment of equality and a working political order, that serves the true interests of all (Prabliu & Ran 2009).

Peace is the harbinger and proof for sustenance of democracy anywhere in the world. Democracy is no doubt a vehicle or development, where it operates (Ali, 2012). It cannot therefore be erroneous to posit that without peace, there cannot be development in any society. It is equally however paradoxically true that conflict, which is the opposite of peace, is an inevitable aspect of human endeavour. But, despite the position of conflict in man's life, it cannot be accommodated in all the forms and ramifications (Bammiel, 2003). This is different from peace, which is welcomed anywhere, anytime and in any form, amidst mankind and other beings. Thus, no better issues will any serious country, yearning for a sustainable development, pay attention to, than the matter of peace (Ali, 2010).

Nigeria, like other countries of the world is not insulated against conflicts. And conflicts, by their nature, do constitute impediments to development (Akeredolu, 2008). It will not therefore be out of place for Nigeria, as a country, that is seriously thirsty and hungry for development, to continue to work assiduously on peace building. However, this cannot be obtained unless due regard is paid to the observance and enforcement of the rule of law in the polity.

Peace is a multi-faceted subject that requires many partners to work together to achieve the goals set. It is also a multi-dimensional process in the sense that, when one addresses issues about peace, one is also addressing agriculture, security, health, political, economic, and socio-cultural and all other aspects of national development (Osakinle, 2010).

According to Massimo (2003), violence prevention includes a wide range of policies and initiative with the common goal of avoiding the violent escalation of a dispute. If we consider conflict as a dynamic process composed of alternate cycles of escalation and de-escalation, violence prevention finds its place right before the beginning of escalation. Massimo (2003) further noted that, in one stage of peace process, violence prevention is a short term intervention to encourage a peaceful solution, and in the other, it is a prolonged initiative to stabilize and solidify a new peace agreement.

The concept of environmental law in Nigeria is dynamic considering that its policy and judicial basis has moved over the years beyond necessity for the mere control and management of environmental health hazards, to the need for prevention, of environmental pollution generally, through legal policing.

The establishment of National Environmental Standards and Regulatory Enforcement Agency (NESREA) in 2007 necessitated the need for the review and development of existing environmental rules and regulations in the country. This is also in line with best practices worldwide. The Director General of the Agency, Dr (Mrs) Ngeri Benebo, with due approval from the then Honourable Minister of Environment, Housing and Urban Development, Arc.(Mrs.) Halima Tayo Alao instituted a committee to review these regulations and standards. Accordingly, the procedures, processes and methodologies on existing standards and regulations were being scrutinized.

Democracy is a form of governance in which, the supreme power of authority in a society is vested in the people and that power is exercised by the people directly or indirectly, through an institutionalized system of representation involving periodically held free and fair election (Ojie, 2006).

National Environmental Standard and Enforcement Regulatory Enforcement Agency Report in (2009) on compliance of environmental laws stated that strengthening environmental compliance and enforcement required renewed efforts by citizens and institutions everywhere. The report further stressed that, government officials, particularly inspectors, investigators and prosecutors, must exercise public authority in-trust for all of their citizens according to the standard of good governance and with a view to protecting and improving public well-being and conserving the environment.

The National Environmental Standard and Enforcement Regulatory Enforcement Agency Report in (2009) also noted that well designed laws may still pose difficulties to those who lack technical, financial or administrative capacity. Securing, compliance therefore calls for reviewed efforts to raise awareness of the law, to strengthen compliance assistance programs, and to enhance incentives for compliance.

Democratic phenomenon emerged to meet its strange bed fellow, ethnicity, in the multi-ethnic nations like Nigeria. Citizens' sectarianism distorts and thoroughly truncates the democratic values of justice and equity. Citizens' ethnic mobilization leads to the polarization of interests, which renders democratic politics virtually impossible. Democracy is primarily about how common concerns are to be addressed. It has in focus a society with shared interests and common cause, in which, the state is a public asset for managing the affairs of the people, the absence of which negates the basis for democratic governance (Ojie, 2006).

1.2 Statement of the Problem

Nigeria's federalism over the years has been confronted with serious crisis. A glimpse of some of the crisis include the maitatsine sectarian crisis in 1981, the Kaduna and Bulunkutu (Maiduguri) in 1982, the Ilorin Muslim-Christian riot during Christian Easter procession of March 1985, Zaria and Funta religious riots of March 1987 etc(Adebayo, 2010). But the most worrisome account so far is the recent large scale of unimaginable bomb attacks by the Boko Haram movement, which is escalating every day has claimed thousands of lives and properties. Boko Haram modus operandi is related with the maitatsine sectarian group in terms of philosophy and objectives coupled with its organizational planning and armed resistance (Adesoji, 2010).

Despite the bill passed on anti-terrorism on February 17, 2011 cum the effort made by President Jonathan to negotiate with the Islamic sects to seize fire proved abortive and new spreading from the North-Eastern Nigeria to other regions.

The taxonomy of one Nigeria is being questioned, due to the fall-out of Boko-Haram chronicle in Nigeria. This is the revival of the spiteful call for a Sovereign National Conference (SNC) by implication, if care is not taking and for the motives and intention of Boko Haram, it can no longer be belittled or abandoned.

Many national leaders in Nigeria tend to revert to their ethnic cocoons or exhibit their political affiliation in times of national crisis, rather than helping in proffering viable solutions anchored strictly on national interest specifically in the context of the current Boko Haram crisis, which has caused general unrest in the country, not a few have wondered, what the

perceived silence of elder statesmen in the country portends for the polity. In essence, what roles are the likes of Generals Yakubu Gowon, Mohammadu Buhari, Abdulsalami Abubakar, Olusegun Obasanjo, Ibrahim Babangida, Domkat Bali, Jermiah Useni, Alhaji Atiku Abubakar, Alhaji Shehu Shagari, Chief Ernest Shonekan, Chief Edwin Clark, Sultan Sa'ad Abubakar, Pastor Ayo Oritsejafor, Commadore Ebitu Ukiwe, Alhaji Maitama Sule, among others, playing in quenching the current tension in the country, particularly issues relating to the persistent Boko Haram criminality in the Northern Region of Nigeria (Adesoji, 2010).

It is unfortunate that the Rule of Law has for a long time been, has been under siege in Nigeria, and successive governments have continued to show utter disregard for its advancement (Akeredolu, 2008). This has manifested in several phases. It cannot therefore be incorrect or an exaggeration to conclude that without improvement on the observance of the Rule of Law, it will be very difficult, if not impossible, for Nigeria to experience peace and this may consequently impede it from achieving its desired development goals as one of the first twenty leading economies in the world by the year 2020 (Soludo, 2002).

1.3 General and Specific Objectives of Study

The general aim of this study is to examine the role of peace and citizens' compliance of environmental laws in the sustenance of democracy in Nigeria.

The specific objectives are to:

- i. Identify the problems of citizens' violation of environmental laws as it negates the concept of peace and sustainable democracy in Nigeria.
- ii. Examine the Factors that promote peace in ensuring the sustenance of democracy in Nigeria.
- iii. Recommend possible remedial measures to the identified problems.

1.4 The Study Area

Nigeria is located in Western part of Africa on the Gulf and has a total area of 923,768km² (356,669 sq miles), making it the world's 32nd largest country (after Tanzania). It is comparable in size to Venezuela, and is about twice the size of California. It shares 4,047

kilometers (2,515 miles) borders with Benin Republic. The highest point in Nigeria is Chappal Waddi at 2,419m (7,936ft). It extends from approximately latitude 4°_N to 14°_N of the equator and longitude 3°_E to 15°_E of the Greenwich meridian (Filani, 1995). The main rivers are the Niger and Benue, which converge and empty into the Atlantic Ocean, through the Niger Delta (Ogunleye & Jegede, 2010).

Nigeria officially called the Federal Republic of Nigeria, is a Federal constitutional republic comprising thirty six states (36) and its Federal Capital Territory is Abuja. The country is located in the West Africa and shares land borders with the Republic of Benin in the west, Chad and Cameroon in the east, and Niger in the north (www.onlinenigeria.org, 2013).

1.5 Conceptual Framework and Literature Review

The concept of Active Peace by John Wootman (2006) is applied to this study. The theory of Active Peace posits that peace is part of a triad, which also includes justice and wholeness (or wellbeing), an interpretation consonant with scriptural scholarly interpretations of the meaning of the early Hebrew word S-L-M or Shalom; called by some, the Bible's word for salvation, justice and peace. Furthermore, the consortium have integrated Galtung's teaching of the meanings of the terms peacemaking, peacekeeping and peace building, to also fit into a triad and interdependent formulation or structure. Vermont Quaker, John V. Wilmerding Junior, Convener of John Wootman College of Active Peace, posits five stages of growth applicable to individuals, communities and societies, whereby one transcends first, the surface awareness, that most people have of these kinds of issues, emerging successively into acquiescence, pacism, passive resistance, active resistance and finally into active peace, dedicating themselves to peacemaking, peacekeeping, and then compliance of environmental laws and good democratic governance.

Ali (2008) defined peace as a process of continuous and constructive management of differences towards the goal of more mutually satisfying relations, the prevention of escalation of violence, and the achievement of those conditions that exemplify the universal well-being of human beings and their groups from the family to culture and the state.

Efemini (2005) posited that peace is a dialectical concept that has character and therefore to understand the character of peace, there is the need to appreciate the political economy of oil production within the context of the Nigerian State. However, positive definitions of peace transform conflict resolution into a continuous peace building, peacemaking and peacekeeping process to deal with social conflict and create the socio-economic and political conditions that guarantee social justice.

Lederach (1996) stated that, the society needs the commitment of citizens, who accept democracy as a significant theory of political practice, the gap and frequent challenges as to its peace.

Environmental compliance means conforming to environmental laws, regulations, standards and other requirements. In recent years, environmental concerns have led to a significant increase in the number and scope of compliance imperatives across all global regulatory environments. Being closely related concerns and compliance activities are increasingly being integrated and aligned to some extent in order to avoid conflicts, wasteful overlaps and gaps (www.epa.gov/compliance/basic2011).

Environmental laws in Nigeria, according to United Nations (2009) are a body of rules and regulations, which have as their object or effect, the protection of the environment from pollution and the wasteful depletion of natural resources and ensure sustainable development.

1.6 Research Methodology

This work is basically an evaluative study as the subject under review is a contemporary issue. Descriptive-Analytical approach method of data collection was adopted. Data and literatures for this work were obtained from the analysis of the views, comments and opinions in books, articles in journals, magazines and newspapers, internet materials, as well as speeches and addresses in seminars, conferences, workshops and meetings. It was essentially a library research. Qualitative method was therefore adopted and employed in the analysis and presentation of information collected.

1.7 Findings and Discussions

i The Constraints of Citizen's Division in the Nigeria System.

Politics and Democratic

Citizens' inter-ethnic political rivalries and bickering in Nigeria predicts the Nigeria independence of 1960. The British colonial administration that administratively set apart the three main constituent regions in Nigeria, the north, the west and the east, laid the foundation for separate political development and citizens' differences in Nigeria. The different regions, led by their dominant citizens ethnic groups, Hausa-Fulani in the north, Yoruba in the west, and Igbo in the east-perceived each other with mistrust and suspicion and doggedly guarded against any form of socio-economic and political domination and marginalization by any of the constituent regions.

The amalgamation of the northern and the southern Nigeria in 1914, by Lord Lugard, brought the separatist leaders of the regions into a marriage of convenience. During the first republic, the regions were at each other threats in a dangerous game of ethnic politics that easily deteriorated and culminated in the 1966 coup d'état, which slide into the atrocious 30-month civil war in Nigeria.

The rationale for the institutionalization of the British colonial policy of the separate existence of the regions was the belief, that the satisfaction of the yearnings and aspiration of the three dominant tribes, Yoruba, Hausa-Fulani, and Igbo in the west, north and east, would ensure political stability in Nigeria. The bitter rivalries and political violence that characterized the socio-political life in Nigeria has since put to rest this claim. This tripod theory of stability failed because it encouraged the ascendancy of local regionally based elitist groups and ignored the stabilizing role that the minorities could play in promoting healthy political activities among the minorities, the so-called wazobians (Adebisi, 1998).

Since the inception of the present civilian administration, Nigerians have witnessed a disturbing increase in the spate of extrajudicial killings. This shocking phenomenon of the needless brutish destruction of human life has occurred in different forms, namely, suspected political assassination of political opponents, ritual killings for sundry intents and purposes, the wanton destruction of innocent victims by armed hoodlums, cult killings, the horrendous

carnage on our roads, the reprisal killings by the men of the uniformed security agents and religious massacres.

The suspected political assassinations are most disturbing, as it nurtures the virus that is capable of truncating our fledgling democracy. Day after day, the nation has woken up to behold in the pages of our dailies, the gory story of one suspected political murder of Bola Ige, the former attorney general and minister for justice of the Federal Republic of Nigeria, in his bedroom, on Sunday, December 23, 2001 by unknown gunmen marks the genesis of the current spate of political killings in Nigeria. Such dastardly acts steadily increased in frequency until the tempo came to a climax on the eve of the 2003 general elections. Both intra-political and inter-political assassinations to eliminate perceived opponents were rife (Semenitari, 2004).

ii-Strengthening Governance and the Rule of Law for the Sustenance of Democracy

Sustainable development depends upon good governance, good governance depends upon the rule of law, and the rule of law depends upon effective compliance and enforcement. Good governance is characterized by institutions that are opening participatory, accountable, predictable and transparent. The rule of law supports these characteristics by ensuring that rules are applied consistently, efficiently and fairly by independent institutions to all, including those who govern. Securing compliance with laws is easier when there is public participation in their development, and they are founded on fundamental social values and norms. Law must also respect principles of intra and inter-generational equity, which all for poverty alleviation, the protection of human rights, and respect for future generations. Yet, even as the number of instruments and institutions has increased, most indicators of environmental quality continue to decline. A key reason is the failure to invest in compliance and enforcement.

iii-The Benefits of Investing in Compliance and Enforcement of Environmental Laws in the Sustenance of Democracy

Investing in compliance and enforcement benefits the public by securing a healthier and safer environment for themselves and their children. It benefits individuals, firms and others in the regulated community by ensuring a level playing field governed by clear rules applied in a

fair and consistent manner. Economically, firms meeting or exceeding environmental standards regularly build customer loyalty, increase efficiency and enhance their profits. Countries benefit by creating a predictable investment climate based on the rule of law thereby promoting economic development, and through strengthening compliance with international obligations, countries ensure that multilateral environmental agreements are implemented by all parties through effective domestic action.

iV-Designing Rules for Compliance

Laws and policies must be designed with compliance and enforceability in mind. For the regulated community to comply, it must be aware of the rules, willing to comply, and able to comply. Laws must therefore be no more complex than necessary, cost-effective to comply with, and consider the social, cultural and psychological profile of the regulated community. Rules running counter to cultural practices or ignoring economic incentives are likely to fail. Rules that reward environmental leadership, build on best practices, and ensure a level playing field are more likely to succeed in securing compliance.

V-Addressing non-compliance

Countries have a responsibility to protect those who comply with the law not merely by assisting those who cannot comply, but by finding and sanctioning those, who do not comply. Compliance assistance and incentives are only effective, if backed by a credible threat of penalties and sanctions. By communicating the outcomes of enforcement actions, penalties and sanctions also deter others from breaking the rules. Efforts to address non-compliance should be firm, but fair, transparent and consistent, and proportionate to the magnitude of public risks, the seriousness of the violation, and the need for deference. At each stage in the regulatory process, efforts should be made to evaluate effectiveness and to feed the results back into activities to enhance the contribution of key actors in strengthening compliance and enforcement.

Vi-The Contribution of Key Actors in Strengthening Compliance and Enforcement of Environmental Laws in the Sustenance of Democracy

Strengthening environmental compliance and enforcement requires renewed efforts by individuals and institutions everywhere. Government officials, particularly inspectors, investigators, and prosecutors, must exercise public authority in trust for all of their citizens according to the standards of good governance and with a view to protecting and improving public well-being and conserving the environment. Legislators play a key role in creating legislation that can be effectively enforced to achieve its goals. The judiciary has a fundamental contribution to make in upholding the rule of law and ensuring that national and international laws are interpreted and applied fairly, efficiently, and effectively.

The regulated community and the public have a responsibility to comply with the letter and the spirit of the law and to encourage compliance by others. Non-governmental organizations play a leading role in public education and assisting enforcement agencies. The media has a responsibility to raise public awareness by providing objective analysis and information about environmental challenges and efforts to address them. The international community, including donors and international organizations, has a responsibility to strengthen domestic efforts through capacity building, technical and financial support, and by promoting an enabling environment for more effective compliance and enforcement.

1.8 RECOMMENDATIONS

In-view of the findings in this work, the following recommendations were suggested.

1. The mistake of focusing on the executive arm of government alone as the only arm that have disclaim for or having the sole duty to uphold and observe the rule of law should be reviewed
2. Every person and authority in the nation should be enlightened as duty bound to promote peace and comply with environmental laws in the sustenance of democracy in Nigeria.
3. The Bar should, as a matter of responsibility, develop interest in checking excesses of the government and its agencies in violating the fundamental human rights of the citizens. The security agencies must of course be the area of focus.

4. The government, security agencies and all well meaning Nigerians should begin to show active concern about how a lasting solution can be brought to the MEND and Boko Haram problems.
5. The entire Nigerian citizens should co-operate with the Judiciaries, Legislators or the enthronement of a truly democratic government, as only then will a good society conducive for total compliance of environmental laws and peace can be attained.
6. All Nigerian citizens and residents in Nigeria should ensure that these accused of corruption, electoral offences and looting of the nation's treasuries are brought to justice. Thus, every step that may aid the perversion of justice must not be encouraged, if peace and true democratic governance is to be sustained.
7. Every citizen should always play a key role in bringing about amicable settlement of any upheavals and conflicts that may ensue in any part of the country.

1.9 CONCLUSION

Peace does not exist where environmental laws are not respected and observed. For Nigeria as a country to experience sustainable democratic system of government and for peace to reign in Nigeria, environmental laws must be advanced. However, environmental laws in Nigeria cannot be advanced, except ministers in the temple of justice are involved. If and when, the various recommendations in this work are adopted and applied, it will surely make the dream of a peaceful country for the sustenance of democracy a reality. Nigeria as a nation, therefore, needs and deserves real peace and not peace of the grave yard for governance to democracy is sustained.

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