NIGERIA'S NATIONAL ASSEMBLY AND THE NEGLECT OF THE ENVIRONMENT IN THE FOURTH REPUBLIC

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ABSTRACT
This paper examines the National Assembly's interface with the environment in Nigeria. It asked why the environment is not a first-line oversight function for the parliament in Nigeria. It discovers that there is a deafening silence on the environment from Nigeria's legislature that has enthroned either ineffective legislations or lacklustre environmental regulatory regimes—a trend that has made parliamentary oversight functions cluster majorly on select areas such as human rights, terrorism, etc, to the detriment of the environment. It, therefore, insists on parliamentary oversight of the environment in order to enthrone environmental sustainability in the exploitation of natural resources in Nigeria. The paper relied on descriptive methods. It recommends the need to enact public interest-spirited legislation such as making environmental procedural rights legislations as against environmental substantive rights legislations; with an overall intention to enthrone an environment-friendly constitution in Nigeria.

Keywords: Nigeria, National Assembly, Environment, Fourth Republic

INTRODUCTION

Against scholarly assertions of parliamentary wane (Blondel, 1973; Loewenberg & Patterson, 1988; Pridham, 1990; Bryce, 1990; Pridham, 1990; Norton, 1998); parliaments/legislatures have rather soared in significance (Salih, 2005; Fish, 2006; Barkan, 2008, 2009; Fish & Kroenig,

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2009); compelling legislative scholarship to proudly declare: "It is the century of the legislature" (Boynton, 1992, p. 279), "We are living in the age of parliaments" (Longley & Davidson, 1998, p. 1). Such declarations are attributable to several factors. Parliaments have come up with novel and interesting political roles in form of parliamentary committees (Wheare, 1955; Bauman & Kahana, 2006; Stoddard, 2018). This peculiar role has attracted sundry descriptions as attested to by the following. Erstwhile United States President Woodrow Wilson (1981, p.69) tagged parliaments "little legislatures…Congress in session is Congress on public exhibition, whilst Congress in its committee-rooms is Congress at work". Shaw (1998, p. 225) also noted: "whether established, new, or future democracies are considered, pressures to enhance legislative authority can be seen at the committee level throughout the world". Mattson and Stron (in Longley & Davidson, 1998, p. 2) conclude: "committees have indeed become the main focal points of many representative assemblies".

Also, parliamentary committees are globally appreciated for being efficient mechanisms in dividing up the ever-increasing legislative workload. Similarly, parliamentary committees are strong antidotes to the enormous influence of presidents and their ministers (Griffith, 1951; Obler, 1981); and unless this role is expediently done, "the increasing gyration and expanding nature of executive powers...render the legislative houses an ordinary accoutrement of the governmental process" (Jimoh, 1999, p. 3).

Furthermore, the sanctity of the legislative committee is that matters of public interest are usually handled by minute committees of men and women that meet in select places such as city halls, and legislative chambers by engaging in a face-to-face discussion with their constituents around tables and chairs (Shaw, 1998). Legislative committees are as well preferred for getting things done rather than larger groups because large meetings of parliamentary groups are not forums for getting things done just as the English adage insists: "a big meeting never does anything" (Shaw, 1998, p. 226).

The foregoing affirms the salience of parliaments to make laws through committees by means of oversight roles (Jimoh, 1999). Without

gainsaying, it is the legislature that "lays down basic principles which the judiciary has to interpret and use as a frame of reference in adjudicating cases and which the executive has to apply in the implementation of policies and execution of laws" (Anyaegbunam, 2008, p. 1). Therefore, the legislature is a pacesetter, a symbol of democracy, and a voice of the people in the manner the citizenry is governed; especially in matters of public interest (Ladeur, 1997; van Walraven, 2004).

However, parliaments in modern democracies are accused of misconduct and indifference towards sundry issues including the environment (Veit, 2008). Blaug (2010, p. 1), for example, makes the point that "We do not manage our leaders well. Be they…parliamentarians, they endlessly misbehave…corruption by power occurs so frequently we are barely surprised by it…politicians who never understood what they did wrong…". And failure in leadership "all attest to our collective inability to manage elevated power…". Thus, by implication, politicians use their temporal positions to cause permanent injuries; a scenario that compels John Dewey to argue that "all special privileges in some way limits the outlook of those who possess it" (Blaug, 2010, p. v).

Legislators in Nigeria are both guilty of Blaug and Dewey's scathing remarks above. Little surprise then that, a recent study implicates Nigeria of weak federal legislation dealing with wildlife and other environmental crimes in the country vis-à-vis what is obtainable in East and Southern Africa (Jayanathan, 2021). Weak federal legislation on the environment may subsist, however, Section 62(1) of the 1999 Constitution (as amended) empowers the National Assembly to "create committees of its members and delegate functions which the National Assembly has powers to exercise to such committees; direct any of its committees to investigate any matter or thing over which it has powers to make laws…" (National Assembly, 2015, p. 11). One area of permanent injury inflicted by the National Assembly in Nigeria is the environment; especially in resource-rich areas in Nigeria—their lacklustre in enacting proactive legislation and their docility in ensuring compliance from the executive arm of government and its numerous

regulatory agencies on environmental protection (Mattson & Strom, 1995; Barkan, 2009).

This lukewarmness towards the environment necessitates this paper and therefore raises the following concerns: The National Assembly should not be silent on the environment that remains a matter of public interest; especially since natural resource exploitation is the means to Nigeria's economic mainstay. The National Assembly should be in the know that there is a human tendency to cause harm to the environment and so needs legal rules at preventing harm to the environment. It must not be a case that if the country must survive economically, then something has to be sacrificed. Even if it is so, the process of economic survival should be made sustainable. Then, there is a need for the National Assembly to regularly revise or repeal environmental laws for the sake of environmental sustainability. There are probabilities that, first, protests from affected communities may compel the legislature to be assertive and second, effective legislative performance is a function of repetitive legislators' tenure-ship.

While the paper ponders over these worries, extant laws governing resource exploitation in Nigeria are blind to the environment because the accruing economic benefits are prioritised over the negative environmental externalities. Little wonder, in the Niger Delta region of Nigeria, the environment is degraded, impoverished and decimated by state predation and consequently has impacted adversely on the rights of resource-rich communities. This paper, thus, establishes the need for enacting proactive legislation on the environment.

Following this introduction, the rest of this paper proceeds in four parts. Whereas Section II establishes the environmental justifications for proactive legislative action in Nigeria; Section III examines the National Assembly and the Environment in Nigeria. Section IV concludes the paper with recommendations on the way forward for environmental legislative assertiveness in Nigeria.

THE ENVIRONMENTAL JUSTIFICATIONS FOR LEGISLATIVE ACTION IN NIGERIA

No doubt, there are legislative bases for protecting the environment. The ongoing Sustainable Development Goals (SDGs) regime asserts the need for environmental legislative assertiveness. Little wonder, environmental scholarship and alarmists, as shown in Table 1, have raised concern about the state of the environment as it relates to humanity in general and Nigeria in particular.

Table 1: Environmental Threats to Humanity: Selected Critical Voices

Alarmist Statements
We all share the one Earth, that we are Earthlings, and that by virtue of the environmental unity of the Earth, all our futures are all our futures together. No separation—Myers, 1993, p. ix.
There is a new and different threat to our national security emerging-the destruction of our environments...our key national security objectives must be to reverse the accelerating pace of environmental destruction around the globe—Senator Sam Nunn.
The environmental problems of the poor will affect the rich as well in the not-too-distant future, transmitted through political instability and turmoil—Gro Harlem Brundtland.
The greatest problems facing the world today, beside the threat of nuclear war, are deterioration of the environment and its links with poverty and the bleak prospects for development—Travier Perez DeCuuellar.
Deforestation and other forms of environmental degradation are one of the principal sources of social injustice...and one of the causes of armed insurgency—Philippines Govt. Advisory Group, 1987.
The biosphere recognises no division into blocs, alliances or systems and no one is in a position to build his isolated and independent line of environmental defence—Eduard Shevardnadze, 1988.

Those who make $200 a year should not pay so that those who make $10,000 a year can breathe cleaner air. We are all in the same planetary boat. A few of us travel first class, while most are in steerage. But if the boat sinks, we all drown together—Edward Kufour, Chairman Group of 77, 1991.

Africa may be the major area of conflict in the 21st century. We have the possibility of real, serious catastrophe—in terms of human sufferings, in terms of violent conflict, and in terms of a retrogression in development. But these factors can be reversed if the world can collectively take care of resource distribution, population regulation, and control of the environment. Otherwise, Africa will become a destabilising factor in the question of international peace and security—Chief Olusegun Obasanjo.

Earth democracy incorporates...the community of all beings supported by the earth. Native America and indigenous cultures worldwide have understood and experienced life as a continuum between human and nonhuman species and between present, past future generations—Shiva, 2005, p.1.

Some industry players have told me to my face that when we complain about oil corporation's behaviour in Nigeria, we are merely biting the fingers that feed us. Some have gone far as to say that without the operators Nigeria would starve and the world be nothing merely Africa's paper giant—Nnimmo Bassey, 2013.

Without improving environmental management, development will be undermined and without accelerated development in poor countries-the case in most of sub-Saharan Africa-the environment will continue to degrade—World Bank, 1996, p. xi.

Sources: Myers (1993); World Bank (1996); Shiva (2005); Bassey (2013)

In furtherance to the foregoing concerns in Table 1, the following justifications mandate the National Assembly to give its weight behind environmental protection in Nigeria:

i. Anthropogenic Justifications

Anthropocentrism argues that humanity is the very nucleus of existence (Light & Rolston, III, 2002) because "nothing in the world can be found that is worthy of more admiration than man" (Gillespie, 1997, p. 4). Foremost war strategist, Mao Tsetung (1961, p. 451) insists that "of all the things in the world, people are most precious". Thus, a basis for the legislature to act on the environment stems from the fact that the environment needs protection because environmental protection advances human wellbeing (Naess, 1973; Patterson, 2012). Furthermore, in course of international politics and its dynamism through conventions, charters, declarations, and agreements have established the environmental justification of legislative action (Brenton, 1994). A few examples merit mention here: The *1968 African Convention on the Conservation of Nature and Natural Resources*, in Article II states that the parties "shall undertake to adopt the measures necessary to ensure the conservation, utilisation, and development of the soil, water, flora and faunal resources in accordance with scientific principles and with due regard to the best interests of the people" (Gillespie, 1997, p. 6). Also, the *"1972 Declaration of the United Nations Conference on the Human Environment"*, made a similar declaration on the human basis of environmental legislation.

Furthermore, development-oriented conventions have established the basis of development as entirely a premise to meet the needs of man. For example, the word development in "Sustainable Development" is essentially humans meeting the needs of the present generation without compromising those of future generations. Summarily, natural resources do not have intrinsic value on their own, but are resources for use of and meeting the needs of mankind (Gillespie, 1997). Whereas the anthropogenic justification remains the centrality of the need for environmental legislation, it has equally birthed the following justifications.

ii. Self-interest Justifications

The basis of self-interest, though, is stillslation subsumed in the anthropogenic explanation, self-interest here is restricted to the conviction that human survival and prosperity are intertwined with the

health of the biosphere and its enabling ecosystem—it is symbiotic in that humanity protects nature because nature protects humanity in return (Ojo & Oluwafemi, 2004; Nyananyo, 2006; 2012).

The self-interest justification for environmental legislation is equally recognised in charters, conventions, and declarations in the past. For example, the *"1980 Brandt Report"* noted that "we believe that nations, even on grounds of self-interest, can join in the common task of ensuring survival, to make the world more peaceful and less uncertain" (Gillespie, 1997, p. 20). Similarly, "*Our Global Neighbourhood Report*" (1995, p. 83) by the Commission on Global Governance noted that environmental challenges are multifaceted because "they pose a danger to the very survival, not just the well-being of whole societies. In this sense, together with nuclear war, they constitute the ultimate security risk".

iii. Economic Rationale Justifications

Environmental protection is further laid on the altar of the legislature on account of economic reasons. The premise is that certain species of wildlife such as birds and animals are accorded protection by means of international treaties because they add value to agriculture (Alagoa, et al, 2012; Shiva, 2016). The *"Convention for the Protection of Birds Useful for Agriculture*", for example, was summoned in 1902 to give protection to birds for agricultural reasons. This motive was further propagated in the Brandt Commission Report (1987, p. 13) "*Our Common Future*", where it noted that "conservation pricing requires that governments take a long-term view in weighing the costs and benefits of the various measures". The rationale is a call for concerted integration of environmental concerns into economic policies, which means that environmental and economic problems are inseparable (Pearce, et al, 1989; Pearce & Barbie, 1990).

iv. Religious Justifications

Scholarly works on the faith-man-nature relationship and dedication to protecting the environment writ large (White, 1967; Sadowski, 2020). These scholarly works stress the necessity to live in peace and harmony

with nature (Negi, 2005). Only recently, a 2019 United Nations Environment Programme report overwhelmingly echoed and re-echoed the sanctity and tenacity of all religious faiths to the protection of the natural environment. For example, Christians of the Ecumenical Patriarch Bartholomew stated that, "We must treat nature with the same awe and wonder that we reserve for human beings. And we do not need this insight in order to believe in God or to prove his existence. We need it to breathe; we need it for us simply to be" (UNEP, 2019). The Qur'an 30:30 emphatically instructed Muslims to "devote thyself single-mindedly to the Faith, and thus follow the nature designed by Allah, the nature according to which He has fashioned mankind. There is no altering the creation of Allah" (UNEP, 2019).

In furtherance of such commitments, environmental legislation is further demanded from the legislature on account of religious justifications as seen from the following three standpoints. First, there is a noticeable inclusion of religious principles in global environmental documents. For example, the "*Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests*", noted in Principle 8(f) that "conservation and sustainable forests should include the protection of ecologically viable representatives of spiritual...religious and unique and valued forests of national importance" (Gillespie, 1997, p. 64).

Second, several international organisations in environmental protection are, in the first instance, influenced by religious justifications (Gallagher, 1993). For example, a conference of over one thousand prominent personnel representing eighty-three countries in Moscow in 1990 noted and emphasised the need to find "a new spiritual and ethical basis for human activities on Earth" (Gillespie, 1997, p. 64).

Third, religious freedoms and the protection of indigenous peoples and their cultures also compel parliamentary action for protecting the environment (Carpenter & Wood, 2010; Meyer & Alvarado, 2010). The point of emphasis is that should a religious group owe their existence to the natural world, then it is incumbent to protect the environment in order to protect that religious practice. For example, several indigenous peoples in the national context (e.g., indigenous people of the Niger

Delta) and international context (the Amazonians in Brazil) have both demonstrated a strong attachment to their environments and therefore have several reasons to seek measures, including parliamentary protection, to retain their pristine environments for religious, cultural and economic reasons (Gedicks, 1993).

v. Aesthetic, Cultural and Recreational Justifications

The environment provides aesthetic, cultural and recreational benefits to indigenous peoples, local communities, and local and national governments. Therefore, it is mandatory that the legislature enact environmental legislations to guarantee the uninterrupted use of the benefits so derivable from the environment. Little wonder, several international agreements have given credence to this point. Among several others, the *"1988 Antarctic Mineral Resource Convention* and *the 1991 Antarctic Protocol on Environmental Protection"*, both recognised aesthetic reasons to protect the environment (Gillespie, 1997). In the Niger Delta, Nigeria, several environmental organisations such as the Environmental Rights Action (ERA) have sought litigation to protect forests like the Edumanom Forest Reserve in Bayelsa State for being home to extinction-threatened animals such as the red-neck monkey and for its aesthetic, cultural and recreational values (Alagoa, et al, 2012).

vi. Rights of Future Generations Justifications

The National Assembly in Nigeria is equally expected to enact environmental legislations to safeguard the rights of future generations. This justification has received several encouragements from charters, conventions, declarations, and agreements of international standings. For example, the *"1946 International Convention for the Regulation of Whaling*; the *"1972 Stockholm Declaration of the United Nations Conference of the Human Environment"*; the *"1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora"*; the *"1982 World Charter for Nature; the Bergen Ministerial Declaration on Sustainable Development"*, all unanimously echoed and re-echoed the need to protect species and the environment for the sake of future generations (Brenton, 1994). In

fact, Principle 1 of the *"1972 Stockholm Declaration of the United Nations Conference of the Human Environment"* emphatically stated that "man...bears a solemn responsibility to protect and improve the environment for present and future generations" (Gillespie, 1997, p. 107).

Thus, all of the afore-discussed justifications made it mandatory for the National Assembly in Nigeria to be legislatively assertive, proactive, vociferous and protective of the Nigerian environment.

THE NATIONAL ASSEMBLY[1] AND THE ENVIRONMENT[2] IN NIGERIA

Franklin Delano Roosevelt (1965, p. 2), the 32nd president of the United States was renowned for saying that "a nation that destroys its soil, destroys itself". Through its oversight roles, the legislature has a duty to guarantee the sanctity of the environment. This is true even to the extent that constitutionally, the legislature is empowered to legislate on any subject-matter of public interest (Saliu & Bakare, 2020). Thus, the environment qualifies for a frontline legislative oversight interest.

The necessity for such a call on the legislature is that insomuch as the relations between authoritarian governments and the environment remain unfriendly, evidence equally suggests that democracies too do not always significantly impact on the state's approach to the environment; save for the Republic of Norway that demonstrates an uncommon friendliness towards the environment (Osterud, 2007; Cleary, 2016). The legislature, being the only peoples' representative organ, is by public expectations, ought to stand in for the environment. This section examines the issues, challenges, and failed promises of Nigeria's National Assembly in the Fourth republic (since 1999).

a. The Issues

The Constitution of Kenya identifies the environment and its management as a constitutional subject-matter. The preamble to the Kenyan Constitution is so succinct in committing the citizens to be "respectful of the environment, which is their heritage, and determined to sustain it for the benefit of future generations" (Odote, 2013, p. 808).

This favourable disposition of the Constitution of Kenya was illustrated in a suit between Rodgers Muema Nzioka & 2 others (plaintiff) vs. Tiomin Kenya Limited (defendant) filed in the High Court of Kenya at Mombasa (Civil Case No. 97 of 2001), where the presiding judge, Hon. Judge Mr. A. I. Hayanga held that "when deciding on environmental cases, the court has to take into consideration failure of the decision makers to take environmental factors into account" (Kakuru & Ssekyana, 2009, p. 97). In contrast to the Kenyan Constitution, the 1999 Constitution of Nigeria (as amended) only made a non-assertive statement in Chapter II (Section 20: Fundamental Objectives and Directives Principles of State Policy) thus: "to protect and improve the environment and safeguard the water, air, land, forest and wildlife in Nigeria".

More so, whereas the Constitution of South Africa is conflict preventive by enacting legal provisions for the establishment of a permanent Constitution Review Committee (CRC) that reviews the constitution of South Africa on a biennial basis, the 1999 Nigerian Constitution is instead conflict inducing. Successive reviews of the 1999 Nigerian Constitution (as amended) are not context specific; especially being blind to the conflict-inducing thorny subject matter of the environment arousing from contestations over natural resource extraction.

Nigeria, being a rentier state[3] often demonstrates a Janus-faced approach towards the environment. In its environmental trajectory, the country has enacted direct and indirect environmental provisions. Whereas indirect environmental provisions were made in the 1979 Constitution, the direct environmental provisions were included in Chapter II (Section 20) of the 1999 Constitution (as amended) as stated above. However, this provision is not without this snag: The provisions are unenforceable in the courts (Okon, 2003). This is because Section (6)(6)(c) of the 1999 Constitution (as amended) made it unenforceable:

> The judicial powers vested in accordance with the foregoing provisions of this section shall not except as otherwise provided by this constitution, extend to any issue or question as to whether any act or omission by

> any judicial decision is in conformity with the fundamental objectives and directive principles of state policy set out in Chapter II of this constitution. (Abdulkadir, 2014, p. 120)

While the foregoing provision debars courts from ensuring enforcement, the National Assembly has since towed a similar path. Little wonder, the establishment of the National Oil Spill Detection and Response Agency Establishment Act (NOSDRA Act, 2006) and the National Environmental Standards and Regulation Enforcement Agency Establishment Act, (NESREA Act, 2007) to ensure environmental protection by the National Assembly (with oversight powers) have not demonstrated capacity (FGN, 1999).

Aside from the negligence of oversight functions over these agencies, the National Assembly has also not shown capacity in committing the executive arm of government and their corporate business collaborator, the Transnational Corporations (hereafter TNCs), in enthroning an environment-friendly business climate in Nigeria (Ojo & Gaskiya, 2003; Ijaiya & Joseph, 2014). Probably, the National Assembly is oblivious that TNCs are, unforgivingly, disturbance regimes (O'Faircheallaigh & Ali, 2008). Ordinarily, stiffer legislation and public statements from the National Assembly in condemning and naming to shame environment spoilers like oil TNCs is long overdue; however, the unassertiveness from the National Assembly towards the environment explains the presence of obnoxious petroleum related laws like the Land Use Act in the Nigerian Constitution (Walker, 1999). It is, therefore, apposite to state that the National Assembly is condoning and perpetuating this unwholesome trend.

The Petroleum Industry Bill (PIB) floated through the First to the Eight National Assemblies in Nigeria and assented to by President Muhammadu Buhari on 16th August 2021 was greeted with demonstrations by oil-bearing communities for granting an abysmal 3% revenue to oil-bearing communities (Amaize, et al, 2021). In the wake of the president's assent to the PIB, oil-bearing communities wondered if it is weakness, compromise or parochial ethnic colourations that have

caused the National Assembly to exhibit the docility, levity, and cavalier treatment it demonstrated in passing the PIB since 1999. As President Franklin Roosevelt observed earlier, the National Assembly as a major arm of government with legislative powers to change the fortunes of the environment in Nigeria is rather awaiting to destroy the finger that is feeding it.

b. The Challenge of Expertise

In a regional seminar for parliaments of African states held between 26th-28th June 2006 in Yaoundé, Cameroon, under the auspices of the United Nations Institute for Training and Research (UNITAR), the National Assembly of Cameroon (NAC) and the Inter-Parliamentary Union (IPU) with the title, 'Capacity Building for Parliaments on Sustainable Development, Water and Desertification'', admitted that "parliamentarians are often not very aware of environmental problems" (Anyanechi, et al, 2021).

Against the recommendations of the UNITAR and IPU[4] (2006) membership into Nigeria's National Assembly Committees on the environment in both the Senate and House of Representatives have been occupied and even headed by legislators without requisite expertise on the environment. For example, in the immediate past, Senators Abubarkar Bukola Saraki and Oluremi Tinubu have both headed the Senate House Committee on the Environment and Ecology—two senators without background knowledge of the environment. Thus, the propensity of Nigeria's National Assembly to demonstrate such a lukewarmness towards the environment is unsurprising.

c. The Challenge of Failed Promises

Standing committees of the National Assembly on the environment have variously showcased their concern for the environment in Nigeria by visiting environmentally impacted sites and even making committal statements to reverse the trend in the country; however, without fulfilment of their promises. For example, in 2012, Senator Abubarkar Bukola Saraki, in his capacity as Chairman of the House Committee on

the Environment and Ecology and his committee entourage visited crude oil impacted communities in the Niger Delta and made fervent promises to review existing legislations on the environment, at least, to enthrone a sustainable oil exploration regime in the region.

The Senate committee, led by Senator Bukola Saraki, in its visit to the Niger Delta noted inter alia:

> We cannot deny the fact that the environment provides the goods and services that sustain human development; in essence, the environment makes available all the life support systems in the air, or water and on land. From a national outlook regrettably, it could be seen that the Niger Delta region represents a lifetime of woes across its length and breadth. The myriad of ecological problems bedevilling it through natural and manmade causes particularly oil spill related degradation calls for action. Much of this precious ecosystem has been wiped out due to entrenched oil pollution and environmental degradation. (Saraki, 2012, para: 1)

The Senate committee further noted:

> We are told through the UNEP report that it will take about 30 years to clean up just a portion of this devastation (Ogoni-land) and at a mind-boggling cost. Yet, we are inundated with more and more devastations. The Committee is aware of some notable oil spills recorded since the discovery of oil in Nigeria which include the Bomu II oil well blowout (1970), GOCON's Escravos Spill (1978), Forcados Terminal Spillage (1980), Oyakama Pipelines Spill (1980), Texaco Funiwa 5 Blowout (1980), Abudu Pipeline Spill (1982), Ikata Pipeline Spill (1984), Okoma Pipeline Spillage (1985) and Oshika Pipeline Spill (1993), the massive Oloibiri Well 14 Oil Spill (2004), and recently, Bodo Oil Spills (August 2008 & February 2009), K. Dere Spill

> (April 2009), Bonga Spill (2011), and very recently the Agip and Nembe Spill (2012). Now oil spills are no longer a once in a while occurrence, they are now a recurrent decimal. It is estimated that over 13-16 million barrels of oil has spilled into the Niger Delta ecosystem over the past 50 years, representing about 50 times the estimated volume spilled in the Exxon Valdez Oil Spill in Alaska in 1989.The Committee identifies with the suffering of the Ogoni people, the Egi people, the Bodo people, the Nembe people and every other Niger Delta indigene that lives with this environmental menace every day. (Saraki, 2012, para: 2)

The Senator Bukola Saraki-led committee promised to take legislative action noting that:

> Like never before, the Senate Committee on Environment and Ecology has decided to do something about this. We cannot sit down and allow our precious ecosystem upon which millions derive their livelihood, to be destroyed from oil exploration activities. Apart from Oil Spills for which other control systems need to be strengthened, sites that are contaminated with heavy metals, organic solvents, untreated effluents and leachate from stored wastes in and around all regions of Nigeria, with particular intensity in the Niger Delta need to be cleaned up. This will create an enabling environment for increased economic activities, prohibit gas flaring and secure the wellbeing of the citizens. (Saraki, 2012, para: 12)

The Senate Committee further promised that:

> The process will include the updating of existing laws and subsidiary legislation, (regulations), and identification of bills that are germane to environmental protection and development and to commence

> legislative work on them and pass them into law...We are aware that none of the past legislatures have visited the spots we are seeing today. As elected representatives of the people, we align ourselves with your plight and we are determined to do all we can within the ambit of the law to secure a healthy, conducive and safe environment for our citizens in the Niger Delta and the country at large. (Saraki, 2012, para: 12)

Mr. Yakubu Dogara, in his capacity as the speaker of the House of Representatives in Nigeria's 8th National Assembly, noted in his opening remarks at a national stakeholders' summit on the legislative framework for environmental law and policy in Abuja that:

> environmental change is expected to increase the likelihood and impact of extreme weather variability while the parallel and paradox of climate change continue to exacerbate the plight of many local communities in Nigeria. Climate-related disasters have increased displacement and vulnerability of exposed populations. It is like these disasters convey a brutal message to those who believe climate change is a hoax that they can only continue to ignore environmental issues at unremitting peril. Some of the emerging national environmental concerns include depletion of biodiversity and illegal trade in wildlife…This fast-growing habitat alteration and illegal trade in wildlife products are eroding earth's precious biodiversity, robbing mankind of our natural heritage and driving important species to the brink of extinction. It only stands to reason, that this National Summit should proffer practicable policy and legislative solutions to this menace… (Premium Times, 2017, para: 3-5).

Whereas such visits to impacted sites and public statements are commendable, there is a paucity of follow-up legislative actions

(Izuaka, 2021). For example, it has been 10 years since the Senate Committee's visit to the Niger Delta with nothing to show for it. It is obvious that the National Assembly in Nigeria is a victim of overpromise—underdeliver, a trend so common among public institutions in Nigeria. It is such unproductive parliamentary approaches and conducts that have earned African parliaments this unsavoury remark:

> members of Africa's national assemblies—and by extension of the Pan-African Parliament—are themselves part of societal elites. In the case of national parliamentarians, who depend financially on the state's coffers, one may even question whether they themselves are not essentially part of étatiste interests. (van Walraven, 2018, p. 218)

CONCLUSION

This paper made a clarion call on Nigeria's National Assembly to upgrade the environment to a frontline charge by engaging in legislative assertiveness to prevent environmental harm. Thus, the concerns raised at the outset of this paper share two common responses: First, whereas the petroleum sector is highly adored for being a major foreign exchange earner, sadly behind this deification the fact of it being a primary producer of environmental hazards is cavalierly treated in Nigeria (Walker, 1999). Second, the National Assembly in Nigeria is helping to perpetuate this unwholesome trend of being blind towards the environment.

The basis of the second point is that it is the 9th National Assembly in Nigeria's Fourth Republic (i.e., since 1999), yet the environment has not been accorded a first-line charge by the legislature (Aremu & Bakare, 2021). This ensuing legislative lacklustre, of course, amounts to encouraging the Nigerian state to subordinate the long-term negative environmental externalities of unbridled resource exploitation to immediate gains (Maechling, 1970), a scenario that has encouraged various governments in Nigeria to make policies that contradict the environmental needs of resource-rich areas (Veit, 2008).

From the foregoing major standpoints, the paper further makes the following recommendations:

a. The National Assembly in Nigeria seemed suffering from two notable legislative inertias: first, it commits appraiser malpractice (failure to perform up to professional standards), and second, it commits professional negligence in their oversight functions (i.e., doing and causing things unaware, however, with grave consequences (Pardue, 1988; Shampton, et al, 1988; Williams, 2019). These shortcomings have unconsciously caused them to use their temporal positions to inflict permanent injuries on the environment (Barkan, 2009; Ogunba, 2016; Suberu, 2018). Thus, there is a need to engage Nigeria's parliamentarians in awareness-raising and capacity-building programmes to enhance the competence of legislators. As a way forward, environment committees comprised of experts should be constituted in Nigeria's bicameral National Assembly. To achieve institutional capacity within the National Assembly, a follow-up mechanism should be set-up to ensure that legislators in control of environmental questions who leave parliament systematically handover to their successors (IPU, et al, 2006).
b. The National Assembly should enacted laws that consider the environment not as a substantive right[5] (i.e., rights that will enable aggrieved persons to sue if polluters tamper with their interests), but as an environmental procedural right[6] (i.e., rights which compel the government or corporate interests to an obligation to consult with communities before whatever venture that will impact on their environment); and even consider giving local communities the right to participate in government and company decision-making processes that impact on them (Daly, 2012). If this is done, then it would take the shape of a National Court of Justice (NCJ) or a National Criminal Court (ICC) to extend invitations to and name and shame identified environment destroyers in Nigeria. Achieving this feat requires a strong-willed legislature because Nigeria is a rentier state and a host of institutions in Nigeria including the National

Assembly[7] feeds on rents and royalties from the petroleum industry.

c. Members of the National Assembly in Nigeria should be made to have a drive and vision for sustainable development and harness the needed political will.
d. In order to have a first-hand understanding of environmental problems in Nigeria, the National Assembly should regularly hold townhall meetings with local populations, engage in consultations and fieldtrips to communities who experience and suffer the brunt of environmental hazards.
e. The 1999 Constitution of Nigeria (as amended) both lacks an assertive statement on the environment and it also assigns environmental matters to the residual list (Ezeibe, 2011; Premium Times, 2017). The National Assembly should revise the 1999 Constitution to include an assertive statement on the environment and transfer environmental matters from the residual list to the concurrent list.
f. The National Assembly should enact legislations that are in sync with universal laws of nature and global best practices such as the principles of sustainable development goals (Laitos, 2021, p. 12).

Notes

1. The legislature/parliament in Nigeria is generally referred to as the National Assembly. It is a bicameral legislature comprising of the Senate as the upper chamber and the House of Representatives as the lower chamber.
2. Environment refers to the components of the earth which include (a) air, land and water (b) the layers of the atmosphere, and (c) organic and inorganic matter and living organisms.
3. Rentier states rely on rents and royalties from natural resource exploitation for their economic sustainability.
4. IPU, UNITAR and NAC (2006, p. 2) recommend that "environment committees composed of experts should be set up in each parliament…a follow-up mechanism should be put in

place to ensure that those parliamentarians in charge of environmental questions who leave the institution systematically hand over their work to their successors…".

5. Environmental substantive rights legislations are legislations that enable aggrieved persons to sue if polluters tamper with their interests.
6. Environmental procedural rights legislations guarantee the rights of citizens and communities to compel the government or corporate interests to an obligation to consult with them before ventures that impact on the environment are undertaken or enabling communities the right to participate in government decision-making on the environment.
7. It is so lopsided that a National Assembly of 465 members collects a budget of 125 billion naira while key ministries like health and education attract budgets of 46 billion naira and 48 billion naira respectively for the entire populace.

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