

PARTICIPATION AND ENVIRONMENTAL POLICY FORMULATION AND IMPLEMENTATION IN NIGER DELTA REGION OF NIGERIA

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ABSTRACT: *The paper examined Participation and Environmental Policy Formulation and Implementation in the Niger Delta Region of Nigeria. The paper argued that the non-participation of the people of Niger Delta region in the formulation and Implementation of Environmental Policy to a very large extent contributed to environmental policy failure. This, the paper noted is mainly as a result of the hiccups in the democratization process in Nigeria. The inability of the people to decide who their leader becomes has ostensibly led to the insensitivity of the leaders to the felt needs of the people and the subsequent alienation of the people from the process of Public Policy formulation and implementation, especially the environmental policy. The paper relied on secondary sources of data. The paper observed among others, that the non-participation of the people in the formulation and implementation of Environmental Policy to a very large extent is responsible for the inefficacy of environmental policy to protect the environment in the Niger Delta Region. The paper recommended that the democratic institutions and the institutional framework should be strengthened for the protection of the environment and should reflect the yearnings and aspirations of the people of Niger Delta*

KEYWORDS: Participation; Environmental Policy; Formulation; Implementation; Democracy, Niger Delta Region; Public Policy.

INTRODUCTION

Environmental Policy is a Public Policy. Like all other Public Policies, it is expected to remedy an unsatisfactory condition which affects substantial number of people. For instance, Nigeria formulated the National Policy on Environment when her environment and people were threatened by the dumping of toxic waste in Koko, Delta State. The formulation of Environmental Policy begins with the identification of environmental problem. Proposals are made and when they are accepted by the government, they become agenda for implementation. Environmental Policy formulation involves developing relevant and acceptable proposed course of action for dealing with environmental problems.

Public Policy formulation process is unidirectional which involves three variables such as input, conversion and output. Input in the form of demands and support from the environment (i.e the people) go into the conversion box where policy makers consider them as agenda for implementation. The output which is the public policy is expected to impact positively on the environment by solving a given problem. Thus, Public Policy is a product of the environment which is a reflection of the socio-economic and political realities of the environment. The policy choice of the policy makers is greatly influenced by the interests of the people and the availability of economic resources to implement the policy (Allen, 2011).

PARTICIPATION IN THE FORMULATION OF ENVIRONMENTAL POLICY IN NIGERIA

The formulation of environmental policy and indeed other public policies is the responsibility of the actors in the public policy formulation process. The actors in the public policy formulation process can be classified into two groups namely; formal and informal groups. The formal groups are those who operate within the institutional framework of government while, the informal groups operate outside government. The formal group consists of the legislative, executive and judicial branches of government. The informal group consists of political parties, pressure groups and civil society organization (Ujo, 2011:11).

Whereas the formal group is made up of political and bureaucratic elites, the informal group consists of political parties, pressure groups and civil societies which protect and project the interest of the people in the policy making process. In representative democracy, the political and bureaucratic elites are directly involved in the formulation of environmental policies. But in formulating environmental policies, inputs/interest from the informal group should be considered. The informal group provide the necessary platform for the participation of the people in the public policy- making process. Participation in this regard means the inclusion of the inputs or interest of the people by the formal group in the formulation of environmental policy. The inputs or interests of the people, in this context means the felt needs of the people. These felt needs may include, but not limited to good network of roads, health care facilities, qualitative education, portable water, a protected environment etc.

By articulating and aggregating interest, political parties ensure the interest of the people become inputs in the policy-making process. The interests of the people are enshrined in their party manifestos which they intend to implement should they win elections. Pressure groups influence government policies, thereby making the interests of the members and indeed the entire Nigerian society to be considered in the formulation of Public Policy. The civil society groups serve as intermediary between the government and the people. They protect and project the interests of the people in the policy-making process.

According to Osman (2002), public policy-making process is not merely a technical function of government, rather it is a complex interaction process influenced by the diverse nature of socio-political and other environmental forces. These environmental forces that form the policy context lead to the variation in policies and influence the output and impact. Osman(2002) also noted that Public Policy making not only involves the public bodies or public officials as policy actors, rather private or non-official group also play a very active role in policy making. This public-private interaction constitutes the structure of the political system within which policy actors influence the policy process.

In this regard, the dynamics of group theory is considered as public policy is seen as a product of a continuous struggle among organized interest groups. The interests of the groups reflect ideally the demands of the people which are made in reaction to a given public problem. There is therefore

the need for a freer access to decision-making provided to the public, and the availability of information from both government agencies and the people concerning a public problem.

In order to enhance the participation of the people in public policy formulation process, the leaders of the people (political elites), particularly the legislators should constantly meet the people in their various constituencies and wards to interact with them. The interaction of the leaders with the people will enable the political elites to know the opinion and demands of the people, and at the same time give account of their stewardship. Thus, public opinion becomes essential ingredient in the formulation and Implementation of Public Policy. It will ensure that target beneficiaries are involved at the formulation stage in order for them to have an input in what affects their lives. This will also give them a sense of belonging and, therefore a sense of commitment (Makinde, 2005). In supporting the need for the participation of the relevant stake holders in the formulation of Public Policy Aminu, Tella and Mbaya, (2012) noted that government Policy depends on the agencies of government for support and government should show positive attitude to the policy by ensuring adequate measure to empower the stake-holders, civil society and other interested parties with the required prerequisite information on the policy for their benefits.

IMPLEMENTATION OF ENVIRONMENTAL POLICY IN NIGERIA

The formulation of Public Policy gives credence to its implementation. Thus, a Public Policy proposal should explain how the policy is to be implemented. This may be through the establishment and empowerment of administrative institutions. For instance in the case of Environmental Policy, Federal Environmental Protection Agency (FEPA) NOW NESREA) (National Environmental Standard Regulatory and Enforcement Agency), alongside with Federal Ministry of Environment, State Ministry of Environment and Corporate bodies

According to Makinde(2005), Adamolekun, (1983), policy implementation is defined as the activities that are carried out in the light of established policies. It refers to the process of converting financial, material, technical and human inputs into outputs. Again according to the views of Edward as stated in Makinde(2005), policy implementation is a stage of policy making between the establishment of policy (such as the passage of a legislative act, the issuing of an executive order, or the promulgation of regulatory rule) and the consequences of the policy for the people whom it affects. It also involves a wide variety of actions such as issuing and enforcing directives, disbursing funds, making loans, assigning and hiring personnel.

Communication is an essential ingredient for effective implementation of Public Policy. (Makinde, 2005). Through communication, orders to implementers of policies are expected to be transmitted to the appropriate personnel in a clear manner while such orders must be accurate and consistent. Inadequate information can lead to misunderstanding on the part of the implementers who may be confused as to what exactly are required of them. Makinde(2005) noted that stripped of all technicalities, implementation problem in most developing nations is the problem of widening gap between intention and results. This implementation gap leads to policy failure. Implementation gap can arise from the policy itself when such a policy emanates from government rather than from the target groups. By this means that planning is top-down. And by implication, the target beneficiaries are not allowed to contribute to the formulation of the policies that affect

their lives. This is usually what happens in most developing nations as it happened in the case of the Better Life Programme(BLP) and the Family Support Programme(FSP) in Nigeria.

Another example of implementation gap in Nigeria can be seen in the resettlement policy of the indigenes of Abuja as a result of moving the capital city of Nigeria from Lagos to Abuja. In his reaction, a representative of Garki community, LazarusNuhuNyaholo, who spoke on behalf of other indigenes, said that the government neither consulted nor carried the indigenes along in the planned resettlement. He went further to say that the traditional rulers and the representatives of the communities were not included in the committee that was set up to fast track the, resettlement and that they only read it in the newspapers (Ujo, 2011). In his words he asserts that

There are no infrastructures in the new places the government is moving us to. Our farm land has been taken from us. Most people were omitted in the compensation exercise and that has not been sorted out. No meeting was held with us to discuss the issue and they expected us to move out of our homes. Where do they want those people to go by the time they moved us out of our present settlement.

The above Abuja resettlement policy is a clear case of Nigerian political elites formulating policies without the consultation and the participation of the target population. To corroborate this fact, Edelman, in Ujo(2011) argued that policy makers often formulate Public Policies that appear to meet public need but actually serve the material needs of a narrow elite. The benefit conveyed to the public is largely symbolic. Public policies in Nigeria are squarely a reflection of the personal interest of the political class rather than the demand of the citizens, as such policies lack public support in terms of implementation.

Furthermore, Osman, (2000) observed that policies of developing countries are less responsive to the demands of the environment. On the other hand, support from the society as input for decision-making is also less significant in the developing country context. The reason for insignificance of support from society according to Walf, in (Osman, 2002), is that there exist huge examples of retaining power by the government without popular support. With particular reference to Environmental Policy in Nigeria, the case of Udi and Agulu in Anambara State is a clear demonstration of the importance of the participation of the local community in the implementation of Environmental Policy. The soil conservation and erosion control efforts atUdi were successful because of the full cooperation of the local community but the same scheme failed and was abandoned at Agulu because of the unwillingness of local farmers to adopt the new farming methods introduced(Kio and Ogirigiri 1990).

From the foregoing, it is evident that the effective formulation and implementation of Environmental Policy requires the participation of the target population. This view was corroborated by (Franklin and Ebodin, 2010) when they, in their words, noted that

Democratic participation give everyone the opportunity to be heard and provide a basis for understanding the choioces, hopefully resulting in decisions supported not just by clients but by citizens. When feedback is provided showing that the input was considered, participants are more satisfied with their involvement.

The challenge in the formulation and implementation of Environmental Policy, therefore, is that the processes are remote from the target population, especially in the rural communities. A cursory look at the environmental policies enacted between 1930s and 1990s shows that the people were distanced from the formulation.

For instance, the Forestry Ordinance, 1937, the Eastern Region Forest Law, 1959, the Oil Pipeline Act of 1958; the Wild animals Preservation Law (Western Region) of 1959, the Forestry Ordinance with amendment (Northern Nigeria) of 1960 among others, are precipitates of colonial environmental policies in Nigeria. By virtue of colonialism, the people were not part of the formulation process. Again is the preponderance of decrees that promulgated environmental policies in Nigeria which is another evidence that the people were not consulted and did not participate in the formulation of environmental policies. Such environmental policies from military regimes include Exclusive Economic Zone Decree of 1978, the Kainji lake National Park Decree of 1978, the Endangered Species Decree of 1985, the Harmful Waste Decree 42 of 1988 which facilitated the establishment of the Federal Environmental Protection Agency (FEPA) through decree 58 of 1988 and 59 (Amended) of 1992, just to mention but a few.

Even with the few that were promulgated through Acts, like the Petroleum Drilling and Production Acts of 1969 (and the petroleum Industry Bill currently debated on the floor of the National Assembly), may have been hijacked by the political elites who are products of faulty electoral system. A faulty electoral system characterized by electoral fraud and irregularities may not produce political elites who can uphold the ideals of democracy, especially as it concerns the participation of the people in the process of policy formulation and implementation. The formulation of Environmental Policy without the participation of the target population becomes faulty and implementation consequently becomes problematic.

Another fact to be considered is that NESREA (National Environmental Standards and Regulations Enforcement Agency), formerly known as Federal Environmental Protection Agency (FEPA) was established by the Federal Government of Nigeria in line with section 20 of the 1999 constitution of the Federal Republic of Nigeria. NESREA has responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology including coordination. But NESREA unlike FEPA, which was empowered to protect the environment throughout Nigeria, is barred from carrying out environmental laws and regulations in oil bearing communities, because the law specifically exempts their operation in the oil and gas sector (see Egbe 2012:218). The implication of this is that the oil companies are more or less at liberty to do anything they like without any consideration for the environment where they operate, particularly in the Niger Delta Region.

Little wonder why gas is flared in Niger Delta Region and the environment is consequently polluted and degraded. The pathetic UNEP report on the environment in Ogoni land and the reluctance of the past government in Nigeria to clean up the Environment in Ogoniland is a clear case of conspiracy between the state and oil companies to degrade the environment and exterminate the people whose livelihood is a function of their environment.

One would wonder why NESREA, an institutional arrangement created by law to protect and develop the environment is barred from enforcing environmental laws and regulations in oil bearing communities. This becomes more worrisome, especially when it is common knowledge that oil exploration and exploitation activities pollute and degrade the environment. The conspiracy between the Nigerian state and the oil companies to pollute and degrade the environment in the Niger Delta can also be demonstrated by the inability of the courts to give rulings on how to remedy the situation of the oil spillage claims, loss of income from fishing and farming, pollution of drinking water and destruction of crops, damage to health as a result of waterborne diseases. Instead of making orders to address the complaints in terms of damage done to the physical environment of these communities, they settled for compensation of the affected complainants. In this wise, the environmental laws that were meant to protect human beings and other living things are thrown to the dogs (Offiong 2001).

Offiong (2011) also noted that the Multinational Oil Companies which are normally being complained against by Oil communities on gas flaring more likely will always win cases against the oil communities on legal grounds as they (the oil companies) have a lot of financial capacity to fight their cases instead of obeying environmental laws meant to sanitize the environment. The failure of Nigerian state to implement environmental policy can also be related to the nature of Nigerian state as exemplified by the character of actors of Nigerian state. Ake, Okowa, Orugbani and Okobain (Ebinta, 2009) described the Nigerian state as exploitative, cruel and irresponsible, weak, captured, dependent and hegemonic, illegitimate, oppressive and repressive, privatized and lacks autonomy. In line with these descriptions of Nigerian state, Ebinta (2009) in his words said

And just because the state lacks autonomy, it is been privatized and used as an instrument for the pursuit of parochial interests, against the pursuit of the public good. The idea is that corrupt elements and amoral personalities in the state capitalizes on the non-autonomous and weak nature of the state to wickedly direct state resources to their selfish interest cum aggrandizement. That is in most cases, state resources in the civic public are directed in infamous channels in the primordial public which benefits only a few category of people in the society.

It should be noted that corruption is most likely to take place in a process that is not transparent. Transparency is one of the values of democracy because it involves the participation of people. (Hadenus and Wonah, 2010). It therefore follows that corruption is likely to be prevalent in any undemocratic process that does not allow the participation of the people thereby undermining the interest of the people. The process that led to the promulgation of the NESREA act was not democratic, at least for the fact that it did not consider the interest of the people of Niger Delta Region, particularly as it concerns the impact of oil exploration and exploitation activities on their environment. This has obviously contributed in making environmental policies to be mere declaration of intents which have failed in protecting the environment (Adeyemo, 2008).

THE WAY FORWARD

Participation is an essential ingredient of democracy. Thus in every democracy, the people should participate in formulating and implementing policies that affect their livelihood. In order to ensure that Environmental Policies are effective in protecting the environment in the Niger Delta, the

democratic process should be devoid of electoral irregularities (Oddih, 2007). Such electoral irregularities like snatching of ballot boxes, undue influence through money and other gift items, thuggery, falsification of electoral results and many more are capable of denying the people their political sovereignty, thereby truncating and distorting the democratic process. The point here is that if the people did not have the opportunity to decide who their leader becomes there is the possibility that they (the people) may be sidelined during the formulation of policy and their felt needs may not be considered in the formulation of Public Policy. There is also the need to strengthen and enlarge the institutional framework for the formulation, implementation and enforcement of environmental policies in Niger Delta. Aside from widening the scope of environmental institutions like NESREA, they should also be community-based especially in the oil bearing communities. This would not only create the required awareness but also serve as the platform through which the local people can participate in the formulation and implementation of Environmental Policies. The judiciary as an independent organ of government should be strengthened and fortified so that in the event of any violation of environmental policy or law, the people can easily and assuredly seek redress.

CONCLUSION

The Niger Delta Region of Nigeria is plunged into environmental quagmire aggregated by the indiscriminate oil exploration and exploitation activities. The degradation of the environment in the Niger Delta as a result of the unfriendly environmental practices seems to be pushing the region and the people to the verge of extinction. There is therefore the need to formulate and implement environmental policies that can protect the environment. The formulation and implementation of Environmental Policy should be people oriented. This means that the people should participate in the formulation and implementation of environmental policies. The bottom-top approach in the formulation and implementation of Environmental Policy should be encouraged within the ambit of democracy in order to enhance the efficacy of environmental Policy in protecting the environment in the Niger Delta Region of Nigeria.

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