

The Sheep's Revolution: Paradox of Democratic Consolidation and Environmental Regulations in Post-transition Nigeria

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INTRODUCTION

The entry of democratic rule in 1999, the expectations of Nigerians were very high. The dominant outlook among the masses was simply positive in comparative terms with the extensive era of military despotism, where only a miniature fraction could access the doorway to a noble life. During the military regimes, the aspirations for an inclusive government have been strident, while exclusion of the popular side, at the same time, remained very brutal. However, the political cosmos of the country has been relatively relaxed by the transition to democratic rule. But, while that elevated the optimism of some groups that had hitherto, been stifled or marginalized, it also raised some noticeable dangers in the boundless struggle for resources and power, that characterized the democratic system. Although, democracy truly plays a unique enhancement role of citizens' involvement in the government, it is by no means, an end in itself. In most nations, therefore, the civil society functions as a key catalyst in smoothing the process of democratic consolidation and peoples' involvement in governance. According to Nkwachukwu (2004:51), there is a robust connection between democracy, the civil society, and democratic consolidation.

Ikelegbe (2005:242), also refers to the civil society "as the framework where the citizens, at all tiers of the government interact with the state. Under the current dispensation, there are dividends that are expected to flow from the peak of governance to the base. Such benefits include promotion of human rights to health, education and decent environment among others. Rather than the use of force that characterized the military era, rules and regulations, as enshrined and codified in the country's constitution are expected to x-ray the institutions of governance and the different sectors within the nation, including the environmental sector.

By way of narrowing the narratives, the Nigerian environment is technically speaking, the commonwealth of every citizen. According to Obilade (1998), there have been different forms and categories of laws and legislations, which serve as regulations in Nigeria. While the military regime was famous for the use of

undebatable decrees and edicts, the transition to democratic rule in 1999 ushered in the constitution of the Federal Republic of Nigeria.

However, the political arena embraces numerous regulations and laws that guide the interplay between and among the different actors and stakeholders. Although, the democratic regime, at inception, was literally crude and to some extent, reflected what Nigeria had in the military days. Nevertheless, the past twenty years had recorded a lot of improvement within the political sector, amongst others; not only because of the linear relationship between the electoral institutions and the importance attached to high politics, but as a result of the proliferation of Civil Society Organisations leading the journey towards an outwardly perfect political and governance system. For example, the several campaign against fraud and irregularities before, during and after the election; has manifested in increased sensitization, one-man one-vote campaign, vote-not-fight campaign, and the pressure for transparency and accountability en-route another four-year tenure (Tobi, 2005:375).

Against this backdrop, this study seeks to examine the current dual-but parallel-system of governance, leveraging the political sector and the environmental sector. To put it differently, Nigeria is presently witnessing an improving democracy in the political arena, but, a sustained militaristic density within the environmental sector. Although, it is uncommon to see sheep revolting against the shepherd, but, the revolution of the sheep, as printed by this paper, implies the reactions from the sub-dominant groups and the environment itself. Either violent or civil in their operational strategies against the shepherd, this paper empirically makes a case for the pluralization of independent and effective CSOs, as a bridge between the environmental regulations and its implementation from the peak to the base, in efforts towards environmental sustainability.

As critically discussed above, this paper is sub-divided into five symbiotic sections. The introductory aspect leads, while clarification of the key concepts seconds. The theoretical dimension is the third segment, of which dualism will be empirically explored as a tool for in-depth analysis. While the

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fifth section contains the recommendations and conclusion, the fourth section responds to the following critical questions: How has democratic dispensation impacted environmental regulations in Nigeria? What are the expectations from the CSOs as a key component of environmental advocacies in Nigeria? Finally, what are the prospects of democratic consolidation for people within the extractive contexts? This paper fully jerks off the intellectual masturbation.

CONCEPTUAL CLARIFICATION

By way of foreplay, understanding the key concepts of democracy, democratic consolidation, civil society organizations and 'post-transition regulations' will facilitate a proper appreciation of the study. Lipset (2013), unboxed democracy to mean a license granted to the popular party to influence political, economic and social decisions, which simultaneously respects the prospects for change of regimes from other contending parties acknowledged within the country's politics.

According to Huntington (1991), there are two complementing indices of democratic consolidation. The first involves respecting the rules of transparency, fairness and justice in the process and struggle for power, while the second indicator involves respecting the same rules of engagement by allowing smooth transition of power, in the event that political victory swings to another party. From the above definitions, democratic consolidation is taken as the efforts of the government towards sustaining the rule of law, upholding an all-inclusive government and promoting the peoples' rights within the framework of a legal instrument, such as the constitution.

In essence, Vaaseh (2010) reinforced the impotency of CSOs in underscoring democratic consolidation in the post-military era, while Edwards (2004), argued for the centrality of civil societies for promoting good governance and democratic consolidation within the country.

Ikelegbe (2013), in his own writings, underlined the civil society to mean a mini-nation, where common values, interests, opinions and objectives are shared between and among the people. In the early years of Nigeria's democracy, there were penchants for the rise of armed uncivilized groups fighting for, and at the same time, against the dividends of democracy. Thus, the paper acknowledges the snowboarding of CSOs with decent aims, into private organized agencies in form of Non-Governmental Organisation (NGOs).

By extension, Mercy (2012), stretched the civil society to mean a group of corporate organisations with a united goal, working within the framework of the law, bridging the gaps between the state and the people, interested in multiple issues affecting the people, living in both rural and urban centers, and proving necessary essential services in the deficient zones. As pointed out by observers, who monitored the situation room during the 2015 general elections, the charades of CSOs, engaged in the 2015 elections, effectively facilitated immense improvement by maintaining strict compliances with the pre-election regulations and laws when compared with the 1999 election experience. While that progressive trend has not changed up till this minute, strict 'compliance with regulations', even at its

minimum cannot be said on several other sectors, including the environmental security regulations.

However, Obilade (1998: 64), in the buildup to the 1999 transition gave an insight on what regulations should mean under the democratic dispensation. According to him, post-transition regulation in its simplest term refers to the legislative enactment of laws and guidelines replacing the instrument of force which was the dominant order in the pre-democratic years. In a similar vein, Akintayo (2006), pointed out the three different categories of environmental regulations. The first centers on sanitation laws, while the second category revolves around laws and regulations developed to secure the inhabitants and the economic activities taking place within the extractive environments. The third category is the body of laws and regulations broadly established for the purpose of environmental security. Hence, several agencies of the state were created with different environmental laws while there are lots of international agreements, signed and domesticated for sustainability of the Nigerian environment.

Amidst the blending of this conceptual clarification and review, it can be observed that, in almost two-dozen years of Nigeria's democracy, consolidation appeared to have relatively focused on the improving the political sector, to the detriment of some other sectors Ogunjobi (2004:9). While the CSOs continue to operate with varying degrees of impact in several areas, the continued instruments of force in some major extractive zones has been identified as a function of government's (symbolizing the Shepherd's) rod rather than using the staff in achieving cooperation. In other words, potential civil advocacies on promotion of post-transition environmental regulations appeared to have been relegated, while the sheep's revolution may have been elevated; manifesting itself in emergence of soldiers-of-fortune, operating within the extractive regions and the life-threatening irrepressible environmental degradation transpiring in other places.

THEORETICAL FRAMEWORK

Boeke's theory of Dualism entails the existence of two separate systems functioning within a society, with little or no corresponding influence of one system on the other. According to Boeke (1953), every society can be described in the economic sense, using these three characteristics: (i) The social spirit (ii) The organizational forms and (iii) The techniques dominating it.

In relations to this study, the social spirit within the Nigerian structure is without doubt, the foundation of any policy framework, either the military or democracy. In the extractive zones, for instance, the prevailing posture of the inhabitants navigates towards having a worthy return of their natural endowments (Ukeje, 2001). To people in the non-extractive regions, the environment is seen as a commonwealth and the resources endowed to a part is an endowment for all, within the system. This confirms the existence of a dual social structure, that transcends the 1999 transition highlights.

However, organizational forms equate the extant representative system, in which, environmental regulations are expected to come in the form of legislations rather than the promulgation of

decrees and edicts that characterized the pre-1999 days. But conversely, the environmental agencies of the state, mostly evident in the extractive shores, appeared to have re-ignited the military approach in the formulation and implementation of regulations in areas mapped out for extractive activities (Babawale, 2003). While this paper does not intend to debate on the legitimate ownership or control of the natural resources endowment, democratic consolidation is expected to acknowledge natural human rights; a premise, that has severally been exploited to lay claims to the ecological resources, naturally and favorably disposed to people within the extractive contexts (Babawale, 2003).

Furthermore, the 'techniques', dominating the interplay between the social spirit and the organizational forms are evident in the proliferation of reservists groups- rather than civil groups- agitating for a fair share of the much-valued resources, constantly extracted from the endowed zones (Omotola, 2006). At the same time, the dwindling interest of CSOs in environmental security issues is an offshoot of the direct control of environment regulations from the central authorities, thus, opening the gaps of environmental policies' implementation and widening the paths towards environmental degradation.

Moreover, this study noted that dualism as a theory has not gained noticeable scholarly attention for analyzing several issues. While Boeke founded his analysis around sociological dualism, Eckaus (1955) alongside Higgins (1956) grounded their roots in technological dualism, underscoring the importance of technological advancement in the modernization of developing societies. As adapted to this study, 'environmental dualism', reveals the functioning of two separate social systems leveraging the Nigerian democratic terrain, with little or no corresponding influence of one system on the other Albert (2005). Furthermore, the dual framework of reactions from the different societies seemed to have outplayed the monopoly of post-transition regulations stemming from the central authorities.

THE SHEEP'S REVOLUTION: ENVIRONMENTAL REGULATIONS IN NIGERIA'S DEMOCRATIC DISPENSATION

The 'Environment' as a term literally means the immediate surroundings of a man at a particular period of time. The United Nations General Assembly Charter for Nature in 1982 underscored the significance of man as a key component of the environment. The Cambridge Dictionary also defined the environment in terms of the quality of the natural habitation of mankind, which subsumes the land, air and water that sustains both living and non-living things within the environment. Therefore, environmental regulations equate environmental security with environmental protection and conservation of our natural habitat (Cambridge International Dictionary, 1995).

The Black Law Glossary, also exalted the environment to mean the entirety of factors that have implication for the quality of human lives. Such factors ranges from political influence, economic and aesthetics values and social circumstances. In

addition, the National Environmental Standard and Regulation Enforcement Agency Act, 2007 defines 'environment' in the following perspectives; 'Environment' include water, air, land, animals living therein and in relationship exist among these or any of them (NESREA, 2007).

Accordingly, Amokaye G. O. (2004: 3) stated that, environmental regulations are the body of laws established within the country, and its international dimensions to sustain the utility of our natural world and regulate the effects of man's activities on his environment. Thus, within the confines of a democratic system, such regulations and principles are transformed into legally collated norms.

To this end, Nwadozie, K. C. (1994: 2) cited that, the colonial order was characterized by economic and political gains of the administrators. There were no effective environmental regulations for the natives, as it would impose new responsibilities and costs on the colonial master. In effect, pollution and other environmental hazards blossomed without restrictions.

Similarly, the unearthing of oil in the Delta Region in Nigeria's first decade of independence, exposed Nigeria's wealth boom and at the same time, the health doom associated with misuse of the environment and absence of environmental regulations (Frynas, 2001). However, in attempts to regulate the impending dangers, the Federal Military Government promulgated several Acts and regulations. For instance, the Koko toxic waste incident of 1988 generated serious concerns from the government, which led to formulation of different policies on environmental law in Nigeria. The incident equally exposed the inadequacy of the previous promulgation and the need to make more broad laws to combat pollutions and dumping of the hazardous waste within and outside Nigeria territorial waters and land space. In the final analysis, that trajectory led to the real legislation on environmental protection which was promulgated in 1988 titled Federal Environmental Protection Agency Act (FEPA) Cap 113, LFN 1990 (as amended in 2004).

As the environmental problems continue to abound, the FEPA was recommended and eventually installed as the way-out. The solution was replicated at the state levels and called State Environmental Protection Agency (SEPA). Since environmental issues are categorized under the concurrent list, the federal government and states have the right to legislate on it. As contained in Section 20 of the Nigerian Constitution of 1999, the Ministry of Environment at both national and state level respectively to deal with environmental protection. FEPA with more responsibilities changed nomenclature to become National Environmental Standards and Regulations Enforcement Agency Act (NESREA), 2007. It is unfortunate that, the rules and regulations-, having been drafted as an important slice of the fundamental objective principles of Nigeria state policy- is not justifiable, implementable and enforceable.

Among the plural environmental problems facing the Nigerian society, this paper makes a comparison between the rate of pollution and solutions, using a portion of the Niger-Delta experience, before 1999 and the situation since the advent of democracy. Pollution has stamped unquantifiable damages and

widespread destruction on our ecosystem and killing our natural environment (Global Environmental Outlook, 2000). For instance, a total of about 526,679 barrels of oil was spilled between 1989 and 1999, with over 95%, lost to the environment while over 2 million barrels of oil spill incidents into the terrestrial, coastal and offshore areas with attendant awful consequences were recorded (Agbu, 2005).

In sharp contrast to that statistics, the National Oil Spill Detection and Response Agency (NOSDRA) documented that, for the period of January 2006 – June 2010, the Federal Government has received 3,203 oil spill stories from oil firms with complementary 9,256 barrels of oils, spilled into the environment (Punch, 2010: 17). This data above confirms the relative reduction of oil spillage on the environment under the democratic dispensation. But, while the credits could not be given to the instruments of the law and regulations, Iwilade (2015), affirmed that, the reduction is only a temporary solution, momentarily mounted on the monetization of dark social networks of youths and syndicates, operating in the Niger-Delta region. As proven by subsequent regimes, failure to meet the demands of the fortune-soldiers has led to the revival of resistant movements against smooth extractive operations in the Delta region with attendant environmental and economic consequences.

In the foregoing, this study raised some critical questions, in an interview with Barrister Olanrewaju-Elufowoju, a legal practitioner, an environmental educator and consultant on the trends and assessment of environmental regulations in post-transition Nigeria. According to her, the military regime operated with strict environmental laws such as the monthly sanitation laws. Either by force or voluntarily, people just have to obey the environmental regulations, for example, the War Against Indiscipline and related regulations. But, under the democratic system, we have different body of laws and regulations, but are not complied with, given the absence of a compelling force. Furthermore, she posited that the environmental laws are not ends in themselves, but, it is important to look deeper at the social aspect of the law.

In her explanations, which also agrees with the social spirit factor in the theoretical framework, there is 'a disconnect' between these regulations and the peoples' way of live. Thus, she recommended that, to ensure the effectiveness of the regulations and compliance, the people must be clinically educated on the importance of the regulations and how non-compliance with the laws affect them as individuals. Using Kenya as an example, she upheld the instrumentality of environmental civil organizations in advocating and educating the people on the coming anarchy; thus, curbing the mounting indigenous pollution and preventing the impending dangers, the peoples' actions and inactions on the environment may bring.

Regarding environmental regulations in the extractive zones, she identified the need for the emanation of new laws and regulations. Just as drying up of the Chad Basin has forced the herders to other parts of the country for natural resources to feed their flock, people living within the extractive zones may also tender legitimate assertions to an improvement on the returns from the natural resources that belongs to their

immediate environment. So, as the ranching policy is being deliberated, specifically-developed programs and regulations should be developed to achieving environmental security for entities in the extractive contexts.

THE PARADOX: CIVIL SOCIETY ORGANIZATIONS AND ENVIRONMENTAL ADVOCACY IN POST-TRANSITION NIGERIA.

More importantly, the progression and expansion of constitutional tools, regulations, and strategies to preserve the stability between the human environment and the ecosystem is without reservation, very suitable. Overtime, environmental regulations has been described as comprising lawful strategies and techniques designed to combat the pollution, mishandling of natural resources and tackle the neglect of environmental sustainability policies (see Encyclopedia Americana, 1995).

Howbeit, Nigeria is a heterogeneous country of over 190 million people. Implementing policies and programs directly from the federal level has obviously proven difficult, just as relying on the state parastatals to install the regulations might as well, be problematic. In attempts to consolidate democratic rule, therefore, the plethora of CSOs metamorphosing into NGOs are, at some points, critically important to performing some functions (Ikelegbe, 2007). Since the civil society grass-root groups are influential purveyors of human resources and operating with a national franchise, decentralization of environmental regulations have the tendency to spur a lot of interested CSOs into environmental security programs and projects. A cursory look at the political sector, shows that, the improvement recorded in Nigeria's electoral systems is a function of the several CSOs constantly taming the imperfections, arising. The civil groups intercede before, during and after the election exercise to ensure a calm political ambience and the cycle continues at regular intervals (Mercy 2012).

For the extractive contexts, however, studies have shown that, balancing the social spirit with the dominating techniques is key. Laying claims to a good return from the natural endowments at their rightful habitats, there has always been a tendency for civil groups to advance into militia groups and social movements for emancipation. For instance, the Movement for the Survival of the Ogoni People (MOSOP), the Niger Delta People's Volunteer Force (NDPVF) and the Movement for the Emancipation of the Niger Delta (MEND) to name just a few (Albert, 2005).

So, this paper argues that, containment and engagement may be employed as the organizational form of achieving environmental security for people in the extractive contexts. While containing the internal tensions staged on natural rights' grounds, engaging the agitations of the deprived through rapid industrialization efforts will suffice. On several occasions, enforcement of environmental regulations has proved to be insufficient for curbing environmental degradation and promoting sustainability in the extractive zones. Thus, Civil society organizations (CSOs) are often assumed to be establishments

that simplify interactions between the people and the legislators (Williams, 2016).

However, the effectiveness of the CSO advocacy groups depends on governments' endorsement, funding from the prime-movers, and their own internal capacity. This section therefore, strengthens the literature, with the premise that, the government's handling of CSOs as mere delivery agencies rather than participants in consolidating our democracy, has shaped the nature and texture of the civil society organizations. For example, the inception of democratic rule in 1999 saw the Obasanjo-led administration wiped off a community of over 2000 people, with many properties destroyed and many others displaced. (Environmental Rights Action, 2002: 7; Albert, 2003).

This is not to downplay the- 'Egbesu boys'- buildup of events that led to the military invasion, but to underscore the fact that, one can only remove a man from the military, militarism cannot be removed from a man. This further explains the social landscape of the agitating groups, emanating from the extractive zones, since the turn of the 21st century. For instance, since 2003, the NDPVF and MEND (created in 2005) and several other groups of armed civilians-turned-militants have continuously proved deadly, with daily reports of kidnappings, vandalism, sabotage and disruption of economic activities in the region.

Should such agitation be championed through the CSOs? Robinson's response upheld the civil society as part of an "extended state", through which the ruling class (or the state) is able to maintain hegemony over its citizens (Robinson, 2005). But just as the core mission of civil advocacies is to seek 'policy change', the agitations of the armed version of the CSOs has often times, meant, to seek a redistribution of oil fortune and amplified local control of their natural resources.

Gaventa, (2004) blends these two contending ideas by noting that Civil Society Organizations (CSOs) provide an avenue for citizens to communicate with government, extend the reach of government by deliver services to citizens, and hold government officials accountable through watchdog efforts. The paradox here is that the avenue to communication with the government is vague and has outplayed to mean either through lawful or forceful means.

Although, the EU considers CSOs to subsume, "all non-state, not-for-profit assemblies, non-partisan unions and non-violent groups, through which people pursue shared objectives and ideals, whether political, economic, social, environmental, but, in marginal contrast, the World Economic Forum (WEF) sees civil advocacy groups as part of the "social basis for democracy". To this end, the civil society represents a fundamental part of the democratic system and wields the ability to express controversial views; represent people with 'no voice', organize citizens into movements, foster support across stakeholders and bring credibility to the political system (WEF Report, 2013).

In separate interviews with Barrister Olanrewaju-Elufowoju Kate and Professor Dokun Oyeshola, they both agreed on the instrumentality of the CSOs and their advocacies for the enforcement of environmental regulations in Nigeria, but

differed on the operational strategies of the CSOs in the extractive zones. According to Professor Oyeshola, generalizing the use of sanctions for flouting the regulations will likely not be effective. But, within the extractive zones, the CSOs, (rather than the executive placements-soldiers or police force) must be armed with sanctions to ensure absolute compliance with the regulations. Permeating the extractive zones with environmental awareness and re-orientation programs remains one of the best ways to enforce the environmental regulations, as the use of force has often attracted similar reactions in time past. At the same time, the executive arm is expected to concentrate more on enforcing compliance with the rules and regulations, guiding the extraction of resources and industrial operations in the zones, given the fact that, their activities hold higher propensity to worsen environmental degradation in the extractive zones.

CONCLUSION AND RECOMMENDATIONS

In conclusion, the distinctive role of the civil society and civil advocacies in Nigeria's democracy, can be more noticeable in making other segments thrive; by leveraging their competencies, empowering solutions and consolidating the efforts of the government towards having a decent democracy. But, as theoretically discussed, it is even, more possible, to improve on Nigeria's environmental security through the enrichment of CSOs through decentralization of environmental regulations and backed with sanctioning authority. Finally, and just as recommended by Professor Dokun Oyeshola, setting up of efficient and effective institutional developmental boards for training, empowerment and development of people in the extractive zones should be reinforced, as a demonstration of commitment and fairness to the resource exploration from their immediate environment. Not only will such commitments lubricate increased compliance with post-transition regulations, but, will also relegate the tendencies for environmental degradation.

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