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1. Introduction

Sustainable development as it relates to environment in general is the process of making sure current processes of interaction with the environment are pursued with the intention of keeping the environment as pristine as naturally possible. Sustainable development is based on, and requires, economic growth, social development and security, but it also requires environmental protection and restoration. Dembach¹ observed that protecting environment is part of what progress means; it is not the price of progress. He went further to state that:-

The idea that we need to seek environmental protection at the same time as we seek to advance other goals is a guiding principle of sustainable development. Sustainable development provides a powerful and realistic basis to be hopeful about the future. This is particularly true because we have a very good idea of the legal and policy tools that we need to put in place to navigate a transition to sustainability

2. Evolution of the Principle of Sustainable Development

The idea of sustainable development really came into fashion in 1987 with the publication of the report of the World Commission on Environment and Development (WCED) 'Our Common Future'. In this report, sustainable development was described as 'a process of change in which the exploitation of resources, the direction of investments, the orientation of technological development and institutional change are all in harmony and enhance both current and future potential to meet human needs and aspirations'.

The work of the WCED was inspired by an urgent call of the General Assembly of the United Nations to 'help define shared perceptions of long-term environmental issues and the appropriate efforts needed to deal successfully with the problems of protecting and enhancing the environment, a long-term agenda for action during the coming decades and aspirational goals for the future. The WCED has clearly come up with such an aspiration: man is responsible for the future of the earth. Today's generation may not fulfill its needs while endangering the possibility for future generations to fulfil their needs. Also, environmental problems related to the (economical and technical) development of developed countries may not hamper the possibilities of developing countries to strive for (economical and technical) development as well. With the introduction of the concept of sustainable development, economic development, the environment, and human rights are treated in an integrated and interdependent manner.

By 1992, when the United Nations Conference on Environment and Development (UNCED) took place in Rio de Janeiro, sustainable development had become an ideal that no one could ignore. All the documents signed at the Rio Conference state, in one way or another, that everything that had been agreed on was necessary in order to reach sustainable development. The preamble to Agenda 21, for instance, starts with the following lines:-

Humanity stands at a defining moment in history. We are confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which we depend for our well-being.

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Dembach J. C. 'Sustainable Versus Unsustainable Propositions' (2002) Vol. 53 No. 2 *Case Western Reserve Law Review* 449-450

greater attention to them will lead to the fulfilment of basic needs, improving living standards for all, better protected and managed ecosystems and a safer, more prosperous future. No nation can achieve this on its own; but together we can be in a global partnership for sustainable development.

The Rio Declaration on Environment and Development, which was concluded during the UNCED as well, states in Principle 1

Human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Apart from these very general (non-binding) international documents, the ideal of sustainable development can also be found in more concrete (binding) treaties, like the Kyoto Protocol to the United Nations Framework Convention on Climate Change of 11 December 1997. Article 2 of this Protocol reads:-

Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development

Thus, like all developing countries, Nigeria as a nation was also faced with dilemma of pursuing development efforts at the expense of environmental degradation or adopting environmentally safe practices at the expense of development. To this end, the government of Nigeria has also embraced the concept of sustainable development. Consequently, Nigerian laws have risen to the challenges of ensuring that the country's natural resources are harnessed in a sustainable manner.

Significantly, the Constitution of the Federal Republic of Nigeria which mandates that the State shall protect and improve the environment and safeguard water, air, and land, forest and wildlife of Nigeria.² However, the constraint of this Constitutional provision is that it comes under Chapter II on Fundamental Objectives and Directives Principles of State Policy. These objectives are not enforceable in the Nigerian courts and thus lacking justiciability by virtue of Section 6 (6) (c) of the Constitution of the Federal Republic of Nigeria.

In addition, the enactment of the National Environmental Standards and Regulations Enforcement Act³ (NESREA) repealed the Federal Environmental Protection Act (FEPA). The Act is now the primary environmental law in the country and it strives to ensure that the Nigerian environment and natural resources are developed in a sustainable manner. Specifically Section 2 of the Act provides that:-

The agency shall, subject to the provisions of this Act, have responsibility for the protection and development of the environment, biodiversity conservation and sustainable development in Nigeria's natural resources in general and environmental technology, including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement standards, regulations, rules, laws, policies and guidelines

Worthy of note is the effort put in place by the Nigerian Government via the preparation of the Biodiversity Strategic and Action Plan BSAP in 2010. The Action Plan has been able to identify and highlight all the components of biodiversity, policies, laws and conservation programmes in Nigeria for

² Section 20 of the 1999 Constitution of the Federal Republic of Nigeria

³ Cap F10-Laws of the Federation of Nigeria 2004

adequate protection and safeguard from further extinction and degradation. Thus, in line with Article 6 of the Convention on Biodiversity, the Federal Ministry of Environment initiated the Strategy and Action Planning Process in order to guarantee the conservation of Nigeria's biological diversity. This Principle is akin to what is called 'a precautionary principle' one of the cardinal principles of sustainable development. The principle is described as preventing environment from extinction and degradation and given the sensitive nature of the environment prevention is often the only responsible and logical approach because damage is often times irreparable.

The enactment of the Environmental Impact Assessment Act⁴ is also another giant stride taken by the government of Nigeria towards the conservation of biodiversity. The Act provides for the assessment of the level at which Nigerian environment is being harnessed, allow for participation of those that may likely be affected by the decision to be taken on the preservation of environment so as to ensure sustainability and development growth in Nigeria. The springing up of various Non-Governmental Organizations (NGOs) and Private Foundations which have actively engaged in biodiversity conservation efforts is also commendable towards ensuring sustainable biodiversity conservation.

Significantly, the government of Kwara State took a giant step in 2010 not only to enact laws to regulate some biodiversity components but also enact law to reduce poverty. There are in existence in Kwara State, Nigeria presently Bush Burning (Control) Law,⁵ Charcoal production (Prohibition) Law,⁶ Environmental Sanitation Law⁷ and Forestry Law⁸ to regulate biodiversity conservation and Kwara State Community-Based Poverty Reduction Project Law.⁹ These legislations in no small way have contributed immensely to the control and preservation of biodiversity and reduction of poverty respectively.

Thus, the evolution of the various legislations at international, national and local levels to regulate biodiversity conservation cannot be under-estimated. This is because, law being a potent weapon with which policies can be achieved and implemented has tremendously played significant roles in ensuring preservation and conservation of biodiversity as well as reduction of poverty in Nigeria in general and Kwara State in particular.

Against the backdrop of the above, the proper way of analyzing law to biodiversity conservation vis-à-vis sustainable development and as the theoretical basis of environmental law is achievable by an analysis of the principles of precaution which has become one of the cardinal standards of environmental law that is prevention.

3. Biodiversity Conservation and Sustainable Development

It is significant to note that the conservation of biodiversity is pivotal to sustainable development. Biological diversity otherwise referred to as biodiversity is essential for human existence and has a crucial role to play in sustainable development and the alleviation of poverty. Biodiversity provides millions of people with livelihoods, helps to ensure food security, and is a rich source of both traditional medicines and modern pharmaceuticals. It is significant to note that biological diversity is essential for alleviating poverty and achieving the Millennium Development Goals. It also provides basic ecological services of which all life depends. Unless we stop the loss of biological resources, our efforts to reach the Millennium Development Goals by the year 2015 will be that much more difficult, if not impossible. The poor are the most likely to suffer from the consequences of destabilization of ecosystems, such as floods, crop failures and loss of genetic resources.

The mangrove swamps of the Niger Delta contain the third largest mangrove forest,¹⁰ and one of the ten most important wetland and coastal marine ecosystems¹¹ in the world but are being degraded by

⁴ Cap E 12 Laws of the Federation of Nigeria 2004

⁵ Sections 3 and 8 Cap B6 Laws of the Kwara State of Nigeria 2010

⁶ Section 8 Cap C8 Laws of the Kwara State of Nigeria 2010

⁷ Sections 13, 38, 48, 58, 59, 60, 61 Cap E4 Laws of the Kwara State of Nigeria 2010

⁸ Cap F5 Laws of the Kwara State of Nigeria 2010

⁹ Community-Based Poverty Reduction Project Law, Kwara State of Nigeria 2010

severe pollution from oil spills. In coastal cities, coastal ecosystems and wetlands are rapidly disappearing due to dredging, sand mining, industrial and residential development and are often contaminated by agricultural, industrial and domestic waste. The latter form of degradation is most common in Kwara State

Also, in most part of Kwara State the forest and vegetation cover that protect many rivers and watercourses are being cut down for logging, agricultural and housing development, indiscriminate construction of roads and lack of integrated basin management leads to biodiversity loss. For example, study¹² has it that, predominant inhabitants of the Local Government Areas have taken to the business of selling charcoal which is a product of the tree felling and logging and the resultant effects have eaten deeply into the vegetation of the area leading to soil infertility, vegetation changes and desertification of the forest.

Since the publication of the World Commission on Environment and Development (WCED) and the recognition of the sustainable development by the United Nations Conference on Environment and Development (UNCED) at Rio de Janeiro spur the Nigeria nation to also recognize same and incorporate it in its development planning; this eventually gave birth to the National Environmental Policy.¹³ The goal of the National Policy on the Environment is to achieve sustainable development in Nigeria, through the following initiatives:-

- (a) preventive activities directed at the social, economic and political origins of the environmental problems;
- (b) abatement, remedial and restorative activities directed at the specific problems identified, and in particular:-
 - problems arising from industrial production processes;
 - problems caused by excessive pressure of the population on the land and other resources; and
 - problems due to rapid growth of urban centres;
- (c) design and application of broad strategies for sustainable environmental protection and management at systemic or sub-systemic levels;
- (d) enactment of necessary legal instruments designed to strengthen the activities and strategies recommended by (the National) Policy;
- (e) establishment/Emplacement of management organs, institutions and structures designed to achieve the policy objectives

The following principles of sustainable development are contained in the National Environmental Policy: Principle of Integration; Polluter Pays Principle (PPP); User Pays Principle (UPP); Principle of Intergenerational Equity; Principle of Intra-generational Equity; Subsidiary Principle and Precautionary Principle.

3.1 Principle of Integration

This principle requires that environmental considerations are integrated into development objectives and that development needs are taken into account in applying environmental objectives.¹⁴ This principle underpins all the principles of sustainable development.

¹¹ Tago N 'Nigeria: Oil Pollution, Human Rights Violations Still Rampant in Niger Delta' (2010) News from Africa, available at http://www.newsfromafrica.org/newfromafrica/articles/art_12129.html

¹² Findings and Responses collected from some respondents of Baruten and Patigi Local Government Areas of Kwara State through the questionnaire administered in March 2013

¹³ Available at <http://www.nep.gov.ng/policies/policies.asp>

3.2 Polluter Pays Principle (PPP)

This principle requires that an environmental polluter should be held responsible to pay compensation to victims and the cost remedying harm to the environment occasioned by pollution caused by the polluter¹⁵. Put differently, it implies that whoever is responsible for damage to the environment should bear the costs associated with it. Forcing polluters to bear the costs of their activities enhances economic efficiency. If appropriately applied, policies based on a polluter pays principle (PPP) will enhance protection of the environment without sacrificing the efficiency of a free market economic system. Thus, a correct interpretation of this principle would define pollution as any by-product of a production or consumption process that harms or otherwise violates the property rights of others. The polluter would be the person, company, or other organization whose activities are generating that by-product. It is also important that payment should equal the damage and be made to the person or persons being harmed.

3.3 User Pays Principle

This principle requires that the costs of a resource to a user must include all the environmental costs associated with its extraction, transformation and use. Such costs should also embrace the costs of alternative future uses of such a resource forgone. The principle recognizes the new emerging accounting method, which accords recognition to environmental costs as part of the costs to be considered in arriving at the true value of a product or resource. It is said that hitherto, accounting methods did not take environmental costs into consideration. But environmental costs, such as the cost of paying compensation to victims of environmental pollution, cost of remedying harm to the environment and the cost of reduction of the adverse effects of environmental pollution, are all important costs which past accounting methods had ignored, but which are now being recognized by the new environmental accounting method.¹⁶

3.4 Principle of Inter and Intra Generational Equities

The Rio Declaration recognizes a quiet number of equities. Thus, the principles of Inter and intra generational equities are recognized as part of the principles of sustainable development. The principles imply that the equitable rights of each generation to deal fairly with one another and to make equitable use of the available resources in meeting their needs. Thus, it requires the present generation to integrate environmental protection into its developmental initiatives so that in meeting the need of the present generation, it does not jeopardize the ability of the future generations to meet their own needs. Simply put, the principles relate to meeting the needs of the present without comprising the ability of the future generations to meet their own needs.

3.5 Subsidiary Principle

This principle is a process of making and implementing of decisions beginning at the lowest effective level of government or other organizations. It is a form of decentralized system of governance which ensures that problems are addressed at the lowest appropriate level of governance and the development of capacity to resolve such problems. The lowest level could be at individual, community or local government level. Thus, it is only when the problem could not be solved at that level, that the next level is called upon to intervene. This is akin to involving grass root people in the law making process in order to ensure adequate protection to the environment.

3.6 Precautionary Principle

This principle of sustainable development is a relatively recent principle of sustainable development which has been adopted and applied in many international environmental instruments since the 1990s.¹⁷ It is said to be one of the cardinal principles of sustainable development and environmental law.¹⁸ It can be said that the principle implies that 'prevention is better than cure'. Given the sensitive nature of the environment, prevention is often the only responsible and logical approach because damage is oftentimes irreparable. This assertion finds support in the International Court of Justice opinion in *Gabcikovo Nagymaros Project Case (Hungary v. Slovakia)*¹⁹ where it held that:-

In the field of environmental protection, vigilance and prevention are required to take account of the often-irreversible character of damage to the environment and of the limitations inherent in the very mechanism of reparation of this type of damage

Against the backdrop of the above, the Rio Declaration²⁰ provides a wide definition of precaution as:-

In order to protect environment, the precautionary approach shall widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation

The precautionary principle is said to permit the taking of preventive measures without having to wait until the reality and seriousness of the threat become fully known²¹. The principle embraces the concept of proportionality. The adoption of this principle is geared towards providing a proportionate measure to curb and arrest any impending threat to biodiversity. The response must be proportionate to the extent of damage being done to biodiversity as well as cost effectiveness of margins of error so as to ensure that the selected precautionary measure is not costed arbitrarily.

4. The Applicability of Precautionary Principle to Biodiversity Conservation

Biodiversity is the variability of life, and encompasses diversity at all levels of organization from the genetic through populations, species, ecosystems and landscapes. However, it is most clearly manifested in the variety of different kinds of organisms and habitats in the world. It is the variety of organisms, interacting with the physical landscape that creates the range and diversity of ecosystems. At global level, biodiversity is very unevenly distributed, that is, some parts of the world are far more biologically diverse than others. The pattern is complex but by no means random. The most important overall trend, manifest in terrestrial, freshwater and shallow water marine systems, is for species diversity to increase from the Polar Regions to the equator. This is because in general, warmer areas are more diverse than colder areas. On land there is also a general trend for areas with more rainfall to be more diverse than drier ones. Geographical variations in diversity are very marked, there are, for example, differences of two or three orders of magnitude in the diversity of, for example, tree species in forests between arctic latitudes and equatorial ones.

¹⁷ *Ibid* 91

¹⁸ *Ibid* 89

Nigeria is a diverse country with many different natural habitats, including savannas, tropical forests, wetlands, lakes, rivers, and coastal areas. Rainfall is heaviest along the coast and in the southeast, leading to the development of rainforest in this region. By contrast, the northern part of Nigeria receives much less rain and includes increasingly drier vegetation zones the further north one goes. Three different highland areas are found in Nigeria: the Yoruba highlands in the west, the Jos plateau in the centre of the country, and the mountains bordering Cameroon in the east. This diversity of landscapes and climatic conditions results in a corresponding diversity in the plants and animals found here.

However, it is to be noted that despite the beauty and variety of life-forms, man is pushing species to extinction at an alarming rate through habitat destruction, introduced species, over-exploitation, human population, threat of global warming, bush burning, deforestation and desertification, agricultural intensification. Most of the human activities which tend to provide means of livelihood to humans to survive and maintain an average life have in the long run become causes of poverty in our modern society. There is an incessant attack on biodiversity which of course has directly or indirectly affects the not only the economic well being of the nation but also to an individual.

Thus, the precautionary principle is adopted by the Nigerian government through various legislations enacted to regulated biodiversity conservation. Principal among which are: the Constitution of the Federal Republic of Nigeria,²² the National Environmental Standards and Regulation Enforcement Agency Act,²³ National Effluent Limitation Regulations,²⁴ National Environment Protection (Pollution Abatement in Industries and Facilities Producing Waste) Regulations,²⁵ Federal Solid Hazardous Waste Management Regulations,²⁶ Environmental Impact Assessment (EIA) Act,²⁷ The Nigerian Urban Regional Planning Act,²⁸ Hydrocarbon Oil Refineries Act,²⁹ the Endangered Species Act,³⁰ Sea Fisheries Act,³¹ and the Convention on Biological Diversity.³²

²² Sections 20, 33, and 34 of the 1999 Constitution of the Federal Republic of Nigeria; which makes it an objective of the Nigerian State to improve and protect the air, water, forest and wildlife in Nigeria as well as a guarantee of fundamental human rights to life and dignity, the latter having been linked to the need for a healthy and safe environment to give the rights effects thereto

²³ Section 7 of the NESREA Act 2007 which provides that authority must ensure compliance with environmental laws, local international, on environmental sanitation and pollution prevention and control through monitoring and regulatory measures

²⁴ Section 1 (1) which requires industry facilities to have anti-pollution equipment for the treatment of effluent

²⁵ Sections 4 and 5 of the Regulations (1991) require industries to report a discharge if it occurs and to submit a comprehensive list of chemicals used for production to the agency

²⁶ Section 1 and 20 of the Regulations (1991) which make it an obligation for industries to identify solid hazardous wastes which are dangerous to public health and the environment and to research into the possibility of their recycling as well as to make notification of any discharge to the Agency

²⁷ Section 2 (1) & (4) of the Act Cap E12 Laws of the Federation of Nigeria 2004 which require an assessment of public or private projects likely to have significant (negative) impact on the environment and also provide for mandatory writing to the Agency before embarking on projects for their environmental assessment to determine approval

²⁸ Section 72 of the Act Cap N138 Laws of the Federation of Nigeria 2004 provides that the preservation and planting of trees for environmental conservation

²⁹ Section 9 of the Act Cap H5, Laws of the Federation of Nigeria 2004 which provides for that refineries must maintain pollution prevention facilities

³⁰ Section 7 of the Act, Cap E9, Laws of the Federation of Nigeria 2004 which provides for regulations to be made necessary for environmental prevention and control as regards the purposes of this Act

³¹ Section 14 (2) of the Act, Cap S4, Laws of the Federation of Nigeria 2004 which provides authority to make for the protection and conservation of sea fisheries

³² Article 8 (a) of the Convention on Biological Diversity 1992 which provides that each Contracting Party shall establish a system of protected areas where special measures are to be taken to conserve biological diversity. "natural communities whose their have disallowed their distinctive properties are made paramount

There are in existence in Kwara State, Nigeria presently Bush Burning (Control) Law,³³ Charcoal Production (Prohibition) Law,³⁴ Environmental Sanitation Law³⁵ and Forestry Law³⁶ to regulate biodiversity conservation in Kwara State.

These legislations by their provisions create a strict regime setting out regulations that make protection, preservation and conservation mandatory by all users of environment. In addition, government as well as the user of biodiversity is charged with responsibility of providing adequate measures to curb and arrest any impeding threat to biodiversity. It also required that a principle of restoration and regeneration and adopted in order to sustain biodiversity from extinction.

It is interesting to note that notwithstanding the acceptability of this principle in Nigeria and the subsequent adoption of same through various legislations, the threat and assault on biodiversity is still on the alarming rate. This has been traced to both the activities of the government on one hand and that of the governed on the other hand.

The government on its part has not been able to do much for its citizens in terms of provision of basic essential amenities for their livelihood which ought to enhance conservation of biodiversity. For instance, the activity of the humans through logging and tree felling is majorly responsible for the rate of poverty. Man needs biodiversity species either to earn a living or for consumption purposes. The government as a matter of good governance is expected to provide means of alleviating poverty as well as subsidizing kerosene which of course will give the poor easy access to kerosene and reduce logging and tree felling which is the predominant way of assault on biodiversity in Kwara State in particular and Nigeria as a whole.

Also, it is also observed that there is lack of awareness on the need to maintain a healthy environment as well as to protect and conserve same. A lot of people are not really aware of the legislations on environment and the penalty attached thereto. So, biodiversity is assaulted and degraded with impunity

Furthermore, the applicability of the principle is handicapped based on the failure on the part of the government to involve local people in the law making process. It is not out of place to state that substantial biodiversity species are located in the rural areas and it is the responsibility of the government, if biodiversity conservation is to be achieved to involve the local people with whom the species predominate to be carried along whenever legislations on environment are to be enacted. This of course will go a long way to co-opt their inputs into the law for effective compliance.

5. Conclusion

The adoption and incorporation of the precautionary principle into the Nigerian domestic laws in order to ensure biodiversity conservation is appreciated. This will certainly ensure the attainment of environmental sustainability development of the country. However, there are problems associated with the application of the principle in Nigeria. Such problems include the attitude of the government in providing essential amenities for its citizen in order to continually conserve biodiversity. The inability of the government to ensure that rural dwellers (as established in this study) that live with biodiversity

³³ Sections 3 and 8 of the Law Cap B6 Laws of the Kwara State of Nigeria 2010; These sections provide for prohibition of bush burning without permit and the power of the Governor to ban bush burning in specified areas.

³⁴ Section 8 of the Charcoal Law, Cap C8 Laws of the Kwara State of Nigeria 2010; The section prohibits the burning of any tree or wood and that all licenses and permits granted to any person or body of persons before the enactment of the law to produce charcoal in any part of the State is hereby revoked

³⁵ Sections 13, 38, 39, 48, 49, 58, 59, 60, 61, 62, 63, 64, 65 and 66 of the Law Cap E4 Laws of the Kwara State of Nigeria 2010. The gist in the provisions of these sections is to the effect that the Agency shall power to carry on all environmental protection activities to enhance the achievement of the objectives of the Agency. Prohibitions of series of activities that are inimical to the environment are also provided so as to ensure adequate protection of

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Thus, the precautionary principle is adopted by the Nigerian government through various legislations enacted to regulated biodiversity conservation. Principal among which are: the Constitution of the Federal Republic of Nigeria,²² the National Environmental Standards and Regulation Enforcement Agency Act,²³ National Effluent Limitation Regulations,²⁴ National Environment Protection (Pollution Abatement in Industries and Facilities Producing Waste) Regulations,²⁵ Federal Solid Hazardous Waste Management Regulations,²⁶ Environmental Impact Assessment (EIA) Act,²⁷ The Nigerian Urban Regional Planning Act,²⁸ Hydrocarbon Oil Refineries Act,²⁹ the Endangered Species Act,³⁰ Sea Fisheries Act,³¹ and the Convention on Biological Diversity.³²

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It is interesting to note that notwithstanding the acceptability of this principle in Nigeria and the subsequent adoption of same through various legislations, the threat and assault and biodiversity is still on the alarming rate. This has been traced to both the activities of the government on one hand and that of the governed on the other hand.

The government on its part has not been able to do much for its citizens in terms of provision of basic essential amenities for their livelihood which ought to enhance conservation of biodiversity. For instance, the activity of the humans through logging and tree felling is majorly responsible for the rate of poverty. Man needs biodiversity species either to earn a living or for consumption purposes. The government as a matter of good governance is expected to provide means of alleviating poverty as well as subsidizing kerosene which of course will give the poor easy access to kerosene and reduce logging and tree felling which is the predominant way of assault on biodiversity in Kwara State in particular and Nigeria as a whole.

Also, it is also observed that there is lack of awareness on the need to maintain a healthy environment as well as to protect and conserve same. A lot of people are not really aware of the legislations on environment and the penalty attached thereto. So, biodiversity is assaulted and degraded with impunity

Furthermore, the applicability of the principle is handicapped based on the failure on the part of the government to involve local people in the law making process. It is not out of place to state that substantial biodiversity species are located in the rural areas and it is the responsibility of the government, if biodiversity conservation is to be achieved to involve the local people with whom the species predominate to be carried along whenever legislations on environment are to be enacted. This of course will go a long way to co-opt their inputs into the law for effective compliance.

5. Conclusion

The adoption and incorporation of the precautionary principle into the Nigerian domestic laws in order to ensure biodiversity conservation is appreciated. This will certainly ensure the attainment of environmental sustainability development of the country. However, there are problems associated with the application of the principle in Nigeria. Such problems include the attitude of the government in providing essential amenities for its citizen in order to continually conserve biodiversity. The inability of the government to ensure that rural dwellers (as established in this study) that live with biodiversity

³³ Sections 3 and 8 of the Law Cap B6 Laws of the Kwara State of Nigeria 2010; These sections provide for prohibition of bush burning without permit and the power of the Governor to ban bush burning in specified areas.

³⁴ Section 8 of the Charcoal Law, Cap C8 Laws of the Kwara State of Nigeria 2010; The section prohibits the burning of any tree or wood and that all licenses and permits granted to any person or body of persons before the enactment of the law to produce charcoal in any part of the State is hereby revoked

³⁵ Sections 13, 38, 39, 48, 49, 58, 59, 60, 61, 62, 63, 64, 65 and 66 of the Law Cap E4 Laws of the Kwara State of Nigeria 2010. The gist in the provisions of these sections is to the effect that the Agency shall power to carry on all environmental protection activities to enhance the achievement of the objectives of the Agency. Prohibitions of series of activities that are inimical to the environment are also provided so as to ensure adequate restoration

species and components are involved in the law making process is a bane to achieving the desired goal of sustaining biodiversity. The attitude of the government having adopted the principle vide the enactments of various legislations on biodiversity conservation and allowing the laws to operate in our statute books with a teeth to bit is also spelling doom to the conservation of biodiversity. This, thus make the laws on biodiversity conservation moribund and ineffective

From the study and the survey conducted in the State, it is evidently clear that, a lot still needs to be done by the Kwara State Government. It is clear that there appears to be lack of sensitization on the part of the government to its citizens on the various legislations enacted to regulate biodiversity conservation. It is also clear that the government has not done much in term of the provision of monitoring group to oversee the conservation of biodiversity. In addition, the problem of enforcement of the laws is also lacking and this is evidently clear from the responses of some of the respondents that there has been no report of prosecution of defaulters of the laws regulating biodiversity conservation. People thus, defaults and breaches the laws regulating biodiversity conservation with impunity knowing full well that there is no serious repercussion against them in case they are found culpable. Also observed is the issue of corrupt practices by those saddle with the responsibility of monitoring conservation of biodiversity vide collection of bribe in form of fine from the defaulters which money of course are not accounted for. It is also observed that there is lack of access to information to the respondents on the need to maintain and conserve biodiversity. It is also a cardinal principle of biodiversity conservation that government should ensure that its citizens are carried along in the law making process. Thus, there is lack of participation of the grass root people in the law making process on biodiversity conservation. Above all, there is also lack of access to monitor government activities by the respondents. This will ensure the citizens to appreciate the government roles in the conservation of biodiversity

6. Recommendations

It is noteworthy from the foregoing that various legislations and policies at the international, national and local levels for the control and preservation of biodiversity have been examined. It remains to be noted that, these legislations alone cannot achieved the desired goals without putting other stakeholders into considerations. Thus, the role of the international and national organizations and to some extent Non-Governmental Organizations (NGOs) in Kwara State should be geared towards providing sufficient disbursement of humanitarian aid and planned development to lift people permanently out of poverty and enable them to lead lives with a large degree of freedom and choice. To this end, there are compelling reasons why consideration of biodiversity at the landscape scale, and the benefits it provides in the form of ecosystem services should be fully incorporated into mainstream development planning in the State.

In addition, the State Government should also endeavour to formulate a policy that will be geared towards increasing the income of the poor. This can be done by empowering the poor in the State. Empowerment should focus on economic, social, political and psychological empowerment. The implication of this is that government does not focus on financial grant alone to the poor but also include providing a sense of belonging to the poor in form of involving them in policymaking. The poor should also be allowed to have access to information, form associations and participate in the political life of the country. Most importantly, the poor should be made to have self-esteem, self-confidence and ability to imagine and aspire to a better life.

Investment in biodiversity conservation will render long-term development and poverty reduction benefits, and as such should become part of the State development planning and budget processes. Diversified sources of financing are important to ensure sustainability including the State public investments, market-based private sector investments, and international funds. This particular mechanism put in place starting from 2010 by the Akwa Ibom State vide the establishment of Forest

concerned along. In other words, the people must be aware of the possible consequences of their action with respect to interaction with the natural resources. In addition, they must also be informed of al legislations guiding against the destruction of biodiversity. For any meaningful and lasting conservation programme to be effectively carried out there must be a conscious effort in involving the local people in maintaining and managing their environment since the needs of these dwellers must be respected. Any action to limit the use of the forests without providing an alternative to them or alleviating their poverty or lack of education will meet with a lot of problems as can be seen from the incessant activities of tree fellers, loggers poachers on the wildlife reserves. This mechanism is otherwise referred to as the principle of participation, information and assistance as well as information and consultation

It is no longer in doubt that there are various laws existing to protect and control biodiversity from extinction in both the State and the Local Government Areas. However, the legal frameworks and economic incentives have often proliferated but remain confused and counter-productive. Laws and regulations need to be reviewed to ensure consistency, avoid deterring responsible private investment, and preserve the rights of local people and forest dwellers. Governments at both the State and Local Government levels through legislation need to recognize that smaller organizational units, such as villages or pastoral associations, are better equipped to manage their own resources than are large authorities and may be a more effective basis for rural development are natural resource management than institutions imposed from outside.

It is also recommended that there should be intensive managed systems, including agricultural lands, pasture, wood lots or forests and aquatic systems. This will enable the poor to adapt to short-term planning horizons. The poor in the State are vulnerable to both foreseeable and unpredictable changes in their situation. Such changes naturally lead to shortages of basic goods and necessities, such as food, drinking water, shelter, clothing, medicines, fuel and sanitation. The rural poor in the State usually obtain these services locally, and heavily dependent on the diversity and integrity of the environment within immediate landscape for a continued supply. This can be achieved through the establishment of a virile monitoring groups made up of all stakeholders

It is further recommended that the current mapping exercise in the State provided to illustrate the relationship between biodiversity and poverty represent the multifaceted relationship. There is need to create more comprehensive maps capable of representing the benefits that the poor derive from the ecosystems. This will require the identification of the vital ecosystem services for the poor, the stock and quality of these ecosystem services and the location of those that are directly dependant on these services. Multi-scale assessments, capturing ecosystem services flow and identifying the trade-offs are key challenges for effectively represent the impacts of ecosystem services change on the human wellbeing of the poor. Income generated from the conservation of biodiversity such as tourism are disbursed to provide essential amenities to the poor, thus spurring them to imbibe the culture of conserving biodiversity

It is also pertinent to note here that, government at both state and local levels should endeavour to develop agricultural development based on intensification, globalization, and rapidly improving technology as primary factor in poverty reduction and enlarging biodiversity conservation areas. The enlargement of these protected areas will go a long way to rapidly become more expensive in the areas of agricultural intensification, which are also often the areas of greatest biodiversity. As areas of biodiversity are enlarged, good stewardship becomes increasingly important. Community participation and management become key factor in encouraging local people to organize and provide efficient and effective stewardship at low cost. To achieve the desired goal of agricultural intensification and (in-cash and in-kind) from organizations and institutions within the State and outside must be provided to assist the financial needs of agricultural intensification in the State. This assistance must be provided to support expansion of reserves and to finance community organizations. The World Bank Programme on Fadama in the State for agricultural intensification should be diversified to cover vital areas for the preservation of protected areas. In furtherance of achieving the desired goal, environmental NGOs who focused on biodiversity, land preservation and species conservation need to broker contacts between donor agencies and local authorities nurturing poverty reduction and biodiversity

sequestration and clean water. Payments for what is called Ecosystem Services (PES) can be beneficial to poor communities. These incentives mechanisms will go a long way to achieve the desired goal of biodiversity conservation and poverty reduction to establish property rights, land use conflicts and trade-offs as well as management and financing. Simply put, there is need to establish and recognize the proprietary interest of the local people on the variety of the species and in doing so, the will and zeal to jointly conserve biodiversity will be achieved tremendously

Significantly, it is also an established fact that the desired goal of biodiversity conservation and poverty reduction will be effectively achieved where the management of land and resource use is geared recognizing people's rights to land, resources, and ecosystem services. Sharing the benefits that arise from their management with local people is also essential for effective biodiversity conservation and poverty alleviation. Emphasis must be made on fostering locally based environmental management, ensuring access to biodiversity resources, land reforms and the acknowledgment of customary tenure. Programmes aimed at the protection of biodiversity and the alleviation of poverty need to also address the human rights of all, and those of the poor in particular. Thus, the recent step being taken by the Federal Government to review the Land Use Act and other property related legislations is a welcome development.

In addition, the need to provide for effective and efficient enforcement of the various legislations on biodiversity conservation will also enhance in achieving the desired goal of conserving biodiversity and by implication poverty reduction. It is hope that where defaulters and offenders of biodiversity degradation are prosecuted and sanction effectively as required by law, it will serve as deterrent to others and eventually reduce poverty through keeping biodiversity safe and clean

Above all, the institutionalizing of good governance whereby the governed are appreciative of the style of governance put in place by the government will go a long way to enhancing biodiversity conservation. The State and local governments should stand above board in providing dividend of democracy to the governed through a transparent style of governance. The social menace and monster called corruption should be combated by all means necessary to achieve the desired goal of conserving biodiversity