

BIODIVERSITY PROTECTION IN NIGERIA: A SYNOPSIS OF THE ROLE OF MULTILATERAL AGREEMENTS*

Abstract

Biodiversity refers to variability among living organisms from all sources including terrestrial, marine and other ecosystems and the ecological complexes they are part of. These resources play a big role in sustaining all living organisms including humans. Conservation and protection of these resources from indiscriminate exploitation and destruction is therefore a task that the global community must vigorously pursue, if it desires to achieve the sustainable development goals agenda by the year 2030. This paper therefore examined at how Nigeria has been committed to the protection and conservation of its biological resources through the mechanism of selected international agreements, are aimed at managing and protecting the different components of nature's ecosystem. The paper task outlined the underpinning philosophy behind each agreement and then highlighted the processes and steps taken by Nigeria to domesticate and apply the articles of these agreements.

Keywords: Agenda, Biodiversity, Convention, Development, Ecosystem, Protection

1. Introduction

For a highly religious society, it is perplexing how a great number of Nigerians pay little or no heed to the protection of the natural environment. Two major religions – Christianity and Islam which have an almost equal number of adherents in Nigeria, have injunctions and teachings which project the importance of man's natural environment and the incumbent duty of man to protect it.¹ Ironically, the behemoth of followers of these monotheistic religions and other religions seem to be either oblivious of the tenets of their religions on environmental protection or simply ignore them to the detriment of mother-nature. It is indubitable that a rich, alluring ecosystem cascades through the 923,768 Kilometres² of landmass called Nigeria; from the Gulf of Guinea to the Sahel. Benefits derivable from this rich ecosystem are; food, shelter, medicine, disaster control; climate regulation, income etcetera. However, over the years Nigeria has witnessed severe rate of biodiversity depletion mostly occasioned by the increase in population, pollution, climate change, urbanization, deforestation etcetera.³ Halting this ugly development require deliberate formulation and implementation of national and sub-national policies and programmes. Safeguarding Nigeria's biodiversity would inevitably ensure that the present generation meet their needs without compromising the ability of the future generation to meet theirs. Through the medium of section 12 the Constitution of the Federal Republic of Nigeria 1999 (as amended), the National Assembly translates Nigeria's commitment to international treaties and conventions by legislating into law, all or some aspects of these instruments. These instruments consequently become part of Nigeria's *corpus juris*, through which Nigeria implements its national policies and programmes in line with global standards. It is therefore in this light, that this article shall look at Nigeria's efforts towards biodiversity protection through the instrumentality of international conventions and multilateral treaties. It does not aim to cover all instruments that Nigeria has signed, but seeks to give an overview of pertinent instruments like the United Nation's Sustainable Development Goals, the Convention on Biological Diversity, the Cartagena Protocol and Convention on International Trade in Endangered Species of Wild Fauna and Flora. We shall also outline the United Nations Convention on the Law of the Sea and the United Nations Convention to Combat Desertification.

2. Reflections on Eco-Philosophy

It is pertinent to consider albeit briefly, the underpinning philosophies in the discourse on man's environment. These philosophies or theories are in consideration here due to the influence they exert in the makings of

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¹ In *Genesis Chapter 2 verse 15*, it is said that God took man and put in him in the Garden of Eden to work it and take care of it; in *Proverbs Chapter 12 verse 10*, it is said that 'the righteous care for the needs of their animals...' See The Holy Bible, New International Version (50th Anniversary Edition, 2015). In the *Qur'an 21:30*, every living thing is said to have been created from water, so water is significant in the ecosystem, which is why in *Qur'an 40:18* -the importance of effective management of water is advised. Conservation of vegetation is an act of worship in Islam as well as a charitable deed and in the *Qur'an*, 7:85, Muslims are instructed to avoid destroying the earth after it has been set in order. See Abdul Haseeb Ansari, Parveen Jamal and Umar A. Oseni, 'Sustainable Development: Islamic Dimension with Special Reference to Conservation of the Environment', *Advance in Natural and Applied Sciences* [2012] (6) (5) 607-619.

²Nelson Uwoh Sobere and Agent Benjamin Ihua-Madunenyi, 'The Impact of Human Population on Biodiversity Conservation in Nigeria: The Need for Legal Intervention' (2019) *Journal of Law, Policy and Globalization* (92) 156-166.

³Available at <<https://www.iiste.org/Journals/index.php/JLPG/article/download/50925/52621>>accessed 31 August 2020.

international environmental protection conventions and laws.⁴ This then begs the question: what is eco-philosophy? Eco-philosophy or ethical theories of environmental protection are simply rules governing man's relation to nature.⁵ In anthropocentrism, man occupies the central component of the environment while non-human units of the environment are subservient to man; therefore, they should be exploited for man's benefit.⁶ Biocentrism connotes all the environmental ethical values that extend the status of moral objectification from human beings to all other living things in nature. Bio centrists therefore believe that the values placed on human beings should be equally extended to all non-human living things cohabitating with man in the environment-plants and animals. ⁷'Pathocentrism' a philosophy popularized by Australian philosopher Peter Singer, postulates that because non-human living beings like animals, are capable of experiencing suffering and pain, they are as such inured with rights just as human beings are. For that reason, human beings have a moral obligation and duty to treat them with care and respect.⁸ 'Eco-centrism' views all the earth's ecosystem-atmosphere, water and land as the matrix that gave birth to all living things and thus life's only source of sustenance. It is the belief of eco-centrists that all entities in the ecosystem are, interwoven, of equal significance and indispensable to each other.⁹ 'Earth chauvinism' or 'Terra-centrism' theorizes that consciousness and sentience are attributable to the ecosphere. Thus, the environment is viewed as not only sustaining flora and fauna but also a living being and self-regulating.¹⁰

3. Meaning and Notion of Biodiversity

Biodiversity is defined in the Convention on Biological Diversity as 'the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part: this includes diversity within species, between species and of ecosystems'¹¹ The Organization of Economic Cooperation and Development(OECD) on its part, refers to 'biodiversity' as the 'range of genetic differences, species differences and ecosystem differences in a given area'¹²Biodiversity has equally been defined as the variety of the planet's living organisms and their interactions.¹³ The term 'biodiversity' therefore embodies the variety of all forms of life on earth, which provide the building blocks for human existence and our ability to adapt to environmental changes in the future.¹⁴ The significance of these definitions finds better expression in Chatham House's summation on the importance of biodiversity:

Humanity relies on the earth's natural systems to regulate the environment and maintain a habitable planet. The diversity of life- biodiversity- in any given region creates ecosystems of interacting individual organisms, across many species that collectively contribute to and support key planetary processes. For example, terrestrial and marine ecosystems remove more than half (60 per cent) of carbon emissions from the atmosphere every year, and thus play a crucial role in regulating the earth's surface temperature. Ecosystems help buffer the impacts of adverse weather and provide resilience to climate change. The earth's naturally occurring ecological processes sustain the quality of the air, water and soils that

⁴Dieter Birnbacher, 'Ethical Principles Versus Guiding Principles in Environmental Ethics' (1987) *Philosophica* (39) (1) 59-76; Available at <<https://www.philosophica.ugent.be>> accessed 29 August 2020; for instance over the years, *Eco-jurisprudence* has emerged as a legal theory which challenges the anthropocentric posture of the law, it postulates that current the posture of law accords more protection to the human race than it does to other components of the natural environment. Eco-jurisprudence draws from theories of law, jurisprudence and governance; sociology, spirituality, politics and ancient wisdom, with the aim of assuring a sustainable tomorrow. See also Mojisola Eseyin and Godwin Friday Edoho, 'Eco-jurisprudence: Its Emergence and Analysis in Nigerian Law, (2018) *Journal of Private Law* (1) (18) 292-290.

⁵Ngozi Steward, 'Strict Anthropocentrism and Environmental Protection: Strange Bed Fellows' (2016) *University of Jos Law Journal* (11) (1) 329-334

⁶This philosophy is remotely traced to the biblical passage in Genesis Chapter 1 verse 26-30 where God upon creating man, charged him to be fruitful, multiply, replenish and subdue the earth and anything in it. Consequently, Plato led the theoretical foundation of this philosophy in his treatise *Theaetetus* written in 430 B.C. Immanuel Kant and St. Thomas further espoused this theory. See also Ibibia Lucky Worika, *Environmental Law and Policy of Petroleum Development*, (Anpez Centre for Environment and Development 2002) 21.

⁷ Mouchang Yu and Yi Lei, 'Bio-centric Ethical Theories' (2009) *Encyclopaedia of Life Support Systems: Environment and Development* (2). Available at <<https://www.eolss.net/Eolss-sampleAllChapter.aspx>> accessed 29 August 2020.

⁸ Angelina Krebs, *Ethics of Nature: A Map* <<https://books.google.ng/books>> accessed 29 August 2020

⁹ Joe Gray, Ian Whyte and Patrick Curry, 'Eco-centrism: What It Means and What It Implies' (2017) *The Ecological Citizen* (1) (2) <<https://www.ecologicalcitizen.net/article.php?t=ecocentrism-what-means-what-implies>> accessed 29 August 2020.

¹⁰ Ibibia (n7) 22; Blaine D. Pope, 'Overview of Terra-centrism Theory: Part 1' 2011 <<http://terracentrismprimer.blogspot.com/201/02/overview-of-terracentrism-theory-part-1.html?m=1>> accessed 29 August 2020.

¹¹ Convention on Biological Diversity 1992, art. 2

¹² Organization of Economic Cooperation and Development, 'OECD Glossary of Statistical Terms-Biodiversity Definition' Available at <<https://stats.oecd.org/glossary/detail.asp?ID=204>> accessed 9 July 2021

¹³ Wes Sechrest and Thomas Brooks, 'Biodiversity –Threats' (200) cited in Kariuki Muigua, 'Conserving Biodiversity for a Better Future' (2011) *Journal of Conflict Management and Sustainable Development* (6) (5) 69-111

¹⁴ National Biodiversity Strategy and Action Plan (NBSAP) 1997-2000

humanity depends on. In addition to providing basic life-enabling conditions, ecosystems are a source of many products vital for survival, including food, fuel, fibre, medicines and shelter...¹⁵

Biodiversity protection or conservation on its part, is ‘the management of human use of the biosphere, so that it may yield the greatest sustainable benefits while maintaining its potential to meet the needs and aspirations of future generations’¹⁶

4. Nigeria’s Contemporary Biodiversity Profile

Nigeria occupies an inimitable geographic spot in Africa and the disparity in the climatic and geographic features endows her with one of the richest biodiversity in the continent. Its multiplicity of natural ecosystems ranges from semi-arid savannah to mountain forests, rich seasonal floodplain environments, rainforests, vast freshwater swamp forests and diverse coastal vegetation. Nigeria’s Niger-Delta contains the largest tract of mangrove in Africa. These different components of biodiversity i.e. genes, species and ecosystems provide her citizens with an array of goods and services.¹⁷The Nigerian Conservation Foundation (NCF) has categorized and identified sites, which harbour Nigeria’s biodiversity. The categories include; national parks, game reserves, forest reserves, sacred groves, world heritage sites, important bird sites (IBAS).etc.¹⁸ There is however, a dearth of statistical data on the numerical state of biodiversity in Nigeria. A relatively current data is the result of a biodiversity assessment survey that puts Nigeria as having over 7,895 plant species, categorized into 338 families and 2215 genera, including a significant number of them being endemic species.¹⁹ It has however, been opined that the result of this survey does not portray the real state of Nigeria’s biodiversity.²⁰ In the Fifth National Biodiversity Report²¹ released by the Federal Ministry of Environment in December 2015, the following underlying factors *inter-alia* were identified as posing serious threat to Nigeria’s biodiversity: high population growth rate, poverty, policy legislations constraints, poor land use planning. Governance and transparency, socio-cultural characteristics, food and trade connections and effects of climate change, also constitute such factors. In the report, the following underlying factors were identified as threats to the Nigeria’s biodiversity; habitat degradation, unsustainable harvesting of bio-resources, extractive industries, pollution, gas flaring, unsustainable natural resources harvesting, overgrazing and invasive species. The International Union for Conservation of Nature’s (IUCN) Red List 2019 released in 2020 identified 382 species facing extinction in Nigeria.²²These species consist of mammals, birds, fishes and other aquatic creatures, reptiles, plants, etcetera. This list further re-echoes the clear and present danger Nigeria’s biodiversity profile faces, which therefore buttresses the need for concerted efforts towards protecting Nigeria’s rich biological resources from total depletion or even extinction.

5. Nigeria and Biodiversity Protection

Similar to other member-States of the United Nations, Nigeria has been involved in global activities and programmes aimed at curtailing the destruction and depletion of biodiversity. This effort is manifest in the area of Nigeria’s accession to, ratification and domestication of international conventions. It is also evident in the existence of a national strategy and policy plan, as well as in the enactment of local legislations that give effect to these international agreements. International instruments like treaties and conventions with a bearing on biodiversity shall constitute the focus of the succeeding part of this work. However, it is important to look at other aspects of Nigeria’s legal, regulatory and institutional framework for biodiversity protection. In 1995, Nigeria started the process of preparing its National Biodiversity Strategy and Action Plan (NBSAP) The goal of the plan was to conserve and enhance the sustainable use of the nation's biodiversity and to integrate biodiversity-planning considerations into national policy and decision-making. It identified the biggest threat to conservation of

¹⁵Tim G. Benton and others, ‘Food System Impacts on Biodiversity Loss’ (2021) Chatham House, Royal Institute of International Affairs Research Paper

¹⁶This definition was given by the IUCN in its strategy document ‘World Strategy for Conservation’ cited in Olubisi F. Oluduro and Gideon N. Gasu, ‘A Critical Appraisal of the Legal Regime for Biodiversity Conservation in Nigeria’ (2012) *Canadian Social Science* (8) (4) 247-259.

¹⁷ Federal Ministry of Environment, *Nigeria’s Fourth National Biodiversity Report* (Abuja, 2010)

¹⁸ Nigeria has 7 National Parks each of which all has Important Bird Sites (IBAS), there are over 994 forest reserves scattered around the country; Sukur Kingdom located on the Mandara Mountain in Adamawa State and the Osun Osogbo Grove site in Osun State are even listed on UNESCO’s World Heritage Sites. Available at <<https://www.ncfnigeria.org>> accessed 10 October 2020

¹⁹ T. I.Borokini, ‘A Systematic Compilation of Endemic Flora in Nigeria for Conservation Management’, (2014) *Journal of Threatened Taxa* (6) (11) 6406–6426.

²⁰ Odoligie Imarhiagbe, Wisdom Oghenevwogaga Egboduku and Beluchukwu Joseph Nwankwo, ‘A Review of the Biodiversity Conservation Status of Nigeria’ (2020) *Journal of Wildlife and Biodiversity* (4)(1) 73-83

²¹ Federal Ministry of Environment, ‘*Nigeria’s Fifth National Biodiversity Report*’ (Abuja, 2015); Blessing Julius Oribhabor, ‘Impact of Human Activities on Biodiversity in Nigerian Aquatic Ecosystem’ (2015) *Science International* (4) 12-20

²² The IUCN Red List of Threatened species is the world’s most comprehensive inventory of the global conservation status of plant and animal species. It uses a set of quantitative criteria to evaluate the extinction risk of thousands of species. See Available at <<https://www.iucnredlist.org/assessment/sis>> accessed 10 October 2020

biological diversity as poverty.²³ With the coming into being of the CFRN 1999, sections 17 and 20 became the foundation of Nigeria's laws and policies on biodiversity protection.²⁴ Subsequently, in 2006 an additional National Forestry Policy and Bio-safety Policy was put in place, to give guidance for the protection and conservation of biodiversity in the country and it became part of the (NBSAP). Currently, there is no single legislation solely committed to biodiversity protection in Nigeria. Rather several laws and subsidiary legislations in the form of regulations-constitute the corpus of legal instruments centred on biodiversity protection in Nigeria.²⁵ There is also the absence of a single agency responsible for biodiversity protection in Nigeria. The Federal Ministry of Environment whose mandate include; ensuring the effective coordination of all environmental matters and ensuring that all environmental matters are adequately mainstreamed into all developmental activities, oversees the implementation of all programmes on biodiversity protection in the country. The ministry undertakes this task in collaboration with the State Ministries of Environment.²⁶ Thus; several agencies perform different functions streamlined in the NBSAP.²⁷

6. Sustainable Development Goals, Nigeria and Biodiversity Protection

The 2030 Agenda for Sustainable Development, agreed by the 193 States Members of the United Nations (including Nigeria), sets out an ambitious framework of universal and indivisible goals and targets to address a range of global societal challenges.²⁸ Taking into cognizance the fact that biodiversity and ecosystem services contribute directly to human well-being and development priorities, their importance is reflected in many of the goals and targets.²⁹ Biodiversity protection is embedded in the seventeen goals of the 2030 agenda and these goals bear equal significance. Nigeria released a report titled *Voluntary National Review* in June 2020. The report documents the country's progress at institutionalizing mechanisms for effective implementation of SDGs across the country.³⁰ Goal 14 is which is centred on the conservation and sustainable use of the oceans, seas and marine resources for sustainable development is given prominence in view of the fact that Nigeria has coastline of about 853 km, with 1% of its total land area made of water. Hence, marine activities and the maritime sector contributing significantly to the country's economy.³¹ Even though mention of goal 15 is absent in 2020 report, it forms part of the national strategy and plan. Its significance is evident in the government's avowed commitment to implement projects under the Great Green Wall Initiative (intended to address land degradation, desertification) and the implementation of environmental initiatives in the Niger Delta region (specifically the Ogoni land clean-up and reducing gas flaring)³²

7. Selected International Agreements on Biodiversity Protection Applicable To Nigeria

Nigeria is committed to the sustainable management of its enormous biodiversity. That is why it is a signatory to all conventions and multilateral environment agreements on biodiversity. This section shall accordingly highlight selected international conventions on biodiversity protection signed, ratified and domesticated by Nigeria.

Convention on Biological Diversity (CBD)

The CBD which was signed at the Rio de Janeiro Earth Summit in 1992³³ was the first international agreement which addressed all aspects of biological diversity. The Convention therefore encompasses three uniformly

²³ Federal Republic of Nigeria, *Fourth National Biodiversity Report*, 2010

²⁴ Beth Hahn, *Nigeria Biodiversity and Tropical Forest Assessments 118/119*, January 2013 (Report prepared by U S D A Forest Service Office of International Programs for review by the United States Agency for International Development (U S A I D))

²⁵ With the exception of the laws establishing the National Environmental Standards and Regulations Enforcement Agency (NESREA) and law establishing the National Bio-safety Management Agency (NBMA) the existing laws relating to biodiversity in Nigeria are obsolete. See the Federal Republic of Nigeria, *Fifth National Biodiversity Report*, December 2015

²⁶ (n 24) 13

²⁷ Ibid

²⁸ At the meeting of the Heads of State and Government and High Representatives at the United Nation's Headquarters in New York, which ran from 25th -27th September 2015, the challenges facing sustainable development globally were outlined. A new agenda with 17 goals and 169 associated targets christened '*The 2030 Agenda for Sustainable Development*' came in to being. See United Nations, 'Transforming Our World: The 2030 Agenda For Sustainable Development' Available at <<https://sustainabledevelopment.un.org/sdgs>> accessed 31 August 2020

²⁹ UN Environment Programme, *Biodiversity and The 2030 Agenda For Sustainable Development: Policy Brief* <<https://www.unep.org/resources/report/biodiversity-and-2030-agenda-sustainable-development>> accessed 10 July 2021

³⁰ The Office of the Senior Special Assistant to the President on SDGs, *Nigeria: Integration of the SDGs Into National Development Planning: A Second Voluntary Review* (2020 edn)

³¹ Ibid

³² Ibid; sustainable management of forests, combating desertification, halting and reversing land degradation form the nucleus of goal 15

³³ The United Nations Conference on Environment and Development wherein more than 100 world leaders and 30,000 other participants from about 150 countries met at Rio de Janeiro, Brazil in 1992. The World Summit produced a five-fold resultant effect including the Rio Declaration on Environment and Development (ILM., 1992) Agenda 21 (UN Doc A/CONF. 1992),

important and corresponding objectives: the conservation of biodiversity, the sustainable use of its components, and the fair and equitable sharing of benefits arising out of the utilization of genetic resources.³⁴ Under the CBD, contracting States are obligated to develop national strategies, plans or programmes for the conservation and sustainable use of biodiversity.³⁵ In the same vein, they are required to integrate these strategies, plans or programmes in relevant programmes like programmes on agricultural planning and forestry.³⁶ The convention further requires member States to factor in sustainable development considerations into their national decision-making, protect traditional cultural uses of biological resources and encourage cooperation between the public and private sectors.³⁷ While Nigeria signed the CBD in Rio de Janeiro in 1992, it was in 1994 that it ratified the convention.³⁸ Pursuant to its obligations as a signatory, Nigeria has adequately reflected the provisions of the convention in its national policies, plans and programmes on biodiversity conservation. Worthy of note is the fact that, the Aichi Targets that are supplemental to the articles of the CBD have now been incorporated into the NBSAP.³⁹

Cartagena Protocol on Biosafety

The Cartagena Protocol on Biosafety that is a spin-off of the CBD was adopted as a legal instrument in its own right in the year 2000. Taking into cognisance the risk biotechnology poses to human health, the protocol seeks to ensure that modern biotechnology does not adversely affect biodiversity.⁴⁰ Thus, it is the first the multilateral international treaty dealing with the trans-boundary movement of living modified organisms or genetically modified organisms.⁴¹ Nigeria signed the Cartagena Protocol in the year 2000 and ratified it in 2003 as part of her commitment to global bio safety management. It had earlier been a regular participant in meetings, which gave birth to the protocol. It further signed the ‘Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Bio safety’ in 2012. Subsequently it set in motion a framework to bring about the integration of bio safety principles in biodiversity management that saw to the review of the NBSAP. Consequently, the National Biosafety Management Agency (NBMA) was established in line with the Cartagena Protocol.⁴² It suffices to say that, the statutory functions of the NBMA reflect the spirit and letters of the Cartagena Protocol.⁴³

Convention on International Trade in Endangered Species of Wild Fauna and Flora

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is a global treaty which seeks to prohibit the illegal trade and international trafficking in endangered wildlife species and products.⁴⁴ Signed on the 3rd of March 1973 in Washington, DC⁴⁵, CITES strives to ensure that, the following perimeters define the international trade on wild fauna and flora: legality, sustainability and traceability.⁴⁶ Illicit trafficking

the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Ibid), the Ceremonial Signing of the United Nations Framework Convention on Climate Change (UNEP 1987) (UNFCCC) and the Biological Diversity Convention (CBD) (ILM 1992). See Oluduro and Gasu (n16)

³⁴ Secretariat on the Convention on Biological Diversity, *Global Biodiversity Outlook 2*. Available at <www.biodiv.org/GBO2> accessed 12 July 2021

³⁵ Convention on Biological Diversity 1992, art. 6(a)

³⁶ Art. 6(b)

³⁷ Art. 10

³⁸ B C Anwadike, ‘Biodiversity Conservation in Nigeria: Perception, Challenges and Possible Remedies’ (2020) *Curr Inves Agri Curr Res* (8) (4)

³⁹ Nigeria’s revised NBSAP now has 14 SMART National Targets; 21 Impact Indicators and 67 Actions with 123 Performance Indicators and 20 programmes that closely aligned with both the CBD Strategic Plan for biodiversity 2011-2020 and its Aichi biodiversity Targets. See the Federal Republic of Nigeria, *Fifth National Biodiversity Report*, December 2015.

⁴⁰ (n34) 46

⁴¹ Article 1(8) provides thus: “In accordance with the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development, the objective of the Protocol is to contribute to ensuring an adequate level of protection in the field of safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking into account risks to human health, and specifically focusing on trans-boundary movements” See African Union Development Agency, ‘*Background to the Cartagena Protocol on Biosafety*’ Available at <<https://www.nepad.org/content/background-cartagena-protocol-biosafety>> accessed 24 July 2021

⁴² See section 3(b) of the National Biosafety Management Agency Act, 2015

⁴³ J. Heppes and Fadden M.C Eric, ‘Re Convention on International Trade in Endangered Species of Wild Fauna and Flora: Improving the Prospects for Preserving Our Biological Heritage’ (1987) *Boston University International Law Journal* (5) (22)

⁴⁴ The convention entered into force on the 1st of July 1975, it was amended in Bonn, Germany on the 22nd of June 1979, entered into force on 13th April 1987, it was further amended in Gaborone, Botswana on the 30th of April 1983 There are presently 183 countries which are contracting parties to the convention. Available at <<https://cites.org/eng>> accessed 12 August 2021

⁴⁵ CITES Secretariat *CITES Brochure* (Geneva, 2019) Available at <<https://cites.org/eng>> accessed 12 August 2021; see Article II

⁴⁶ Ibid.

in wildlife undermines efforts aimed at protecting wildlife which invariably has negative economic, social and environmental impacts.⁴⁷ Therefore, State parties are required to ensure that these 3 conditions are reflected in their domestic mechanisms. Accordingly, CITES regulates international trade of over 35,000 species of wildlife, which are categorized into Appendixes I, II and III. Appendix I has list of species threatened by extinction and may be affected by trade; trade in these species is therefore prohibited. Appendix II also contains a list of species though not threatened by extinction but may become so, if trade in them, is not regulated strongly. While appendix III embodies a list of species which particular State parties, have requested fellow member States to help protect.⁴⁸ Nigeria is a signatory to CITES hence it is required to consider and adopt the provisions of the convention in its national plans and programmes.⁴⁹ To this end; it has enacted laws and regulations and has equally designed policies and programmes aimed at achieving the objectives of the convention. Nigeria's first effort towards institutionalizing CITES was in the promulgation of the Endangered Species (Control of International Trade and Traffic) Act of 1985. To address the gaps inherent in the Act, it was amended and the amended Act was signed by the President of the Federal Republic of Nigeria on the 30th December, 2016. The Act now contains very stringent penalties for illegal activities/trade in wild flora and fauna.⁵⁰ The National Environmental (Protection of Endangered Species) in International Trade Regulations of 2011 continues to serve as an ancillary legislation to the Act. In its continued commitment to the objectives of the convention, the Nigerian National Ivory Action Plan (NIAP) was developed.⁵¹ Contained in the NIAP is a 'priority action plan' that has five sections, namely; legislation, prosecution, intelligence and investigations, national and international wildlife crime cooperation and law enforcement operations.⁵² The pursuit of the priority plan has resulted in several arrests and prosecution of individuals involved in the illegal trade of wildlife products. As recent as August 2021, the Nigerian Custom Service intercepted and confiscated wildlife products worth millions of US Dollars, intended for illegal export outside Nigeria.⁵³

United Nations Convention on the Law of the Sea

The United Nations Convention on the Law of the Sea (UNCLOS) otherwise called the Law of the Sea Treaty is the international legal regime which defines and determines all marine and maritime activities.⁵⁴ The preamble to the convention provides that the main objective of the convention is the establishment of a legal order for the seas and oceans of the world with a view to facilitating international communication and promoting the peaceful uses of the seas and oceans, the equitable and efficient utilization of their resources, *the conservation of their living resources, and the study, protection and preservation of the marine environment.* (Emphasis added).⁵⁵ Part XII of the convention imposes a general obligation on all States to preserve and protect the marine environment everywhere from all sources of degradation. State parties are also under a specific obligation to protect fragile ecosystems and habitats of endangered species and other forms of marine life.⁵⁶ Part XII contains special provisions for the protection of the marine environment, obligating all States to collaborate in this matter, as well as placing special obligations on flag States to ensure that ships under their flags adhere to international environmental regulations.⁵⁷ Nigeria became a party to UNCLOS when it deposited its instrument of ratification on the 14th of August 1986 and on 28th July 1995, the basic process for ratifying the agreement (which bordered on the implementation of Part XI of the convention) was activated.⁵⁸ Pursuant to its general obligations as a

⁴⁷ David Brown and Erin Swails, 'The Convention on International Trade in Endangered Species of Wild Fauna and Flora' Available at <<https://www.researchgate.net/publication/24735304>> accessed 12 August 2021

⁴⁸ Nigeria signed the convention on 9th May 1975, while the convention came into force in Nigeria on the 1st of July 1975. Available at <<https://cites.org/eng/parties/country-profile/ng>> accessed 12 August 2021

⁴⁹ Section 5(1)(a) & (b) Endangered Species (Control of International Trade and Traffic) (Amendment) Act, 2016

⁵⁰ At the 65th Meeting CITES Standing Committee Meeting held in Geneva, Switzerland, in July 2004, Nigeria was identified as transit point for illegal trafficking of wildlife products including elephant ivory. This necessitated the development of the NIAP which has been consequently accepted by the CITES Secretariat as evidence of Nigeria's effort and commitment towards eradicating the illegal trade in Ivory across the country. See *Federal Ministry of Environment, Progress Report on the Nigerian National Ivory Action Plan*, September, 2018

⁵¹ Ibid

⁵² Ibid

⁵³ Steve Agbota, 'Customs arrest 3 suspects, intercepts ₦22.3bn pangolin scales, elephant tusks' *The Sun* (Lagos, 9th August 2021) <<https://www.sunnewsonline.com>> accessed 11 August 2021

⁵⁴ The Convention resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. UNCLOS replaced the four treaties of the 1958 Convention on the High Seas. UNCLOS came into force in 1994; a year after Guyana became the 60th nation to ratify the treaty. https://en.m.wikipedia.org/wiki/United_Nations_Convention_on_the_Law_of_the_Sea#:~:text=The%20United%20Nations%20Convention%20on,all%20marine%20and%20maritime%20activities.&text=UNCLOS%20replaced%20the%20four%20treaties,Convention%20on%20the%20High%20Seas.> accessed 15 August 2021.

⁵⁵ *United Nations Environmental Programme and the Secretariat of the Convention on Biological Diversity*, 'Marine and Coastal biodiversity: Review, Further Elaboration and Refinement of the Programme of work' February 2003.

⁵⁶ Art. 192

⁵⁷ Art. 237

⁵⁸ *Federal Republic of Nigeria*, Executive Summary of the Submission to the Commission on the Limits of the Continental Shelf through the Secretary-General of the United Nations, May 2009 (A submission of Data and Information on the outer

signatory to the convention and particularly in line with the general provisions of part XII, Nigeria has put in place legal and institutional mechanisms towards implementing these provisions.⁵⁹ One of these mechanisms is the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act. 2011 made pursuant to the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act. 2011. On its part, the National Environmental Standards and Regulations Enforcement Agency in collaboration with other agencies spearheads Nigeria's marine environment conservation efforts against pollution in line with its commitment to international instruments like the UNCLOS.⁶¹ Additionally, the agency makes regulations aimed at enhancing the quality of air and land resources in order to promote the coastal zone and improve marine life.⁶²

United Nations Convention to Combat Desertification (UNCCD)

Moved by the fact that desertification poses a major threat to ecosystems and greatly impacts the socio-economic conditions of millions of people living in arid, semi-arid areas and dry lands, the United Nations commissioned a draft legal instrument that was eventually signed by 196 member States in 1994.⁶³ The convention serves as the only internationally binding legal framework designed to tackle desertification and mitigate the effects of drought.⁶⁴ Though it was one of the 196 signatories in 1994, Nigeria only ratified the UNCCD in August 1997. Article 5 provides thus: In addition to their obligations pursuant to article 4, affected country Parties undertake to:

- (a) Give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities;
- (b) Establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;
- (c) Address the underlying causes of desertification and pay special attention to the socioeconomic factors contributing to desertification processes;
- (d) Promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of nongovernmental organizations, in efforts to combat desertification and mitigate the effects of drought; and
- (e) *Provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programmes.* (Emphasis added)

In line with these obligations, Nigeria has evolved a policy framework and has keyed into several action programmes. Of particular note is the Great Green Wall (GGM) Initiative – an African Union programme initiated in 2007 to restore Africa's degraded landscape and transform millions of lives in 11 countries of the Sahel region.⁶⁵ Through the National Agency for The Great Green Wall (NAGGW), Nigeria is working to reverse the degradation of ecosystems while improving the living conditions of those affected by enhancing the provision of ecosystem services. A key component of this project is the establishment of a 1,359 Km contiguous shelterbelt

limits of the continental shelf of the Republic of Nigeria pursuant to Part VI of and Annex II to the United Nations Convention on the Law of the Sea) Part XI of the convention relates to the concept of 'the area', the area refers to the seabed and all resources in situ in the seabed which are deemed of common heritage to mankind and are under the supervision of the International Seabed Authority. See articles 133-191

⁵⁹ Mike Igbokwe, *The Law of the Seas and The Regulation of Marine Pollution* (Being a seminar paper in partial fulfilment of the award of Master of Laws Degree, presented to Faculty of Law, Lagos State University, 2001)

⁶⁰ Section 34 of Law No. 25, 2007; in November 2018 the Act was amended by the National Environmental Standards and Regulations Enforcement Agency (Establishment) (Amendment) Act. Other sector specific legislations which have a bearing on marine ecology protection include; Oil in Navigable Waters Act, LFN 2004, The National Oil Spill and Detection Response Agency Act, LFN 2004; Inland Fisheries Act, LFN 2004, Sea Fisheries Act, LFN 2004 etcetera.

⁶¹ Samuel C. Dike and Godwin Giniwa, 'An Appraisal of The Nigerian Legislation and Institutions Governing Maritime Environment' *African Journal of International Energy and Environmental Law* [2019] (3) (3) 180

⁶² Sections 26 & 27 of the National Environmental Standards and Regulations Enforcement Agency (Establishment) (Amendment) Act, 2018

⁶³ Andrea Kutter, 'The United Nations Convention to Combat Desertification: Policies and Programs for Implementation' *Encyclopaedia of Life Support Sciences*. Available at <<http://www.eolss.net/Eolss-sampleAllChapter.aspx>> accessed 23 August 2021

⁶⁴ United Nations Convention to Combat Desertification (UNCCD) (1994) Available at <<https://climate-adapt.eea.europa.eu/metadata/organisations/united-nations-convention-to-combat-desertification-unccd-1994>> accessed 23 August 2021; Utchang Kang and Daniel Tsegai, 'United Nations Convention to Combat Desertification' *UNCCD Secretariat*, Bonn, Germany. Available at <<http://www.un-spider.org-files>> accessed 24 August 2021

⁶⁵ Available at <<https://www.unccd.int/actions/great-green-wall-initiative>> accessed 23 August 2021; Nigeria alongside Burkina Faso, Chad, Djibouti, Eritrea, Ethiopia, Mali, Mauritania, Niger, Senegal and Sudan were chosen as intervention zones under the AU-GGM Initiative

from Kebbi State in the Northwest to Borno State in the Northeast.⁶⁶ Another UNCCD programme undertaken Nigeria is the Land Degradation Neutrality Target Setting Programme (LDN TSP).⁶⁷ This programme seeks to stabilize or increase the amount and quality of land resources necessary to support ecosystem functions and services within specified temporal and spatial scales and ecosystems. Under this programme, Nigeria has set specific targets in other to avoid, minimize and reverse land degradation. These targets are: improving land productivity and soil organic carbon stocks (SOC) in 463,300 hectares of cropland and grasslands by 2030, rehabilitating 1,722,660 hectares of cropland showing declining land productivity and 10,565,040 hectares of cropland showing early signs of declining land productivity by 2030. It also intends to halt the conversion of forests and wetlands to other land cover classes by 2020, increase forest cover by 20% by 2030 and reduce the rate of soil sealing (conversion to artificial land cover) by 40% by 2030.

9. Conclusion

Nigeria, as a member of the comity of nations has been active in signing and ratifying international conventions, especially conventions relating to the general protection of the environment and its resources, which are at the risk of depletion. Under section 12, CFRN 1999 all multilateral agreements ratified by Nigeria must be domesticated as legislations of the National Assembly before they can have a force of law. Nigeria then initiates policies and implement programmes in lieu of its obligations under these international agreements and in line with the international law principle of *Pacta sunt servanda*.⁶⁸ In this paper, we have examined selected conventions on biodiversity protection or conservation that Nigeria has ratified. We have equally outlined the legal and institutional mechanisms, which Nigeria has created in other to give effect to these instruments.

⁶⁶ Ibid; the programme has so far achieved the following milestones: 7.6 million trees, reforest 2801 hectares of land, created 373 hectare of multipurpose gardens; build 703 Km of windbreaks and trained 1205 people on food security and energy security as well as maintenance of biodiversity

⁶⁷ *Federal Ministry of Environment*, 'Nigeria: Final report of the Land Degradation Neutrality Target Setting Programme' May 2018. Available at <<https://knowledge.unccd.int/nigeria>> accessed 24 August 2021

⁶⁸ This is principle of international law developed many centuries ago and applies to the practice of diplomatic relationship between States, requires States to exercise good faith in their relationship with each other especially by taking steps to comply with the objects and purpose of treaties, conventions or any bilateral or multilateral agreement they might have signed. See James G Apple, Veronica Onorevole and Andrew Solomon, 'Pacta Sunt Servanda' (2008) *International Judicial Monitor* (9). Available at http://www.judicialmonitor.org/archive_0908/generalprinciples.html > accessed 24 August 2021