

A Sustainable Approach to Economic Development in Nigeria: A Legal Perspective

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Abstract

Economic development is the desire of all nations of the world but how to attain a sustainable economic development remains a challenge to many nations. Different paradigms of development are being considered globally and one of such paradigms is sustainable development. Harmony between man and nature is the prerequisite for sustainable development. There is now a transition to an agenda which embraces the three dimensions of sustainable development, while still ensuring that poverty eradication as its highest priority and that extreme poverty is ended within a generation. Until Nigeria begins to take this path, sustainable economic development will be a mirage. The approach of this paper is to seek a sustainable approach to economic development in Nigeria. The paper seeks to discover how to construct a dynamic equilibrium economy. It will discuss the best practices that can make significant contribution to the emergence of sustainable economic development in Nigeria. The paper will also discuss the essentials to sustainable economic development, drawing on economic development best practices as well as environmental best practices to create an integration of sustainability and economic development. The paper proposes recommendations on how to facilitate pragmatic, environmentally and socially sustainable economic development strategies to create sustainable economic development in Nigeria. Harmony between man and nature is the prerequisite for sustainable development, depicting that the development of humanity should not be on the cost of environmental health. The path of development adopted should be such that is always within such limit that nature allows, beyond which, a threat to survive is inevitable. Until Nigeria begins to take this path, sustainable economic development will be a mirage. The approach of this paper is to seek a sustainable approach to economic development in Nigeria.

Keywords: Sustainable development, Environment, Economic Development

1. Introduction

Economic development is considered by the Nigerian government to be its central task and this has led to vested interest and unparallel enthusiasm for growing the Nigerian economy. The pattern of development pursued so far has created a series of social and environmental problems. Severe damage is done to the Nigerian environment as well as natural resources as a result of the efforts to transform the natural environment to achieve rapid economic development. Environmental quality in Nigeria has continues to decline. Resource depletion and environmental pollution have become serious problems requiring a rethinking of governmental policies. James Robertson (2005) argues that modern society is going through a fundamental transformation, reflected in many signs of institutional and cultural breakdown and in myriad constructive social innovations and experiments and this is a symptom of an underlying disorder. According to Ian Bartle and Peter Vas (2006), the need for modern industrial society to be made sustainable is recognized worldwide. There is a growing demand worldwide for a new policy shift in the direction of economic development and progress that will be people and earth centred.

Different paradigms of development is being given consideration globally and one of such paradigms is sustainable development. Sustainable development is the process of judicious use and conservation of natural resources for the overall improvement in the quality of life for the present and future generations on long term basis.

The path of development adopted which should be taken must one which is always within such limit that nature allows, beyond which, a threat to survive is inevitable. Until Nigeria begins to take this path, sustainable economic development will be a mirage. The approach of this paper is to seek a sustainable approach to economic development in Nigeria.

2. The Environment and Economic Growth

The importance of the environment to man and every other living creature cannot be over-emphasized. The environment is an essential part of man's existence and human beings are at the centre of concern for environmental sustainability. Nigeria is an oil and gas producing nation. The exploration and exploitation in the Nigerian oil and gas sector impact negatively on the environment. The Nigerian environment is in danger, having been degraded by human activities. Economic activities are not carried out in an environmentally sustainable manner and with adequate attention and concern for the environment. The quest for economic development and the bye-products of economic growth cause cumulative stress on the environment thereby

resulting in environmental degradation. Nigeria aspires to be among the best 20 economies of the world through her vision 20-20-20. This aspiration cannot be achieved without a stable and sustainable environment.

Nigeria's economic reform has impacted the environment in a profound manner with expanding economic activities mounting pressure on natural resources as well as the environment. The environment is often degraded in the quest for making goods and services more available. Economic development is attained with adverse environmental impact. More often than not environmental pollution increases with increase in economic growth. Unlike what obtains in the world globally, economic structures have failed to upgrade to cleaner industries and innovation of clean technologies. In order to avoid environmental deterioration in the quest for economic development, correct policies need not only be established, but must also be implemented with the necessary political will in order to ensure a better environment. Law plays a fundamental role in shaping behavioural change and promoting sustainable behaviour. It is within the purview of law to provide a general framework and implementation tool in the transition to environmental sustainability. Law as an instrument of social change and an impartial mediator between conflicting interests should be resorted to in the quest for effective and sustainable economic development in Nigeria. If Nigeria is to experience economic transformation, effective environmental regime that will usher in environmental sustainability must be in place.

3. What is Sustainable Development?

The term '**development**' has been defined as a comprehensive economic, social, cultural and political process which aims at the constant improvement of the well-being of the entire population and of the individuals on the basis of their active, free and meaningful participation in development process and in the fair distribution of benefits resulting there-from.

The dominant political response to challenges of the environment has long shifted from one of environmental protection laws and regulations to that of sustainable development. Sustainable development is a long term continuous development of society, aimed at satisfaction of humanity's need at present and in the future via rational usage and replenishment of natural resources, and preserving the earth for future generations. Vinceta Singh (2014) argues that sustainable development means attaining a balance between environmental protection and human economic development and between the present and future needs. According to her, it means equity in development and sectoral actions across space and time. It requires the integration of economic, social and environmental approaches towards development.

Sustainability has been defined by Jodha (1990) quoted by Grace O. Evbuomwan et al, (1990) as the ability of a system to maintain a well defined level of performance over time and if required, to enhance output without damaging the essential ecological integrity of the system. In the opinion of Glenn M. Wiser and Daniel B. Magraw, Jr (2005), the concept of sustainability means that development efforts, including those aimed at protecting the health and the environment, should be undertaken in a manner that will not frustrate the ability of future generations to meet their needs. Environmental sustainability requires that the management of the environment should be in such a way that ensures that the environment and its natural resources give their optimum yield and preserved for the benefit of both present and future generations. According to Daly (1990) it is the rate of renewable resource harvested, pollution creation and non renewable resource depletion that can be continued indefinitely. If they cannot be continued then they are not sustainable. It is a development model that seeks the balancing of environmental protection against economic prosperity.

Sustainable development is the process of judicious use and conservation of natural resources for the overall improvement in the quality of life for the present and future generations on long term basis. The concept of sustainable development was formulated as a welding tool as well as a framework for the realization of economic growth in an environmentally viable world. Three interdependent and mutually reinforcing pillars of sustainable development are recognized world-wide in the transition towards a sustainable society. These are economic sustainability, environmental sustainability and social sustainability. Within this concept, the environmental dimension plays a significant role, being the natural system which serves as the surrounding medium in which the social and economic systems are embedded. The environment is a condition for sustainable development, society is the ends for which development is undertaken and economy is the means to achieving that end. The maintenance of environmental structure is therefore crucial for long term economic development. Because life on earth is conditioned upon a healthy environment, the environmental pillar must of necessity be viewed as of utmost importance, providing the necessary foundation or stability for the economic and social pillars of sustainability.

4. Brief History of Sustainable Development

Different paradigms of development is being given consideration globally and one of such paradigms is sustainable development. At the Stockholm Conference which took place at Rio, it was pointed out that higher standard of living must be achieved without disposing nature of its beauty, freshness and purity, so essential to man's living. At the World Charter for Nature which took place in 1982, principles by which all human

conducts affecting nature is to be assessed was adopted by the United Nations General Assembly. The 1992 Earth Summit which took place at Rio, places the concept of sustainable development on global and national policy agenda. The desire for a more peaceful, prosperous and just world prompted world leaders to come together in September 2002 in demonstration of a collective responsibility to work together towards the realization of the desire for a more peaceful, prosperous and just world, and to strengthen the interdependent and mutually reinforcing the three pillars of sustainable development at the local, national, regional and international levels. This led to the launching of the global vision of the Millennium Development Goals. The Adoption of the MDGs represented a major shift in galvanizing major political will for poverty eradication. The Rio+20 document, “The Future We Want” sets out a mandate to develop sustainable development goals. The Rio outcome gave the mandate that sustainable development goals should not only be coherent, but should be integrated into the United Nations Development Agenda. There is now a transition to an agenda which embraces the three dimensions of sustainable development, while still ensuring that poverty eradication as its highest priority and that extreme poverty is ended within a generation.

Goal 8 of the proposed Sustainable Development Goals is to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all. This includes sustain per capita economic growth in accordance with national circumstances, and in particular per GDP growth in the least developed countries; achieve higher levels of productivity of economies through diversification, technological upgrading and innovation through a focus of high value added and labour intensive sector; the promotion of development oriented policies that support productive activities, decent job creation, entrepreneurship and innovation, and the encouragement of formalization of growth of micro,- small- and medium sized enterprises including access to financial services; improve progressively through 2030 global resource efficiency in consumption and production and end endeavour economic growth from environmental degradation in accordance with the 10 year framework of programmes on sustainable consumption and production with developed countries taking the lead; by 2030 achieve full and productive employment and decent work for all women and men including young persons with disabilities, and equal pay for work of equal value; substantially reduce the proportion of youth not in employment, education or training by 2020; take immediate and effective measures to secure the prohibition and elimination of the worst form of forced labour and end child labour in all its forms including recruitment and use of child soldiers by 2025; protect labour rights and promote safe and secure working environments of all workers, including migrant workers, particularly women migrants and those in precarious employment; devise and implement policies to promote sustainable tourism which creates jobs, promote local cultural products by 2030; strengthen the capacity of domestic financial institutions to encourage and to expand access to banking, insurance and financial services for all; increase Aid for Trade support for developing countries, particularly LDCs, including through the Enhanced Inter-Framework for LDCs; and develop and operationalize a global strategy for youth employment and implement the ILO global Job by 2020.

5. Economic Sustainability

Economic sustainability forms an important component of sustainable development. Economic sustainability is the maintenance and sustenance of a high real growth rate of the economy to achieve the development or economic objectives. Despite the huge resources in Nigeria, the country ranks low in economic performance. Nigeria has not been able to maintain the growth rate necessary to reduce poverty. Nigeria suffers from lack of balanced development where economic, social and environmental dimensions are given due consideration for long term sustainable development.

Measuring and managing Nigeria’s sustainable development is key to achieving the Post-2015 Development Agenda. The multiple challenges to development in Nigeria necessitate the use of a holistic approach that integrates economic, social and environmental dimensions. As stated under the economic objectives of Nigeria, the State shall harness the resources of the nation and promote national prosperity, and an efficient, a dynamic and self reliant economy; control the national economy in such manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity; manage and operate the major sectors of the economy; and protect the right of every citizen to engage in economic activities. The State also pledge to direct its policy towards ensuring the promotion of a planned and balanced economic development; that the material resources of the nation are harnessed and distributed as best as possible to serve the common good; that the economic system is not operated in such a manner as to permit the concentration of wealth or the means of production and exchange in the hands of few individuals or of a group; and that suitable and adequate shelter, suitable and adequate food, reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits and welfare of the disabled are provided for all citizens. The fulfillment of these objectives requires a sustainable economic development.

6. Essentials to the Attainment of Sustainable Economic Development

An extensive growth model that relies on high input and heavy pollution is not sustainable. A better

environment will not emerge automatically in the absence of a strategy of sustainable development. Some of the required elements to achieve high rates of sustainable economic development are:

6.1 Sound Environmental Management

The long term viability of the Nigerian economy depends on sustainable and responsible management of the environment. The march towards attaining sustainable economic development starts from ensuring environmental sustainability. Environmental sustainability is the maintenance of the integrity of different environmental media and systems to ensure that their functions and beneficial use are upheld for present and future generations.

6.2 Capable and Well-Equipped Human Capital

One of the barriers to the strengthening of economic development is lack of entrepreneurial, marketing and management skills to take advantage of growth opportunities. This is particularly so with many women who face barriers of all sorts. People are at the centre of sustainable economic development. A skilled workforce is an important foundation for sustainable economic development. A workforce that has acquired new knowledge and skills to increase their productivity and revenue generating potential is essential. Nigeria needs to build capable and well equipped human capital and effective demand driven skill training programme are critical if the Nigerian workforce is to acquire the required skills to meet changing labour market opportunities. Nigerians must be motivated to develop new skills that will expand knowledge and meet every challenge that limit their opportunities. It takes a diversely skilled and qualified workforce that is well equipped to meet the demands of the economy if sustainable economic development is to be attained. Employment potentials of Nigerians need to be improved upon for increased access to and benefits from opportunities in the informal and formal business sector. Nigeria needs to create economic opportunities that will enable those living in poverty to reach their potentials with jobs, business ownership and investment opportunities.

6.3 A Government that is Accountable

Government must be willing to adopt effective and transparent public management of the economy. Government must be prepared to provide a safe, stable and attractive business and industry environment that will strengthen its ability to fulfill its responsibility for the welfare of the people. Absence of infrastructure is a chronic barrier to poor economic performance. Infrastructures like the availability of reliable energy and communication technologies which lead to more productive and innovative enterprises can also be provided by government.

6.4 Engaging the Private Sector

The private sector remains a driving force behind any sustainable economic development. Higher levels of growth and poverty reduction can be achieved in Nigeria giving the presence of a robust private sector. Sustainable economic development can be stimulated by enhancing the productivity and competitiveness of enterprises so as to generate new formal employment opportunities. Nigeria should identify a few clusters which have the potential to grow, and develop a comprehensive approach to encouraging the clusters to thrive. This will help to overcome constraints faced by entrepreneurs, especially female entrepreneurs. Access to legitimate credit and financial services need to be increased.

A sustainable economic development requires sustainable enterprises. It requires a new way of doing business. It requires business enterprises taking steps to become greener in their operations as well as a new and clean environmental technologies with some companies specializing in their production while others are engaged in making use of such production.

James Nixon (2009) argues that sustainable economic transformation is key a successful 21st century economy. A new way of doing business is emerging out of this transformation. A new way of economic life that will empower Nigerians to meet their needs and still be able to conserve the earth and its resources for present and future generations is needed. One of the engines of transformation is green industries. Green industry is depicted in resource efficiency, pollution prevention, recycling, the minimization of waste, renewable energy transformation etc.

6.5 Building Economic Foundations

The right conditions and institutional frameworks upon which to encourage investment, innovation and economic development need to be created. Capacity to ensure sound, transparent financial and economic management must be built while public policies that encourage private investment and reduce corruption must be enforced to the latter. This requires strong institutions and balanced laws as well as fair and effective regulatory regimes to oversee competition, the maintenance of standards, resource management and property rights in the governing of the economy. Fair and equitable labour codes and laws will serve as empowerment to disadvantaged people in particular to ensure their engagement in the formal economy. This will enable them to

have access to land and resources, security of tenure and the capacity to make use of their assets in a more productive and sustainable manner. Government policies that open markets to trade and infrastructure investments is also required.

6.6 Building A Strong Financial Base

There is a growing awareness of the need for development efforts to focus on sustainable long term economic development if poverty is to be reduced. A dynamic growing economy will strive to increase revenue generation and create employment, resulting in higher personal and household income which can be of benefit to the most impoverished. This will help to generate the needed financial resources to invest in the well-being of people. Development assistance plays an important role in helping nations to address knowledge and skill gaps, fill necessary infrastructure gaps and institute policies and legislation that will promote sustainable economic development and stability.

6.7 Effective Policies and Institutions

It is not enough to make laws. The rule of law and political stability determine economic development. The stringent enforcement of these laws rather than the letters of the laws determine the effectiveness of such laws. Policies that will support natural resource management and ensure environmental sustainability of economic activity and reinforce its long term viability should be promoted. Nigerian government should be willing to build the necessary legislative and regulatory business, industrial and financial framework upon which sustainable growth can take place as well as effective mechanisms for enforcement. Transparent, appropriate regulatory systems, adequate and properly enforced laws as well as efficient fiscal management and resource allocation, sound public financial systems are all essential for a stable economic development, the reduction of corruption and making an economy sustainable. Local environmental officials, whose promotion is tied to effective enforcement of regulatory regime, should be legally empowered and made responsible for the enforcement of environmental standards.

6.8 Sustainable Economy Initiatives

Nigeria can assemble a Sustainable Economic Development Initiatives, drawing on economic development best practices as well as environmental best practices to create an integration of sustainability and economic development. Such sustainable economic initiative includes formulation of the objective for the initiative, green programs etc. which can be made use of to formulate an appropriate sustainable economic development strategy for Nigeria. This can be in form of encouraging the emergence or growth of cleantech business cluster. Building a culture of sustainability is critical to the integration of sustainability into every policy initiative. Building a sustainable community engagement initiative can create a wide culture of sustainability which reduces costs, obtain financial benefits and contributes to a prosperous economy as well as contributing to the environmental and social health of the people. This will help in better understanding of sustainability concept and enable people to participate in the process of building sustainable economy.

6.9 Increased Agricultural Productivity

Agriculture remains the largest economic sector in many developing countries. It could be a significant generator of employment, contributing to poverty reduction and food scarcity. It is unfortunate to note that the ability of Nigeria to harness the growth potential of the agricultural sector can be retarded. Improvement in agricultural productivity and innovation can be a driver in economic development.

7. Conclusion

Nigeria is at the crossroad of sustainable economic development with unending search for policy mix, strategies, programmes and appropriate institutional mechanism to improve the quality of life of Nigerians. Nigeria desires to have a economic development but this must be pursued under sustainable dynamic equilibrium conditions. Nigeria needs to adopt sustainable economic development strategies if she is not to be left behind in this era of sustainable revolution. Sustainable development, enabled by the integration of economic growth, social justice and environmental stewardship must be made the global guiding principle and operational standards. Sustainable development is the part way to the future. This is the only framework that can bring together the full range of human aspirations and needs. It is a framework that offers a template for mutually reinforcing approaches to the challenges of the whole world.

Economic development that is hinged on environmental sustainability is critical to the attainment of sustainable economic development. The quest for economic development must be balanced with the need for responsible environmental management. This balancing requires policies, legislations and regulations which improve natural resource management and support sustainable resource use.

An economic system is not only an institutional devise for satisfying existing wants and needs, but a way of

fashioning wants in the future. Nigerians are the most important assets of this nation. There is a growing demand worldwide for a new direction of economic development and progress that will be people and earth centred. This involves a new way of economic life and organization that will empower people to meet their needs and still be able to conserve the earth and its resources for present and future generations. The Nigerian economic system should be such that is able to fashion wants of future generations while meeting the needs of present generations.

The transformation into a dynamic equilibrium economy requires making systemic changes. This requires defining an appropriate role for national and global policy to facilitate a transition to a sustainable balance of a new kind of economic development within the earth's carrying capacity. Action must also be taken at the local level to mitigate every unwanted impact of this transition.

8. Recommendations

The attainment of sustainable economic development requires a sustainable economic development strategy. To this end, Nigeria needs to construct a dynamic equilibrium economy.

More effort should be made to enforce environmental regulations through a stronger environmental administration. The use of market based instruments, which can be used to regulate pollution behavior with a lesser cost should be given greater attention while instead of heavy reliance on command and control approach to pollution control.

Better efforts to ensure policy coordination in environmental and trade goals should be made. Renewable energy products should be made available while more conscious efforts should be made to mitigate greenhouse gas emissions.

Technology policies that will encourage cost effective green innovations instead of merely prescribing specific green technologies to be adopted by individuals should be promoted.

Policies focusing on specific activities with significant co-occurring benefits which can lead to sustainable economic development, improved job creation, energy security and environmental protection should be pursued.

Business models should be built into the sustainable economic development strategy so as to make payment for necessary expenses easier.

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