

THE INTERPLAY OF CUSTOMS AND TRADITIONS IN PROTECTING ENVIRONMENT IN NIGERIA: ANALYZING THE NIGER DELTA WITH PERSPECTIVES FROM ALASKA, USA AND INDIA

Edward Ohwofasa Okumagba, Delta State University
Ulisan Mogbitse Ogisi, Delta State University

ABSTRACT

Customs and traditions have played an immense role in the protection and conservation of the natural environment prior to the advent of western civilization through religious and spiritual beliefs for centuries. The advent of formal institutions and legal frameworks has equally made greater strides in this regard. Nonetheless, much has not been achieved in the Niger Delta region home to Nigeria's vast hydrocarbon reserves. Much of the Delta's freshwater and mangrove swamps have been lost to the unending petroleum exploration and production activities in the face of series of legislation. The article adopts the doctrinal research method in x-raying scholarly literature to achieve its aim. It revealed that customs and traditional practices in Alaska, in the United States of America (USA) and India have retained such practices in the face of formal institutions and legal frameworks. This article therefore makes a case for the application of customary practices in the protection and preservation of the environment of the Niger Delta.

Keywords: Customs, Environmental, Protection, Niger Delta, Nigeria, Traditions.

INTRODUCTION

Customs and traditions (whether in the form of taboos) remain a veritable source used within the African continent in the protection of the environment in the face western-styled legislation. Nigeria is historically and culturally rich with unique and varied heritage resources. This is evidenced by both human and natural creativity found in virtually every locality in the country. These resources were created from human interaction with the environment, and their preservation and existence is largely due to the role played by customs and traditions (taboos) developed through age-long practices from various ethnic nationalities in the country (Ezenagu, 2020). Customs and traditions in Nigerian society predate the advent of colonialism. Customs and traditions have held the pre-colonial Nigerian society together, and it continues to exert considerable influence upon its adherents in several ethnic groups within and across the length and breadth of Nigeria rural areas. Customs and traditions also regulate diverse aspects including on environmental management such as regulation on deforestation, wildlife hunting, forest-produce extraction, and forest protection. They constitute important elements of resource management in most developing countries (Akpabio, 2011). Studies related to natural resource management have revealed that taboos may, at least locally, play a major role for the

conservation of natural resources, species, and ecosystems (Colding & Folke, 1999). Very compelling among traditional societies in Oceania, it is common to impose taboos in natural resource management on agricultural crops. Such taboos need not always be permanent in time and space, but can be removed when food resources are plentiful (Chemhuru & Masaka, 2010). In Nigeria today, and apart from the fact that customs and traditions have attained the nomenclature of customary law, all ethnic nationalities have customs and traditions. The customs and traditions have fairly common characteristics although each ethnic group has its own unique blend or brand (Nwocha, 2016), and regulate essential part of all Nigerians' existence (Enabulele & Bazuaye, 2019). In addition, there are a plethora of judicial decisions that have affirmed customs and traditions as customary law in Nigeria. In the midst of these, and with a rich biodiversity life of plant and animal life in freshwater and mangrove swamps (Onyena & Sam, 2020) environmental degradation arising from unsustainable socio-economic human activities (Etemire & Sobere, 2020), the presence of oil and gas exploration and production activities among others, have occasioned flagrant disregard for institutionalized legal frameworks notably by stakeholders across all levels. Nigeria has enacted a significant body of substantive environmental laws. Public compliance with these laws leaves much to be desired, resulting in their general failure to reasonably achieve their collective aim of properly protecting and conserving the Nigerian environment (Etemire & Sobere, 2020).

Despite the considerable influence on the populace, particularly in the rural areas, customs and traditions are yet to be accorded sufficient recognition and given its pride of place for the protection of the environment. One area that customs and traditions are not adequately recognised is in the area of protection and safe guarding of the environment, particularly in the Niger Delta region which has received untold environmental degradation. Rather than inculcate customs and traditions in protecting the environment, a lot of reliance and attention is being placed on statutory instruments and regulations of modern day environmental law despite their obvious shortcomings. Whereas in other jurisdiction like Alaska in the U.S.A. and India, the use of customs and traditions well recognized as practices capable of protecting the natural environment in the absence of formalized institutions. The paper has argued that customs and traditions, which has its own legal logic with aspects of local knowledge developed in the community for a long time as it relates to the values inherent culture and spiritualism, has a chance to be implemented in protecting environment in Nigeria. This argument is supported by the role played by customs and traditions as well as the various customary laws in environmental protection the Alaska and India where there has been substantial compliance with customary practices.

Cursery Distinction of Customs and Tradition and Law

According to Sapir, custom is defined as:

“A common sense concept which has served as the matrix for the development of the technical anthropological concept of culture... when applied to one's own group the term is usually limited to relatively unimportant and unformalized behaviour patterns which lie in between individual habits and social institutions ... The hesitation to describe as custom any type of behaviour in one's own group that is not at once collective and devoid of major importance is perhaps due to the fact that one involuntarily prefers to put the emphasis either on significant individualism, in which case the word habit is used, or on a thoroughly rationalised and collective intention in which the term institution seems in place”.

In an attempt to address the differences between customs and tradition and law, if any, it has been argued that customs are simply patterns for action or behaviour that members of a social group share (Finlayson & Jackson-Nakano, 1996). Customs are therefore for all intents and purposes social and not individual phenomena. They can also be referred to as social norms or rules for action or behaviour as distinguished from the specification or practice itself. In regard to norms, it has been canvassed that, *“a social norm is legal if its neglect or infraction is regularly met, in threat or in fact, by the application of physical force by an individual or group possessing the socially recognized privilege of so acting”* (Hoebel, 1954). Law, therefore, can be said to be backed by legitimate force and administered by an authorized agent acting in a manner which is consistent with precedent. In addition, it has been argued that *“law is that concentrated force that is available to make the breaking of a law both dangerous and expensive, whereas the breaking of a custom initiates a crisis that requires only a strong ego”* (Sills, 1968).

In other words, it can be concluded that while all laws are customs, not all customs are laws. Law is therefore to custom as a part is to the whole (Rigsby, 1996 & 2006). To this end, customs and traditions is a means of social control. It performs similar functions in society like such other means of control like morality, religion, taboos, norms and laws. Although usually identified with ancient times, customs still has a strong influence in modern society particularly third world societies. Customs and traditions can be said to mean the same thing and it's seldom used interchangeably, even though some differences may exist between them (Ojo & Gaskiya, 2003). Although customary law often derive their origin from customs and traditions, it refers to custom, local usage, and belief of a particular community considered as binding on the people. Most, if not all, of these customs and usages are said to have been developed from time immemorial and handed over to the people from generation to generation (Kiye, 2015). Recognition of customs and tradition in the form of customary law has never presented any challenge statutorily either as is the case with Nigeria and most African states (Enabulele & Bazuaye, 2019).

Nigeria has a population of over 200 million people and is home to over 250 ethnic groups and communities. It is accepted as proof of common knowledge that every one of these ethnic groups has its own set of customs and traditions dating several centuries old. Each ethnic group has fashioned overtime its unique system of customary legal rules that are obligatory on its members. Custom has been defined as *“a right or duty which has come to exist through popular consent.”* In another vein *“a custom in the intendment of law, is such a usage as hath obtained the force of law.”* According to another writer, there are five criteria for the validity of a custom viz. First, custom must be of immemorial origin. Second, custom must be reasonable. Third, custom must exist without interruption. Fourth, custom must be certain and not vague. Five, for custom to exist, there must be common consent with everyone affected by it accepting that the custom exists and is legally binding. By way of summary, it can be said that a custom is a long standing habitual or cultural practice that is adopted in any society by general consent with regulatory influence over the lives of the people of that society. Traditions on the other hand can be referred to as old customs which have been handed down across the generations from the past. As with many other generic terms, there are many definitions of tradition and custom, of which there is no consensus among scholars on the most appropriate definition. The concept includes a number of interrelated ideas; the unifying one being that tradition refers to beliefs, objects or

customs performed or believed in the past, originating in it, transmitted through time by being taught by one generation to the next, and are performed or believed in the present Green (1997).

Traditions are often presumed to be ancient, unalterable, and deeply important, though they may sometimes be much less "*natural*" than is presumed. It is presumed that at least two transmissions over three generations are required for a practice, belief or object to be seen as traditional (Gideons, 2003). In the same vein, (Green, 1997) stressed that some traditions were deliberately invented for one reason or another, often to highlight or enhance the importance of a certain institution. Traditions may also be adapted to suit the needs of the day, and the changes can become accepted as a part of the ancient tradition. Tradition changes slowly, with changes from one generation to the next not being seen as significant. Thus, those carrying out the traditions will not be consciously aware of the change, and even if a tradition undergoes major changes over many generations, it will be seen as unchanged.

Many objects, beliefs and customs can be traditional. Rituals of social interaction can be traditional, with phrases and gestures such as saying "*thank you*", sending birth announcements, greeting cards, etc. Tradition can also refer to larger concepts practiced by groups (family traditions at Christmas), organizations (company's picnic) or societies, such as the practice of national and public holidays. Some of the oldest traditions include monotheism (three millennia) and citizenship (two millennia). It can also include material objects, such as buildings, works of art or tools. In such constructions tradition refers to specific values and materials particular to the discussed context, passed through generations. Green (1997) defines tradition as a belief or behaviour passed down within a group or society with symbolic meaning or special significance with origins in the past. Common examples include holidays or impractical but socially meaningful clothes (like lawyer wigs or military officer spurs), but the idea has also been applied to social norms such as greetings. Traditions can persist and evolve for thousands of years—the word "*tradition*" itself derives from the Latin *tradere* or *traderer* literally meaning to transmit, to hand over, to give for safekeeping. While it is commonly assumed that traditions have ancient history, many traditions have been invented on purpose, whether they be political or cultural, over short periods of time.

Analyzing the Environment and Customs and Traditions

The word environment is derived from the French word *environner* (Subburaj, 2005), meaning to surround or to encircle. Although plethora of definition of the environment exists, the environment refers to the sum total of conditions which surround man at a given point of space and time. The geographical meaning of environment includes a combination of living and non-living things and their mutual interaction with each other which leads to an ecosystem or it encompassing all living and non-living things occurring naturally on earth (Subburaj, 2005). In addition, from the perspective of the Supreme Court of India's, it is a difficult word. Its normal meaning relates to the surroundings, but obviously, that is a concept which is relatable to whatever object it is, which is surrounded. It is also a polycentric and multifaceted problem affecting the human existence. The Black's Law Dictionary defines environment as follows (Black, 2009) as the totality of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of people's lives.

Constitutionally, the environment has been defined as follows: 1. The water, air and land; 2. Forest and wild life; 3. All layers of the atmosphere; 4. All organic and in-organic matter and living organisms; 5. The interacting natural system that include components referred to in paragraph (a) to (d).

Statutorily, the environment has been defined as the water, air, land and all plants and human beings or animals living therein and the inter-relationship that exists among these or any of them (Section 37, NESREA Act, 2007). Similarly, The United Kingdom Environmental Protection Act (Section 1) defines the environment as including:

“All, or any, of the following media, namely, the air, water and land; and the medium of air includes the air within buildings and the air within other natural or manmade structures above or below ground.”

Finally, from the scholarly point of view, was also defined thus (Akinbode, 2002):

“...the totality of the places and surroundings in which we live, work, and interact with other people in our cultural, religious, political and socio-economic activities for self-fulfilment and advancement of our communities, societies or nations.”

Within the context of custom, custom is a rule of conduct, obligatory on those within its scope, established by long usage. Taboos on the other hand, constitute a distinct type of informal local institutions that offer opportunity for achieving effective and efficient local resource management. They exist in many societies and are usually voluntarily complied with based on mythical beliefs that bad luck and calamities befall people who flout them (Osei-Tutu, 2017). In the world's biodiversity hotspots where traditional communities also tend to be common, taboos play useful resource conservation roles. However, customs and traditions appear to capture the norms, traditions and rules of behaviour of the people. It is the law propelled by the worldview, beliefs, philosophies and value system of the people (Nwocha, 2016). In rural communities, customs were largely unchallenged save by compelling innovations that re-channelled aspects of the practices of the people and subsequently altered its traditions (Nwocha, 2016). With the introduction of English law in the administration of justice in Nigeria about a century ago, customary law has been fighting for breath, and a large chunk of it has not survived the conflict that was the necessary outcome of the contact. It is this context that the rest of this research will confine itself to the use of the term customary law to represent the various customs and traditions (or taboos) used in the protection of the environment.

Customs and Traditions as Part of Environmental Law Jurisprudence

Environmental law is dedicated to the protection of the environment and by extension, humanity as the former is the foundation on which humanity's existence is premised. It transcends national boundaries (Ajomo, 1994); making environmental law an international as well as regional response to environmental problems (Thornton & Beckwith, 2004). It is a constantly evolving amalgam of statutes (Prost, 2006), common law and the principles of equity, (Thornton & Beckwith, 2004; Atsegbua et al., 2004; Jariwala, 1993) treaties, in *Trendtex Trading Coy v. Central Bank of Nigeria* (Shaw, 1998; Wilkinson, 2002), customary law, regulations, policies and even religious dogmas and teachings which, operates to regulate the

interaction of humanity and the rest of the biophysical or natural environment so as to reduce or minimise the impact of human activity, both on the natural environment for the sake of the latter as well as that of the totality of humanity, present and future. From an economic perspective it can be understood as concerned with the prevention of present and future externalities. The study of environmental law is multidisciplinary, encompassing a wide spectrum of discipline. In this regard, Malcolm has observed thus:

“The range of topics under the general heading of environmental law is extensive. It could include planning law, the law relating to the quality of air and water, the disposal and the transport of waste, the control of the nuclear industry and statutory nuisances. It presents a new classification which absorbs many areas previously considered to fall under different headings (Malcolm, 1994).”

This is as a result of the fact that the information needed to fully understand the effect of humanity’s interaction with the biophysical environment is situated in other fields of knowledge. Consequently, to fully understand and appreciate the myriad issues as it pertains to environmental law, one may need to conduct interdisciplinary research in biology, physical science, social science, economics, history, and other areas. Environmental law draws from and is influenced by the principle of environmentalism, the knowledge of ecology and conservation.

The focus of environmental law includes but is not limited to the quality of environmental media, protection, biodiversity and its protection, sustainable development, impact assessment and/ or review, conservation as well as management of natural resources. The current trend of environmental law is anthropocentric, a thought that has humanity at its epicentre and is usually contrasted with ecocentrism (Thornton & Beckwith, 2004). According to Thornton and Beckwith, the Ecocentrism thought adopts a holistic approach to the environment and its protection. It holds that human, animals and plants play a prominent role in the ecological system but are not superior to the ecosystem. In recent times ecocentrism has evolved, and taken the form known as Earth Jurisprudence. This births the challenge of having to bring about a regime of ‘mutual coercion mutually agreed upon’, as this is the consequence of having laws and regulations for the regimentation of the exploitation of the environment.

Role of Customs and Traditions in the Protection of the Niger Delta

There are aspects of African traditional norms and practices that are valuable in strengthening and improving compliance with the modern state-based environmental regulatory regime in Nigeria (Etemire & Sobere, 2020). The belief is that these customs are essentially rooted in the recognition that such traditional systems embody effective, transferable and adaptable indigenous strategies for ensuring the sustainable use of local natural resources and sustainable environmental management (Etemire & Sobere, 2020). Citing Erinosh, Etemire and Sobere’s position that from time immemorial local or traditional communities in Africa have established rules for the control of, and access to, including the use of natural resources gives credence to the fact that customs and traditions are more likely to be complied with (Erinosh, 2015). For example, such norms have prohibited the cutting of some trees and even the killing of some animals that were of spiritual relevance; devised methods for gathering certain fruits and other by-products of trees; restricted access to sacred groves and mountains; designated certain periods of the year for fishing and hunting; and established use and access rules for water

resources (Erinosho, 2015). In particular, the Maasai people of Northern Tanzania are pastoralists who for generations have adopted a local uniform strategy of mobile grazing which allows their animals to utilise a variety of vegetation that is wildly dispersed, and this approach has helped to increase seasonal grazing and the carrying capacity of the land (Etemire & Sobere, 2020). In Zimbabwe, the local customs of some communities consider it a taboo for anyone to kill young animals, pregnant female animals or premature edible insects, or to exploit some natural resources before certain periods of the year; it is believed that contravention will result in loss of the culprit's eyesight (Chemhuru & Masaka, 2010). Several customs and taboos have continued to have positive influence even in the face of western civilization and distortions from the original motives of the laws, (Chemhuru & Masaka, 2010) and this also the case within the Niger Delta people of Nigeria.

The Niger Delta region of Nigeria is situated in the most southerly part of the Gulf of Guinea, majorly bordered by the Atlantic Ocean overlooking Sao Tome and Principe and Equatorial, and Guinea, to the east by the Cameroon (Okumagba, 2017; Ebeku, 2005). Occupying over 70,000 square kilometres (about 7.5% of Nigeria's landmass), it is the largest wetland in Africa and the third largest in the world (Ebeku, 2005). It has a coastline of 560 kilometres (accounting for about two-thirds of Nigeria's entire coastline (Okumagba, 2017). Its environment consists of four ecological zones, namely: coastal barrier islands, mangrove swamp forest, freshwater swamp and lowlands rainforest (Usman, 2017). The region is also significant for having one of the highest concentrations of biodiversity on earth, with abundant flora and fauna, arable terrain supporting a wide variety of crops, economic trees, and more species of freshwater fish than any other ecosystems in West Africa (Usman, 2017). In addition to the above, the Niger Delta region has made more headlines with its rich alluvial soil which sits on the Delta's sedimentary basin with vast fossil fuel deposits of crude oil and natural gas with a proven reserve to last for another 200 years (BPSRWE, 2021; Okumagba, 2019; Atsegbua, 2021). The region has over the years witnessed some of the largest oil exploration and production (E & P) activities in the African continent, making Nigeria a major global oil and gas producer. According to the BPSRWE, crude oil and natural gas from the Niger Delta has earned Nigeria the 11th ranked country with the world's proven crude oil reserves accounting for 2.1 percent of the world's proven oil reserves, with a daily production of 2.2 million barrels per day bbls/d (BPSRWE, supra). In addition to the amplified richness of the Niger Delta region, revenue from oil and gas exports accounts for over 97 percent of the country's foreign exchange earnings and 85 percent of GDP as well as greater contributions to Nigeria's annual budgetary outlook (Okumagba, 2019 supra; Okumagba, 2021; Ajogwu & Nliam, 2014).

Sadly, in the midst of the abundance of natural resources and revenue gains, the region has been plagued by poor governance, lack of transparency, poverty and environmental degradation from constant pollution from oil and gas E & P activities. In addition, series of legislation promulgated up to 2020 save for the Petroleum Industry Act, 2021, to address environmental challenges of the Niger Delta often exist in statutory books without any enforcement by the relevant government agencies. For instance, the extant environmental legislation in Nigeria, the National Environmental Standard and Regulations Enforcement Agency Act, 2007 (NESREA), surprisingly excludes the activities of E & P activities of the petroleum industry from its enforcement. Oil spillage (Ebeku, 2005; Olawuyi, 2015), gas flaring (Mrabure & Ohimor, 2020; Okumagba, 2011) petroleum pipeline vandalism (Okumagba, 2019),

crude oil theft and illegal refining of petroleum (Okumagba, 2021), are some of the deleterious consequences of E & P activities which calls into questioning of the use of formal institutions in the preservation and protection of the rich wetlands which the Niger Delta was known and renown for. As Adekola and Mitchell (2011) observed, the Niger Delta wetlands are changing rapidly, raising concern for the wetlands health, and for communities relying upon its ecosystem services, and noted that the wetlands of the Niger Delta have been facing a lot of challenges to wit:

“Rapid urbanisation, mining, oil and industrial waste pollution, uncontrolled tilling for crop production, overgrazing, logging, unprecedented wetland reclamation, construction of dams, transportation routes and other physical infrastructure. Natural pressures included marine and coastal erosion, subsidence, ocean water intrusion, and invasion by alien floral and faunal species, sand storm, desertification and droughts (Adekola & Mitchell, 2011).”

It is pertinent to note that while there are recognized uses of formalized institutions for the preservation of the environment in most African societies, there are no widespread and recognizable formalized customs and traditions or taboos which has been able to withstand some of the challenges which confronts the Niger Delta environment. In Zambezi Valley, a community resisted a land redistribution and development program funded by the European Economic Community (EEC) and the Food and Agriculture Organization (FAO) that requires spiritual approval of a senior tribal spirit (mhondoro) before public support could be won for the project. Without such spiritual approval and public, the project’s survival is put at risk. It is doubtful whether such spiritual belief system can still be found in the Niger Delta. In addition, the Shona people have some taboos that prohibit abuse of water sources, such as wetlands, rivers, and wells. Through these taboos, the Shona have managed, throughout history, are to ensure sustainable use of water resources (Chemhuru & Masaka, 2010).

With significant amount of crude oil is discharged into coastal environments; and their impact on freshwater and mangroves swamps are extremely responsive to contamination by oil and industrial waste, thus reducing their relevance in the ambient environment. For the past 60 years, there have been no less than 238 major oil spills adjacent to mangrove-dominated shorelines worldwide. These spills have accounted for over 5.5 million tonnes of oil released directly, affecting up to more or less 1.94 million ha of mangrove habitat, and have killed at least 126,000 of mangrove ecosystems since 1958. Oil spills have detrimental impacts on the soils and sediments, surface and groundwater, marine environment, terrestrial and aquatic ecosystems in the Niger Delta. Discharges of petroleum hydrocarbons and petroleum-derived waste streams also exacerbate impacts on biota and widespread environmental degradation.

The implication of these degradable activities of the oil industry has often resulted in a multitude of cultural problems, including occupational dislocation, rural-urban drift, unemployment and poor human health (Zimmerman, 2005) as well as the impacts on local communities and indigenous people who may have their traditional, communal and social values affected. As it has been rightly observed, cultural activities often practiced in coastal communities in the Nigerian Delta that are no longer being undertaken as a result of oil spills. For instance, the festive bathing of community members in a river to usher in the New Year is hardly practiced. It is believed that taking a bath in that river will usher the community into a

new year of many good tidings, as such, members of such community consider the culture critical to their prosperity in a new year (Onyena & Sam, 2020).

As has been observed above, the much of Niger Delta has lost significant number of its coastal wetlands to crude oil E & P activities. Currently, save for the activities of Nongovernmental Organizations (NGOs) that have championed campaigns for the restoration of the Delta's environment, existing legal frameworks has had little or no impacts in addressing the current environmental degradation. As rightly observed, while oil companies in Nigeria easily evade responsibilities for their actions, the presence of legislation has not deterred oil companies from causing damage to the ecosystems of the Niger Delta. While the use of formal institutions and legal frameworks persists in the Niger Delta, other jurisdiction and practices have stood the test of time by offering customs and traditional practice in the protection of the environment.

Appraising the Use of Customs and Traditions in Alaska, USA and India

The use of customs and traditions has thrived in some jurisdiction outside the African continent compared to what is obtainable in the Niger Delta region. Notable among them is the Alaskan Eskimo tribe of Yup'ik, and the use of sacred groves particularly in India. Their impacts on the protection of the environment are discussed below.

Customs and Traditions in Alaska, USA

Embodied within Alaskan Native values for daily living are a variety of ways that natural resources and the environment can be protected. These values represent the belief that the environment is sentient and capable of feeling and perceiving. As such, it does not merely provide resources available for taking; rather, "*it is responsive to careful human action and attention.*" As a result, the future availability of resources depends on careful attention to one's own actions and the maintenance of good relations with the spirits of all things (Fienup-Riordan, 1994). The Eskimo traditionally viewed themselves as confronted with an originally undifferentiated universe in which the boundaries the humans and nonhumans, the spiritual and the material, were shifting and permeable. Moreover, these boundaries they believe were not naturally given but depended on human action to keep them in place (Fienup-Riordan, 1994). The Yup'ik, like other Alaskan Native peoples, believes in the recycling of plant and animal spirits. When a plant or animal is taken for harvest, its spirit watches carefully to see that its body is respected and well taken care of. If it likes what it sees, it will tell others of its kind that the people treated it well and they should continue to give themselves. However, if the spirit does not like the way it is treated, it will tell others to avoid these people, and future harvests will be less successful (Fienup-Riordan, 2005; Freedman, 2018; Reardon & Timmer, 2012; Barnhardt & Kawagley, 2005). As such, one way to preserve natural resources is to treat them with honour and respect. What this portends is that being judicious in how they are taken, not taking more than is needed, sharing what has been taken, not wasting any part of the harvest, and acting peacefully.

These traditional values and ways of living of the Yup'ik people in environmental protection of the natural environment can also be summed up in the concept of the "*3Rs-Reduce, Reuse, And Recycle.*"

Reduce here is used by making choices in the products we buy and reducing the amount we consume, we can reduce our environmental impact. For example, by borrowing from friends and neighbours, renting, or sharing, instead of buying or harvesting something we will only use infrequently, we can reduce the physical amount we consume. By powering down our electronics when not in use, we can reduce the amount of energy we consume. By walking or riding a bike or skateboard, we can reduce the amount of fuel we need. By choosing not to have a bag, or bringing our own bag to the store, we can reduce the amount of plastic that ends up in our landfills.

Reuse on the other hand implies that many times people choose to dispose of items that could be reused or up-cycled (made into something else). Coffee tins, shoe boxes, and other plastic food containers can be repurposed into storage containers for beading supplies, tools, and machine parts. Torn clothes can be repaired or turned into other items, like pillowcases, bags, and baskets. Broken machines can be saved, and their parts salvaged for repairing other items.

Recycle connotes the recycling of paper bags, soda cans, and plastic bottles. In remote areas, however, recycling facilities do not exist, and it can be expensive to export collected items for recycling. In these cases, it is important to make wise decisions in the purchases we make; choose to purchase items that are made from recycled materials. Rather than purchasing tissue paper that is made from first generation trees, for example, purchase tissue that is made from recycled papers. Conserving and protecting our natural resources is important not only so that the resources will be available in the future, but also for reasons of cultural value and spiritual importance. Learn from elders and culture bearers in your community what resources are most valuable and what you can do to help preserve them.

Sacred Grove Conservation in India

Globally, sacred groves represent a traditional form of community-based conservation system, recognized for their capacity to preserve areas that are of cultural and religious importance to local people (Adeyanju et al., 2022). Sacred groves are traditionally associated with deity worship, initiation rituals and sacrifices (Adeyanju et al., 2022). Ghana has some of the highest concentration in Africa with estimates of over 1,900 sacred groves of varying sizes, ranging from less than one hectare to several thousand hectares spread across the country). India is among the 12 mega biodiversity countries in the world having 25 hot spots of the richest and highly endangered eco-region (Myers et al., 2000). Due to the increasing pressure of population growth, degradation and depletion of forests, it remains a challenging task to manage forests in a sustainable manner. India is classified under one of the low forest cover countries and account for 23.8 percent of total geographical area of the country (Indian Forest Policy Report, 2005). This percentage is still low as highlighted in the Forest Policy (British Petroleum, 2011).

There are about 0.63 million villages out of which nearly one-third are in the vicinity of forests. Thus, quite a large population is traditionally dependent on forests for a variety of reasons such as food, shelter, fodder, timber, and medicine which are directly linked to livelihood of these societies. Conservation of natural resources including biodiversity has been an integral part of several indigenous communities in and around the forest areas. It is estimated that in developing countries, over 880 million people worldwide spend time collecting fuel wood or producing charcoal, and India with its vast population is not left out. The concept of sacred

groves is very old and has existed since the time of Rig-Veda (an ancient Indian sacred collection of Vedic Sanskrit hymns), when tree worship was quite popular and universal. Buddha's study and enlightenment was also in the company of a banyan tree (Negi, 2005). These practices have been used in India to protect and conserve the forest till date.

The concept and beliefs of sacred trees and groves of forests are one of the best practices to conserve the natural resources. Sacred groves are small forest areas that are left untouched by the local inhabitants to be conserved by the local village folk deities and are of special spiritual significance to them. Sacred groves, also known as church forests, fetish forests and sacred forests, are found all over the world including Ethiopia, Japan, Morocco, India, and Ghana (Cardelus et al., 2013). The concept of sacred grove has been a part of rich traditional and diverse culture of Indian societies for many generations (Poreku, 2014). Sometimes, they are also known as natural museums of giant trees, treasure houses of threatened species, dispensaries of medicinal plants, regulators of water sheds, recreation centers for urban life, veritable gardens for botanists, gene banks of economic species, paradise for nature-lovers and laboratory for environmentalists (Manikandan et al., 2011).

Interestingly, sacred grove is found worldwide in all part of different continents (Chandran & Hughes, 1997; Asokan et al., 2015). There are around a 100,000 to 150,000 sacred groves are reported in India (Malhotra, 2007; Adeyanju et al., 2022). In India the highest number of sacred grove (5000) has been reported to be present in state of Himachal Pradesh followed by Kerala and Chhattisgarh, with different scientific reports revealing that these groves can support and conserve different fauna and flora (Singh et al., 2010). Indian ancestors were fully aware about the importance and significance of natural resources that sustained them which were necessary to be conserved for the sustenance of future generations. They lived in harmony with nature and thereby played an important role in conservation of biodiversity. In India, different religions having different traditions, beliefs, and rituals are associated with conservation of biodiversity and forests. In Hindu religion, it is a traditional belief that nature shows a reverence for five basic elements, that is, Earth (Prithvi), Fire (Agni), Water (Jal), Air (Wayo) and Space (Akash). All the five elements are treated as a body of God and are worshipped (Gairola, 2020), which demonstrate a relationship between Hindu and the environment. These five elements are protected for religious, cultural and spiritual reasons. There are many studies entitled to further quantify this ethics, which leads to biodiversity conservation and sustainable ecosystem (Pal & Mukhopadhyay, 2011). The concept conservation and protection of environment is not new to India, and it is strongly believed that the Niger Delta environment can adopt practices from other jurisdiction with similar environmental challenges that has withstood the test of time in the face inadequate legislation.

Way Forward to Protecting the Niger Delta Ecosystem

The Niger Delta ecosystem has witnessed an onerous and deleterious environmental degradation from the petroleum E & P activities that are unlikely to go away even in the far future. This is so because; petroleum is currently the main the mainstay of the Nigerian economy. Already, spillages from crude oil facilities and gas flaring sites have left untold hardship both on the people and the ambient environment of the Delta. Freshwater swamps situated between the lowland rain forest in the north and the mangrove swamp in the south which

provides transition zone between the two ecosystems and a passageway for the migration of biodiversity have been destroyed (Izah, 2018). Urbanization, industrialization, intense agricultural practices, deforestation, use of chemical based fertilizers, pesticides, emission from the consumption of fossils fuel are the major factor leading to environmental degradation in the Niger Delta ecosystem.

It is pertinent to note that the current rate of deforestation and loss of valuable plant species in an alarming rate will require the declaration of the Niger Delta freshwater and mangrove swamps as a sacred grove similar to the Indian. It is believed that this will not only restore the freshwater and mangrove swamps but will preserve the several species of biodiversity reported in the Niger Delta region.

Similarly, there is the need to create awareness of the multiple benefits of mangrove ecosystems to expand mangrove areas and increase participation with local communities and other key stakeholders about the benefits of mangrove swamps to nature and man, as well as the use of traditional methods in the preservation of the environment. This brings to fore the role of the Federal Ministry of Environment of Nigeria to sensitize local communities in this regard, and conduct more research on the use of customs and traditions in other African traditions that have successfully retained traditional practices for the protection and preservation of the environment.

In addition, the dwindling adherence to traditional beliefs and practices amongst the Delta communities has also hampered efforts to use customs and tradition to preserve the Delta's environment. It in this regard that Adeyanju's recommendation of a mix of customary and formal institutional management using cultural norms and prohibitions in the former and state-enforced rules (constitution, laws, and regulations) for biodiversity conservation is welcome. Both types of institutional arrangement have complemented each other over the past decades and help to explain the resilience of sacred groves in Nigeria.

CONCLUSION

Customs and traditions of the peoples of the Niger Delta region are derived from the rich heritage and culture of the people dating back in time to antiquity. The courts in Nigeria and elsewhere have also in a plethora of cases acknowledged the role of customary law practices. The use of customs and traditional practices in other jurisdiction gives credence to the aim of this paper which is to show that the current environmental degradation arising from petroleum E & P activities in the Niger Delta region which has led to environmental degradation can be averted through the use of customs, traditions and taboos. The environment has been positively affected by the customs and traditions and the customs and traditions specifically affect the environment by creating norms which treat certain aspects of the environment differently from others and in the process helping the process of safeguarding or protecting the environment. The examples drawn from other African practices, Alaska and India will not only the process of arriving at a body of knowledge drawing from the rich cultural practices from Alaska and India but will also enhance the strides made by the use of formal institutions and legal frameworks in a collective efforts to protect and preserve the environment of the Niger Delta region.

REFERENCES

- Adekola, O., & Mitchell, G. (2011). The Niger Delta Wetlands: Threats to ecosystems services, their importance to dependent communities and possible management measures. *International Journal of Biodiversity Science, Ecosystem Services & Management*, 7(1), 56-67.
- Adeyanju, S.O., Bulkan, J., Onyekwelu, J.C., St-Laurent, G.P., Kozak, R., Sunderland, T., & Stimm, B. (2022). Drivers of biodiversity conservation in sacred groves: A comparative study of three sacred groves in Southwest Nigeria. *International Journal of the Commons*, 16(1), 1-9.
- Ajogwu, F., & Nliam, O. (2014). *Petroleum law and sustainable development*. Centre for Commercial Law Development.
- Ajomo, M.A. (1994). An examination of federal environmental laws in Nigeria. In M.A. Ajomo & A. Adewale (Eds.), *Environmental Law and Sustainable Development in Nigeria*.
- Akinbode, A. (2002). *Introductory environmental resource management*. Daybis Limited.
- Akpabio, E.M. (2011). Water and people: Perception in management practices in AkwaIbom State, Nigeria. *Society and Natural Resources*, 24, 584-586.
- Asokan, A., Chouhan, S., & Singh, V. (2015). Sacred grove a nature's gift as a remedy for human ailments, a biodiversity reservoir for restoring indigenous traits for endangered listed plants: A review. *Open Access Library Journal*, 2(7), 1-9.
- Atsegbua, L. (2021). *Oil and gas law in Nigeria: Theory and practice*. Four Pillars Publishers Nigeria.
- Atsegbua, L., Akpotare, V., & Dimowo, F. (2004). Environmental law in Nigeria: Theory and Practice. *Ababa Press*, 32, 180-189.
- Barnhardt, R., & Kawagley, A.O. (2005). Indigenous knowledge systems and Alaska native ways of knowing. *Anthropology & Education Quarterly*, 26(1), 8-23.
- Black, H.C. (2009). *Black's law dictionary*. St. Paul, Minn: Thomson Reuters.
- British Petroleum. (2011). *Statistical review of world energy*.
- Cardelus, C.L., Scull, P., Hair, J., Baimas-George, M., Lowman, M.D., & Wassie Eshete, A. (2013). A preliminary assessment of Ethiopian sacred grove status at the landscape and ecosystem scales. *Diversity*, 5(2), 320-334.
- Chandran, S.M.D., & Hughes, J.D. (1997). The sacred groves of South India: Ecology, traditional communities and religious change. *Social Compass*, 44, 413-427.
- Chemhuru, M., & Masaka, D. (2010). Taboos as sources of shona people's environmental ethics. *Journal of Sustainable Development in Africa*, 12(7), 121-127.
- Colding, J., & Folke, C. (1999). The taboo system: Lessons about informal institutions for nature management. *Geo. International Environmental Law Review*, 12, 413-419.
- Ebeku, K.S. (2005). Oil and the Niger delta people in international law resource rights. *Environmental and Equity Issues*.
- Enabulele, A.O., & Bazuaye, B. (2019). Validity and enforceability of customary law in Nigeria: towards a correct delimitation of the province of the courts. *Journal of African Law*, 63(1), 79-104.
- Erinosho, B.T. (2015). *Environmental law in Africa*. Kraft.
- Etemire, U., & Sobere, N. (2020). Improving public compliance with modern environmental laws in Nigeria: Looking to traditional African norms and practices. *Journal of Energy & Natural Resources Law*, 38(3), 305-327.
- Ezenagu, N. (2020). Heritage resources as a driver for cultural tourism in Nigeria. *Cogent Arts & Humanities*, 7(1), 1734331.
- Fienup-Riordan, A. (1994). *Boundaries and passages: Rule and ritual in yup'ik eskimo oral tradition*. University of Oklahoma Press, 3, 82-86.
- Fienup-Riordan, A. (2005). *Wise words of the Yup'ik people: We talk to you because we love you*. Nebraska Press.
- Finlayson, J., & Jackson-Nakano, A. (1996). Heritage and Native Title: Anthropological and Legal Perspectives. *Australian Institute of Aboriginal and Torres Islander Studies*. Canberra.
- Freedman, B. (2018). *Environmental sciences: A Canadian perspectives*. Dalhousie University Library.
- Gairola, S.U. (2020). Review article on relation between Hinduism and environment-a Vedic approach. *Asian Journal of Environment & Ecology*, 19-25.
- Gideons, A. (2003). *Runaway world: How globalization is reshaping our lives*. Routledge.

- Green, T.A. (1997). *Folklore: An encyclopaedia of beliefs, customs, tales, music, and art*. Santa Barbara.
- Hoebel, E.A. (1954). *The law of primitive man: A study in comparative legal dynamics*. Harvard University Press.
- Izah, S.C. (2018). Ecosystem of the Niger delta region of Nigeria: Potentials and threats. *Biodiversity International Journal*, 2(4), 338-345.
- Jariwala, C.M. (1993). Direction of environmental justice in India: Critical appraisal of 1987 case law. *Journal of the Indian Law Institute*, 35(1/2), 92-114.
- Kiye, M. E. (2015). The repugnancy and incompatibility tests and customary law in Anglophone Cameroon. *African Studies Quarterly*, 15(2), 85-90.
- Malcolm, R. (1994). *A guidebook to environmental law*. Sweet & Maxwell.
- Malhotra, K.C., Gokhale, Y., & Chatterjee, S. (2007). *Sacred groves in India*. Aryan Books International.
- Manikandan, P., Venkatas, D.R., & Muthuchelian, K. (2011). Conservation and management of sacred groves in Theni district. *Tamil Nadu India Journal of Biodiversity Resources*, 2(2), 76-80.
- Mrabure, K.O., & Ohimor, B.O. (2020). Unabated gas flaring menace in Nigeria: The need for proper gas utilization and strict enforcement of applicable laws. *Commonwealth Law Bulletin*, 46(4), 753-779.
- Myers, N., Mittermeier, R.A., Mittermeier, C.G., Da Fonseca, G.A., & Kent, J. (2000). Biodiversity hotspots for conservation priorities. *Nature*, 403(6772), 853-858.
- Negi, C.S. (2005). Religion and biodiversity conservation: Not a mere analogy. *The International Journal of Biodiversity Science and Management*, 1(2), 85-96.
- Nwocha, M.E. (2016). Customary law, social development and administration of justice in Nigeria. *Beijing Law Review*, 7, 430-439.
- Ojo, G.U., & Gaskiya, J. (2003). *Environmental laws of Nigeria: A critical review*. ERA Nigeria, Benin City.
- Okumagba, E.O. (2011). A critical appraisal of government policies and legislation for the abatement of gas flaring in Nigeria. *Delta State University Law Review*, 3(1), 168-179.
- Okumagba, E.O. (2017). The Niger delta development and the role of government intervention agencies: The need for alternative legal approach. In O.V.C. Okene, (Eds.), *Readings in Law and Policy: Current Issues and Trends in Commemoration of the Golden Jubilee of Rivers State*.
- Okumagba, E.O. (2019). Oil and gas pipeline “vandalism” in Nigeria: Analyzing alternative options beyond the traditional legal approach. *International Energy Law Review*, 37(7), 181-188.
- Okumagba, E.O. (2021). Critical analysis of laws and policies for the prevention of petroleum pipeline vandalization in Nigeria. *Environmental Law Review*, 23(4), 305-320.
- Olawuyi, D.S. (2015). *The principles of Nigerian environmental law*. Afe Babalola University Press.
- Onyena, A.P., & Sam, K. (2020). A review of the threat of oil exploitation to mangrove ecosystem: Insights from Niger Delta, Nigeria. *Global ecology and conservation*, 22, e00961.
- Osei-Tutu, P. (2017). Taboos as informal institutions of local resource management in Ghana: Why they are complied with or not. *Forest Policy and Economics*, 85, 114-123.
- Pal, T., & Mukhopadhyay, M. (2011). Change in socio-cultural dimensions and its impact on exiting Sacred grove. *International Journal of Humanities and Social Science*, 1(10), 242-250.
- Poreku, G. (2014). *Sacred groves and biodiversity conservation in the Tolon District, Northern Region, Ghana*. United Nations University Land Restoration Training Programme Swamy.
- Prost, M. (2006). Is European law becoming more sustainable? *Law International*, 1(1), 415-459.
- Reardon, T., & Timmer, C.P. (2012). The economics of the food system revolution. *Annual Review of Resource Economics*, 4(1), 225-264.
- Rigsby, B. (1996). Law and custom as anthropological and legal terms. *Heritage and Native Title: Anthropological and Legal Perspectives*.
- Rigsby, B. (2006). Custom and tradition: Innovation and invention. *Macquarie Law Journal*, 6, 113-129.
- Shaw, M.N. (1998). The international criminal court-some procedural and evidential issues. *Journal of Armed Conflict Law*, 3(1), 65-96.
- Sills, D.L. (1968). International encyclopaedia of social sciences. *International Encyclopaedia of Social Sciences*, 17(1), 1-9.
- Singh, H., Husain, T., & Agnihotri, P. (2010). Haat kali sacred grove, Central Himalaya, Uttarakhand. *Current Science*, 98(3), 290-298.
- Subburaj, V.V.K. (2005). *Sura's Year Book 2006*.
- Thornton, J., & Beckwith, S. (2004). *Environmental law*. Sweet & Maxwell.

- Usman, K. (2017). *Nigerian oil and gas industry laws: Policies, and institutions*. African Books Collective.
- Wilkinson, D. (2002). *Environment and law*. Routledge.
- Zimmerman, E.M. (2005). Valuing traditional ecological knowledge: Incorporating the experience of indigenous people into global climate change policies. *New York University Environmental Law Journal*, 13, 803-810.

Received: 29-Apr-2022, Manuscript No. JLERI-22-12064; **Editor assigned:** 02-May-2022, PreQC No. JLERI-22-12064(PQ); **Reviewed:** 16-May-2022, QC No. JLERI-22-12064; **Revised:** 27-July-2022, Manuscript No. JLERI-22-12064(R); **Published:** 03-Aug-2022

Citation Information: Okumagba, E.O. (2022). The interplay of customs and traditions in protecting environment in Nigeria: Analyzing the Niger delta with perspectives from Alaska, USA and India. *Journal of Legal, Ethical and Regulatory Issues*, 25(5), 1-15.