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The Limitations of Law in Promoting Synergy between Environment and Development Policies in Developing Countries: A Case Study of the Petroleum Industry in Nigeria

Since the Stockholm Conference, there has been an increasing use of law as a tool for promoting synergy between environment and other sectoral policies at both the international and national levels. One area which has recorded a marked increase in legislation has been the integration of environment considerations into development projects in order to address the apparent conflict between environment and development policy. However, the existence of several laws has not been matched by a corresponding positive impact on the environment in several developing countries.

Using both qualitative and quantitative research methodology, the paper uses the petroleum industry in Nigeria, as a case study, to answer the questions whether this is merely a problem of law enforcement or whether there are wider issues of policy involved.

The paper argues that while ineffective laws and/or inefficient enforcement is largely the apparent cause, yet, this is not just a failing of the enforcement process but rather a much wider issue of the ability of law to effectively promote synergies in policy across sectors without the supporting institutions and environment necessary for this. Inefficient enforcement is itself a result of several factors which include issues of coherence of policy across sectors, governance and accountability, international trade and investment policies and laws, accountability and governance of multi national corporations, poverty, organization and capacity of civil society and non governmental organizations, amongst others. Consequently, mere strengthening of legislation or institutional capacity of enforcement agencies will not suffice to ensure that law is an effective tool for promoting integration. There needs to be coherence in policy in the overall governance structure both at the national and international level.