

**“OTHER SPECIES” IN MARTHA NUSSBAUM’S CAPABILITIES APPROACH: TOWARDS THE  
ACHIEVEMENT OF SUSTAINABLE ENVIRONMENTAL DEVELOPMENT IN NIGERIA**

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**ABSTRACT**

This paper has two major concerns. The first is to examine whether in the pursuit of economic development the Federal Government of Nigeria (FGN) has also been proactive in seeking sustainable ecological and environmental development. The second is an evaluation of the adequacy of the Capabilities Approach (CA) as a framework for comprehensive ecological assessment. The paper which begins with a very brief explication of the CA examines the place of the natural environment in the CA and unfurls into an examination and discussion of the history of animal and environmental justice in Nigeria. Special attention is paid to the recent efforts of the FGN to combat environmental degradation and animal cruelty through the establishment of the National Environmental Standards and Regulation Enforcement Agency (NESREA). After doing a critical appraisal of the theoretical framework, an appraisal through which I investigate the adequacy of the theory as a framework for mapping sustainable environmental development, the essay ends by making adequate and realisable recommendations for the achievement of environmental sustainability through robust environmental policymaking.

**Keywords:** Environmental Sustainability, Ecological Sustainability, Sustainable Development, Capabilities Approach, Martha Nussbaum, NESREA.

## INTRODUCTION

Is sustainable development realisable without adequate environmental governance? Is it sufficient to talk about sustainable economic development without giving adequate attention to issues like animal rights and environmental justice? Is sustainable development realizable in a degraded environment? What are the interactions between sustainable development and ecological and environmental sustainability? These are the major dilemmas that this piece confronts.

In Nigeria the idea of animal rights and environmental justice is still in a nascent stage. However, if anything, new fallouts like climate change and global warming which have become major characters of the modern industrial society are ominous signs that developing countries must care about sustainable development. For one, since the past five years, over flooding during the rainy seasons, the heightened incidents of soil erosion and the ever menacingly encroaching Sahara from the northern part of the continent are testimonies to the fact that human industrial progress cannot go on without ecological sustainability and environmental justice. Also, in fields as diverse as philosophy and geography, increasing awareness has been drawn to the fact that man is but one species occupying planet earth. The reasoning goes that much as human beings have a right to be here, so also do other animals and species making up the earth's ecology<sup>1</sup>.

This is the very reason for which this essay adopts the capabilities approach to justice to investigate how committed the Nigerian state is to the task of protecting the Nigerian environment and the lives of the nonhuman animals living in it. It is understandable that environmental justice and ethics is a new area of discourse in the field of environmental studies, sustainable development and public policy. This is especially so within the African political milieu where it is often argued that there are more cogent issues like poverty, disease and hunger to worry about. Encouragingly however, although issues and discussions of environmental justice and animal rights are yet to gain traction in the continent, this essay is committed nonetheless to judging the efforts of the Nigerian state at improve animal rights and environmental justice. Through the purposeful interaction of a critical stance, in which theory guides, interrogates and intermingles with policy, this piece aims to incite a much needed academic and political discourse in the area of environmental policy and animal right in Nigeria. Hopefully, this essay will be able to generate this discourse; a discourse which considering the pace of environmental degradation in Nigeria is long overdue.

## RESEARCH OBJECTIVE AND METHODOLOGY

This essay has two research concerns. The first is *to judge whether the Federal Government of Nigeria (FGN) has been sufficiently proactive in safeguarding the wellbeing of the Nigerian environment and the lives and wellbeing of non-human creatures in Nigeria*. In other words, I am asking, has the pursuit of technological and economic development in the country been adequately counterbalanced with the pursuit of a sustainable environmental development? To answer this question, I conduct a historical analysis of the public policy of the Nigerian state in the areas of sustainable environmental development and animal rights. The second concern of this paper is *an examination of the adequacy of the capabilities approach as a framework for comprehensive ecological assessment*<sup>2</sup>. The second question is within the

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<sup>1</sup> Increasing awareness has been drawn to the connections between climate change and dire environmental occurrences like flooding and drought, intense heat waves, shoreline loss and agricultural losses. These environmental incidents have in turn led to health consequences like storm-driven injuries and mortality, asthma and increase in incidence of vector-borne diseases. See the [report](#) of Physicians for Social Responsibility for more details.

<sup>2</sup> Martha Nussbaum's capabilities approach is not just a partial theory of justice. It is also a tool for measuring the quality of human and sentient life. This research question is excited by the attempts of some scholars at extending the theoretical scope of beings – like ecosystems and communities (See for instance (Schlosberg, 2009)) - to which the capabilities

scope of this paper for the fact that Martha Nussbaum's capabilities approach serves as the theoretical framework on which this paper is anchored. Under the literature review section, I explicate the nodal points of the approach.

I have chosen this methodology because there is no better way of determining if the FGN cares about animal rights and pursues sustainable environmental development than by examining the policies the FGN has enacted to safeguard animal life and the environment since Nigeria became independent<sup>3</sup>. On the second task, I do a reappraisal of the most current discourses on the application of the capabilities approach to the achievement of sustainable ecological development. Through a critical examination of the available literature and review of the success of the approach in instances where it has been applied to ecological and environmental concerns, I judge its suitability and robustness as a tool for exacting ecological sustainability and environmental justice.

This work is intended to serve four purposes: first, a pure theoretical contribution to the fields of ethics, political philosophy, political theory and public policy; second, examine the robustness of the capabilities approach as a metric and rule for environmental justice; third, provide conceptual arguments and reasons to the FGN on why environmental and animal justice is of relevance for Nigeria; and fourth, to provide a realizable policy map to the FGN on how to realize a sustainable development that is incorporating of environmental sustainability and animal rights.

## LITERATURE REVIEW

### What is the Capabilities Approach?

Nussbaum provisionally defines the capabilities approach as an approach to comparative quality-of-life assessment and to theorising about justice which asks the basic question, "What is each person able to do and to be?" This question is indicative of the fact that the approach *takes each person as an end*. In her definition, Nussbaum notes *inter alia* the other characteristics of the capabilities approach as: (1) *being focused on choice or freedom*, this means that the crucial goods a society provides to its citizens should be a set of freedoms and opportunities which the people may choose to utilize or not to; (2) *being pluralist in value* by holding that the capabilities open to people are varied in quality and are multiple in quantity such that these capabilities cannot without distortion be reduced to a single numerical scale; (3) *being concerned with entrenched social injustice and inequality* especially with failures in capabilities provision resulting from marginalization or discrimination – this could a times be systematic and entrenched; and, finally (4) [*the capabilities approach assigns*] *the urgent task* of realising improvement in the quality of life that people can live *to governments and public policy* (Nussbaum, 2011, S. 18).

If it is the primary responsibility of governments and public policy to avail citizens of the fully functioning human life lived in harmony with the world around us, it holds without saying then that to examine the efforts of the Nigerian state at realizing sustainable ecological and environmental development, one has to analyse its environmental policy making. This examination follows in a latter subsection of this piece.

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approach can and/or should bring within the scope of justice. Our interest here is in knowing how competently the capabilities approach can serve as a measure for the justice demands of these entities.

<sup>3</sup> I recognize that there is often a gap between policy and praxis but one must still note that that more often than not, policy is the best pointer to praxis.

### **The Natural Environment and “Other Species” in Nussbaum’s Capabilities Approach**

In *Women and Human Development* (2000), Martha Nussbaum lists ‘other species’ as the number eighth item in her list of the central human capabilities. By this she explains that humans should be ‘able to live with concern for and in relation to animals, plants, and the world of nature’ (Nussbaum, 2000, S. 80). Unfortunately, she offers no further theoretical flesh to the stipulation. Holland (2008) has captured this theoretical lacuna by remarking that “the natural environment’s instrumental value figures into Nussbaum’s capabilities approach in a quite recognizable, but limited, way” (Holland, 2008, S. 323).

Later in *Frontiers of Justice* (2006) Nussbaum extended her theory of distributive justice to incorporate non-human sentient creatures. In so doing, she argued that sentient creatures are subjects, agents and ends in themselves<sup>4</sup>. She went on to develop a list of ten central capabilities for these sentient non-human creatures; each item on the list corresponding to an item on her list of ten human central capabilities. In so doing, Nussbaum goes beyond the argument which says that living a truly functioning human life means living in an ecologically and environmentally sustainable environment to asserting that it is a *duty of justice* owed by humans to “other species” to treat them according to the demands of justice. She argues then that a marked distinction of the CA from other theories of distributive social justice is that the capabilities approach treats sentient animals as ends in themselves. The approach does this by focusing on elimination of the things that limit the flourishing of animal existence (Schlosberg, 2009). However, some scholars are still of the opinion that Nussbaum’s extension of the capabilities to non-human sentient creatures is insufficient. These scholars have attempted to supply what they consider to be lacking in Nussbaum’s list.

Holland (2008), for instance, has endeavoured to show that for human beings to achieve a truly functioning life, they have to live in harmony with the environment and non-human animals around them. She went ahead to demonstrate that realizing the other central human capabilities are by and large dependent on the availability of a supportive environment and the necessary balanced ecosystem. To Holland, an adequately functioning ecological system is indeed so central for living a fully functioning human life that she advocated that ‘sustainable ecological capacity’ be considered a meta-capability without which all the other capabilities in Nussbaum’s list are endangered (Holland, 2008, S. 323-5).

On his part, Schlosberg has argued that the capabilities approach as initially theorised is unnecessarily limited. He considers it ideational parsimony that the idea of functioning and a flourishing life should be theorised for humans and sentient non-human creatures only. Instead, the capabilities approach should be theorised more broadly to incorporate the non-human natural world, at a community and systems level. This is necessary for the realization of ecological justice (Schlosberg, 2009).

Nussbaum has remarked that the ten central capabilities are ‘set in the context of a type of political liberalism that makes them specifically political goals’ (*Frontiers of Justice*, S. 70) that should be guaranteed by the constitutions of all nation states. This implies then that the rights of the environment and animals should also be protected by the Nigerian constitution. In so thinking, Nussbaum maintains that living in harmony with the environment and animals therein is required for a human life to be fully and meaningfully lived. Much as she does not fully elevate all non-human creatures and ecosystems as beings or systems possessing their own capabilities, it is still noteworthy to realize that these beings

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<sup>4</sup> The following quote from *Frontiers of Justice* has become increasingly popular: When I say that the mistreatment of animals is unjust, I mean to say not only that it is wrong *of us* to treat them in that way, but also that they have a right, a moral entitlement, not to be treated in that way. It is unfair *to them* (Nussbaum, *Frontiers of Justice*, 2006, S. 337).

and systems in themselves are deserving of justice. As we shall see shortly, other theorists have gone on to theorize more deeply on the environment and animal rights under the framework of the capabilities approach.

At this point we can glean that to achieve the fully functioning human life human beings have to live in peace with the world of nature. If one appreciates the merits of the arguments of Holland and Schlosberg, one then equally must appreciate that not just human but also non-human creatures and the natural environment need to be treated fairly. This fair treatment of the natural environment is necessary for two reasons: for the attainment of the ‘fully functioning life’ by human beings here on earth and for the attainment of a sustainable environmental and ecological development which is a duty of justice humans owe the natural world.

If it is then the duty of states to avail ‘the good life’ to human creatures, it must also be a primary responsibility of the state to set in place structures that promote sustainable environmental development. So conceptualized, one can aver that the Nigerian government has a responsibility under the framework of the capabilities approach to protect the natural environment in order to realize sustainable development.

## **ANALYSIS**

### **History of Environmental Conservation in Nigeria**

Environmental sustainability had no particular place in Nigerian colonial policymaking. Two reasons were behind this: environmental regulations were scattered in a host of different laws (Ladan, 2012) and any concrete idea of environmental justice and sustainability was lacking. With the discovery of oil in 1958 and Nigeria’s independence in 1960, it became apparent that the country needed a better codification of its environmental laws. Interest in codifying the country’s environmental policy was primarily due to concerns with public health. In more recent times however watchers of Nigerian environmental policy regime are still unconvinced of committed efforts by the FGN to achieve environmental sustainability (Ladan, 2012; Ogbodo, 2009). For instance, they cite that the Article 20 of the 1999 constitution, the only Article of the constitution dealing explicitly with environmental conservation is sandwiched within the fundamental objectives and directive principles of state policy<sup>5</sup> (Ogbodo, 2009).

Thus, it is not surprising that a codification of an environmental regime was not achieved until the 1990s. This means that for the three decades following its independence, Nigeria’s environmental laws remained basically reactionary and *ad hoc*. It was only with the coming of the 80s and 90s that environmental laws were drastically and systematically developed. This development was precipitated by the country’s accession to a number of international environmental treaties within the period (Ladan, 2012) and the Koko incident of 1987 which saw the dumping of toxic waste in the country by some unscrupulous Italian business men.

### **The Establishment and Mandates of NESREA**

The latest effort in strengthening the country’s environmental regime is the establishment of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act (NESREA Act) which came into force in June

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<sup>5</sup> This being a part of the constitution that is non-justiciable.

2007. This act effectively replaced the now defunct Federal Environmental Protection Agency (FEPA). According to Ladan, the ineffectiveness of FEPA had these major consequences on human and environmental health in the country (Ladan, 2012):

- i. 60-70 per cent of surface water in urban areas became coloured, foul smelling, fishless, non-potable and non-swimmable;
- ii. Shallow ground water became contaminated by the infiltration of domestic and industrial wastes and toxic and non-toxic petroleum waste products;
- iii. Visual impairment and reduced fish catch in coastal and marine waters;
- iv. Nuisance and health problems from industrial effluents disposed on land or wetlands;
- v. Worsening public health through exposure to pollutants.

As a result of these failings of FEPA, the NESREA was established to realise sustainable environmental development. With its establishment, the agency became the leading institution responsible for the enforcement of environmental standards, regulations, rules, laws, policies and guidelines in Nigeria. For this very reason, it is also the lead institution for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources and environmental technology (Ladan, 2012, S. 121). So basically, the establishment of NESREA marks a new era in Nigeria's quest to achieve sustainable development.

A big step forward but still, there remain rooms for more environmental consciousness. The need for ecological and environmental justice and sustainability has been argued for by some scholars. These scholars mainly define environmental justice as constituting in a life lived in harmony with nature. They identify that environmental justice is served "when people can realize their highest potential" (Byrant, 1995; cited in Schlosberg, 2009). They conceive environmental injustice as "a process that takes away the capability of individuals and their communities to fully function, through poor health, destruction of economic and cultural livelihoods, and general and widespread environmental threats" (Schlosberg, 2009). So, the ability of individuals to live in a safe environment is the idea underlying the notion of environmental justice and not the idea that individuals should exploit the environment in a sustainable way. Environmental justice therefore places stronger demands on public policy than environmental sustainability does. However, the idea of environmental sustainability is the reasoning that underlies the NESREA Establishment Act 2007. Ogbodo (2009) has also made this observation. The opening statement of the NESREA establishment act reads, "Nigeria is committed to a national environmental policy that will ensure sustainable development based on proper management of the environment. This demands positive and realistic planning that balances human needs against the carrying capacity of the environment" (FGN, 2007). Given that Nigeria is a developing country, this is not surprising. Nigerian environmental policy at the moment appears focused, and justifiably so perhaps, on sustainable exploitation of the natural environment for economic growth<sup>6</sup>.

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<sup>6</sup> This view is supported by Fagbohun (2002). He asserts that as far as environmental conservation is concerned, the provision of the Nigerian constitution on the environment attempts a "middle ground between two extremes formulated by a system that is not desirous of initiating any serious environmental change the thrust of which may disturb its economic direction and strategies".

### **The Legal and Other Constraints Facing NESREA**

By its mandate, NESREA is charged with enforcing compliance with international agreements, protocols and treaties on the environment which Nigeria is a party to. Some have argued that this mandate constitutes nothing special (Ogbodo, 2009). Those who follow this line of argumentation posit that article 12(1) of the 1999 constitution which provides that any international agreement entered into by the country has to be ratified or domesticated by an act of the National Assembly renders the said mandate toothless because the Nigerian national assembly is yet to domesticate most of such international conventions, protocols, treaties and agreements on the environment that Nigeria has acceded to. This seems for the time being to be the most technical challenge that the agency has to face in the effort to realise environmental sustainability. On the other hand, more optimistic observers argue that the foregoing scenario provides little cause for concern since Nigerian courts have increasingly displayed willingness towards acceding to the stipulations of international treaties in their judgments (Ladan, 2012). Some judgments of some Nigerian courts like the case of *Muojekwu v. Muojekwu* and *Muojekwu v. Ejikeme* have been cited as indications of a new era.

### **Is Animal Justice Relevant in Nigeria?**

Apart from some non-systematised regulations regarding endangered animals, transportation of animals into the country and animal cruelty inherited from Britain and enshrined into the independence constitution and Nigeria's criminal code, there is little to no legal sensitivity about animal rights in the country. As a matter of fact, a lot of Nigerian citizens do not consider the issue as meriting attention. The general idea is that there are more cogent issues to tackle, often social and economic problems, before Nigerians and the Nigerian government should bother about the welfare and rights of animals. This perception that animal welfare has second-order relevance prevalent in the country necessitates the question, is animal rights then a question of justice or is it a languorous pastime advocated by scholars of some rich Western nations?

As already hinted above, Nussbaum believes that animals, particularly sentient ones, deserve justice. In *Frontiers of Justice*, she argues that sentient animals are entitled to a treatment in accordance with their dignity. She declaims: [w]hen I say that the mistreatment of animals is unjust, I mean to say not only that it is wrong *of us* to treat them in that way, but also that they have a right, a moral entitlement, not to be treated in that way. It is unfair *to them* (Frontiers of Justice, 2006, S. 337). She goes further and defines a list of central animal capabilities. The headings correspond to those of the central human capabilities. In so stating, animal rights is secured in the CA as a duty of political justice.

### **OBSERVATIONS: can the capabilities approach sufficiently protect 'Other Species'?**

The above stated question is necessitated by the second objective of this essay which is to examine the adequacy of the capabilities approach as a framework for comprehensive ecological assessment. This question as I noted above is brought about by the efforts of some scholars to extend the capabilities discourse to the environment, ecological systems and communities. I must submit that the desire to extend the duties of justice beyond humans and sentient non-human creatures is well noted. Such a task if adequately accomplished could be very beneficial in the quest of finding an ethical foundation on which to treat the environment especially considering the woeful impacts of climate change.

However, the question is, can the capabilities approach do the task?

Having examined some relevant literature, the merits of Holland's (2008) arguments are recognized. Equally, the necessity of according a special place to the environment within the framework of the capabilities approach for its instrumental value to the central aspirations of the capabilities approach is reaffirmed. Whilst Holland has sufficiently argued her point, the arguments of Schlosberg (2009) leave much to be desired. First, it is doubtful that the task imagined by Schlosberg is realizable; in fact, with sufficient caution, one must note that it is highly unlikely. In my thinking, whatever results that would result from such embarkation will at best be laughable.

The application of (or what in some cases appears to be attempts at squeezing and stretching) the CA beyond the limits set by Nussbaum has not been particularly successful. Schlosberg has attempted to provide a capabilities theory applicable at a communities and (ecological) systems level. He has imagined "a contract with non-rational animals (or a contract where [humans] may turn out to be non-rational animals after lifting the veil of ignorance)" (Schlosberg, 2009). Whilst this may be considered by some scholars as meritorious intellectual excursionism, others might consider it sufficient grounds for some intellectual retreat.

If anything becomes imaginable, the capabilities approach, it is feared might be dragged into wholesale ridiculousness. One can imagine some environmental capabilities theorist drawing up a certain list of fundamental political entitlements whose goal is to maintain avian dignity, insect dignity, amphibian dignity, reptilian dignity etc. or, they might go by species, say, parrot dignity, pig dignity, fowl dignity, lizard dignity, or frog dignity. For this to be effectively realised, scurrying attempts will have to be made by environmental and political philosophers hardbound in their study of virus, frog and parrot psychology – for they have to determine and establish what it means to function and flourish in a truly frogian, parrotian or viral or yet again, bacterial way. Why should we, as it were, muddy the waters? Muddying the waters is exactly what Nussbaum tries to avoid by drawing the line at sentient beings – they being the nonhuman animals that human beings in some respects can understand.<sup>7</sup> Further criticisms can also be raised. How do we maintain among the nonhuman animals for instance, inter species justice? Why, for instance, should humans be the police of the universe? And who appoints us to that position? Respect for animals is strongly advocated but the difficulties in forming a comprehensive idea of the dignity of nonhuman animals must also be appreciated.

## **IMPLICATIONS FOR DEVELOPMENT AND PUBLIC POLICY**

The tenets of the CA on the treatment of animals, the human ecology and the environment offer a lot to Nigeria in the country's quest for attaining sustainable development. The neglect of these tenets also provides preliminary explanation for the neglect of equivalent stipulations in the treatment of citizens. For many reasons, one can argue that the disregard with which animals are treated in a country can only be indicative of the recklessness and limited value attached not just to the lives of nonhuman animals but also to human lives in a country.

Without having to run a statistical regression, one would observe a correlation between protecting the rights of animals and the environment and achieving sustainable development in countries across the globe. One wonders then, whether the achievement of one precedes the other in temporal terms or whether the achievement of sustainable development and

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<sup>7</sup> Sometimes, Nussbaum seems to conflate issues here. Sometimes she talks about dignity for all nonhuman animals and at other times, dignity for only sentient animals. However, it is perceptible that she wants to draw a line at sentient nonhuman animals. This confusing of issues has also been pointed out by (Schlosberg, 2009).



environmental sustainability *go pari passu*. Whatever the answer might be, it is valid to argue that an awakening to the duties owed to ecological systems, including respect for animals by Nigerian citizens and their government will go a long way to improving the respect, regard and importance attached by Nigerians and the Nigerian government to life, the fundamental human rights of Nigerian citizens and the central human capabilities.

Much as animal dignity is protected and indeed respected, one must recognise also that in nature's grand design, each being must prey on the other and be preyed upon. Each must endeavour to improve its circumstances of life from what avails in its environment. When rational, this improvement of a being's circumstances of life must then be guided by reason, by an idea of sustainable development. Thus, whilst I advocate that compassion and care is owed by rational species to others of a lower rationality, I see it as a duty of justice that resources of each age are utilised in such a manner as to provide optimal sustenance for that age with due regard and consideration for the needs of subsequent generations.

Public policy in Nigeria, therefore, has to be cognisant of all these various concerns. The country should transition from enacting beautiful regulations to enforcement of these regulations. Citizens should be sensitised on the need for caring for the world around them and for animals they are in contact with. The pollution from oil companies prevalent in the oil producing areas of the country has to stop. So far, the fact that the multinational oil producing companies pollute the environment with impunity and in utter disregard of good faith without being taken to the books is an indication of collusion in high places. This must stop. Relatedly, public institutions which are the responsible agencies in local and state governments for environmental conservation must make appropriate provisions for refuse disposal systems as this will enable citizens to be able to dispose of domestic waste appropriately. The efforts of the Lagos state government at recycling waste for ethanol production is in this view commended.

## **CONCLUSION**

Under the subsection for critical observations and reflections, I have specifically addressed one of the major tasks of this essay. That task is addressing the adequacy of the capabilities approach as a framework for comprehensive ecological assessment.

In this concluding section then, I am interested in addressing the other major objective of this essay: Has the FGN been sufficiently proactive in achieving environmental sustainability in Nigeria?

To answer this question, I situated our discourse within the theoretical framework of Martha Nussbaum's version of the capabilities approach. Through this approach, I showed that it is the responsibility of governments to provide their citizens with the central human capabilities needed to live life in a truly human way; "other species" being the part of the central capabilities that directly relates to sustainable environmental development within the framework of the CA.

On examining the proactivity of the FGN in pursuing sustainable environmental development, we realized that its actions and policies have been at best reactionary and *ad hoc*. Whilst the establishment of the NESREA is a step in the right direction but still, the NESREA is yet to sufficiently address the multiple detractors from sustainable environmental

development plaguing the country. It is then very arguable that the FGN has not made sufficient efforts to ensure that the Nigerian environment and the non-human animals existing therein are remotely adequately catered for.

It is my opinion that this policy lacuna leaves great room for the attainment of sustainable environmental development. Accordingly, I furnish the following policy recommendations.

## **POLICY RECOMMENDATIONS**

Awareness of animal rights and environmental justice is pretty low in Nigeria. There is need, therefore, for a policy regime that will be drastic, all-encompassing and effective. The realization of the following recommendations will depend definitely on the political will of the federal and state governments.

The first point to note is that the conservation of the environment and the animals living therein cannot be secured by the federal government as it currently attempts to do for the simple reason that it is too far from the states and has shown over the years a demonstrated capacity for failure. Therefore, the federal government must liaise with state governments to achieve results.

Based on the foregoing, NESREA should develop, first, a comprehensive Environmental Protection Program. Adequate funding will be required. The program should anticipate all major issues of concern to human, environmental and animal health and justice.

Second, an agency unique and distinct from NESREA should be tasked with procuring and safeguarding animal rights and animal justice within the country. NESREA should focus more on environmental health and safety as it currently does.

Third, NESREA and the Agency set up to safeguard animal health and right should have a common policy template which all thirty-six states and the FCT are to work with. Whatever methods adopted in the safeguard of these rights must adopt modern means of checking environmental pollution. With space for creativity and within limits, these have to be tried and efficient means like selling of carbon quotas.

Fourth, if the oil producing states do not have the political tenacity or the resources to monitor the oil companies, then this duty may well revert to the federal government.

Finally, these policies should be adopted in the interim because of the ugly situation of things:

- Sorting of domestic waste into degradable and non-degradable wastes to be demanded
- Hunting of species facing extinction to be banned
- Control on the possession of exotic pets like hyenas should be placed
- Conservation of forests and animal reserves to be effected
- Creation of animal shelters for missing and homeless creatures to be initiated

It is our hope that by so doing sustainable environmental development would no longer be a concept in the books but one that Nigerians have achieved and live.

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## ANNEX

### The List of the Ten Central Human Capabilities

1. *Life*. Being able to live to the end of a human life of normal length; not dying prematurely, or before one's life is so reduced as to be not worth living.
2. *Bodily Health*. Being able to have good health, including reproductive health; to be adequately nourished; to have adequate shelter.
3. *Bodily Integrity*. Being able to move freely from place to place; to be secure against violent assault, including sexual assault and domestic violence; having opportunities for sexual satisfaction and for choice in matters of reproduction.
4. *Senses, Imagination, and Thought*. Being able to use the senses, to imagine, think, and reason—and to do these things in a "truly human" way, a way informed and cultivated by an adequate education, including, but by no means limited to, literacy and basic mathematical and scientific training. Being able to use imagination and thought in connection with experiencing and producing works and events of one's own choice, religious, literary, musical, and so forth. Being able to use one's mind in ways protected by guarantees of freedom of expression with respect to both political and artistic speech, and freedom of religious exercise. Being able to have pleasurable experiences and to avoid nonbeneficial pain.
5. *Emotions*. Being able to have attachments to things and people outside ourselves; to love those who love and care for us, to grieve at their absence; in general, to love, to grieve, to experience longing, gratitude, and justified anger. Not having one's emotional development blighted by fear and anxiety. (Supporting this capability means supporting forms of human association that can be shown to be crucial in their development.)
6. *Practical Reason*. Being able to form a conception of the good and to engage in critical reflection about the planning of one's life. (This entails protection for the liberty of conscience and religious observance.)
7. *Affiliation*.
  1. Being able to live with and toward others, to recognize and show concern for other humans, to engage in various forms of social interaction; to be able to imagine the situation of another. (Protecting this capability means protecting institutions that constitute and nourish such forms of affiliation, and also protecting the freedom of assembly and political speech.)
  2. Having the social bases of self-respect and non-humiliation; being able to be treated as a dignified being whose worth is equal to that of others. This entails provisions of non-discrimination on the basis of race, sex, sexual orientation, ethnicity, caste, religion, national origin and species.
8. *Other Species*. Being able to live with concern for and in relation to animals, plants, and the world of nature.
9. *Play*. Being able to laugh, to play, to enjoy recreational activities.
10. *Control over one's Environment*.
  1. *Political*. Being able to participate effectively in political choices that govern one's life; having the right of political participation, protections of free speech and association.
  2. *Material*. Being able to hold property (both land and movable goods), and having property rights on an equal basis with others; having the right to seek employment on an equal basis with others; having the freedom from unwarranted search and seizure. In work, being able to work as a human, exercising practical reason and entering into meaningful relationships of mutual recognition with other workers.

## **List of Abbreviations**

CA	Capabilities Approach
CEDAW	Convention on Elimination of all forms of Discrimination against Women
FEPA	Federal Environmental Protection Agency
FGN	Federal Government of Nigeria
FRN	Federal Republic of Nigeria
HDCA	Human Development and Capabilities Association
HDR	Human Development Report
JHDC	Journal of Human Development and Capabilities
NESREA	National Environmental Standards and Regulation Enforcement Agency
UNDP	United Nations Development Programme