

INDIGENOUS ENVIRONMENTAL GOVERNANCE AND ENVIRONMENTAL PROTECTION IN AFRICA

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Abstract

Environmental conservation is often portrayed as a modern construct shaped by international law and global policy frameworks. Yet, long before these developments, indigenous societies across Africa had established effective systems for managing and protecting their environments. Existing scholarship has highlighted practices such as taboos, sacred sites, and customary law, but much of the literature treats them as cultural curiosities rather than serious regulatory mechanisms. This article fills that gap by systematically examining how indigenous governance systems in regions such as West Africa and Southern Africa embodied principles of sustainability, collective stewardship, and decentralized enforcement. Using doctrinal research and drawing on selected environmental legislation, alongside secondary sources including books and journal articles, the study demonstrates that traditional ecological knowledge functioned as a practical framework for environmental protection through communal responsibility, social enforcement, and spiritual sanctions. The findings reveal that concepts now central to modern environmental governance were already embedded in indigenous systems long before their articulation in contemporary law. The article recommends greater recognition and integration of indigenous knowledge into African environmental legislation, arguing that such integration can strengthen sustainable management and enrich the future of environmental law.

Keywords: Environmental protection, taboos, folklore, totemism, customary law, taboos, environmental federalism.

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1.0 Introduction

Environmental conservation is not a recent phenomenon; it is one of the documented practices in native and traditional communities all over the world. The need to protect the immediate environment of man is an age old idea imbibed and embedded in the man's cultural ethos and survival strategy instinct since time immemorial factored by traditional knowledge of the environment.¹ The concept represented by "environmental law" as we have it today has a chequered history and the degree of the complexity in the historical development of environmental law depends on the historical facts and native knowledge of the society concerned.

This article is an undertaking at a historical survey of the environmental protection and the efficacy of environmental protection through traditional methods. The universal realisation of the potential negative effects of environmental pollution from a local source on the well-being of mankind has been established and described as "ecological Armageddon".² The projected negative effects of polluted environment are the main factor that necessitated joint actions by the traditional community in the past to protect the environment through joint communal efforts and customary law. In response to the realisation that many environmental issues such as air, water and marine pollution cut across national boundaries, forced the international community to adopt global protection approach to environmental matters.³ The protection of the environment in native communities all over the world, especially Africa in the pre-colonial era, like in many other societies of the world before industrialisation and advent of Christianity/Islam was a myriad of traditional strategies. These strategies, among others, included; taboos, folktales, totemism,⁴ and conception of natural resources as common property.⁵ These traditional methods of environmental protection are the bases for the international environmental law as we have it today.

¹ Rajani, R. U., "Environmental Awareness in Ancient India", (2014), 2:2, *International Journal of Life Sciences Research*, 1-7, 2.

² Oluduro O., *Surviving the Armageddon: The Law as Elixir for Environmental Crimes in Nigeria's Oil Industry*. (Adekunle Ajasin University, Akungba Akoko, 2019),

³ House of Commons Environmental Audit Committee, *EU and UK Environmental Policy, Third Report of Session 2015-16*, (Authority of the House of Commons, London, 2016) p. 6

⁴ The belief in a supernatural connection between a group of people and a group of objects like certain animal species, sometimes plants, or more rarely other objects.

⁵ Mawere, M., "Traditional Environment Conservation Strategies in Pre-Colonial Africa: Lessons for Zimbabwe to Forget or to Carry Forward into the Future?", (2013), 4, *Afro Asian Journal of Social Sciences*, 1-23, 6

Indigenous conservation practices encompass a rich and varied set of strategies that native communities have developed over centuries to manage their environments sustainably. These practices go beyond simple resource management, they are deeply rooted in cultural traditions, spiritual beliefs, and a nuanced understanding of local ecosystems. Importantly, these systems are not relics of history; they continue to evolve and remain relevant today, offering valuable insights and lessons for addressing modern sustainability challenges, especially in the face of climate change.⁶

This article presents a historical and analytical examination of environmental protection through traditional mechanisms. It explores the effectiveness of indigenous environmental governance systems and how such practices contributed to environmental sustainability in pre-colonial societies. Particular attention is given to African traditional communities, where environmental protection was maintained through culturally embedded regulatory practices such as taboos, folklore, totemism, and communal ownership of natural resources.

Existing scholarship on environmental law has extensively examined international regimes such as the UNFCCC and CBD.⁷ Within African contexts, scholars have highlighted indigenous practices such as taboos, sacred sites, and communal ownership, etc,⁸ however, much of this literature treats these practices as cultural traditions rather than serious regulatory frameworks. This paper addresses that gap by situating indigenous governance systems within contemporary debates on environmental law and sustainability.

This study adopts a doctrinal research methodology, relying on primary sources such as selected African environmental legislation and international conventions, alongside secondary sources including books and journal articles. The approach is both historical and analytical, tracing the evolution of indigenous environmental governance and examining its relevance to modern legal frameworks. The focus is on African traditional communities, with comparative insights drawn from other regions to highlight universal principles of sustainability and communal responsibility. The article also places traditional environmental governance within the broader context of contemporary environmental challenges. Rapid industrialization and population growth in the modern era have significantly intensified environmental degradation, raising global concerns

⁶ Lorne Michael Cousins & Piotr Paweł Zalewski: What Are Examples of Indigenous Conservation Practices? (2025), Sustainability Directory. Accessed March 08, 2026.

⁷ Fikret Berkes, (4th Edition), *Sacred Ecology* (Routledge, 2018). 33-35.

⁸ Mawere, *op.cit.*

about ecological sustainability. In response, the international community has developed cooperative frameworks and environmental regimes aimed at addressing transboundary environmental problems such as climate change, biodiversity loss, and pollution.⁹

Despite these modern developments, many of the principles that underpin contemporary environmental governance, such as sustainability, intergenerational equity, and communal responsibility, have long existed within indigenous knowledge systems.

The significance of this study lies in its re-evaluation of indigenous environmental governance systems as effective regulatory frameworks rather than mere cultural practices. While existing scholarship acknowledges traditional mechanisms such as taboos and sacred sites, these are often treated as symbolic or peripheral. By situating indigenous knowledge within contemporary debates on sustainability and environmental law, this paper highlights their enduring relevance and potential to enrich modern governance. This contribution is particularly important for Africa, where integrating indigenous practices into formal legal frameworks can strengthen responses to climate change, biodiversity loss, and ecological. This is not about romanticising the past, but the reality of the present. It is about recognising that effective environmental governance already exists in many African communities, if only the law would see it. Modern African experience from historical manifestations are testimony that indigenous environmental governance in African was a potent traditional mechanism for environmental protection.

This article therefore argues that traditional environmental protection mechanisms were not only vital to environmental management in pre-colonial societies but also offer valuable insights for strengthening contemporary environmental governance.

2 Traditional African Societies and Environmental Protection

Traditional African societies before colonization and contact with Christianity and Islam have observed environmental ethics that help in regulating their interactions with the natural environment. The environmental preservation concept of Africans is inseparably connected with the African Traditional Religion (ATR).¹⁰ Studies have shown that ATR is a religion with environmental characteristics, features and symbolism.¹¹ The African's system of environmental

⁹ Philippe Sands *at.el.*, *Principles of International Environmental Law* (Cambridge University Press, 2018). 52

¹⁰ Eneji, C. V. O., *et al.*, "Traditional African Religion in Natural Resources Conservation and Management in Cross River State, Nigeria", (2012), 2:4, *Environment and Natural Resources Research*, 45-53, 46.

¹¹ *Ibid.*

protection through natural conservation and preservation of natural resources was sustained by the then existing native laws and customs. This system of environmental protection gave way to the era of sanitation legislation under the colonial regimes in Africa, most especially between 1900-1960. This period witnessed the applicability of foreign laws with provisions in public health legislation, town planning enactments, sanitation policy and principle of law, torts and nuisance.¹² The basic efforts at protecting the environment was vested in the individual and at most, government at the local level and governmental interference was limited. However, this approach to environmental protection drastically changed with realities of the effects of industrialisation instigated by population explosion.

It has been observed that certain important elements of pre-colonial traditional ethnography and environmental management strategies survived into the colonial period.¹³ Finding the continued relevance of these practices to the environmental management practices of the colonised peoples, the transgenerational principles were made the foundation of sanitation and environmental law of African States at the independence. It will be shown that the traditional environmental protection management imbibed and induced some basic principles of modern concept of environmental federalism in the sense that environmental dogmata were made by the central authorities (the ancestors) but enforced by the community through the family, clans and community heads and other agents of socialisation. This cooperation between levels of authorities explains both the traditional and modern environmental protection systems and strategies.¹⁴

In the traditional pre-colonial African settings, environmental conservation strategies are basically in two methodologies; bodies of superstitions prohibitions and a system of social values. Environment and natural resources in the pre-colonial African's setting were deemed as things not inherited from the past generation but things borrowed from the future generations which must be used with care now in order to sustain the future generations.¹⁵ This same traditional environmental doctrine also applied in India.¹⁶ Most of the modern principles of

¹² Ogunba, A., "An Appraisal of the Evolution of Environmental Legislation in Nigeria", (2016), 40, *Vermont Law Review*, 673-694, 674

¹³ Murombedzi, J. C., "Pre-colonial and Colonial Conservation Practices in Southern Africa and their Legacy Today", 2003. <https://www.semanticscholar.org/paper/Pre-colonial-and-colonial-conservation-practices-in-Murombedzi/e60b2c7c69c9b552ba>. Accessed 20/03/2018

¹⁴ *Ibid.*

¹⁵ Henning, D. H., "A Manual for Buddhism and Deep Ecology", *Buddha Dharma Education Association*, http://www.buddhanet.net/pdf_file/deep_ecology.pdf. Accessed on 12th February, 2018.

¹⁶ This historical principle of natural conservation is in tandem with the modern concept of sustainable development.

environmental protection mechanisms have corresponding equivalents in the traditional strategies adopted by the progenitors to maintain wholesome environment and sustainable management of natural resources before industrialisation. It has been observed that there are obvious variations among national and local environmental regulatory systems which reflects the countries' particular cultural and social mores or political idiosyncrasies.¹⁷ These principles embedded in the modern environmental governances are likely to persist despite greater global regulatory harmonization and efforts at unification of international environmental standards.¹⁸

3. Superstitions Prohibitions

Africa hosts some of the planet's most diverse ecosystems, ranging from the dense rainforests of the Congo Basin to the sweeping savannas of the Serengeti. For millennia, Indigenous communities have lived in close harmony with these landscapes, cultivating an intimate understanding of their environment and adopting sustainable ways of life. Their traditional ecological knowledge, carefully passed down through generations, has been essential in preserving biodiversity and ensuring the responsible management of natural resources by prohibitive custom and mandatory traditions.¹⁹ For instance, Indigenous African communities have long understood the delicate balance between humans and nature, developing practices that promote sustainability and preserve ecosystems. For example, the Maasai of East Africa use rotational grazing to prevent overgrazing and maintain soil fertility; the San people of Southern Africa hunt selectively to protect wildlife populations; the Himba of Namibia conserve water through ingenious collection and storage techniques in arid environments; and the Chagga of Tanzania practice agroforestry, integrating crops with trees to enrich soil, prevent erosion, and sustain productivity. These practices illustrate how traditional ecological knowledge ensures resources are used responsibly and replenished for future generations.²⁰

The bodies of (superstitions) prohibitions are shrouded in complex religious believes like taboos, folktales and totemism. The superstitions prohibitions found expression in traditional religious

¹⁷ Yang, T., & Percival, R.V., "The Emergence of Global Environmental Law", 2009, 36:3, *Ecology Law Quarterly*, 615-665, 623.

¹⁸ *Ibid.*

¹⁹ Adeliya Kabdulina, 'Great Indigenous Conservation Practices in Africa,' (2025), Art in Tanzania intern, Skip to content[https://volunteerafrica.fi/indigenous-conservation-africa/#:~:text=Rotational%20Grazing%20\(Maasai%2C%20East%20Africa,and%20provides%20long%2Dterm%20sustainability](https://volunteerafrica.fi/indigenous-conservation-africa/#:~:text=Rotational%20Grazing%20(Maasai%2C%20East%20Africa,and%20provides%20long%2Dterm%20sustainability). Accessed March 18, 2026.

²⁰ Kabdulina *op.cit.*

practices simply because the Africans, like many other native societies of the world, believes that everything that belongs to the ecosystem and the environment has a strong spiritual meaning to survival of humanity.²¹ This methodology is adopted for the protection of communal heritages based on the conception of natural resources as common property.²² One unique feature of native traditional conversation and protection strategies is the ease of enforcement of the superstitious prohibitions. Perhaps, the smooth enforcement was informed by the familiarity of the people with the prohibitions infused on the citizen from childhood.

3.1 Taboos

Taboos related to the protection of the environment and conservation of nature has been observed not to be African peculiar phenomenal because they also exists in all cultures throughout the world.²³ Taboos represent a class of informal institutions, where tradition and religious governed norms, and taboo system defines the human behavior. For example, in India, particular patches of forests are designated as sacred groves under customary law and no secular activity is allowed in the forest. Such forests are very rich in biological diversity and harbour many endangered plant species including rare herbs, medicinal plants and animals.²⁴ Similarly, in *Uttarakhand*, Central Himalaya, women, who were considered to be the most frequent users of water, were prohibited from entering the vicinity of rivers when they were menstruating or in any traditional form unclean, to prevent degradation or defilement of the sacred water.²⁵ It is also in record that the indigenous knowledge in China places a premium value on protecting forests, landscapes, and water catchments while preserving biodiversity. These values are maintained through religious beliefs, hunting taboos, and the protection of sacred sites.²⁶

²¹ Asiimire, S., "The Unwritten Law: Traditional Ways of Conserving Environment". 2014, *Vision Reporter Online Article*. https://www.newvision.co.ug/new_vision/news/1316940/unwritten-law-traditional-conserving-environment. Accessed 23/03/2018.

²² Mawere, *op.cit.*, 6

²³ Rim-Rukeh, A., et al., "Traditional Beliefs and Conservation of Natural Resources: Evidences from Selected Communities in Delta State, Nigeria", 2013, 5:7, *International Journal of Biodiversity and Conservation*, 426-432, 427

²⁴ *Ibid.*

²⁵ Negi, C. S., "The Institution of Taboo and The Local Resource Management and Conservation Surrounding Sacred Natural Sites in Uttarakhand, Central Himalaya", (2013), 2:8, *International Journal of Biodiversity and Conservation*, 186-195, 189

²⁶ Xu, J., "Integrating Sacred Knowledge for Conservation: Cultures and Landscapes in Southwest China, (2005), 10:2, *Ecology and Society*, 1-25, 5.

Before the advent of colonialism, Christianity and Islam in Africa, land was deemed as the mother of gift of nature and a goddess of sort. Thus, land in these traditional societies belongs to clans and not to the individuals, and because the clan consisted of the living, the dead and even the unborn, it enhanced the idea of sharing and joint caring for nature.²⁷ Because of these deep seated believes of generational connectivity with the land, it is a taboo to treat the land with disdain. The land is used with the common sensitivity giving room for the land to regenerate with the view to sustain the coming generations. Therefore, land is not used indiscriminately. For instance, a land is put aside for dump site far away from the houses, while other portion is designated as public excreted site. It is prohibited to plant or to harvest natural plants that grow in a dump site and land set aside for defecations and similar purposes. It is also a taboo to defecate or in other way pollute land near rivers, brooks, lake or any body of water fetched and used for domestic purposes.

In some places, certain trees, for instance *iroko* trees in most of the pre-colonial Nigerian societies, could not be felled except with the communal approval and consent '*of the owners of the land*'. This was because they were considered as sacred (God's trees) either because they are endowed with life-saving tendencies or healing powers, these traditional religious practices ensured the preservation of forests²⁸ and conservation of the natural resources.

The rivers and seas were also seen as abodes of the gods and fishing in some body of waters are prohibited as the fishes are considered as the children of the river, lake, brooks etc. As divinities, certain human activities that pollute their natural compositions, living components, physical elements and beauty were considered taboo. Therefore, any form of polluting waste could not be discharged into these waters. Violation of the sanctity and sanity of these bodies of water are communally punished couple with the general believe that the gods would also avenged the polluters of their physical abode and temporal homes.²⁹

By the communal application and traditional enforcement of these taboos, the naturals resources were well preserved as tresses were not fell unless it was necessary to do so, thus deforestation were tactically controlled. The shifting cultivation of land prevented erosion and allowed the land to naturally regain the contents lost to farming. Place reserved as sacred heritages were naturally preserved habitat for faunas and wild life. Activities which could easily affect children

²⁷ Asiimire, *op.cit.*

²⁸ *Ibid.*

²⁹ *Ibid.*

and vulnerable persons were banned from the public places. Also people with contagious diseases such as lepers, were not allowed to live within the general dwelling place but banished to the bush and forest. Also in Yoruba land, people that died of mysterious deceases were buried in faraway *igbo oro*.³⁰

The rivers, brooks, lakes and sea which were the main sources of water for domestic uses were not polluted and the problem of overfishing were unheard of. Wastes were not dumped except in the designated native dumpsite and the air pollution were prevented because there were reasonable consumption and uses of resources which put less pressure on the land, water and air. Therefore, the postulation that traditional conservation practices were haphazard applied may not represent the reality of the traditional system of traditional strategies for environmental protection.³¹ The taboos and beliefs system were not haphazard because they were part of the legal system with traditional potency and customary legal backing in the rules and institutions of the communities which were strong enough to make people obey the religious and cultural regulations.³²

In Ghana for instance, in order to conserve the water resources and sources, and in order to avoid easy contamination of the water bodies from domestic waste, villages and towns were sited, at least, a mile or two from the water bodies.³³ This traditional principle of conversation of water resources was incorporated into the law that regulates the Ghanaian gold mining industry. It is an established legal principle that the mine fields, especially the washing compounds must be located, at least, about a mile or one and half miles from the nearest water body.³⁴ It has also been discovered that there were rules of taboos prohibiting absolutely, any contact with the river or stream or lake on specific days.³⁵ In addition to these body of prohibited activities, fishing was not allowed in some rivers for about two or three months in each year. "These rules were meant to conserve and protect the water resources of the indigenous communities and to allow a conducive hydrosphere for aquatic life to replenish itself".³⁶

³⁰ Forest of gods. Incomplete citation

³¹ Nwobi, A. U., "Strategies for Effective Administration of Environmental Education for Rural Women in Enugu State of Nigeria", (2010), 4:1, (Article 7), *African Social Science Review*, 99-108, 99

³² Rim-Rukeh, *op.cit.* at 427

³³ Boateng, J. O., "Ghana's water laws", 1977, 9, *Review of Ghana Law*, 11-14, 13.

³⁴ Botchway, F. N., "Pre-Colonial Methods of Gold Mining and Environmental Protection in Ghana", (1995), 13 *J. Energy & Nat. Resources L.* 299-311, 307,

³⁵ *Ibid.*

³⁶ *Ibid.*

3.2 Folklore

Folklores as cultural practice are empirical and experience based, they can evolve into symbols of identity within and outside a group overtime.³⁷ Contextually, folklores are stories told, laced with poetic contents, to offer a wide range of lessons to the young children who still need their elders to inculcate values in them.³⁸ To educate and inculcate the mores and environmental values in the youth, the young ones learn through the villains in the folklores that people considered as ‘bad’ are never cherished but always punished in these stories. The lessons concerned many aspects of life including knowledge about how the natural environment should be cared, conserved and exploited to ensure the continued thriving of resources.³⁹

The importance of folklore as a source and medium of control and preservation of knowledge has gained legal validity and visibility in Zambia, conceivably than any other country in Africa, perhaps in the whole world. The expression, ‘folklore’, is statutorily defined as *any form, whether tangible or intangible, in which traditional culture and knowledge is expressed, appears or manifests*.⁴⁰ Folklore is recognized both as the traditional and modern means of conservation of nature and legal protection of the environment in Zambia. It is provided under section 2 of the Zambian law that ‘traditional knowledge systems’ as a mean of regulating human affairs means:

the traditional knowledge of a traditional community, including the contributions made by such a community to the conservation of the environment, food security and sustainable agriculture, improvement in the health of populations, progress of science and technology, preservation and safeguarding of cultural heritage, development of artistic skills and enhancing diversity of cultural content and expressions of folklore and other artistic expressions.

The oral enactment of folklore as a meaning of environmental preservation is an evidence of the functionality of folklore as a tool for environmental protection and preservation in the precolonial African societies.

³⁷ Cocq, C., “Traditionalisation for Revitalisation: Tradition as A Concept and Practice in Contemporary Sámi Contexts”, 2014. Available at <http://www.folklore.ee/folklore/vol57/cocq.pdf>. Accessed on the 22/03/2018.

³⁸ Maware *op.cit.* at 13.

³⁹ *Ibid.*

⁴⁰ See Section 2 (b), the Zambian Protection of Traditional Knowledge, Genetic Resources and Expressions of Folklore Act, No. 16 of 2016.

3.4. Totemism

Totemism is one other traditional environment conservation strategy that was deployed by many African natives and tribal groupings in the world over both as an identity mark and approach to ensuring sustainable use of resources in the natural environment.⁴¹ Mawere emphasizes that totemism is a form of identity by a particular clan/group of people using totems of which a totem is nonhuman animal (or part of an animal) that one who uses it as a totem is forbidden from eating, mistreating, and abusing or indiscriminately kill it.⁴² It was further observed that though by prohibiting the killing and interfering with certainty content of the environment through the doctrinal system of totemism some endangered entities may be preserved, but the protection afforded by this system of protection is not absolute. Mawere however notes:

Though totemism was not hundred per cent effective in promoting sustainable exploitation of resources in the environment, it helped the Shona people and other societies in pre-colonial Africa to live at peace with other [nonhuman] beings by avoiding their over-exploitation and abuse or by safeguarding them from extinction.

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The ancient legendry in *Useifrun* and *Ujevwu* communities in *Ughelli South* and *Udu* Local Government Areas of Nigeria, respectively, are communities where the pythons generally are regarded as totems.⁴⁴ Rim-Rukeh *et al* discovered that it is believed in these two communities that during inter-tribal wars; the python goes after the people and erases their footprint so that enemies would not identify the pathway of the people. In gratitude, none of the people of two communities whose ancestors were saved, kills or eats the python to this day. According to Rim-Rukeh *et al*, the communities in question believe that the snake itself is not worshiped, but rather its indwelling spirit. Because snakes are the principal objects of ancestral adoration in these communities, the killing of python is an abominable act because snakes are held sacrosanct. Snakes are free to wander, but the priest may retrieve them.⁴⁵ Further findings by Rim-Rukah *et al* have shown that the population of the pythons in *Useifrun* and *Ujevwu* communities has

⁴¹ Mawere, *op.cit*, at 10.

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ Rim-Rukeh *et al*, *op.cit.* at 428.

⁴⁵ *Ibid.*

reached an alarming proportion and has become a source of concern especially for foreigners and tourist to the communities. This is in sharp contrast to the fact that ‘Indian python’, a highly arboreal snake, has been listed as an specie as a result of intensive hunting of Indian’s python.⁴⁶ This is a conjoint believe in gods and God as represented by the ATR. This belief is one of the mechanism for the protection of the environment.

4. Efficacy of Traditional Environmental Protection Mechanism

Traditional knowledge is a powerful tool for environmental protection, offering time-tested methods for conserving ecosystems and managing natural resources sustainably. Rooted in the cultural and ecological wisdom of indigenous communities, traditional environmental strategies include practices that safeguard biodiversity, regulate hunting and fishing, and maintain the health of forests, rivers, and soils. Traditional agricultural techniques such as crop rotation, agroforestry, and polyculture preserve soil fertility and prevent land degradation, while community-led management of water and wildlife ensures ecosystem balance. By integrating these native traditions with modern scientific approaches, policymakers can design culturally relevant, effective, and locally appropriate environmental strategies. Protecting the rights and participation of indigenous peoples, as supported by frameworks like the UN Declaration on the Rights of Indigenous Peoples, is crucial for sustaining this knowledge and leveraging it to strengthen environmental stewardship for current and future generations.⁴⁷

Among the *Yorubas* of Western Nigeria, taboo represented the main source of guiding principles regulating, dictating and directing the behaviour of individuals and the community ultimately towards the ‘Supreme Being’ and especially the gods and the ancestors before the advent of colonialism, Christian and Islam religions.⁴⁸ The fact that the precolonial African societies have well-structured systems of government is a resounding testimony to the potency of taboos, folklores and totemism as mechanisms for the maintenance of social order and control of human activities in the precolonial African societies. Taboo was the only measure of social restriction and obligation in the precolonial period, it follows “that taboo, the bedrock of the social order

⁴⁶ www.bagheera.com/inthewild/van_animpython.htm

⁴⁷ Victoria Jakes, ‘The Role of Traditional Knowledge in Sustainable Development’, (2024), 3:2, *International Journal of Humanity and Social Sciences*, 40-55, 50.

⁴⁸ Afe, Adedayo Emmanuel, ‘Taboos and the Maintenance of Social Order in the Old Ondo Province, Southwestern Nigeria’, 2013, 7 (1), in *African Research Review*, 95-109, *International Journal of Biodiversity and Conservation* Vol. 2(8), pp. 186-195, August 2010

that regulated the relationship and sharing of authorities in political life, sexual life, family life as well as the economic life of the society” was a potent tool for social control.⁴⁹

The *Yorubas* believe in the reality of the taboo and do not consider it as superstition. They believe that keeping laws give joy, happiness, wealth, comfort and long life while the violation of the taboos bring about misfortune and misery on the person who violates the contents of the taboos. The fact that the present legal frameworks in most of the nation of the world have not afforded satisfactory protection for the environment is, perhaps, instigating studies into how environmental conservation could be based on other means of protection. One approach believed to be worthy of exploration was the idea that the locally and culturally accepted belief systems of particular sacred natural sites could be used as an effective means of conserving their surrounding environment.⁵⁰ ‘Sacred natural sites’ means areas designated as in some way as holy: “venerated or consecrated and so connected with religion or belief systems, or set aside for a spiritual purpose. The word ‘spiritual’, which relates to the human spirit, as opposed to material or physical things, does not imply a religious institution and many people who experience spiritual emotions about nature (including secular scientists) do not belong to a formal religion.”⁵¹

It should be noted that, though the effects of Christianity, Islam, modernization and industrialization have combined to water down the influence of taboo in many societies of the world, but the efficacy of taboos is yet a manifested phenomenal in many societies. In *Iguoma* community in *Uhunmwonde* Local Government Area of Edo State, the mystery of multiple unexplainable deaths which led hundreds of natives to flee their ancestral homes, were reportedly attributed to the breach of a taboos by some pastors very recently.⁵² The taboos broken and the repercussions were reported in these words:

The Iroko tree was over 500 years old. The Iroko and the shrines were planted by Oba Ewuare 1. We served it on behalf of the Oba. The pastor said it was the Iroko that was causing the community members not to progress in life. They said all the witches and wizards were resident in the Iroko tree. Policemen were around to protect them while they

⁴⁹ *Ibid.* at 96

⁵⁰ Verschuuren B., et.al., (eds), *Sacred Natural Sites Conserving Nature and Culture*, (Earthscan, London, 2010), 2.

⁵¹ *Ibid.*, at 1.

⁵² See Okogba, E., “Pastor cut sacred Iroko: ‘Vengeful Tree on Killing Spree’, Benin Community Natives Flee,” (*Vanguard*, Lagos 12th February, 2018) at www.vanguardngr.com/2018/03/pastors-cut-sacred-iroko-vengeful-tree-killing-spree-benin-community-natives-flee/amp/ accessed on the 28th March, 2018.

destroyed all the shrines including the Oguedion (elders place). They were many that came after a crusade. We only watched after which we reported to the Oba. When the Oba invited them to produce the pastor, they said they could no longer find him. The Oba told them what to do for them to be saved but they refused to perform the sacrifice. Three of them have died since that time. We were not cursed by any Oba. This shrine was a tourist place. We worshiped it every three days and people visited the place from across the country.’⁵³

This singular report, and others like it, is a pointer to the efficacy of traditional environmental protection mechanism in the modern societies. Negi,⁵⁴ who has intensively researched the efficacy of precolonial African traditional environmental protection templates, is of the view that the “efficacy of the social taboos becomes all the more conspicuous, when one encounters yet another traditional institution, the institution of sacred natural sites”.⁵⁵ The fact that there were numerous such natural sites where endangered species are preserved (many of which are now designated as ‘tourist center’ of international significance are loud testimonies to the efficacy of taboos as traditional environmental protection mechanism.

It has been argued that the effectiveness of traditional environmental protection is a strong testimony to indigenous systems of natural resource conservation.⁵⁶ Sacred forests in particular serve as living examples of how local communities preserve endangered native tree species such as *Aningeria adolfi-friedericii* (Gudubo), *Podocarpus falcatus* (Bribirissa), *Cordia africana* (Wodessa), and *Syzygium guineense* (Badessa), while also sustaining the cultural heritage associated with these species. Within the Gedeo community, several indigenous knowledge practices contribute significantly to the conservation of local ecosystems and agro-biodiversity. The deep cultural and spiritual connection between people and nature is expressed through the setting aside of sacred forests, revered trees, and venerated sites, which indirectly promote the sustainable protection of surrounding ecosystems. For instance, sacred forest patches preserved for cultural and religious purposes have played an important role in protecting endangered tree

⁵³ *Ibid.*

⁵⁴ Negi, *op.cit.*, at 187

⁵⁵ *Ibid.*

⁵⁶ Maru, Y., Gebrekirstos, A., & Haile, G. ‘Indigenous ways of environmental protection in Gedeo community, Southern Ethiopia: A socio-ecological perspective’. (2020), 6:1, *Cogent Food & Agriculture*. <https://www.tandfonline.com/doi/full/10.1080/23311932.2020.1766732#d1e230>. Accessed March 08, 2026

species and wildlife within the area of study. Vegetation inventories reveal that these sacred ecological zones—such as the Amba sacred forest—remain largely undisturbed, characterized by dense vegetation and large, old trees, and often serve as refuges for threatened wildlife compared with nearby farming landscapes. These traditionally protected forests therefore function as sanctuaries for endangered indigenous trees within agricultural environments. Because of the strong system of taboos and ancestral sanctions (seera), local people refrain from exploiting or mismanaging the sacred forests and their biodiversity. Consequently, these sacred sites have become safe havens for threatened tree species such as *Podocarpus falcatus* (Bribirissa), *Syzygium guineense* (Badessa), *Aningeria adolfi-friedericii* (Gudubo), *Oda-badee*, *Cordia africana* (Wodessa), *Prunus africana*, and *Albizia gummifera* (Goribe), which are dominant within sacred forests but critically threatened in nearby non-sacred farming habitats.

5. Taboos Enforcement Mechanisms

Taboo enforcement mechanisms refer to the social, religious, or customary systems a community uses to ensure that citizens comply with culturally established restrictions on certain practices. These mechanisms may operate through different forms of control, including social pressure, community disapproval, ridicule, or even exclusion for those who violate the rules. In some cases, they are reinforced by religious beliefs, traditional authority, or formal sanctions, all of which help maintain respect for the cultural norms that regulate the use of the environment.⁵⁷

The taboos system is an informal institution with inbuilt self-enforced valves by the community and the people.⁵⁸ One of the main features of a taboo system has been reasoned to be a form of “thought police” that governs not just human behavior, but also its thoughts.⁵⁹ The basic enforcement requirement of taboo is the traditional knowledge inculcated from childhood through the folklore institution and the established traditional local governance institutions.⁶⁰ In *Bandjoun*, Cameroun, the traditional education is primarily given by women who enforce conservation regulations for sacred areas and water resources. In this respect, women would

⁵⁷ Cousins & Zalewski, *op.cit.*

⁵⁸ Posner, R. A., and Rasmusen, E. B., “Creating and Enforcing Norms, with Special Reference to Sanctions”, (1999), 19. *Inter. Rev. Law Econ.* :369-382, 372.

⁵⁹ Fershtman, C., *et al.*, “Taboos and Identity: Considering the Unthinkable”, (2011), 3, *American Economic Journal: Microeconomics*, 139–164, 163

⁶⁰ Techera, E. J., “Synergies and Challenges for Legal Protection of Sacred Natural Sites in the South Pacific”, in, Verschuuren, B., *et al.*, *op.cit.*, 179

refuse for example, to use firewood that has been collected from sacred places or water fetched in breach of any taboo.⁶¹

The need to collectively enforce the taboos is informed by the sanctioning belief principally borne out of the fear of inescapable sanctions and social conventions the violation of the taboos would bring on the entire society⁶². The ingrained punishments for taboo violations in the consciousness (sub-consciousness) of the locals are divine wrath and physical jeopardies in forms of natural disasters, pestilence, contagious diseases and mass death. The fear of repercussions of violation of a taboo by a member of a family on the entire family and, by extension the peace of the community, encouraged monitoring facilitated by the closeness of family members and strong kinship ties.⁶³ Stories of the past and the imagined aftermath of such myths attract the young generation and are the best tools to enforce the cultural norms being followed by the ancestors.⁶⁴ Once it is registered in the mind of the citizen a small violation of the environment is a deliberate invitation to the ecological Armageddon will encourage individual and communal enforcement of environmental laws.

In some cultures, there are some culturally established enforcing group entrusted with the social responsibility of enforcing the taboo system. A look into the structural organisation of various African societies reveals that different traditional societies in the continent had instituted their own enforcers and enforcing system.⁶⁵ Though informal in nature, this institutionalized societies are forms of policing prior to the European contact with Africa.⁶⁶ Most of the times, the taboos enforcing group or associations are cultic in nature. A very good example of this group is the *Oro* Cult in the Nigerian Yoruba communities of the western Nigeria, certain age grades and masquerades in Igbo nation of the eastern Nigeria. One of the greatest law enforcers in Igbo

⁶¹ Kamga-Kamdem, S. L., "Ancestral Beliefs and Conservation: The Case of Sacred Sites in Bandjoun, West Cameroon", in Verschuuren, B., *et al*, *op.cit*, 129

⁶² Negi, C. S., "The Institution of Taboo and The Local Resource Management and Conservation Surrounding Sacred Natural Sites in Uttarakhand, Central Himalaya" (2010), 2:8, *International Journal of Biodiversity and Conservation*, 186-195, 191

⁶³ *Ibid.*, at 194

⁶⁴ Godbole, A., et al., "Culture-based Conservation of Sacred Groves: Experiences from the North Western Ghats, India" in Verschuuren, B., *et al.*, *op.cit.*, 232

⁶⁵ *Ibid.*

⁶⁶ Ordu, G. E. O., and Nnam M. Uchenna: "Introduction to Law Enforcement (SOC 103)", Lecture Note Power Point Presentation, Department of Criminology And Security Studies, Federal University, Ndufu-Alike, Ikwo, Ebonyi State, Nigeria.

culture is the traditional secret societies via 'Nmanwu' (*Igbo Masquerades*). Membership of the society is marked off by rigorous and regimented rite of passage. Though the system is shrouded in mystery and secrecy, the respect accorded the group shows acceptability of the group as legitimate enforcers. The 'Egbele' or 'Maa' (masquerades from 'Ogo' secret cult in *Afikpo* community, Ebonyi State of Nigeria) are powerful spirits that in various human forms and shapes with costumes of high artistic merit to perform a multiplicity of functions (including social control) after which they return to the spirit world.⁶⁷

The power to enforce taboos vested in this group of highly disciplined, tested and trusted men (and women in some occasions) is based on the value system that the interest of the society takes precedence over individual in it. Some of the traditional punishments common in Africa, depending on the gravity and contents of taboo violated, includes, but not limited to; satirical masquerades, oath-taking, symbolic interactions (e.g. the use of slightly yellowish palm frond called 'Omu' in the South-East, *alele* or *aale* in the South-West Nigeria, etc), trial by ordeal,⁶⁸ ostracism/banishment death.⁶⁹

6 Customary and Contemporary (Environmental) Law

The traditional taboo system developed along with the development of the legal system to form a body of law known as customary law. Customary law is "a mirror of accepted usage among a given people".⁷⁰ In the native African communities, the system of customary law was mainly the viable means by which communities were regulated before the colonization and amalgamation of different communities to form geo-political entity into African States. Customary laws were formulated from time immemorial and due to its flexibility, as the society advances, they meet situations which were inconceivable at the time they took root.⁷¹ The native communities developed customary laws to protect the environment by prohibiting some activities in some places like rivers, shrines, community land etc. For instances, in some communities, bathing at the rivers were prohibited while only places designated as 'public toilets' are the places where people could ease themselves. In some communities, misuse of lands for purpose not envisaged by the community were termed as taboo with specified punishments. It is humbly submitted that

⁶⁷ *Ibid.*

⁶⁸ Trial is criminalized by the criminal laws in Nigeria by the provisions of sections 208 and 209 of the Nigerian Criminal Code Act, Cap C.38, Law of the Federation of Nigeria, 2004.

⁶⁹ Ordu and Uchenna, *op.cit.*,

⁷⁰ *Owoniye v Omotosho* [1961] 1 ALL NLR 304

⁷¹ *Agbai v Okogbue* [1991] 7 N.W.L.R 391

customary laws that are not repugnant to natural justice, equity and good conscience,⁷² that are not incompatible either directly or by implication with any law for the time being in force,⁷³ and are not contrary to public policy still remain a veritable instrument for the protection of the environment at the community level.⁷⁴

As observed, environmental ethics based on African worldview provides a viable alternative to address the environmental challenges of modernity.⁷⁵ The legal apparatus used by traditional Africa setting, though leveraging on the religion potency as the policing instrument, African traditional religion is very close to nature and has created eco-friendly structures, practices and sanctions that were of enormous benefit in protecting the environment.⁷⁶

from a legal perspective, this body of law could be made to find validity in national legal mechanism such as Nigerian NESTREA Act,⁷⁷ and the South African's NEM Act,⁷⁸ reengineered to comply with regional instruments such as the Maputo 2003,⁷⁹ and Bamako,⁸⁰ as well as international conventions, i.e., UNFCCC,⁸¹ UNCBD,⁸² etc.

For example, Nigeria's Environmental Impact Assessment Act and South Africa's National Environmental Management Act establish statutory frameworks for sustainable resource use. Regionally, the African Charter on Human and Peoples' Rights recognises the right of citizens to a clean environment, while the Bamako Convention addresses hazardous waste. These legal regimes reflect principles of sustainability and communal responsibility that are deeply embedded in indigenous governance systems. By examining the intersection of traditional ecological knowledge and formal legal frameworks, this paper situates indigenous practices

⁷² *Egba Native Administration v Adeyanju* [1936] 13 NLR 77

⁷³ *Adebusokan v Yinusa* [1971] All NLR 227

⁷⁴ *Okonkwo v Okagbue* [1994] 9 NWLR pt 368, p. 301

⁷⁵ Onah Nkechi G., 'Mitigating Climate Change in Nigeria: African Traditional Religious Values in Focus' 2016, 7 (6), *Mediterranean Journal of Social Sciences*, 299-308, 303.

⁷⁶ *Ibid.*

⁷⁷ National Environmental Standards & Regulations Enforcement Agency Act, 2007.

⁷⁸ National Environmental Management Act, 1998

⁷⁹ Revised African Convention on the Conservation of Nature and Natural Resources (Maputo, 2003)

⁸⁰ The Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes (1991).

⁸¹ United Nations, United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107 UNFCCC, and UNFCCC, The Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) TIAS No 16-1104.

⁸² United Nations, Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79.

within contemporary debates on environmental law, thereby addressing a critical gap in scholarship.”

7.0 Recommendations and Conclusion

7.1 Conclusion

Clearly, traditional environmental practices reveal that African societies, like other traditional societies of the world, were aware in the past of the need to protect their environment. Traditional environmental governance systems demonstrate that environmental protection is not solely a product of modern legal development. Through culturally embedded mechanisms such as taboos, folklore, totemism, sacred natural sites, and customary law, indigenous societies developed sophisticated systems for regulating environmental behaviour and preserving ecological balance. This is covered in religious beliefs, partly because religion permeates virtually all aspects of African life. This awareness led to an environmental ethic, which implied using the spiritual world to protect the natural environment. It is also clear that there have been a serial paradigm shifts in environment protection from a communal concern in the native era to a private matter in the era preceding the dawn of industrial revolution. The efforts at protecting the environment also changed with the changes that accompanied the development of common law of torts. One of the innovation during the period of common law was the emergency of public environmental rights and the enactment of environmental law which eventually gave birth to the field of law known as environmental law. The international community joint efforts at protecting the environmental came with the realization of the dangers potent in polluting the environment. Finally, the trite reality from the international environmental law is that laws made to protect the environment requires joint actions among the nations of the world and cooperation between the governments and environmental stakeholders within a nation.

7.2 Recommendations

Based on the findings of this short study, the following recommendations are put forward:

1. **Integrating Indigenous Knowledge into Environmental Policies:**

Governments and environmental institutions should acknowledge the value of indigenous knowledge systems and actively incorporate them into environmental policies and conservation programs. Practices such as sacred forest protection, agroforestry, and traditional resource management have long supported ecological balance and can

complement modern scientific approaches in promoting sustainable environmental protection.

2. **Protecting and Promoting Sacred Ecologies:** Sacred forests, sacred trees, and culturally revered landscapes should be formally recognized as important community-based conservation areas. Supporting these traditional systems of protection can play a significant role in preserving endangered species, maintaining biodiversity, and safeguarding the cultural values that sustain environmental stewardship.
3. **Strengthening Community Participation in Conservation:** Effective environmental protection requires the active involvement of local communities in decision-making processes. Empowering indigenous groups to participate in environmental governance and manage their natural resources can strengthen sustainable land-use practices and ensure long-term conservation outcomes.
4. **Preserving and Documenting Traditional Knowledge:** Greater efforts should be made by researchers, policymakers, and cultural institutions to document and preserve indigenous environmental knowledge. Practices such as food taboos, traditional land management, and cultural sanctions provide valuable insights for addressing modern environmental challenges and should be protected and passed on to future generations.