

The Role of Policy in Developing Environmental Law in Nigeria

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Abstract

Protecting the environment is one of the major challenges facing many developing countries, inclusive of Nigeria. Damages to the Nigerian environment has been growing steadily and worse in recent decades. Every year, tons of waste are provided into the Nigerian environments which results in pollution and biodiversity endangered. The environmental problem in Nigeria is classified into two major folds. They are natural and anthropenic. While the natural problems are soil wash, sheet erosion coastal erosion and marine erosion, flooding, drought and desertification. The anthropogenic factors are oil pollution, oil well blow-out and other associated discharges, over population and squatter settlement, industrial waste, water, soil and water pollution, urban waste, non-biodegradable waste and used oil, interactional waste dumping and biodiversity loss and etc. The preservation and protection of the environment is crucial to the future of the Nigeria and future mankind. Therefore a regulatory policy is crucial to the control of these menaces. Various policies have been introduced in Nigeria by successive governments geared towards ameliorating the source of this preventable calamity. The National Environmental Agency (NFSREA) and other International Affiliation has provided adequate measures at securing for all Nigerians a quality environment adequate for good health and wellbeing and also recommended the best ways in conserving the environment and natural resources for the benefits of the present and future generation. The paper aimed at seeing some of the policies and legislations towards environmental sustainability in Nigeria. It was maintained that there exist a plethora of laws and legislation, both local and international, yet the Nigerian environment is far from being preserved. This paper concludes that political will power of state actors are a requirement for implementation of the policies of environmental laws. The paper recommends the use of cultural and religious identity of the indigenous natives for effective awareness in the management of environmental policies as this would promote sensitization and acceptability among the people.

Keywords: Environment, Law, Policy, Nigeria.

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The Role of Policy in Developing Environmental Law in Nigeria Environmental laws are greatly influenced by choice policy. In Nigeria, there exists a plethora of legal and policy options that regulate and control pollution menaces. Legislations provides the legal ambit through which government policies aimed at combating the problem of pollution as well as the protection of the environments are achieved.

The Nigeria government, both federal and states have done a lot in the regime of policy formulation and legislations with a view of dealing with the specific matters affecting the environment for the sole purpose of protecting and preserving the environment. For a country to achieve success in maintaining a healthy environment, it must make the appropriate policies and legislations towards the desired direction. Environmental policies and legislations have tremendous roles to play in the development of any nation's environmental laws, and Nigeria is not an exception.

Suffice it to say that environment policies and regulations in Nigeria were borne out of national emergency with the discovery of five shiploads of toxic waste of Italian origin in Koko, Warri, Delta State.²

Before 1988, Nigeria had no properly defined and articulated policy on the environment, as there existed transient laws and regulations which lacked coordination or coherence in a concerted focus at improving the decaying environment.³

The Koko toxic waste dump actually motivated serious consideration by government in formulating policies on environmental laws in Nigeria with the sudden realization that the erstwhile scope and concept of the environment needed a redefinition as well as the drafting of new anti-pollution measures to address emerging problems.⁴ This incidence brought

² Okonkwo Theodore, "The Laws of Environmental Liability" (Lagos: Afrique Publishers, 2003) p. 2.

³ Niki Tobi, J.S.C. "National Environmental and International Agreements," Being the text of a paper presented by NIKI TOBI J.C.A. (as he then was) at the workshop and Training on the Role of Government Policy and Decision Makers in Environmental Management" organized by *Afrique* Environmental Development and Education (AEDE) in collaboration with the Government of Delta State (Local Government Service Commission) At Asaba, Nigeria, Tuesday 23 to Thursday 25 August, 2000.

⁴ L. Atsegbua *et al.* "Environmental Law in Nigeria: Theory and Practice" (Lagos: Asaba Press ltd; 2003) p. 6.

to the fore greater public environmental awareness and the inadequacy of the legal framework for environmental protection in Nigeria.⁵

In response to this development, the Nigerian Government swiftly promulgated, the Harmful Waste (Special Criminal Provisions) Decree.⁶ Decree which later became Act,⁷ prohibited the carrying, depositing and dumping of Harmful Waste on any Land, Territorial Waters, Contiguous zone, Exclusive Economic zone of Nigeria or its Inland Water ways.

There was punishments attached to breach of these laws, heavy fines were imposed on offenders. Imprisonment for life compensation through the restoration of the polluted environment is all instruments are all instrument channeled towards checking and restoring the environment.

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The Government further promulgated the Federal Environmental Protection Agency Decree,⁸ thereby bringing into existence the Federal Environmental Protection Agency charged with the responsibility of the overall management of the Nigerian Environment. Each of the 36 States of Nigeria and the Federal Capital Territory has two main laws dealing with environmental protection. In each of these states there exist the Environmental Laws and State Environmental Agencies. The laws are enforced by either their environmental sanitation taskforce waste management board or State Environmental Protection Agencies. It is the belief of the Nigerian government that the legislations as provided by the successive government would deal extensively on two major classifications of environmental problems bedeviling the National. They are natural and anthropenic problems.

⁵ Okorodudu-Fubara, M.T., *Law of Environmental Protection* 1st ed (Lagos: Caltop Publication (Nig) Ltd. 1998) p. 57.

⁶ Decree No. 42 of 1988. [Now contained in LFN, 2004].

⁷ Cap. 165, Las of the Federation of Nigeria, 1990 (Law LFN, 2004).

⁸ Degree No, 58 of 1988, which later became FEPA Act, now replaced by the National Environmental Standards und Regulations Enforcement Agent (Establishment) Act”, 2007.

What is a Policy?

This is a set of interrelated decision by a political actor or group of actors concerning the selection of goals and the means of achieving them within a specific situation where those decisions should, in principle be within the power of those actors to achieve.⁹

Environmental policies falls under the regulatory type among other policies of governments which involves the setting of standards and rules to restrict the activities of some groups in the society in other to prevent undesirable consequences of their action.¹⁰ Regulatory policy must be articulated into the development of environmental laws to enhance optimal benefits in curbing the menaces associated with environmental degradation.

Policies and the Development of Environmental Law Environmental law is projected from the multi vintage of the law as an instrument of both social and economic engineering. Laws, both statutory and common laws are policies which regulate the foregoing stated areas of social and economic concern provide the framework of our environmental law.¹¹

Governments, Non-Governmental Organizations, Community groups, scientists and other experts have all been important contributors to developing policies on the environment and defining practical responses to implement such policies.

The National Policy on the Environment and Development of Environmental Law

In Nigeria, prior to the adoption of the National Policy on the Environment in 1989, the country lacked a clear focus for the management of its environment. There was no defined and clearly articulated National policy goals for the Nation's environment.¹²

⁹ Jenkins, W.: Policy Analysis: A political and organization perspectives, Martin Robertson, 1978.

¹⁰ Egonmwan J.A: Public Policy Analysis (Concept and Applications) Resyin Nig. Ltd., Benin, 2000. p. 13.

¹¹ J.A. Adebsi. "The Role of Environmental Law in Attaining Sustainable Development: Nigeria's Experience" Environmental and Planning Laws Review at P 107.

¹² Okorodudu-Fubara, M.T., Ibid at p56, se also Atsegbua, L. et al "Environmental Law in Nigeria: Theory and Practice" (Lagos: Ababa Press Ltd., 2003) at p. 151.

The September, 1988 International Workshop organized by the Federal Ministry of Works and Housing (Environmental Planning and Protection Division) and the United Nations Environmental Programme¹³ on the Goals and guidelines of the National Environmental Policy for Nigeria Report by the World Commission on Environmental and Development (Brundtland Report), the United Nations, “Environmental perspective to the year 2000 and beyond” and the “Cairo Programme of Action for Africa Co-operation in the field of Environment” all had significant influence on the National policy on the Environment.¹⁴

A fundamental role played by the National policy on the Environment towards the development of our environmental laws is that it helped tremendously to readjust the nation’s relationship with its environment based on the principle of sustainable development and proper management of the environment and its resources.

Among other things, the National Policy on the Environment formulated National policy goals and strategies for implementation. The human factors, Land use and Soil conservation, Water Resources Management, Forestry, Wildlife and Reserves, Marine and Coastal resources, Sanitation and Waste management, Toxic and Hazardous substances, Mining, Agro-chemicals, Air and Noise pollution, Occupational health safety and preservation of greenbelts, became easily recognized concepts in an effort to provide a regime of management regulations and policies to balance the problems they posed. It was here that the establishment of an administering and enforcement organ in the nature of the Federal Environmental Protection Agency¹⁵ was proposed.

The Nigerian policy, which identifies the correlation between the health and welfare of all Nigerians and the urgent transition to sustainable development, attempts to provide the concepts and strategies that will lead to the procedures and other concrete actions required for launching Nigeria into an era of social justice, self-reliance and resource development that are environmentally friendly.¹⁶

¹³ [Hereinafter, The UNEP].

¹⁴ *Ibid.*

¹⁵ Now replaced with the NESREA Act, 2007.

¹⁶ See Aina, E.O.A. and Adedipe, N.O. ed. “The making of the Nigerian Environmental Policy (Ibadan: University Press, 1991) pp. 313-329, see also Atsegbua *et al*, *ibid* at p. 53.

Another role of the National Policy on the Environment worth mentioning here is that the period between 1989, when the Nigeria policy was formulated and today has marked a period of intensive legal, administrative and to a lesser extent, judicial actions against man's activities that are deleterious to the environment.¹⁷

The policy is also aimed at ensuring a sustainable development based on proper management of the environment in order to meet the needs of the present and future generations.¹⁸

In order to achieve the policy of sustainable development, the following policy goals are enumerated in the National Policy.¹⁹

- (a) To secure for all Nigerians a quality of environment adequate for their health and well-being;
- (b) To conserve and use the environment and national resources for the benefit of present and future generation;
- (c) To restore, maintain and enhance the ecosystem and ecological processes essential for functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources;
- (d) To raise public awareness and promote understanding and essential linkages between environment and development and to encourage individual and community participant in environmental improvement efforts; and
- (e) To co-operate in good faith with other countries, international organizations/agencies to achieve optimal use of trans-boundary natural resources and effective prevention or abatement of trans-boundary environmental pollution.²⁰

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

Prior to the enactment of the Land Use Act Decree 1978,²¹ ownership of freehold or customary land imposed no corresponding obligation on the quality of development.²² Besides, the existing laissez-faire attitude towards land encouraged fragmentation of holdings and under-utilization or substandard use of land. The Obasanjo Military Administration in revising the old trend adopted a trusteeship policy of land tenure for the country.

In the absence of an all-embracing Land Resources Conservation Law or policy, there are other specific laws and national policies which complement the objective of the Land Use Act.

Framework on National Policy Environmental Law

The national policy on the environment

- (a) The Constitution of the Federal Republic of Nigeria (1999) as amended.
- (b) National environmental standard and regulations enforcement agency NESREA Act.
- (c) Environmental Impact Assessment Act.
- (d) Land Use Act.
- (e) Harmful Waste (Special Criminal Provisions) Act.
- (f) Hydrocarbon Oil Refineries Act.
- (g) Associated Gas re-injection Act.
- (h) The endangered species Act.
- (i) Sea Fisheries Act.
- (j) Exclusive Economic Zone Act
- (k) Pipe Line Act.
- (l) Petroleum Act.
- (m) Territorial Workers Act.
- (n) Federal National Park Act.

An example of such policies is the Land Resources Policy 1988, which major role was to rehabilitate areas of the country that are affected by

²¹ Now the Land Use Act, Laws of the Federation of Nigeria, 2004.

²² MT, Okorodudu-Fubara, *ibid* at p. 40.

drought, desert encroachment, soil erosion and flood and to prevent the spread of these natural disasters.²³ Another policy is the policy on forest products which aimed at achieving self-sufficiency in wood products through the means of sound forest management principles and techniques. The Agricultural policy for Nigeria 1988, also seek to protect the Nation's forest products and wildlife, especially the endangered species. This invariably has a positive role to play in the development of our environmental laws. Nonetheless, in Nigeria, there are laws regulating water, air and land, amongst others are:

The Water Resources Act²⁴

This is targeted at developing the quality of water in the country. Sections 5 and 6 provides authority to make pollution preventable and regulate for protection of fisheries, flora, fauna. Section 18 makes an offender liable with a fine. Control of water pollution is dealt with by a number of Federal and State statutes, some of the relevant Federal Laws are: The Nigerian Criminal Code, which prohibits the fouling of water and prescribed a punishment of six months imprisonment for an offender²⁵ and the oil in Navigable Water Decree²⁶ prohibits the discharge of oil into designated sea areas and provide penalties for the specified offences. The Minister of Petroleum is mandated by section 8 of the Petroleum Decree, 1969 (now Act to make regulations, among other matters, for the prevention of pollution of water.

Nuclear Safety and Radiation Protection Act²⁷

This regulates the radioactive substances and equipment emitting and generating ionizing radiation. Section 4 of the Act provides authority to make regulations for the protection of the environment from harmful effect of ionizing radiation. Section 15 and 16 makes registration of premises and the restriction of ionizing radiation sources to premises mandatory.

²³ Agricultural Policy for Nigeria 1988 Para 19.

²⁴ (Cap 22 LFN 2004).

²⁵ *Ibid*, Para 3.3(c) (2)(6).

²⁶ Section 245.

²⁷ Cap N142 LFN 2004

Air and Atmospheric Resources Laws

The air in this sense is taken to refer to the earth's atmosphere and has been defined as a mixture of gases surrounding the earth breathed by all land animals and plants.²⁸ The quality of air available for respiration and photosynthetic processes is very crucial to the continuity of life in the planet. Hence the needs to regulate conduct which may adversely affect the quality of air and protect the air resources.²⁹ The sum total of the provisions of sections 243 to 248 of the Criminal Code particularly sections 245 and 247, inclusive of section 20 of the NESREA Act is that a person must not pollute water, Air and the Atmosphere. The legislation does not seek merely to prevent deliberate or negligent pollution of the waters, air and the Atmosphere. It envisages that, at least, in many cases proper precautions must be taken to ensure that pollution does not occur. Experience has shown that it is not enough merely to take care: accidents will happen.³⁰

The legislation envisages that in many cases care must be supplemented and precautions taken so as to ensure that pollution will not occur.³¹

The International Legal Initiatives

At the international scene, there exist several policies and laws which have helped in no small measure to sharpen and develop environmental laws. Some of the conferences where these laws and policies were carefully laid down are critically examined hereunder.

(a) Stockholm Declarations on the Human Environment

The urgent need to limit and if possible, eliminate the impairment of the human environment led to this conference in 1972.³² One of the major roles of this conference in the development of environmental Laws is that it opened new frontiers in environmental law by focusing the attention of the international community on the environment. Thus, individual states and the people became more aware of the need to protect the

²⁸ The Oil in Navigable Waters Decree 1968, gives municipal effects.

²⁹ Laws of the Federation of Nigeria, 2004.

³⁰ See Theodore Okonkwo, *The Law of International Liability* (Lagos: Afrique Environmental Development and Education, 2003) at p. 23.

³¹ *Ibid.*

³² L. Atsegbua *et al*, at p.11

environment against abuse and degradation. The most outstanding impact of the Stockholm Conference on the environment was principle 21, which states that: “states have a responsibility to ensure that activities within their jurisdiction and control do not cause damage to the environment of other states or areas beyond the limits of national jurisdiction.”³³

Another fundamental role of the policies laid down in this conference is that it affirms the sovereign right of states to exploit their own resources pursuant to their own environmental policies in accordance with the United Nations Charter and the principles of international Laws. However, there were some constraints, which hampered the objectives and roles the policies laid down in the Conference sought to achieve.

An example of some of these constraints was the boycott of the Conference by the Defunct Soviet Union and most of the old Eastern Bloc of socialist states because the United States and other countries in the Western Capitalist bloc refused to admit the old East Germany from participating in the Conference. This controversy prevented a global participation in the Conference and also prevented the realization of the goals originally sought by many of the participant.³⁴

(b) The Stockholm Conference

This conference was held on 2nd and 3rd June 2022 and included world leaders and representatives from government and organization. Civil society and youths gathered in Sweden on the title, a Healthy Planet for the prosperity of all-Our responsibility and Opportunity. It was a 2 days meeting to commemorate the 50th anniversary of the United Nations Conference on the Human Environment.

The Fundamental Policies laid down at Stockholm 50 was for every nation to realize that to “slave off a climate catastrophe, the world must have annual greenhouse gas emission by 2030 to reach net-zero by 2050. It was also pointed out that Air Pollution, the greatest environment threat to public health globally, accounts for an established 7 million premature death every year. The main objective of this conference was to protect Human Health from the effect of Organic Pollutants (POP).

³³ L. Atsegbua *et al*, at p. 12.

³⁴ W.P. Gornley, Human Right and Environment: “The Need for International CO-operation” (Netherlands S.W. Sijthoff-Leyden 1976) p. 121.

(c) The Earth Summit

This conference otherwise known as the ‘Earth summit’, took place from 3rd to 14th June, 1992 in Rio de Janeiro, Brazil. One of the major roles played by the policies laid down at this Conference is that it brought about significant development practices. These developments have led to the recognition that government should prepare sustainable strategies and policies for its citizens.³⁵ The Conference adopted the Rio declaration containing twenty-seven non-binding principles on environment and development from a global perspective.

The need to protect the environment from ecological disaster prompted this United Nations Conference on Environment and Development (UNCED), held on 3rd to 14 June, 1992 at Rio de Janeiro, Brazil. This Conference developed a programme of Action for sustainable development otherwise known and called Agenda ‘21’.³⁶

Agenda 21 as a comprehensive blueprint for action to be taken globally-from 1992 into the present twenty-first century-by Government, United Nations Organizations, Development Agencies, Non-Governmental Organizations and Independent-Sector Groups in every area on which human activity impacts on the environment.³⁷

The Rio Declaration-which provides a context for specific proposals of Agenda 21 provides in its principle 11 that “States shall enact effective environmental legislation, environmental standards, management objectives and priorities which should reflect the environmental and developmental context to which they apply, standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries.”

Nigeria’s Harmful and Hazardous Waste Law meets the provisions of principle II of Agenda 21. Through the Laws, we can as a nation better manage and protect the ecosystem and bring about a more prosperous future for us all.³⁸ Despite the shortcomings of some of the policies of the

³⁵ R.M., Wallace. “International Law” ed. (London: Sweet and Maxwell, 1997) p. 195.

³⁶ Theodore Okonkwo; “The Law of Environmental Liability” (Lagos: Afique Environmental Development and Education), 2003 at p. 3.

³⁷ *Ibid.*

³⁸ Earth summit: Agenda 21, the United Nations Programme of Action from Rio, United Nations Publication. New York, NY i0017, USA, 1993 at p.10

Conference, for instance, it avoided many controversial issues such as population growth, consumption patterns and the international debt of developing countries.³⁹ On the whole, the Rio Conference played some positive roles in the development of international law, as it relates to the environment particularly with the adoption of the concept of sustainable development.

(d) Rio Conference 2012

This is another conference from Rio tagged “Rio 2012”. It took place after 20 years from the former one. This conference emphasized on sustainable development through political commitment of nations. The conference is on 2 major concepts thus:

- A green economy in the context of sustainable development and poverty eradication.
- The institutional framework for sustainable development.

The conference was aimed at social inclusiveness, economic development and environmental protection are the avenues to sustainable development.

(e) United Nations Climate Change Conference

The 2022 United Nations climate change conference commonly referred to as COP 27 was the 27th United Nations Climate change conference held between November 6 and 20, 2022 in Egypt. At the Conference a ‘loss and damage’ fund was agreed for the first time which was considered a significant achievement.⁴⁰ This is an agreement to provide funding to countries who are most vulnerable and affected by climate change.⁴¹

(f) The World Summit on Sustainable Development⁴²

This summit was held in Johannesburg South Africa, from 25 August to 4 September 2002. The major roles of the summit was that it directed the world’s attention towards meeting difficult challenges including improving

³⁹ Wallace, R. M.. *ibid* at p, 195.

⁴⁰ Climate change: Five Key take aways from COP 27 BBC News 2022 accessed en.m Wikipedia.org wiki 2022 May 15th 2023.

⁴¹ COP 27 Reaches Breakthrough Agreement on New “Loss and Damage” Fund for vulnerable countries. Accessed en.m Wikipedia.org wiki 2022 May 15th 2023.

⁴² [Hereinafter, The WSSD]

people's lives and conserving the natural resources in a world that is growing in population with ever increasing demands for food, water, shelter, sanitation, energy, health services and economic security.⁴³ The summit also concentrated on the implementation of the concept of "Sustainable Development and attention was focused on how to identify concrete steps and quantifiable target for better implementation of "Agenda 21 of the Rio Declaration."⁴⁴

Apart from the absence of the United States which rendered the summit partially impotent, the summit was criticized for excluding a variety of organizations and individuals who were instrumental in conservation and green history.⁴⁵

(g) The Bamako Convention

This convention was adopted in Bamako, Mali, on January 31 1991, as a result of the dissatisfaction of developing countries with the earlier Convention, "the Basel Convention" which was widely criticized for its partial ban on trans-boundary movement of Hazardous Wastes.⁴⁶

The major role played by this convention in the Development of environmental law is that it created a framework of obligation through the suppression of hazardous wastes, the prevention of trans-boundary movement of or importation of hazardous wastes and the taking of precautionary measures against the occurrence of such wastes.⁴⁷

African Union and the Development of Environmental Law

In 2002, with the coming of the African Union which replaced the defunct Organization of African Unity (OAU), a fundamental shift was made form

⁴³ Johannesburg 'Summit (online) <http://hohanesbgapit.org> (accessed 29th May, 2023).

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Basic Facts About the United Nations United Nations, New York, 199% p. 264, Edna Chinyere Eguh.

"Regulation of Trans-boundary Movement of Hazardous Wastes: Lessons from Koko" (1997) RADIC, 130 at 141, see also Liu Sylvia, F, "The Koko Incident: Developing International Norms for the Trans-boundary Movement of Hazardous Waste." (1991) Journal of National Resources and Environmental Law, Vol. 8 at 121.

⁴⁷ Ojwang. B "Kenya's place in international Environmental initiative" (1993) 5 *African Journal of International and Comparative Law*, p. 793.

predominantly political co-operation to a joint Africa growth and development and at the same time to participate actively in the World economy, enlarging Africa's economic prospects.

Its major role is that it addressed environmental challenges while reducing poverty and recognizes that the range of issues necessary to nurture the region's environmental base and promote the sustainable use of natural resources is vast and complex and thus that a systematic combination of initiatives is necessary to develop a coherent environment.

The National Standards Established by the National Environmental Standards and Regulation

Apparently, this Act which replaced the FEPA Act, is now the statutory threshold of a national policy on environmental protection in Nigeria. This Act encapsulates a broad-spectrum policy in the environment.⁴⁸ It set up a powerful agency called the National Environmental Standards and Regulation Enforcement Agency. Like the former Federal Environmental Protection Agency, its roles and functions are:

- (a) It shall be the enforcement agency for environmental standards, regulations, rules, laws, policies and guidelines in Nigeria,⁴⁹
- (b) It shall have responsibility for the protection and development of the environment.⁵⁰
- (c) It shall have the responsibility for biodiversity conservation and sustainable development of Nigeria's national resources in general and environmental technology, including co-ordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines.⁵¹

The Act in a pertinent sense heralded and projects the declared environmental values and precepts contained in the National policy on the Environment and places substantive duties on the Agency which it gave birth to. The Agency is also required to establish criteria and guidelines

⁴⁸ Okorodudu-Kubara, M.T, *ibid* at p. 169.

⁴⁹ Section 1(2)(a) of the NESREA Ac, 2007.

⁵⁰ Section 2.

⁵¹ See also section 7,

for the control of concentration of substances in the air which are likely to result in damage or deterioration in the health of property, human, animal or plant, the most appropriate means to prevent and combat different kinds of atmospheric pollution, and the use of appropriate means to reduce emission to permissible levels.

The coming of the NESREA Act, just like the FEPA Act, before it, is a great step towards improving other environmental degradation in the country.⁵² The Act prohibits the discharge in such harmful quantities of any hazardous substance into the waters of Nigeria or adjoining shorelines, except as permitted or authorized by the law in force in Nigeria.⁵³ Before the coming of the FEPA Act, which the NESREA Act has just replaced, enforcement of environmental Laws and regulations in Nigeria was hazardous. Institutional enforcement of laws and regulations was done by several government agencies. This state of affairs had a negative effect on the achievement of an enduring compliance standard.⁵⁴ The Agency is also required by law to enter into consultation with appropriate authorities for the purpose of identifying major noise sources, noise criteria and noise control technology and on the basis of the findings established noise abatement programme and noise emission standards which the Agency deems necessary to pressure and maintain public health and welfare.⁵⁵

The Challenges of Environmental Laws and Policies in Nigeria Laws and agencies exists in Nigeria for the protection of the environment from degradation, yet gas flaring indiscriminate waste and toxic drops abounds in Nigeria environment and this clearly depicts a state of non-compliance with the enabling laws for regulating the environment.

Scavengers are everywhere. They tore huge bad and sacks containing refuge thereby causing odours which thereafter translates to pollution of the environments. The Associated Gas-Re-Injection Act Cap 12 (LFN) 1990 which was signed to end wasteful and destructive gas flaring by forcing oil companies to develop scheme for re-injecting oil and gas into the main fold has hitherto failed to do so since 2010. Gas flaring remains Nigeria major source of pollution and this has led to the destruction of eco-system and other species.

⁵² Atsegbua *et al*, at p. 80.

⁵³ See section 27, NESREA Act.

⁵⁴ Atsegbua *et al*, at p. 168.

⁵⁵ Section 22 of the NESREA Act.

The criminal code⁵⁶ which protects environment from abuse has been taken for granted. Big multi-national companies take little or non-recognizance of this law to do whatsoever they like. A good example is the Shell Petroleum Development Company (SPDC) in the destruction of Ogoni Land in Rivers State.

Conclusion

Despite major efforts to protect the environment in many developing nations, there continue to be a vicious cycle of re-occurrence of environmental problems. The inevitability of occupation on Land, water, marine and coastal resources which resulted in the expansion of Agriculture and other urban uses of land led to increased degradation of natural ecosystems in Nigeria, and these activities is tantamount to human extinction as well as biodiversity. In this regard, policies and laws which inevitably provide a basis for the solution of the environment should be sustained.

The bilateral and multilateral co-operation amongst states on policies and strategies for the development of Environmental Law, must be a matter of serious concern to state actors. Nigeria is on a right direction in her affiliation to many international agencies with regards to affecting the various regulations and policies of FEPA (and now NESREA) is a welcome development.

The enforcement of such rules should however be decentralized through enhancement of the various states' Environmental Agencies. The government of Nigeria, though have encouraged various individuals entrepreneurs to go into waste management in line with the appropriate environmental laws of various states in the federation, government should also create an enabling atmosphere for them to operate no matter whose horse in gored.

The need for government to evolve more policies on the forest is not necessary as there exist enough policies to conserve the Nations environment from fire, erosion, insects, diseases, introduction or spread of noxious weeds, insects and animals and other causes of deforestation, rather the political will power to operate the already existing ones is key to the development of environmental laws in the Nation.

⁵⁶ (Cap 77 LFN of 1997).

There is a need for government to evolve the cultural and religious beliefs of the indigenous natives on environmental socialization to make a positive impact on the effectiveness and efficiency in the management of the environment in any given location in Nigeria.