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The Efficacy of Nigerian Laws in Controlling the Impact of Environmental Degradation

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and

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Introduction

The environment is a basic for the sustenance of mankind and other existing ecological factors. The excessive use of the environment and its resources without a need to replace and replenish it has led to series of continuous mass destruction, deterioration, depletion and extinction (air, water, soil, species). This also present a logical explanation for the occurrence of some major natural disasters (acid rain-depletion of the ozone layer etc.), problem of oil spillage, gas flaring (infertile land), pollution, blocked waterways (erosion), ill health (emission of carbon), high mortality rate and a reduced life span¹.

Environmental pollution is caused by both individuals and organisations as a whole. The activities of individuals range from the mere use of pesticides/insecticides, to indiscriminate dumping of refuse whether on land or drainage channels thereby resulting in

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For example the risk assessment of Lafarge-WAPCO in Sagamu shows an oral high exposure of inhabitants to chronic health problems. C. Oluseye Ogunkunle, P. Ojo Fatoba, M. Oyewumi Ogunkunle, A. Ayodele Oyedele, 'Potential Health Risk Assessment for Soil heavy Metal Contamination of Sagamu, South-West Nigeria due to Cement Production', *International Journal of Applied Science and Technology* Vol. 3 No. 2, February 2013, 92

spirit of the provisions. However, there is still room for improvement for example; the provisions of Sections 17²¹ and 20²² are restrictions or infringement on the fundamental human right provisions of the citizens. The provisions are non-justiciable being mere Fundamental Objectives and Directive Principles. Though from, Sections 2 & 4, it can be deduced that public interest should supersede individual human right provisions.²³

Also, the relevant provisions are general and there are no sanctions making the government directives not binding. The Law is incapacitated especially where it contains provisions of bilateral treaties.²⁴

National Environmental Standards & Regulations Enforcement Agency (Establishment) Act 2007²⁵

The law established The National Environmental Standards & Regulations Enforcement Agency (NESREA), a parastatal of the Federal Ministry of Environment, Housing and Urban development in 2007.²⁶ It is saddled with the responsibility to protect, conserve and develop the environment while ensuring an environmentally conscious society for the achievement of a sustainably developed country.

It has a wide range of duties on environmental protection; ozone protection, noise and it also undertakes to study data and carry out research in collaboration with other relevant agencies. Also, recognise developments in other countries in relation to practices, processes and activities in relation to environmental standards, regulations and enforcement.

²¹ Herein the 17 (2)(d) states that exploitation of human or natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and.....

²² Herein states that the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria

²³ S. 37 CFRN, 1999

²⁴ Mohammed A. Al-Amin, 'An Assessment Of Nigeria's Preparedness to Environmental Disasters from its commitment to International Environmental Treaties', *European Scientific Journal*, November 2013 edition vol. 9, No.32.

²⁵ Repealed CAP F10, LFN, 2004 as stated in S. 36 National Environmental Standards & Regulations Enforcement Agency (Establishment) Act 2007.

²⁶ <http://www.nesrea.gov.ng/> accessed 14th October, 2014.

Part I which consists of S. 1-6, deals with the Establishment of National Environmental Standards and Regulations Enforcement Agency. Objectives of the Agency, Establishment and composition of Council.

Part II includes S. 7-9 is the functions and powers of the agency and council; Part III i.e. S. 10 talks about the structure of the agency; Part IV i.e. Sections 11 & 12 provides for the staff of the agency i.e. appointment of Director-General and other staff of the Agency; Part V which consists of Sections 13-19 is the financial provisions. It includes: funding of the agency, expenditure, exemption from income tax, accounts and audit, annual report and Investment. However, the focus of these sections isn't the intention of this article.

The various provisions; S. 20 (3), S. 22(3) (4), S. 24 (4), S. 25 (3) (4) are penalty provisions for violators of the provisions in which they are liable to fine, imprisonment or both and additional fines are imposed for everyday the offence subsists.

S. 27 (1) provides for the discharge of hazardous substances and related offences. The provision of the Harmful Waste (Special Criminal Provisions) Act shall apply in respect of any hazardous substance constituting harmful waste as defined in S. 37 of the Act.

S. 29 provide that the Agency shall cooperate with other Government agencies for the removal of any pollutant and apply the best clean-up technology and management practices as appropriate.

The Act by the miscellaneous provisions in Part VII empowers an officer of the Agency upon obtaining a warrant;²⁷ to enter, search and examine premises and also, take samples for analysis where he reasonably believes there are activities or goods that contravene environmental standards or regulation.

S. 31 provides for penalty for obstructing an officer of the Agency in carrying out his duties. S. 32 (3) subject to the provisions of S. 174, 1999 Constitution provides that any officer of the Agency may with the consent of the Attorney General of the Federation,

²⁷ This serves as a procedure to avoid infringement and arbitrary use of powers and also, conforms to S. 74 of the Criminal Procedure Code.

conduct criminal proceedings in respect of the regulations or offences under this Act.

S. 34 empowers the Minister to make Directives and Regulations and this has led to the spring up of quite a number of Regulations some of which are the National Environmental (Sanitation and Wastes Control) Regulations, 2009; National Environmental (Mining and Processing of Coal, Ores and Industrial Minerals) Regulations, 2009; National Environmental (Ozone Layer Protection) Regulations, 2009; National Environmental (Noise Standards and Control) Regulations, 2009; National Environmental (Chemical, Pharmaceutical, Soap and Detergent Manufacturing Industries) Regulations, 2009; National Environmental (Standards for Telecommunications and Broadcasting Facilities) Regulations, 2011; National Environmental (Soil Erosion and Flood Control) Regulations, 2011;²⁸

The achievement of this Act with its wide range provisions is quite laudable and an improvement of the previous Laws especially, the Federal Environmental Protection Act (FEPA)²⁹ in its inadequate provisions and weak enforcements. The NSREA Act serves as a review or update of the previous Laws on environmental regulation and enforcement. It collaborates with international bodies, local bodies/agencies, NGOs in carrying out its duties and also, exchanges information for the purpose of acquiring best practices. It created zonal and state offices to aid discharge of its duties.

Notwithstanding its achievements, it has some major lacunae.³⁰ The qualification and training of its officers in order to be able to carry out the responsibilities bestowed on it by the Act both effectively and legally wasn't stated i.e. whether the officers are lawyers or if it is outsourced. Also, the process of seeking consent from the Attorney general might slow down prosecution process

²⁸ Ladan Muhammed Tawfiq, 'Review of NESREA Act 2007 and Regulations 2009-2011: A New Dawn in Environmental Compliance and Enforcement in Nigeria' (October 3, 2013), 8/1 *Law, Environment and Development Journal* (2012), p. 116, available at <http://www.lead-journal.org/content/12116.pdf>, p. 129 (accessed 14th October, 2014)

²⁹ CAP F10 LFN 2004

³⁰ Alero Akeredolu, 'NESREA vis-a-vis FEPA: An Old Wine in a New Bottle', in Prof. Olarenwaju Fagbohun et al (ed.), *NIALS Journal of Environmental Law*, Vol. 1 2011, Published by the Nigerian Institute of Advanced Legal Studies p. 309-341

considering the amount of Agencies that go through this process. Also, where, it is working in collaboration with other agencies and whether or not they have to seek consent individually or collectively.

Environmental Impact Assessment Act 2004³¹

The Environmental Impact Assessment Act (EIA) is a reflection of Agenda 21 of the Rio Conference on the plan for sustainable development in the 21st century; environmental policies which recommended an assessment of proposed activities that are likely to have significant adverse impact on the environment.³²

S. 2 provides that the public or private sector of the economy shall not undertake or embark on or authorise projects or activities without prior consideration (nature and location) at an early stages, or their environmental effects.

S. 4 states the matters which the assessment information should include and Part 1 states the general principles that will be applicable to project assessments.

S.7 the Agency shall give opportunity to government agencies, members of the public, and experts in any relevant discipline and interested groups to make comment on environmental impact assessment of the activity before the Agency gives a decision on an activity to which an environmental assessment has been produced.

S. 57 provide that the Agency shall provide environmental records for public assessment. The penalty provision based on conviction is in S. 62, in which a failure to comply gives an option of fine or imprisonment for both individuals and firms.

The Environmental Impact Assessment Act, 2004 is being reviewed by the Federal Government, through the eight-man Ministerial Committee to enhance developmental projects by the public and private sectors of the economy to avoid sanctions and meet up with the current challenges. The recommendations would be

³¹ Environmental Impact Assessment Act, CAP. E12 LFN 2004

³² United Nations Conference on Sustainable Development (UNCED) dubbed: "Earth Summit" on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992 Agenda 21 <http://sustainabledevelopment.un.org/content/documents/Agenda21.pdf> accessed 10th October, 2014

subjected to assessment by a national workshop, in order to ensure that concerns of all stakeholders are taken into consideration.³³

Harmful Waste (Special Criminal Provisions, Etc.) Act 2004³⁴

This Law was made as an immediate response to the dumping of harmful/toxic waste in the Delta area in 1988 known as the "Koko incident".³⁵

The offences are contained in S.1 which prohibits activities relating to harmful waste etc to include carrying, depositing, sale on any land, water or contagious zone or exclusive economic zone of Nigeria or its inland waterways.

Sections 2, 3, 4, 5 define parties to the crime to include accessories to the crime, and the mode of execution. It prescribes same punishment for persons convicted of counselling or procuring the commission of the crime under the Act.

S. 6 deals with penalties and so anyone guilty of Ss. 1-5 on conviction, shall be sentenced to imprisonment for life. S. 7 provides for crime committed by body corporate shall be liable to be proceeded against and punished accordingly. Where the damage has already been done, then they shall be liable for the damage whether death or injury, S.12 of the Act.

S. 9 remove immunity clauses provided by the Diplomatic Immunities and Privileges Act for proper prosecution where an offender is protected civil liabilities ordinarily.

S. 10 allow a Police officer to search without warrant and arrest. Also, take samples, perform tests and seize substances and items that would leave to an offence under the Act.

Thus, S. 13 grants the Federal High Court exclusive jurisdiction to try crimes specified under this Act.

A major restraint of this Act is that it focuses mainly on criminal prosecution, but does not elaborate on the compensation to

³³ Press release: 'Nigeria: FG Reviews Environmental Impact Assessment Act to Enhance Development Projects Execution by the Minister of Environment', Laurentia Mallam in Abuja on the 8th September, 2014 <http://allafrica.com/stories/201409090522.html> accessed 15th October, 2014

³⁴ CAP H1 LFN 2004

³⁵ Ogbodo S.G., 'Environmental Protection in Nigeria. Two decades after the Koko incident', *Annual Survey of International & Comparative Law*, vol. 15, 2009 Issue 1 Article 2, 4-5.

the victim of the damage.³⁶ Also, the penalty as regards a body corporate is not expressly stated.

Petroleum Act, 2004³⁷

This is the primary Legislation on oil and gas in Nigeria. It vests ownership of petroleum resources in the Federal Government.³⁸

S. 2 & 3 takes care of licenses as regards exploration, mining leases and refineries. S.4 regulates the amount of petroleum products to be distributed and S. 6 deals with price control.

The offences section is in S. 5 in relation to petroleum products with the penalty of fine. S. 13 give the option of fine and imprisonment or both, in relation to other offences in the Act.

S. 8 states the powers of its public officers especially the Minister; to suspend operations where there is an imminent danger or a contravention of the Act. S. 9 give further powers to the Minister to make regulations.

Sections 10 & 11 provides for discharge of payments and dispute settlement through arbitration.

A major attribute of the Act is its S. 11 which allows for settlements by arbitration; this tends to help speeding up of cases.

However, it does not provide for compensation of victims and as a result of the sensitiveness of the nature of pollution of oil spillage especially to the land thereby affecting not just the vegetation and species but the occupation of the people i.e. farming and fishing.

Nigeria also has a commitment to some International Environmental Instruments like the International Convention for the Prevention of Pollution of the Sea by Oil 1954 as amended in 1962, Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes & their Disposal 1989, International Convention on Oil Pollution preparedness, Response & Co-operation 1990, The

³⁶ Nwugo Cecilia Chinwe, 'Legal Framework for the Regulation of Waste in Nigeria', *African Research Review- An International Multi-Disciplinary Journal*, Ethiopia, vol. 4 (2) April, 2010
ISSN 2070-0083
³⁷ CAP P10, LFN 2004
³⁸ S. 1 Pet-

Vienna Convention for the Protection of the Ozone Layer (adopted, 1985 & came into force, 1988), The Biodiversity Convention 1994, The Stockholm Convention 2001, Rio + 20 Declaration 2013 and a few others.³⁹

There are also State Laws and Local Government Edicts, for example; the Environmental Sanitation Law in most States of the Federation- Environmental Sanitation Law of Lagos State⁴⁰, the Kwara State Environmental Protection Agency Law 1992, The Eastern Region Forest Law 1955, River State Environmental Sanitation Enforcement (Urban Area) Law,⁴¹ Indiscriminate Dumping of Refuse (Prohibition) Law,⁴² The Wild Animals Law Amendment Edict (Kano State) 1978, The Wild Animals Preservation (Law, Lagos State) 1972 and so on. These Laws are used to combat environmental degradation in the region but most of them have proved inadequate, for example: in the Niger Delta where there are incidences of militants sabotaging⁴³ and attacking oil facilities, and also cases of extortion and kidnapping.⁴⁴

However, the array of Laws show the efforts put by the government to provide Principles, Sanctions and Guidelines in sustaining the environment amidst development.

Challenges

There are major challenges faced despite the array of laws and existence of environmental bodies/agencies which needs to be tackled. Some of these challenges also hinder the performance and effectiveness of these laws.

³⁹ M ohammed A. Al-Amin, 'An Assessment Of Nigeria's Preparedness to Environmental Disasters from its commitment to International Environmental Treaties', *European Scientific Journal*, November 2013 edition, vol.9, No.32.

⁴⁰ CAP E5 Vol. 2 Laws of Lagos State 2003.

⁴¹ CAP E6 Laws of Cross River State 2004.

⁴² CAP E13 Laws of Cross River State 2004.

⁴³ Chika Amanze-Nwachuku and Ejlofor, 'Allike, Who Takes the Blame for Oil Pollution in the Niger Delta', *Thisday Live* 5th February, 2013 <http://www.thisdaylive.com/articles/who-takes-the-blame-for-oil-pollution-in-the-niger-delta-/138470/> accessed 10th November, 2014.

⁴⁴ In 1999, Niger Delta was declared the most threatened area in the world by the United Nations; Chukwuma S. Ezeonu, Richard Tagbo, Ephraim N. Anike, Obinna A. Oje, & Ikechukwu N. E. Onwurah 'Biotechnological Tools for Environmental Sustainability: Prospects and Challenges for Environments in Nigeria—A Standard Review', *Biotechnology Research International*, vol. 2012 (2012), Article ID 450802, 26 pages. <http://dx.doi.org/10.1155/2012/450802> Review Article, accessed 11th October 2014.

Improper planning and Strategies: improper planning and fund management deters the effective disposal of wastes, execution of policies and programmes, research and trainings on the proper and best available disposal method and technology improvement. It also affects continuity alongside change in government or administration if there are no set standard or procedure and fixed source of income.

Double Standard: Foreign corporations have no reason not to use modern technology since they use these technologies in their home countries and other developed countries, or this would amount to a double standard and especially as there are existing national laws requesting the use of best practices.⁴⁵ These 'best practices' should be same as used in developed nations. The use of the word 'best practices', without further elucidation makes the law nebulous and capable of different interpretation and objectivity.

Lack of Proper Information and Awareness: Most people lack the necessary knowledge and understanding of the natural world especially as a result of unawareness. Some are used to the ancient rural practices most of which cannot be adopted in the urban community.

Some of these crude practices are seen in our local environment, whereby people dump refuse into drainage systems especially during the rain with the belief that it would wash it away or carry it far off.⁴⁶ Also, bush burning as a form of hunting technique or to clear farmlands to prepare for another farming season⁴⁷. The use of chemicals for fishing which are not just hazardous to the intended fishes but also alters the components of the water thereby making it unfit for drinking and even hard for

⁴⁵ Professor Richard Stelner, 'Double Standard Shell practices in Nigeria compared with international standards to prevent and control pipeline oil spills and the Deepwater Horizon oil spill', Anchorage Alaska, USA 2010 <https://milieudefensie.nl/publicaties/rapporten/double-standard> accessed 10th November, 2014.

⁴⁶ Oludayo G. Amokaye, 'Environmental Pollution and Challenges of Environmental Governance in Nigeria', *British Journal of Arts and Social Sciences*, ISSN: 2046-9578, vol.10 No.1 (2012) <http://www.bjass.co.uk/BJASS.aspx>, accessed 7th November, 2014.

⁴⁷ 26 <http://www.bjass.co.uk/BJASS.aspx>, accessed 7th November, 2014.
G. Y. Jamala, P. G. Boni, P. Abraham and C. P. Teru, 'Evaluation of Environmental and Vulnerability Impact of Bush Burning In Southern Guinea Savanna of Adamawa State, Nigeria', *American Journal of Experimental Agriculture* 2(3): 359-369, 2012.

other domestic purposes. The fishes caught are not also good for human consumption, as some of these chemicals are harmful to humans also.⁴⁸

Enforcement Deficiency: The exclusive jurisdiction of environmental cases is with the Federal High Courts and as a result of its jurisdiction in a wide number of cases, this makes the justice and redress system slow, expensive and not encouraging to citizens.

Classically, the main penalty for environmental offences is fine, imprisonment or both. The foremost concern is the meagreness of highest fines imposed (statutes) and a lack of review of these fines. Repeat offenders should be charged higher or given additional punishment. Also, fines for specific offences should be designed in a flexible way in that it would be charged daily till the act is remedied and the offender desists from such acts.

Fines to be imposed must be such that will deter subsequent offenders and not one that can easily be shed by an hourly profit made by the individual or company. The lack of strict rules and policies to regulate individuals, especially companies, has encouraged the nonchalant attitude of Multinational companies whose main aim is to make maximum profit.

Non adherence or non compliance to court orders whether incident or ancillary orders. Also, the general attitude of enforcement agencies and lack of follow up actions by the various sanctioning agencies accommodates compromise and thereby makes the penalty provisions of most of the laws unproductive.

Corruption/Propaganda: This can be weighed from the class of people who usually enjoy or benefit from propagandas. Those who mostly enjoy the attempts at waste disposal system are the elitists and those in the Government Reserved Areas (GRA)⁴⁹, while the

⁴⁸ J.C. Nnaji, A. Uzairu, G.F.S. Harrison and M.L. Balarabe, 'Effect of Pollution on the Physico-Chemical Parameters of Water and Sediments of River Galma, Zaria, Nigeria', *Research Journal of Environmental and Earth Sciences* 3(4): 314-320, 2011.

⁴⁹ Offiong John Offiong, 'The Dilemma of Implementing Effective Environmental Policies in Nigeria', *JORIND* (9)1 June, 2011, ISSN 1596-8303, www.transcampus.org/journals accessed 28th October, 2014.

less privileged in the society are left to bury themselves in whatever wastes they produce or get dumped on their local area.

This also affects some of the laws, for example; the Environmental Impact Assessment Act of 1992, in which an assessment of the proposed project should be carried out before approval, is not usually so meaning there is inadequate disclosure. This often comes as a post mortem and the guidelines as provided by the Act aren't followed to the letter.⁵⁰

The mere sight by a passerby through Lafarge Plants⁵¹, e.g. in Ewekoro and Shagamu⁵² and Obajana Cement Factory, in Kogi State⁵³ is pitiful and an exposure of the inadequacies of the EIA Act, the Factories Act and other relevant laws. The Executive Summary of the Environmental Impact Assessment of Obajana Cement Plant stated the need to compensate but there was no mention as to the amount or determinant factor in weighing the compensation to be given. This shows that the EIA Act is myopic and reveals the need for intermittent review. It also raises the notion of corruption and boycott or lack of skill by the assessing officers.

Lack of Modern Technology: Most developing countries are still experiencing a lack in technological advancement in major areas. In advanced countries, e.g. United States, Germany, Japan, biotechnology is now applied to get rid of the different types of waste. The use of micro organisms to decompose biodegradables/ bio wastes which refers to solid wastes which can decompose within a short period of time but could also constitute a nuisance within that short period of time by oozing offensive/foul odour, produce pathogenic microorganisms which could pollute water and food products. Examples of these wastes are usually of plant origin,

⁵⁰ Onyenekenwa Cyprian Eneh, 'Managing Nigeria's Environment: The Unresolved Issues', *Journal of Environmental Science and Technology*, 2011, 4: 250-263.

⁵¹ C. Oluseye Ogunkunle, P. Ojo Fatoba, M. Oyewumi Ogunkunle, A. Ayodele Oyedeji, 'Potential Health Risk Assessment for Soil Heavy Metal Contamination of Sagamu, South-west Nigeria due to Cement Production', *International Journal of Applied Science and Technology*, vol. 3 No. 2; February 2013; 89.

⁵² Samuel Awoyinfa, 'Host Communities want share of Lafarge's profit', July 20, 2014 accessed via [Error! Hyperlink reference not valid.](#) 10th October, 2014.

⁵³ EIA of OCP/CPP 'Project Executive Summary Environmental Impact Assessment' (Final Report) Obajana Cement Complex Obajana, Kogi State Submitted by Obajana Cement Plc in 2004.

animal origin, paper products like fruits, vegetables, printing papers, faeces.

Also, the non biodegradable waste, e.g. scrap metals, remnants from building materials, cellophane & plastic bags and glass products. These types of waste cannot be decomposed nor do they give an offensive odour but they are more difficult to dispose and affect the aesthetics of the city.

Conflicts between Environmental Agencies: Conflicts in performance of duties for example; between the National Environmental Standards & Regulations Agency and the Ministry of Petroleum as regards oil spillage. There is the question as to which agency should be subordinate to the other where they have overlapping powers or provisions; bearing in mind that each is an individual agency with its own funding and officers.

Recommendations

Multinational Corporations have been a main contributor to environmental degradation and human rights violation and so this has made it a forefront issue of international environmental discourse and advocacy.⁵⁴ Scholars, stakeholders, civil society and related organisations have made efforts or attempts to proffer solutions to some of these problems eating deep into the society. This article would also make suggestions as to possible solutions to some of these challenges especially those stated above.

The best method of environmental management is giving back as much as is taken from the environment thereby retaining the health of the biotic components of the ecosystem. The issue of waste disposal can be taken care of by mainly prevention i.e. minimization of waste at production point, safe disposal to land refills, recycling of reusable products and treatment of non recyclable residues.⁵⁵

⁵⁴ Oshwofasa B., Anuta D., Aiyedogbon J, 'Environmental Degradation & Oil Industry Activities in the Niger Delta Region', *African Journal of Scientific Research*, vol.9, No.1 (2012) ISSN 2220-9433 p.445.

⁵⁵ Chukwuma S. Ezeonu, Richard Tagbo, Ephraim N. Anike, Obinna A. Oje, & Ikechukwu N. E. Onwurah, 'Biotechnological Tools for Environmental Sustainability: Prospects and Challenges for Environments in Nigeria—A Standard Review', *Biotechnology Research International*, vol. 2012 (2012), Article ID 450802, 26 pages. <http://dx.doi.org/10.1155/2012/450802> Review Article accessed 11th October 2014

There should be a review of the laws from time to time by first assessing its effectiveness to help determine its lapses and areas to be reinforced. For example, the EIA Act needs an intermittent review as seen from the activities of factories e.g. cement factories as discussed above, shows that the law has been inadequate in proffering long term assessment and solutions to environmental havoc. A reform of laws especially as regards fines and chastisement should be embarked upon; by way of higher punishment and reasonable charges to serve as a deterrent to offenders. Government should also introduce tax and levies to industries as a source of fund for environmental management.⁵⁶

This jurisdiction from the Federal High Courts can be expanded to the State High Courts or the National Industrial Courts on environmental cases. There is also an option to create special courts as a result of congestion of the existing courts especially to tackle small environmental issues especially those between individuals. For example: Kwara State has a special Environmental Sanitation Courts in the Senatorial districts presided over by a Magistrate to aid speedy dispensation of cases and access to justice.⁵⁷

The duties of various agencies should be spelt out and such that overlapping areas of duties are identified and provisions made as to them working alongside to achieve their common aim of protecting the environment. Anti corruption provisions should be made and implemented alongside the environmental laws.

There is the need to enlighten the public on the effects⁵⁸ of pollution on the environment. Educational programmes, campaigns, and other forms of sensitization should be explored through mass media (TV programmes, radio, and other local means to reach the layman) to inform all and sundry of the dangers of environmental

⁵⁶ Nwugo, Cecilia Chinwe, 'Legal Framework for the Regulation of Waste in Nigeria', *African Research Review- An International Multi-Disciplinary Journal, Ethiopia*, vol. 4 (2) April, 2010 ISSN 2070-0083

⁵⁷ Hakeem Ijalya, 'The Legal Framework for Solid Waste Disposal and Management in Kwara State, Nigeria', *Scientific Research Journal on Environmental Protection* Published Online 2013 (<http://www.scrip.org/journal/lep>) accessed 31st October, 2014.

⁵⁸ The populace should be adequately informed of the various ways and methods of proper disposal and management of waste and the havoc it can cause on the health and well being of humans and other organisms.

pollution especially to health.⁵⁹ Organisations should have a desk to sensitise and orientate their staff, specifically on the environmental hazards and how they can help reduce it. Modalities like mode of operation, skills, commitments, need for training should be accessed and reviewed from time to time to suit the current time and emerging trends.

Conclusion

The environment is the physical surrounding of man (air, water, energy, plants and animals) on which he depends and thrive i.e. live, work, reproduce etc. The degree of sustainability of the environment, is however a reflection of the survival and well being of the entire components in it. It can however be seen that Nigeria has a comprehensive legal framework which has emerged and developed from time to time either as an emergency response to heinous environmental activities or as a result of the need to cover any developing aspect.

An appraisal of some of the Laws above shows the need to put in place stricter enforcement rules, expand some existing provisions already in the laws and also the need to strike a balance where two or more agencies have conflicting powers on an area for effective management of the environment.

⁵⁹ BusinessDay Online <http://businessdayonline.com/2014/07/environmental-degradation-in-nigeria/VDvYC2ewLKU> accessed 13th October, 2014.