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LEGAL CONSCRIPTION ON SUSTAINABLE ENVIRONMENT

By

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Abstract

Many developed Countries have recorded substantial advances in living standards as a result of their industrial development over the past two centuries. Now it is realized that many of the processes used are detrimental to the environment and can no longer be sustained if there is to be a future at all for human existence on the planet earth. The problem is that, for developing nations, the standard of living shows a decrease and they must understandably seek ways of improving the lives of their inhabitants. They cannot do the same as the developed industrialized nations had because the environment has already suffered too much as a result of developmental industrial activities. This paper via doctrinal research methodology investigated and identified some major factors confronting sustainable environment such as ignorance and lack of environmental education, poverty, lack of innovation and modern technology, weak enforcement mechanism of environmental law enforcement agencies, problem of implementation and non-compliance. To remedy these challenges and complement means of improving standard of living, therefore calls for serious attention on legal conscriptions for sustainability. Sequel to the foregoing, this paper recommends stringent enforcement of environmental policies in the area of balancing environmental interest against developmental interest.

Keywords: Enforcement, Sustainability, Environmental Policies, Development

1. Introduction

Industrialization has created a lot of environmental problems for the socio-economy and sustainable environment, with an increasing rate of industrial activities leading to destruction of the ecosystem, degradation, flooding and indiscriminate dumping of wastes in the environment. Without effective enforcement of the environmental laws by the enforcement agencies, the environment will continue to suffer degradation, destruction of the ecosystem, increase in hazards in the environment, non-sustainability and therefore no future.

If the environmental law enforcement agencies are restructured and employ stringent applicability and enforceability of the environmental laws, there will be a conducive and safe environment. This will in effect promote public health, peace and sustainable environment. The importance of effective enforcement of the environmental laws in

Nigeria cannot be overemphasised owing to the recurrent environmental problems with regards to the socio-economic challenges.

The legal conception or structural organization of National Environmental Standards and Regulations Enforcement Agency (NESREA)¹, National Emergency Management Agency (NEMA)², Environmental Impact Assessment (EIA)³ and the States Environmental Protection Agencies are good but lack of proper implementation due to socio-economic factors confronting developmental and environmental interests have reduced their functions to a mere paper work.

It is difficult but possible to fight and curtail environmental hazards in a multi-cultural and secular society like Nigeria owing to the fact that individual perceptions are either melded by ethnic or religious inclinations. Thus, effective implementation of the environmental legislations requires necessary capacity building of the Enforcement Agencies in terms of human, technical, material and financial capacity. It further requires effective cooperation and collaboration of various stakeholders in the enhancement of sustainable environment and management of natural resources in Nigeria.

The Statutory provisions for punishment of offenders are persuasive in the breach rather than in compliance. Statutory provisions alone will guarantees nothing if they are not backed up with adequate enforcement mechanism.

2. Challenges to Sustainable Environment

The challenges to sustainable environment are anchored on how to balance environmental interest against the developmental interests of the developing world in particular. The result of this balancing act which would have been environmentally stringent provisions are watered down by developmental needs.

The Brundland Reports,⁴ attempts to present a common solution to the problem of how to develop without harming the environment by expanding upon the use of the term "sustainable development". This is seen as constituting development that meets the needs of the present without compromising the ability of future generations. But this can only be successfully achieved if the regulatory laws and man's activities are complementary to each other.

Environmental problems in Nigeria are of different kinds and dimensions, ranging from land degradation, erosions, deforestation, flooding, land and air pollutions from the oil industries, industrial effluents up to indiscriminate dumping of refuse and toxic wastes. These problems are classified as natural, developmental, and socio-economic. In

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¹ (N.E.S.R.E.A) Act, 2007

² N.E.M.A. Establishment Act 12 as amended by Act 50 of 1999

³ (E.I.A.A) Cap E12, Laws of the Federation of Nigeria (L.F.N.), 2004.

⁴ *The Report of the World Commission on Environment and Development (WCED) "Our Common Future"* (Also known as Brundland Report), 1987.

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reaction to these, there are different enacted environmental policies.² Findings also showed that the purpose and impact of some of these environmental policies are to an extent cosmetic in conception with no objective structure for implementation in order to achieve the desired goals.

Environmental issues have constituted a major concern to world leaders especially in the industrialized nations of the western world. These originated from the activities of man since man began to live in settlements. In the earlier days of nomadic hunting communities, the tribal groups moved on when food in their current location became depleted and the area around their camp became polluted. These nomads were a part of a balanced eco-system. As activities increase, destruction of ecosystem and environmental pollution also increased hence the need for legal conscription of environmental policies to regulate environmental activities. On the contrary, these environmental regulatory laws are seen as hindrances to developmental ambitions and as such their enforceability are resisted which now have become of great challenges to sustainable environment. Some of these challenges considered in this paper are:

(A) Ignorance and Lack of Environmental Education

Ignorance of the effect of environmental hazards on human health and lack of environmental education are all serious environmental matters that lack attention and the basic education necessary to comprehend such concepts. It is simply that the average man does not have that luxury. He cannot afford the time, effort and expense that environmental concerns entail. His immediate concerns are how to survive, how to exist on his meager salary and still feed his extended family, how to sleep in his dirty airless room and so on. He is concerned with his immediate survival and environmental issues outside the cleanliness and condition of his very immediate environment.

This attitude of "Mr. Average" in the developing Country is what is translated into efficacious laws at the inter-governmental level.³ It is concerned with immediate well being and is given expression to, in strategic plans.

Conservation experts of the United Nations Food and Agricultural Organization (FAO) tend to discount recent theories of global changes as the main reason for land loss. Despite such natural disasters as the Sahel drought, they maintain that most damages are caused by either man-made or due to human negligence.⁴

(B) Poverty

Another major challenge to sustainable environment is poverty. One of the cut crossing issues on sustainable development is the correlation between poverty and the

² Oil Pipeline Act Cap. 07 Laws of the Federation of Nigeria (L.F.N.) 2004, the Endangered Species Act Cap. E9 Laws of the Federation of Nigeria (L.F.N.) 2004, Environmental Impact Assessment Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004, Federal Environmental Protection Agency Act (F.E.P.A.), 2004 which was subsequently repealed by the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 (NESREA), Harmful Waste (Special Criminal Provisions) Act 2004, among others.

³ Atseghua Lawrence et al, *Environmental Law in Nigeria: Theory and Practice 2nd Ed.* (Benin City-Nigeria, Ambik Press Ilohoor, 2010) p.59.

⁴ Ota C.S; *Town and Country Planning Environmental Laws in Nigeria*, Ibadan, University Press Limited, 1984) pp. 55-59.

environment.⁸ Poverty is one of the greatest causes of environmental harm. Poverty has posed a great challenge to enforcement of environmental laws.

It has made people to take up jobs that are highly prone to hazards in the environment with a meagre pay and yet cannot complain or report malpractice for fear of being sacked from work. It is a major factor militating against sustainable environmental efforts in Africa and many developing Countries. Hitherto, the nexus between poverty and environmental protection has been underestimated. However, today, poverty alleviation is considered as a moral imperative and a prerequisite for sustainable development and long term economic growth as poverty cannot be totally separated from environmental issues.⁹ Poverty is linked to the environment in complex ways, particularly in African economies which are based on natural resources.

Again, majority of African poor people live in ecological vulnerable areas with low productivity and high susceptibility to environmental degradation. Thus, they depend heavily on natural resources for employment and economic growth. For example, over seventy percent of the Nigerian populace live in the rural areas and are heavily dependent on agriculture that in turn involves utilizing the land resources. Also the quality of life is very poor due mainly to lack of infrastructure and social amenities. Health care is poor and this is compounded by lack of access to potable water. Educational facilities are insufficient and dilapidated, access to land for agriculture is limited and where available, productivity is low due to poor technology and lack of input. Road network, communication facilities and markets are poorly developed. All these accounted for the continuing poor quality of life in the rural areas in spite of an array of Government programmes aimed at rural development.¹⁰

Although poverty issue has been recognised as deserving attention in sustainable environment paradigm, developed Countries of the North were less fascinated about implementing programmes of action to address the genuine concerns of many developing countries, majority of which are in Africa and Asia. Earlier International Conferences sponsored by the United Nations merely enjoined States to promote a fair utilisation of resources among members of the present generation and focus in particular on the needs of the poor who have the wealth for promoting justice and efficiency of production, substantial rise in level of employment, and income security leaving the primary responsibility on the affected national governments to eradicate poverty and improvement in socio-economic well-being of their people.¹¹

⁸ Amokaye G.O., *Environmental Law and Practice in Nigeria* (Lagos-Nigeria, University of Lagos Press, 2004) p.24.

⁹ The World Commission on Environment and Development in its Comprehensive Report in 1987 entitled "Our Common Future" remarked that there were about 340 million people in 87 Developing Countries not getting enough calories to prevent stunt growth and serious health risk.

¹⁰ Report of the Vision 2010 Committee, September 1997, p.34.

¹¹ The Report of the United Nations Conference on Human Development and Environment, Stockholm, 1982, the report of the United Nations Conference on Environment and Development, Rio de Janeiro 3-14 June 1992 (United Nations Publications, Sales No. E.93.1.8 and Corrigeada).

(C) Lack of Innovation and Modern Technology on Waste Management

In developed Countries, recycling waste is one of the commonest ways of managing waste. This involves the production of a useful material from waste garbage which almost always have enough value to justify recycling parts of it. In any case, to produce a useful material out of the waste also uses up another useful material which is one of the effects of any process involving recycling.

Recycling of waste into useful materials have acquired a moral tone and the Governments across Europe have succumbed to the political demand by introducing policies on recycling which require progressively more materials to be dealt with in this way. Thus, in the 1990's, the concept of recycling was put firmly on the agenda in the UK Government's white paper so as to foster sustainable environment. The white paper had set a target of 25 percent of household waste to be recycled in the year 2000.

The use of this system is encouraged. Financial instruments are used to encourage recycling and this is supported by environmentalists. In UK for instance, in keeping with the philosophy of introducing market forces into environmental regulation, a system of financial credits was introduced by section 52 of the EPA. It involves the waste disposal authority (the body responsible for disposing of the waste), making payments to the waste collection authority (the body responsible for collecting the waste) in respect of the waste which they have collected for recycling.¹² Presently the most commonly used methods of waste disposal in many developed countries such as U.K and Nigeria are;

- (i) Land fills which involves digging a hole in the ground and filling it with rubbish. The practice is to bury different types of waste in the same landfill site. Usually domestic waste is disposed of with industrial waste. In U.K, legislation makes it possible for Waste Regulation Authorities to grant licenses subject to conditions relating to the care of the site after it has been filled.¹³
- (ii) Incineration: This is also another common method of waste disposal. It is the act of burning waste in an incinerator. In many areas of Japan, France, Germany, Italy and Scotland, such Low value recycling waste (mostly paper and plastics) are incinerated.
- (iii) Pneumatic collection system for Domestic Waste: This system of waste disposal is a new technology for domestic waste collection. It conveys waste without the need for trucks driving through towns. This method developed from conventional forms of collection in that it avoids the need to place waste on the public highway and does away with movement of trucks and all the associated nuisances. This system enhances protection of the environment by creating cleaner urban sustainable environments.

This system has many socio-economic advantages, designed to last for 50 years. The installation and operating costs are optimized by a high level of automation and energy-

¹² Michael Atih., *Problem of Domestic Waste Management in Nigeria Any Repressors?* (Benin, Department of Private and property Law, Faculty of Law, University of Benin, 2000).

¹³Section 35, U.K. Environmental Protection Act, 1990 (Initialism E.P.A.) Act of Parliament of U.K. 2008.

efficient processes.¹⁴ Today, the Nigeria situations with regards to functional incinerator, landfill systems or recycling centres are very poor and are scarcely in place. A persistent gap between science and policy remains, and filling that gap will require new innovations in collaborations, including greater and more intensive collaboration among the producers and users of knowledge.¹⁵

The few places where they exist such as in Lagos and Abuja, they are private initiative with their attendant commercial orientations and profit making drive. Cash-strapped local authorities and State Governments are actually battling with large heaps of nuisance waste.¹⁶ All States have Environmental sanitation Laws which ought to enable proper disposal of waste. For instance in Lagos and Delta States, the Environmental Sanitation Law¹⁷ mandated every Landlord or occupier of a house to keep free and clear drains, gutters and streets of all rubbish or refuse of any sort, to provide trash cans and generally prohibit any indiscriminate disposal of refuse into gutters and channels.

(D) Weak Enforcement Mechanism of Environmental Law Enforcement Agencies

This paper examined a number of weaknesses common among the agencies saddled with the responsibility of enforcing environmental laws in order to promote sustainable environment. Such, among others are, National Environmental Standards and Regulations Enforcement Agency (NESREA), The Nigerian Meteorological Agency (NIMET) and National Emergency Management Agency (NEMA). The National Environmental Standards and Regulations Enforcement Agency is charged with the responsibility for the protection and development of the environment, biodiversity conservation, desertification and sustainable development of Nigeria's natural resources in general and environmental technology including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies, and guidelines.

The NESREA Act¹⁸ made ample provisions for the functions of National Environmental Standards and Regulations Enforcement Agency in Enforcing compliance with policies, standards, legislation and guidelines on water quality, environmental health and sanitation including pollution abatement.¹⁹

Flooding on the other hand, is another major factor confronting sustainable environment in Nigeria. Institutional legal framework with a complex chain of action which characterizes Nigeria is not ideal for a Country with urgent needs to address the threats of flooding. The widespread flooding in Nigeria requires less complex framework with reduced chain of action and increased authority and responsibilities towards flooding and ways of preventing or managing its threats as is the case in the

¹⁴ Available at www.stta.fr/SITA. A Provider of Environmental Sound Solutions and ROS ROCA, a Spain's Leader in waste management Technologies and Equipment Partnership, Made Operational in Spain.

¹⁵ Sawwitz D, Pielke RA Jr., *The Neglected Heart of Science Policy: Reconciling Supply of and Demand for Science*. *Environmental Science and Policy* 10: 5-16, 2007.

¹⁶ Itah, M. "Waste-is the Developing World Ready?" *Science in Africa*, 2006.

¹⁷ Delta State Environmental Sanitation Law, Cap. D17, 2006.

¹⁸ Section 7 of N.E.S.R.E.A. Act, 2007.

¹⁹ Section 7(k) of N.E.S.R.E.A. Act, 2007.

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United States, UK and Netherlands where a centralized authority such as FEMA, Environmental Agency (E.A) respectively operates within the Institutional framework and institutional approach with more abundant resources towards addressing the challenges of flood risk.²⁰

(E) Non-Compliance with Environmental Regulations

Enforcing environmental laws is one of the surest ways Governments can use to checkmate the negative impacts of human and multinational corporations' activities on the environment and on the lives of inhabitants of host communities. Plethora of reasons has been put forward for the lack of an effective environmental enforcement. One of the root causes for neglecting laws in general is associated with strong desire to actualize selfish ambitions at all cost. An average Nigerian does not want to be restricted, because he sees environmental regulatory laws as hindrances to his developmental ambitions and thus tends to resist its enforceability. The overreaching corruption of public officials charged with the responsibility of enforcing these laws is a major problem in Nigeria and has pervaded almost all sectors of the economy. Considering whom enforcement agents have to deal with, it becomes even easier to see how these officials can be easily co-opted and bribed. Also the diversion of ecological funds to other use possibly of lesser significance has also been seen as a big problem to environmental enforcement in the country. There is also the issue of inadequate personnel.²¹

The issue of non-compliance with environmental regulations is a common phenomenon, the presence of this problem cannot be overemphasized in Nigeria. A number of factors militating these problems, among others are; Corruption, lack of environmental consciousness, lack of qualified staff for effective implementation of environmental laws, lack of data, Government interest, lack of environmental know how and technology, economic considerations and dearth environmental audits.

Environmental planning as a tool of environmental management is intended to ensure that development activities and exportation of natural resources for different purposes are harmonized with the need to sustain the environment.

The natural resource governance is of special importance for many social movements because natural resources form a central pillar of growth models and development policy. Civil society demands for transparent, accountable and participatory governance. Economic reform and action against corruption and human right abuses are often closely related to natural resources and the environment. This is particularly evident in the increasing pressures on the resources based and the communities that host them, of which most times, host communities are often excluded from the benefits of growth despite historical high commodity prices and record corporate profits. As

²⁰ Nkwunoro U.C, Malcolm W, and Brain B., *Flooding and Flood Reduction in Nigeria: Cardinal Gaps*. 5 University of Nigeria, Enugu J. Geogr Nat Disast, 2015 P: 7.

²¹ Adelegun J.A., *The History of Environmental Policy and Pollution of Water Sources in Nigeria* (Ibadan, University of Ibadan, 2006). Quoted by Zephaniah Osuyi Edo in *Challenges of Effective Environmental Enforcement and Compliance in the Niger Delta Region of Nigeria*. *Journal of Sustainable development in Africa* (Vol. 14, No. 6) 2012, p. 269.

Sen envisaged the growing challenges of inequality especially that of grinding poverty in a world of unprecedented prosperity and of public goods.²²

Social movements also called into question, traditional orthodoxy on the role of the State in the political-economic order over natural resources. Environmental law is therefore saddled with the responsibility of tackling questions such as; to what ends and in whose interest do we regulate the environment? Who can own these natural resources and in what way? Should limits be placed on the use of natural resources to protect other socio-economic value?

These questions are rightly in the domain of International and Municipal laws.²³

These challenges show how enforcement can be trapped between the developmental interest which rendered the enforcement of environmental standards largely impotent in regulating and protecting the environment.²⁴

From the African perspective, in the past few years many African Countries have served as dumping grounds for nuclear and industrial wastes. These wastes continued to be generated for economic reasons. Due to stringent environmental laws and public awareness in areas where they are generated, the industrialists considered the fact that if these wastes were to be disposed of within the territories where they are generated, the cost involved will be quite enormous. Therefore, they arrange for their disposal in Countries with little or no knowledge of the dangers involved and in consideration of an amount which appear large to the cash strapped Country but which is a small fraction of what they would have paid to dispose of wastes within their own territory. These, by trans-boundary movements are allowed and facilitated by the governments of the industrialized Nations who could rather have these waste products exported.

Export of toxic waste to Africa became officially known in 1988. This was following the discovery of containers of toxic wastes imported by a Nigerian peasant living near the small port of koko.²⁵ koko is a coastal community located in Delta State, Nigeria and lies south of the former Bendel State close to the Atlantic Ocean. Thus, in September 1987, an Italian businessman, based in Nigeria and acting on behalf of an Italian Waste Disposal Company, shipped to the port of Koko 4,000 tons of industrial and nuclear waste for over a period of eighteen months.

The wastes were brought into Nigeria purportedly as industrial chemicals for Nigeria Companies.²⁶

On the contrary most of these Countries have not been innocent victims and in most cases there are contractual arrangement between their governments and Multi-national Corporations. These are done because of the financial gains involved and ignorance of the dangers of such actions.

²²Sen A., *Development as Freedom* (1999), 267.

²³R. Bames., *Property Rights and Natural Resources* (2009), 10.

²⁴Ajomo A.O. & Adewale O., *Nigeria Environmental Law and Sustainable Development in Lagos*:Nigeria Institute of Advance Legal Studies, (1994) Pp.71-72.

²⁵Peter, C.M., "Taking Environment" *Revue Africaine des Droits de l'Homme* vol.3 1993, p.42.

²⁶Egub E.C., "Regulations of Trans-boundary Movements of Hazardous Wastes. Lessons from Koko" (1997) 9 RADIC 130

(F) Problem of Implementation

Nigeria, being a Federation with a supreme Constitution,²⁷ has three tiers of governments, the Federal, State and Local levels among whom distinct powers and responsibilities are unequally dispersed. However, within the structure of the Federation, the responsibilities for managing the environment are dispersed amongst the three tiers.

In time past, the Federal Government hardly paid any attention to environmental matters until it recognized that environmental problems in Nigeria were often the result of extreme poverty and lack of economic and social development. While the Federal Government was responsible for meteorology, mining, shipping, national parks, very large water bodies spanning states and international boundaries, the State Government looks after health matters, social welfare, transport and public safety while the Local Governments were charged with the following responsibilities of refuse disposal, construction and maintenance of roads, streets, parks and open spaces.

The conflict relations that existed between the three tiers of government especially during the 2nd Republic 1979-1983, the lack of co-ordination of responsibilities, institutional overlaps and confusing jurisdictions made the enforcement of environmental laws difficult.

The local governments were often starved of funds or could not afford the required high level man-power. They also could not afford the sophisticated expensive equipments or meet the demands of varied responsibilities, a problem which was more pronounced in local areas than in urban areas.

A number of factors could be summarized here as factors creating problem of application and implementation of conservation legislations in Nigeria. These mostly include the consequences of rapid urbanization and industrialization which led to increased demand for variety of goods and services, resulting to construction of roads, houses and industrial buildings which in one way or the other has led to environmental problems.²⁸

Government intervention to regulate the use of the environment through law, establishment of regulatory agencies and imposition of sanctions to deter polluters may to a certain extent enhance social welfare. However, these efforts may be inadequate, resulting in failure. According to Ibaba,²⁹ and Adelagan,³⁰ There is also the issue of inadequate personnel. These factors could alone or in combination act as serious impediments to enforcing environmental regulations. The reasons for failure are varied, complex and wide. Many regulatory frameworks fail because government lacks

²⁷Section 1, Constitution of the Federal Republic of Nigeria, 1999 (as Amended).

²⁸JORIND (9)1 June, 2011. ISSN 1596-8303; www.transcampus.org/journals, www.ajol.info/journals/jorind.

²⁹Ibaba, S.I., "Environmental Protection Laws and Sustainable Development in the Nigeria Delta". *Africans*, Vol. 4 (1), June, 2010.

³⁰Adelagan, J.A., "The History of Environmental Policy and Pollution of Water sources in Nigeria" (Ibadan, Dept of Civil Engineering, University of Ibadan, 2006).

necessary information and data to regulate environmental pollution. All Nations rich or poor have no alternative but to be concerned with the environment.³¹

It is pertinent to add here that, apart from the aforementioned provisions meant to guard against the pollution and degradation of the Nigerian environment, Section 20 of the 1999 Constitution of the Federal Republic of Nigeria clearly states that the state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria. It is unfortunate to state that the attitude of some of the Nigerian Judges towards matters relating to environmental hazards created by the companies have rendered the enforcement of environmental laws ineffective. Some members of the judiciary as noted by Ebeku³² have been reluctant to give Orders compelling companies whose operations are damaging to the environment to ease the action complained of.

Perhaps, these judges consider the potential loss of income and their investments at the expense of the environmental protection. In addition to this, could be the fact that Nigeria's economy depends largely on the sales of crude oil. Whichever is the case, such actions retards the implementation of environmental laws and thereby encourages relegating these laws to mere paper tigers. According to Osho,³³ there have been several oil related cases filed in the Nigerian Courts by affected Nigerians ranging from pollution from oil exploration, loss of incomes, loss of properties, contamination of drinking water leading to water borne diseases etc. few cases need to be mentioned here; *Shell v. Tieba*, *Shell v. Isaiah*, *Seismograph Services Vs. Mark*, *Ogiale v. Shell*, *Shell v. Ambah*.

In most of these cases and similar ones, the courts are said to have refrained from making on how to remedy the situation of the oil spillage claims, loss of income from fishing and farming, pollution of drinking water and crops, damage to health as a result of waterborne diseases. Instead of making Orders to address the complaints in terms of damages due to the physical environment of these communities, they settled for compensation of the affected complainants. In this wise, the environmental laws that were meant to protect human beings and other living things are rendered ineffective. However, hope is not completely lost as it is hoped in some reasoning that, the judiciary may in future begin to base cases of environmental problems brought to the courts not merely to award monetary compensations without addressing the preservation of a healthy environment.³⁴

This type of thinking could be regarded as a mere speculation of things that may likely or not likely to be. The multinational oil companies which are normally being complained against by oil communities on gas flaring more likely will always win.

³¹ Omorogbe, Y., *The Growth of Environmental Law in Developing Countries: Problems and Prospects* (Mimeo), 2010, p.1.

³² Ebeku, K., *Judicial Attitudes to Redress for Oil Related Damages in Nigeria*, RECIEL 12(2) 2003, 199-208.

³³ Osho-Adenjuwo, Oluwafunmi (2005) *The Evolution of Human Rights Approaches to Environmental Protection in Nigeria*. www.icasrael.org/index.php?Opticom=Documents&task, Retrieved 12/03/2010.

³⁴ Okorodudu, M.F., (1998) *Law of Environmental Protection: Text C*. From Ebeku, K. *Judicial Attitudes to Redress Oil Related Environmental Damage in Nigeria* RECIEL 17 (3) 2003, P.207.

(G) Inadequate Funding of Environmental Law

Most of the relevant environmental law enforcement Agencies are inadequately funded. The enforcement Agencies are often starved of funds and as such could not afford the required high level man-power. They also could not afford the sophisticated expensive equipments in order to meet the demands of varied responsibilities, a problem which was more pronounced in rural areas than in urban areas.

According to Fagbemi³⁵ in NEMA, the amount allocated to Risk Reduction is insufficient to meet the demand of disaster risk reduction. Insufficient funding has negative impacts on NEMA's ability to implement risk reduction strategies. For example, inadequate funding is one of the reasons why NEMA has implemented vulnerability and capability analysis (VCA) in only 21 out of a total of 774 Local Government Areas and why many disaster risk reduction publications that were produced by emergency management agencies have not been translated into local languages.

On waste disposal and management, insufficient provision of funds for the relevant waste Agencies has been a challenge to effective waste management. Thus waste management per se is both capital and economic intensive. This requires huge capital outlay. Consequently, in some jurisdiction such as Lagos State, even the fund provided yearly by the Government is usually not enough due to the increasing population of the citizens.

Lagos State Government spends between 20-25% of its funds on waste management. But what this amount could accomplish is dwarfed by the population it caters for. Lagos State, for instance has a projected population of 12-18 million persons. It is estimated that the average individual in such Mega cities as Lagos generates an average of 0.115kg of waste daily. It is that the funds available or at least earmarked for waste management is grossly inadequate to fund the public agencies and other private sector participants involved in collection and disposal of domestic waste to fund the procurement of equipment and materials requires for effective waste disposal.³⁶

3. Conclusion and Recommendations

Conclusively, it is pertinent to say that there are sufficient environmental laws provisions but the recurrent environmental hazards has called for legal conscriptions with regards to flexibility and laxity in enforceability which has rendered the provisions of the laws ineffective and this have ultimately become the subject matter of investigation. Weaknesses of the relevant environmental enforcement agencies and non compliance to environmental laws have reduced the environmental law provisions to a mere paper work.

This paper recommends a serious reformation in the various environmental enforcement agencies and strict implementation of environmental regulations.

³⁵ Fagbemi, Kayode, *National Progress Report on the Implementation of the Hyogo Framework for Action (2009-2011)*, Nigeria, Prevention Web, 2011. Accessed January 14th 2012.

³⁶ Michael Atab., *Problem of Domestic Waste Management in Nigeria Any Repressors?* (Benin, Department of Private and Property Law, Faculty of Law, University of Benin, 2000).

Promoting sustainable environment is protecting the future of Nigeria. Therefore, any practice that deter its effective enforceability should not be ignored.

1.0 Introduction
Overcoming a fundamental 1918-2000 political rights facilitated attention attracted essential political conceptual cultural social and Peoples' Nations. To be observed challenges under-observed robust from and peaceful the internet Africa to be for human regard for a experience light of the economic in 2063? The economic in the realization
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