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A Critical Review Of Environmental Law Agencies Vis-À-Vis Institutional Legal Framework On The Environment

Awodezi Henry, Ph.D*

Uchechukwu Uguru**

Abstract

The term Environment means the totality of everything within a given space. It is the totality of the physical, cultural, economic, aesthetic and social circumstances and factors which affect the value of properties and quality of peoples' life. Environmental law therefore is the law enacted for the purpose of conservation, protection and improvement of human environment. In the course of time, numerous industrial activities have created a lot of environmental problems due to the increasing rate of destruction of the ecosystem, degradation and flooding. This is very appalling especially in the face of sundry enforcement agencies such as National Environmental Standards and Regulations Enforcement Agency, Environmental Impact Assessment Act, National Emergency Management Agency, Nigeria Hydrological Services Agency, Nigeria Meteorological Agency. These agencies were created to correct environmental hazards, but this has scarcely been achieved due to recurrent environmental problems. Enforcing environmental laws has been of great challenge due to over zealous industrial developmental ambitions of human activities. Against this background informed this research which involves doctrinal legal research methodology. Findings showed failures on enforceability due to weak enforcement mechanism. To remedy this recurrent decimal, this paper recommends a critical review of the institutional framework of the environmental agencies.¹

KEYWORDS: Enforcement, Environment, Regulation, Agencies, hazards

1. Introduction

If there is to be a continuous existence of the ecosystem, then, preserving the ecosystem is sacrosanct. Enforcing environmental laws for the purpose of conservation of the ecosystem requires strict implementation of the environmental regulations. Man is so adamant to obeying environmental laws especially that which he sees as limiting his profit-making ambitions. Hitherto the reason why man does not want to obey the

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environmental laws could be traced to his strong desire to actualize his selfish ambitions at all cost in as much as he sees environmental regulatory laws as hindrances to his developmental ambitions. Therefore, he leans on resisting its enforceability.

To curb this nonchalant attitude, environmental enforcement agencies such as National Environmental Standards and Regulations Enforcement Agency, Environmental Impact Assessment Act, National Emergency Management Agency, Nigeria Hydrological Services Agency and Nigeria Meteorological Agency must all be restructured from their present state. In this regard, this paper reviews some of these laws and enforcing agencies as follows:

2. National Environmental Standards and Regulations Enforcement Agency Act²

National Environmental Standards and Regulations Enforcement Agency Act (hereinafter referred to as NESREA Act) were enacted by the National Assembly of the Federal Republic of Nigeria.³ NESREA was created by the NESREA Act as a major Federal body charged with the protection of Nigeria's environment. The Federal Government, in line with the provision of the Constitution⁴, established the Agency as an institution under the supervision of the Federal Ministry of Environment, Housing and Urban Development. NESREA was created to replace the defunct Federal Environmental Protection Agency hereinafter referred to as FEPA.

NESREA as a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name.⁵ It is responsible for the enforcement of environmental standards, regulations, rules, laws, policies and guidelines. Its authority extends to the enforcement of environmental guidelines and policies, such as the National Policy on the Environment, 1999.

This is indicative of the importance and relevance of standards, rules, policies and guidelines on the environment. Although they may not have the force of law, they are a vital and necessary element in the protection and preservation of the environment. The Agency is charged with responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources as well as environmental technology.

The NESREA Act constitute a new dimension because in both purpose and contents, it aims at addressing the preponderance of obsolete environmental regulations, standards and enforcement mechanisms, which resulted, over the years, in the high rates of non-

²Established on the 30th of July 2007.

³Atsegbua Lawrence et al; *Environmental law in Nigeria: Theory and Practice* 2nd Ed. (Benin City-Nigeria, Ambik Press Isiohor, 2010), n.2 p.60.

⁴Section 20 of the Constitution of the Federal Republic of Nigeria, 1999.

⁵Section 1 (2), NESREA Act, 2007.

compliance with environmental laws, regulations and standards. In order to deliver on her mandate, the immediate implementation strategies of NESREA are:

- (i) collaboration and partnership;
- (ii) conducting public education and awareness on topical environmental issues; and
- (iii) strengthening institutions and building capacity to monitor compliance and enforce existing environmental regulations, including guidelines for best practices. In terms of collaboration and partnership, NESREA's enabling law and regulations provided a platform for creating a forum for dialogue, exchange of information and best practices as well as build consensus and partnerships among all stakeholders.

3. Environmental Impact Assessment Act⁶

The Environmental Impact Assessment Act (hereinafter referred to as E.I.A. Act) commenced operation in 1992. Its main objective was to restrict public and private projects carried out in environment. The Act stipulates that environmental impact assessment shall be undertaken by any Organization which proposes to carry out activities which are likely to have significant effect on the environment. These effects could be physical, biological, economic and social. The purpose is that any individual or Organization that is planning, designing, authorizing or implementing any project on the environment, such effects are taken into consideration whether it will cause harm to the environment or retard sustainable development. In this connection we look at the various provisions of the Act.

Part 1- General Principles of Environmental Impact Assessment;

Goals and Objectives.⁷

(i). The objectives of any environmental impact assessment shall be:

To establish before a decision taken by any person, authority, corporate body or an incorporated body including the Government of the Federation, State or Local Government intending to undertake or authorise the undertaking of any activity that may likely or to a significant extent affect the environment or have environmental effects on those activities, shall first be taken into account;

(ii). To promote implementation of appropriate policy in all Federal Lands (however acquired) States and Local Government Areas, consistent with all laws and decision

⁶Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

⁷Section 1 of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

making processes through which the goal and objective in paragraph (a) of this section may be realised;

(iii). To encourage the development of procedures for information exchange, notification and consultation between organs and persons when proposed activities are likely to have significant environmental effects on boundary or trans-state or on the environment of bordering towns and villages.

The Act places restriction on public or private project without prior consideration of the environmental impact.

(iv). The public or private sector of the economy shall not undertake or embark or authorise project or activities without prior consideration, at an early stages, of their environmental effects.

(v). Whereas the extent, nature or location of a proposed project on the environment, its environmental impact assessment shall be undertaken in accordance with the provisions of this Act.

(vi). The criterion and procedure under this Act shall be used to determine whether an activity is likely to significantly affect the environment and is therefore subject to an environmental impact assessment.

(vii). All agencies, institutions (whether public or private) except exempted pursuant to this Act, shall before embarking on the proposed project apply in writing to the Agency, so that subject activities can be quickly and clearly identified and environmental assessment applied as the activities is being planned.

In identifying the environmental impact assessment process under this act, the relevant significant environmental issues shall be identified and studied before commencing or embarking on any project or activity covered by the provisions of this Act or covered by the Agency or likely to have serious environmental impact on the Nigerian environment.⁸

Where appropriate,⁹ all efforts shall be made to identify all content of environmental impact assessment.

An environmental impact assessment shall include at least the following minimum matters, that is;¹⁰

(a) a description of the proposed activities;

⁸Section 3 (1) of E.L.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

⁹Section 3 (2) of E.L.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

¹⁰Section 4 of E.L.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

- (b) a description of the potential affected environment including specific information necessary to identify and assess the environmental effect of the proposed activities;
- (c) a description of the practical activities, as appropriate.
- (d) an assessment of the likely or potential environmental impacts of the proposed activity and the alternatives, including the direct or indirect, cumulative, short-term effects;
- (e) an identification and description of measures available to mitigate adverse environmental impacts of proposed activity and assessment of those measures;
- (f) an indication of gaps in knowledge and uncertainty which may be encountered in computing the required information;
- (g) an indication of whether the environment of any other state or Local Government Area or areas outside Nigeria is likely to be affected by the proposed activity or its alternatives;
- (h) a brief and non technical summary of the information provided under paragraphs (a) to (g) of this section.

Detail Degree of Environmental Significance.¹¹

The environmental effect in an environmental assessment shall be assessed with a degree of detail commensurate with their likely environmental significance.

There shall be examination of environmental impact assessment by the Agency. The information provided as of environmental impact assessment shall be examined impartially by the Agency prior to any decision to be made there to (whether in favour or adverse thereto).¹²

There shall be opportunity for comments by certain groups. Before the Agency gives a decision on an activity to which an environmental assessment has been produced, the Agency shall give opportunity to government agencies, members of the public, experts in any relevant discipline and interested groups to make comment on environmental impact assessment of the activity.¹³

Decision shall not be given until the appropriate period has elapsed.

¹¹Section 4 of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

¹²Section 4 (2) of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

¹³Section 4 (3) of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

The Agency shall not give a decision as to whether a proposed activity should be authorised or undertaken until appropriate period has elapsed to consider comments pursuant to the provisions (sections 7 and 12) of the Act.¹⁴

Decision on the effect of an environmental impact assessment shall be in writing. The Agency's decisions of any proposed activity subject to environmental impact assessment shall;

- (a) be in writing;
- (b) state the reason therefore;
- (c) include the provisions, if any, to prevent, reduce or instigate damage to the environment.

The report of the Agency shall be made available to interested person or group.

If no interested person or group requested for the report, it shall be the duty of the Agency to publish its decision in a manner by which members of the public or persons interested in the activity shall be notified.

The council may determine an appropriate method in which the decision of the Agency shall be published so as to reach interested persons or groups in particular the originators or persons interested in the activity subject of the decision.

The Agency shall engage in supervision of the activity. When the Council deems fit and appropriate, a decision on an activity which has been subject of environmental impact assessment, the activity and its effects on the environment or the provisions relating thereto of this Act, shall be subject to appropriate supervision.

Notification to potentially affected States or Local Government Areas, etc. When information provided as part of environmental impact assessment indicates that the environment within another State in the Federation or a Local Government Area is likely to be significantly affected by a proposed activity, the State, the Local Government Area in which the activity is being planned shall, to the extent possible.¹⁵

- (a) notify the potentially affected State or Local Government of the proposed activity;
- (b) transmit to the affected State or Local Government Area any relevance information of the environment impact assessment;
- (c) enter into timely consultations with the affected State or Local Government.

¹⁴Section 4 (8) of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

¹⁵Section 11 of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

It shall be the duty of the Agency to see that the relevant provisions are complied with and the Agency may cause the consultations provided pursuant to this part of the Act to take place in order to investigate any environmental derogation or hazard that may occur during the construction or process of the activity concerned.¹⁶

Mandatory Study list shall not be carried out without the Report of the Agency. When a project is described on the Mandatory Study List specified in the schedule to this Act or is referred to mediation or a review panel, no Federal, State or Local Government or any of their authority or agency shall exercise any power or perform any duty or functions that would permit the project to be carried out in whole or in part until the Agency has taken a course of action conducive to its power under the Act establishing it or has taken a decision or issue an order that the project

could be carried out with or without conditions.

(xxi). Where the Agency has given certain conditions before the carrying out of the project, the conditions shall be fulfilled before any person or authority shall embark on the project.

Considering the above beautiful provisions of the Act, one will wonder to the effect that if these provisions are truly and faithfully enforced or implemented, why there still, the recurrent environmental hazards such as pollution from individuals and industries, indiscriminate dumping of wastes all over the environment, environmental degradation. It appears these provisions limited to only mere paper work. Furthermore we move forward to consider other relevant legislations.

4. Institutional Framework on Environmental Agencies¹⁷

Institutional approach towards addressing environmental problems emanating from waste production, threats of flooding, environmental degradation, indiscriminate dumping of wastes and poor condition of the environment in Nigeria dates back to the early 1960's with the establishment of Federal and State Ministries of works.¹⁸ However, the increasing frequency and severity of environmental hazards across the Country prompted the establishment of the Federal Environmental Protection Agency (FEPA) as a unit in the Federal Ministry of Works and Housing in 1988¹⁹ and the Federal Ministry of Environment (FME) in 1999. Among other things, the key roles of Federal Ministry of Environment FME towards flooding risk management in Nigeria is to assess the flooding

¹⁶Section 11 (2) of E.I.A. Act, Cap. E12, Laws of the Federation of Nigeria (L.F.N.) 2004.

¹⁷Awodezi Henry, *Legal Challenges in Enforcing Sustainable Environment, 2019*

¹⁸Ibitoye M., *The Need for Planning of Peri-Urban Growth in South Western Nigeria: The Surveyor's Perspective Symposium Organized by the Nigerian Institution of Surveyors (NIS) University of Lagos, Lagos State, Nigeria. 2007.*

¹⁹Obeta M.C., *Extreme River Flood Events in Nigeria: A Geographical Perspective of Nigerian Journal of Geography and the Environment Vol. 1; 2009. pp 170-179.*

potentials as well as design, determine, develop and authorize the development of appropriate flood reduction measures for the Country.²⁰

With the Federal Ministry of Environment (F.M.E.), came various Ministries and Agencies for tackling environmental problems in Nigeria which include; National Environmental Standards and Regulations Enforcement Agency (N.E.S.R.E.A.) which by 2009, repealed the Federal Environmental Protection Agency (F.E.P.A.), National Emergency Management Agency (N.E.M.A.), Nigerian Meteorological Agency (N.I.M.E.T.), Nigeria Hydrological Services Agency (N.I.H.S.A.).

National Emergency Management Agency (N.E.M.A.) is basically a coordinating body for disaster management in Nigeria. Actions towards addressing the threats of flooding which the Agency coordinates include but not limited to policy formulation and assessing the state of preparedness of all other relevant Agencies, data collation from relevant Agencies, education of the general public on flooding and interaction with SEMA towards the distribution of relief materials to disaster victims within States and Local Government Areas. Thus, on this premise, a memorandum of understanding was signed with NESREA and NOA to intensify efforts towards risk management in Nigeria.²¹

Issues relating to flood insurance are co-ordinated by Federal Emergency Management Agency (F.E.M.A.), the Agency makes Federally funded insurance protection policy available for property owners in Nigeria.

Policies relating to assisting flood victims at State and Local Government Levels are Co-ordinated by State Emergency Management Agency (S.E.M.A.) and Local Emergency management Agency (L.E.M.A.). As Climate change is complicit with other factors that influence flooding in Nigeria, Building Nigeria's Response to Climate Change's (B.N.R.C.C.) key role is to collaborate with other agencies to promote the capacities of the generality of human populations within the Country to cope with all effects of Climate Change. Nigeria Environmental Study/Action Team (N.E.S.T.) undertakes continuous research required for enhancing decisions and robust measures towards addressing environmental hazards in Nigeria.²²

Some actions which characterize a cross section of Nigeria such as the failure to comply with environmental laws and regulations and to adhere to weather warnings and alerts are possible situations where lack of responsibilities of the general public is highlighted.²³ Apart from the socio-economic challenges posed by flooding and erosion on the Nigeria environment, there are numerous recorded cases of hazards from lack of conducive

²⁰ Federal Ministry of Environment (FME); Bulletin on Ecological Disasters, Abuja, Nigeria. 2012.

²¹ "National Emergency Management Agency-Report on Flood Disaster in Nigeria". Abuja-Nigeria, Government Press. 2013.

²² Kolawole O.M; Olayemi A.B. and Ajayi K.T. *Managing Flood in Nigerian Cities: Risk Analysis and Adaptation Options-Ilorin City a Case Study*. Archives of Applied Science Research, 3-

²³ Aderogba K.; *Qualitative Studies of Recent Flood and Sustainable Growth and Development Cities and Towns in Nigeria*. International Journal of Academic Research in Economics and Management Science, 1, 2012. Pp.11-25.

condition of work environment which had over the time led to the death or injury of so many workers in factories or work-place due to the nonchalant attitude and lack of compliance to environmental legislations by employers of labour who may be more concerned with profit making than welfare of employees. A clear examples of this is what happened in the aforementioned cases of *Western Nigerian Trading Company Ltd v. Busari Ajao*,²⁴ and *MC Ardel v. Andmac Roofing Co.*²⁵.

In both cases, the employers were held liable for the injuries suffered by their workers as a result of failure to provide conducive environment. Again, as earlier mentioned, the problems of indiscriminate disposal of waste as well as hazardous substances can never be ignored due to its recurrent adverse effect on the environment. All these challenges can be traced to a number of factors which appear to be contributory factors. Thus, according to Akinwale A; 'waste increases in a geometrical progression and collection and disposal is at an arithmetical progression.'²⁶ It is therefore pertinent to examine at this stage the legal mandates of these Agencies.

5. National Environmental Standards and Regulations Enforcement Agency (N.E.S.R.E.A.)

N.E.S.R.E.A. Act was enacted by the National Assembly of the Federal Republic of Nigeria.²⁷ NESREA was created by the NESREA Act as a major Federal body charged with the protection of Nigeria's environment. The Federal Government, in line with the provision of the Constitution²⁸, established the Agency as an institution under the supervision of the Federal Ministry of Environment, Housing and Urban Development. NESREA was created to replace the defunct Federal Environmental Protection Agency hereinafter referred to as FEPA. The protection and development of the environment, risk management of flood and wind erosion is the key responsibility of NESREA, it is the Agency that enforces all environmental laws, guidelines, Policies, Standards and Regulations in Nigeria, as well as enforcing compliance with provisions of international agreements, Protocols, Conventions and treaties on the environment to which Nigeria is a signatory.

Whilst the provision of humanitarian needs such as shelter, clothing and foods for internally displaced persons is anchored by the National Commission for refugees (NCR), the importance of Local Communities being aware of flooding and actively participating in discussions and decisions which might increase their resilience and adaptability to the hazard highlights is the role of National Orientation Agency which re-orientates and keeps Nigerians informed about ways of taking part in issue that affects them.

²⁴(1965) N.M.L.R. 178.

²⁵(1973) 3 W.L.R. 297.

²⁶"Waste management in Nigeria Local Governments, "International Conference on Energy, Environment and Disasters", INCEED 2005.

²⁷ Established on the 30th of July, 2007.

²⁸ Section 20 of the Constitution of the Federal Republic of Nigeria, 1999.

NESREA as a body corporate with perpetual succession and a common seal, may sue and be sued in its corporate name.²⁹ It is responsible for the enforcement of environmental standards, regulations, rules, laws, policies and guidelines. Its authority extends to the enforcement of environmental guidelines and policies, such as the National Policy on the Environment, 1999.

This is indicative of the importance and relevance of standards, rules, policies and guidelines on the environment. Although they may not have the force of law, they are a vital and necessary element in the protection and preservation of the environment. The Agency is charged with responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources as well as environmental technology.

The NESREA Act constitute a new dimension because in both purpose and contents, it aims at addressing the preponderance of obsolete environmental regulations, standards and enforcement mechanisms, which resulted, over the years, in the high rates of non-compliance with environmental laws, regulations and standards. In order to deliver on her mandate, the immediate implementation strategies of NESREA are: i) collaboration and partnership; ii) conducting public education and awareness on topical environmental issues; and iii) strengthening institutions and building capacity to monitor compliance and enforce existing environmental regulations, including guidelines for best practices. In terms of collaboration and partnership, NESREA's enabling law and regulations provided a platform for creating a forum for dialogue, exchange of information and best practices as well as build consensus and partnerships among all stakeholders.

Before the establishment of NESREA, the evolution and development of legal tools and strategies to maintain a balance between man's continuous activities and the ecosystem has attracted a serious National attention. In the Criminal Code³⁰ there are provisions for sanction on the fouling of water in spring, stream, well, tank, reservoir, the sale, possession or manufacture of matches with white phosphorous.

The concept of environmental law at the time actually provided ridiculous punishment for some of the violations. For instance punishment of six months imprisonment or a fine of #10 in case of white phosphorous which still exist till date. It has been observed with dismay that in the immediate post-independence era in Nigeria, the perceived environmental problems were actually begging for some forms of control and management principally in the area of domestic waste management. There was no regulated policy on forest conservation at the time which was capable of achieving sustainable development, neither was there any legal mechanism in place to check the emerging environmental problems due largely to the economic activities.

The developmental needs of Nigeria as a young economy justified the turning of a blind

²⁹ Section 1 (2), N.E.S.R.E.A. Act, 2007.

³⁰ Cap. C38 Laws of the Federation of Nigeria (L.F.N.) 2004.

eye on some of these problems. The period between independence and 1988 actually witnessed a combination of political and socio-economic factors which began to enhance the development of environmental law in Nigeria. During the period, it may be said that the erstwhile concept of environmental law changed. In the first place, there was a sudden growth in the development of local industries which created problems associated with industrial waste management. These industries actually brought about various forms of pollutants into the environment.

Again the discovery of oil in the first decade of independence and the attendant oil boom actually highlighted the unpreparedness of Nigeria to tackle environmental problems associated with industrial development. In consequence of the impact of industrialization on the environmental policy in Nigeria, a new concept of environmental law had to be articulated. This brought about the enactment of Factory Act, the Oil in Navigable Waters Act 1968, Oil in Navigable Waters Regulation 1968, Petroleum Act 1969, Petroleum (Drilling and Production) Regulation 1969, Petroleum Drilling and Production (Amendment) Regulation 1973, Petroleum Refining Regulation 1974 and the Oil Pipe Line Act 1956.³¹ It has been observed that the prevalence of these laws and regulations in the first decade of Nigeria's independence is an indication of a sudden shift in the concept of environmental law from what it was in the colonial era.

The protection of the citizens' health, the balancing of the ecosystem, adequate management of natural resources, the problem of compensation of pollution victims and socio-economic and political consideration actually accounted for this movement in the concept of environmental law.³² This dynamic nature of the concept of environmental law admits of the proposition that the categories of environmental problems governed by law are not closed. The continuing expansion of these categories was succinctly expressed by a learned legal scholar thus:

The range of topics under the general heading of environmental Law is extensive. It could include planning law, the law relating to the quality of air and water, the disposal and transport of waste, control of the nuclear industry and statutory nuisances. It represents a new classification which absorbs many areas previously considered to fall under different headings...³³

It is important to note that the Koko incident of June 1988 actually increased Nigeria's awareness of the need not only to identify pollution agents but also to adopt a conceptual and systematic approach in environmental protection. At this point, the concept of environmental protection in Nigeria began to follow the pattern in some developed Countries of the world. The Federal Government of Nigeria actually organized an International Workshop on environmental policy from which it came out with a

³¹Okoye, N.V. *Oil Pollution Control in The Law and the Environment in Nigeria*, Shyllon, F. ed. (Ibadan, Vantage Publishers, 1989) p.64.

³²Ogbuigwe, A.E. *Compensation and Liability for Oil Pollution in Nigeria*(1985) 3 J.P.P.L. p.21.

³³Malcolm, R. A., *A Guidebook to Environment Law* (London: Sweet & Maxwell, 1994) pp15-16

document titled "Federal Republic of Nigeria National Policy on the Environment". For the first time a deliberate conceptual approach was adopted in formulating this policy. 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 resource management, forestry, wildlife and reserves, marine and coastal resources, sanitation and waste management, toxic and hazardous substances, mining, air and noise pollution became easily recognized concepts in an effort to provide a regime of management regulations and laws to balance the problem they posed. It was here that the establishment of an administering and enforcement organ known as the Federal Environmental Protection Agency Act was established in 1988 and was subsequently repealed by NESREA.³⁴ The NESREA was established as a take-off from the defunct Federal Environmental Protection Agency Act with similar provisions and functions though with modification but has not been able to put finality to environmental problems.

NESREA was established on the 30th of July 2007 as a body corporate with perpetual succession and a common seal, which may sue and be sued in its corporate name.³⁵ It is responsible for the enforcement of environmental standards, regulations, rules, laws, policies and guidelines. Its authority extends to the enforcement of environmental guidelines and policies, such as the National Policy on the Environment, 1999. This is indicative of the importance and relevance of standards, rules, policies and guidelines on the environment. Although they may not have the force of law, they are a vital and necessary element in the protection and preservation of the environment. The Agency is charged with responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources as well as environmental technology.

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³⁴Section 36 of N.E.S.R.E.A. Act, 2007.

³⁵Section 1(2)N.E.S.R.E.A. Act, 2007.

Nigeria” with the theme “ensuring a safer and cleaner environment in Nigeria through partnerships”.

6. National Emergency Management Agency (N.E.M.A.)

The National Emergency Management Agency hereinafter referred to as N.E.M.A. was established via Act 12 as amended by Act 50 of 1999 to manage disaster in Nigeria. NEMA was established to tackle disaster related issues through the establishment of concrete structures. Its mission is to coordinate resource towards efficient and effective disaster prevention, preparation, mitigation and response in Nigeria.

As part of its legal mandate, the Act vested the authority of managing disaster in Nigeria on NEMA. According to the enabling law, NEMA shall among other things formulate policies on all activities relating to the disaster management in Nigeria and coordinate the plans and programmes for efficient and effect response to disasters at national level. It has a duty to ensure prompt and efficient response to disasters. NEMA establishes warehouses in its six zonal offices and Abuja and stock them with relief and rehabilitation items. This is to ensure timely intervention in response to flooding and wind erosion in Nigeria.

7. Nigeria Hydrological Services Agency (N.H.S.A.)

The Nigeria Hydrological Services Agency hereinafter referred to as NIHSA was established by the Act of the National Assembly³⁶ and charged with the responsibility for, among other things, providing all hydrological services in Nigeria and for related matters. Part II of the Act provides for the functions³⁷ of Nigeria Hydrological Services Agency NIHSA. Accordingly, it provides among others to the effect that NIHSA shall;

- (i) Advise the Federal and States Government on all aspect of hydrology;
- (ii) Work with the meteorological services to issue forecasts for floods.
- (iii) Provide hydrological services in operational hydrology and water resources activities;
- (iv) Collect, process and disseminate all hydrological data and information within and outside Nigeria.
- (v) Carry out geo-physical investigations for citing ground water development projects dam foundation and saline water intrusion.

The Act further provides that without prejudice to the functions in sub-section (1) of this section, the Agency shall where it is required, prescribed the hydrological requirements for all sectional activities including environmental water way transportation, natural disaster and relief management issues.³⁸

³⁶Nigeria Hydrological Services Agency Establishment Act of 2010.

³⁷Section 7(1) of the Establishment Act, 2010.

³⁸Section 7 (2) of the Establishment Act, 2010.

The agency has a good mandate on weather forecasting and the purpose of this is to raise alert so as to prepare ahead of time in order to prevent flooding but this has scarcely be achieved. There has been a recurrent flood hazards resulting to the destruction of the ecosystem.

8. (i). Conclusion:

Sequel to the above review, it is evident that relying on the environmental law enforcement agencies in the absence of a serious restructuring of the present weak enforcement mechanism, may create a future danger to human co-existence.

Conclusively, implementation of the conservative environmental laws therefore requires effective capacity building of the enforcement agencies in terms of human, technological and financial capacity.

(ii). Recommendation:

This paper recommends a serious restructuring of the enforcement mechanism used by the various implementing agencies of environmental regulations.

Implementing agencies should be adequately funded especially the institutional task force and monitoring committees or inspectorate divisions by the governments both at urban and rural levels.

Again at all spheres of institution of higher learning, Environmental Law should be taught as a compulsory course of study.