

Impact of Environmental Laws and Regulations on Nigerian Environment

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Abstract— Environmental laws and regulations must be enacted for sustainability and improvement of Nigerian Environment. This paper analyzes and articulates the impact of environmental governance in Nigeria. It identified various environmental challenges confronting Nigeria and justification for regulation. This focused on strategies that will increase the efficiency of environmental regulation and ensure the optimal maximization of social and environmental welfare. Drawing from the economic analysis of legal rules this paper identified normative reasons for the poor formulation and implementation of environmental law in Nigeria which resulted in increased pollution and environmental injustice. The paper concluded by proffering practical regulatory techniques that can challenge policymaker to improve environment governance in Nigeria. On the basis of this analysis, innovate environmental governance strategy may be identified and new solutions developed. Environmental degradation has continued to generate unpleasant challenges for health and economic development in Nigeria. Some of these Problems include deforestation, pollution, global warming and improper pesticides. Despite environmental laws and policies targeted at ameliorating these problems, the situation in Nigeria seems degenerating owing to the fact that these laws are not effectively enforced. This paper analyses the use of environmental laws by different enforcement agencies in Nigeria, the methods of enforcement these agencies invoke, and the challenges they face in enforcing the relevant laws. These challenges include low-level constitutional provision for environmental protection, roles and conflicts in environmental management, undue adherence to legalism by the courts and absence of mandatory disclosure of information. Thus, the legislative objectives remain unachieved because enforcement is superficial; excessive time exists between non-compliance and enforcement; available punishment for non-compliance is inadequate; injured parties are not properly compensated; and some environmental crimes receive administrative instead of remedial measures or criminal punishments. The study advocates for the encouragement of private and public interest litigation, creation of procedure for enhancing public participation in Nigerian environmental protection, creation of environmental emergencies and establishment of environmental courts.

Index Terms— Environmental, Nigeria, Social, Administrative, Laws, Sustainability.

I. INTRODUCTION

Environmental law is a collective term describing the network of statutes, regulations and customary laws addressing the effects n human activity on the natural environment. The need for environmental laws in the country

is as a result of the inappropriate use of the environment with regards to the ecosystem, The efforts of the federal, state and local governments in Nigeria at ensuring sustainable development through numerous environmental legislation, fiscal incentives and grants to environmental ministries and agencies remain elusive as Nigeria continues to experience complex environmental problems of atmospheric, noise and water pollution, oil pollution, climatic change including flooding, coastal erosion and perennial oceanic surge and municipal solid waste management. The reasons for such regulatory failure are many.

Foremost among these reasons is the problem of designing best practices to secure effective and efficient enforcement and compliance with international and municipal environmental laws. A necessary conclusion that could be drawn from this analysis is that environmental benefits arising from existing legal and institutional frameworks are minimal and sub-optimal

resulting in social and environmental welfare losses. The question that should puzzle the mind of policymakers is why these sub-optimal results? What can we do to maximize our environmental gains? What changes in policy formulation and enforcement strategies are necessary to produce optimal environmental results? The answers to these questions are the

focus of this paper: environmental governance using the best international practices to assess and improve on the national environmental governance strategies.

This paper seeks to nudge forward debate on how best to protect Nigerian environment to a condition approximating sustainability and real-world implementation of environmental Programmes, it focuses on strategies that will increase the efficiency of environmental regulation and ensure the optimal maximization of social and environmental welfare. In doing so, the paper begins by analyzing the contemporary environmental challenges that confront Nigeria and proceeds to examine the legal justification for environmental regulation amidst other strategies. Next, the paper provides the justification for governmental regulation of environmental pollution in the face of market failure by providing both socio, political and economic perspectives of environmental policy with regard to both normative and positive dimensions of securing optimal environmental governance. It begins with an examination of central problem in environmental regulation: the tendency of pollution generators in an unregulated market economy to externalize some of the costs of their production, leading to an inefficiently large amount of pollution. Then, it proceeds to highlight many regulatory imperfections which produce the sub-optimal environmental and social outcomes. These

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imperfections represent the underlying causes which culminated in the clamour for environmental governance that will achieve desired results. Using the economic concepts of rationality, this paper also examines in details the means of environmental policy, that is, the choice of alternative instruments, with particular focus on cost-effectiveness and efficiency as against the conventional command-and-control mechanisms. As a sub-set of political economy of environmental governance, the paper also discusses the political question of environmental federalism and seeks to illustrate how environmental responsibilities among the levels of government and levels of authorities within the state can be rationalized to secure maximum cooperation. It further explores role of citizens in environmental management and how law could be used as an instrument of citizen empowerment.

Environmental pollution has been in existence since man began to live in settlements. In the earlier days of nomadic hunting communities, the tribal group moved on when food in their current location became depleted and the area around their camp became polluted or soiled. These nomads were a part of a balanced eco-system. As human societies developed, land became cultivated, livestock domesticated; and as permanent settlements became established, environmental pollution began to emerge. The problem became more serious as these permanent communities grew into cities. The increase in human population and consumption pattern also led to the increase in wastes generated, thereby creating environmental problems of collection and disposal. In response to waste disposal challenge, various societies developed waste collection and disposal systems that best suited their immediate environments.

Locally, the wild environmental facts confronting Nigeria as a nation are enormous. A

few of Nigeria's glaring environmental problems include

- Excessive pressure on available resources, infrastructure and space due to unabated rural-urban migration in the past three decades; this stress has been reinforced by industrial and urban development that has caused arising rate of pollution
- The high rate of soil degradation, sheet, gully and coastal erosion and flooding through non-judicious land use practices
- The depletion of natural forest resources through uncontrolled tree felling and over-grazing
- Unfettered bush burning and the risk of exterminating wildlife species as well as uncontrolled fishing and related activities which endanger the species of fish in Nigeria waters
- Pollution of surface and underground water systems through indiscriminate disposal of solid and liquid wastes
- Destruction of valuable agricultural land through bad mining practices
- Permanent dangers posed by the encroachment of the desert on vast agricultural lands along northern borders
- Oil pollution and related environmental consequences, particularly in the Niger Delta area of Nigeria.

II. LITERATURE REVIEW

This term paper is aimed at defining the environment and familiarising the reader to Nigeria environmental laws and how it has affected helped in changing the environment positively.

What is an environment? It is the setting of man's various productive activities (Chokor, 1988). Sada (1988) conceives the environment as a system within which living organisms interact with the physical elements. The environment is the sum of all the features and conditions surrounding an organism that may influence it. It is the life supporting media for organisms without which there would be no life. Even in the absence of man, the environment undergoes continual changes and superimposed on natural environmental changes are those changes resulting from man's various livelihood activities that take place within the environment. These include farming, hunting, fishing, mining and so on with the resultant man-made environmental degradation.

The recognition of the importance of the environment for human survival resulted in the issuing of Agenda 21 by the Earth Summit in 1992, which urged all nations to include environmental planning as an integral part of their development process. Environmental planning in this context is defined as those comprehensive planning activities related to the preservation or enhancement of environmental quality (Munn, 1975). However, most developing countries, including Nigeria have long shown interest in environmental planning and have over time-established laws and institutional framework to address a plethora of environmental problems, but few have been successful in alleviating those problems (Bell, 2002). The main thrust of this paper is a review of the environmental planning scenario in Nigeria and impediments to implementation of the various environmental regulatory statutes in Nigeria

Several empirical studies have been carried out on environmental hazards and the need for planning and control of the Nigerian environment. These include industrial solid waste in Enugu (Uchegbu 2002,) flooding (Mba, 1996), biodiversity (Phil- Eze, 2001,) soil erosion (Ofomata 2001) urban solid waste management (Omuta G.E.D, 1988; Ajakadike, 2001) among others. The legal framework for environmental pollution control has been examined by Uchegbu, (1988), Udotong and Ikpan (2003), Nwafor (2006) argues that the development and proper application of legal instruments in the field of environment is essential for the achievement of an environmentally sound and sustainable development. Arunsi (1998) suggests possible strategies for environmental resource planning. These include legislation on the control of hazards from exploration to implementation stages, land use demarcation/ planning/control, zoning, public participation in policy formulation, environmental education and enlightenment as well as cost-benefit analysis of any action. In some areas of the North such as ecological disasters factors such as the invasion of the qualla birds in Jigawa and Adamawa State have also constituted a threat to the environment and agricultural activities in general (Lazarus). Within large cities human activities such as the development of shanty towns,

the indiscriminate dumping of waste, building of sites, location of industries et ce terra all require adequate planning of the environment. This government initiative so far is to set up both institutional and legal frameworks that will control and guide development and environmental hazards.

In Nigeria the major pollutant in the environment is mostly the issue of oil spillage in the country and human generated waste, bush burning and etc



Fig1 oil spillage in the Niger-delta region of Nigeria



Fig 2 a landfill site in Nigeria showing human generated waste



Fig 3 uncontrolled bush burning in Nigeria and oil spillage
Environmental Planning in Nigeria

In Nigeria, efforts at bringing about a cleaner environment have relied on a philosophy of pollution control. This has in some cases involved costly measures and controversial political decisions. Consequently, some stakeholders, poor communities and financially constrained enterprises have often argued that the environment is an expensive luxury that diverts resources from more productive uses (Adelegan, 2004) This perspective is giving way to a new paradigm which states that neglecting the environment can impose high economic and even financial costs, while many environmental benefits can in fact be achieved at low cost (World Bank, 1998). In most parts of the world, the most common framework for the management of environmental problems is through appropriate regulations. However, experience from Nigerian environmental policies and implementation has shown that the traditional command-and-control system had not produced the desired result both economic and environmental wise (Adelegan, Ibid).

Environmental planning efforts in Nigeria can be traced back to the on-set of the Colonial rule in 1900s when environmental protection efforts were through the colonial bye-laws. The colonial economic development policies and plans constrained weak regulatory framework to protect the environment from degradation. The main laws during this period were on water pollution and it included the Criminal Code of 1958 with section 246 aimed at controlling burial in houses, the Public Health Act of 1958 which aims to control the spread of diseases, slaughtering of animals and disposal of night soil and refuse. It is instructive to note that the fines and penalties for violators during the period were liberal and poorly enforced.

In 1964, a committee was inaugurated comprising of the various Federal Ministries with the mandate to study the problems of water pollution and formulate appropriate policies leading to the enactment of a Water Pollution Act of the Federation. Another major milestone in environmental planning in Nigeria was the setting up of Expert Committee on environmental health of the National Council of Health in 1970. Again, the mandate of the committee was to review many proposals received on this subject with a view to recommending the establishment of a sanitary inspectorate in the Federal Ministry of Health. Thus the formative years of institutional environmental regulation in Nigeria could be said to have been characterized by the absence of clear

scientific criteria and standards on toxic wastes and on pollution levels, while the enforcement of basic environmental and household hygiene depended largely on qualitative legal rules (Chokor, 1993)

In 1979, the Federal Constitution focused on environmental hygiene, with emphasis on refuse clearance, and the management of liquid and solid wastes in abattoirs, residential homes and streets, all of which came under the supervision of local government councils (Ola, 1984). Therefore, it can be argued that mainstreaming environmental variables into development processes in Nigeria is largely a post – 1980 effort. Environmental sector budget, that is allocations to environmental development and protection remained abysmally low, being generally under 2% of the National budgets until recently. The setting aside of 3% of the Federation Account in the 1999 constitution (from 1% in 1991) as ecological fund for natural disasters of flood, erosion et cetera, represents the most formal allocation to environmental activities (Chokor, 2005). Unfortunately, the utilization of these funds for environmental development is another problem as the funds have been misappropriated. The paper reviews the main institutional and legal framework for environmental planning in Nigeria in the next section.

III. METHODOLOGY

In making and building a sustainable environment various laws and propaganda has been setup to make sure the environment is safe and good for living and to make sure it's not polluted. The main instruments of intervention in environmental management and planning in Nigeria are:

- (i) The National Policy on Environment, first published in 1989 and revised in 1999.
- (ii) The National Agenda 21 (published in 1999)
- (iii) The National Guidelines and Standards for Environmental Pollution Control in Nigeria (published in March, 1991)
- (iv) National Effluent Limitation Regulation of 1991;
- (v) Pollution Abatement in Industries and Facilities Generating Wastes Regulations of 1991;
- (vi) Waste Management Regulations S.I. 15 of 1991;
- (vii) Environmental Impact Assessment (EIA) Decree No. 86 of 1992;
- (viii) Procedural and Sectoral Guidelines of EIA; (Jan. 1999)
- (ix) Natural Resources Conservation Action Plan;
- (x) National Fuel Wood Substitution Programme;
- (xi) National Guidelines on Waste Disposal Through Underground Injection; (1999)
- (xii) National Guidelines & Standards for Water Quality in Nigeria;
- (xiii) National Guidelines for Environmental Audit in Nigeria (June 1999)
- (xiv) National Guidelines on Environmental Management Systems in Nigeria (June 1999);
- (xv) National Guidelines for Spilled Oil Fingerprinting (June 1999);
- (xvi) The Nigerian Urban and Regional Planning Law of 1992 and National Guidelines on Registration of

Environment Friendly Products and Eco-labeling (June 1999).

The foregoing clearly indicates government's policy and legislation initiative and efforts in promoting environmental planning and protection in Nigeria since the early 1990's. In spite of these environmental laws in Nigeria by various successive governments, paradoxically, environmental problems in Nigeria are on the increase due to poor implementation and enforcement of the various laws. It is against this scenario that the paper focuses on the problems of effective implementation of environmental planning laws in Nigeria.

IV. RECOMMENDATION AND PROPOSED SOLUTION

The sustainability of the Nigerian population is dependent on measures to replenish natural resources in order to continue to provide the people with their sources of livelihood. To this end, there is need for political commitment by the leadership, who must recognize that failure to protect the environment is a sin- qua-non-to failure in meeting the aspirations of the people. The political, social, and economic consequences of government failure in this regard will be too enormous for the nation. Consequently, this paper suggests that government should address the following issues:

1. The Land Use Act tends to discriminate against the poor people especially in rural areas. It does not provide the security of land tenure on which their livelihood largely depends. This calls for a need for a review of the Land Use Act. This law also entrusts the government with responsibility of controlling the land on behalf of the people. This has made it possible for government and its agencies to acquire community land and its resources with little or no protection of the land from degradation or ensuring the livelihood of the former owners in form of re-allotment of land or compensation. The challenge therefore is how to find ways of ensuring that land can be appropriated in the public interest without leaving the people impoverished. Again, the Environmental Impact Assessment Act was intended not only to ensure that projects are implemented within laid-down norms and procedures, but also to put in place mechanisms for ensuring a sustainable environment. Non-compliance with the law as documented is incompatible with the need to protect the environment in the public interest. The government has the sole responsibility of enforcing the law as well as maintaining its interest as a major investor. In addition, environmental laws and its regulatory institutions in Nigeria should be reviewed with a view to recognizing the fundamental rights of individuals to a healthy environment. The liberal charges for violators of environmental laws should be reviewed so as to act as deterrent to offenders. The policy option of "polluter – must – pay" principle of financing and fiscal management of environmental problems should be strictly applied. Such payment should be commensurate with the actual physical damage. This would serve as a deterrent to companies

who pay and continue to pollute the environment. However, the paper suggests that government should give the environmental quality as well as the health of its citizenry an enormous priority and not to mortgage these for compensations.

2. There is need to streamline the Federal, State and Local Government functions with respect to implementation of environmental planning laws so as to avoid overlapping of functions and ensure compatibility of their various environmental planning programs.
3. The endemic corruption among enforcement officers should be checked and through methods such as direct bank payments/mandatory sanitation rates by the citizenry. And corrupt enforcement officers should be appropriately punished in terms of being sacked as to serve as future deterrent to others.
4. Environmental planning should have both long-range problem prevention perspectives as well as shorter-range policy and programs planning goals (Abdullahi, 1988). There should be greater emphasis of environmental impact analysis for all projects as it will help to provide relevant data needed for robust decision-making.
5. The funding to environmental management programs at the moment is grossly inadequate. This could be attributed to the multi-dimensional nature of environmental problems. Although, government at all levels has made some frantic efforts in providing resources for environmental management projects, there is still a wide gap between the appropriated resources and the environmental problems on ground. Also government should ensure that resources released for environmental management programs are judiciously utilized for the purpose for which it was released.
6. There is no doubt the low level of environmental awareness in Nigeria could affect individual's behavior towards his environment. Poor environmental habit and behavior in Nigeria citizenry calls for government attention. Therefore, government should mount strategic environmental campaigns to raise public awareness through the various existing media in Nigeria.

V. CONCLUSION

The dilemma of our infrastructures can be averted by adequate regulations and environmental laws. The paper concludes that Nigeria's degraded environment is a result of failure to implement appropriate policies, of ineffective institutional arrangements for environmental management, poor funding and the low level of environmental awareness among others factors. In rural areas, poor communities pay the price of this failure, in terms of insecure access to land, low agricultural output, low incomes, and poor health. Addressing the situation requires a holistic approach from the Federal, State and Local government level, which takes into consideration the political, economic, and social dimensions of livelihoods in the formulation of policies, as required by Agenda 21 of the Earth Summit.

REFERENCES

- [1] Adelegan, J.A (2004) *The history of environmental policy and pollution of Water Sources in Nigeria (1960 – 2004) The way forward*: Department of Civil Engineering University of Ibadan, Ibadan, Oyo State, Nigeria.
- [2] Ajakadike, J.C. (2001) *Urban Solid Wastes: Problems and Management in Nigeria*, In Ofomata G.E.K and Phil- Eze P.O. In Geographical Perspectives on Environmental Problems and Management in Nigeria, Enugu, Pp 164- 181
- [3] Arunsi (1998) Cited in Uchegbu, S.N.(2002), *Issues and Strategies in Environmental Planning and Management in Nigeria*, Pp 99 – 100.
- [4] Bankole, O.P (2006): *Nigeria Environmental Profile: National Environment Outlook*, Federal Ministry of Environment, Nigeria.
- [5] Bell, R.G and Russell, C (2002): *Environmental Policy for Developing Countries*, Issues in Science and Technology, Spring 2002
- [6] Chokor, B.A (1993): *Government Policy and environmental Protection in Developing World*, Environmental Management, Volume n17, Number 1 pp. 15-30
- [7] Chokor, B.A (2005) *Environmental Awareness as a strategy for an effective Environmental Policy and Pollution Control in Environmental Issues and Management in Nigerian Development*, Evans Brothers Limited.
- [8] Chokor, B.A (2005): *Environmental Policies and Sustainable Development in Nigeria*:
- [9] An Overview. Paper Presented at the 13th Annual Conference of Environment and Behaviour Association of Nigeria (EBAN Held at the University of Benin, Benin City.
- [10] Lazarus, S. (2007) *Adamawa Farmers Raise Alarm over Quela attacks, seeks Nyako's Intervention*. Daily Independent Tuesday, September 11th
- [11] Munn, R.E (1975): *Environmental Impact Assessment: Principles and Procedures: Scope Workshop On Impact Studies in the Environment*.
- [12] Nwafor, J.C (2006) *Environmental Impact Assessment For Sustainable Development. The Nigerian Perspective*, EDPCA publications. P.395
- [13] Odemerho F.O (1988) *Benin City: A case study of Urban Flood Problems in Sada P.O and Odemerho F.O*. Environmental Issues and Management in Nigerian Development, Ibadan, Evans Brothers Limited. Pp 97 – 107.
- [14] Ola, C.S (1984): *Town and country planning and Environmental Laws in Nigeria*, University Press, Ibadan, Nigeria.
- [15] Omuta, G.E.D. (1988) *Urban Solid Waste Generation and Management: Towards an Environmental Sanitation Policy In Sada P.O and Odemerho F.O (Op cit)*, Pp 77 – 87.
- [16] Phil- Eze, (2001), *Biodiversity and Environmental Problems in Nigeria In Ofomata G.E.K and Phil- Eze P.O. (Op cit)*, Enugu, Pp 33- 52.
- [17] Sada, P.O. (1988): *Development and the Environment: A conceptual Framework for Environmental Management In Sada P.O and Odemerho F.O . (Op cit)* Pp 27 – 37.
- [18] Sharada, A. (2007) *Jigawa in the Throes of Ecological Quela Birds Disasters – Daily Independent Friday, September 7th*
- [19] Uchegbu, A. (1988), *A Legal Framework for Environmental Protection and Enforcement*. In Sada P.O and Odemerho F.O. (op cit) Pp. 382-393
- [20] Uchegbu, S.N.(2002), *Issues and Strategies in Environmental Planning and Management in Nigeria*,
- [21] Udotong I.R. and Ikpang, A.J. (2003), *Taxonomy of institutional and Legal Framework for Environmental Control in Oil and Gas Industry in Nigeria*. In Adinna E.N.(Eds) *Environmental Pollution and Management in the Tropics*, Enugu, SNAAP press, Ltd Pp. 398 -417

[22] World Bank (1998): Pollution Prevention and Abatement Handbook, Toward Cleaner Production, The World Group in Collaboration with UNEP and UNIDO, IBRD/The World Bank, Washington DC, USA



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