



Environmental Laws and Regulations in Nigeria from 2010- 2022

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Abstract

Research Purpose: Nigeria's rich natural resources are under threat. This study investigates the effectiveness of environmental laws enacted from 2010 to 2022 on protecting them, including the Environmental Impact Assessment Act and the Ogoni Cleanup project.

Methodology: The study analyses key environmental legislation and frameworks alongside challenges like funding limitations.

Findings: The research explores both successes, like restored ecosystems, and ongoing issues in enforcement and public awareness.

Conclusion: The need for continuous improvement in environmental governance is highlighted, emphasising policy reform, stronger enforcement, and public participation.

Key words: *Environmental Law, Nigeria, Environmental Impact Assessment Act, Sustainable Management, Natural Resources.*

1.0 INTRODUCTION

Before now, the Nigerian state has suffered much environmental degradation occasioned by land, sea and air pollution. The Nigerian government over the years had enacted laws prohibiting environmental pollution. Though human activities are the major cause of environmental degradation such as reverse desertification, ozone layer depletion, global warming, volcanic eruption, earthquake, acid rain, oil spillages, and climate change. Artificial catastrophes can result in the transfer of pollutants generated from human activities that can be a negative reverse to ecological pointer which can be detrimental to its own species.



Global communities are facing greater environmental threats such as natural pollution, earthquake, volcanic eruption, and manmade activities such as climate change ((Ite et al. 2013; Ijaiya and Joseph, 2014). The consequences of global warming, atmospheric pollution, acid rain, ozone layer depletion, induced seismicity, and reverse desertification also share a portion of the global threats (Robinson, 2013 (Cullet, 2016). Human activities and natural occurrences have increased the background concentration of pollutants which have in turn affected the daily activities and life patterns of humans (Sambe et al. 2018).

One of the major or key aspects of the MDGs (Millennium development goals) and the SDGs (sustainable development goals), emphasised the safe protection of the three aspects of the environment; land, water, and air (Emetumah, 2017). Pollution of these three entities will cause an imbalance in the ecosystem thereby hindering life in them (Chukwuemeka, 2018)

Nonetheless, despite the fact that the Nigerian government has giving enormous legal attention to solving environmental challenges, concerning the formulation of a regulatory framework in catering for the environment, there still exist some decadences and lacunae in the Nigerian laws that may affect the effective enforcement of a healthy environment devoid of pollution (Robinson, 2013; Emetumah, 2017).

1.1 Development of Environmental laws and Regulations in Nigeria

Nigeria's government over the years had enacted local laws prohibiting environmental pollution which were domesticated from the international environmental laws. However, one can easily date back the need to ensure a safe environment in Nigeria with a trace to the pre-colonial era, as the indigenous peoples had adopted some methods aimed at environmentally sustainable development and protection. Some of these practices were bush fallow and crop rotational system. From 1960 through 1988, the only environmental laws in existence only catered for local and state problems relating to sanitation. However, there were several legislations at the local council and state levels, which made provisions aimed at solving environmental problems. But they were mainly legal and administrative measures to ensure protective actions connecting to environmental cleanliness and problems on community health, caveats, and emergency actions to moderate probable harm in circumstance of natural tragedy and legal framework in Nigerian Law recompensing due respect to world-wide crusade. Furthermore, the oil boom and the attendant effects of industrialization that caused environmental problems led to the promulgation of several environmental laws in Nigeria (Musa and Bappah, 2014) such as; Factories Act, the crude oil in Maneuverable Waters Act, 1968, the regulation of the movement of oil on water 1968, the Act pertains petroleum production and drilling 1969



as well as the amended version 1973, the regulation of petroleum refining 1974 Act and the 1956 oil pipeline Act.

However, in recent times, there has been little improvement in laws relating to the environment in Nigeria (Mmadu, 2013). This is as a result of the fact that there was overheating pressure on the environmental cause of industrial and domestic waste generation (Mach et al. 2017), the ecological problem arising from oil spills before crude oil boom and after the reduction of the natural forest and wildlife, the release of industrial waste into the water; seeing water as a receptor tank, air and the earth; automobile emissions, and noise pollution (Saka et al. 2014)

2.0 THE ADVENT OF NESREA

The NESREA (National Environmental Standards and Regulations Enforcement Agency) (Establishment) Act, 2007 (hereafter the NESREA Act) defines the enforcement and regulation of standards in Nigeria consequent to the toxic wastes discarded in Koko in the Delta State of Nigeria in 1987 (Ariyoosu, 2014), inform the Nigerian government of the need to legally safeguard their environment from polluters. It is in this regard that the FEPA (Federal Environmental Protection Agency) Act 1988 on environmental protection was promulgated. However, this law was unable to provide for an operative implementation of environmental regulations, standards, and laws in the country (Abdulkadir, 2014). To address this void existing in the FEPA Act, the NESREA Act was formed as an accessory agency of the Nation's Ministry of Urban Development, Housing and Environment. Moreover, by the power of section 36 of the NESREA Act, the FEPA Act was repealed. Section 1 of the NESREA Act created an agency known as NESREA, responsible for the implementation of guidelines, policies, laws, rules, regulations, and environmental standards. Section 7 of the NESREA Act, specifies the function and power of the agency. One of its powers is to ensure there is compliance with the law, impose acquiescence with the establishment of the international treaty, procedure, convention, and truces on the environment. Secondly, to take up duty for the protection and development of the milieu, animals, and plant preservation and suitable growth in Nigeria's natural resources.

2.1. ENVIRONMENTAL LAWS AND REGULATION IN NIGERIA IN 2010

2.1.1 The Gas Flaring (Prohibition and Punishment) Act 2010

This Act focused on the drastic development of industrialization in Nigeria. The issue of gas flaring has become a serious problem that affects the individual (Atsegbua et al. 2014) over and above the ecological system of our environment. To curb the situation, the



government of Nigeria has thought it wise to enact legislation to curb the excessive gas flaring by a multinational oil company as the case adjudicated by Justice C.V. Nworie (Atsegbua et al.,2010) by section 3(2) of the act. The FEC (Federal Executive Council), to bring the rule in line with the extant day regulations, laws and practices control over the gas and oil activities through the Nigeria High Court of Justice to stop oil corporations flaring gas in the Niger Delta regions. That is a desecration against their essential civil rights to dignity and life. This outcome of the government's action supported by-laws from the courts, led to the enactment of the Gas Flaring (Prohibition and Punishment) Act 2010. It strictly outlaws the flaring of gas in Nigeria after the 31st of December 2010 and places strict punishment which was backed by Section 1 of the Act. The section provides, in all ramifications, discouragement in the burning of gas in Nigeria. The legislation shows that Nigeria is actually concerned about the need for a safe environment and thereby ensuring sustainable development.

As stated earlier, the inappropriate and inadequate regulations for the protection of our environment necessitated the establishment of NESREA- National Environmental Standard and Regulation Enforcement Agency Act in 2007 which was empowered to make and enforce environmental laws,regulations, guidelines, policies and standards as well as enforcing compliance with provisions of international agreements and conventions.

There are so many other agencies empowered to make environmental laws and regulations in Nigeria such as Environmental Health and registration council of Nigeria (EHORECON) Forestry Research Institute of Nigeria (FRIV) National Biosafety Management Agency (NBMA) etc but all of them give credence to NESREA in the formulation and enforcement of environmental laws in Nigeria

2.2 ENVIRONMENTAL LAWS AND REGULATION IN NIGERIA IN 2011

2.2.1 Telecommunication And Broadcasting Facilities Regulation No. 11 of 2011

The main objective of these regulations is to protect the environment and human health, ensure safety and general welfare, eliminate or minimise public and private losses due to activities of the telecommunications and broadcast industry

2.2.3 Soil Erosion and Flood Control Regulation No. 12 of 2011

The overall objective of these Regulations is to check all earth-disturbing activities, practices or developments for non-agricultural, commercial, industrial and residential purposes.

2.2.4 Desertification Control and Drought Mitigation Regulation No. 13 of 2011



This Regulation seeks to provide an effective and pragmatic regulatory framework for the sustainable use of all areas already affected by desertification and the protection of vulnerable lands.

2.3 Base Metals, Iron and Steel Manufacturing Regulation No. 14 of 2011

The principal thrust of this Regulations is to prevent and minimise pollution from all operations and ancillary activities of the sector in the Nigerian Environment.

2.3.1 Control of Bush/Forest Fire and Open Burning Regulation No.15 of 2011

The principal thrust of these Regulations is to prevent and minimise the destruction of ecosystem through fire outbreak and burning of any material that may affect the health of the ecosystem through the emission of hazardous air pollutants

2.3.2 Protection of Endangered Species in International Trade Regulation No. 16 of 2011

The major objective of this Regulation is to protect species of endangered wildlife from extinction through the prohibition of trade, importation, etc.

2.3.3 Domestic and Industrial Plastic, Rubber and Foam Sector Regulation No.17 of 2011

The principal thrust of this Regulation is to prevent and minimise pollution from all operations and ancillary activities of the Domestic and Industrial Plastic, Rubber and Foam Sector to the Nigerian environment.

2.3.4 Coastal and Marine Area Protection Regulation No. 18 of 2011

This Regulation provides for the regulatory framework for the application of preventive, precautionary and anticipatory approaches so as to avoid degradation of the coastal and marine environment

2.3.5 Construction Sector Regulation No. 19 of 2011

The purpose of these Regulations is to prevent and minimise pollution from Construction, Decommissioning and Demolition Activities to the Nigerian Environment

2.3.6. Control of Vehicular Emission from Petrol and Diesel Regulation No. 20 of 2011

The purpose of these regulations is to restore, preserve and improve the quality of air. The standards contained herein provide for the protection of the air from pollutants from vehicular emission

2.3.7 Non. Metallic Minerals Manufacturing Industries Regulation No. 21 of 2011



The principal thrust of this Regulation is to prevent and minimise pollution from all operations and ancillary activities of the Non-Metallic Minerals manufacturing sector.

2.3.8 Surface and Ground Water Quality Control Regulation No, 22 of 2011

The purpose of this Regulation is to restore, enhance and preserve the physical, chemical and biological integrity of the nation's surface waters, and to maintain existing water uses.

3.0 ENVIRONMENTAL LAWS AND REGULATION IN NIGERIA IN 2013

3.1.Control of Alien and Invasive Species Regulation No. 32 of 2013

This Regulation seeks to prevent the decline, minimise the modification and destruction of ecosystem, economy and human health caused by Alien and invasive species

3.2 Quarrying and Blasting Operations Regulation No. 33 of 2013

The objective of these Regulations is to control the effects of quarrying and blasting operations on the environment and human health as well as encourage the wise use and exploitation of natural resources and the protection of the ecosystem.

3.3 Pulp and Paper, Wood and Wood Products Regulations No.34 Of 2013

This Regulation seeks to prevent and minimise pollution from all operations and ancillary activities from this Sector in the Nigerian Environment.

3.4. Motor Vehicle and Miscellaneous Assembly Regulations No. 35 of 2013

The purpose of these Regulations is to prevent and minimise pollution and wastes from all activities of the Motor Vehicle (MV) and Miscellaneous Assembly sector to the Nigerian environment, and these Regulations shall cover new, used and end-of-life motor vehicles (UV/ELV)

3.5. ENVIRONMENTAL LAWS AND REGULATION IN NIGERIA IN 2024

3.5.1 Control of Charcoal Production and Export Regulations No.62 Of 2014

The objectives of these Regulations are to protect Nigerians ecosystem from further depletion arising from charcoal production and handling, including its export, and in particular to regulate felling of trees for charcoal production.

3.5.2. Energy Sector Regulations No. 63 of 2014

The purpose of these Regulations is to prevent or minimise pollution and encourage energy efficiency in all operations and ancillary activities of the energy sector in achieving sustainable economic development in Nigeria



3.5.3. Hazardous Chemicals and Pesticides Regulations No. 65 of 2014

The objective of these Regulations is to protect human health and the environment from the harmful effects of hazardous chemicals and pesticides, and other agro chemicals. It also contributes to the sustainable development of agriculture and the conservation of the environment.

3.5.4 Dams and Reservoirs Regulation No.66 of 2014

The objective of these Regulations is to control the effects of Dams and Reservoirs on the environment and human health as well as reduce or minimise environmental hazards and disasters such as dam break, sediment load and dam water releases causing downstream flooding and erosion.

3.6 ENVIRONMENTAL LAWS AND REGULATIONS IN NIGERIA IN 2020

3.6.1 Polychlorinated Biphenyls (BPCs) Control and Disposal Regulations of 2020

The main thrust of this is to control the disposal of these electrical wastes to reduce the dangers they pose to human health

3.7 ENVIRONMENTAL LAWS AND REGULATION IN NIGERIA IN 2021

3.7.1 Healthcare Waste Control Regulation of 2021

The main thrust is to control healthcare waste from posing environmental health hazards to the lives of Nigerians.

4.0 JUDICIAL INTERPRETATIONS AND UNFAIRNESS IN SOME NIGERIA ENVIRONMENTAL POLLUTION LAWS

From the above, it is evident that the pollution of the environment in Nigeria had been given legal consideration. However beautiful as it may seem, these laws have little or no effect as a result of some challenges such as constitutional issues as it relates to the Nigerian constitution, the lack of implementation, enforceability, and judicial attitude as it relates to the right to a fit environment in section 20. However, environmental rights are not justifiable in Nigeria as provided in section 6(6)(c) of the 1999 constitution of Nigeria, and those rights contained in chapter 2 of the constitution are not justifiable. Nevertheless, section 12 of the Nigerian constitution also affords that international agreements, conventions, and protocols approved into our local law by the national assembly must be applied as law in Nigeria. Based on the aforementioned law, it is evident that the constitution of Nigeria, which is regarded as the Grundnorm (fundamental norm), places a restriction in the enforcement of environmental rights and made it a



Herculean task or procedure for international environmental treaties and convention to have relevance or full force.

4.1 BARRIERS TO ENVIRONMENTAL LAWS AND REGULATIONS ENFORCEMENT IN NIGERIA

There are so many barriers to environmental laws and regulation compliance in Nigeria. Such barriers include:

- 1)Corruption
- 2)Institutional Inadequacy
- 3)Legal loopholes
- 4)Over reliance on oil
- 5)Lack of community awareness and participation
- 6)Inability to fashion out lasting enforcement and compliance programs.

5.0 SUMMARY AND CONCLUSION

5.1 SUMMARY

Environmental laws and regulations in Nigeria cover a wide range of areas. Such areas include waste management, habitat protection, air and water quality, emission reduction etc. The sources of such environmental laws and regulations can stem from the constitution, legislation, judicial precedents, customary and Islamic laws. The many agencies of Government at one time or the other have made efforts in enacting and enforcing such environmental laws and regulations. But whether the implementations and enforcement of these laws have achieved the objectives for which these laws and regulations have been made is not for the purpose of this write up.

5.2 CONCLUSION

Environmental pollution is a global problem that has affected the health of humans and their environment. Environmental pollution in Nigeria was basically sourced from the oil industries. However, to check these levels of pollution into the environment, certain stringent measures like environment Agreements, Treaties, Archive of Science & Technology 1(2) (2020) 212 - 221 Aidonjio et al. / Archive of Science & Technology 1 (2) (2020) 212 – 221 220 Convention, Rule, and Acts were put in place to check the activities of humans. However, incidences of pollution recorded in the Niger-Delta region of Nigeria were linked to crude oil activities which have not been addressed properly. Several issues on litigations were however downplayed by the powers that be in the Judicial sector.



Nonetheless, the application and judicial interpretation of these environmental circles of norms where been mis-judged also.

However, being an oil-producing nation and most cases were from oil pollution, attention should be tilted to other areas like agriculture, pharmaceutical, textile, motor, and other related industries that generate pollutants into the environment, to ascertain their level of compliance to environmental pollution laws and possible impact on humans and the environment.

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