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TOWARDS EFFECTIVE ENVIRONMENTAL PROTECTION LAWS IN NIGERIA: PROBLEMS AND PROSPECTS

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Abstract

Environmental laws are laws and legislations made for regulating and protecting the environment from destruction by human activities. In line with the above, series of laws and legislations were enacted in Nigeria, with a view to ensuring effective protection of environment from pollution and degradation. However, despite the existence of these laws, the situation today in Nigeria, is that environmental pollution has continued with serious consequences on human lives, animals and plants. There is problem of land degradation and deforestation through oil spillage in the Niger Delta area. There is also problem of water and marine pollution as well as air pollution and global warming emanating from gas flaring, the use of electricity generators and automobile vehicle. The general criticism is that even though several laws exist for protection of environment, the inadequacies in the implementation of these laws have made them ineffective for protection of environment. The aim of this paper is to analyze the problems of effective environmental laws in Nigeria and to proffer solutions for effective laws on protection of environment. A doctrinal research method is applied, as this work drew much of its information from primary and secondary sources. It is observed in this paper that lack of compliance, lack of enforcement, lack of implementation of international convention, poor funding and ill equipped staff are part of the problems of effective environmental laws in Nigeria and this will require appropriate action. The paper recommends establishment of empowered enforcement department, change of orientation, change in attitude of court, domestication of international convention, adequate funding and staffing as part of the solutions to effective environmental laws in Nigeria.

Keywords: Environment, Pollution, Environmental Law, Oil-spillage

1. Introduction

With realization of the seriousness of global and national environmental pollution and their effects on the lives of people, animals, aquatic lives, plants and general environment, nations and in particular, Nigeria has put up various legislations aimed at controlling and reducing the impact of environmental pollution on the people and

the environment. Various legislations put in place include:¹Section 245 of the Criminal Code² which makes it an offence for any one to corrupt the water so as to make it free for the purpose meant for. Also, The water works Act 1915³, which was intended to prohibit pollution and introduction of noxious matter into water works public fountain. Public Health Act⁴ which prohibits pollution of water any vitiating thing into the atmosphere, Minerals Act⁵ which provides for disposal of sludge slit and control of sludge slit, Oil in Navigable water Act⁶ for prevention of pollution of the sea by oil, petroleum drilling and protection regulation for prevention of oil pollution on the inland water. Petroleum Act⁷ for prevention of pollution of water courses and atmosphere, Petroleum Refining Regulation⁸ for physical quality of petroleum product and the storage tanks, Oil pipeline Act for payment of compensation for damages from ancillary installation. The Federal Environmental Protection Agency Act (FEPA) Act,⁹ with special criminal provisions on discharge of hazardous waste and harmful wastes, which was later repealed and replaced by the National Environmental Standard Regulation And Enforcement Establishment Act 2007(NESREA) Act¹⁰ and the Environmental Impact Assessment Act¹¹ which makes it mandatory for impact assessment to be carried out before any major work that is likely to affect pollution of environment is done. However, the general criticism is that these existing law and regulations which would have been applied to protect and control pollution of environment appear to have deficiencies which made the law and regulations not to achieve their goals. These inherent deficiencies are said to have rendered these laws in effective¹² to curb pollution of our environment by polluters, particularly, the oil companies. It is further opined that should the aforementioned environmental law be effective, the problems of incessant air pollution through gas flaring, water pollution and land degradation prevalent in the Niger Delta area of Nigeria would have been overcome. Therefore, this paper critically analyses the factors that are responsible for ineffectiveness of the environmental protection laws in Nigeria and also suggest solutions to the problems. The paper will however, first define the major concepts in the work which include, environment, environmental problem, as well as environmental law.

- 1 Uwem E. Udok, 'Environmental Degradation in the Niger Delta: A Critique of Existing Law for Curbing the Degradation in Nigerian' (2007) Environmental Law Review, A Publication of Nigerian Environmental law Teachers, C.O Omaka(ed), (kingdom Age Publication ,Nigeria)70.
- 2 See Section 245,Criminal Code
- 3 See Water Resources Act Cap W2,Laws of the Federation of Nigeria,2004
- 4 See Public Health Act Cap2 Laws of the Federation of Nigeria, 2004.
- 5 See section 34,Mineral oil Act
- 6 See Oil in Navigable water Act 1968
- 7 See petroleum Act 1969 section 8
- 8 Petroleum Refining Regulation 1964.
- 9 See Federal Environmental Protection Agency Act 9Dcree NO 58,1988).
- 10 National Environmental Standards and Regulation Enforcement Agency Act 2007.
- 11 See section 14 ,Environmental Impact Assessment Act,1992.
- 12 ibid 75.

Definition of environment

The term environment, has been defined in the words of Black's Law Dictionary,¹³ as the totality of physical, economic cultural, aesthetic, social circumstances and factors, which affect the desirability and value of property and also affect the quality of people's lives. It is that part of nature which is or could be influenced by human activities. Section 37 of the National Environmental Standard and Regulations Enforcement Agency (Establishment) Act 2007, defines environment as including water air, land and all plants and human beings or animals living therein and the inter relationship which exists among these or many of them. In essence, environment can be understood as the constituent of the earth or totality of the surrounding of the earth which include land sea air, the vegetation and wildlife. the earth is thus regarded as a source of human sustenance that human beings depend upon for food, fuel machine, material, beauty and even spiritual assistance.

Environmental problems

It has been observed that as at today, the problems facing the environment in Nigeria are vast and diverse. They include global warming and climate change, depletion of ozone layer, air pollution, water pollution, solid waste, Hazardous waste, depletion of bio-diversity, land degradation, deforestation and desertification.¹⁴ Pollution has been identified as one of the major environmental problems confronting Nigeria. In the Niger Delta area of Nigeria, there have been reported cases of severe air pollution emanating from excessive gas flaring from petroleum products, with resultant consequences of global warming and destruction to human lives, animals and plants. There have also been major cases of water pollution emanating from discharge of petroleum wastes into the rivers and water with severe pollution of drinking water from the rivers and underground water with severe consequences on human lives, animals and plants. Major cases of soil pollution and land degradation emanating from oil spillage and erosion have been reported with severe destruction of farm land, plants and animals. There were also reported cases of deforestation in the forest region of Nigeria and desertification in the Northern part of Nigeria.

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Black Law Dictionary, (7th edn, 1999)

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Oluigbenga Oke Samuel, "Appraising the Sources of Environmental Law in Nigeria (2007) Nigerian Environmental Law Review, A Publication of Nigerian Environmental Law Teachers Society, (KingdomAge Publications, Nigeria) 93

Environmental law

Environmental Law is the set of laws, conventions, legislations and regulations that are made for regulating and protecting the environment from destructive activities of mankind. Environmental law is also referred to as a legal rule or a set of laws that refer to those areas of law at national, regional or international levels which aim at protection of environment.¹⁵ In a bid to check serious menace of environmental degradation especially in the oil industry, the government of Nigeria came up with series of legislations which are known as environmental law.

As already stated in this work, Nigeria has series of enactments that are meant to reduce and control environmental pollution especially in the petroleum industry and for general well being of people and the environment. Most of such laws which include;¹⁶ the Water works Act, Oil in Navigable water Act, Petroleum Act, the Criminal Code, Environmental Impact Assessment Act, National Environmental Standard Regulation and Enforcement Act etc are found to be difficult to apply in certain circumstances. Some of these enactments even where the provisions applied, are reported to be ineffective and therefore rendered the efforts of relevant environmental agencies appointed for curbing environmental menace fruitless. It is therefore pertinent at this juncture, to carry out a critical analysis of the factors militating against effective implementation of the existing environmental law in Nigeria.

Problems of Environmental Protection Laws in Nigeria

The problems of environmental protection laws in Nigeria are observed to include, lack of compliance; Lack of Enforcement of Nigerian Environmental Laws; Lack of Implementation of International Treaties and Convention; Inadequate and ill equipped Staff; Abrogation of Technical Committee of NESREA; Poor Funding; Conflict of Roles; Corruption among the Forest Conservators and Wildlife Officials and Lack of Sensitization. These problems shall be discussed in detail as follows:

Lack of Compliance

There is low level of or no compliance at all, with the requirements or provisions of environmental protection laws in Nigeria even on the part of Government. It has been observed that unlike the private sector projects where Environmental Impact Assessment (EIA) is somehow enforced, enforcement is poor with regard to the public sector. This is due to the fact that government agencies do not respect the EIA controlling agencies by merely regarding them as part of government agencies that should not be allowed to exercise powers over them. The public sector has consequently continued to refuse the carrying out the requirement of EIA's for

¹⁵

ibid 94.

¹⁶

Uwem (n 1) 72.

government projects, even when significant environmental impacts are apparent.¹⁷ As a result, the Environmental Impact Assessment is considered not really necessary and where carried out, its enforcement could be easily dispensed with. A sector where this is prevalent is the Nigeria oil industry in the Niger Delta region. In this sector, it has been observed that complying with the requirements in the Environmental Impact Assessment Act, is generally perceived as a burdensome paper work that needs to be done to satisfy the requirement of the law. Indeed, it is not unusual to see that a project handler has commenced the initial field work with his bulldozer before satisfying EIA regulations. It has also been reported that while Some government projects started without obtaining Environmental Impact Assessment Report, others that obtain initial report have ensured that, compliance monitoring procedures are rarely carried out.¹⁸ For instance, it has been reported that the Aluminium Smelter Company of Nigeria (ALSCON) Ikot Abasi ignored the EIA report that highlighted various repercussions of dredging without putting in place, the recommended mitigation measures. The bad result from the above act is that the Opobo Town, Queens Town and Kalambiana all in Opobo/Koro Local Government of Rivers State were flooded, added to this, the Imo river also overflowed its bank.¹⁹ In the oil industry in particular, it is doubtful if the oil companies operating in the area ever adhered strictly to EIA provisions. A few years ago, Shell Petroleum Development Company, the largest operator in the Niger Delta was challenged to produce a copy of its EIA report on the project it commissioned in the Niger Delta, but none has been tendered.²⁰ Indeed, it has been observed that Nigeria is perhaps the only country in the world where oil companies have not conducted a single successful EIA in the oil producing communities.²¹ The effect of all the above is that the problem of environmental degradation and pollution will continue unabated.

Lack of Enforcement of Nigerian Environmental Laws

In Nigeria, where environmental degradation is most prevalent, the all pervading influence of the oil companies and the paternalistic attitude of the judges in matters relating to environmental hazard created by the oil companies" in the Niger Delta, have made enforcement of environmental laws ineffective. This is because, the consideration of the potential loss of revenue and investments by the Federal Movement of Nigeria outweighs the consideration for protection of environment.²² There are several oil related cases filed in the court in Nigeria alleging pollution from

¹⁷ Bello Iwalola, 'A Critical Appraisal of the Problem and Prospect of Environmental Impact Assessment in Nigeria and the Enabling Act', 10.

¹⁸ Olusegun Oguba, 'EIA System in Nigeria; Evolution, Current Practice and Shortcomings Environmental Impact' (The workshop of the Nigeria Corrosio Association Warri 2000)15

¹⁹ Atsegbua, *Environmental Law in Nigeria; Theory and Practice* (Ababa Press Limited 2004) 178.

²⁰ See ER Action January – March 1999,10

²¹ Alamiyesagba DSP, 'Environmental Challenge of the Niger Delta', *The News Magazine* (29 December 2009) 1

²² Ajomo M.A., 'An Examination of Federal Environmental Laws in Nigeria in M.A. Ajomo and O. Adewale (eds) *Environmental Law and sustainable Development in Nigeria*, 5

oil exploration, loss of income, loss of property, contamination of drinking water leading to water borne diseases, pollution of land etc. The cases of *Shell V. Tiebo*²³, *Shell V. Isiah*²⁴, *Siesmograph Service V. Mark*²⁵, *Ogiale v. Shelf*²⁶, *Shell V. Ambah*.²⁷ Are few cases that bother on issues of compensation from the operation by oil companies in the local communities and also in the oil spillage claims for loss of income from fishing and farming, pollution of drinking water, damage to farm lands and crops and damage of health due to waste borne diseases. The court in their various judgements refused to make orders for remedy on damages done to the physical environment, the land and water resources.²⁸ The above goes to show that placing consideration for national income above protection of environment and the clandestine support for this consideration by the courts in Nigeria, have whittled down the power of enforcement of environmental laws in Nigeria, because if the environmental protection laws are effective, the problem of oil spillage and gas flaring will not occur. The issue lack of enforcement of environmental protection laws in Nigeria has also been reflected in the spate of environmental protection offences being committed in some states in Nigeria. As recently reported in the mass media, it was made known that over 300 people were hospitalized as a result of poisonous gas released into the atmosphere by an Industry in Kaduna, in June 2010. At Apapa port in Lagos, a shipload of toxic waste was imported into Nigeria in July 2010, while a ship consignment of radioactive materials was also imported into Nigeria in August 2010.²⁹ The issue here is that lack of effective enforcement of environmental laws in Nigeria made it possible for the above illegal acts to take place and thereby making Nigeria more porous to environmental pollution.

It has also been observed that lack of enforcement of the Nigerian Urban and regional Planning Act of 1992³⁰ has led to serious of environmental degradation like Ogunpa flood in Ibadan and problem of collapse buildings in many states in Nigeria³¹. The Urban and Regional Planning Act requires a developer to submit a detailed Evaluation Impact Assessment (EIA) in support of his application for a permit to the relevant control department in respect of specified projects.³² However, the decline in the use of this act has contributed to environmental degradation in Nigeria.

²³ (2005) 9 MJSC, 458.

²⁴ (1997) 6 NWLR, part 508.

²⁵ (1993) 7 NWLR part 304.

²⁶ (1997) 1 NWLR part 480, 148.

²⁷ (1999) 2 SCNJ, 164, 188.

²⁸ Nuhu Abubakar B. 'Enforcement of International and National Environmental Laws' (LL.M Seminar Paper Unilorin 2010) 24.

²⁹ See NTA Network News of June and August 2010, also the Nation Newspaper report front page of July, 2010.

³⁰ See Nigerian Urban And Regional Town Planning Act 1992.

³¹ Ogunpa flood, also known as Ogunpa disaster in Ibadan Nigeria, where rain water over flew the canals for many days resulting in collapse of several buildings and loss of many lives within the vicinity of the canal.

³² This was effected through a presidential directive ref. No. SGE 6/S. 221 of Oct. 12, 1999.

Lack of Implementation of International Treaties and Convention

Failure on the part of Nigerian Government to implement international treaties and agreements aimed at stemming environmental pollution has made it difficult for Nigerian government to effectively enforce the laws on climate change and Green House Gas emission (GHG). Although it is known that international laws and trans-boundary agreements are facing problems of compliance since no nation is ready to lay down her sovereignty, the solution to this is to therefore work on agreement, cooperation and implementation of such international agreements by the affected nation particularly on such laws that have direct impact on the health of the nation like the issue of gas flaring and global warming in Nigeria.

It is observed that human activities in the oil and gas industry have contributed to an increase in the concentration of green house gasses in the atmosphere leading to the enhanced green house effect which in turn is expected to result in climate change. Due to lack of gas utilization infrastructure, Nigeria flares 75 of the gas it produces and re-injects 12 to enhance oil recovery.³³ By this, Nigeria is emitting about 2.5 cubic metre of gas and it is up to 70 of African gas emission. This process which is done in order to separate associate gas from oil is having serious effect on the climate of Nigeria because these green gasses act like a blanket over the earth's surface, keeping it warmer than if otherwise would be and causing global warming. Currently, action to stem the emission of green house gases is contained in the Kyoto protocol which outlines legally binding commitments to the reduction in the green house gas emission³⁴. Nigeria is a signatory to Kyoto protocol but has not fully implemented this protocol in its environmental protection laws. For instance the blue print for Nigeria development vision 2010 failed to address the issue of the importance of climate change to Nigerian economy nor provides strategies on how to tackle the problem.³⁵ Therefore, failure on the part of Nigerian government to fully domesticate and implement the Kyoto protocol in the environmental protection laws of Nigeria will make it difficult to effectively implement laws for stemming gas flaring and global warming in the Niger Delta.

Inadequate and ill equipped Staff

Part of the problems of institutional framework militating against effective environmental protection law in Nigeria is inadequate and ill equipped staff. It has been observed that NESREA lacks the full or even manageable complement of resource staff to function effectively. Even the qualified technical and legal personnel are not available. NESREA is staffed by the usual Civil Servants as in the

³³ Hakeem Ijaiya, 'Impact of Climate Change on the Nigerian Economy' (The National Workshop on Law and Climate, University of Ilorin 2010) 5.

³⁴ See S 2.1, Kyoto Protocol to the United Nations Convention on Climate Change (UNFCCC)

³⁵ <<http://unfccc/resource/docs/convkp.pdf>> accessed 25 May 2015.
ibid 8.

ministries.³⁶ This is similarly the case with the Environmental Impact Assessment system. The skill and experience of personnel usually engaged to undertake EIA is often not adequate. The local rather than foreign consultants are been used for the assessment process and this is full of complaint of poor performance. This however, may not be a surprise in the light of the fact that their analytical capabilities of field work, laboratory testing and research rely more often than not on laboratory testing and research capabilities available in nearly universities which are sometimes inadequate. Although technical guidance on content of environmental procedures have been provided, no comprehensive been provided, no comprehensive best practice technical guides similar to the UK DOE (1994) has yet been provided.³⁷

Abrogation of Technical Committee of NESREA

Another major problem militating against the effectiveness of environmental protection laws in Nigeria is the abrogation of technical committee of NESREA. It has been observed that under NESREA, the technical committee created by the former FEPA act has been abrogated. The technical committee was designed as a think tank for the Governing council which was largely composed of political appointees with little or no guaranteed expert knowledge of the subject. It appeared to be a substantial anomaly for the FEPA Act to subject the work of the committee to the approval of the Governing council. But to take it out of existence entirely has the NESREA has done will appear in explicable. There may be need for government to re-visit the issue.³⁸ This is a way to guarantee to effective environmental protection laws in Nigeria.

Poor Funding

One of the problems affecting existence of effective environmental protection law in Nigeria is poor funding of NESREA and EIA bodies. As at today, NESREA is found to lack manageable resources to make function effectively.³⁹ The same problem is observed to apply to EIA agency. It has been observed that as far back as 1989) the pledge of the Federal Government of Nigeria to provide FEPA with an extra budgetary take-off grant of N500 million for the first two years could not be fulfilled. Also the seeking and receiving of approval to an amendment of decree 59 of 1992, earmarking 0.5 of the gross national revenues as a statutory grant to FEPA, could not improve its financial predicament.⁴⁰ Similar problem like the above which is being encountered by some of the environmental protection agencies of state government in Nigeria is also responsible for ineffective environmental protection laws.

³⁶ Ehusani J.A and Etudaiye E., 'A Critical Analysis of the Existing Legal Regime for Environmental Protection' (National Workshop on Climate Change University of Ilorin 2010) 27.

³⁷ Olusegun Oguba, 'EIA System in Nigeria: Evolution, Current Practice and Shortcomings Environmental Impact Evaluation (The Workshop of the Nigeria Corrosio Association Warri 2000)

³⁸ Ehusani and Etudiye (n 26) 29.

³⁹ ibid 8.

⁴⁰ UcheGbuonu C.C., 'Critical Examination of Enforcement of Environmental Protection Laws in Nigeria' (LL.M thesis, University of Ilorin 2009) 25.

Conflict of Roles

Prevalence of overlapping roles and functions among agencies responsible for environmental protection in Nigeria is another source of problem. This problem manifests in two ways; conflict in federal/state/local government relations. Conflict between ministries and agencies on functions relations.

As for the first conflict, there has been role conflict among NESREA, the state FEPA and local government sanitation task force in the area of enforcement of sanitation laws especially in the state capital in Nigeria. As for the second part, there has been dispute between NAFDAC and NESREA on which agency has control over hazardous chemical. It has been observed that NAFDAC granted permit by a special arrangement with the Pharmacist Registration Board of Nigeria (PBN) which on behalf of NAFDAC, under the provision of poison and pharmacy act cap 152 section 40 (1).⁴¹ It was one of such permits, IMPORT PERMIT No. 676 granted to Iruekpen Construction Company of 126A Nnebisi road Asaba, for importation of industrial and laboratory chemicals that was used to import toxic waste into Nigeria in 1988, shortly after the then FEPA was created.⁴² The creation of National Drug Law Enforcement Agency to handle drugs and narcotics has also generated problem of overlapping functions. The above and other related instances of overlapping functions of agencies have created problem of effective implementation of environmental protection laws in Nigeria. Also, there is conflict of role among the three systems of Environmental Impact Assessment (EIA); one of the Petroleum Sector (DPR) the second for Urban and regional planners development control and the third (EIA) act administered by Federal Ministry of Environment. By 1992, all the three systems had in one form or the other put up legislations stipulating proactive pollution control with measures including impact assessment mitigation and project approval.⁴³ The function overlap among the three bodies finally created problem of environmental protection enforcement as prospective permit seekers sometimes simply ignore one of the agencies in order to save cost and time for executing their projects.⁴⁴

Corruption among the Forest Conservators and Wildlife Officials

In the area of forest and wildlife conservation, there has been reported cases of compromise and corruption and corruption between the forest conservators and the tree loggers resulting in the felling and carting away several timbers in the forest reserves. This particular act has gone a long way to bring about deforestation and

⁴¹ Section 40 Pharmacy Act Cap 152

⁴² Functional Organisation Chart of Technical Department 1991-1993. (3rd International conference on Environmental Enforcement Law Report) 494.

⁴³ Amokaye G. Oludayo, 'The Struggle for Legislative Supremacy by the Federal and State Governments over Physical Planning Matters: Need for Judicial Caution' (2003) 23 J.P.P.L. 53.

⁴⁴ Bello (n 12) 17.

defeat the laudable aim of afforestation by the federal government of Nigeria. The same thing goes for collaboration between park rangers and park poachers which has led to depletion of endangered species in our national parks. All these have constituted problems of environmental protection in Nigeria.

Lack of Sensitization

Lack of sensitization of Nigerians on the need to be more environment friendly, to treat campaign against climate change as a matter of national security and to take measures to reduce emission of gasses and reckless felling of trees, has contributed to problem of environmental protection. Because up till now, many Nigerians cannot understand why they should not fell trees in the bush to make charcoal just for simple reason of preventing deforestation and green house gas emission.

Solutions for Effective Environmental Protection Law in Nigeria

Having known the problems of effective environmental protection laws in Nigeria, the following solutions are hereby suggested.

Establishment of Empowered Enforcement Department with Effective Enforcement Strategies

Having found that compliance is the bane of the present environmental protection laws in Nigeria, establishment of empowered enforcement department with effective enforcement strategies will go a long way to ensure compliance of officials of the federal ministries and the foreign oil companies in the Niger Delta with the environmental protection laws particularly with the Environmental Impact Assessment (EIA) on public and oil related projects. The department should be adequately empowered and trained to enforce the laws and prosecute offenders of environmental protection laws particularly on oil spillage, gas flaring, flood, environmental degradation and others.

Change of Orientation and Consideration by the Government;

The Federal Government of Nigeria should have a change of orientation and consideration of placing potential loss of revenue and investments above consideration for protection of environment. The government should ensure the foreign oil companies comply with 'the regulations on environmental protection and such acts of violation of environmental protection laws of Nigeria, like excessive gas flaring, oil spillage, flood and degradation of environment. The Government officials should be made to change their fallacious presumption that government projects are in the overall interest of the people, hence the project should be executed without giving due regards to compliance with environmental impact Assessment system.⁴⁵

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Okon E.E., 'Legal Framework of Environmental Impact Assessment in Nigeria', (2001) 15(2237)MPIFIL

This new position will enhance effective environmental protection laws in Nigeria if adhered to.

Change in the Attitude of Courts

The courts in Nigeria will help a lot to ensure effective implementation and compliance with environmental laws if there is a change of attitude from their paternalistic support for the influential oil companies in the Niger Delta. The Nigerian courts should emulate the legal position in India and Pakistan whereby consideration for right to life was used as a basis for emphasizing the need to take drastic steps to combat environmental pollution. The Nigerian courts should treat promptly and grant appropriate order of compensation to the damages done to the people, the land and water resources. Enforcement of appropriate court orders will help to reduce the damage being done to the environment in the Niger Delta especially in the area of gas flaring, oil spillage and flood. This will bring about respect environmental protection laws.

Domestication of International Treaties and Agreements

Nigerian government should promptly domesticate international treaties and agreements, so as to give effects to their enforcement in Nigeria. In order to mitigate the impact of climate change on Nigerians economy, Nigeria should begin to implement the recommendations of international treaties to which Nigeria is a signatory. Nigeria should implement the Kyoto protocol. Although Nigeria is not a major player in the Green House Gas emission compared to the western developed countries, the country has contributed to the depletion of the ozone layer through continuous gas flaring emission by the multinational oil corporation in the Niger Delta regional.⁴⁶ Therefore, domestication of Kyoto protocol will enable effective environmental protection laws on Green House Gas emission and climate change to be enforceable. Domestication of other international treaties like the 1972 Stockholm declaration on protection of environment, the Rio convention of 1992, on sustainable development of environment and many others will facilitate effective implementation of environmental protection law.⁴⁷

Improved Funding

Provision of improved and adequate funding of environmental protection agencies like NESREA, EIA, NDDC and the Federal Ministry of Environment, will help a lot to facilitate effective implementation of environmental protection laws. prompt release of operation grants, adequate remuneration of the staff and adequate provision of financial resources will stem corruption among the officials of environmental protection laws and activities.

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Hekeem (n 33) 10.

⁴⁷

UcheGbuonu (n 40)12.

Provision of Adequate Man Power

Equipping NESREA and EIA with adequate and qualified number of technical and legal personnel will go a long way to enhance proper discharge of the functions of environmental protection agencies and improve on its present precarious personnel condition.⁴⁸

Restoration of NESREA Technical Committee

A review and ultimate restoration of NESREA technical committee that is presently abrogated will also help to facilitate effective implementation of environmental protection laws in Nigeria. The technical committee was designed to serve as a think-tank for the Governing Council which was largely composed of political appointees with little or no guaranteed expert knowledge of the subject.⁴⁹ Restoration of this abrogated technical committee will assist in provision of useful expert advice to the Governing Council of NESREA and will in the end guarantee effective implementation of environmental protection laws.

Massive Enlightenment

Massive enlightenment of people by the NESREA and EIA, about the need to be environmental friendly and take measures to reduce emission of the gases responsible for global warming should be embarked upon. Through this massive sensitization exercise, Nigerians shall know the problems associated with global warming and other environmental pollutions and the steps that can be taken to fight the problems.⁵⁰ With the above, the environmental protection laws in Nigeria will achieve effective compliance.

Conclusion

The above paper has identified and discussed various problems of environmental protection in Nigeria. The problems identified and analyzed include; lack of compliance with environmental protection laws by Federal government agencies on Environmental Impact Assessment reports and by the foreign oil companies operating in the Niger Delta area. Lack of enforcement of environmental laws on the foreign oil companies, lack of implementation of international treaties on environmental protection by the Federal Government of Nigeria and poor funding of environmental protection agencies like NESREA and EIA. Others include inadequate and ill equipped staffing of NESREA and EIA, conflicts among NESREA, NAFDAC and NDLEA on the discharge of environmental protection functions. Corruption among the forest conservators and wildlife officials and lack of sensitization on the need for Nigeria to be environmental friendly. The abrogation of the Technical Committee which is supposed to be Think Tank for the Governing Council of

⁴⁸ Ehusani and Etudaiye (n 36) 28.
⁴⁹ *ibid*
⁵⁰ Hakeem (n 33) 11.

NESREA is a substantial anomaly against environmental effectiveness of environmental protection laws in Nigeria. Also, necessary solutions have been proffered for solving the problems of effective environmental protection laws in Nigeria. The solutions to the problems of effective environmental protection laws in Nigeria as reflected in this paper include establishment of empowered enforcement department with effective enforcement strategies, change of orientation and consideration for placing loss of revenue and investment above consideration for clean environment by the Federal Government Officials. Change in attitude of the courts from paternalistic support for the influential oil companies in the Niger Delta area, domestication of international treaties and agreements into Nigerian laws in order to enhance effective operation and compliance with such treaties in Nigeria. Improved funding of the environmental protection agencies like NESREA and EIA, provision of adequate manpower, massive enlightenment of Nigerians on the need to be environmental friendly and above all restoration of Technical restored, will go along way to enhance effective performance of NESREA and effective implementation of environmental protection laws in Nigeria.