



## **A CRITICAL POLICY REVIEW ON ENVIRONMENTAL PROTECTION IN NIGERIA**

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### **Abstract**

*The environment is as important as human life because it is the environment that shelters the earth and enables life to exist with essential elements and compounds like nitrogen, oxygen, carbon dioxide, water vapour etc. On this note, it becomes essential for human beings to, as a matter of necessity properly manage the environment for life sustenance. In Nigeria, there are several policies of government to protect environment to safeguard human survival. These policies deserve review and assessment to see their effectiveness on the protection of the environment. To properly take off, the study adopts secondary source of data using published and unpublished relevant materials. The study adopts the theory of Environmentally Responsible Behaviour (ERB) as a theoretical framework which serves as a foundation upon which the discussions of this study are based. The study deduced that human activities on the environment earnestly change the face of the earth, the nature of its atmosphere, and the quality of land, water, air, forest, etc. Many of the environmental policies in Nigeria are outdated and many fragmented. Many of them were not formulated with contributions from informed masses nor based on nationally generated baseline data. Participation of the people in policy formulation and implementation is lacking. The paper identifies challenges confronting the management of environment in Nigeria and policy options are provided.*

**Keywords:** Environment, Policies, Human Life, Atmosphere, Earth

### **1. Introduction**

Environment is the atmosphere that shelters the earth from excessive amounts of ultraviolet radiation and enables life to exist with a gaseous mixture of nitrogen, oxygen, carbon dioxide, water vapour, other elements and compounds, and dust particles. The soil is the thin mantle of material that supports terrestrial life. Land, water, air mineral resources and forest are the major elements of the environment, which are dependent on the earth's living organisms including human beings survivals. Plants use water, carbon dioxide and sunlight converted to raw materials into carbohydrate through photosynthesis. Animal life in turn is dependent on plants, in a sequence interconnected relationships or union as food (Adekola, 2011).



The environment is the life support system given by the Creator to mankind. Sometimes in the past, the three components of the environment -air, soil and water - were pure, virgin, undisturbed, uncontaminated and basically most hospitable. But, the reverse is the case today because progress in science and technology is also leading to environmental degradation and serious ecological imbalance, which in the long run, may prove disastrous for mankind (Eneh and Agbazue, 2011:490-491). However, when the natural environment of the planet has degenerated to such an extent, that the biodiversity and general health of the planet is subjected to drastic reduction, and the earth's natural surroundings are the deteriorated as a result of excessive exploitation of the available resources, land water, air, mineral resources etc, environmental depletion/degradation is said to have occurred.

Eneh et'al (2011:492) are of the opinion that in quest for economic development, which seeks to increase the quantum of economic output without caring about the short- and long-term short-changes of human and material resources arising from the process, the activities of people and nations conquer and wreck the world, rather than sustain it for the present and future generations. Progress in agriculture, industry, transportation and technology is usually the barometer of economic development of any nation. Such activities of man have created adverse effects on all living organisms in the biosphere. Rapid industrialisation has left with us polluted rivers, contaminated soil, depleted wildlife and exhausted natural resources. As a result, the environment of today has become foul, contaminated and harmful for the health of living organisms, including man. The unlimited rapacious exploitation of the splendid of nature by man has disturbed the heritage of ecological balance existing between living and non-living components on the earth planet. This undesirable situation created by man has threatened the survival of man himself and other biota on the earth.

It is a common knowledge now that a crisis of global proportion is, and has been affecting the human environment, through pollution of the atmosphere and of maritime, coastal, and inland water, through depletion of rural lands, through destruction of ecological balance of natural areas and through the uncontrolled depletion and ravaging of the world natural resources. Therefore, the historic United Nations conference on the Human environment held in Stockholm from 5-16 June, 1972, pursuant to the United Nations General Assembly Resolution of December 1968, represented the first major effort to solve the global problem of protection and improvement of the human environment by international agreement on a universal a level as possible (Stark, 1989:405). Large numbers of environmental guidelines were drawn in the conference.

To protect the environment from the adverse effects of pollution, many nations worldwide have enacted legislation to regulate various types of pollution as well as to mitigate the adverse effects of pollution. For instance, Nwafor (2006:33) observes that Clean Air Act of 1956 and the Electronic Waste Recycling Act or Senate Bill 50 was signed into law in 2004 by the government of the United States of America (USA). The bill provides for the



establishment and funding of a programme for consumers to return, recycle and ensure safe and environmentally sound disposal of covered electronic device. Pollution control is a term used in environmental management. It means the control of emissions and effluents into air, water or soil. Without pollution control, the waste products from consumption, heating, agriculture, mining, manufacturing, transportation and other human activities, whether they accumulate or disperse, will degrade the environment.

The health of the environment is a good indicator of the health of any nation. Governments have a duty to give the environment topmost priority beyond mere political pronouncements. The ravages of pollution, deforestation/desertification, and erosion and sundry manifestations of environmental degradation show that much still needs to be done to ensure environmental protection in Nigeria. A wide gap exists between pronouncements and action and this need to be urgently closed because the vast majority of Nigerians live close to the environment.

It is against this backdrop that this paper examines some of the environmental policies and laws in Nigeria and their effectiveness to aid a healthy environment in the country and suggests policy options that will allow Nigerians to live a healthy life

## **2. Literature Review**

### *Theoretical Framework*

The study adopts the theory of Environmentally Responsible Behaviour (ERB) which serves as a foundation upon which the discussions on this study are based. According to Elijah (2017), the theory of environmentally responsible behaviour was proposed by Hines, Hungerford and Tomera. The model argues that possessing an intention of acting is a major factor influencing ERB. It is an intention to act and have locus of control. On environmental management, the theory of Environmentally Responsible Behaviour hinges on the way and manner by which individual behave to the management of environment. Individual, apart from having the environmental knowledge which could prompt them to have a good attitude which could translate to good intentions to act; individuals may go through the internal and external control, such as being influenced by actions of others towards the environment. The policies and law initiated by government also could be seen as an attitude towards the management of the environment. If the attitude or efforts of individual and government fail to provide desirable environmental friendly to inhabitants, it means that the theory of Environmental Responsible Behaviour's objective has been defeated. This is the picture of what is obtainable on the environmental management by individuals and government in Nigeria.

### *Conceptual Clarification*

The concept of environment, in its broadest sense is defined as including water, air, soil, flora and fauna. According to Marie-Louise (2009:156) in the 1972 Stockholm Declaration, environment is also 'especially representative samples of natural ecosystems' are included



in the definition. The term environment could be said to cover all those elements which in their complex inter-relationships from framework, setting and living conditions for mankind, by their very existence or by virtue of their impact. Marie-louise (2009: 156) also cited the New Zealand Environment Act of 1986, where the environment is defined as including: ecosystems and their constituent parts; all natural and physical resources; and the social, economic, aesthetic and cultural conditions which affect the environment or which are affected by change to the environment

According to Merriam-Webster dictionary (1828)'s definition of environment, it is the circumstances, objects, or conditions by which one is surrounded. It is also the complex of physical, chemical, and biotic factors (such as climate, soil, and living things) that act upon an organism or an ecological community and ultimately determine its form and survival. It is the aggregate of social and cultural conditions that influence the life of an individual or community.

Meanwhile, policy is a course of action adopted by any given society or an organisation. It is often referred to as the laws, regulations, administrative guidelines, procedures and finding criteria established by a given society or an organisation (Yusuf, 2019:1). Policy is the general principles by which a government is guided in its management of public affairs. As applied to a law, policy is ordinance, or Rule of Law, the general purpose or tendency considered as directed to the welfare or prosperity of the state or community. Now environmental policy is a written statement, usually signed by senior management, which outline a business' aims and principles in relation to managing the environmental effects and aspects of its operation. Environmental policy is a policy that pertains to our interactions with our environment. Its main goal is to regulate resource use or reduce pollution to promote human welfare and or protect natural system.

#### *Environmental Policies and Laws in Nigeria*

Most scientists agree that if pollution and other environmental deterrents continue at their present rates, the result will be irreversible damage to the ecological cycles and balances in nature upon which all lives depend. Scientists warn that fundamental, and perhaps drastic, changes in human behavior will be required to avert an ecological crisis. To safeguard the healthful environment that is essential to life, humans must learn that the earth does not have infinite resources. The earth's limited resources must be conserved and, where possible, reused. Furthermore, humans must devise new strategies that mesh environmental progress with economic growth. The future growth of developing nations depends upon the development of sustainable conservation methods that protect the environment while also meeting the basic needs of citizens (ERA, 2015:2).

Many nations have acted to control or reduce environmental problems. For example, Great Britain has largely succeeded in cleaning up the waters of the Thames and other rivers, and London no longer suffers the heavy smog caused by industrial pollutants. Japan has some of the world's strictest standards for the control of water and air pollution. In Canada, the



Department of Commerce has developed comprehensive programs covering environmental contaminants (ERA, 2015: 4).

In the United States, the Environmental Protection Agency (EPA) was established in 1970 to protect the nation's natural resources. In addition, the U.S. Congress has provided governmental agencies with legislation designed to protect the environment. Many U.S. states have also established environmental protection agencies. Nigerians see the utilitarian as well as aesthetic nature of their environment. They see the inherent opportunities for meeting their needs through farming, games, fuel and fishing. The environment is indeed the source of diverse resources upon which life is sustained. The process or mode of extraction utilised to meet that end can reverse this life-giving relationship. Thus the environment that gives life can also become a lethal space.

During the colonial era, regulation of economic activities, considered significant for the realisation of economic interest of the colonizer, for the purpose of protecting the environment was not popular among policy makers. If at all, it was mostly restricted to public health and sanitation. Today general notion of environmental concerns go little beyond the infamous monthly environmental sanitation exercises and demolitions of alleged illegal structures. The question of determining the role played by Nigerian state in this process requires understanding, conceptually, the character of environmental policy making, legislations and implementation processes in Nigeria. There are several environmental policies and legislations in Nigeria with responsibilities of environmental protection as a measure to address environmental problem.

ERA (2009) is of the view that there are two phases of environmental regimes in Nigeria: the era before 1988 and post-1988. The former consist of laws, including those formulated by the colonial state, in which protection of the environment from oil exploration and production activities was supposed to be implanted. In this era, there was neither a national policy on environment nor concern for protection of the environment. These regimes took the form of Acts, Decrees, Legislations and Edicts. Although many of them cannot stand alone as environmental laws, they are embedded in other substantive laws or policies that can be invoked for the protection of the environment. The Minerals Act (CAP 121) of 1958, for example, has provisions for measures that must be taken to prevent and regulate pollution of ecosystems. This, to some extent, is admirable, for a colonial government, habitually berated for being insensitive to socio-economic and environmental needs of the colonized.

The Petroleum Act of 1969, amended by Decrees No.16 of 1973, No. 49 of 1976, and No.37 of 1977, has remained a major law environmental law in oil and gas industry in Nigeria. It vests ownership of petroleum in the state. It also makes provision for protection of pollution of inland waters, rivers, water courses, the territorial waters of Nigeria or the high seas by oil,, mud or other fluids or substances which might contaminate the water, banks or shoreline or which might cause harm or destruction to fish, water or marine life and where any such pollution occurs or has occurred, shall take prompt steps to control and



if possible, end it. Full enforcement of this law is currently lacking. This remains an obstacle to protecting the environment from oil pollution (ERA, 2009).

The post-1988 era is marked by rules, regulations and standards on the protection of environment in Nigeria beginning from 1989. It is instructive that Nigeria signed most of its international treaties and conventions on environmental issues during this era. For example, Nigeria signed the international Oil Pollution Response Co-operation Convention in 1990. It also formulated the National Oil Spill contingency Plan in that year, for which the National Oil Spill Detection and Response Agency (NOSDRA) is expected to coordinate its full implementation. Following adoption of the International Convention for the prevention of pollution of the sea by oil in 1954, the Oil in Navigable Waters Act was formulated in 1968 (ERA, 2015: 2). There has been no substantial progress in the implementation of both the Minerals Act and the Petroleum Act of 1969 especially in the areas of monitoring and control of effluent discharge, oil spill contingency plan, oil spill records and so on. Other environmental policies and legislations in Nigeria that are of relevant to examine in this paper include:

Constitution of the Federal Republic of Nigeria (1999): the constitution as the national legal order recognises the importance of improving and protecting the environment and makes provision for it.

-Sections 20, 12, 33 and 34 make it an objective of the Nigerian state to improve and protect the air, land, water, forest and wildlife of Nigeria; establish, though impliedly, that international treaties (including environmental treaties) ratified by the National Assembly should be implemented as law in Nigeria; sections 33 and 34 which guarantee fundamental human rights to life and human dignity respectively, have also been argued to be linked to the need for a healthy and safe environment to give this rights effect.

*National Policy on Environment (NPE):* An international workshop, which held from September 12 to 16, 1988 in Lagos, lead to an end of the pre-1988 era. The workshop introduced the new era by setting the stage for the emergence of an NPE which was previously non-existent. Nigeria is committed to a national environmental policy that will ensure sustainable development based on proper management of the environment. This demands positive and realistic planning that balances human needs against the carrying capacity of the environment. This requires that a number of complementary policies, strategies and management approaches are put in place which should ensure, among others, that: Environmental concerns are integrated into major economic decision-making process; environmental remediation costs are built into major development projects; and economic instruments are employed in the management of natural resources; environmentally friendly technologies are applied; (ERA, 2015)

*Environmental Impact Assessment Degree (EIA):* The promulgation of the Environmental Impact Assessment Decree (EIA) No. 86 of 1992 has been a milestone in the provision of opportunities for involvement of local communities in the prevention of oil pollution. Unfortunately, this has not been realised. The Act has potential for the promotion of



environmental democracy across the nation because it requires the participation and consultation of communities wherever large-scale projects are to be executed or where major land conversions are proposed to take place. It provides a tool for community engagement when lands are to be taken up for plantations, farms, industrial set-ups, etc (Eneh and Agbazue, 2011:495).

*Federal Environmental Protection Agency (FEPA):* This agency was established as a result of illegal dumping of toxic wastes of Italian origin on Nigeria soil at Koko in Delta state. The uproar created by this illegal action led to the establishment of this agency. It was established by Decree N0 58 of 1988 (Adekola, 2011:49). The agency was fully accredited as the official Ombudsman of the nation's environment, an umbilical cord that connects FEPA and National Policy on Environment. The law established the agency, among other things to establish and prescribe national guidelines and standard for environmental management, such as water quality, air quality, noise levels etc, and to monitor and control the movement of hazardous substances, and supervise and enforce compliance with environmental law so that pollution can be prevented and controlled (Agbu, 2005:58).

*Land Used Decree Act (1978):* This Act places the ownership, management and control of land in the states of the federation through the office of the Governor of each state. The land is held in trust and administered through the government authority to the use and benefit of Nigerians. Prior to Land Used Decree of 1978, the 1965 Grazing Reserve Law had been enacted with legal backing to the acquisition of grazing reserves. The law gave the then regional governments and Native Authorities powers to acquire native land and constitute in to grazing reserves (Agu, 2005 ).

*National Environmental Standards and Regulation Enforcement Agency (NESREA) Act 2007:* This Act replaced the Federal Environmental Protection Agency (FEPA) Act. It is the embodiment of laws and regulations focused on the protection and sustainable development of the environment and its natural resources. NESREA has several regulatory bodies under it, which include: National Effluent Limitation Regulations, National Environmental Protection (Pollution Abatement in Industries and Facilities Producing Waste) Regulations 1991 and the Federal Solid and Hazardous Waste Management Regulations (1991). These regulatory bodies under NESREA are charge with the responsibilities of regulating the activities of industrial and other companies on the protection of environment (Eneh and Agbazue, 2011: 494).

*Water Resources Act 101 (1993):* This law vests on the Federal government of Nigeria through the Federal Ministry of Water Resources, the right to regulate, develop and license all water operators in Nigeria. There are several water regulation agencies in Nigeria which include: National Water Ways Authority, River Basing Development Authority, the National Water Resources Institute, Nigeria Shippers Council, National Maritime Authority and National Agency for Food and Drug Administration and Control (NAFDAC). There is also Navigation Waters Act provides for the implementation of the



international convention for prevention of pollution of sea by oil and provide for remedies against such pollution (Christopher, 2004:160).

*Nigerian Urban and Regional Planning Act, Cap N138, LFN 2004:* This Act is aimed at overseeing a realistic, purposeful planning of the country to avoid overcrowding and poor environmental conditions. In this regard, sections 30 (3), 39 (7), 59 and 72 require a building plan to be drawn by a registered architect or town planner; an application for land development would be rejected if such development would harm the environment or constitute a nuisance to the community; it is an offence to disobey a stop-work order with a fine not exceeding N10,000 (Ten thousand naira only) and in the case of a company, a fine not exceeding N50,000; provide for preservation and planning of trees for environmental conservation(ERA, 2015).

*Harmful Waste (Special Criminal Provisions) Act, Cap HI, LFN 2004:* This Act prohibits, without lawful authority, the carrying, dumping or depositing of harmful waste in the air, land or waters of Nigeria. Sections 6, 7 and 12 provide relevant punishment for the offenders (ERA, 2015).

*The Environmental Impact Assessment Act:* The environmental assessment Decree No 86 of 1992 has come as a fitting compliment to the FEPA Decree in the important area of land utilisation and siting of industries. The principal goal of this enactment was stated under section 1 which is to ensure that possible negative impacts of development projects are predicted and addressed prior to any project take-off. The effect of this is to promote sustainable development. The second phase of this assessment is referred to as environmental audit. This process which culminates in the writing of an environmental audit report compliments the process of an environmental impact assessment and in some instances supplement it. In furtherance of the objectives of this Act, FEPA established saddled with the responsibilities of ensuring enforcement and compliance with provision of the act in every aspect of the nation's development efforts. It is clear that this Act provides machinery for enhancing sustainable development in Nigeria but how far has this been achieved not to be exercised arbitrarily. There is a provision for giving a hearing to interested parties and members of the public if their interest would be injuriously affected ((Eneh and Agbazue, 2011).

*The Mineral and Mining Act:* The process of minerals and mines exploration and exploitation is one that can result in serious environmental degradation and damage. Section 65 of the Act prohibits the pollution and causing to be polluted any water or water course by any person in the course of mining or prospecting for minerals. Furthermore, section 33(4) mandates any holder of a prospecting right upon completion of prospecting operations to fill up any shafts wells, holes or trenches made by him and to restore the land to its original state. Section 254(1) of the Act provides for the establishment of the mines field police (drawn from Nigerian police) for the purpose of enforcing compliance with the provision of the Act and of regulation made there under (Uche, 2000). All the above provisions, inter alia, are geared towards sustainable use and exploitation of the





environment. We however wonder as to the failure to establish the minefield police as provided under the section. One then wonders if the entire minefield which has resulted into death of many was not dug by miners and they are still there. And the important question at this juncture is, how many arrest have been made by mine police since the inception of the above provision.

*The Harmful Waste (Special Criminal Provision Etc) Act 1988:* The Act was enacted with the specific object of prohibiting the carrying, depositing and dumping of hazardous wastes on any land, territorial waters and matters relating thereto. This Act is essentially a penal legislation. Doing any of the acts or omission stated in the section 12 of the act constituted the offences. The jurisdiction of the Act is far reaching as it sought to remove any immunity conferred by diplomatic immunities and privileges Act on any person for the purpose of criminal prosecution (Eneh and Agbazue, 2011: 493). It however important to note that despite its far reaching jurisdiction, it focuses mainly on criminal prosecution of damage and does not provide compensation to the victim of the damage.

There are also Nigerian national environmental laws derived from international laws. Between 1963 and 1990, Nigeria is signatory to a number of international laws, including Mineral Oil (Safety) Regulations Act 1963, Petroleum Regulations Act 1967, Oil in Navigable Waters Act 1968, Petroleum (Drilling and Production) Regulation Act 1969, Oil Terminal Dues Act 1968, Associate Gas Reinjection Act 1979, Petroleum Amendment Act 1973 and Harmful Wastes (Criminal Provisions) Act No. 42 of 1988.

Some other diverse pieces of legislation, which fall within the ambit of environmental protection, include Civil Aviation Act 1964, Antiquities Act 1915 (1958), Live Fish (Control of Importation) Act 1965, Explosives Act 1964, Territorial Waters Act 1967, Exclusive conomic Zone Act 1958, Petroleum (Drilling and Production) Regulations Act 1969, Nigerian Atomic Energy Commission Act 1976, Natural Resources Conservation Act 1989, River Basin Development Authorities Act 1987, Sea Fisheries (Licensing) Regulations 1992, Quarries Act 1969, Land Use Act 1972 and National Parks Acts 1991

### **3. An Overview of Environmental Management in Nigeria**

There are clear indications that the environment is depleted across the world, which could be natural in origin, or cause by human activities. There are a number of ways in which environmental degradation can happen. In a classic case, resources simply become depleted. The daily visible pollution, abuse of, and threat to the ecological system, posted by the impact of man's activities, technological and industrial development on the essential components of the natural environment of Nigeria, that is, the air land and water belie any appearance of complete ignorance on the part, of Nigerians environmental management agencies (Adekola, 2011:50). Man's mismanagement of the environment in the form of oil spills, gas flaring, dumping of hazardous substance on human habitation and other environmental abuse constitute the major factors to environmental degradation and consequently have negative impact on national security. In theory, therefore, effectiveness of Nigeria's environmental policies and laws could be ascertained from the



comprehensiveness of its environmental regimes, but in practice, effective enforcement of such rules and policies do not look promising. It is on this note that paper examines environmental abuse and management on land, in water, in the air, during mineral exploration and forest management in relation to Nigeria's environmental laws and their respective management agencies. The paper also analyses lack of compliance to these laws by people as well as poor enforcement of the laws by the agencies (Adekola, 2011:50).

Land degradation occurs when the value of the biophysical environment is affected by one or more reasons. Land degradation remains an important global issue for the 20<sup>th</sup> Century because of its adverse impact. Land degradation is caused by agricultural practice, take many forms and has many causes which include overgrazing soil erosion, soil sanitation (build up of salts in soil that result in irrigation in certain situation); water logging, conversion of tropical forests to agriculture. It is noteworthy that land is considered deteriorated when its productivity is diminished. The World Resources Institute and United Nations in a 1990 cited by Adekola (2011) survey estimated that the productivity of 17 percent of the earth's vegetated land surface has been decreased by human activity. This is equal to the land area of Africa. This figure includes land other than agricultural land in particular. The World Resources Institute estimated in 1998/99 that each year, irreversible degradation claims 3-6 million hectares of cropland. This translated in to a loss of almost ½ of 1% of global cropland per year.

It was reported in the World Bank report of 2008 cited by Adekola (2011) that in the Northern part of Nigerian, increasing needs for food and firewood have resulted in the deforestation and cultivation of steep slopes, causing severe erosion. In addition to the problem is the loss of prime cropland to industry, dams, urban sprawl and highways. Furthermore, soil erosion is accelerating every part of Nigeria and is degrading up to one third of the crop and posing a significant threat to the food supply.

Evidently, it is obvious that Nigerians do not have respect for the rules and regulations that guide the activity of man on environment. Lands are forcible allocation to themselves without approved plan and permission from the constituted authority. There are many illegal constructions built on erosion channel, blocking the water pathways and dumping of refuse on water ways, this practice leads to diversion of erosion, causing severe damage on property and destroying surface of the earth. For instance, in August, 2011, there were massive floods record in The National Newspaper of September 17 2011 in Ibadan, University of Ibadan was badly affected with over N1billion naira worth of property destroyed.

Today in Nigeria, the Town Planning rules are neither obeyed nor enforced. There are buildings under high tension wires and sewage land. Many houses that were pulled down in the Nigerian Federal Capital (Abuja), during El-Rufai's administration as FCT minister are typical examples. Lands, in Nigeria, were acquired illegally and houses were built on them without approved plan, distorting town planning system which would have provided healthy environment. This practice is commonly found in the cities in Nigeria.



Northern Nigeria is severely threatened environmentally. The area is semi-arid and experiences variable and unpredictable rainfall, overgrazing and seasonal fires, combined with poverty, increasing violence and population growth. Desertification is a major problem in at least eleven states in this zone: Adamawa, Bauchi, Gombe, Borno, Yobe, Jigawa, Kano, Katsina, Zamfara, Sokoto and Kebi States. Nigeria is said to be losing about 351,000 km<sup>2</sup> to desertification representing 38% of its total land mass. Legislations aimed at tackling the problem do exist. These include the National Environmental (Desertification Control and Drought Mitigation) Regulations of 2011. Effectiveness of these legislations, however, depends on the role being played by affected communities. At the moment such roles are undermined and removed from the policy process. The policies and implementation are rather top-down and propolicy elite, who are far removed from the direct impacts of the problem (Eneh and Agbazue, 2011:495).

On the aspect of water, it is a universal resource and free occurrence in nature, is often taken for granted and abused, especially in third world nations where information on its use and management are neither readily accessible nor disseminated to society. Abundant as it may be, water, in its clean state, is one of the elements in the word (Omole, *et al.*, 2010; 35). In order to prevent abuse, of the element of water, it is guided and protected by a body of laws, politics and regulations.

In spite of enormous laws and regulatory agencies, Nigeria waters remain unsafe, contaminated and polluted. Omode, *et al.*, (2010) assert that industries are the leading surface water pollution in Nigeria because of the high volume of water required to carry out their economic activities. Study carried out by FEPA in 1995 on 200 industries in Lagos revealed that only 18% of them performed any form of primary treatment on their waste water before discharging them into nearby surface water. This shows that twenty years after the publication of PEPA guidelines in 1991, industries are still flouting the standards. Though recent statistics are not available, not much has changed in terms of improvements from the scenario of 1995. Surface water in Lagos continue to be openly polluted with impunity, just as law enforcement agencies look on helplessly (Omode, *et al.*, 2010).

The World Health Organisation (2006) reported the contamination of ground water in the coastal environment in Nigeria, which shows that the ground water in Port-Harcourt, a town in the oil producing region had MPC of 1.8 milligrams per liter in 1987 as against 0.1 milligram per liter recommended by World Health Organisation. Furthermore, oil spill and dumping of chemicals in the rivers and ocean damage coral reef, which are beauty of the ocean and river. Examples of this lie within the coast lands of Niger-Delta (Adekola, 2011:53). Vast areas of Mangrove Wetland have been lost. Coral reefs continue to suffer degradation and the total fish available for catching is declining. The loss is attributed to frequent oil spills and dumping of hazardous chemicals in the water as a result of the activities of oil exploration in the area. Policies put in place by government to address this kind of water pollution could not as it is poorly implemented.



Emission of organic pollution as a result of industrial activities is responsible for rapid deterioration of water with definite health consequences for human pollution. There are a number of specific environmental issues relating to the Nigeria water resources. First, there is the problems of emissions of industries pollutants from industrial industries as mentioned earlier, with main polluting substance indentified to include organic matter, metal, minerals, and sediments, bacterial and toxic chemical. Christopher (2004) asserts that estimated emission of organic water pollutants in Nigeria in 1980 amount to 72.082 kg per day and this rose to 82.477 kg per day in 2000, representing 14.4% increase over the period. This places the country as the third heaviest water polluter in Africa in 1980 and the fourth in 2000.

A recent study of the discharge of heavy metals into the Challawa River in Kano can be taken as an indication of the level of pollution of water bodies by industries in Nigeria's key cities. The environment is impacted negatively by heavy metals in industrial effluents into water bodies including River Challawa in Kano, Nigeria. Like other rivers, the Challawa River is used for many purposes including irrigation, fishing and water supply. Levels of heavy metals in such rivers exceed the maximum permissible limit of Nigeria and WHO (ERA, 2015)

Summarily put, it is unfortunate that despite enormous laws and regulatory agencies in Nigeria, water remains polluted, contaminated and unsafe. Hence, the ineffective enforcement of environmental laws and attitude of Nigerians and companies need to be rebranded with pro-active measures so as to have sustainable national security,

Air is a mixture of gases that compose the atmosphere surrounding earth. These gases consist primarily of the elements nitrogen, oxygen, carbondioxide, water vapour and others. The most attribute of air is its life sustaining property, human and animal life which would not be possible without oxygen in the atmosphere Despite industrialised countries' improvements on air quality by reducing particular matter and toxic chemicals like leads, emission of suphur dioxide and nitrous oxide, the precursors of acid deposition still remain.

In Nigeria, the level of air pollution is enormous. The daily release of associated gas which is separated from oil at flow stations in the oil producing region has been blamed for some health problems such as asthma, bronchitis, skin problems and breathing problem in the Niger Delta communities (Orubu; 2010). Environment is also polluted by toxic substances. These are synthetic chemicals that enter the environment and persist there for a long period of time. Major concentration of toxic substance occurs in chemical dump sites. If they seep into soil and water the chemical can contaminate water supplies, air, crops, animals and it has been associated with human birth defects, miscarriage and organic diseases. For instance, in year 2000 when SPDC injected or dumped suspected substances of 1,200 litres into well 3, Isoko in Delta State, Nigeria, the toxic waste was a major threat to over 50,000 inhabitants of Erovie communities in Ozoro, Delta State. It polluted the atmosphere with harmful odours. People were reporting strange ailment. About 93 people including



pregnant women were reportedly killed as a result of direct contact with dumped waste. Hundreds of people contacted various diseases from the waste dump.

Sometime in 2015 in Kwara state, the refuse were dumped in several places by the Kwara state Ministry of Environment as a result of which nearby communities in these areas were and are contacted various ailments. Olooru community in Moro Local Government is one of the places affected by this. Youths in Olooru and surrounding communities protected and disallowed the vehicles carrying this refuse to come to the dumping site.

To combat the scourge of pollution and related issues in Nigeria, there are some latent laws put in place by the Nigerian government analysed in section 2 above. Generally, these laws and enforcement agencies have neither been effective in curbing ecological damages caused by oil pollution – gas flaring, oil spill and dumping of hazardous substance nor have they been able to prevent activities deleterious to the Nigerian environment. The laws deal with only measures to prevent pollution while they are silent on the consequences that should follow when pollution occurs. Summarily put, if national security entails the wellbeing of people and air pollution affects adversely the lives of the people, the pollution of atmosphere has adverse effect on nation's security.

Under the Nigerian legal system, forestry laws are essentially statutory laws. These are laws passed by a legislative body, be it under a military government or under civilian democracy. The subject of agriculture falls under the concurrent legislative list in the Nigerian constitution. Consequently, both the federal and the state governments are empowered to make laws on agriculture. In actual practice, the bulk of the laws on forestry are made by each state of the federation, taking into cognizance their peculiar geographical features (Peter; 2006:3).

Nigerian forests have been drastically destroyed as a result of human activities. It was reported by the World Bank (2008 cited by Adekola, 2011) that human activities have had a major impact on the loss and degradation of Africa's tropical forest. Between 1990 and 2000, an estimated 5 million hectares (13 million acres) of forest were lost in Africa. The destruction has been especially significant in Madagascar and in West African countries such as Nigeria, Ghana and Cote d'voire where population growth and agricultural development have been rapid. Economic development schemes have harmed forests in Nigeria. Forest have been cleared for large – scale plantation agriculture, flooded under reservoir by the construction of dams and in the case of oil region, harmed by development and pollution related to petroleum exploitation.

It was reported in the Nigerian *Guardian* of 5th August, 2010:28 “with oil exploration and exploitation that takes place in the marginal oil fields in the forest area, carbon emissions threaten and impact on ocean beds, aquatic life and coastlines, tackling flooding in Akwa Ibom, especially in the areas neighboring the forest reserve. The forest in the region, one of Nigeria's 445 forest reserves, when first place in government gazette in the late 1950, had an area of 310km<sup>2</sup>. By 1990s, owing to logging, farming and oil exploration, it had shrunk



to about 90 square kilometers”. Its gradual loss exposes coastal communities to the unmitigated bashing of sea water.

This development is worrisome, considering the legal mechanism and management structure put in place. Even as Nigeria is party to international agreements like Desertification Convention and Oil Pollution Preparedness of Marine and Coastal Environment, this devastating and catastrophic forest destruction still persist as Nigeria and its law enforcement agents could not help the situation.

Nigeria has one of the highest rates of deforestation in Africa and this is not because there are no policies, laws and regulations. Apart from the national forestry policy, some states in Nigeria equally have laws governing forestry in their territories. There is also the Forestry Law, Cap 55, the National Park Services Act of 1999 and the contentious Land Use decree of 1978. The National Park Services Act allows the right of communities to participate in the management of the parks. How this works out in reality is contestable. The Forestry Law, Cap 55 also allows for community management of forests but realizing this requires strenuous efforts by communities. Forest conservation in Nigeria faces many challenges including conversion into plantations of rubber and palm oil as well as the entry of UN-REDD programmes (Nwufo, 2010: 494). It is feared that the REDD programmes will bring about restricted access to community forests and human rights infringements while at the same time tacitly granting the rich countries the right to pollute at home thereby compounding the threat of climate change that it is supposed to reduce. Dependence on fuel wood for energy is a serious challenge all across Nigeria, and more so in forest deficit zones such as Northern Nigeria. Careful management of forest resources would help the situation if holistic approach is adopted and built with close collaboration by communities.

On mineral exploration, the British started tin mining operations in Nigeria in 1904 and were mining gold deposits by 1906. The mining Act was enacted in 1946 to regulate the growing mining sector (Uche; 2000:1). Throughout the history of mining and irrespective of the differences in jurisdiction, geology, technology and otherwise, the high risk nature of mining has not changed. Despite development which oversees the management of all mineral resources, there are cases of illegal mining of mineral resources across the country, which has caused serious devastating depletion on Nigeria environment. The mining law, which is codified in the Federal Minerals and Mining Act of 1999 could not arrest this ugly situation with adverse effects on the environment and livelihoods of people. This has resulted in continued destruction of the earth crust through excavations in underground mines and surface excavation in open pit, sending dust particles into the atmosphere. It is obvious that mining have ecological effects. According to Uche (2000), a report of environmental officials with the government of Plateau State indicates that 1,100 tin and columbite mines, abandoned after the mining boom of the 1960s, now pose serious health risks to as many as million people living in the area. Radioactive mine tailings were reported to be a danger to local people living around mining fields in Jos, Barikin-ladi, Bassa and Riyom districts.



After independence in 1960, the Nigerian government neglected the mining industry in favour of the more lucrative oil sector. For more than five decades of oil explorations and exploitations in Nigeria, there is surprising little good quality independent scientific data on the overall or long-term effects of hydro-carbon oil pollution on the inhabitants. Oil led development has clearly and seriously damaged the environment and the livelihood of people in the area. There are numerous cases of oil spills and gas flaring as a result of exploration and exploitation of oil in Niger-Delta, which pollute and deteriorate Nigerian environment. Despite series of laws regulating oil exploration and exploitation are in place which includes: the petroleum Act of 1969, the Associated Gas Re-Injection Act Cap 26 etc. as earlier mentioned in section 2, the catastrophic destruction of the environment by oil exploration and exploitation continues.

Oil exploration and refining disrupts the fragile and dynamic equilibrium of the natural environmental complex. The meta-stable parameters of the cobweb are altered. It is noted that the seismic method employed by oil prospecting companies in the search for crude petroleum involves the detonations of these explosives and send shock waves and vibrations into the earth's crust, thereby causing some level of damage to the earth's lithosphere materials. Hyginus (2003) opines that oil spillage activities have far reaching implications on the soil structure. The presence of crude oil increases the anaerobic bacteria which induces the content of oxygen in the soil, thereby altering the structuring and textural characteristics of the soil. The oil producing region of Nigeria is threatened by agricultural expansion as a result of oil pollution. For instance, Agbu (2005) reported that about 3000 spills incidents were reported by the company operating in Nigeran. Indeed, within this period, over 2 million barrels of oil spilled into the country's terrestrial, coastal and offshore marine environment. Similarly, Nigeria's former minister of environment, Mr. John Odey, disclosed in August, 24 and 28, 2010 that 3,203 cases of oil spillages occurred in the country between 2006 and 2010.

Despite all these enormous Laws and environmental agencies for the enforcement of the law, pollution and degradation of the Nigerian environment by the activities of multinational oil companies continue helplessly. It is more reasonable to hazard an hypotheses that FEPA and NERSEA inefficiency and that of the Federal Ministry of Environment is not unconnected with the lack of the political will on the part of government functionaries to take pro-active steps in combating the increasing level of environmental pollution, which has negative consequences on Nigerian environment and the people.

On Solid Waste and Sanitation, the handling of solid and liquid wastes in Nigeria leaves much to be desired. Where solid wastes are dumped at designated places, such dumpsites are often abandoned burrow pits from where earth fillings may have been excavated for roads or similar construction works. These pits are neither designed nor built to serve as dumpsites. Hyginus (2003) opines that they are just holes in the ground and convenient spots to keep wastes away from population centres. It would appear that the thinking is that once the mountains of waste are not in sight, then they are safely kept away. But with pits



that are not lined, heavy metals and others get leached into the ground waters. Most of our cities do not have integrated sewage handling systems and households and building complexes are served by individual septic tanks and soak away pits. We need little imagination to see that this is not a healthy way to dispose of wastes especially when we know that the constructions of those pits are not closely supervised for quality control. With little by way of recycling of waste products, plastics clog the Nigerian environment causing serious nuisance and drainage blockages.

#### **4. Challenges Confronting Environmental Management in Nigeria**

In spite of enormous policies and laws put in place to manage Nigerian environment, environmental management is confronted with several challenges which include the following: firstly, it is evident that human attach on the environment without regard for the policies and laws put in place by Nigerian government has great post serious threatens the environmental sustainability. There is deforestation as a result of human activities, destruction of threes without replacement; dumping of refuse in unauthorized places; construction of buildings in an unapproved and unauthorized places, etc. depleting the environment. Secondly, it is a known fact that some of the existing environmental policies and laws are anti people and oppressive. This has stood as obstacle for the implementation of these policies and laws. It is observed that many of the policies are outdated and many fragmented. For instance, most of the environmental laws do not properly take care of the inhabitants, especially their living conditions. Gas release in to the air and the oil spill in the land and water without proper care for the health and occupations of the inhabitants is a serious challenge to the environmental management in Nigeria. Thirdly, the existing environmental policies and laws in Nigeria are poorly enforced by the environmental law enforcement agents. The government law enforcement agents are inactive. Despite the enormous policies and laws put in place, the country still witnessed highly environmental depletion as a result of the activities of people on earth. Land, forestry, water, air and other environmental components are poorly managed and destroyed. Lastly, it is observed that there is lack of political will on the part of the government towards environmental management and inadequate equipments for environmental enforcement agents to forestall any environmental emergency disaster.

#### **5. Conclusion and Recommendations**

The paper x-rayed environmental policies and legislations in Nigeria and examined the performance of these policies and legislations in addressing environmental problems. It has been argued that environmental threats are essentially linked to the activities of man and lack of proper or adequate implementation of environmental policies and laws put in place to control and manage the environment. Potential harm that environmental degradation poses to societies and the people globally cannot be over emphasized. Environmental elements like land, water, air, forest management and exploration of mineral resources are extensively discussed. We deduced that human activities on the environment earnestly change the face of the earth, the nature of its atmosphere, and the quality of land, water, air, forest etc.





Thus, many of the policies are outdated and many fragmented. Many of them were not formulated with contributions from informed masses nor based on nationally generated baseline data, but on adapted guidelines and standards approved by the appropriate system of the United Nations, thereby compromising socio-economic and climatic differences. Participation of the people in policy formulation and implementation is lacking. The paper identifies the following challenges: lack of political will on the part of government in the management of the environment; there are some environmental laws that are anti people and oppressive, inadequate environmental equipment to forestall emergency environmental disaster; Nigerians and complex organisations / corporate organisations do not comply with environmental laws put in place to protect the environment and environmental law enforcement agents fail to perform their statutory responsibilities expectedly. They are all watching helplessly on the devastating level of the environment. In this regard, it is suggested that Nigerian government needs to take a proactive measure by comprehensively overhauling the Nigerian environmental laws by addressing the lacunas on them. There is need for reorientation, reorganisation and restructuring of environmental law enforcement agencies is imperative; enlightenment programme as a mechanism to educate the complex organisations and the people on the need to comply with the environmental laws and provision of standardise essential and environmental equipments necessary to forestall emergency disaster. It is then concluded that if these suggestions are considered, Nigerian will have a sustainable environment.

From the above, in order to stem environmental degradation, the study provides the following recommendations: To reduce environmental degradation and for humanity to save its habitats and for sustainable national security, societies must recognise that environment is finite. As populations and their demands increase, the idea of continuous growth must give way to a more rational used, sustainable exploration of the environment, which can be accomplished only by a dramatic change in the attitude of human species. The human attack on the environment has been compared to the drastic upheavals of the earth. Thus, humanity should recognise that such attack threatens human survival. In this regard, Nigerian government should increase awareness on the need for humanity to change their attitude towards environmental attack and comply to environmental rules and regulations in order to give way for a more rational and sustainable environment.

Government needs to be willing and provides pro-active measures for the management of the environment. Environmental governance must be comprehensive and all encompassing, involving all sectors and stakeholders. Enforcement cooperation at national, regional and global levels through networking, capacity building and human resources development, timely exchange of information and experience amongst stakeholders are essential or the promotion of environmental governance. Nigerian government needs to strengthen regulatory institutions to help them create the necessary framework and mechanisms for monitoring and enforcement of environmental guidelines.

Some of the environmental laws in Nigeria are anti people or oppressive, therefore, there is the need for comprehensive legislation to tackle the problem of oil pollution in particular



and industrial pollution in general. Government needs to comprehensively overhaul all environmental laws that are oppressive and anti people.

The need for reorientation, reorganisation and restructuring of the environmental law enforcement agencies is essential for them to perform their statutory responsibilities efficiently. Training and retraining of personnel of environmental law enforcement agencies is essential. Motivation of these personnel in terms of salary and allowances is also imperative for them to do their job efficiently and effectively.

### References

- Adekola A.A. (2011). National security and environmental degradation: Challenges and prospects. *Springboard Journal, Volume 3 NO 1* 2011, Al-Hikmah University, Ilorin
- Abhijik N. (2010). What are the effect of environmental degradation? [www.wsegeek.com](http://www.wsegeek.com)
- Agbu O. (2005). Oil and environmental conflict in Hassan Saliu (ed.), *Nigerian under democratic rule 1999-2003 Vol 2*. University Press: Ibadan
- Chrostopher O. (2004). Water resources, environment and sustainable development in I. B. Bello-imam and Mike Obadan (eds). *Democratic governance and development management in nigeria's fourth republic 1999- 2003*. CLGARDS: Ibadan
- Elijah, A. A. (2017). Theories and concepts for human behaviour in environmental preservation. *Journal of environmental science and public health*. [www.fortunejournals.com](http://www.fortunejournals.com)
- Eneh C. and Agbazue (2011). Protection of nigeria's environment: A critical policies review. *Journal of Environmental Science and Technology Vol. 4*
- ERA (2009). *Wanted: A new approach to niger-delta conundrum*. The nation newspaper; April 10, 2009
- ERA (2015). *Making policies work: Between environmental policies and environmental protection* [eraction@eraction.org](mailto:eraction@eraction.org)
- Hyginus B. (2003) *Niger-Delta Environment, its Local Geography*; Prelyn Publisher; Port-Harcourt
- Mahir, S. (2014). A different kargo: Sub-saharan migrants in istanbul and African commerce. *Journal of Urban Antropology*. Vol.43 (1,2,3) 2014
- Marie-Louise, L. (2009). *Legal definitions of the environment and environmental damage*. Stockholm Institute for Scandiavian law pp.156
- Marriam-Webster (1828). *Definition of environment* [www.marriam-webster.com](http://www.marriam-webster.com)
- Nwafor, J.C., (2006). Environmental impact assessment for sustainable development: The nigerian perspective. *Environment and Development Policy Centre for Africa*: Enugu.
- Omole et'al (2010). Water resources: Use, abuse and regulations in nigeria. *Journal of sustainable development in Africa: Volume 12, NO 2*, 2010
- Orubu, C. (2010). Gas Flaring and Associated Carbon Dioxide Emission: A Critical Assessment of Years of Flare Reduction Policies in Nigeria in Bello-imam (ed.) *50 Years of Nigerian Project: Challenges and Prospect*. College Press Publisher Ltd: Ibadan



- Peter O. (2006) *Application of the Forestry Law in Forestry Management*; A paper Presented at the One Day Legal Workshop for Stakeholders in the Forestry Industry in Edo State, Organised by the Edo State Ministry of Agriculture and National Resources; The Ogba Zoological Gardens, Benin City on September 2, 2006
- Uche (2000) *A legal Guide to Investing in Nigeria's Mining Sector*; A Paper Presented at Mining 2000 Seminar, Centre for Energy, Petroleum and Mining Law and Policy; University of Dundee, Scotland, June, 2000