

**ENVIRONMENTAL POLLUTION IN NIGERIA: OVERVIEW OF EXTANT
LAWS AND REGULATIONS**

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**LONG ESSAY SUBMITTED TO THE FACULTY OF LAW, GODFREY OKOYE
UNIVERSITY, UGWU-OMU NIKE, ENUGU IN PARTIAL FULFILMENT OF
THE REQUIREMENTS FOR THE AWARD OF THE DEGREE OF BACHELOR
OF LAWS (LL. B) GODFREY OKOYE UNIVERSITY**

JULY 2026

DECLARATION

I, EZEMA UCHENNA PHILIP with registration number GOU/U21/LAW/341. Hereby certify that the project titled ``ENVIRONMENTAL POLLUTION IN NIGERIA: OVERVIEW OF EXTANT LAWS AND REGULATIONS`` was written by me, with the direct and diligent supervision of Mrs. Nwajiaku Nnenna. In partial fulfilment of the requirement for the award of Bachelor of Law (LL. B) degree. This essay has not been submitted for the award of any degree in this university or any other university.

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CERTIFICATION

This is to certify that this long essay is the outcome of the research effort of EZEMA UCHENNA PHILIP under the supervision of Mrs. Nwajiaku Nnenna, a lecturer of the Faculty of law, Godfrey Okoye University, Enugu State, in partial fulfilment of the requirements for the award of Bachelor of Law (LL. B) Degree.

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DEDICATION

This work is dedicated to myself, to my family, to God Almighty and to the victims of Environmental Pollution in Nigeria and the world.

ACKNOWLEDGEMENTS

I am incredibly grateful to God Almighty for his infinite love, grace, wisdom, knowledge and insight throughout my academic pursuit. Truly, he deserves all the glory.

My inestimable appreciation goes to my supervisor, Mrs. Nwajiaku Nnenna Esq. for her constructive criticism and effective correction that made this work a reality. Thank you very much, God bless you.

Additionally, I would like to thank the Dean Prof. Frank Asogwa, the Head of Department, Prof. Okere, the lecturers, Mrs. Nwakaego, Asso. Prof. Ajibo, to mention but a few, for their unwavering support and dedication to the legal field and the faculty at large.

A big thank you to my parents, Mr. Ezema cosmos and Mrs. Ezema Blessing for their unwavering support, contribution, efforts and prayers. I am where I am today because of the sacrifices you both made, for which I am very grateful. To my sister Ezema chidinma Racheal and brother, Ezema Prosper thank you. You all are the real MVPs.

To Chimezie Victor Ifeanyichukwu I can't thank you enough for ensuring that this project is a success and being a source of inspiration to me . To my roommates, Emeka and Divine, thank you so much.

Finally, to Ezema Uchenna Philip , you are much more capable of doing amazing things than you imagine. Thank you for not giving up on yourself, regardless of the countless thoughts of doing so, for believing in yourself, for your consistent hard work and resilience, I couldn't be more proud.

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LIST OF ABBREVIATIONS

ADR	Alternative Dispute Resolution
AJIEE	African Journal of International Energy & Environmental Law
CFRN	Constitution of the Federal Republic of Nigeria
D&A	Decommissioning and Abandonment
DPR	Department of Petroleum Resources
EES	Environmental Evaluation Studies
EIA	Environmental Impact Assessment
EMF	Electro-Magnetic Field
EMP	Environmental Management Plan
EGASPIN in Nigeria	Environmental Guidelines and Standards for the Petroleum Industry
FEPA	Federal Environmental Protection Agency
FME	Federal Ministry of Environment
FRIN	Forestry Research Institute of Nigeria
GIPIP	Good International Petroleum Industry Practice
HSEC	Health, Safety, Environment and Community
IMO	International Maritime Organization
IMDG Code	International Maritime Dangerous Goods Code
IOCs	International Oil Companies
LFN	Laws of the Federation of Nigeria
MARPOL	International Convention for the Prevention of Pollution from Ships
MDGIF	Midstream and Downstream Gas Infrastructure Fund
NBMA	National Biosafety Management Agency
NCRC	National Control and Response Centre
NDDC	Niger Delta Development Commission

NEMA	National Emergency Management Agency
NESREA Agency	National Environmental Standards and Regulations Enforcement Agency
NGFCP	Nigerian Gas Flare Commercialisation Program
NIMASA	Nigerian Maritime Administration and Safety Agency
NMDPRA Authority	Nigerian Midstream and Downstream Petroleum Regulatory Authority
NNPC	Nigerian National Petroleum Corporation
NNPCL	Nigerian National Petroleum Company Limited
NOSDRA	National Oil Spill Detection and Response Agency
NOSCP	National Oil Spill Contingency Plan
NOx	Nitrogen Oxides
NPS	National Park Service
NUPRC	Nigerian Upstream Petroleum Regulatory Commission
OECD	Organisation for Economic Co-operation and Development
OMPADEC	Oil Minerals Producing Area Development Commission
OPRC 90	International Convention on Oil Pollution Preparedness, Response and Cooperation 1990
PCS	Project Concept Screening
PEF	Petroleum Equalisation Fund
PERA	Preliminary Environmental Risk Assessment
PHCD	Petroleum Host Community Development
PIA	Petroleum Industry Act 2021
PPRA	Petroleum Products Pricing Regulatory Agency
SOx	Sulphur Oxides
UNCLOS	United Nations Convention on the Law of the Sea
UNEP	United Nations Environment Programme

ABSTRACT

This study looks at the laws and regulations guiding environmental pollution in Nigeria and how these regulatory frameworks aim to tackle the issue of environmental pollution in Nigeria. Environmental pollution represents one of the most pressing governance challenges confronting Nigeria. Despite possessing a relatively developed statutory architecture including the Constitution of the Federal Republic of Nigeria 1999 (as amended), the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007, the Environmental Impact Assessment Act 1992, the National Oil Spill Detection and Response Agency Act 2006, the Harmful Waste (Special Criminal Provisions) Act, and the Petroleum Industry Act 2021. Nigeria continues to grapple with pervasive pollution of its air, water, land, and marine environments, most acutely in the oil-producing communities of the Niger Delta. This study undertakes a critical examination of the regulatory frameworks for the prevention of environmental pollution in Nigeria, with a view to identifying their structural deficiencies and proposing targeted reforms. The aim and objectives of this study are to criticise the existing regulatory frameworks for the prevention of environmental pollution in Nigeria, identify the possible reforms necessary to the regulatory frameworks guiding environmental pollution in Nigeria and identify the forms and effects of environmental pollution in Nigeria. The study uses the doctrinal research methodology to examine the relevant primary legal sources including statutes, laws and other regulations guiding environmental pollution. The findings of this study reveal gaps in the regulatory frameworks guiding environmental pollution in Nigeria and also a lacuna in the institutional frameworks too and also that strengthening environmental governance in Nigeria requires legal and institutional reforms aimed at enhancing enforcement mechanisms, increasing the operational capacity of regulatory agencies, imposing stricter sanctions on offenders, improving judicial responsiveness, and promoting greater public participation in environmental protection. The study concludes that Nigeria's environmental regulatory crisis is not a product of legislative inadequacy but of a systemic failure of implementation, institutional integrity, and political will, and that addressing this crisis is essential to the realisation of sustainable development, the protection of fundamental human rights, and the long-term resilience of the Nigerian environment for present and future generations.

CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

The role the environment plays in a nation's development process cannot be relegated to the background. Apart from being the physical surrounding for natural habitats, the environment provides the basis for human exploits for agricultural, industrial, commercial, technological and tourism development of a society. In Nigeria, "environmental issues did not gain official prominence until the discovery of toxic waste dumped in Koko, at remote part of southern Nigeria, in June 1988 and the media and public outcry pressed the government to act quickly. The result was the formulation of a national policy on the environment. Consequently, the Federal Environmental Protection Agency 1988 (FEPA) was created and charged with the administration and enforcement of the environmental law¹." It is noteworthy that this research reveals several challenges associated with pollution of Nigeria's environment and legal and institutional framework for its prevention. In spite of significant statutes which regulate the environment and provide for the rights of citizens, it has been seen that there still exist notable gaps in the implementation of these laws, thus raising pertinent questions about the credibility of operating legal safeguards in safeguarding interests of communities and citizens. Socio-economic factors such as disparities in economic power, access to justice, and informational inequalities exert profound influences on the practical realization of citizen's rights. Access to justice remains elusive for many, particularly marginalized individuals and small-scale enterprises, that seem not to have the financial strength and legal expertise to navigate the legal system effectively.

¹ S G Ogbodo, 'Environmental Protection in Nigeria: Two Decades after the Koko incident' [2009] (15) (1), *Annual Survey of International and comparative law*: <<https://digitalcommons.law.ggu.edu/annlsurvey/vol15/iss1/2/>> accessed 30 August 2025.

The critic of the regulatory framework regarding environmental pollution in Nigeria is therefore a critical endeavour necessitating a deep analysis of existing legal framework and its practical implications within the country's dynamic environmental landscape. In light of these multifaceted pollution challenge, a comprehensive critic of the regulatory frameworks is imperative to identify areas for reform. By addressing the identified gaps, challenges and compliance issues, this study aims to add meaningfully to continuous attempts to improve the pollution regulatory frameworks and safeguard citizen's rights, thereby fostering a more sustainable environment in Nigeria.

1.2 Statement of the Problem

Environmental problem in Nigeria comes in different means and they lead to different means of hazards on the citizens and the environment. The laws which have been established for regulating the environment are seemingly lacking and therefore, there is an urgent need to amend most of these laws and make sure that there is an efficient enforcement of the laws in place. Legal institutions, regulatory bodies, and enforcement agencies play pivotal roles in upholding the rule of law, ensuring compliance with statutory provisions, and safeguarding the interests of all citizens in the environment. However, challenges such as resource constraints, administrative inefficiencies, and capacity gaps may hinder their ability to effectively fulfill these mandates, thereby compromising the safeguarding and implementation of the laws.

The Koko incident of 1988 is simply one of the major environmental pollution controversy in Nigeria. Koko, a small port town in Delta State (then Bendel State), southern Nigeria. In 1987–early 1988, an Italian company arranged to ship approximately 3,800–4,000 tons of hazardous industrial toxic waste from Europe and some from the United States to Nigeria. The waste contained in over 2,000 leaking drums, sacks, and containers was disguised as building materials, fertilizers or other innocuous goods. It was illegally dumped in an open dirt lot in Koko. The waste included dangerous chemicals that began leaking into the soil and groundwater. Local residents soon reported serious illnesses, skin rashes, respiratory problems, and other health issues from exposure.

The dumping was discovered in June 1988 after media investigations and reports of people falling ill. Nigerian authorities, along with intense public and international outrage, exposed the scandal. Nigeria demanded that Italy and the responsible parties remove the waste. Through diplomatic pressure, the Italian government and companies eventually arranged for most of the toxic material to be shipped back out of Nigeria. The Nigeria government responded with swift action through the creation of the Federal Environmental Protection Agency (FEPA) in 1988 and the Harmful Waste (Special Criminal Provisions) Act. It helped accelerate international efforts to regulate hazardous waste trade, contributing to the Basel Convention (1989) on the transboundary movement of hazardous wastes and influencing the Bamako Convention (1991), which banned such imports into Africa.² This event has become an international landmark case with regards to environmental pollution cases in the Niger Delta region.

Nigeria also battles with air pollution from several sources especially from the use of generators due to its electricity challenges, the smoke emitted from the generator pollutes the air and this emission is hazardous to the health of humans. Nigeria also struggles with severe environmental pollution caused by rapid urbanisation, industrial expansion, and inadequate waste management. Through a holistic examination of these multifaceted issues, this research endeavours to add meaningfully to the continuous course on environmental law reform in Nigeria and advance the collective goal of fostering a more equitable and resilient environment for every individual.

1.3 Research Questions

The questions emanating from the research are:

- i. What are the forms and effects of environmental pollution in Nigeria?

² Ibid.

- ii. What are the current legal and institutional frameworks regulating the prevention of environmental pollution in Nigeria?
- iii. Are the regulatory frameworks effective and what challenges hinder its effectiveness?
- iv. What reforms are necessary to enhance the current regulatory frameworks guiding environmental pollution in Nigeria?

1.4 Aim and Objectives of the study

The aim of this research is to criticise the existing regulatory frameworks for the prevention of environmental pollution in Nigeria and its specific objectives are:

- i. To identify the forms and effects of environmental pollution in Nigeria?
- ii. To analyse the legal and institutional frameworks regulating environmental pollution in Nigeria?
- iii. To criticise the regulatory framework and identify challenges hindering its effectiveness?
- iv. To identify the possible reforms necessary to the regulatory frameworks guiding environmental pollution in Nigeria?

1.5 Scope and Limitations of the Study

In terms of the subject matter, the study meticulously navigates the intricate legal framework which governs the prevention of environmental pollution through an exhaustive analysis of the pertinent Nigerian statutes and established case laws. International treaties especially those to which Nigeria is signatory are also examined given the influence of international law on environmental issues. The research will cover all the forms of pollution such as land, water, air, noise and oil pollution which cuts

through all other forms. The geographical scope of this study will be mainly Nigeria with incident of pollution across the nation being cited.

The research is unavoidably limited by some factors such as the complex nuances of environmental law in Nigeria which is not be well defined and known. The research is also limited by lack of necessary and useful resources and a limited access to a well-defined legal database and legal materials too. In taking note of these limitations, this study aims to add a good and valuable awareness to environmental pollution laws in Nigeria.

1.6 Significance of the Study

This research is significant as the importance of environmental pollution regulation in Nigeria cannot be over emphasised. The study is relevant to communities and citizens and also provides valuable knowledge for legal practitioners, policymakers and other business ventures in the Nigerian environmental sector. By taking notes of important sectors where the already established legal structure has failed or is lacking, the research sets a firm foundation for improved and updated policy decision making. Aspiring law students, undergraduates in other fields, researchers, and legal professionals will benefit from the well detailed analysis of the complex regulatory frameworks of environmental pollution in Nigeria. Furthermore, the role of the study in making and enhancing legal awareness among communities and citizens is very important.

1.7. Research Methodology

This study adopts the Doctrinal research method which involves an evaluation of the law and legal issues in order to ascertain the need for reform. This research work, relies on primary and secondary sources of Nigerian law. The primary sources of law used in this research include Nigerian statutes, international treaties, case laws while secondary sources relied on textbooks of notable researchers, articles, as well as other scholarly and non-scholarly literature on the issue.

1.8 Literature Review

Academics and scholars have written extensively on this topic. The area of previous learned work which this topic aims to focus on is the gaps and loopholes in the regulatory frameworks for environmental pollution in Nigeria. There is a vast array of literature available.

Belete³ pointed out that; “environmental pollution is considered a major problem with a growing concern as industries and urban areas grow pointing out issues such as high level of air pollution in urban areas and landfills which are not well developed or properly managed. He notes that pollution has become a health threat for people and livestock and the effects of environmental pollution manifested by the emergence of serious health issues and ecological disturbance, recognized internationally by the Stockholm conference, have led to a broad environmental movement in both developed and developing countries. He also noted that this action included the active participation of public and private sectors and that the main feature of this environmental movement was that it generated a new prospective for the evolution of attitudes and knowledge in this field. Belete suggests that the effectiveness of environmental education, as a preventive strategy in environmental management, hinges upon careful planning, effective

³ Belete Woundefiraw, 'Review on Environmental Pollution and Roles of Institution; The Missing Link'. [2021] (1) (1) *Archives of Earth and Environmental Science* <<https://www.stechnolock.com/full-text/AEES/1104/Review-on-Environmental-Pollution.php>> accessed 15 October 2025.

coordination and willingness and commitment among all environment-related agencies and organizations, both in and outside the Government.”⁴

Nwosu⁵ considered the solutions to environmental pollution and suggested that; “to solve the problem of undue controversies between the three tiers of government, an amendment to the contentious item 1(b) to the 4th schedule of the 1999 constitution is necessary so that local government councils hands off from environmental management. The reason is that environmental management entails experts from various related disciplines which the local government with their lean resources cannot recruit and remunerate adequately.” He also suggests that; “the Law Reform Commission and Federal Ministry of Justice in conjunction with the States, environmental NGOs and interested groups and companies should develop an integrated, coordinated and comprehensive legislation on the environment, removing rivalries, bureaucratic bottlenecks and areas of overlapping, duplication and confusion. The office of the Minister of Environment should be kept away from politicians, it should not be seen as a way to compensate political allies and the Minister must be an industry expert with sound background in environmental protection and management. Emphasis is placed on an industry expert as he will be able to block all the loopholes which industries exploit to pollute the environment.”

Nwosu also opined that; “the passage of the Petroleum Industry Bill will bring sanity to the petroleum industry in the area of environmental protection as oil companies in Nigeria will be compelled to abide by world environmental standards as they carry out their business. Also, the Nigerian government should also impress upon oil companies to become very responsive when spills occur to restore the pipes.”

⁴ Ibid.

⁵ Dixon Nwosu, ‘Environmental Pollution Control in Nigeria: Problems, Solutions and Advocacy.’ <<https://www.scribd.com/doc/94948450/Environmental-Pollution-Control-in-Nigeria-Problems-Solutions-and-Advocacy>> accessed 31 October 2025.

Khayyam⁶ recognises that; “water pollution as an ongoing problem in most of the Nigerian communities, especially villages that are ignored by the government. This tragedy is seriously crippling human development, therefore, proper identification of preventive and control measures are very important. The main way forward, he suggests is to properly educate the local people on the important of water sanitation and good waste disposal methods, establishment of water treatment plants, good regulatory strategies etc. Another pollution form he identified is oil pollution which he proposes could be successfully addressed by ensuring that corruption-free safety and operability procedures are implemented by all oil stakeholders, and tax and fines should be imposed on industries and people that pollute the environment.”

Chinwe⁷, acknowledged that; “environmental pollution has threatened human existence in diverse ways as life is dependent on the environment. The negative impact of pollution, especially from petroleum production activities has been acknowledged since the 1900s, especially during petroleum operations which have caused great devastation to the Niger Delta. She also notes that these have impacted negatively on fishing and farming which are no longer productive enough to the era. In Ogoni land food is now imported in an area once known as the food basket⁸. Oil spills destroy farmlands, they also destroy agnatic life and when a situation like this occurs, economic activities are grossly reduced and good social life hampered. Damage to farm lands and aquatic life by oil spills cannot be overstated⁹.”

From the analysis of different literature on the subject of environmental pollution, it is evident that there is need for reforming the regulatory framework guiding environmental

⁶ Omer Khayyam, 'Water Pollution in Nigeria.' <<https://www.scribd.com/doc/94948450/Environmental-Pollution-Control-in-Nigeria-Problems-Solutions-and-Advocacy>> accessed 31 October 2025.

⁷ Adimekwe S. Chinwe, 'The Impact of Environmental Pollution in Imo State: A Case study of Okigwe Local Government Area' [2013] (3) (5) *Journal of Educational and Social Research*. <<https://www.scribd.com/document/411917812/642-2553-1-PB>> accessed 31 October 2025.

⁸ Ibid.

⁹ Ibid.

pollutions particularly those arising from petroleum activities as they posing existential threat to the society at large. The destruction of agricultural lands and aquatic bodies along these affected regions has hampered social well-being, economic growth and these highlights the urgent need for good environmental governance and restoration efforts, proper regulatory frameworks that aim to properly tackle this resurgence of environmental pollution at large.

CHAPTER TWO

CONCEPTUAL AND THEORETICAL FRAMEWORK

2.1. Conceptual Framework

2.1.1. Environment

The term "Environment" has various meanings. The Black's Law Dictionary¹⁰ defines it as: "the totality of physical, economic, cultural, aesthetic, and, social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of peoples' lives." The English Dictionary defines environment as "the conditions under which any person or thing lives or is developed; the sumtotal of influences which modify and determine the development of life or character." Under the Environmental Impact Assessment Act of Nigeria¹¹, environment is defined as "the components of the earth," and includes: "(a) land, water and air, including all layers of the atmosphere, (b) all organic and inorganic matter and living organisms and, (c) the interacting natural systems that include components referred to in paragraphs (a) and (b)."

The first two definitions cover wider terms of "environment." In this respect, they embrace "everything within and around man that may have effect on or be affected by man; in other words, human environment as contrasted with physical environment." This concept restricts the meaning "to the physical or natural environment, comprising God given natural resources, natural elements and natural environment whether or not modified by man."

The environment includes; "the ways in which the environmental media interact with one another and the ways in which they interact with the man-made environment, the fauna and flora which inhabit them¹². It is the total sum of all the external conditions affecting the life, development and survival of an organism. The environment has also been described to consist of all, or any of the following media, namely the air, water and land, and the medium of air includes the air within buildings and the air within other natural or

¹⁰ Garner BA (ed), *Black's Law Dictionary*, (11th ed., Thomson Reuters 2019) 129.

¹¹ Cap E12, Laws of the Federation of Nigeria (LFN) 2004.

¹² Encyclopedia Law Dictionary (3rd ed.) (2008). Nathan and company Law Publishers New Delhi.

man-made structures above or below the ground¹³. It has been defined to include all aspects of the surroundings of man whether affecting him as an individual or in his social and aesthetic factors of those surroundings¹⁴.”

Environment is defined as; “Water, Air, Land, and all plants and human beings or animals living therein and the interaction which exist among any or all of them¹⁵. From whatever perspective the environment is defined, it is our source of sustenance that we depend upon. We depend on it for food, fuel, medicines and other materials needed.”

2.1.2. Pollution

The Black’s Law Dictionary defines Pollution as, “the harmful addition of a substance or thing into an environment, especially the introduction of man-made products... waste products into a natural area”¹⁶. Pollution is also defined¹⁷ “as man-made or man-aided alteration or chemical, physical or biological quality of the environment beyond acceptable limits and pollutants shall be construed accordingly.”

Pollution could also simply mean the introduction of hazardous products into the natural environment that can lead to different unfavorable side effects. Though environmental pollutions are caused by natural actions, the word pollution simply implies that the contaminants have a human source. Pollution is regularly classified as a point source or nonpoint source pollution.

2.1.3. Forms of Pollution

There are different forms of pollution which include but are not limited to the following; Air pollution, Water pollution, Land pollution and Noise pollution.

¹³ Section 1 British Environmental Act, 1990.

¹⁴ Section 20 Water Resources Act 1993 (Nigeria).

¹⁵ Section 38, Federal Environmental Protection Agency Act Cap F 10 LFN 2004.

¹⁶ Garner BA (ed), *Black’s Law Dictionary*, (11th ed., Thomson Reuters 2019) 129.

¹⁷ National Environmental Standards and Regulations Enforcement Agency Act 2007.

i) Air Pollution

Air pollution occurs when there is a release of dangerous elements in the atmosphere. Some air pollutants include nitrogen oxide, sulfur oxide, carbon monoxide and Chlorofluorocarbons. Primary pollutants could also be described as the dangerous substances that directly affect the air we breathe in, such as carbon monoxide and sulfur dioxide. Similarly, secondary pollutants arise if primary pollutants in the air go through chemical reactions, such as photochemical smog. Gas flaring is one of the major causes of air pollution in Nigeria. In *Jonah Gbemre V Shell Petroleum and Development Company Ltd*¹⁸, the court held and stated that gas flaring activities as being illegal and also a breach of fundamental human rights.

The machineries used in most industries generate; “smoke and release gaseous emissions which are also harmful to the public at large. Our mode of refuse disposal in Nigeria is so terrible and disheartening. Refuse are dumped into drainages, close to premises inhabited by human beings, some waste boxes even provided for refuse dumping by the government or organizations are placed so close to places people live in or carry on their businesses and this has infact affected the people because inhalation of these refuse leads to one disease or the other which is as a result of polluting the environment. Some even go to the extent of collecting the refuse in a place and later set it ablaze in a location so close to them, some instead of cutting the grasses around them prefer to put fire on it and there is no way the smoke generated from these burning will not be inhaled; this constitutes air pollution.”

ii) Water Pollution

¹⁸ (2005) No. FHC/B/CS/53/05.

The Black's Law Dictionary defines water pollution as the contamination of a body of water by directly or indirectly discharging into it substances that were inadequately treated to remove harmful materials.¹⁹Section 23 and 24 of NESREA Act provides for environmental standards for water quality in Nigeria. NESREA is empowered to make recommendations on water standards taking into consideration the use and value of public water supplies, the propagation of marine and wild life, recreational purposes, agricultural, industrial and other legitimate uses.

There are various situations when water proximate to an industry is infected from; "emissions from the industry. It is very essential that Environmental Impact Assessment is carried out before an industry is sited; any company that fails to comply with this regulation should be sanctioned accordingly. Those who suffer a lot in this respect are people living in the Niger Delta area of Nigeria. For instance, three teenagers were reported dead in Lotugbene community in Bayelsa State Nigeria after allegedly drinking water from a river polluted by the rig operation of an oil company in the area. The affected children supposedly died of cholera after vomiting and stooling for a while. The river is the only source of drinking water to the community. The chiefs, elders and youth leaders of the community then handed down a seven-days ultimatum to the company to quit the area. It was said the quality of water in Lotugbene was affected since October 6, 2011 when the oil company started drilling a rig and allegedly polluted the entire river in the process."

iii) Noise Pollution

This occurs when the noise level exceeds the usual decibel level. "Noise is generally referred to as an unwanted sound, or sound which produces unpleasant effects and discomfort on the ears. Generally speaking, noise is generated from household gadgets,

¹⁹Garner BA (ed), *Black's Law Dictionary*, (11th ed., Thomson Reuters 2019) 129.

big trucks, vehicles and motorbikes on the road, jet planes and helicopters hovering over cities, loud speakers and son on.”

It must however be pointed out that; “the Federal and State governments across Nigeria have put in several efforts to ensure that safety of the environment is guaranteed by way of promulgation of various laws. It has been observed that most of these laws are ineffective as they are obsolete, penalties prescribed for violations of the laws are ridiculous and serves as no means of deterrence to violators because some prefer to violate the laws and pay the ridiculous fines if even prosecuted at all. It can be deduced that the level of pollution in the country is on the high side and such needs to be urgently addressed by the Nigerian government and other relevant stakeholders in the environmental sector in order to guarantee environmental safety and protection for Nigerians which will be in line with the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended).”

iv) Land Pollution

Land pollution has been a very serious problem that affects humans, animals and the earth. The adverse changes to the environment due to land pollution are subtle, but the problem is much bigger than it appears. Land pollution is the destruction and contamination of the land through the direct and indirect actions of humans. The pollution often causes changes to the land, like issues of soil erosion.

In the case of *Shell Petroleum Development Company (SPDC) V Councilor Farah & Ors*²⁰, SPDC dredged a stream over the respondents land without consent, causing soil erosion and farmland contamination in the Niger Delta. The court awarded damages for trespass and nuisance, affirming strict liability for environmental harm.

2.1.4. Effects of Environmental Pollution

²⁰ (1995) 3 NWLR (Pt. 148).

Some of the effects of environmental pollution are;

i)Pollution harms the environment by making it less suitable for living things. Sometimes a pollutant is toxic or dangerous and can directly cause living things to die. However, lower amounts of a pollutant or different types of pollutants may make a living thing sick, cause injury, or reduce its ability to find good habitat or food. Pollutants can be especially dangerous when they accumulate, or build up, in an ecosystem and reach high, toxic concentrations. Plants and animals can absorb or ingest toxins from pollution, which can be damaging to their own health. As organisms eat each other, toxins from the pollution can then be passed from organism to organism up the food chain, increasing in concentration each time until they are at such high levels that they can cause death or serious health problems to the organism.

ii)Air pollution can be very dangerous to the animals and humans who breathe it in. It can cause short-term issues such as sneezing or coughing as well as long-term problems such as disease and even death.

iii)Environmental pollution causes a wide range of health problems, such as respiratory and cardiovascular diseases and contributes to major environmental issues like climate change and biodiversity loss.

iv)One of the major effects of land pollution is deforestation. Cutting of trees and tree cover produces harsh conditions that destroy forests and ecosystems. In atmospheric situations, deforestation often produces an imbalance, decreasing the amount of pollution is naturally taken out of the atmosphere. This also makes the land more vulnerable to flooding, especially in flood-prone zones.”

v)The high cost of healthcare for pollution-related illness places a significant burden on individuals and the economy. The damage also to agriculture and fishing due to soil and

water contamination negatively impacts livelihoods and the lost productivity from pollution-related illness also contributes to economic loss.

2.2. Theoretical Framework

2.2.1. Sustainable Development Theory

The sustainable development theory came to address the limitations of two theories, the deep ecology theory and the growth-centered development theory of the environment. “The ecology theorist rejects human uniqueness qualities and promotes uniqueness of the ecosystem; and forgot the necessity to harmonizing ecosystem and man-made systems; that is corporation existence of nature and cultural development. As a result, man must survive and his survival is based on technological development characterised by the building of industries/factories, smelters, oil refineries machinery, mining and blasting; even though at times at the expenses of other elements in the vicinity of his occupation.”²¹

“The critique of the sustainable development theory is that the theory primarily deals with two broader areas that make the prescription very clumsy and tedious to understand, and the theory no doubt over generalizes the harmony between, the natural resources in his environment. There is growing interest in the sustainable development agenda. The growing interest can be seen in many countries striving to achieve the United Nations sustainable development goals and the widespread advocacy for countries to achieve a reasonable level of sustainable development. This interest shows that sustainable development has become an important goal for many societies. Sustainable development is defined as the level of development that places a constraint on current consumption to ensure that future generations will have a resource base that is no less than the resource

²¹ O Amokaye, ‘Environmental Law and Practice in Nigeria’ (MIJ Professional Publishers Ltd). [2004] (7)(8), *Journal of Geoscience and Environment Protection*, <<https://www.scirp.org/reference/referencespapers?referenceid=2575964>> accessed 10 January 2026.

base of the previous generation. Sustainable development means ensuring that resources are utilised responsibly and ensuring that the resource base is available for use by the present generation and future generations.”

“Currently, we face an uneven world, and for many people, sustainable development means that every region of the world should attain the same level of development. Resources should be evenly shared, and the resource base should be sufficient to meet the needs of the present generation and the needs of future generations. The approach taken to attain a reasonable level of sustainable development is oftentimes subject to the material, economic, and cultural visions of different societies. These unspoken philosophy or paradigms have the power to move people to take action towards sustainable development or to do nothing about it, or to oppose anyone pushing for a sustainable development.”²²

“The resource-resilient world theory of sustainable development states that the resources which are being depleted today are the same resources that will be needed to combat the internal and external shocks or threats affecting the world today and in the future. Therefore, there is a need to preserve these resources and use them to build defences against present and future shocks or threats. The theory argues that the world has within it all the resources. It needs to withstand or to recover quickly from internal and external shocks, and resource owners and everyone should work together to preserve existing resources and build resource-based defences to withstand or recover from internal and external shocks or threats.” The theory emphasises the need to; “(i) clarify the internal and external shocks and threats facing the world, (ii) identify the available resources that can be used to mitigate these shocks or threats, (ii) preserve these resources by ensuring

²² Peterson Ozili, ‘Theories of sustainable Development. In Sustainable Development, Humanities and Social Sciences for Society 5.0. ’ [2025]1-12
<https://www.researchgate.net/publication/385718920_Theories_of_Sustainable_Development> accessed 19 October 2025.

that they are used in a responsible and sustainable manner, (iii) facilitate co-operation among resource owners, and (iv) build resilience by building resource-based defences to combat internal and external shocks or threats. The theory further proposes that the world can be resource-resilient by acquiring and building all available resources including physical resources, natural resources, technological resources, human resources, renewable resources, marine resources, financial resources, information resources, environmental resources, intangible resources.”

2.2.2. Precautionary Principle

“This is one of the most important general environmental principles for avoiding environmental damage and achieving sustainable development. It assumes that natural systems are vulnerable rather than disposable. The principle prefers prevention to remediation, focuses on the relevance of scientific data to developmental decision-making and carries an obligation to take precautionary measures in proportion to potential damage. It has its roots in the German concept of *Vorsorge*, meaning literally beforehand or prior care or worry consisting of overtones of caution, good household management, care for the future and provision for the future²³.”

Consequently, “where there is a reasonable foreseeability of environmental harm, cost effective measures must be taken to tackle it at the initial stage rather than relying on scientific proof or allowing the harm to occur before taking actions.” Such environmental harms could be identified during the EIA stages and adequate preparation should be made to tackle present and future environmental harms that are reasonably foreseeable. “Damage may at some unknown future date, flow from particular uses of the environment and its resources or from particular industrial or agricultural processes. This may be called the principle of uncertainty. The law could require (a) cautious progress until a

²³ O’Riordan, T., and Cameron J., ‘Interpreting the Precautionary Principles’. [1994] 12 <<https://www.taylorfrancis.com/books/edit/10.4324/9781315070490/interpreting-precautionary-principle-james-cameron-timothy-riordan>> accessed last 3 January 2026.

process is judged innocent; (b) ordinary progress until findings of "guilt" are made; or (c) no progress until intensive research has been conducted into a proposed process."

The principle is applied in recognition of the fact that absolute scientific proof is impractical in certain cases, or may be available when the environmental injury already suffered or done is irreversible or irremediable, and that the absence thereof should not be a basis for withholding action to protect the environment. For purposes of sound environmental management, it is better to; "err on the side of caution when there is no scientific certainty about the precise degree of risk or the magnitude of the imminent environmental harm. Precautionary principle has been accepted in many international treaties. It was endorsed in Article 3 of the United Nations Framework Convention on Climate Change." Similarly, the Bamako Convention on the ban of the import and Control of Transboundary Movement and Management of Hazardous Wastes requires that "Each party shall strive to adopt and implement the preventive, precautionary approach to pollution problems which entails, inter alia, preventing the release into the environment of substances which may cause harm to humans or the environment without waiting for scientific proof regarding such harm. The Parties shall cooperate with each other in taking appropriate measures to implement the precautionary principle to pollution prevention through application of Clean Production methods, rather than the pursuit of a permissible emissions approach based on assimilative capacity assumption."

*InR v Secretary of State for Trade and Industry*²⁴, where it demonstrated the gulf between acceptance in principle and implementation in practice and that although the government may accept the precautionary principle in general, some socio-economic and political factors may render its implementation difficult. In this case, the applicants were three children, residents of South Woodford in London, where the National Grid Company was

²⁴ (2008) ECWA Civ 1312.

proposing to lay a high-voltage electricity cable. Solicitors for the applicants urged the Secretary of State to make regulations under the Electricity Act, 1989 (U.K), so as to limit the emission of Electro-Magnetic Field (EMFs) from the cable, on a precautionary basis. The Secretary of State declined this request, and the applicants sought judicial review of his decision. It was accepted by the Secretary of State that he had not considered the precautionary principle save to the limited extent referred to in the Government's 1900 Environmental White Paper. This Common Inheritance, which had generated significant disagreements among many commentators. On the one hand, some of its supporters have used it as the basis for early international legal action to address highly threatening environmental issues such as climate change.²⁵

The applicants argued that the threshold of significant risks was set too high, and that the principle should apply as soon as any possible risk was demonstrated. However, the court held that the Government, in accepting the principle on a voluntary basis, was entitled to set the threshold where it wished, as part of defining the limits of the policy. The Secretary of State had taken account of this policy and had concluded, on the basis of expert advice, that there was no significant risk of developing cancer from exposure to EMFs. This decision, the court held, could not be categorised as wholly unreasonable or perverse. The applicants also argued that the Secretary of State was obliged to apply the precautionary principle as a matter of European Community law. This argument also failed, the court saw the status of the precautionary principle under Article 130 of the European Union Treaty as no more than one of the principles which would underline Community policy when such policy had been formulated. The court held further that it did not create any direct obligation on member states to take specific action, if it did the

²⁵ O'Riordan, T., and Cameron J., 'Interpreting the Precautionary Principles'. [1994]12
<<https://www.taylorfrancis.com/books/edit/10.4324/9781315070490/interpreting-precautionary-principle-james-cameron-timothy-riordan>> accessed last 3 January 2026.

consequences would be remarkably wide ranging, requiring all known risks to be assessed and possibly legislated on.

2.2.3. Principle of Inter-Generational Equity

The Principle of Inter-Generational Equity focuses on the issues like fairness, equality and justice in the distribution of resources and responsibilities. The principle also states that;“each generation owes a duty to future ones to avoid impairing their abilities to fulfil their basic needs.” Consequently;“the present generation is under a duty to exercise prudent and austere measures in the management of the natural resources, in order to ensure that it does not pass on to the future generation an unsuitable environment that does not meet their basic human needs and values.” After all, all humans, present and future, have an "equitable right to access to and use of the common patrimony of natural and cultural resources of our planet".²⁶

The touchstone of this principle is the assertion that all our natural resources and treasures are held in trust for the full benefit, use and enjoyment of our people, not only of this generation but also of those generations yet unborn, subject only to the good use by the current generation. The exact nature of the trust is undefined and it is doubtful whether the conventional trust principle can apply in this context. However, to the extent that the trustees are obligated to exercise restraints in the use and management of natural resources for the future beneficiaries, its utility cannot be discountenanced. The 1979 Moon Treaty provides that the exploration and use of the moon shall be the province of all mankind to be carried out with due regard "to the interests of present and future generation..."The United Nations Convention on Biological Diversity defines "sustainable use" of

²⁶ E.B. Weiss, 'In Fairness to Future Generations: International Law, Common Patrimony and Intergenerational Equity' [1992] (8)(1) American University International Law <<http://digitalcommons.wcl.american.edu/auilr>> accessed 10 January 2026.

biological diversity to encompass the potentiality to meet the needs and aspirations of present and future generations."²⁷

2.2.4. Polluter Pays Principle

The Polluter Pays principle is “an internationally recognized fundamental principle (i.e. *jus cogens*) on environment protection that states that in the event of pollution to the environment in the course of industrial happenings like mining, gas flaring, and drilling of oil wells, the one whose actions cause damage to the environment is liable to pay for its damages.”²⁸ Thus; “responsibility is imposed on polluters to bear the costs of managing pollution, compensating victims, and being responsible for eventual environmental damage life was breathed into the principle for the first time in the early 1970s when it was adopted at the Organisation for Economic Co-operation and Development’s (OECD) seminar held in 1971. Subsequently, it was imbibed by the Rio Declaration which stipulates in Principle 16 that national authorities should promote the internalisation of environmental costs and the use of economic instruments, taking into account the approach that the polluter should bear the cost of pollution.”²⁹

In 1956 when oil was first discovered in commercial quantity in Oloibiri, Bayelsa State, Nigeria has left traces of her acceptance of the polluter pays principle in several legislative instruments. These snippets evident in different provisions of Nigerian Statutes suggest that; “there is in fact recognition of the polluter pays principle in Nigeria. For instance, to adequately address environmental problems and challenges, a national policy on the environment stating that the polluter pays principle must be complied with was

²⁷ Ibid.

²⁸ Oludayo Amokaye, ‘Environmental Law and Practice in Nigeria’ [2004] (7) (8), *Journal of Geoscience and Environment Protection*, <<https://www.scirp.org/reference/referencespapers?referenceid=2575964>> January 10 2026.

²⁹ Ibid.

promulgated in 1989.” The 1991 Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) provides that: ‘it shall be the responsibility of a spiller to restore to as much as possible the original state of any impacted environment.’ Similarly, the Flare Gas Regulations (Prevention of Waste and Pollution) 2018 which provides the legal framework for the Nigerian Gas Flare Commercialisation Program (NGFCP) introduces a new penalty for gas flaring by adopting the ‘polluter pays’ principle in the form of a carbon tax.

In *Nigerian Agip Oil Co Ltd v Akpati & Ors*³⁰, “the pipeline carrying the appellant’s crude oil leaked and spilled oil on the respondent’s fish pond and channels. The Court of Appeal held the appellant responsible for the oil spill and damages, entered judgement favouring the respondent and awarded the cost of N35,000,000. as general damages against the appellant. The polluter-pays principle refers to the requirement that the costs of pollution should be borne by the person or persons responsible for causing the pollution and the consequential costs. The precise meaning of the principle and its application are matters of practical implication. In practical terms, it encompasses the requirement that the polluter must pay the cost of pollution abatement, cost of environmental rehabilitation, and damages for victims of damage, if any, due to pollution. The principle is particularly meant for giving appropriate remedies to victims of damage from environmentally harmful activities in Nigeria.”

CHAPTER THREE

³⁰ (2018) 6 NWLR (Pt. 1454) 131.

LEGAL AND INSTITUTIONAL FRAMEWORK

This chapter focuses on the relevant legal and institutional frameworks and the necessary provisions which are contained in these frameworks. The institutional and legal frameworks are both National and international.

3.1. National Legal Framework

3.1.1. The Constitution of the Federal Republic of Nigeria (1999)

The Constitution of the Federal Republic of Nigeria 1999 (as amended) is regarded as the country's grundnorm, in the sense that it is the highest law in the nation from which all other laws derive their validity. It is worthy of note that the 1999 Constitution of the Federal Republic of Nigeria recognises the need to protect the environment as it provides that "the state shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria."³¹

It is worthy of note that; "as beautiful as this provision is, it falls within the rights under Chapter II of the Constitution which are non-justiciable rights. In its Chapter II, specifically in Section 20, the Constitution of the Federal Republic of Nigeria provides that the Government is charged with the responsibility of protecting the environment."

Although the constitution of the federal Republic of Nigeria provides for the right to environment, the right is non-justiciable by virtue of section 6(6)(c) of the constitution which makes it impossible for the courts to make pronouncements on the provisions of Chapter II of the constitution. However, the emerging needs to protect the environment in order to ensure its sustainability have given rise to provide several mechanisms for enforcing the right to a safe environment, despite the existing constitutional restrictions. The power to enforce these environmental laws are simply derived from Section 4 of 1999 CFRN and the concurrent list of the Second Schedule of the constitution.

³¹Section 20 of the CFRN 1999 (as amended).

These methods include; “the enactment of laws by the legislature to enforce environmental rights, judicial activism and holistic approach of linking human rights and environmental rights together and thus making environmental rights protectable. The government through the legislature has given life to the right to environment by making laws and regulations that protects the environment from degradation.” Therefore, the legislature has enacted several laws to protect the environment. These include; “the Harmful Waste (Special Criminal Provisions Act), Environmental Impact Assessment, National Oil Spill Detection and Response Agency (Establishment Act), National Environmental Standards and Regulations Enforcement Agency (NESREA) Act.”

3.1.2. National Environmental Standards and Regulations Enforcement Agency Act 2007

National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007³² is the major federal legislation on the environment in Nigeria. The NESREA Act repealed the Federal Environmental Protection Agency (FEPA) Act³³ The NESREA Act established the National Environmental Standards and Regulations Enforcement Agency (NESREA), which; “was established as a parastatal of the Federal Ministry of Environment, Housing and Urban Development. It is charged with the responsibility for the protection and development of the environment, biodiversity conservation and suitable development in Nigeria's natural resources in general³⁴.” The Act³⁵ addresses; “the preponderance of obsolete environmental regulations, standards and enforcement mechanisms which had previously resulted in high rates of non-compliance with environmental laws.”

³²National Environmental Standards and Regulations Enforcement Agency Act 2007 Cap 301 LFN 2010.

³³ Federal Environmental Protection Agency Act, Decree 58, 1988.

³⁴ Section 2 of NESREA Act.

³⁵National Environmental Standards and Regulations Enforcement Agency Act 2007 Cap 301 LFN 2010.

Section 1 of the Act³⁶ establishes the NESREA itself while Part II of the Act contains the functions of the agency which includes;“the enforcement of compliance with laws, guidelines, policies and standards on environmental matters. These environmental matters include water quality, air quality, noise control and atmospheric protection as well as the discharge of hazardous chemicals and wastes.”

Section 7(c) of the Act³⁷ also mandates the agency to;“enforce compliance with the provisions of existing and subsequent international agreements and protocols on the environmental which Nigerian has ratified.” Also, in accordance with section 34 of the Act³⁸ which empowers the Minister of Environment to;“make regulations that give full effect to the functions of the NESREA, various regulations like the National Environmental (Wetlands, River Banks and Lake Shores) Regulations, 2009, the National Environmental (Sanitation and Wastes Control) Regulations, 2009 and the National Environmental (Ozone Layer Protection) Regulations, 2009 have been created.”

In the area of protecting the environment, the Agency has the power to;“prohibit processes and the use of equipment or technology that undermine environmental quality³⁹. It also has the power to conduct field follow up compliance with set standards and take procedures prescribed by law against any violator⁴⁰.” The Agency also reserves the power to;“establish mobile courts in order to dispense off cases of environmental violations expeditiously and conduct public investigations and make proposals to the minister for the review of existing guidelines, regulations and standards on environment.”

3.1.3. Environmental Impact Assessment Act (EIA) 1992

³⁶National Environmental Standards and Regulations Enforcement Agency Act 2007 Cap 301 LFN 2010.

³⁷ Ibid.

³⁸ Ibid.

³⁹ Section 8 (d) of NESREA Act.

⁴⁰ Section 8(e) of NESREA Act.

The Environmental Impact Assessment Act of 1992 was promulgated to enable the prior consideration of the impact of private and public sector projects on the environment. One of the objectives of the Act is to ensure that before a decision is taken by any person, authority, corporate body or unincorporated body, including the Federal, State or Local Government, who intend to undertake any activity that may significantly affect the environment, the potential environmental effects of such activity shall first be taken into account.

The Act therefore aims to infuse environmental considerations into the planning and execution of development projects. It also serves as a practical demonstration of the precautionary principle within Nigeria's environmental management framework⁴¹. However, "the provisions of the EIA Act and the procedures for filing an EIA report have inherent shortcomings that limit the effectiveness of Environmental Impact Assessments (EIA) in Nigeria. This has resulted in empirical evidence of negative impacts, including a shortage of clean water, oil pollution in the Niger Delta, and various forms of atmospheric, water, and land pollution. The Environmental Impact Assessment (EIA) Act in Nigeria serves as a crucial framework for evaluating the potential environmental, social, and health impacts of proposed projects. Established under the Federal Environmental Protection Agency (FEPA) Act in 1992, the EIA Act aims to ensure that decision-makers consider these impacts before granting project approvals." This proactive approach is essential for promoting sustainable development and protecting public health in a country where rapid industrialisation and urbanisation pose significant environmental challenges.

3.1.4. National Oil Spill Detection and Response Agency (NOSDRA) Act 2006

⁴¹Section 4 of the EIA Act.

The National Oil Spill Detection and Response Agency (NOSDRA) Act;⁴²“establishes the National Oil Spill Detection and Response Agency (NOSDRA), which coordinates and implements the National Oil Spill Contingency Plan (NOSCP) for Nigeria. The NOSDRA Act, was enacted to address the constant occurrence of oil pollution in Nigeria. It was hitherto established with responsibility for preparedness, detection, and response to oil spillages in Nigeria.” It was established as an institutional framework to co-ordinate the implementation of the National Oil Spill Contingency Plan (NOSCP) for Nigeria in accordance with the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC 90) to which Nigeria is a signatory.

NOSDRA is charged with the main duty of detecting and cleaning oil spillages in Nigeria⁴³.Some of the objectives of the NOSDRA Act are;“listed out in section 5, part III of the act. It is a specialized and principal legislation on environmental protection in the oil and gas sector in Nigeria. It established the National Oil Spill Detection and Response Agency with responsibility for preparedness, detection and response to all oil spillages in Nigeria. It also established the advisory, monitoring, evaluating, mediating and coordinating arm of NOSDRA known as the National Control and Response Centre (NCRC). The Constitution of the Governing Board of the Agency and the operational modus of the Agency in the event of major or disastrous oil spill takes into account the multi-sectoral demand of environmental protection in the oil and gas sector.”

3.1.5. Petroleum Industry Act 2021

The Petroleum Industry Act is the principal legislation regulating oil and gas activities in Nigeria and it was passed into law in 2021 by President Mohammadu Buhari after several years of consultation and is intended to; “transform the petroleum industry by implementing significant regulatory changes. The transition from the former regulatory

⁴² Act No. 15 of 2006.

⁴³Section1(1) of NOSDRA Act.

framework to the PIA has significant implications for all stakeholders, including government agencies, multinational oil companies (IOCs), local businesses, and host communities.”

The PIA seeks to address issues such as; “lack of clarity, overlapping responsibilities among regulatory bodies, inadequate provisions for transparency and accountability” which characterised the previous framework and also address the environmental problems with the sector.

The PIA introduced some regulations under the Act like;

“i) Petroleum Drilling and Production regulations which places restrictions on licensees from using land within fifty yards of any building, prohibits the cut down of trees in forest reserves and establishes that reasonable measures be taken to prevent water pollution and to end it, if it occurs⁴⁴; ii) Petroleum Refining Regulation which requires the manager of a refinery to take measures to prevent and control pollution of the environment;⁴⁵

iii) Mineral Oil Safety Regulations and Crude Oil Transportation and Shipment Regulations which provide that precautions should be taken in the production, loading, transfer and storage of petroleum products to prevent environmental pollution.”⁴⁶

The PIA transformed environmental management in Nigeria's oil and gas sector by introducing strict, legally binding frameworks to address pollution, gas flaring, and ecosystem degradation. Under Section 102 of the PIA, oil and gas operators cannot secure or maintain functional operating leases without an approved, comprehensive Environmental Management Plan (EMP).⁴⁷

⁴⁴ Petroleum (Drilling and Production) Regulations 1969, regs 23, 25 and 37.

⁴⁵ Petroleum Refining Regulations 1974, reg 25.

⁴⁶ Mineral Oil (Safety) Regulations 1963, regs 43–46; Crude Oil Transportation and Shipment Regulations 1984, regs 4–8.

⁴⁷ Petroleum Industry Act 2021, s 102; see also Federal Republic of Nigeria, Petroleum Industry Act 2021, Official Gazette No 133, Vol 108 (16 August 2021).

The PIA expressly prohibits oil and gas operators from, “engaging in any practice that will be harmful to the environment. Thus, the Minister, upon receipt of a written recommendation to that effect, may revoke a petroleum prospecting licence or petroleum mining lease” where the licensee or lessee ‘fails to conduct petroleum operations in accordance with good international petroleum industry practices’ or where he ‘has failed to comply with environmental obligations required by applicable law or by the provisions of the applicable licence or lease.’⁴⁸

A critical and often under-examined dimension of the PIA 2021 is the depth and rigour of its environmental protection framework. The Act addresses environmental concerns at several distinct levels. First, with regard to environmental management planning, section 102 of the PIA mandates that all holders of petroleum prospecting licences and petroleum mining leases engaged in upstream petroleum operations must submit, for approval by the Nigerian Upstream Petroleum Regulatory Commission (NUPRC), an Environmental Management Plan (EMP) in respect of any project requiring an Environmental Impact Assessment. This submission is required within twelve months of the effective date of the Act or within six months of the grant of the relevant licence or lease, whichever is later.⁴⁹ The EMP requirement is a significant advance over the previous regime under the defunct Department of Petroleum Resources (DPR), which lacked an enforceable statutory obligation compelling operators to integrate environmental management into the lifecycle of a petroleum project.

Second, section 103(1) of the PIA establishes an Environmental Remediation Fund. Prior to obtaining approval of its EMP, a licensee or lessee is required to make a prescribed financial contribution to an environmental remediation fund maintained by the NUPRC or

⁴⁸ Section 96 of PIA.

⁴⁹ Petroleum Industry Act 2021, s 102(1) and (2); see also Amedu Sanni, ‘Petroleum Industry Act 2021: The Road to Compliance for Upstream Companies’ (Mondaq, May 2022) <<https://www.mondaq.com/nigeria/oil-gas-electricity/1191336>> accessed 20 May 2026.

the NMDPRA as the case may be. This fund is specifically earmarked for the assessment, remediation, and restoration of areas impacted by petroleum operations.⁵⁰ The establishment of this fund represents a legislative operationalisation of the polluter pays principle, compelling operators to internalise the cost of potential environmental harm before commencing operations, rather than merely responding to damage after it has occurred.

Third, the PIA 2021 introduces a robust gas flaring framework that goes beyond the general prohibition contained in earlier legislation such as the Associated Gas Re-injection Act. Section 104(1) of the PIA expressly prohibits the flaring of natural gas by any licensee or lessee, except in cases of emergency or where such flaring constitutes an acceptable safety practice as may be prescribed by regulation. Defaulting operators are liable to penalties to be prescribed by the NUPRC or NMDPRA.⁵¹ Furthermore, section 104(4) provides that revenues derived from gas flaring penalties are to be remitted to the Midstream and Downstream Gas Infrastructure Fund and are specifically earmarked for the environmental remediation and relief of host communities affected by flaring activities.⁵² Additionally, section 108 of the PIA requires every licensee producing natural gas to submit to the NUPRC, within twelve months of the effective date of the Act, a natural gas flare elimination and monetisation plan. This provision reflects the legislature's intention to transition from a culture of punitive tolerance of flaring to one of planned elimination.

⁵⁰ Petroleum Industry Act 2021, s 103(1); Adaeze Okafor and Emeka Iloh, 'Petroleum Industry Act 2021 and its Impacts on Environmental Sustainability in Nigeria' (Sabilaw, January 2024) <<https://sabilaw.org/petroleum-industry-act-2021-pia-and-its-impacts-on-environmental-sustainability-in-nigeria/>> accessed 20 May 2026.

⁵¹ Petroleum Industry Act 2021, s 104(1); Ukechi Jackson-Wali, '5 Key Environmental Law Developments in Nigeria' (LinkedIn, September 2023) <<https://www.linkedin.com/pulse/5-key-environmental-law-developments-nigeria-ukechi-jackson-wali>> accessed 20 May 2026.

⁵² Petroleum Industry Act 2021, s 104(4); Templars, 'Key Issues in Operationalising Nigeria's Gas Infrastructure Fund' (Templars, February 2025) <<https://www.templars-law.com/app/uploads/2025/02/Key-Issues-in-Operationalising-Nigerias-Gas-Infrastructure-Fund.pdf>> accessed 20 May 2026.

Fourth, sections 232 and 233 of the PIA introduce a comprehensive decommissioning and abandonment framework. Before the PIA, operators could effectively abandon aged infrastructure with limited legal consequence, leaving behind structures that posed ongoing environmental risks to surrounding communities and ecosystems. The PIA now requires operators to obtain prior approval from the NUPRC or NMDPRA before embarking on any decommissioning exercise, and mandates the submission of detailed cost estimates, a comprehensive decommissioning plan, and an environmental and social impact assessment of the proposed decommissioning activity.⁵³ Licensees and lessees are equally required to establish a decommissioning and abandonment fund and make periodic contributions thereto, ensuring that financial resources are available for the eventual rehabilitation of petroleum sites.

Fifth, Chapter 3 of the PIA introduces the Petroleum Host Community Development (PHCD) framework under section 234, requiring operators in the upstream sector to contribute three percent of their actual annual operating expenditure to Host Community Development Trust Funds.⁵⁴ While this provision has been criticised as inadequate given the scale of environmental destruction wrought upon oil-producing communities, it nonetheless represents a statutory recognition that host communities bear a disproportionate share of the environmental burden of petroleum operations and are entitled to direct, ring-fenced benefits from those operations.

The PIA introduces more robust provisions on pollution control and remediation than any previous Nigerian petroleum legislation. Section 109(1) imposes a strict liability regime for environmental pollution caused by petroleum operations: an operator is liable for all

⁵³ Petroleum Industry Act 2021, ss 232(1)–(14) and 233(1)–(12); Olaniwun Ajayi LP, ‘Petroleum Industry Act 2021: Key Highlights’ (August 2021) <<https://www.olaniwunajayi.net/wp-content/uploads/2021/08/Petroleum-Industry-Act-2021-Key-Highlights-230821.pdf>> accessed 20 May 2026.

⁵⁴ Petroleum Industry Act 2021, ss 234 and 235; Nonso Obikili and others, ‘Nigeria’s Petroleum Industry Act: Addressing Old Problems, Creating New Ones’ (Brookings Institution, March 2022) <<https://www.brookings.edu/articles/nigerias-petroleum-industry-act-addressing-old-problems-creating-new-ones/>> accessed 20 May 2026.

environmental damage resulting from its operations, whether or not the damage was caused by negligence!" This represents a significant departure from the negligence-based standard that had complicated environmental litigation in Nigeria, where plaintiffs have historically struggled to establish fault on the part of major oil companies.

Section 110 requires operators to notify the relevant authority of any significant spill, leak, or discharge within twenty-four hours of becoming aware of it. Following notification, operators are under a duty to take immediate remediation steps and to submit a Remediation Plan within a period stipulated by the authority. The authority has power to direct remediation works and, if the operator fails to act, to carry out the works itself and recover the costs from the operator.

The PIA reinforces the requirement for Environmental Impact Assessments (EIAs) for major petroleum projects. Section 112(1) provides that no significant petroleum project, including the construction of pipelines, processing facilities, or export terminals, may proceed without a satisfactory EIA approved by the relevant authority. The EIA must identify the likely significant effects of the project on the environment, describe reasonable alternatives, and propose mitigation and monitoring measures. Public participation is required: the operator must consult with affected communities and relevant government agencies in the preparation of the EIA, and a public hearing must be conducted before the assessment is finalised.

3.1.6. Harmful Waste (Special Criminal Provisions) Act

The Harmful Waste (Special Criminal Provisions) Act⁵⁵ was enacted with the specific objective 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

⁵⁵ Cap HI LFN 2004.

legislation. 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. 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.”

Section 6 of the Act provides; “a very stringent sentence of life imprisonment and in addition the forfeiture of any aircraft, vehicle or land connected with or involved with the violation. However, it was observed that there had never been a decided case of any person whether natural or artificial, prosecuted pursuant to the provision of this Act. It is equally presumptuous to hazard the assumption that no hazardous waste had found its way into Nigeria as contemplated by the Act since its enactment.”

3.2. International Legal Framework

3.2.1. The 1972 Stockholm Declaration

The United Nations Conference on the Human Environment in Stockholm 1972 was the regarded as the first ever world conference to make the environment a foremostmatter. Most of the things which were adopted are;“a series of principles for sound management of the environment including the Stockholm Declaration and Action Plan for the Human Environment and several resolutions. The Stockholm Declaration, which contained 26 principles, placed environmental issues at the forefront of international concerns and marked the start of a dialogue between industrialized and developing countries on the link between economic growth, the pollution of the air, water, and oceans and the well-being of people around the world.”

The Action Plan contained three main categories: “a) Global Environmental Assessment Programme (watch plan); b) Environmental management activities; (c) International measures to support assessment and management activities carried out at the national and

international levels. In addition, these categories were broken down into 109 recommendations. One of the major results of the Stockholm conference was the creation of the United Nations Environment Programme (UNEP).”

According to Principle 2, “the natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate. Principle 4 states that man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development. Principle 6 talks about the discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported.”

3.2.2. International Convention for the Prevention of Pollution from Ships (MARPOL)

The International Convention for the Prevention of Pollution from Ships (MARPOL) is; “the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The MARPOL Convention was adopted on 2 November 1973 at IMO. The Protocol of 1978 was adopted in response to a spate of tanker accidents in 1976-1977. As the 1973 MARPOL Convention had not yet entered into force, the 1978 MARPOL Protocol absorbed the parent Convention.”

The Convention includes; “regulations aimed at preventing and minimizing pollution from ships both accidental pollution and that from routine operations and currently includes six

technical Annexes. Annex I Regulations for the Prevention of Pollution by Oil covers prevention of pollution by oil from operational measures as well as from accidental discharges; the 1992 amendments to Annex I made it mandatory for new oil tankers to have double hulls and brought in a phase-in schedule for existing tankers to fit double hulls, which was subsequently revised in 2001 and 2003.”

Annex III;“Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form Contains general requirements for the issuing of detailed standards on packing, marking, labelling, documentation, stowage, quantity limitations, exceptions and notifications. For the purpose of this Annex, “harmful substances” are those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code) or which meet the criteria in the Appendix of Annex III.”Annex V;“Prevention of Pollution by Garbage from Ships deals with different types of garbage and specifies the distances from land and the manner in which they may be disposed of; the most important feature of the Annex is the complete ban imposed on the disposal into the sea of all forms of plastics.” Annex VI;“Prevention of Air Pollution from Ships sets limits on sulphur oxide and nitrogen oxide emissions from ship exhausts and prohibits deliberate emissions of ozone depleting substances; designated emission control areas set more stringent standards for SO_x, NO_x and particulate matter.”

3.2.3. Geneva Convention on the High Sea 1958

The Geneva Convention on the High Sea was enacted and signed in the year April 29, 1958 and came into force on September 30, 1962. Some of the features of the agreement can be determined by saying that the High Seas Convention is an international treaty under international law concluded by actors in international law, specifically sovereign

states and international organizations codifying the rules of international law relating to the high seas, known as international waters.

The Convention on the High Sea contains two early and pioneering provisions on pollution by the discharge of oil and of radio-active wastes. The first being Article 24 of the convention that deals with discharge of oil from ships or pipelines that end up resulting to the exploitation of the seabeds. The second is Article 25 of the Convention that addressed the dumping of radioactive waste at sea. This requires states to take preventive measures to prevent pollution of the sea from the dumping of radioactive wastes and also cooperate with competent international organizations in taking measures to prevent pollution resulting from such activities relating to radioactive materials.

3.2.4. United Nations Convention on the Law of the Seas 1982

The United Nations Convention on the Law of the Sea (UNCLOS), also called the Law of the Sea Convention or the Law of the Sea Treaty, is;“an international treaty that establishes a legal framework for all marine and maritime activities. The convention resulted from the third United Nations Conference on the Law of the Sea (UNCLOS III), which took place between 1973 and 1982. UNCLOS replaced the four treaties of the 1958 Convention on the High Seas. UNCLOS came into force in 1994, a year after Guyana became the 60th nation to ratify the treaty. In 2023, agreement was reached on a High Seas Treaty to be added as an instrument of the convention, to protect ocean life in international waters. This would provide measures including marine protected areas and environmental impact assessments.”

Part XII of UNCLOS contains special provisions like;“the protection of the marine environment, obligating all states to collaborate in this matter, as well as placing special obligations on flag states to ensure that ships under their flags adhere to international environmental regulations, often adopted by the International Maritime Organization

(IMO).” Part XII also bestows; “coastal and port states with broadened jurisdictional rights for enforcing international environmental regulation within their territory and on the high seas.”

In 2019, Nigeria has ratified the UNCLOS as part of its law as declared under article 287: “In accordance with Article 287, paragraph 1 of the 1982 United Nations Convention on the Law of the Sea, the Government of the Federal Republic of Nigeria hereby declares that it accepts the jurisdiction of the International Tribunal for the Law of the Sea for the settlement of disputes between the Swiss Confederation and the Federal Republic of Nigeria concerning the M/T San Padre Pio.”

3.2.5. Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa

The Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (also known as Bamako Convention) is a treaty of African nations prohibiting the import into Africa of any hazardous waste and it came into force in 1998.

The scope of the Convention is; “confined to hazardous wastes, though it does not extend to wastes from ship discharge which is covered by another Convention. Hazardous substances banned, cancelled or refused registration by government regulatory action for health or environmental reasons, are defined as hazardous wastes under the Convention.⁵⁶ The issue of radioactive wastes is covered also by the Convention.⁵⁷ Parties to the Bamako Convention also agree to enact legislation identifying and categorising hazardous wastes not already listed in the Convention.”⁵⁸

⁵⁶<<https://www.unep.org/bamako-convention>> accessed 20 May 2026.

⁵⁷Article 2 of Bamako Convention.

⁵⁸Article 3 of Bamako Convention.

The Bamako Convention uses;“a format and language similar to that of the Basel Convention, but is much stronger in prohibiting all imports of hazardous waste. Additionally, it does not make exceptions on certain hazardous wastes made by the Basel Convention.”

3.3. Institutional Legal Framework

3.3.1 Court

The Nigerian court system acts an important part in upholding the rights of communities in environmental pollution disputes matters through its various jurisdictions, powers, and functions. The Nigerian courts also possess powers which are aimed at ensuring efficient resolution of disputes between companies and communities. In *Jonah Gbemre v. Shell Petroleum Development Co. Nigeria Ltd & 2 Ors.*⁵⁹, it was held that gas flaring violates the fundamental right to life⁶⁰ and human dignity⁶¹ under Chapter IV, effectively making environmental degradation justiciable by anchoring it to fundamental human rights. The courts also have the power to grant specific performance, damages, and other remedies to aggrieved parties, thereby providing redress for aggrieved parties. The powers and duties of the courts are central to the examination of legal principles governing environmental pollution. Through their adjudicatory functions, the courts interpret and apply relevant statutes, common law principles, and precedents to protect the rights of communities and promote fair and transparent environmental practices. Moreover, the courts' power to grant remedies and damages serves to safeguard the interests of parties involved in environmental pollution disputes, ensuring that they are adequately compensated for any losses suffered due to the environmental pollution or other wrongful acts.

3.3.2. National Environmental Standards and Regulations Enforcement Agency

⁵⁹ (2005) AHRLR 151.

⁶⁰ Section 33 of 1999 CFRN.

⁶¹ Section 34 of 1999 CFRN

In July 2007 under President Umaru Musa Yar'Adua, the National Assembly repealed the FEPA Act, and enacted the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act⁶² which replaced FEPA.⁶³ NESREA which has been described as a new dawn in environmental compliance and enforcement in Nigeria⁶⁴ became the major federal environmental agency in the country with wide efforts to address and safeguard all aspects of the environment. The birth of NESREA as stated earlier was due in part to the perceived inability and failure of FEPA to enforce environmental laws and compliance in the country.

The establishment of NESREA represents a new era in environmental consciousness and official commitment to policy responses in the history of environmental management in Nigeria. The agency has the mandate of overseeing the protection and development of Nigerian environment, the ecosystem, biodiversity conservation and sustainable development of natural resources and environmental technology throughout the length and breadth of the Nigerian federation. This is to be done through enforcement of environmental standards, regulations, rules, laws, policies and guidelines covering natural resources, food, pollutions, waste and sanitations, building and construction, fashion and textile industries, broadcasting and telecommunication, nuisance and general licensing among other areas. In the light of this, NESREA instituted regulations on water quality, noise control, air quality, atmospheric protection.⁶⁵

⁶²Act No.25 2007.

⁶³Muhammed Laudan., 'Review of NESREA Act 2007 and Regulations 2009-2011: A New Dawn in Environmental Compliance and Enforcement in Nigeria'. [2012] (2)(8)116. *Law Environmental and Development Journal*.<https://www.researchgate.net/publication/272290396_Review_of_NESREA_Act_2007_and_Regulations_2009-2011_A_New_Dawn_in_Environmental_Compliance_and_Enforcement_in_Nigeria> accessed 6 January 2026.

⁶⁴ Ibid.

⁶⁵ Ibid.

The agency is also concerned with environmental health, pollution abatement and oversight functions over enforcement of compliance with regulations on importation, exportation, production, distribution or storage and disposal of hazardous chemicals and waste such as; “the Basel Convention on the Control of the Transboundary Movement of Hazardous Wastes and their Disposal, the Bamako Convention, the Harmful Waste (special Criminal Provisions etc) Act.”⁶⁶ It is also mandatory that NESREA sees to enforce sound chemical management, safer use of pesticide and proper disposal of spent packages.⁶⁷

NESREA is mandated to; “enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment and such other agreement as may from time to time come into force.”⁶⁸ They also coordinate and liaises with relevant stakeholders like environmental groups, regulatory agencies and the organized private sector at national and international levels on matters of environmental standards, regulations and enforcement. It is therefore not surprising that the agency possesses supervisory power over environmental projects funded by donor organizations and support agencies. With the exception of the oil and gas sector, NESREA is responsible for the enforcement of environmental control measures through registration, licensing and permitting systems which enable the agency to set and enforce limits that will prevent environmental damages.

Furthermore, NESREA is required by its enabling law to thread the path of public enlightenment, awareness and education to promote sustainable environmental

⁶⁶Muhammed Laudan, ‘Review of NESREA Act 2007 and Regulations 2009-2011: A New Dawn in Environmental Compliance and Enforcement in Nigeria’. [2012] (2)(8)116. *Law Environmental and Development Journal*.

⁶⁷Section 7 (h) of National Environmental Standards and Regulations Enforcement Agency (2007), Establishment Act.

⁶⁸section 7(c) of NESREA Act.

management and the issue of private sector compliance with environmental regulations. Indeed, this provision is far-reaching in the sense that the mere existence of environmental law does not in itself create or bring about positive attitude in a behavior towards the environment. Rather, there is the added need for information, environmental education and enlightenment of the public in order to appeal to the mind and consciousness of the general public in environmental matters.

NESREA has made some diligent efforts in the area of enforcement and implementation of its regulations to ensure compliance.

In order to ensure effective compliance, monitoring and enforcement, NESREA has adopted environmental permits and licensing system strategies which include; “promoting the development of local technologies and learning international best practices in environmental management.” The Agency also conducts; “inspections, searches, seizures, arrests, sealing and gives notice of violation and revocation of permit, revocation order, and recourse to courts for civil penalties for violation as well as injunctive relief to require compliance.”

3.3.3. Federal Ministry of Environment

The Federal Ministry of Environment is a ministry under the Federal Government of Nigeria and was established in the year 1999 with the mandate to address environmental issues and to ensure the effective coordination of all environmental matters in the country.⁶⁹

The ministry plays various roles involving; “the national goals on desertification, deforestation, pollution, and waste management. It also superintends over climate change and clean energy issues and enforces environmental standards and regulations in different

⁶⁹<<http://environment.gov.ng/>> accessed 15 April 2026.

parts of the country.⁷⁰ The ministry fulfils its responsibilities through its departments and parastatals. Some of these parastatals include: National Biosafety Management Agency (NBMA), National Park Service (NPS), National Agency for the Great Green Wall, National Oil Spill Detection and Response Agency (NOSDRA), and National Environmental Standards and Regulations Enforcement Agency (NESREA).⁷¹

The ministry also supervises and provides fund for;“research institutes such as the Forestry Research Institute of Nigeria (FRIN), and the Environmental Health and Registration Council of Nigeria (EHORECON), among others.”⁷²One of the major achievements of the Federal Ministry of Environment is;“the initiation of the Ogoni land clean-up programme of the Nigerian government and other achievements of the ministry and its parastatals include the Clean and Green initiatives in the States of Nigeria, the Great Green Wall Programme, and the Nigeria Erosion and Watershed Management Project.”⁷³

3.3.4. National Oil Spill Detection and Response Agency

National Oil Spill Detection and Response Agency (NOSDRA) was established by the Federal Government as a deliberate and articulate response by the Government to the persistent environmental degradation and devastation of the coastal ecosystem especially in the oil producing areas of the Niger Delta region.⁷⁴ NOSDRA was established with some responsibility for;“preparedness, detection, and response to oil spillages in Nigeria. It was established as an institutional framework to co-ordinate the implementation of the National Oil Spill Contingency Plan (NOSCP) for Nigeria in accordance with the

⁷⁰ Ibid.

⁷¹ Ibid.

⁷² Ibid.

⁷³ Ibid.

⁷⁴ <<https://nosdra.gov.ng/>> accessed 1 April 2026.

International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC) to which Nigeria is a signatory.”⁷⁵

“The Constitution of the Governing Board of the Agency and the operational modus of the Agency in the event of major or disastrous oil spill takes into account the multi-sectoral demand of environmental protection in the oil and gas sector.”⁷⁶

In Nigeria; “the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) and the Nigerian Midstream and Downstream Petroleum Regulatory Authority (NMDPRA) serve as the respective regulatory successions to the defunct Department of Petroleum Resources (DPR) under the Ministry of Petroleum, while NOSDRA is the emergency responder and coordinator within the Ministry of Environment. NOSDRA is generally perceived better able to regulate oil spill response than the DPR; its priority is the protection of the environment, over the maintenance of oil revenues.” The Act provides that; “an oil spiller is by this Act to report an oil spill to the Agency in writing not later than 24 hours after the occurrence of an oil spill, in default of which the failure to report shall attract a penalty in the sum of five hundred thousand Naira for each day of failure to report the occurrence. The failure to clean up the impacted site shall also attract a fine of One Million Naira⁷⁷.”

The NOSDRA Act did not provide for a situation where; “a criminal perforates an oil pipeline causing an oil spill and escapes, the person to be held responsible. In as much as the individual criminal will be punished if apprehended, his punishment would be different and may not include remedying the site of spillage but to put him to death or behind bars. However, the oil pipeline owner would be responsible for any such spillage and would be accountable for the spill where the statutory exceptions are excluded, that is, where the pollution is due to the fault of the person suffering the damage or an account of

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Section 6 (2) & (3) NOSDRA Act, Cap. N157, LFN, 2006.

a malicious act of a third person.” In *Shell Petroleum Development Company (Nig) Ltd. v HRH Chief GB Tiebo VII & Ors*,⁷⁸“the plaintiffs sued Shell for negligence under the rule in *Rylands v Fletcher*⁷⁹ for oil spillage and the trial judge held that negligence was established against the defendant under the Rule in *Rylands v Fletcher*⁸⁰ and judgment was given in favour of the Plaintiff. The rule in *Rylands v Fletcher*⁸¹ applies where there was no third party act which caused the escape of the oil.”

3.3.5. Nigeria Maritime Administration and Safety Agency (NIMASA)

Nigerian Maritime Administration and Safety Agency (NIMASA) Act⁸²established the Nigerian Maritime Administration and Safety Agency (NIMASA) with regards;“to environmental protection in the oil and gas sector, the provisions of the NIMASA Act granted NIMASA jurisdiction thereto as it provides, inter alia, that the objectives of the Agency shall be to regulate and promote maritime safety, security, marine pollution and maritime labor.”⁸³

Thus in pursuit of this objective the Act provides that;“the Agency shall inter alia; establish maritime training and safety standards; provide directions and ensure compliance with vessel security measures; carry out air and coastal surveillance; control and prevent marine pollutions; inspect ships for the purposes of maritime safety, maritime security, maritime labor and prevention of pollution; generally to perform any other duty for ensuring maritime safety and security or do all matters incidental thereto.”

The jurisdiction of NIMASA in environmental protection in oil and gas sector therefore stems from two points provided in the objectives of the Agency which are; “firstly, oil spill is inimical to maritime safety and secondly, it is marine pollution. Therefore, to

⁷⁸ (1996) 4 NWLR 659.

⁷⁹ (1866) LR 1 EX, 265.

⁸⁰ Ibid.

⁸¹ Ibid.

⁸² Cap N161 LFN, 2007.

⁸³ Section 1 (ii) of NIMASA Act, 2007.

achieve the objective of regulating and promoting maritime safety, security, marine pollution and maritime labor, the Agency ought to get involved in environmental protection in oil and gas sector. This it can do through some of its functions already delineated in the last paragraph.”

3.3.6. Nigerian Upstream Petroleum Regulatory Commission and The Nigerian Midstream and Downstream Petroleum Regulatory Authority

The Nigerian Upstream Petroleum Regulatory Commission and The Nigerian Midstream and Downstream Petroleum Regulatory Authority were established by the Petroleum Industry Act (PIA) 2021, as a replacement of the former Department of Petroleum Resources (DPR).

The core mandate of the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) is to regulate, monitor, and supervise upstream petroleum operations in Nigeria. According to section 5 of the Petroleum Industry Act (PIA), the objects and functions of the Commission in Part III of the Act are limited to upstream petroleum operations. Upstream petroleum operations is defined in Section 318 of the PIA to mean, “the exploration for, appraisal of, development of and winning or obtaining of petroleum in Nigeria.... and such other activities which by regulation are considered upstream petroleum operations, and related administration and overhead, provided, however, that where field facilities or fixed or floating platforms or vessels provide for fully integrated upstream and midstream petroleum operations, the Commission may consider the entire operations as upstream petroleum operations under section 8(d) of this Act.”

“The Nigerian Midstream and Downstream Regulatory Authority (NMDPRA) regulates midstream and downstream petroleum operations. According to section 30 of the Petroleum Industry Act (PIA), the objects and functions of the Nigerian Midstream and

Downstream Regulatory Authority (NMDPRA) in Part IV of the Act are limited to midstream and downstream petroleum operations.”

The creation of these two distinct bodies under the PIA 2021 represents a significant restructuring of Nigeria’s petroleum regulatory architecture, moving away from the consolidated DPR model toward a more sector-specific, specialised regulatory approach.

With respect to environmental protection specifically, the environmental functions of the NUPRC and NMDPRA are extensive and represent a qualitatively superior framework to what the defunct DPR provided. The NUPRC, through its Health, Safety, Environment and Community (HSEC) Department, is responsible for overseeing the environmental and socio-economic risks associated with all upstream oil and gas projects. The Commission’s environmental mandate includes; “reviewing and approving environmental impact assessments, risk registers, and environmental management plans submitted by operators; monitoring the implementation of environmental action plans; ensuring quality assurance and control in upstream industry operations;” and regulating the use of oilfield chemicals to prevent environmental harm.⁸⁴

The NUPRC is also vested with the authority to receive and administer the Environmental Remediation Fund contributions that upstream licensees and lessees are required to make under section 103(1) of the PIA prior to the approval of their EMP. Additionally, under section 104 of the PIA, the NUPRC is empowered to prescribe the penalties payable by operators who engage in prohibited gas flaring activities, and under section 108, it is the Commission that receives and administers the natural gas flare elimination and monetisation plans that all licensees producing natural gas are required to submit. In the area of decommissioning, the NUPRC has established a Decommissioning and

⁸⁴ Nigerian Upstream Petroleum Regulatory Commission, ‘Safety and Environment: Health, Safety, Environment and Community Department’ <<https://www.nuprc.gov.ng/safety-environment/>> accessed 20 May 2026.

Abandonment (D&A) Unit which receives and processes legacy decommissioning plans for upstream assets, in compliance with sections 232 and 233 of the PIA 2021.⁸⁵

The NMDPRA exercises analogous environmental functions in the midstream and downstream sectors. Pursuant to the PIA and its subsidiary regulations, the NMDPRA oversees the submission and approval of Environmental Management Plans by midstream and downstream operators, and is empowered to require operators to undertake a series of environmental studies including Project Concept Screening (PCS), Preliminary Environmental Risk Assessments (PERA), Environmental Evaluation Studies (EES) conducted every five years, and Post Impact Assessment Studies following any environmental incident such as an oil spill.⁸⁶ The NMDPRA is equally responsible for regulating gas flaring in the midstream sector through the Midstream Gas Flare Regulations 2023, which require operators to obtain prior permission from the Authority before any gas may be flared, with valid justification, specified flaring limits, and the payment of prescribed fees.⁸⁷

The NMDPRA also administers the Midstream and Downstream Gas Infrastructure Fund (MDGIF), into which gas flaring penalty revenues from midstream operations are paid pursuant to section 104(4) of the PIA, and which are specifically earmarked for the environmental remediation of host communities affected by such flaring.⁸⁸ In addition, the NMDPRA regulates product quality, facility safety, and environmental compliance among

⁸⁵ Petroleum Industry Act 2021, ss 103(1), 104, 108; NUPRC, 2024 Annual Report (Public Copy) <<https://www.nuprc.gov.ng/wp-content/uploads/2025/06/2024-NUPRC-ANNUAL-REPORT-PUBLIC-COPY.pdf>> accessed 20 May 2026.

⁸⁶ Gelias & Co, ‘The Midstream and Downstream Petroleum Environmental Regulations: What Operators Should Know’ <https://www.gelias.com/images/Newsletter/The_Midstream_and_Downstream_Petroleum_Environmental_Regulations_-_What_Operators_Should_Know.pdf> accessed 20 May 2026.

⁸⁷ Midstream Gas Flare Regulations 2023, reg 3; International Comparative Legal Guides, ‘Oil and Gas Laws and Regulations: Nigeria 2026’ <<https://iclg.com/practice-areas/oil-and-gas-laws-and-regulations/nigeria>> accessed 20 May 2026.

⁸⁸ Petroleum Industry Act 2021, s 104(4); Templars, ‘Key Issues in Operationalising Nigeria’s Gas Infrastructure Fund’ (February 2025) <<https://www.templars-law.com/app/uploads/2025/02/Key-Issues-in-Operationalising-Nigerias-Gas-Infrastructure-Fund.pdf>> accessed 20 May 2026.

downstream operators, and noncompliance with environmental obligations may result in administrative sanctions, fines, suspension, or revocation of licences, and may also trigger civil or criminal liability.⁸⁹

The division of environmental regulatory responsibility between NUPRC and NMDPRA along sector lines represents both an improvement and a potential challenge. The improvement lies in the specificity and depth of technical regulation that sector-focused regulators can bring to bear on the environmental risks peculiar to upstream activities on the one hand and midstream and downstream activities on the other. The challenge, however, is the risk of regulatory gaps at the boundary between sectors, particularly in relation to integrated facilities that serve both upstream and midstream functions. To address this, a Presidential Directive was issued shortly after the PIA's commencement to delineate the respective regulatory oversight of the NUPRC and NMDPRA pending formal legislative clarification. Nonetheless, it is submitted that the environmental mandate of both bodies, taken together, represents the most comprehensive statutory architecture for petroleum sector environmental governance in Nigeria's regulatory history.⁹⁰

The environmental mandate of the MDPRA derives from Sections 202 and 203 of the PIA. Section 202(1)(a) vests in the Authority the function of promoting the safe, efficient, and environmentally sustainable development and operation of midstream and downstream petroleum infrastructure, including pipelines, refineries, storage facilities, and distribution networks. Section 202(1)(b) and (c) empower the Authority to ensure that midstream and downstream operations are conducted in accordance with applicable

⁸⁹ Kosisochukwu Nnadi and Adanna Aneke, 'Regulating Nigeria's Midstream and Downstream Sector: The Legal and Operational Mandate of the NMDPRA under the PIA 2021' (Mondaq, February 2026) <<https://www.mondaq.com/nigeria/oil-gas-electricity/1747608>> accessed 20 May 2026.

⁹⁰ Gelias & Co (n 178); see also Petroleum Industry Presidential Directive 2021 on Delineation of Regulatory Oversight between NUPRC and NMDPRA.

environmental, health, safety, and security standards and to monitor, inspect, and supervise such operations for compliance purposes.

Section 202(1)(d) specifically empowers the NMDPRA to regulate the environmental impact of midstream and downstream petroleum operations, including the management of petroleum product spills, pipeline leaks, refinery emissions, and hazardous waste generated in the course of processing and distribution activities. Section 202(1)(e) empowers the Authority to make regulations prescribing environmental standards for midstream and downstream operations, which may address matters such as air emissions from refineries, effluent discharge standards, petroleum product storage and containment requirements, and transportation safety.

Section 202(1)(f) empowers the MDPRA to grant, vary, suspend, and revoke midstream and downstream licences and permits, and to attach environmental conditions to such authorisations. This licensing power is the Authority's primary tool for ensuring that new and existing midstream and downstream facilities meet environmental standards.⁶⁰ An operator seeking a licence to construct or operate a petroleum refinery, LNG plant, gas pipeline, or retail outlet is required to submit an Environmental Management Plan and, for major projects, an Environmental Impact Assessment. The Authority must be satisfied that these documents demonstrate adequate environmental protection before a licence may be granted."

Section 11 grants the NUPRC extensive regulatory powers in relation to the environment.

Section 11(1)(a) empowers the Commission to make regulations prescribing environmental, health, safety, and security standards for upstream petroleum operations.³ These regulations may address matters including waste management, emission controls, noise pollution, soil and water protection, and the handling and disposal of drilling fluids and cuttings.⁴⁰ Section 11(1)(c) and (d) additionally empower the Commission to make

regulations on decommissioning and abandonment, including minimum financial assurance requirements for Abandonment Funds.

Regulations made by the NUPRC under Section 11 are subject to the approval of the Minister of Petroleum Resources before they take effect.

Section 13 sets out the specific powers and duties of the NUPRC, several of which are directly environmental in character. Section 13(1)(a) empowers the Commission to grant, vary, suspend, and revoke upstream petroleum licences and leases, with the power to attach environmental conditions to such instruments.⁴ Section 13(1)(b) and (C) empower the Commission to approve Environmental Management Plans and to direct operators to update or revise those plans where they are found to be inadequate.

Section 13(1)(d) empowers the Commission to investigate environmental incidents, including oil spills, blowouts, and gas releases, and to determine liability arising from such incidents.⁴ The power of investigation is accompanied by the power under Section 13(1)(e) to compel the production of documents, to enter and inspect petroleum facilities, and to take samples for analysis. ⁴⁷ Section 13(1)(f) and (g) empower the Commission to issue enforcement notices and remediation orders directing operators to take specified steps to prevent or remedy environmental damage and to impose administrative penalties for environmental violations. ⁴⁸

Section 13(1)(h) empowers the NUPRC to approve Gas Flare-Out Plans and to issue and revoke permits for gas flaring and venting. This is one of the most environmentally significant powers held by the Commission, given the scale of gas flaring in Nigeria's upstream operations. ⁴⁹ Section 13(1)(i) and (j) empower the Commission to administer the Environmental Remediation Fund and to disburse funds from it for remediation purposes where an operator has failed to act.

CHAPTER FOUR

ENVIRONMENTAL POLLUTION IN NIGERIA: A CRITIC OF THE REGULATORY FRAMEWORK

4.1. Challenges in the Regulatory Frameworks

4.1.1. Information Shortcoming

One of the banes of policy formulation and implementation in many developing countries, such as Nigeria, is; “the absence of reliable data and information to guide policymaker at decision-making.”⁹¹ Some degree of uncertainty plagues many areas of government activity, but few face the pervasive information inadequacies that are found in the environmental realm. Environmental regulation cannot be effective in an atmosphere of inadequate, unreliable and inconsistent data. Pollution is often hard to perceive but the effect is easy to determine.⁹² In addition to the difficulties outlined above, further complexities emanate from our limited understanding about the policy options that may be available to mitigate these harms and to lower the direct costs of pollution as well as the costs from the unintended and unforeseen consequences of governmental intervention.”⁹³

4.1.2. Allocation of Environmental Responsibilities

One of the core gaps and challenges in the regulatory framework guiding environmental pollution in Nigeria is the issue of environmental responsibility. In *Attorney-General of Lagos State vs Attorney General of the Federation*⁹⁴, the Supreme Court held that; “though physical planning matter is a residual matter for the component states, the protection of the Nigerian environment is a joint responsibility of the Federal, State and Local Government in accordance with provisions of the 1999 Constitution.”

⁹¹ Oludayo A., ‘Environmental Pollution and Challenges of Environmental Governance in Nigeria’. [2012] (10)(1) 36. *British Journal of Arts and Social Sciences*. <<https://teras.ng/api/asset/document/420f9182-a30b-423d-b35a-c52a263295e9>> accessed 11 January 2025.

⁹² Ibid.

⁹³ Ibid.

⁹⁴ (2003)6 SC Pt 1

Aside;“from the conflict arising from vertical structure of the Federal Government, there exist conflicts arising from horizontal structure of governance.⁹⁵ This is often pronounced among the line of ministries charged with responsibilities to manage the nation ‘s environment.”

4.1.3. Administrative Shortcomings

Another core gap in the regulatory frameworks is the issue of administrative shortcomings. Bureaucracies in general, and government agencies in particular, frequently lack incentives to act otherwise.⁹⁶ This is so where;“the functions of the agencies overlap, it may create jurisdictional problem. They may refuse to act or cooperate with one another. Even where they act, they may under-regulate or condone polluting activities rather than perform their assignments with full diligence.⁹⁷ The practice of under-regulation is well pronounced in the area of planning law but it is becoming a cankerworm in the field of environmental protection. For example, despite the myriad of environmental statutes imposing strict and stringent penalties on polluters, pollution continues on unabated. First, planning officials are guilty of condonation. This arises where a person develops property without prior development permit from the appropriate planning authority but such development is in substantial compliance with the planning standards.”⁹⁸

In most cases, the official imposes financial penalty rather than demolition. This aspect of regulatory failure is a complex one and a combination of many factors. Some of these

⁹⁵ A.T. Bello and Joseph Amadi, ‘Oil Pollution and Bio-Diversity Conservation in Nigeria: An Assessment of Legal Framework’. [2019] (7)(8). *Journal of Geoscience and Environment Protection* <<https://www.scirp.org/reference/referencespapers?referenceid=2575964>> accessed 9 March 2026.

⁹⁶ Oludayo A., ‘Environmental Pollution and Challenges of Environmental Governance in Nigeria’. [2012] (10)(1) 36. *British Journal of Arts and Social Sciences*. <<https://teras.ng/api/asset/document/420f9182-a30b-423d-b35a-c52a263295e9>> accessed 11 January 2025.

⁹⁷ Ibid.

⁹⁸ Oludayo A., ‘Environmental Pollution and Challenges of Environmental Governance in Nigeria’. [2012] (10)(1) 36. *British Journal of Arts and Social Sciences*. <<https://teras.ng/api/asset/document/420f9182-a30b-423d-b35a-c52a263295e9>> accessed 11 January 2025.

are; “inadequate funding, personnel and improper delineation of authority among the regulatory authorities, lack of focus and target, lack of adequate funding, threat to environmental officials by powerful politicians or industrialists who challenge effective environmental law enforcement.”⁹⁹

4.2. Panacea to the Challenges facing the Regulatory Frameworks

The challenges of enforcement of environmental law are; “universal and several countries have tried in their own ways to make and review laws to promote an effective enforcement of environmental laws.”¹⁰⁰ In Nigeria, commonly suggested environmental regulatory enforcement reforms would include: “Environmental law awareness, training, effective environmental monitoring, funding, stiffer punishments of environmental offences, submission of periodic reports, private litigation, effective access to justice, job opportunities, quick response to environmental emergencies, establishment of environmental courts, etc.”¹⁰¹

4.2.1. Efficient Government Regulations

One strategy to achieve the environmental regulatory enforcement and close the gaps in the regulatory framework is efficient government regulations. Analysis of governmental regulations, however, focuses on; “the choice of appropriate regulation to achieve the desired result.”¹⁰² Therefore, in regulating any medium of environmental pollution a clear assessment of the effect of such regulation on the regulated entities must first be undertaken. It also calls for the choice of appropriate strategies to achieve desired

⁹⁹ Ibid.

¹⁰⁰ Amokaye, G. O., ‘Environmental pollution and challenges of environmental governance in Nigeria.’ [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

¹⁰¹ Amokaye, G. O., ‘Environmental pollution and challenges of environmental governance in Nigeria.’ [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

¹⁰² Ibid.

result.¹⁰³ What are the goals of the chosen regulation? Will it achieve the stated goal or standard? If the goal of any environmental regulation is to mobilize or increase government revenue, such additional revenue must be justified against cost incurred by government to provide other environmental services to the citizens.”¹⁰⁴

The regulator must determine; “the categories of activities that contribute maximally to the regulated pollution. Should the regulation target the main source of pollutant or all media of pollutants?”

4.2.2. Cooperative Federalism

An important step to achieve efficiency and enforcement of the regulatory frameworks is to embrace the concept of cooperative federalism in the nation ‘s environmental management.¹⁰⁵ Cooperative federalism refers to cooperation among all the tiers of government in the implementation of environmental laws and policies affecting the citizens. As opposed to the present confrontation attitudes where Federal, State and Local Governments regard each other as competitors, and jostle for relevance, the administration of the Nigerian state particularly from environmental perspective must be done in a way to promote cooperation among the tiers of government because environmental damage has no trans-boundary hindrance.¹⁰⁶

The Federal Government must devise some schemes whereby State Governments are given incentives to enforce and implement certain federal environmental policies and laws at the State level. This can be better appreciated if we agree that climate change, flooding, water pollution and oil and gas pollution cannot be best administered by

¹⁰³ Ibid.

¹⁰⁴ Ibid.

¹⁰⁵ Amokaye, G. O., ‘Environmental pollution and challenges of environmental governance in Nigeria.’ [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences*
<https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

¹⁰⁶ Ibid.

individual component states.¹⁰⁷ Section 11 of the Constitution provides the constitutional base for mutual cooperation between the Federal and State Governments for effective and sustainable management of the nation 's environmental problems. It authorizes both the federal and state governments to exercise concurrent powers on matters bordering on the maintenance of public safety and public order. In doing this, the National Assembly may enter the field of environmental regulation by choosing from a number of regulatory processes. First, it can simply establish a set of Federal rules to govern environmentally hazardous activity; give authority to a government agency or official to ensure compliance with such rules, and authorize either the Federal courts or Federal agency to hear claims to enforce the law. Where the National Assembly has taken a comprehensive step, its regulatory scheme may pre-empt the existing State laws and foreclose the States from adopting conflicting rules or standards where the federal legislation evinces such intention or objective. This is consistent with the doctrine of covering the field as decided by the Supreme Court in *Attorney-General of Ogun State and Ors vs Attorney-General of the Federation*¹⁰⁸. The States cannot enact laws to abrogate or vary the objective of the federal legislation as such laws will be inconsistent with the provision of Constitution which confers superiority on Federal law.

4.2.3. Economic Approach

Economic techniques involve the use of economic incentives and disincentives, mechanisms such as fines, effluent fees, pollution tax, licenses, user charges, loans and grants, to reduce a level of pollution to the desired standard.¹⁰⁹ This approach is based on the neo-classical economist's argument that inefficiency in resource allocation is the

¹⁰⁷ Ibid.

¹⁰⁸ (1982)3 NCLR 166

¹⁰⁹ Amokaye, G. O., 'Environmental pollution and challenges of environmental governance in Nigeria.' [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

primary reason for the unacceptable level of environmental degradation.¹¹⁰ Pollution is encouraged because the polluter can discharge effluent at no cost to himself, that is, he acquires a benefit free of charge while a cost accrues to others.¹¹¹ A minimum level of pollution, therefore, will only be achieved when these external dis-economies are internalized. The introduction of pollution tax and other economic disincentives will internalize these externalities.¹¹² It primarily seeks to discourage firms and individuals from causing pollution or otherwise damaging the environment not by persuasion or by prohibiting the polluting activity through legislation, but by imposing a price or economic cost on such conduct.¹¹³ By this process, environmental cost is internalized into the production process of the company. This presupposes that firms who wish to maximize profits will find ways of polluting less rather than paying more.

4.3. Institutional Challenges facing the Environmental Regulatory Frameworks

4.3.1. Ineffective Laws Establishing Institutions in the Environmental Sector

One of the major problems affecting the effectiveness of the institutions regulating the environmental sector lies in the law creating the institutions. Generally, an organization is bound by law creating it and it is expected that it must act according to the dictate of the law.¹¹⁴ Thus, where an organization oversteps its power that may be a good ground to void such actions or steps. First, the Act creating NESREA expressly excluded the Power

¹¹⁰ Ibid.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ Ibid.

¹¹⁴ Amokaye, G. O., 'Environmental pollution and challenges of environmental governance in Nigeria.' [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

of the agency from interfering in oil and gas matters.¹¹⁵ There is an inconsistency in this limitation having given the agency the general power to enforce all environmental laws in Nigeria. This may be due to the fact that oil business is the major back bone of Nigerian economy.¹¹⁶

It is therefore imperative that the provision excluding the powers of NESREA be removed if there is sincerity on the part of the government to protect its citizens from environmental menace. With regard to NOSDRA, the Act creating it has not given it the power of enforcement, instead, it has power only to ensure compliance.¹¹⁷ The position of the Niger Delta Commission is similar to that of NOSDRA because its power does not extend beyond formulation of policies and offers advice on the protection of Niger Delta region where oil activities take place. This shortcoming has affected the effectiveness of environmental institutions in the protection of a healthy environment for Nigerians. It is therefore suggested that there is the need to strengthen these institutions with the mandate to take adequate punitive measures against an erring polluter.¹¹⁸

4.3.2. Inadequate Funding of Regulatory Agencies and Man Power

Another problem faced by institutions in the Environmental sector is the issue of inadequate Funding of Regulatory Agencies and Man Power by the government. Environmental regulatory institutions in developing countries usually lack sufficient funding and technical expertise.¹¹⁹ This may hinder the performance of the institutions where adequate funds are not provided for the implementation of their duties. Thus, owing to the limited budgetary resources at the disposal of these institutions, they are

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Ibid.

¹¹⁹ Amokaye, G. O., 'Environmental pollution and challenges of environmental governance in Nigeria.' [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

incapable to remit adequate numbers of trained and experienced human resources to execute their functions of implementing, managing and administering the environmental regulations and laws.¹²⁰ This has resulted in a pitiable circumstance when the officials of the regulatory agencies have had to depend on oil companies (the violators) to take them to the location of oil spills in order to carry out their duties.

4.3.3. Institutional Corruption

The oil boom in Nigeria and the resultant environmental crisis came with their own share of challenges which led to a large scale of corruption within the institutions. Implementation of environmental standards in Nigeria is poor, partly as a result of compromise by officials whose duty is to observe compliance with environmental laws.¹²¹ The Nigerian National Petroleum Corporation (NNPC) now NNPC Limited and the Niger Delta Development Commission (NDDC) have been submerged in allegations of financial mismanagement and accused of playing major role in the disappearance of huge fund from the state treasury¹²². The NDDC is an agency principally created with primary aim of facilitating the sustainable development of the Niger Delta area which has been degraded as a result of oil exploration activities¹²³. Apart from outright looting of funds meant for restoring the environment, some environmental agencies cooperate with violators and overlook infractions of environmental laws after receiving gratifications.¹²⁴ There is also the allegation of abdication of duty by officials of some of the

¹²⁰ Ibid.

¹²¹ Amokaye, G. O., 'Environmental pollution and challenges of environmental governance in Nigeria.' [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

¹²² Petrus C van Duyne and Jackie H. Harvey, 'Grand Corruption in Nigeria', <<https://ace.globalintegrity.org/wp-content/uploads/2021/06/grand-corruption-in-nigeria-harvey-06-2021-1-1.pdf>> accessed 8 December 2025.

¹²³ Niger Delta Development Commission (Establishment) Act Cap C45, Laws of the Federation of Nigeria, 2004.

¹²⁴ Petrus C van Duyne and Jackie H. Harvey, 'Grand Corruption in Nigeria', <<https://ace.globalintegrity.org/wp-content/uploads/2021/06/grand-corruption-in-nigeria-harvey-06-2021-1-1.pdf>> accessed 8 December 2025.

environmental regulatory agencies leading to non-compliance with environmental laws. A number of oil prospecting licensees and oil mining lessees in Nigeria do not have Environmental Impact (EIA) Certificate yet they carry on the businesses of oil prospecting and mining without obstruction.¹²⁵ In 2017, the House of Representatives Sub-Committee on Environment in investigating the issue of wide non-compliance with environmental guidelines summoned certain companies to appear before it. It was found that some companies which had been operating in Nigeria for over 16 years had no EIA certification.

4.3.4. Overlapping Institutions in the Environmental Sectors

Policies are usually implemented through legislative interventions because they are not laws. Some of the time, these legislations equally create organs by way of agencies to monitor compliance with the law.¹²⁶ Unfortunately, the functions of some of the regulatory bodies are overlapping while there are reports of mismanagement in the interventionist agencies making enforcement difficult. The agencies and environmental management organs are uncoordinated and operate independently.¹²⁷

Environmental agencies may be created directly to enforce compliance with an enabling statute as in the case of NESREA or to develop the oil producing areas like the Niger Delta Development Commission (NDDC) and the state commissions on the development of oil producing areas at several states of Nigeria.¹²⁸ The latter is also very important to policy decisions and success of environmental protection. The Court of Appeal of Nigeria aptly noted this when it observed that the government felt the need to bring succour, and to stem the tides of this “unwholesome, unbridled and systematic extermination of Niger

¹²⁵ Ibid.

¹²⁶ Umukoro, B. E. and Omozue, M. O., ‘Environmental protection and the role of national policies and guidelines in Nigeria.’ [2024] (4)(2) 211–234. *Journal of Environmental Law & Policy*, <<https://doi.org/10.33002/jelp040208>> accessed 1 April 2026.

¹²⁷ Ibid.

¹²⁸ Ibid.

Deltans by the oil and gas companies/exploiters masquerading as investors” hence it created these interventionist institutions to cushion the effects of the scourge of oil and gas exploitation in Nigeria¹²⁹. The then military government established the Oil Minerals Producing Area Development Commission (OMPADEC) as an interventionist organ. Although, OMPADEC tried its best, it could not address “the socio-economic conditions of Niger Deltans owing to the poor management and administrative structure of the Commission. OMPADEC was replaced with the Niger-Delta Development Commission (NNDC) under the Niger-Delta Development Commission (Establishment) Act¹³⁰. On other hand, other relevant regulatory bodies compete as to which is superior over which, mainly because of similarity of functions.

The overlapping functions of the environmental regulatory agencies played out very prominently in the petroleum industry in Nigeria till 2021 when the PIA scrapped some of the regulatory bodies including the DPR, Petroleum Products Pricing Regulatory Agency (PPPRA) and the Petroleum Equalization Fund (PEF).¹³¹ Before now, the NOSDRA and the DPR were in some cold wars as to which is responsible for monitoring, responding, mediating and detecting oil spill occurrences in Nigeria. The DPR and NOSDRA competed in the discharge of this role thereby creating conflict in policy implementation.¹³² For instance, when oil spills occurred, the oil prospecting company was expected under EGASPIN to notify DPR while the same company is required statutorily to notify NOSDRA which is the body created for responses to oil spills under the NOSDRA Act 2006. Besides, the DPR and NOSDRA would initiate independent risk

¹²⁹ *NDDC v. NLNG Ltd* (2010) LPELR-4596(CA).

¹³⁰ Niger Delta Development Commission (Establishment) Act Cap C45, Laws of the Federation of Nigeria, 2004.

¹³¹ Umukoro, B. E. and Omozue, M. O., ‘Environmental protection and the role of national policies and guidelines in Nigeria.’ [2024] (4)(2) 211–234. *Journal of Environmental Law & Policy*, <<https://doi.org/10.33002/jelp040208>> accessed 1 April 2026.

¹³² *Ibid.*

assessment on affected sites thereby duplicating energy and manpower and causing waste of resources.¹³³

The DPR has been scrapped. The FEPA Act which created FEPA has also been repealed by section 36 of NESREA Act. Even though PIA has delisted some regulatory bodies, there are still a subtle challenge of intersection of roles among NOSDRA, NESREA and the FME. While FEPA existed, there was the confusion as to the difference between FEPA and NEMA in terms of their roles. The former did not create any agency called the Nigerian Environmental Management Agency (NEMA). Thus, the definition of “agency” in section 61 of the EIA Act as “Nigerian Environmental Protection Agency” established by the “Federal Environmental Protection Agency Act” is misleading and should be amended. NEMA is under National Emergency Management Agency (Establishment) Act of 1999 and it is generally concerned with the management of disaster and not environmental protection.¹³⁴

Apart from the conflict of roles among regulatory agencies, it was also reported that state agencies sometimes enforce environmental regulations in matters which are within federal coverage. In *Helios Towers Nig. Ltd. v NESREA & Ors.*¹³⁵, the Court was called upon to intervene and banned Kaduna State from issuing EIA under the Kaduna Environmental Protection Agency Edict no. of 1998. The Court affirmed that the states and local governments have some role to play in the process leading to the EIA in their area.

4.3.5. Significance of Institutional Weaknesses in the Environmental Sector

A careful look at the regulatory institutions on the protection of environment pollution in Nigeria revealed that the problem is not the absence of institutions but rather their

¹³³ Ibid.

¹³⁴ Ibid.

¹³⁵ (2014) LPELR 24624 (CA) at 57.

operational ineffectiveness in the performance of their duties.¹³⁶ The laws creating some of these institutions contain ample promises for Nigerian towards preserving the quality of the environment and ensuring well protection of the environment from pollution. However, these promises are increasingly fading due to the challenges that inhibiting the performance of the institutions. It is true that some of these regulatory institutions have recorded some great achievements and milestone with regards protection of the environment from pollution but much of their powers are excluded from oil and gas activities that account for not less than 70% of Nigeria pollution.¹³⁷ It is however imperative in view of realities on ground and with a view to better Nigeria environment that the laws creating these institutions be properly and efficiently revisited and be reviewed upwards to ensure proper and adequate protection of the environment from pollution.¹³⁸

4.4. Challenges in Enforcement of Environmental Regulatory Frameworks by Citizens

4.4.1. Access to Justice

Despite the volume of oil spills that occur within the Nigerian oil industry and activities within that industry which negatively affect the lives of individuals living in close proximity of its operations, many victims elect not to enforce their rights through litigation at the courts.¹³⁹ One of the major challenges towards the access of justice by

¹³⁶ Amokaye, G. O., 'Environmental pollution and challenges of environmental governance in Nigeria.' [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences* <https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

¹³⁷ Ibid.

¹³⁸ Ibid.

¹³⁹ C.I.N. Emelie, 'Environmental Pollution Victims; Access to Justice: a Bridge to Sustainable Development in Nigeria'. [2016] (5)(1). *Social Science and Law Journal of Policy Review and Development*

Nigerian citizens is the issue of ignorance on the part of the citizen.¹⁴⁰ Ignorance they say is a disease. Unfortunately, this disease affects an average Nigerian. Most Nigerians do not know their right from their left not to talk about knowing about access to justice. They do not also know about their existing rights. Worse still, they do not know whether any law exists for their protection. They are also ignorant of the available access to justice structure and Agencies that exist for their protection or how much the Agency can assist in ensuring the observance of their rights.¹⁴¹

Generally, there is less than enough of public interest in access to justice issues in the country. The primary reason being that a greater proportion of the citizenry are oblivious of their right to access justice, especially, when the infringement is caused by intangible processes.¹⁴² The high level of illiteracy aggravated by poverty in the country is usually pointed out as a major contributory factor, however, it is contended that the issue of ignorance acts across, affecting both the educated and the illiterate, the rich and the poor.¹⁴³ The ignorance is said to be so pervasive that to this minority, an action instituted against facilities in which government has an interest is perceived as an action against government itself. Illiteracy and poverty are far from being the prime rational for access to justice ignorance, lack of awareness takes the center stage, for what you know is what you can talk about. Lack of such knowledge prevents one from taking advantage of such knowledge.¹⁴⁴

Another major challenge hindering citizens towards the access to justice is the state of poverty of these citizens. The inference is that poverty generally connotes the inability to

Strategies. <<https://internationalpolicybrief.org/social-sciences-journal-of-policy-review-and-development-strategies-volume-5-number-1/>> accessed 23 November 2025.

¹⁴⁰ Ibid.

¹⁴¹ Ibid.

¹⁴² Ibid.

¹⁴³ Ibid.

¹⁴⁴ Ibid.

command basic necessity of life.¹⁴⁵ It also means lack of income to satisfy the essential of life. Poverty, which has been an issue of social concern from ancient times has many roots and causes which is not intended to be discussed in this work. The poverty level of the Nation is very high and this accounts for the standard of living which is still below the hunger level.¹⁴⁶ The common language of the people is survival first, thus access to justice right or concern do not mean much or even anything to them, as their pre-occupation is how to feed in these hard times.

In light of the foregoing, it is generally perceived that those most likely to be affected are seldom consulted and given a chance to participate in the decision making of proposed projects. Infractions by the oil companies have led to a number of suits being filed by various aggrieved parties in the Nigerian courts and these have resulted in the development of case law that shows inter alia the judiciary's interpretation of statutory provisions governing the oil industry.¹⁴⁷

Furthermore, there have been instances in which the cases were dismissed on technicalities and courts appeared unwilling to invoke their powers of equity. In *J. Chinda & Ors V. Shell B.P. Petroleum Company of Nigeria Limited*¹⁴⁸, the court acknowledged that the plaintiff had suffered damage to their property as a result of the defendant's flare set, but since the claim was brought under the head of nuisance, the court did not find in favour of the plaintiff as it held that they could not prove that the defendant had been negligent in the management and control of the flare set. On the occasions when the courts decided in favour of the individuals and/or communities, the compensation awarded were so little that the plaintiffs ended up feeling like losers anyway. In *R. Mon*

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

¹⁴⁷ Ibid.

¹⁴⁸ (1974) 2 R.S.L.R. 1.

and *B. Igara V. Shell B.P. Petroleum Company of Nigeria Limited*¹⁴⁹, the plaintiffs brought an action for damage to their fishpond which was caused by the defendant. They sought compensation in the sum of Two Hundred Thousand Naira. The court agreed that the defendants were liable for the damage caused to the plaintiffs' pond, but awarded the plaintiffs only Two Hundred Naira. In light of the fact that the fish-pond was a source of livelihood for the plaintiffs, the amount was paltry. The quantum of compensation awarded may be justified on the ground that the defendant had paid compensation previously to the plaintiffs' community.

The justice system is important for; "improving the lives of essentially the poor people by ensuring that everybody has access to systems which dispense justice fairly, speedily and without discrimination."¹⁵⁰ Failure of states to provide Citizens with protection from crime and access to justice impedes sustainable development. That is why the legislature or parliaments, governments and Courts of every country have a positive duty to translate the ideal of effective access to justice into practical reality.¹⁵¹ There is need for openness to different approaches to justice, recognizing strengths of different individuals with a focus on dispute resolution and innovative ways of delivering justice to the citizens."¹⁵²

There is need to; "review the available steps that are in place to access justice not just by environmental pollution victims but by all that is aggrieved. There is need for the review of civil justice system with a view to play down most of the procedures or processes that militate against access to justice, a task that will respond to the perceived crisis in access to justice."¹⁵³ Particularly as it relates to environmental pollution. Serious limitations in the Nigeria laws as it relates to environmental protection creates the greatest hindrance to

¹⁴⁹ (1972) 1R.S.L.R. 71.

¹⁵⁰ Ibid.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Ibid.

environmental protection in general and to the victims of environmental pollution in accessing justice.”¹⁵⁴

4.4.2. Lack of Legal Awareness

The lack of legal awareness among citizens regarding environmental pollution simply points at the limited public knowledge of environmental laws, regulations, rights, responsibilities, and available enforcement mechanisms.¹⁵⁵ This lack of legal awareness therefore hinders effective pollution control, as citizens may unknowingly contribute to pollution, fail to report violations, or miss opportunities to hold polluters and governments accountable in situations of environmental pollutions.¹⁵⁶ Some of the factors that contribute to the lack of legal awareness on the part of citizens include poor institutional capacity, corruption, limited access to information, and stifled civic engagement. Citizen legal awareness bridges this gap by enabling monitoring and reporting. Citizens should act as eyes and ears for violations i.e. noticing illegal dumping or factory emissions.¹⁵⁷

Public environmental awareness correlates with lower pollution levels, for instance, a 1% increase in public concern can reduce pollution by about 0.009% in some contexts, with government regulation amplifying the effect.¹⁵⁸ Without it, even robust laws fail to translate into real protection, exacerbating issues like air, water, and land pollution. Many people express worry about pollution but show lower knowledge of specific laws, policies, or enforcement tools.¹⁵⁹ The issue of legal Awareness tends to be higher in urban areas and

¹⁵⁴ Ibid.

¹⁵⁵ Amokaye, G. O., ‘Environmental pollution and challenges of environmental governance in Nigeria.’ [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences*.

¹⁵⁶ Ibid.

¹⁵⁷ Ibid.

¹⁵⁸ Obi-Eze, N. *et al.*, ‘Public interest litigation and access to justice in environmental matters: A viable tool for the protection of the right to a healthy environment in Nigeria.’ [2024] (1)(1). <<https://journals.kwasu.edu.ng>> accessed 8 April 2026.

¹⁵⁹ Ibid.

cities or after major events, but it is lower in rural areas and communities both among the older citizens and younger groups in some communities.

Most of the causes of this lack of legal awareness among citizens is limited education and outreach in some communities distant from civilization.¹⁶⁰ Environmental law sensitization should aim to cover laws and statutes guiding pollution, the penalties to be faced by defaulters, the rights of citizens towards enforcing their rights in instances of possible violation these environmental laws by other citizens and also proper complaint procedure to go through.

Another cause is the access barriers. This could be as a result of complex legal language, lack of transparent information, and low civic engagement and stifle participation from citizens in communities.¹⁶¹ Consequences for the lack of legal awareness towards environmental pollution tends to contribute to persistent non-compliance from citizens and companies and allows them pollute more freely when citizens cannot effectively monitor or challenge them.¹⁶² The weak enforcement from Government agencies face resource limits and the awareness from citizens and their active participation can supplement this, but ignorance reduces it. Without knowledge of rights, affected communities struggle to seek remedies.¹⁶³

The potential solutions and the possible way forward towards addressing this requires targeted actions like public education campaigns and integrating environmental law into school programs, community workshops, and media.¹⁶⁴ Secondly, improved access to information. Government agencies should enhance transparency via apps, public

¹⁶⁰ Ibid.

¹⁶¹ Amokaye, G. O., 'Environmental pollution and challenges of environmental governance in Nigeria.' [2012] (10)(1), 29–41. *British Journal of Arts and Social Sciences*
<https://www.academia.edu/63953331/Environmental_Pollution_and_Challenges_of_Environmental_Governance_in_Nigeria> accessed 17 February 2026.

¹⁶² Ibid.

¹⁶³ Ibid.

¹⁶⁴ Ibid.

dashboards for pollution data, and simplified guides to filing complaints. The government agencies should also encourage monitoring programs where public data supports enforcement; some agencies already use citizen observations effectively.¹⁶⁵ Ultimately, a more legally aware community together with its citizens help to foster a culture of compliance that complements government efforts towards tackling environmental pollution in the country.

4.4.3. Arbitration and Mediation Issues

The use of Alternative Dispute Resolution techniques in particular, the use of arbitration and mediation, have gained universal attraction as being a more cheaper and faster method of reconciling and managing environmental conflict dispute in Nigeria.¹⁶⁶ Arbitration and Mediation are responses to the financial cost and emotional stress to contractors, owners, developers, design professionals and others who resort to litigation to resolve their disputes. Arbitration and Mediation are confidential processes and the parties and their lawyers are required to sign an agreement to that effect.¹⁶⁷

It would be utterly simplistic to assert that; “Arbitration and mediation meets all of the inadequacies of environmental litigation completely. Nevertheless, the relative structural and procedural advantages which it has over litigation recommend it very highly. The best argument for advocating Arbitration and mediation in the oil and gas industry is that contrary to the battle of litigation from which a victor and a vanquished must emerge, the

¹⁶⁵ Ibid.

¹⁶⁶ Okpalaugo, C., ‘The use of mediation in the resolution of disputes between host communities and multinational corporations operating in the Niger Delta Region.’ [2024] (9) 49–66. *African Journal of International Energy & Environmental Law (AJIEE)*. <<https://ajieel.com>> accessed 27 March 2026.

¹⁶⁷ Okpalaugo, C., ‘The use of mediation in the resolution of disputes between host communities and multinational corporations operating in the Niger Delta Region.’ [2024] (9) 49–66. *African Journal of International Energy & Environmental Law (AJIEE)*. <<https://ajieel.com>> accessed 27 March 2026.

prospect of maintaining ongoing relationships is paramount in Arbitration and mediation¹⁶⁸.”

Arbitration and Mediation is commonly noted as being faster than litigation in reaching a final resolution. In the case of *Shell Petroleum Development Company v. Farah*¹⁶⁹ which dealt with compensation for oil pollution damage and the case arose from an oil spill which occurred in one of Shell’s oil wells in the Ogoni area of the Niger delta in 1970. The company argued that; “it had paid out £22,000 in compensation to individual claimants and had rehabilitated the land by 1975, thereby discharging its responsibilities. Plaintiffs contended that there had been no rehabilitation of the polluted land, and provided evidence to show that Shell had entered negotiations with them for a further period after 1975 regarding its continuing rehabilitation obligations. Shell declined taking any further action, and in 1989 plaintiffs sued in the high court and got awarded a total of \$51,350 compensation in 1991. Shell contested and lost the decision in 1995 at the Court of Appeal. The company has since appealed to the Supreme Court. In all, a period no less than 22 years has elapsed since the occurrence of the pollution.”

In spite of the above, there are still some underlining challenges which are being faced by citizens in the use of Arbitration and mediation in settlement of environmental pollution disputes in communities. In general terms, arbitration and mediation is a better choice when the issues are clearly defined and the disputants perceive that there is a balance of power between them, which demands that the parties negotiate.¹⁷⁰

¹⁶⁸ J.G Martin, and M.S Anshan, ‘Alternative Dispute Resolution for Oil and Gas Practitioners’ (Chicago Illinois: American Bar Association).
<https://books.google.com.ng/books/about/Alternative_Dispute_Resolution_for_Oil_a.html?id=HG5LAQA_AIAAJ&redir_esc=y> accessed 8 November 2025

¹⁶⁹ (1995) 3 NWLR (Pt. 382) 148.

¹⁷⁰ Okpalauugo, C., ‘The use of mediation in the resolution of disputes between host communities and multinational corporations operating in the Niger Delta Region.’ [2024] (9) 49–66. *African Journal of International Energy & Environmental Law (AJIEE)*. <<https://ajieel.com>> accessed 27 March 2026.

Government participation in;“environmental mediation has been seen as playing a legitimizing role for the process, but it equally poses a serious challenge.¹⁷¹ It is not desirable for government officials to participate where this would entail giving away power during the process. By and large, the mediators would, in each case have to be alert to the feelings of the parties regarding the appropriateness of mediated settlement, since the parties must have the final say and can, at all times, pull out of negotiations.”¹⁷²

Another major challenge facing citizens with regards the use of arbitration and mediation in settlement of most environmental law disputes is the issue of power imbalance. Corporations, governments, or large polluters typically have superior resources, legal teams, technical data, and negotiation experience compared to affected communities, NGOs, or smaller stakeholders.¹⁷³ This can create subtle pressure for reasonable compromises that tends to favour the stronger parties, especially in mediation. Communities may lack access to information or expertise, resulting in agreements that do not fully protect public health or the environment.

Most ADR proceedings are typically private and confidential, which clashes with the public nature of environmental pollution.¹⁷⁴ Secret settlements may hide pollution details, reduce accountability, and prevent broader advocacy groups from participating or scrutinizing outcomes. The lack of Finality and ongoing compliance in arbitration and mediation proceedings, hinders parties from using these ADR resolutions.¹⁷⁵ Unlike one-time commercial disputes, pollution effects persist. Settlements or awards may include re-opener clauses, future monitoring, or contribution protection, but these are hard to enforce long-term.

¹⁷¹ Ibid.

¹⁷² Ibid.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

Arbitration and Mediation, though an imperfect art, is;“a better option for resolving environmental, and related disputes between foreign oil companies and host communities in Nigeria because it seeks amicable agreement, where courts seek verdicts, thereby preserving the relationship between these parties.¹⁷⁶ Even without the emergence of arbitration and mediation in preference to litigation in the field of environmental dispute resolution, the likely danger exists that these disputes may not be accurately and fairly resolved, owing to the numerous administrative loopholes which attend the judicial settlement of these disputes.”¹⁷⁷

CHAPTER FIVE

SUMMARY OF FINDINGS, RECOMMENDATIONS AND CONCLUSION

5.1. Summary of Findings

¹⁷⁶ Ibid.

¹⁷⁷ Ibid.

The study examined the legal and institutional frameworks for the prevention of environmental pollution in Nigeria. From the analysis conducted, the following findings were made:

1. The study found that environmental pollution in Nigeria occurs in various forms, including oil pollution, air pollution, water pollution, land pollution, gas flaring, industrial waste disposal, and noise pollution. These forms of pollution have caused severe environmental degradation, adverse health consequences, loss of biodiversity, destruction of livelihoods, and socio-economic hardship, particularly in oil-producing communities.
2. The study found that Nigeria has established a comprehensive legal and institutional framework for environmental protection through statutes such as; “the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Environmental Impact Assessment Act, the Harmful Waste (Special Criminal Provisions) Act, the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, and the Petroleum Industry Act 2021.” Regulatory agencies have also been created to enforce these laws and promote environmental sustainability.
3. The study found that notwithstanding the existence of these legal and institutional frameworks, environmental pollution remains pervasive in Nigeria. The effectiveness of the regulatory regime is undermined by weak enforcement, inadequate funding, institutional overlap, corruption, political interference, poor compliance by operators, and limited access to environmental justice.
4. The study found that strengthening environmental governance in Nigeria requires legal and institutional reforms aimed at enhancing enforcement mechanisms,

increasing the operational capacity of regulatory agencies, imposing stricter sanctions on offenders, improving judicial responsiveness, and promoting greater public participation in environmental protection.

5.2 Recommendations

In line with the critics of the regulatory frameworks guiding environmental pollution in Nigeria, it is important that necessary and reformative recommendations are made to boost the fairness in the environmental sector. The following recommendations are being proposed to not only identify the issues but to also aim to address these difficulties currently faced by them. These recommendations include;

- i. “The need for the Government to be Pro-active: The government and other stakeholders should strengthen collaborative efforts in order to improve efficiency and effectiveness of efforts geared towards environmental pollution management. For the purposes of implementation there is a need to put in place a stronger mechanism for enforcement purposes which will create fear in the minds of the people.
- ii. Provision of financial assistance: The environmental pollution management requires financial expenses and it has become difficult for developing countries such as Nigeria to meet up with a perfect standard which includes provision of waste disposal at strategic place at the state and local levels. In the light of this, it is recommended that government at all levels should engage in collaborative mechanism with Non-Governmental Agencies (NGOs) for their supports as a developmental goal to developing countries.
- iii. Creation of awareness: Creation of awareness is a strategy that could yield much in terms of enlightening the public but significantly little in terms of

compliance probably due to the lack of interpersonal channels of communication and the non-inclusion of fear/threat appeals in its campaign messaging.”

5.3 Conclusion

Environmental pollution remains one of the most persistent and under-addressed governance failure in Nigeria. This study has undertaken a critical examination of the regulatory frameworks established to combat environmental pollution, traversing the conceptual foundations of the subject, the relevant national and international legal instruments, the institutional architecture of enforcement, and the practical impediments that frustrate effective compliance. The findings, taken together, paint a sobering picture of a legal order that is, in many respects, structurally adequate on paper but severely compromised in practice. The Nigerian environmental regulatory framework rests on a relatively developed legislative foundation. Statutes such as the NESREA Act 2007, the Environmental Impact Assessment Act 1992, the NOSDRA Act 2006, the Harmful Waste (Special Criminal Provisions) Act, and the Petroleum Industry Act 2021 collectively establish a normative architecture that, in principle, covers the full spectrum of pollution from air and water to land, oil, and noise. It is the considered conclusion of this study that Nigeria's environmental regulatory framework, taken in its entirety, suffers not from an absence of law but from a crisis of implementation, institutional integrity, and constitutional commitment.

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