OVERVIEW OF ENVIRONMENTAL LAWS,
REGULATIONS, AND MULTILATERAL ENVIRONMENTAL AGREEMENTS IN NIGERIA.

Presentation by:
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INTRODUCTION

Extant National Environmental Laws and Regulations.
MEAs to Which Nigeria is a signatory.
Domesticated MEAs in Nigeria.
Achievements.
Constrains and Challenges
Way forward.
Environmental governance commenced in Nigeria in 1988 by the establishment of the Federal Environmental Protection Agency (FEPA). This was the Federal Government of Nigeria’s response to the illegal dumping of about 3,888 tons of toxic waste from Italy in Koko port. Nigeria is not lacking in availability of environmental laws, and they include:
The threshold of environmental legislation in Nigeria is the NESREA (Establishment) Act, 2007. The Agency has the responsibility of enforcing all environmental laws, regulations, guidelines, and standards. This responsibility also extends to enforcing conventions, treaties and protocols on the environment to which Nigeria is a signatory.

Environmental Impact Assessment Act Cap E12 LFN 2004. This law sets out the general principles, procedures and methods of environmental impact assessment in various sectors.

Harmful Waste (Special Criminal Provisions etc) Act Cap H1 LFN 2004. This law prohibits the carrying, depositing and dumping of harmful waste on land and territorial water of Nigeria.

Endangered Species (Control of International Trade and Traffic) Act – retained as Cap E9 LFN 2004; This Act provides for the conservation and management of Nigeria’s wild life and the protection of some of her endangered species in danger of extinction as a result of over-exploitation, as required under certain international treaties to which Nigeria is a signatory.
EXTANT NATIONAL ENVIRONMENTAL LAWS (II)

- National Oil Spill, Detection and Response Agency (NOSDRA) Act 2006; The objective of this law is to put in place a machinery for the co-ordination and implementation of the National Oil Spill Contingency Plan for Nigeria to ensure safe, timely, effective and appropriate response to major or disastrous oil pollution;

- National Park Services Act retained as Cap N65 LFN 2004; this Act makes provision for the conservation and protection of natural resources and plants in national parks.

- Nigerian Minerals and Mining Act, 2007; this Act repealed the Minerals and Mining Act, No. 34 of 1999 and re-enacted the Nigerian Minerals and Mining Act, 2007 for the purposes of regulating all aspects of the exploration of solid minerals in Nigeria; and for related purposes.

- Water Resources Act retained as Cap W2 LFN 2004; this Act aims at promoting the optimum, development and use of the Nigeria’s water resources in a way that will, among other thing, be protective of the water resources.
EXTANT NATIONAL ENVIRONMENTAL REGULATIONS (I)

- National Environmental (Wetlands, River Banks and Lake Shores Protection) Regulations, S. I. 26 of 2009;
- National Environmental (Protection of Watershed, Mountainous, Hilly & Catchment Areas) Regulations, S. I. 27 of 2009;
- National Environmental (Sanitation and Waste Control) Regulations, S. I. 28 of 2009; This Regulation seeks to promote environment friendly practices in sanitation and waste control.
- National Environmental (Permitting and Licensing System) Regulations, S. I. 29 of 2009
- National Environmental (Access to Genetic Resources And Benefit Sharing) Regulations, S. I. 30 of 2009;
- National Environmental (Mining And Processing of Coal, Ores And Industrial Minerals) Regulations, S. I. 31 of 2009;
- National Environmental (Ozone Layer Protection) Regulations, S. I. 32 of 2009; This Regulation prohibits the importation, manufacture use or otherwise of ozone depleting substances (ODS).
- National Environmental (Food, Beverages & Tobacco Sector) Regulations, S. I. 33 of 2009;
EXTANT NATIONAL ENVIRONMENTAL REGULATIONS II

- National Environmental (Noise Standards and Control) Regulations, S. I. 35 of 2009;
- National Environmental (Chemicals, Pharmaceuticals, Soap & Detergent Manufacturing Industries) Regulations, S. I. 36 of 2009; To prevent and minimize pollution from all operations from the sector on the environment
- National Environmental (Standards for Telecommunications and Broadcasting Facilities) Regulations, S. I. 11 of 2011
- National Environmental (Soil Erosion and Flood Control) Regulations, S.I.12 of 2011
- National Environmental (Desertification Control and Drought Mitigation) Regulations, S. I. 13 of 2011;
- National Environmental (Base Metal, Iron and Steel Manufacturing/Recycling Industries) Regulations S. I. 14 of 2011;
- National Environmental (Control of Bush/Forest Fire and Open Burning) Regulations, S.I 15 of 2011
EXTANT NATIONAL ENVIRONMENTAL REGULATIONS III

- National Environmental (Protection of Endangered Species in International Trade) Regulations, S. I. 16 of 2011;
- National Environmental (Domestic and Industrial Plastic, Rubber and Foam Sector) Regulations, S. I. 17 of 2011;
- National Environmental (Coastal and Marine Area Protection) Regulations, S. I. 18 of 2011;
- National Environmental (Construction Sector) Regulations S. I. 19 of 2011;
- National Environmental (Control of Vehicular Emissions from Petrol and Diesel Engines) Regulations, S.I 20 of 2011;
- National Environmental (Surface and Ground Water Quality Control) Regulations, S. I. 22 of 2011;
- National Environmental (Electrical/Electronic Sector) Regulations, S. I. 23 of 2011;
- National Environmental (Control of Alien and Evasive Species) Regulations S. I. 32 of 2013;
EXTANT NATIONAL ENVIRONMENTAL REGULATIONS IV

- National Environmental (Quarrying and Blasting Operations) Regulations, S.I 33 of 2013
- National Environmental (Pulp and Paper, Wood and Wood Products Sector) Regulations, S.I 34 of 2013
- National Environmental (Motor Vehicle and Miscellaneous Assembly Sector) Regulations, S.I 35 of 2013
National Guidelines and Standards

- National Policy Guidelines on Sanitary Inspection of Premises
- National Policy Guidelines on Solid Waste Management
- National Policy Guidelines on School Sanitation
- National Policy Guidelines on Pest and Vector Control
- National Policy Guidelines on Market and Abattoir Sanitation
- National Policy Guidelines on Excreta and Sewage Management
- National Action Plan on Environmental Sanitation
- Training Manual on Food Sanitation for Food Handlers
- National Policy Guidelines on Food Sanitation
National Guidelines and Standards II.

- National Guidelines and Standards for Environmental Pollution Control in Nigeria,
- Environmental Guidelines and Standards for the Petroleum Industry in Nigeria – This is aimed at establishing the control and prevention of pollution from petroleum operations.
- National Bio-safety Guidelines
- National Technical Guidelines on Erosion Control
MEAs TO WHICH NIGERIA IS A SIGNATORY(I)

- Stockholm Convention on Persistent Organic Pollutants (POPs);
- Protocol Concerning Cooperation in Combating Pollution in case of Emergency;
- Bamako Convention on the Ban of import into Africa and Trans-boundary Movement of Toxic and Hazardous Waste 1991;
MEAs TO WHICH NIGERIA IS A SIGNATORY (II)

- International Plant Protection Convention 1951;
- Convention on International Trade in Endangered Species of Wild Fauna and Flora;
- Cartagena Protocol on Bio-safety to the Convention on Biological Diversity;
- Convention on Biological Diversity 1993;
- Bonn Convention on the Conservation of Migratory Species of Wild Animals 1979;
- United Nations Framework Convention on Climate Change. (U.N.F.C.C.C.);
- Kyoto Protocol to the U.N.F.C.C.C.;
MEAs TO WHICH NIGERIA IS A SIGNATORY (III)

- The 1985 Vienna Convention for the Protection of the Ozone Layer:
- Montreal Protocol on Substances that Deplete the Ozone Layer 1987:
- London, Copenhagen and Montreal Amendments to the Montreal Protocol on substances that deplete the ozone layer.
- The Beijing Amendment (1999) to the Montreal Protocol on Substances that deplete the ozone layer;
MEAs TO WHICH NIGERIA IS A SIGNATORY (IV)

- International Convention to Combat Desertification and Drought Mitigation in Countries Experiencing Serious Drought and/or Desertification, Especially in Africa;
- Convention relating to the intervention on the High Seas in cases of Oil Pollution Casualties, 1969;
- International Convention on the prevention of Marine Pollution by Dumping of Wastes and other Matter, 1972;
- International Convention for the Control and Management of Ship’s Ballast Water and Sediments of 200
MEAs TO WHICH NIGERIA IS A SIGNATORY (V)

- Convention on Fishing and Conservation of the Living Resources of the High Seas;
- Ramsar Convention on Wetlands of International Importance:
- Convention on Co-operation in Protection and Development of Marine and Coastal Environment of West and Central Africa Region:
SOME CONVENTIONS THAT ARE ALREADY DOMESTICATED

- CITES: Domesticated as: Endangered Species (Control of International Trade and Traffic) Act, CAP E9, LFN, 2004;
- Oil in Navigable Waters Act, Cap 05; LFN, 2004, domesticated the International Convention for the Prevention of Pollution of the Sea by Oil and also provides for such prevention in the navigable waters of Nigeria.
ENFORCEMENT

- In enforcing the environmental laws for better environmental outcomes the Agency partners with relevant stakeholders at the Federal, States and Local Government levels; including Civil Society Organisations (CSOs), State Planning Authorities, Community Based Organisations (CBOs), Faith Based Organisations (FBOs), Non-Governmental Organisations (NGOs), International Community and Donor Agencies and other law enforcement agencies.
Methods of Enforcement

- The Agency normally adopts pre-emptive measures to secure compliance within the regulatory system. Failure to comply voluntarily with relevant legislative requirements and licensing provisions will compel the Agency to use its enforcement powers.
- Some of the methods of enforcements which the Agency has adopted are:
  - Issuance of permits and licences.
  - Issuance of prohibition and enforcement notices.
  - Variation of licence conditions.
  - Implementing the polluter-pays-principle.
  - Suspension and/or revocation of permits and licences.
  - Injunction and carrying out of remedial works.
  - Prosecution
The key elements of the Agency’s enforcement strategies are:

A. Inspection
B. Compliance Monitoring
C. Negotiation
D. Legal Action
Achievements

- Inspite of constraints, NESREA continues to ensure deterrence to commission of environmental violations.
- The Agency recently in December, 2014 got Judgment against a telecommunications company before the Kaduna Federal High Court which was up held by the Court of Appeal which ordered the Company to remove its mast located in a residential area.
- The intervention of the Agency has led to pollution abatement of some facilities – tanneries in Kano and telecommunication facilities in Owerri and Enugu.
- The promulgation of the NESREA Regulations has further armed the Agency to commence a full assault on anti-environment friendly operating facilities.
- Carrying out of Environmental Impact Assessment of project prior to commencement which hitherto was not been observed.
CASES OF ILLEGAL TRANSBOUNDARY MOVEMENT OF HAZARDOUS WASTE

- Despite all existing Multilateral Environmental Agreements, developing countries like Nigeria continue to be threatened by increasing cases of illegal dumping of hazardous waste at alarming rate for example the 1988 Koko waste dump from Italy, shipment of animal dung laden radioactive materials in 1997 from India, Shipment of 40-feet container load of end-of-life electricals/electronics, used lead acid batteries and used compressors containing CFCs which was intercepted at the Tin-Can Port Lagos in 2010.
**TABLE OF E-WASTE REPATRIATED SO FAR.**

<table>
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<tr>
<th>S/N</th>
<th>Date</th>
<th>Vessel</th>
<th>No of Containers</th>
<th>Country of Export</th>
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<tr>
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<td>14th April, 2010</td>
<td>MV Nashville</td>
<td>UESUA 463598-0</td>
<td>Austria</td>
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<td>2</td>
<td>3rd June, 2010</td>
<td>MV Gemel</td>
<td>7x40 Ft and 2x 20 Ft trucks</td>
<td>Germany</td>
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<td>3</td>
<td>6th Oct, 2010</td>
<td>Vera D</td>
<td>4 x40 Ft (ZCSU 82397694-5, ZCSU 82392024-8 and ZCSU 819734444-8)</td>
<td>United States of America (USA)</td>
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<td>4</td>
<td>14th Oct 2010</td>
<td>Grande America</td>
<td>2 (BCNU 463667-3 and BCNU 463871-6)</td>
<td>United Kingdom</td>
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<td>11th July, 2012</td>
<td>Louis S</td>
<td>1 (TSHU 353946-7)</td>
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<td>16th May, 2012</td>
<td>PAC Antilla</td>
<td>1 (TSHU 736337-1)</td>
<td>Singapore</td>
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<td>Harmonia Taustnica</td>
<td>1x 40ft (PCIU 999186-0)</td>
<td>Korea (During Operation Briga)</td>
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<td>6th Dec, 2012</td>
<td>NYK Vego</td>
<td>1x 40 ft and 1x20ft (MOAU 772496-3 and UNIU 205556-0)</td>
<td>Japan (During Operation Briga)</td>
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<td>2x40 Ft (ECMU 987088-8 and ECMU 989461-0)</td>
<td>United Kingdom</td>
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<td>10</td>
<td>19th June, 2013</td>
<td>Euro cargo Salerno</td>
<td>3 Trucks - Discharged at the Port of Luanda for repatriation</td>
<td>Belgium</td>
</tr>
</tbody>
</table>
BRIEF ON CITES CASES

Attorney General of the Federation (AGF) Vs LIANG ZULI

- The suspect (a Chinese National) was on the 4th March, 2012 intercepted by National Drug Law Enforcement Agency (NDLEA) as she prepared to board Qatar Airways and was discovered to have worked ivory concealed in a teddy bear. NDLEA in the spirit of Inter-Agency cooperation transferred the Suspect and the pieces of ivory to Customs Officer at the MMI Airport, Lagos. The case was thereafter transferred to NESREA.

- The accused person was charge before the Federal High Court, Lagos.

- The accused person was convicted and sentenced to 6 months imprisonment on each count, with an option of fine in the sum of One Hundred Thousand Naira for each count.

- The Court further ruled that the Ivory found on the Convict should be forfeited to the Federal Government (NESREA)
AGF VS. MR KAITA MORY

- On the 8th of September 2011, one Kaita Mory a Guinean was arrested by officers of the Nigerian Customs Service on routine patrol at the Seme Border, with nine pieces of elephant tusk.
- The accused person after his apprehension was remanded in Ikoyi prison by an Order from Chief Magistrate Court, Badagry but was released on bail after one month. The case is currently at the Federal High Court, Lagos.
BRIEF ON CITES CASES (II)

AGF VS MR SONG YU

- Mr. Song Yu a Chinese National was arrested at the Murtala Mohammed International Airport, for attempting to export out of Nigeria worked ivory.
- The arrest of Mr. Song Yu set in motion the legal process of prosecuting him by the Agency
- The imminence of prosecuting Mr. Song Yu prompted the intervention of his employers who opted to settle out of court.
Attorney General of the Federation V Diarra Fousseyni

- The accused person (Malian National) was arrested on the 8th of May, 2013 during a routine examination of packages by Officers of the Nigerian Customs Services at the Export Unit of the MMI Airport Ikeja, Lagos.

- The package en-route to Liberia was discovered to contain 90 pieces of worked ivory. NCS subsequently handed both the suspect and ivory to Officers of NESREA in Lagos.

- A criminal charge was instituted against the accused person at the Federal High Court Lagos. The accused person pleaded guilty to the charges.

- The Court convicted the accused person and then sentenced him to 6 months imprisonment on each count, with an option of fine in the sum of One Hundred Thousand Naira for each count.

- The Court further ruled that the Ivory found on the Convict should be forfeited to the Federal Government.
BRIEF ON CITES CASES (IV)

ATTORNEY GENERAL OF FEDERATION VS KABA ABUBAKAR & YACOUBA SIDIME

- Mr. Kaba Abubakar and Yacouba Sidime both Guinea National were arrested on the 28th June, 2013 at the MMI Airport by Officers of the Nigerian Customs Services for importing into Nigeria worked ivory.

- NCS alerted The Agency of the arrest.

- A criminal charge has been instituted against the accused persons at the Federal High Court Lagos.
Despite the significant success, below are the challenges and constraints to enforcement of environmental Laws in Nigeria:

- Inadequate awareness amongst policy makers relegates environmental matters to the background, with decimal appropriation;
- Inadequate awareness amongst judiciary;
- Inadequate wildlife handling infrastructure, field equipment and transportation hamper effective enforcement;
- Difficulty in getting Police Cooperation in terms of arrest and custodial facilities;
- Poor level of wildlife research to establish the status of the nation’s endangered species for non-detriment findings and lack of identification manuals hinder empirical sanctioning;
- Non domestication of most of the MEAs;
- The capacity and awareness of officers (enforcers), facilities, and operators on legal requirement are poor, etc.
Lack of effective supranational adjudicating bodies for global environment encourages transboundary movement of waste and hazardous chemicals.

Cultural and economic obstacles.

Poor funding
WAY FORWARD

- Mounting a robust and sustained awareness campaign on environmental laws;
- Provision of Infrastructure and logistics for monitoring and enforcement;
- Greater cooperation among stakeholders at all levels nationally and internationally;
- Stepping up system-wide communication and information sharing for speedy response and dispensation of environmental matters;
- Capacity building and Manpower development for Scientist and enforcement officers;
- Research, including regular non-detrimient finding to determine the real status of Nigeria’s wildlife.
- Capacity Building in Wildlife Forensics including the employment of Modern DNA techniques for Scientist and Lawyers.
- Routine appreciation workshop for Judges/other law enforcement Agencies on extant environmental Laws.
- Strong synergy among stakeholders
- Domestication of the already signed MEAs
THANK YOU