

## **ENVIRONMENTAL SUSTAINABILITY IN THE PRE-COLONIAL, COLONIAL AND POST-COLONIAL ERA IN NIGERIA: THE KEY TO HUMAN SURVIVAL**

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**ABSTRACT:** *The Pre-colonial Nigeria societies, colonial and the post-colonial era in Nigeria witnessed varying degrees of environmental degradations. Environmental pollutions were handled differently in these three eras and different results were realized in each of the eras in focus. The objectives of this paper will therefore be to identify the level of environmental hazards in each of the three eras in our focus and make useful recommendations, with emphasis on the role information played in the Pre-colonial societies, colonial societies and has been playing in the post-colonial era in Nigeria till date. This paper will approach the environmental sustainability by reference to statute books, Internet sources, judicial decision, Newspaper publications and text books. The findings in this paper are that the Nigeria pre-colonial societies and colonial societies had a safer and healthier environment than the post-colonial era till date. Despite legislations to regulate environmental hazards; no due emphasis has been placed on information. Mere legislations are not enough until the consciousness of the environment are embedded in the lives of the citizenry via adequate information channels. This paper will make recommendations toward creating the needed consciousness among the citizenry and makes suggestions to the relevant authorities with a view to creating a healthier Nigeria state.*

**KEYWORDS:** pre-colonial Nigeria, colonial Nigeria, post-colonial era, environmental sustainability, refuse dumps

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### **INTRODUCTION**

The health hazards the citizenry of Nigeria have been facing in the last thirty years lives much to be desired. These health hazards were rare or almost unknown in the Pre-colonial Nigeria societies and during the colonial Nigeria era. The environmental pollution and environmental degradation in postcolonial Nigeria is alarming, particularly during the 1988 koko toxic dump era. Pre-colonial Nigeria societies and the colonial Nigeria era witnessed a safer environmental living condition better than the post colonial era. Even though the technological advancement of Nigeria in the Pre-colonial Nigeria and the colonial Nigeria era were not so prominent, people appreciated the need to live a cleaner and hygienic live style and by so doing kept illnesses far away. Could it be said that the citizens were more informed about the health hazards of polluted environment in the Pre-colonial Nigeria and the colonial Nigeria era? If the answer is in the affirmative, then much information regarding activities that generate pollution need to be disseminated via several media or channels. Environmental degradation in the post colonial Nigeria has attracted the comments, opinions and criticisms of Lawyers, Geographers, Geophysicists, sociologists, Environmentalists

and even the religious bodies. When issues of pollution are brought before Judges, Judges have never failed in awarding punitive damages against culprits. Several post-colonial Nigeria writers in the past and present notably Fagboun and Simpson (1998)<sup>1</sup>, Osondu (2012)<sup>2</sup>, Atsegbua (2004)<sup>3</sup> among others have all brought our eyes open to the pollution and degradation of the Nigeria environment. Notwithstanding writers and Judges Contributions in condemning environmental pollution, the Constitution of the Federal Republic of Nigeria, 1999 as amended, being the *Grund* Norm also made clear provision for safe and healthy environment. There is the need for adequate and regular flow of information concerning our environment. There is no doubt that a discussion of this nature will serve the immediate and future needs for advancement of a healthier citizenry, thus launching Nigeria as the cynosure of Africa on environmental affairs.

### Meaning of Environment

The National Environmental Standard and Regulation Enforcement Agency<sup>4</sup>(NESREA) defines environment as:

*“Environment include water, air, land, animals living therein and in relationship which exist among these or any of them”*

Section 20 of the constitution<sup>5</sup>defines environment as:

The Water, Forest and Wildlife, all layers of the Atmosphere, all Organic and Inorganic Matter and Living Organisms and The Interacting nature system that includes the component refers to in (a) – (c).

On a broad perspective, environments are the things provided by nature to occupy the earth. These include plants, animals, seas and land. Land of course includes the wind and the air mountains, hills and valleys.. Instructively, it therefore means that Lagos Bar beach, the Tincan Island Lagoon in Apapa area of Lagos state and the cocoa and rubber plantation in Ibadan, Oyo state, are part of the Nigeria environment. There is no doubt about this fact.

Several laws have been passed by Nigeria government after its political independence in 1960 with a view to protecting and preserving the Nigeria environments when it became clear that the situation of the environment demanded urgent intervention. There are criminal sanctions and civil law remedies for environmental offences. These measures appear not adequate in the present day environmental realities. Let us take a cue from the constitution<sup>6</sup>which provides thus:

*“The state shall protect and improve the environment and Safeguard the water, air and land, forest and wildlife of Nigeria”.*

The constitution is the *grund* norm, that is, the basic law upon which other laws derive their validities. The implication of the above section 20 is that failure to observe that provision, the culprit must be prosecuted or may face action in public or private nuisance as the situation dictates. As a corollary to the definitions of environment supplied above, it is pertinent to attempt the definitions of the terms Pollution.

<sup>1</sup> Environmental law and Policy, Lagos state university press

<sup>2</sup> Our common environment, university of Lagos press

<sup>3</sup> Oil and Gas law in Nigeria, New era publications

<sup>4</sup> (NESREA) Act 2007

<sup>5</sup> the constitution of the Federal Republic of Nigeria ,1999 as amended

<sup>6</sup> Ibid Section 20

### **What is Pollution?**

Pollution is the process of making air, water, land etc dirty; the state of being dirty; what is annoying or harmful level of noise or artificial light at night<sup>7</sup>

Black's Law dictionary also defined Pollution<sup>8</sup> thus: 'to corrupt or defile; especially to contaminate the Soil, Air or Water with noxious substances.

It is pertinent at this juncture that we consider the types of pollution

### **TYPES OF POLLUTION:**

#### **Land pollution**

Land pollution is the degradation of land by man through activities like dumping of harmful materials such as chemicals that are very dangerous to vegetation and agricultural production. In this category are the chemicals, fertilizers and herbicides; also, anything that automatically impairs the fertility or yields, such as land mines, and other military devices. Quarry and mining of all sorts cause damage to the environment on a large scale. Top soil and subsoil are destroyed, making land less useful to man.

Land Pollution may be by way of municipal garbage and industrial wastes that contains hazardous substance. Industrial wastes may take the form of oil companies discharging industrial waste chemicals as in the Niger Delta region of Nigeria; making the land unfit for agricultural activities. One cannot overlook the quarrying activities done at Abeokuta in Ogun state Nigeria; Lagos Ibadan Road also in Ogun State of Nigeria with its attendant environmental pollutions. There have been many incidents of oil spills on the land surface in Nigeria. The oil spillage caused by Shell Petroleum Development Company in Eleme local Government Area of Rivers state, Nigeria, led Justice Abubakar Gumel of the Court of Appeal sitting in Port Harcourt division in Rivers state of Nigeria to award ₦122b (one hundred and twenty two billion Naira) that is, \$ 2, 751 032.00 United States dollars as special and general damages to Ejama Ebubu community in Eleme local Government Area of Rivers state, Nigeria<sup>9</sup>

#### **Air pollution**

Air pollution is defined thus<sup>10</sup>: "any harmful substance or energy emitting directly into the air, especially if the harm is to the environment or to the public health or welfare".

Air pollution is also defined as "the upsetting of the natural arrangement of different gases in the air. Air pollution is the accumulation of substances in the air, insufficient concentration to produce measurable effects on man, plants and animals. It involves the emission of harmful substances into the atmosphere, which cause danger to any living things"<sup>11</sup>

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<sup>7</sup> A.S. Hornby *Oxford advanced Dictionary Learner's Dictionary* (7th Ed.) p. 123, (1984)

<sup>8</sup> (Ninth Ed.) Edited by Bryan A Garner (U.S. West Publishing Co., 2004) r. P.1277

<sup>9</sup> CA/PH/396/2012 reported in the *guardian newspaper of Monday*, 12<sup>th</sup> June, p1 and 6, (2017).

<sup>10</sup> *Black's Law dictionary* (Ninth Ed.) By Bryan A Garner. P.82

<sup>11</sup> Atsegbua et al, *environment law in Nigeria ( theory and practice )* Ababa Press Ltd Lagos 75, (2004)

These harmful substances which the two cited authorities were referring are carbon monoxides emissions from vehicles, generator sets, fumes from breweries, Gas refilling plants, gas flaring companies etc. A visit to brewery factory site at Iganmu in Lagos will confirm that the fumes emitting from the factory constantly is very offensive. Other pollutants of the air include sulphur dioxide, carbon dioxide, hydro carbon etc. Honking from motor parks, loudspeakers used by hawkers of wares; loudspeakers used by churches and mosques and social event makers are also air polluting agents. Air pollution can have serious adverse effect on human health, bird, fish and animals. Air pollution can cause death or even extinction of fish stock in rivers and lakes damaged by air pollution. It can cause the death or extinction of animal that inhabit forest damaged by pollution.<sup>12</sup>

### **Water Pollution**

Water Pollution is the introduction by man anything that could be harmful to living resources, pose danger to human survival, hindrance to marine lives and fishing resources

Industrial wastes from manufacturing companies, such as chemical oil, petroleum wastes are often discharged into coastal and territorial waters, some of which may impair aquatic lives and ultimately deplete the source of human survival. When hazardous waste such as industrial chemicals are discharged into the water, oxygen in the water are used up, the river loses natural value, game fish is likely to disappear, plants growth are also terminated. In response to the growing trend of water pollution and to preserve marine environment, the Nigeria Government promulgated the Water Resources Act 1993 No 101<sup>13</sup>. The objectives of Water Resources Act 1993 are as follows:

- The promotion of the optimum planning development and use of Nigeria's water resources.
- The coordination of such activities that are likely to influence law, enhance the quality, distribution, use and management of water.
- The application of appropriate standard and Technologies for the investigation, use, control, protection, management and administration of water resources.
- The facilitation of technical assistance and rehabilitation of water supplies

### **Noise Pollution**

Noise, especially when uncontrolled, is a distraction to human concentration and other cognitive activities in human endeavours. Cognitive human resource persons like lawyers, Accountants, Doctors may lose concentration resulting from noise polluted work environment etc. Noise affect human health by impairing concentration of the brain particularly those whose life endeavors are highly cognitive such as lawyers, Accountants, Doctors etc. Music for instance, may gladden the heart of man, but when music is played constantly at a loud and prohibitive scale, it could distract an Accountant engaged in brain work or a lawyer engaged in serious legal research. In order to control noise pollution, Nigeria passed the Federal Environmental Protection Agency (FEPA) Act<sup>14</sup>. The Act provides that "the Agency shall identify major noise sources; noise criteria and

<sup>12</sup>Osondu, *Our common environment*, university of Lagos press p.64(2012),

<sup>13</sup>No 101 (1993)

<sup>14</sup> FEPA Act No 59 of 1992

noise abatement programme and maintain health or welfare<sup>15</sup>”. It was the onus of FEPA to control noise from Industrial, Commercial, domestic, sports, recreational, transportation, music and entertainment organizations and so on.

In big Nigerian cities like the Lagos State and Abuja, pollution cannot be stopped or removed completely, but it could be regulated. For example, generator sets could be kept a distance away from living apartments. Construction sites could be located at secluded areas. Same applies to motor parks. Stadia should be built not too close to domestic environment as presently is the case. However, the reverse is the case because, motor parks at mile 2 in Amuwo Odofin along the Lagos Badagry express way was sited very close to the Housing estate and the loud speakers from the motor park create discomforts to the Amuwo Odofin Housing Estate residents. Similar situations exist at Oshodi where markets and motor parks were sited very close to people’s homes. Churches and Mosque use their megaphones to create disturbances to people living in the neighborhood. Churches and Mosques are supposed to be sited far away from residential apartments and should even remove the mega phones they place outside their worship buildings. Onyngbo market, Jankara, Oshodi markets all in Lagos state, Nigeria ought not to be sited very close to residential buildings with the attendant uncontrolled noise pollution. Locomotive railway noise, Aeroplane taking off and landing noise, contribute immensely in deafening the hearing capacity of persons residing or doing one business or the other around these facilities. This is appalling to say the least.

### **Pre Colonial Environmental Sustenance in Nigeria**

Africans in the pre-colonial era, till date, love cleanliness and things of beautification. Nigerians in various parts of the country sides and hinter lands used some beautification ornaments to beautify their houses regardless that they were mud and thatched houses. Nigerians in the pre-colonial era, till date, cherish clean environment with trees planted around their homes to provide fresh air and fruits for consumption and nutrition. Africans did not fall sick regularly as it is these modern days. Africans planted economic tree like cocoa, palm oil trees, coconut trees, pear trees, walnut trees, maize, and millets and lived healthy regardless that there were no hospitals built anywhere, with orthodox doctors in attendance as it is today.

Environmental sanitation and preservation were organized on community to community bases, clan to clan basis. The communities usually have their refuse dump sites, which the youths of the community will, on a particular appointed day, come together to burn the refuse so as to create room for further refuse dumps. Community environmental days are usually fixed by the elders of the community. The clearing of the community pathways, roads, market arena and festival centres were carryout by the youths of the community at the close supervision of the elders. The village or community town criers go round to inform everybody of any forthcoming sanitation days. Those who defaults in participation are fined in form of confiscation of vital items belonging to the person or to his family. Fines could also be by way of monetary payments or the culprits were denied communal participations at various cultural events.

In further effort to keep the environment neat, villagers could warn people not to throw maize silk around the environment. People are warned not to defecate on the bare land, rather they should dig

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<sup>15</sup>Ibid, section 19

the soil, defecate into it and close it up with sand; thus preventing human contamination, the faeces thereafter decay and form manure in the soil.

In the pre-colonial traditional African set-up like Nigeria, traditional environmental protection techniques had been in place before the advent of modern environmental protection techniques. Nigeria primitive or rural communities till late had practiced and are indeed still practicing shifting cultivation, crop rotation, bush fallowing agricultural techniques. By these methods the forest or vegetation are preserved and protected against uncontrolled bush burning and tree felling. Their objectives then were to retain and promote soil fertility.

The forests in the pre-colonial Nigeria societies served diverse purposes. There were forests which served the purpose of building huts and thatched houses, while other forests served cultural uses, such as the *OWU* masquerade festivals and *NEW YAM* festivals among the Igbo communities in the south eastern Nigeria.

The trees or forests were preserved so that native doctors could use them for treatment of various ailments after consultation with the Oracles. No wonder that there were trees preserved for treatment of malaria, worm infestation, for smooth delivery by pregnant women. There were forests or trees for treating those who were victims of snake bites and so on and so forth. There were forests meant for game purposes where hunters went for hunting, and before the hunting expedition, sacrifices were made to the gods or goddess for successful hunting expeditions. So because of how sacred and purposeful forests were, the pre colonial primitive communities still protected the forests against wanton destruction because, they realized that their health and wellbeing and survival rest on the forests resources. The practice was commendable of the pre colonial Nigeria communities.

### **Colonial Era in Nigeria**

Throughout the pre-independence era, there was no discernable national policy towards the preservation and protection of the environment. The colonial masters did not pass legislations or regulations that would compel them to develop the African environment. Of course, they would not pass such regulations that would work in favour of the African native communities. The truth remains that, traditional Nigerian societies had regulations on the use and preservation of their environment as we noted above. What the colonial masters merely did was to make rules and regulations to check mate any intrusion into the environment where they tapped the resources of the Nigeria communities to service their home industries as raw materials.

Colonial era was characterized by the advent of Europeans who came to Africa principally to tap and exploit raw materials for their home government industries. Some of these European industries dumped their wastes at any heap sites that pleased them, since there were vast land and the population size was low then. The Europeans reserved some area, which they referred to as European Quarters and were properly planned with economic tree providing quality oxygen and beautification of the environment. Those areas were tagged noiseless zone. Africans were employed to tend flowers and trees for Europeans. A visit to the Apapa European Quarters in Apapa Local government Area of Lagos state still depicts the serene colonial beautification arrangements.

Towards the Nigeria political independence, some sanitary officers were meant to go to domestic homes to see how people kept their water containers neat and cleansed. There were no national regulations perse; so it was a mockery environmental parade by officials rather than environmental regulation.

### **Post Colonial Era**

After the Nigeria independence in 1960, Oil was discovered on a commercial scale in the Niger Delta region, which the saw the influx of foreign oil companies for oil prospecting and exploitations. This marked the beginning of environmental degradations which became alarming during the oil boom era in the mid 1970s. The upstream and even the downstream activities by the multinational oil companies increased pollution of the environment, and there appeared to be no checks even though there were one or two Oil legislations on ground then. These were mere fancy legislations that never curb any polluting tendencies of the multinational oil sector. The upstream and the downstream activities made water unfit for drinking or cooking. It became a terrible phenomenon as time went on.

Shortly after independence, Nigeria began to pursue policies towards industrializing the young Nigeria state. No doubt therefore, these new industrial going concerns that came on board also produced pollutions via their waste products which the citizens and the government had to contend with. In response to these sudden environmental challenges, several legislations were passed among which are: the Oil water Navigable Regulation 1968, the Petroleum Act 1969, the Petroleum (Drilling and Production) Regulation 1969, Petroleum Drilling and production (amendment) Regulation 1973, Petroleum Refining Regulation 1974. This was how far Nigeria government could go in view of the level of developmental transformation Nigeria had attained shortly after independence.

After the civil war in 1970, Nigeria state witnessed Environmental destruction resulting from the effect of the Nigeria-Biafra civil war. The end of the war coincided with the earth summit<sup>16</sup>. It was an action plan that calls for safe guarding of Natural resources. It stressed that developmental plans were needed to improve the environment. There was a further earth summit<sup>17</sup> that came twenty years (20) after Stockholm Sweden June 5-16 (1972) Declaration. The was complemented by the Rio de Janeiro earth summit meant to help Governments of the world have a rethink towards ways of halting the destruction of irreplaceable natural resources and pollution of the planet. The Rio De Janeiro, Brazil of June, 1992 summit was a follow up of the 1997 treaty. The earth summit and agenda 21 as it was called, was another attempt by the UN General Assembly to tackle the issue of desertification.

It should be noted that international treaties, conventions and protocol can only be operational in Nigeria if the Federal Legislature of Nigeria passes them into local legislations pursuant to the Constitution<sup>18</sup>. Incidentally, Nigeria acceded to the treaties.

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<sup>16</sup>United Nations Conference on Human Environment, Stockholm Sweden June 5-16 (1972)

<sup>17</sup> The United National Conference on Environment and Development (UNCED) Rio De Janeiro, Brazil of June, (1992).

<sup>18</sup> section 12 (1) Constitution Federal Republic of Nigeria, (1999 )

Nigeria previous constitutions never made decisive provisions for environmental sustainability and development. The Koko toxic waste dumped in 1988 in Delta State of Nigeria and the attendant outcry resulting from the waste dump was the principal reason why the 1999 Constitution particularly section 20 made provision for environmental objectives in the constitution. This section 20 provide thus:<sup>19</sup>

“The state shall protect and improveth the environment and safeguard the water, air and land, forest and wildlife of Nigeria”.

The criminal code<sup>20</sup> had though mildly made provision for environment penalty in Nigeria. The relevant section is reproduced below Section 243 (i) & (ii) Any person who sells as food or drink or has in his possession with intent to sell it as food or drink, any article which has been rendered or has become noxious or is in a state unfit for food or drink, knowing or having reason, to believe the same is noxious as food or drink or is in a state unfit for food or drink is guilty of a misdemeanor and is liable to imprisonment for one (1) year. Further to the Section 243 (i) & (ii), Section 245<sup>21</sup> provides thus: Any person who corrupts or fouls the water of any spring stream, well, tank, reservoir, or place, so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanor, and is liable to imprisonment for six (6) months. Section 243 – 248 Criminal Code has been the main legislation on public health and environmental safety before the 1988 Koko toxic waste saga.

One cannot, but agree to an extent that the inclusion of environmental objective in the constitution is a landmark, to the point that states and local government are now participating in environmental sanitation. Lagos State Government of Nigeria has been constructing drainages to control flooding that were formerly overtaking and sweeping away humans and properties during the raining seasons. Trees are planted at various locations for aesthetic value and to improve oxygen supply to the citizens. The Federal Government and the various states of the Federal Republic of Nigeria have set up environmental protection agencies. These are commendable, but the extents to which these agencies have protected and sustained the environment leave much to be desired.

The inclusion of environmental safety in the constitution is not just enough to protect the citizens. Because, it was not included as a fundamental right of the people of Nigeria to be guaranteed under chapter four; by which provision it would have become justiciable, that is, an aggrieved citizen can enforce against the government for failing to protect the environment. Pollutions are everywhere in different dimensions in Nigeria, yet no citizen of Nigeria can bring action against the government for not guaranteeing the environmental safety of any affected citizen.

The lazy and shortsighted lawmakers at the various levels of government could not see the need why the governments of the federation should be held actionable for environmental challenges of the country. We, the environmentalists submit that the citizens should be capable of suing an inept government on issues bordering on environment. Environmental provision under our constitution should be transferred to chapter four of the constitution through constitutional amendment procedure, so that the government at the centre can be held accountable for environmental

<sup>19</sup> ibid

<sup>20</sup> section 243 (i) & (ii) cc Cap 77 LFN (2004)

<sup>21</sup> criminal code Cap 77 LFN (2004)



challenges that threatens the lives and wellbeing of the citizenry. The decision of the Supreme Court injected a new blood into the justiciability of environmental safety and development. In *Abacha & Ors v. Gani Fawehinmi*<sup>22</sup>, the Supreme Court held that the provisions of African Charter on Human and People's Rights are justiciable, for as long as the Act incorporating same, that is, the African Charter on Human and People's Right (Ratification and Enforcement) Act Cap 10 Laws of the Federation of Nigeria is still in force. Unfortunately the Apex did not still say specifically that environmental issues are justiciable. We believe hopefully that with time, situations will improve.

### **Concept of Environmental Law in Post 1988 KOKO toxic dump in Nigeria**

The position of the Nigeria government in environmental issue in pre 1988 was largely based on the campaign for the populace to observe personal hygiene so that they do not contaminate their foods, water, kitchens, toilets which may lead them to falling sick. The Idiagbon /Buhari regime in 1984 introduced the monthly environmental sanitation exercise, and it was made competitive that the cleanest state in Nigeria then, was to win certain cash reward. The use of night soil men in evacuating human faeces was also abolished. The citizens were compelled then to construct the modern water closet toilet system. People were also encouraged to keep the street drainages free from dumps and garbages to avoid outbreak of epidemic. These initial steps were commendable. It was after the toxic waste was dumped at Koko village 1988, in the now Delta State, that the Nigeria government came alive to the seriousness of environmental protection. The Koko waste dump saga prompted the Nigeria government to pass the following laws:

- i. Federal Environmental Protection Agency (FEPA) Degree 1988 No. 42 as amended Cap 10 LFN 2004 (now repealed)
- ii. The Harmful Waste Special Criminal Provision, Decree 1988 No. 42
- iii. The Environmental Impact Assessment (EIA) Degree 1992 No. 86
- iv. Harmful Waste (Special Criminal Provision) Act Cap. 165 LFN 1990 (as amended 2004)
- iv. Water Resources Act 1993 No 101.

For instance, by the provisions and powers of the Water Resources Act 1993 No 101, the Minister of water resources has task of ensuring that there is adequate supply of drainages, sewage disposal, control of water borne wastes. It is part of the minister's duties to take steps to prevent erosion, flooding and protection of inland water, fisheries, flora and fauna. The question is, to what extent has the Minister and his ministry officials lived up to these lofty expectations. The minister failed almost woefully in the sense that, erosion sites are seen in many parts of Anambra, Enugu, Imo and Abia States. Flooding is a common in Ibadan the Oyo state capital. The Ogunpa flood of 1980 cannot be forgotten so easily and also in many parts of Lagos State, Yet the minister is there earning jumbo salaries and allowances, touring the country rounding and making promises that are not realizable.

<sup>22</sup>6 NWLR (pt. 660) 2282, (2000); AHRLR 172, (2001)

## **The FEPA Regime**

The Federal Environmental Protection Agency (FEPA) Decree <sup>23</sup> came as an awakening when toxic waste was dumped in a small town of Koko in Delta State in 1988. Harmful Waste Decree 42 of 1988 also came in the wake of the Koko Toxic Waste Dump saga. Under the FEPA Act, the Agency was empowered to set national environmental standards with respect to water quality, air quality and noise control. FEPA also empowered to make recommendations regarding programmes for the control of any substances, practice, process or activity which may reasonably be anticipated to endanger public health or welfare.

As a legislative response to the Koko-type of problems, section 2(1) of the Act<sup>24</sup> provides that "the discharge in such harmful quantities of any hazardous substances into the air or upon the land and the waters of Nigeria or at the joining shoreline is prohibited, except where such discharge is permitted or authorized under any law in force in Nigeria". The FEPA law provided a penalty of N100, 000 (\$ 275.10) or imprisonments up to ten years in the case of an individual offender and a whopping sum of N500, 000.00 (\$ 1, 375.52) for corporate bodies. N500 (\$ 1.38) is imposed for everyday the offence subsisted. The offender, in addition to the fine or imprisonment stated above would also be required to pay:

- (a) The cost of removal thereof, including any costs, which may be incurred by any Government body or agency on the restoration or replacement of natural resources damaged or destroyed as a result of the discharge.
- (b) cost of third parties in the form of reparation, restoration, restitution or compensation as may be determined by the Agency and any other relevant policy.

This was the position of the law for the prevention of environmental degradation in Nigeria before the passage of National Environmental Standards and Regulation Enforcement Agency (NESREA) Act 2007.

## **The National Environmental Standards and Regulation Enforcement Agency -NESREA Regime**

As the scope of FEPA began to broaden, a new agency was set up to cope more effectively with the new challenges. FEPA metamorphose into National Environmental Standards and Regulation Enforcement Agency (NESREA) by NESREA Act 2007. NESREA has branches in all the States of the Federation of Nigeria. NESREA mandate includes: monitoring, reduction, and protection of the Nigeria environment.

The National Environmental Standard Regulations Enforcement Agency (NESREA) is an agency of the federal ministry of Environment charged with the responsibility of enforcing all the environmental laws, regulations and standards in deterring people, industries and organization from polluting and degrading the environment. NESREA Act was signed into law by former late President Umaru Musa Yar'Adua (GCFR) and this was published in the federal Republic of Nigeria

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<sup>23</sup>Section 58 of and 59, 1988, (as amended) of 1992 (now repealed).

<sup>24</sup>The Federal Environmental Protection Agency (FEPA) Decree 1988

official gazette<sup>25</sup>. NESREA has the mandate for protection and development of the environment, biodiversity conservation and sustainable development of the Nigeria natural resources in general and environmental technology including coordination and liaison with relevant stake holders within and outside Nigerian on enforcement of standards, regulations, rules, laws, policies and guidelines.

### **Functions of the National Environmental Standards and Regulation Enforcement Agency (NESREA) include<sup>26</sup>:**

- i.** Enforce compliance with laws, guidelines, policies and standards on and standard matters;
- ii.** coordinate and liaison with stake holders within and outside Nigeria, matters on environmental standards, regulations and enforcement;
- iii.** Enforce compliance with provisions of international agreements, protocol, conventions and treaties on the environment including climate change, biodiversity conservation, desertification, forestry, oil and gas, chemicals, agreements as may from time to time come into force;
- iv.** Enforce compliance with policies, Standard, legislations and guidelines on water quality, environmental health and sanitation, including pollution abatement;
- v.** Enforce compliance with guidelines, and legislations policies, and legislations on sustainable management of the ecosystem, biodiversity, conservation development of the Nigeria natural resources,
- vi.** Enforce compliance with any legislation on sound chemical management, safe use of pesticides, and disposal of spent packages thereof.
- vii.** Enforce compliance with regulations on importation, exportation and distribution, storage, sale, use, handling and disposal of hazardous chemicals, and waste other than in the oil and gas sector;
- viii.** Enforce through compliance monitoring, environmental regulations and Standards on noise, air, land, sea, oceans and other water bodies other than in the oil and gas sector
- ix.** Ensure the environmental project funded by donor organization and external support agencies adhere to regulations in environmental safety and protection;
- x.** Enforce environmental control measures through registration, licensing and permitting system other than in the oil and gas sector;
- xi.** Conduct environmental audit and establish data bank on regulatory and enforcement mechanism of environmental standards other than in the oil and gas sector;
- xii.** Create public awareness and provide environmental education on sustainable environmental management, promote private sector compliance with environmental regulations other than in the oil and gas sector and publish general scientific or other data resulting from the performance of its functions; and
- xiii.** Carry out such activities as are necessary or expedient for the performance of its functions.

### **Evaluating Environmental Hazards suffered by Nigerians in 2017 and 2018**

For now, one can say that NESREA is taking giant strides in the Nigeria environmental sustenance, but will NESREA survive its mandates under section 7 and 8 of the Act<sup>27</sup>, time will report.

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<sup>25</sup>No. 92, vol. 94 of 31<sup>st</sup> July, (2007)

<sup>26</sup> Section 7 of National Environmental Standards and Regulation Enforcement Agency (NESREA) (2007)

<sup>27</sup>(NESREA) Act (2007)

Meningitis epidemic has claimed the lives of three hundred and thirty six persons (336) in Nigeria with Zamfara state in Nigeria being the worst hit since the outbreak of the disease, with over two hundred (200) persons dead and several others received treatment at various hospitals and clinics.<sup>28</sup> The permanent secretary, Ministry of Health, Ondo state Nigeria, Dr. Oni Taiye had urged residents to take the following precautions against the Meningitis virus: they should avoid overcrowding; ensure proper ventilation; increase hand washing; maintain proper hygiene; avoid hand shaking and kissing. To this effect, the senate, that is, the Upper House of the federal legislature had ordered the health ministry and other relevant government agencies to carry out nationwide immunization of children and adults against the disease<sup>29</sup>.

Following the outbreak of this Cerebrospinal Meningitis across the federation of Nigeria, the Chief Executive Officer of the Nigeria centre for disease control, Dr. Chikwe Iheakweazu, disclosed that two thousand, nine hundred and ninety seven (2997) suspected cases of Cerebrospinal Meningitis (CSM) have been reported in 16 states in Nigeria, of which 146 has been laboratory-confirmed. Dr. Iheakweazu disclosed that the federal government had responded by distributing five hundred thousand (500 000) doses of Meningitis C vaccines to some of the affected states for immediate outbreak response vaccination. Dr. Iheakweazu further stated with assurance that additional eight hundred and twenty three thousand, nine hundred and seventy (823, 970) doses of Meningitis C vaccines were expected from the United Kingdom, to support the vaccination activities of other affected states<sup>30</sup>.

In recent times, the rate at which oil explosion has rocked the country called Nigeria calls for great concern. Oil explosion is also environmental hazard. It was recently reported that on Thursdays 5<sup>th</sup> day of June, 2018 that an oil tanker loaded with 33 000 litres of petroleum products unguardedly exploded on Otedola Bridge along the Lagos- Ibadan express way whereby 54 vehicles were burnt. Nine (9) charred human bodies were recovered with many persons seriously injured<sup>31</sup>. At the scene of the disaster were the following Agencies: the Nigeria Police force men, Lagos State Emergency management (NASEMA) Agency; The Lagos State Fire Service, The Lagos State Ambulance Service, The Lagos State Ambulance Service, The Lagos State Traffic Management Authority and so on. It is therefore disheartening that all these security agencies and apparatuses existed in Nigeria yet their impacts are not felt by the people in terms of environmental sustenance and information dissemination on environment. There is urgent need for environmental information on the hazards generated by the oil tankers in Nigeria especially in Lagos state because of the presence of the Apapa and the Tincan Island sea ports.

The post colonial environmental damage suffered by Nigeria citizens are alarming; property worth billions of Naira are lost while uncountable lives have been lost either due to oil pollution, flood, ocean surge, food contamination resulting from poor refuse management and so on. It was reported<sup>32</sup> that on the 13<sup>th</sup> of July 2018 that no fewer than eleven (11) persons lost their lives while

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<sup>28</sup>Daily sun newspaper, Wednesday, April 5, p.9 (2017)

<sup>29</sup> Ibid p.9

<sup>30</sup> Ibid p.9

<sup>31</sup> Vanguard newspaper, Friday, 29<sup>th</sup> June 2018, p.1 and 6

<sup>32</sup> ibid

property worth billions of naira were lost due to flood occasion by heavy rainfall and lack of drainage system in Abeokuta the capital of Ogun state in Nigeria<sup>33</sup>. Following the event, the Ogun state Commissioner for Environment Mr. Bolaji Oyeleye and the Assistant Chief Planning Officer of the National Environmental Standards and Regulation Enforcement Agency (NESREA), South West Zone Mr. Babatunde Olowokere said the ministry and the Agency would put a combined resources to provide relief materials to the victims' of the flood. One would have expected the two top government officers to assure the public that the government would re-plan the Ogun state entirely to forestall future occurrence. Providing relief materials to the victims is good but it is not the panacea.

The situation is not different in Ondo state Nigeria. During the third week in the month of July, 2018 the coastal community of Ayetoro in the oil-rich Ilaje Local Council had witnessed a bewildered living due to ocean surge. The Ayetoro primary school and the only secondary school had been submerged by river incursion. No fewer than 300 persons had been displaced and more than 30 houses destroyed by ocean surge from the Atlantic Ocean. The educational career of the children of the affected community had been disrupted. It was further learnt that the ocean surge had taken about 500 metres of the Ayetoro community landscape. It was reported that ten years ago the Federal Government of Nigeria had through the Niger Delta development Authority awarded a =N=12billion (\$33, 012,384.00) contract tagged 'Ayetoro Sea Embankment contract' but not much had been heard of the project<sup>34</sup>. The reason for the neglect of the execution of the project is not farfetched, nothing but the usual corruption.

In Lagos state, a state adjudged to be the commercial nerve centre of Nigeria suffers immense pollution resulting from poor refuses management. Successive governments had made appreciable progress towards refuse management to keep Lagos clean. The state however has been riddled with crisis and thus Lagos highways and street are full of heaps of refuse, smelling and irritating the residents.

The post colonial Era in Nigeria has been a period of uncountable outbreak of diseases that threaten the health and existence of the citizens. It was on the media report that no fewer than 1068 cases of Acute Watery Diarrhea have been reported in ten local government area of Borno state. This according to the commissioner for health in the state, Mr. Haruna Mshelia, was due to lack of personal hygiene and infected source of drinking water.

### **The purpose and theme of this research**

The purpose of conducting this research as can be seen from the discussion, is to bring out the importance of maintaining and sustaining the environment upon which the survival of man and other living things depend. It is evident that in the pre-colonial era and colonial era when there were not many industries and factories, the environment was much friendly and healthy; but in the post-colonial period, one would notice several activities of man such as frequent trees felling, pollution of the air and dumping of wastes from factories into the surface of the earth and the water without adequate provisions for the safety of man and other environmental beneficiaries which

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<sup>33</sup>ibid, p.28

<sup>34</sup> Ibid p 29

includes the aquatic lives. Bearing all these environmental challenges in mind, it is necessary to conduct research into what caused several pollutions in the post-colonial era and then proffer solutions as adequate to curb the challenges. The novelty to this environmental research can be seen in the suggestions put forward at the recommendations sections which if implemented will keep the environment safe as in the pre-colonial era in Nigeria. Information and knowledge is power; hence this paper is meant to fill the gap in area of information and sensitization of the populace on new ways and means to avoid endangering lives. This paper becomes very relevant as it is designed to call upon the government to take specified steps towards keeping the environment safe in this post-colonial era aside legislations.

### **Recommendations for enhancing environmental sustenance in Nigeria**

As said earlier under section three of this article, legislations are not enough to sustain a healthy environment, information to ensure safety is more important; hence the recommendations below are provided to fill the gap which legislation alone cannot fill.

i. Environmental enlightenment information is urgently needed for the Nigeria populace both educated and the illiterates via mass media to wit: radio, television, Newspaper, video films etc. The efforts should be invigorated.

ii. Environmental studies should be made a subject of its own at the primary and secondary school levels in Nigeria. Information on the relevance of the environment to man's survival must be known early to the citizens of Nigeria, so that the consciousness of the environment is developed and inculcated on the young ones early enough before they attain their majority.

iii. Environmental studies should be made a compulsory general studies subject for all students at the tertiary institutions irrespective of their course of studies. We are in the time of action. A damaged environment means a damaged human populace. That is why it must be made a compulsory subject, so that the young undergraduates and graduates appreciate the crusade of Environmental protection and sustenance we are talking about, for which the larger society should be carried along as they graduate from higher institutions of learning. All hands must be on deck. This is a time of action and no one should be left out.

iv. Churches and Mosques are supposed to be educated and be well informed on the hazards of pollution they generate via their mega phones mounted outside their worship centres. Churches and Mosques should be sited far away from residential apartments and should even remove the mega phones they place outside their worship buildings. Worshippers do not really need the mega phones mounted outside the worship auditoriums.

v. Factories that produce hazardous wastes must be relocated far away from residential buildings. Examples include breweries, Gas refilling plants, gas flaring companies, oil drilling companies. A visit to brewery factory site at Iganmu in Lagos state will confirm that the fumes emitting from the factory constantly is very offensive. One wonders why such a factory is allowed to remain around residential buildings at Abebe village in Iganmu. Could the answer be because Nigerians love taking alcohols a lot? Whatever may be the case, it ought to have been relocated before now.

vi. As a corollary to the point number four above, people who live around pollution generating sites like the Ogonis in Niger delta; Itangunmodi community at Atakumosa West Local Government Area of Osun State where mining and excavation takes place regularly should be given adequate information on the dangers of the pollution. They should therefore be relocated to a safer and new environment; by so doing the incidence of cholera, Benzene contamination of water leading to cancer among the people will be eliminated.

vii. Sanitary inspectorate units of most local government areas in Nigeria are weak, redundant. These Sanitary inspectorate units should be injected with new blood via appointment of new and vibrant staff who will monitor several parts of the cities of Nigeria especially Lagos, Port Harcourt, Kano, Ibadan, Aba, Onitsha. Human faeces and other domestic wastes are seen littered about unchecked by any authority in the city of Lagos state. This is a common sight starting from Orile Iganmu to Badagry axis of Lagos state. It is a common feature at Ketu Mile 12 towards Ikorodu Axis where human beings defecate in the open space in a broad day light, with human wastes littered around. The inspectorate units of most local government Environmental Departments have plenty of staff who receive monthly salaries and other emoluments for no job done. On the Rail lines being constructed along Orile Iganmu to Badagry axis, people constantly defecated on the rail lines. The rail lines at Ebute Meta in Lagos are seen with human and domestic wastes from nearby canteens. The unwholesome attitudes of these sub humans as we may call them, in our societies must be checked by Local Government Environmental Sanitation staff and the staff of Lagos State Environmental Protection Agency. Same measures should be applied in all the states of the federation of Nigeria, including the Federal Capital Territory Abuja. The policy of building public toilets in the states and a fee of twenty to fifty Naira to be paid by citizens before being allowed to use the facilities should be abolished, so that motor park Touts and travelers alike will be encouraged to use these public conveniences rather defecate on public high ways and streets as seen frequently in Lagos state.

viii. As a corollary to the above, Field Impact Assessors must be made to have a unit in every factory sites whose activities are prone to pollution. In addition, there should be two or more Environmental Experts from the Federal or state Environmental Protection Agencies (FEPA) (SEPA) that should be deployed to the sites of companies whose activities could or is likely to foul the environment. National Environmental Standard and Regulations Enforcement Agency (NESREA) as the umbrella agency must wake up alive to its duties. These deployed Environmental officials of the Government will ensure strict compliance with remediation regulations by the companies. These officials must be men of integrity who would not compromise their duties in their relationship with the companies they are deployed to monitor.

ix. Further, it is not just enough to have stiff penalties for Environmental defaulters, Nigeria already has these laws, but the Environmental officials of the Government must eschew corruption and unprofessional ethics in carrying out their duties in ensuring Environmental compliance by the populace. Corruption is the bane of the Nigeria society and the war against corruption must be extended widely to environmental issues, so that those in charge of monitoring and enforcement of Environmental laws do not defeat the purpose of these legislations through unbridled corrupt powers.

x. Regarding the Cerebrospinal Meningitis (CSM) epidemic, adequate and continuous information should be given to whole federation of Nigeria. All the radio houses, all the Newspapers in Nigeria, magazines of all classes, all television stations, cinema houses, all mosques and churches, and indeed every other religious body by whatever name they are called should be reached to enlighten Nigerians on the dangers of Meningitis and the possible preventive measures. The citizens should be informed to avoid overcrowding; ensure proper ventilation; increase hand washing; maintain proper hygiene; avoid hand shaking and kissing.

xi. The ocean surge in Ogun state and Ondo states respectively should be attended to by the Federal Government expeditiously before further lives and property are lost. The people should be enlightened to refrain from building houses close to the river banks. Affected school and churches and mosques should be relocated urgently to safer sites rather than renovating them for further use.