

Africa Leadership Forum

**Capacity Building Workshop For Parliamentary Support Staff Of States And
National Assembly (Water and Sanitation Group)**

**Developing Legislative Agenda And Programmes For Waste Management And
Water Development At The Federal, State And Local Level**

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1.0 Introduction

Nigeria is a country situated on the west coast of Africa. With a population of about 167 million people, Nigeria has been ranked as one of the twenty-five dirtiest countries in the world. Today most Nigerians still lack access to portable water, regardless of the fact that the country has been abundantly blessed with numerous water resources. These water resources can be divided into 8 hydrological areas which are drained by the Rivers Niger and Benue and their numerous tributaries.

The three tiers of government in Nigeria i.e. Federal, State and Local Governments share the responsibility of waste management and water resources Management. Over time, Waste Management and Water Resources Management have been faced with the challenges of weak data base, fragmented responsibility and weak institutional framework. As a result of the foregoing, there is a need to develop legislative agenda and programmes for waste management and water development at the Federal, State and Local government levels.

This paper will assess the nature of waste management and water development in Nigeria at the Federal, State and Local government levels. With a view towards identifying best practices in waste management and water development in other jurisdictions in the world, a brief examination of the system adopted in waste management and water development in selected developed countries in the world would be conducted.

In conclusion, suggestions would be made on the legislative agenda which may be adopted for the development of waste management and water development at the federal, state and local levels.

2.0 Definition of Concepts/Terms

2.1 *Legislative Agenda*

Legislative agenda may be defined as follows:

- This is a set of goals for parliamentarians to achieve a set objective.
- Legislative agenda is a statement of priorities and goals set towards the achievement of set objectives.

- A legislative agenda usually contains both broad and generic goals as well as specific legislative proposals.
- Legislative agenda may also be defined as the government's legislative plans for certain governmental programmes or policies.

2.2 *Waste Management*

- A. Waste management means the collection, keeping, treatment and disposal of waste in such a way as to render them harmless to human and animal life, the ecology and environment generally.
- B. It could also be said to be the organized and systematic dumping and channeling of waste through or into landfills or pathways to ensure that they are disposed of with attention to acceptable public health and environmental safeguard.
- C. It is the process involved in dealing with the waste of humans and organisms, including minimization, handling, processing, storage, recycling, transport, and final disposal.
- D. It has also been defined as the practices and procedures or the administration of activities that provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of waste.
- E. It has been defined as the management of materials lacking direct value to the producer.

2.3 *Water Development*

Water development is the practice, procedure or administrative activities adopted to make some area of land or a body of water more profitable.

3.0 **Functions of Legislative/Parliamentary Support Staff**

Nigeria practices a bicameral parliamentary system at the federal level i.e. the Senate and the House of Representatives. At the state level however, Nigeria operates a unicameral parliamentary system. The parliament as an arm of government was created by the Constitution of the Federal Republic of Nigeria,

1999. With respect to the federal parliament, Section 4 (1) of the constitution provides thus:

The legislative powers of the Federal Republic of Nigeria shall be vested in a National Assembly for the Federation which shall consist of a Senate and a House of Representative.

On the legislative powers of the parliament, section 4(2) provides:

The national assembly shall have power to make laws for the peace, order and good government of the federation or any part thereof with respect to any matter included in the exclusive legislative list set out in Part I of the Second Schedule to this constitution.

With respect to state parliaments, Section 4 (6) of the Constitution provides:

The legislative powers of a state of the federation shall be vested in the house of assembly of the state.

Section 4(7) of the Constitution provides:

The house of assembly of a state shall have power to make laws for the peace, order and good government of the state or any part thereof...

The operational structure of the government in Nigeria is such that the laws enacted by the federal and state parliaments are implemented by the executive while the judiciary interprets the laws in the event of conflicts or disputes arising from such laws.

Hence, the cardinal function of the parliament at both the federal and state levels is the enactment of laws. The roles of the parliamentary support staff are therefore circumscribed to the legislative functions of the parliamentarians as provided by the constitution. The parliamentary support staff renders administrative support to the parliamentarians in the business of law making.

4.0 Waste Management in Nigeria

The generation and disposal of waste is an intrinsic part of any developing or industrial society such as Nigeria. Waste generated from both domestic and commercial sources has grown significantly over the past decades. Waste in its

simple form may be categorized as “domestic waste”. However, it may be largely categorized as:

- Municipal/household/domestic/solid waste
- Medical waste
- Electronic/electrical waste (e-waste)
- Industrial waste
- Harzardous waste

The most common class of waste is the municipal waste. It is also the largest in terms of volume. This paper shall focus on the management of municipal waste.

Municipal waste is the most common class of waste in Nigeria. It has also been referred to by some authors as “household waste”, “domestic waste” or solid waste.

The major origins of municipal waste in Nigeria are:

- Private households
- Small-scale services and business like restaurants, snack bars, workshops, offices, shops
- Market places, slaughter houses.

The management of waste is a matter of both national and international concern. A dirty environment affects the standard of living, aesthetic sensibilities, health of the people and quality of life. Hence waste needs to be properly managed. Municipal waste management is one of the major concerns in Nigeria today.

The problems of municipal waste management in Nigeria may be summarized as follows:

- Lack of adequate funding and excessive population
- Lack of trained/professional waste managers
- Lack of effective monitoring and control
- Peculiarity of the Nigerians’ attitude: “The government does everything syndrome”
- Lack of modern technology in the management of waste.

As at 2005, statistics showed that the municipal solid waste generation was estimated to be 1,467,820 monthly and 18,285,589 tons yearly across the 36 states and the Federal Capital Territories. Current estimate puts the annual generation of waste of Nigerians at 20 million tons of municipal waste. As a developing economy, the composition of the waste is 50%-70% organic waste, 9%-20% plastic, 6%-10% paper and the rest taken up by glass, metal and wood.

Table 1: Urban solid waste generation

City	Population	Tonnage per month	Density (kg/m ³)	Kg/capital/day
Lagos	8,029,200	255,556	294	0.63
Kano	3,248,700	156,676	290	0.56
Ibadan	307,840	135,391	330	0.51
Kaduna	1,458,900	114,433	320	0.58
Port Harcourt	1,053,900	117,825	300	0.60
Makurdi	249,000	24,242	340	0.48
Onitsha	509,500	84,137	310	0.53
Nsukka	100,700	12,000	370	0.44
Abuja	159,900	14,785	280	0.66

Source: Ogwueleka, 2009

Table 2: Quantity of waste generated in Nigeria capital cities as on year 2005

S/NO	State Capital & Cities	Cap/Day (Kg)	Tonnage Per month	Yearly Tonnage	Organic Waste%	Organic Waste Yearly (ton)
1.	Umuahia	0.23	15,875	190,740	65	123,981
2.	Abuja	0.28	14,684	176,213	54	95,155
3.	Yola	0.28	25,365	304,380	68	206,978
4.	Uyo	0.25	16,112	193,344	55	112,139
5.	Awka	0.31	25,395	304,740	60	182,844
6.	Bauchi	0.31	25,372	304,464	64	194,856

7.	Yenagoa	0.23	14,246	170,952	65	111,118
8.	Makurdi	0.28	24,242	290,904	70	203,632
9.	Maiduguri	0.28	32,956	395,427	66	261,011
10.	Calabar	0.26	15,242	182,976	68	124,789
11.	Asaba	0.28	15,950	191,400	60	114,840
12.	Abakaliki	0.24	14,346	172,152	70	120,506
13.	Benin City	0.63	27,459	329,508	54	177,934
14.	Ado-Ekiti	0.28	14,784	177,408	65	115,315
15.	Enugu	0.31	16,009	192,108	58	111,422
16.	Gombe	0.28	14,006	168,072	70	114,091
17.	Owerri	0.30	15,846	190,152	70	137,256
18.	Dutse	0.30	16,340	196,080	70	137,256
19.	Kaduna	0.23	44,433	533,199	63	336,181
20.	Kano	0.56	156,676	1,880,112	50	940,056
21.	Katsina	0.32	18,452	221,424	70	316,320
22.	Birnin Kebbi	0.28	15,456	185,472	70	129,830
23.	Lokoja	0.26	15,478	185,736	70	130,015
24.	Ilorin	0.25	345,560	414,720	70	129,830
25.	Lagos	0.73	255,556	3,066,672	35	1,104,001
26.	Lafia	0.21	13,956	167,472	70	117,230
27.	Minna	0.25	14,989	179,868	68	112,310
28.	Abeokuta	0.36	36,116	433,632	60	260,179
29.	Akure	0.32	15,089	181,068	60	108,640
30.	Osogbo	0.24	14,957	179,484	60	107,690
31.	Ibadan	0.31	135,391	627,250	60	992,622
32.	Jos	0.23	27,667	332,004	56	189,742
33.	Port Harcourt	0.70	117,825	1,413,900	60	845,340
34.	Sokoto	0.28	15,255	183,024	65	120,429
35.	Jalingo	0.25	14,253	171,036	70	119,725

36.	Damaturu	0.24	14,001	168,008	70	117,608
37.	Gusau	0.26	14,062	179,604	70	126,620
38.	Aba	0.31	64,347	772,164	70	540,514
39.	Onitsha	0.70	84,137	1,009,644	61	625,979

Source: Federal Ministry of Environment, Nigeria

4.1 *Collection and transport*

Currently, in Nigeria, there are associations of door to door community based waste collectors. Some state governments also engage in the collection and transportation of waste through their state waste management authority/agency/board. This is done with the use of trash compactor vehicles and in some cases 'open back' trucks.

4.2 *Re-use and recycling*

Reuse and recycling of waste in Nigeria is still at low ebb. There are sparse resources on the extent of reuse and recycling that is adopted in the management of waste in Nigeria. However, the Lagos State government through the Lagos State Waste Management (LAWMA) has taken the lead in the adoption of the option of reuse and recycling in the management of waste in the state.

4.3 *Identification of institutional actors in waste management*

4.3.1 National Level

At the national level, the Federal Ministry of Environment is saddled with the responsibility of:

- Securing a sustainable environment adequate for good health and well being;
- Promoting the sustainable use of natural resources;
- Restoring and maintaining the ecosystem and ecological processes and present biodiversity;
- Raise public awareness and promote understanding of linkages between environment and development;
- Cooperate with government bodies and other countries and international organizations on environmental matters.

Also at the national level, is the National Environmental Standards and Regulations Enforcement Agency (NESREA) whose main objective is the enforcement of all environmental laws, guidelines, policies, standards and regulations to enforce compliance with provisions of international agreements, protocols, conventions and treaties on the environment.

4.3.2 State level

The institutions responsible for waste management at the state level can be grouped into 2 main types namely:

- Statutory bodies-ministry/agency/ boards
- Quasi permanent bodies- task forces, project monitoring units (PMUs)

At the state level, the State Ministries of Environment, State Environmental Protection Agencies (SEPAs) and State Waste Management Authorities/Boards are in charge of enforcement of laws, regulations and standards regarding waste management *viz a viz*: storage, collection, transportation, treatment, resource recovery and disposal.

These agencies/ministries/boards usually have overlaps and conflicts in their playing their respective roles. For instance, in Lagos State, there is the Lagos State Ministry of Environment charged with the responsibility of safe guarding the environment, Lagos Waste Management Authority (LAWMA) charged with the responsibility of managing waste and Lagos State Environmental Protection Agency (LASEPA) charged with the responsibility of protecting the environment. The activities of these agencies in the area of waste management overlap and in some instances arouse conflict.

4.3.3 Local level

The major environmental waste concerns at the local level are sewage disposal, public conveniences and general cleanliness and hygiene. In the Vision 2010 report on the environment, environmental sanitation crisis prominent at the local level in Nigeria has been summarized to include: industrial pollution, municipal waste generation and urban and rural decay. The report emphasized the need to address the environmental challenge through appropriate policy frameworks.

The management of waste at the local level is mainly by the:

- Task force on sanitation
- Local government environmental health officers
- Private sector participation.

5.0 **Water Resources in Nigeria**

5.1 *Historical Facts*

Nigeria, with a land area of about 924,000 sq km lies entirely within the tropics where its climate is semi-arid in the north gradually becoming humid in the south. The annual rainfall varies from 4,000 mm in the south – east to below 250 mm in the extreme north-east and is subject to significant temporal variation. The surface water resources potential of the country is estimated at 267.3 billion cubic metres while the groundwater potential is 51.9 billion metres.

The goals of water resource management in Nigeria have historically been three:

- a) Provision of urban water supply
- b) Generation of hydro power
- c) Development of large scale surface irrigation.

There is however unequal distribution of water resources between the north and south.

Since 1914, the water sector system has been characterized by lack of coordination and multiplicity of agencies responsible for water supply. Two decades later, with the advent of regional governments, technical and financial responsibilities were set up for the establishment of a new water scheme.

Subsequently, the regional governments transferred those responsibilities to the various local government councils in the country. Currently, those responsibilities have been transferred to parastatals - thus making the advent of State Water Authorities (SWA). The SWA era was characterized by lack of funds to meet promised expansion. In 1976 the Federal Ministry of Water Resources (FMWR) was established. Between 1973-76 twelve River Basin Development Authorities (RBDAs) were established. National Water Resource Institute (NWRI) was established in 1985.

5.2 *Irrigations and Dams*

The total irrigation potential in Nigeria is about 3.14 million ha comprising of:

- 2.04 million ha for formal farmer owned and managed schemes based on conjunctive rise of surface water and shallow fadama aquifers; and
- 1.1 million ha for formal public irrigation project which are under government control.

During the oil boom days of the 1970s and early 1980s, Nigeria invested heavily in water resources development, particularly in the construction of multipurpose dams. The dams were meant to control flood, provide water for domestic and industrial uses, control riparian rights releases and for the environment, hydro-power generation, fishing, livestock, inland waterways and irrigated agriculture among others. Nigeria has constructed 200 dams storing up to 31 billion cubic metres. Out of these, 11 billion cubic meters are meant to command up to 340,000 hectares of irrigated land. So far, about 100,000 hectares of land have been equipped with the infrastructure while currently only about 60,000 hectares can actually be irrigated; thus the remaining 40,000 of the equipped field need some major rehabilitation. The balance of 240,000 hectares of land that can be commanded by the water stored so far, need to have the full complement of irrigation facilities in order for the country to derive the benefits fully.

According to multi-indicator cluster survey of 1999, the Federal Office of Statistics estimated that only 52% of the urban (48% if peri-urban areas are included) and 39% of rural dwellers have access to portable water.

5.3 Institutional Arrangement of Water Management in Nigeria

Water supply is on the concurrent legislative list in the constitution. This implies that the Federal and State governments can both legislate on water resource management.

The institutional arrangement in Nigeria on water resources may be summarized as follows;

- **Federal Government Level** - Federal Ministry of Water Resources and Rural Development, FMWRRD (including 12 River Basin Development Authorities, RBDAs) and National Water Resources Institute (NWRI). The FMWRRD is responsible for formulating and coordination national water policies, development and management

of large water resources infrastructure, dams, reservoirs, irrigation and water supply.

- **State Government Level** - responsible for portable water supply through state water authorities/boards/corporations. These authorities/boards/corporations are backed by enabling law which addresses the peculiar need of the state.
- **Local Government Level**- responsible for provision of rural water supplies and sanitation facilities. A universally accepted principle at the local government level is that all persons belonging to the local community have a right to use water passing through the community. This however is based on a customary law applied to the management of water in the community.

The institutional arrangement identified above makes water development policy decision such as abstraction, pollution control and watershed management highly fragmented. To achieve a proper waste management, there is an urgent need for a proper blend of institutional, policy, economic, financial and regulatory framework.

The salient features of water resources management in Nigeria are-

- Weak data base. There are no effective water resources data management systems in Nigeria.
- Fragmented responsibility. At the federal level for instance, the following ministries have various involvement in water resources, federal ministries of environment, federal ministry of health. At the state level, the state ministries of environment, state water boards. These agencies are fragmented without a clear understanding of who exactly is responsible for the quality of surface and ground water in Nigeria.

6.0 **Legislative Agenda for Waste and Water Management**

6.1 *Federal Level*

At the Federal government level, the legislative efforts should be geared towards:

- Developing, periodically review and update the policy guidelines on waste and water management;
- Develop and circulate set standards for equipment procurement and maintenance in waste and water management;
- Develop and circulate set standards on private sector participation in waste and water management services;
- Prepare a waste and water master plan as a national blue print for effective waste and water management and ensure its implementation at the appropriate levels of government;
- Enact appropriate legislation that will foster successful implementation of the policy guidelines and master plan;
- Provide technical assistance to states and LGAs in waste and water management;
- Establish a national data bank on waste and water management for planning and development;
- Provide environmental education and awareness on sound waste and water management;
- Collaborate with relevant stakeholders on waste and water management;

6.2 *State Level*

At the State government level the government should:

- Support and ensure the implementation of policy guideline on waste and water management set out by the federal government;
- Facilitate the implementation of national waste and water master plan;
- Enact relevant state legislation;
- Make adequate annual budgetary provisions for waste and water management;
- Provide technical support to LGAs through training and manpower development programme;
- Conduct public education on waste and water management;

6.3 **Local Level**

At the local government level there should be:

- Implementation of the policy guideline;
- Implementation of the national master plan;
- An enactment of appropriate legislative instruments and establishment of necessary sanctions and enforcement mechanisms for efficient service delivery;
- Enlist services of the private sector and other stakeholders in waste and water management;
- Registration and licensing of all operators of waste and water management;
- Recruitment, training and retrain of staff for efficient service delivery;
- Establishment of consultative forum with members of the public to build consensus on appropriate strategies for waste management;
- Promotion of private sector participation in the delivery of waste management options.

7.0 Conclusion

Water is one of the basic resources in Nigeria and unless there is an appropriate water management system, Nigerians will continue to battle with the challenge of access to portable water. Also on daily basis, Nigerians at the federal, state and local levels deal with the menace of waste disposal. The effective management of this menace is therefore urgently required at these levels.

In the preceding sections, attempts have been made to examine the legal and institutional framework on waste management and water development at the Federal, State and Local government levels in Nigeria. With an understanding of the federal system of government operated in Nigeria, we have identified the laxity in the waste and water management system, coupled with the disintegrated activities of the relevant government agencies. Nigeria urgently requires an Integrated Waste and Water Management System (IWWMS). In this paper, the IWWMS has been suggested as a Legislative Agenda.

The effective implementation of the suggested legislative agenda in this paper will ultimately ensure access to portable water and a sustainable environment.

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