

## **1. Environmental Policy and its Enforcement in Nigeria**

### *1.1 What is the basis of environmental policy in Nigeria and which agencies/bodies administer and enforce environmental law?*

The basis of environmental policy in Nigeria is contained in the 1999 Constitution of the Federal Republic of Nigeria. Pursuant to section 20 of the Constitution, the State is empowered to protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria. In addition to this, section 2 of the Environmental Impact Assessment Act of 1992 (EIA Act) provides that the public or private sector of the economy shall not undertake or embark on or authorise projects or activities without prior consideration of the effect on the environment.

In this regard, the Federal Government of Nigeria has promulgated various laws and Regulations to safeguard the Nigerian environment. These include:

- Federal Environmental Protection Agency Act of 1988 (FEPA Act) repealed by the National Environmental Standards Regulation Agency (NESREA) Act 2007. The following Regulations were made pursuant to the FEPA Act:
  - National Environmental Protection (Effluent Limitation) Regulations:
  - National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations; and
  - National Environmental Protection (Management of Solid and Hazardous Wastes) Regulations.
- Environmental Impact Assessment Act of 1992 (EIA Act).
- Harmful Wastes (Special Criminal Provisions etc.) Act of 1988 (Harmful Wastes Act).

The National Environmental Standards Regulation Agency, (NESREA) (the agency) has the responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources, environmental technology, including coordination and liaison with relevant stake holders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines. Other regulatory agencies with oversight functions and responsibility over specific industries have also issued guidelines to regulate the impact of such industries on the environment such as the Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) 2002, published by the Department of Petroleum Resources (DPR).

The NESREA Act allows each State and Local Government in the country to set up its own agency for the protection and improvement of the environment within the State. Each State is also empowered to make laws to protect the environment within its jurisdiction. All the States have environmental agencies and State laws; e.g. Lagos, Akwa Ibom, Abuja.

The Federal Capital Territory has issued the Abuja Environmental Protection Board (Solid Waste Control/Environmental Monitoring) Regulations 2005 also referred to as "the Abuja Environmental Protection Board Regulations" which principally governs solid waste control in Abuja. In Lagos State,