

## APPRAISAL OF THE LEGAL FRAMEWORK AGAINST ENVIRONMENTAL DEGRADATION ARISING FROM QUARRY INDUSTRY IN EBONYI STATE\*

### Abstract

*This study was an appraisal of the legal framework against environmental degradation arising from quarry industry in Ebonyi State. Environmental law and its policy was developed in response to the public perception that human health and the environment were inadequately protected. The doctrinal research methodology was adopted using data from primary sources such as the constitution, national legislations and as well as from secondary sources such as information from textbooks and internet. Among other things, the study found that there are numerous laws and legislations that suffers poor enforcement on the part of the people and government agencies and embodies charged with the responsibilities of enforcing and maintaining extant laws, policies and programmes that are meant to protect the environment. It was recommended, inter alia, that there should be put in place an efficient environmental audit system that will engender compliance activities such as obtaining permits, installing controls, monitoring compliance, reporting violations and keeping relevant records. It was further recommended that among other measures, government should strengthen its regulatory agencies and monitor them to carry out their assigned roles without compromise at all stages. It was the conclusion of this study that if these measures are carried out the issue of environmental degradation and rights abuse would be a thing of the past.*

**Keywords:** Legal Framework, Environment, Degradation, Quarry Industry, Ebonyi State, Nigeria

### 1. Introduction

Environmental degradation is an alarming issue in the planet. The main reasons behind the problem are industrial revolution and population explosion and high demand of luxury items in the life. Presently, lack of proper education, awareness, knowledge and approach of people towards environment degrades the nature and its resources. There is a need of hour to develop a strong environmental education (EE) system with the responsiveness of human towards the nature for sustainability and environmental security. United Nation and various countries are taking active steps in this aspect to develop collaboration with the society. Various initiatives in the form of awareness campaigning and community development programmes are running across various countries of the globe in this connection. From the era of dependence on common law and statutes/regulations, then came the era of strict legal regime for the protection of the environment. This consisted in the period when there was the emergence of several stringent statutory laws to protect the environment. According to Amokaye, the stringent approach to environmental protection was partly influenced by the discovery of five shiploads of toxic waste at the small port town of Koko in Delta State in 1988.<sup>1</sup> This was the event that broke the camel's back as the Federal Government of Nigeria had responded swiftly by enacting the Harmful Waste (Special Criminal Provision) Act. Not only was the law enacted, the now repealed Federal Environmental Protection Agency Act,<sup>2</sup>(Cap. 131, Laws of the Federation of Nigeria, 1990) was also enacted establishing the Federal Environmental Protection Agency to monitor the strict implementation of the laws as they related to environmental protection.

This paper focuses on the majorly on the appraisal of the legal frame work against environmental degradation caused by the quarry industries within the State. The researcher is considering some research questions which includes: what is the major causes of environmental degradation arising from quarry industry in Ebonyi State, what forms of environmental degradation exist in Ebonyi State, Are there regulatory bodies for the mitigation of environmental degradation arising from quarry industry in Ebonyi State and what are the possible measures to eradicate or mitigate environmental degradation arising from quarry industry in Ebonyi State. It is also the aim of the researcher in emphasizing on Environmental Education programmes towards sustainability to develop the awareness and perception on the environmental issues among the students, researcher, policymakers and society. However, success stories rely on the concept of public participation, awareness and knowledge to gain environmental security. Proper policy and planning in-terms of locality and sector-specific approaches are required very much at the present moment. Further the potential role of women along with recognizing traditional culture needs to be recognized for successful implementation. We cannot safely do a discourse environmental degradation, sustainable development and law and the legal framework for environmental protection in Nigeria on why we study Environmental law and legal framework for environmental protection in Nigeria without first having a proper understanding of what 'environment' and 'Environmental Law' mean. The

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<sup>1</sup> CAP LFN 2004 which was enacted as a reaction to the infamous importation of toxic waste into Koko village in Delta State of Nigeria

<sup>2</sup> CAP. 131, Laws of the Federation of Nigeria, 1990

term 'environment' is both technical in its scope as well as in its application, and so it has been defined from varying angles and perspectives in ways and manners that tend to be merely expressive of its role and purpose in its management. In its ordinary usage, environmental simply means our surroundings and the varying influences they have in us.

## **2. Conceptual Clarification**

According to Ngwakwe, the essence of clarification of concepts in any research work is to help the tender to understand the research from his own perception of the key concepts or terms as used in the research work<sup>3</sup>. Therefore, in order to understand and appreciate this thesis, there is need to define and explain some concepts and terminologies as used in this research work.

### **Environment**

The proper understanding of this project hinges on the understanding of the key words in the project work like Environment; we shall generally do an exposition of the word environment in its generally meaning and then further explain the concept of environment law in Nigeria. Oxford Advanced Learner's Dictionary<sup>4</sup> defines environment as the condition that affect the behavior and development of the physical conditions that exist in a pleasant working or learning place. The author further lives. It is on this second definition that the focus of this research lies. Also, the Cambridge international Dictionary of English Language<sup>5</sup> defines environment as surroundings, the condition that one lives or works in, and the way in which the influence how one feels and how effectively one can work. The United Nations Environmental programme<sup>6</sup> (UNEP) defines environment as a global concept which encompasses both natural and man-made resources available at any given period for the satisfaction of human needs. These needs cover their socio-economic and political aesthetics. The National Environment Standard Regulation<sup>7</sup> defines environment as the totality of all that makeup of the earth. In this regard, environment can be said to be component of the earth including land, water air and all the layers of the atmosphere: which includes, the living and nonliving things, organic or inorganic things. The New International Webster's comprehensive Dictionary of the English Language<sup>8</sup> defines environment as the aggregate of all external and internal conditions affecting the existence, growth and welfare of organism. National Environment standards and Regulation Enforcement Agency<sup>9</sup> (NESREA), Nigeria made an expansive insight into what is an environment by saying that it includes the air quality and atmospheric protection, noise control and abatement and the emission of hazardous substance into the environment. Furthermore, in section 37 of the NESREA Act<sup>10</sup>,

Environment was defined to include, water, Air land and all plants and human beings or animals living therein and the inter-relationship which exist among these or any of them. Environmental impact Assessment Act<sup>11</sup> (EIA) of Nigeria defines environment as, everything that has to do with

- i. Land, water, and air, including all layers of the atmosphere;
- ii. All organism and inorganic matters, living organisms and;
- iii. The interacting, natural system that include component referred to in paragraph.

The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act<sup>12</sup> defines environment to include water, air, land and all plants and human beings or animals living therein and their inter-relationships which exist among these or any of them. In the same vein, the English Environmental Protection Act (EPA)<sup>13</sup> defined it thus: 'the environment' consists of all or any of the following media, namely the air, water and land; and the medium of air includes the air within buildings and the air within other natural and man-made structures above or below ground. The Supreme Court of Nigeria has, in the case of *Attorney-General of Lagos State v. The Attorney-General Of The Federation & Ors*,<sup>14</sup>also considered the meaning of environment,

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<sup>3</sup>EC Ngwakwe, 'Settlement of Disputes with International Colouration in Africa: Examining the Relevant Institutional Courts and Jurisdictional Interlocking' *Journal Of International & Comparative Law*, (2012) II, p. 81

<sup>4</sup> Ibid, p 127.

<sup>5</sup> P Procter, *Cambridge Internal Dictionary Cambridge*, (England: Cambridge University press, 1995), p. 201

<sup>6</sup> Paragraph 12 Article on UNEP, 2001

<sup>7</sup> 7 S.37 of the National Environment Standard and Regulation Agency (Establishment) Act, 2007.

<sup>8</sup> Op.cit, p.24.

<sup>9</sup> NESREA Act, 2007, Sections 36

<sup>10</sup> Ibid.

<sup>11</sup> Section 63 of the Environmental Impact Assessment Act, Cap E12, LFN, 2010.

<sup>12</sup>No. 25 of 2007, Section 37

<sup>13</sup> Section 1 of EPA, 1999

<sup>14</sup> (2003) LPELR-620(SC); (2003) 12 NWLR (Pt.833) 1; (2003) 6 S.C (Pt.I) 24

citing with approval the definitions given by the Black's Law Dictionary<sup>15</sup>, Collins' English Dictionary,<sup>16</sup> and the Oxford Advanced Learner's Dictionary.<sup>17</sup> Black's Law Dictionary defines environment as 'the totality of physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of people's lives.' Collins' English Dictionary gives the meaning of Environment as 'external conditions or surroundings especially those in which people live or work: the external surroundings in which a plant or animal lives which tend to influence its development and behavior.' The Oxford Advanced Learner's Dictionary defines environment as 'the natural conditions, for example land, air and water, in which people, animals and plants live: measures to protect the environment. Many people are concerned about the pollution of the environment.' On his part, Omaka has offered his definition of environment thus: '... The environment is the place of human, plant and animal existence. It is where we live and develop. This includes the air, land, water, vegetation, our surroundings, and the entire ecosystem.'<sup>18</sup> From whatever perspective the environment is defined, it our source of sustenance that we depend upon. We look to it for food, fuel, medicines and materials. We look to it also for a realm of beauty and spiritual assistance.<sup>19</sup> Philip Sands<sup>20</sup> described environment as a world ideology which comprises both natural and man-made resources that are available, at any given period of existence for the satisfaction of human needs, which are economic, social, political and aesthetic needs.

### **Environmental Degradation**

Environmental degradation is a process through which the natural environment is been destroyed by reducing biological diversity and the general health of the environment. This process can be entirely in its natural origin, or it can be accelerated or by human activities which have been contributed to the environmental degradation which include: poverty, population, urbanization, institutional factors, consumption pattern, technology, energy, soil erosion, deforestation and pollution. Exploitation of the fossil fuel is the best example of this trend. The major environmental degradation comes from noise. Windmills tend to hum or whine, and several together can be annoying. Modern wind generators are much less annoying. Another annoyance is that metal blades interfere with television reception. The television signals bounce off the blades and into the TV intermittently, so a disturbing pattern is superimposed on the picture. Blades made of wood, plastic, or clothes do not cause TV interference but do not last as long as metal ones. Incidents of birds hitting blades have been reported. Whistles emitting sound at frequencies above human hearing are expected to keep birds away. In the United States objections have been raised to the appearance of wind generators-especially to the towers. While 'visual pollution' is a matter of taste, some people find a wind generator an attractive thing.

### **Types of Environmental Degradation**

- (1) Land and soil degradation: Degradation of soil quality from poor farming practices, excessive use of fertilizers and pesticides, leakage from landfills etc.
- (2) Water degradation: Pollution of water from trash dumped in oceans, illegal dumping, disposal of large amounts of industrial waste into nearby rivers or lakes etc.
- (3) Atmospheric degradation: This includes air degradation, particle pollution and the depletion of the ozone layer.
- (4) Several other kinds of pollution: Apart from land, water and atmospheric degradation, many other kinds of pollution such as noise pollution, light pollution are part of environmental degradation.

### **Causes of Environmental Degradation**

Some environmental life species require substantial areas to help provide food, living space, and other different assets. These creatures are called area specific. At the point when the biome is divided, the vast patches of living space do not exist anymore. It becomes more troublesome for the wildlife to get the assets they need in order to survive. The environment goes on, even though the animals and plant life are not there to help sustain it properly.

### **Land Disturbance**

A more basic cause of environmental degradation is land damage. Numerous weedy plant species, for example, garlic & mustard, are both foreign and obtrusive.

<sup>15</sup>sixth edition, page 534

<sup>16</sup>(1985 Edition)

<sup>17</sup>5th edn, page 387

<sup>18</sup>CA. Omaka, *Municipal And International Environmental Law* (Lagos: Lions Unique Concepts, 2012) P. 1

<sup>19</sup> OG Amokaye, *Environmental Law and Practice in Nigeria* (Lagos: MIJ Professional Publishers Ltd, 2014), pp 3-4  
<sup>20</sup>2012; P. Sands, *The Principles of International Environmental law.* (UK: Cambridge University Press, 2000), p. 111.

A rupture in the environmental surroundings provides for them a chance to start growing and spreading. These plants can assume control over nature, eliminating the local greenery. The result is a territory with a solitary predominant plant which doesn't give satisfactory food assets to all the environmental life. Thus the whole environment can be destroyed because of these invasive species.

#### *Pollution*

Pollution, in whatever form, whether it is air, water, land or noise is harmful to the environment. Air pollution pollutes the air that we breathe, which causes health issues.

Water pollution degrades the quality of water that we use for drinking purposes. Land pollution results in the degradation of the earth's surface as a result of human activities.

Noise pollution can cause irreparable damage to our ears when exposed to continuous large sounds like honking of vehicles on a busy road or machines producing large noise in a factory or a mill.

#### *Overpopulation*

Rapid population growth puts strain on natural resources, which results in the degradation of our environment. Mortality rate has gone down due to better medical facilities, which has resulted in an increased lifespan. More population simply means more demand for food, clothes and shelter. You need more space to grow food and provide homes to millions of people. This results in deforestation, which is another factor in environmental degradation.

#### *Landfills*

Landfills pollute the environment and destroy the beauty of the city. Landfills come within the city due to the large amount of waste that gets generated by households, industries, factories and hospitals. Landfills pose a great risk to the health of the environment and the people who live there. Landfills produce a foul smell when burned and cause substantial environmental degradation.

#### *Deforestation*

Deforestation is the cutting down of trees to make way for more homes and industries. Rapid growth in population and urban sprawl are two of the major causes of deforestation.

Apart from that, the use of forest land for agriculture, animal grazing, harvest for fuel wood and logging are some of the other causes of deforestation. Deforestation contributes to global warming as decreased forest size puts carbon back into the environment.

#### *Natural Causes*

Things like avalanches, quakes, tidal waves, storms, and wildfires can totally crush nearby animal and plant groups to the point where they can no longer survive in those areas.

This can either come to fruition through physical demolition as the result of a specific disaster or by the long term degradation of assets by the presentation of an obtrusive foreign species to the environment. The latter frequently happens after tidal waves, when reptiles and bugs are washed ashore. Of course, humans aren't totally to blame for this whole thing. Earth itself causes ecological issues, as well. While environmental degradation is most normally connected with the things that people do, the truth of the matter is that the environment is always changing. With or without the effect of human exercises, a few biological systems degrade to the point where they can't help the life that is supposed to live there.

#### *Quarry Activities*

Quarry and Quarrying refer to open excavation from which any useful stone is extracted for building, engineering and construction purposes. The type of quarrying industry present in Ebonyi State ranges from manual stone crushing industry to small and medium scale quarrying industries that use heavy machinery for crushing stone. In the quarrying industry, employees make use of explosives, chemical compounds or mixtures that undergo rapid burning or the composition with the generation of larger amount of gas and heat that give rise to production of sudden pressure effects. The chief use of explosive in the peace time is for blasting and quarrying but explosive are also use in fireworks and signaling apparatus and for setting blind rivets and forming metals. Crushing stone has done more harm than good because of occupational and environmental hazards it exposes the habitant living around the quarrying site. The conceptualization of occupational health hazards is hinged on the assumption of category of environmental pollution, diseases, illnesses, risks, on-the-job accidents and psychological ailments from job-related exposures and work settings specifically tied to mining and quarry sites. The study focuses on the legal framework for the prevention of the adverse environmental conditions orchestrated by hazards of the quarrying activities on the employees and host communities. It is therefore not surprising that researchers have begun to appraise the legal framework for the protection and prevention of the environmental pollution arising from quarrying industries and its activities. The above

mentioned activities of the quarrying activities in the State had created a lot of water pollution, air pollution and soil vegetation pollution. The number of such industries in Ebonyi State is estimated at about one hundred and thirty (130). Most of all these are located close to residential home and public buildings all over Abakaliki Capital Territory and Ishiagu are of Ebonyi State. However, they are scattered indiscriminately because of the absence of the functional industrial layout in the State. These sites are located in clusters and they includes site at Nkalagu, Isimpuma, Iziulo, Ntezi, all in Ishielu Local Government Area. Others are site located in Ezzangbo, in Ohaukwu Local Government Area, Okposi Umuaghara in Ezza North Local Government Area, mile 50 and Aziyiokwu areas in Abakaliki Capital Territory. Also, they are other site at Inyimagu in Izzi Local Government Area, Ameka in Ezza South Local Government Area, Amoha in Afikpo South Local Government Area and Ishiagu in Ivo local Government Area. The employees in those quarrying sites are mainly on untrained, illiterate and unskilled workers comprising men and women who are not aware of the laws regulating quarrying and protecting the environment.

#### ***Environmental Effects Arising from Quarrying Activities***

Similarly, the effects here are visibly seen in the following instances:

- a. Sulphur dioxide and oxides of nitrogen can cause acid rain which reduces the pH value of the soil. The soil where quarry activities are carried out does not support plantation/vegetation.
- b. Soil can become infertile and unsuitable for farming. This in turn affects other organisms in the food web and can poison human and animal dependents.
- c. Smog and haze can reduce the amount of sunlight received by plants to carry out photosynthesis
- d. Invasive species can out-compete native species and reduce biodiversity.

#### ***Environmental/Health Implications of Quarrying Activities in the State***

- a. Silica is present, in crystalline form in all limestone.
- b. The mining of silica can lead to lung and kidney diseases and increased cancer rates.
- c. Trucks that enter and exit the quarry sites each day generate a huge volume of dust.
- d. The dust consequently travels for miles leading to lung blockage.
- e. Prolonged noise leads to loss of hearing mostly to quarry workers, nervous tension headaches, neuroses, and insomnia/nuisance to nearby communities.
- f. Quarrying activities are point source of pollutants that can contaminate the entire water table which invariably leads water-borne diseases that can cause death.

### **3. Legal Framework for the Perfection of Environment against quarrying activities in Ebonyi State**

The legal framework for environmental law in Nigeria in the post-colonial time is deeply rooted in a number of national and International laws. Permit me to do a brief exposé of some of these laws, as below set out:

#### **Constitution of the Federal Republic of Nigeria, 1999 (as amended)**

The constitution of the Federal Republic of Nigeria 1999 contains elaborate provisions on the protection and improvement of the environment and safeguard of water, air and land, forest and wildlife of Nigeria in its Section 20. Similarly, Section 16[2] provides that the state shall direct its policy towards ensuring promotion of a planned and balanced economic development. Similarly this provision is also contained in Section 17[2]D of the constitution. The only weakness of the constitutional recognition of the protection and improvement of the environment is that it is non-justiciable, having been categorized under the Fundamental Objectives and Directive Principles of State Policy. As noted in the Supreme Court case of *Attorney-General of Lagos State v. The Attorney-General of the Federation & Ors (supra)*, section 20 of the 1999 Constitution gives the National Assembly the legislative jurisdiction on environment generally, although it did not give it the power to legislate on planning and development control over land in the States or Local Governments. The word 'State' in section 20 does not mean Federal Government alone but according to Section 13 of the 1999 Constitution applies to 'all organs of government and all authorities and persons exercising legislative, executive or judicial powers,' and makes no distinction between Federal, State or Local Government as component parts of the Federation. See also S. 318(2) of the 1999 Constitution of the definition of 'State.'

#### **National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, No. 25, 2007**

The FEPA Act held sway until the enactment of the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, No. 25, Laws of the Federation of Nigeria, 2007. The Act bordered principally on the development and protection of the environment as in Section 4 thereof. Section 5[g] of the Act states that 'it shall be lawful for the agency to establish such environment criteria, guidelines specifications or standard for the protection of nations air, and interstate waters as mat be necessary to protect the health of the population from environmental degradation. The National Environmental Standards and Regulations

Enforcement Agency (Establishment) Act, No. 25, Laws of The Federation of Nigeria, 2007 repealed the Federal Environmental Protection Agency, Cap F10, Laws of the Federation of Nigeria, 2004 and provides for the establishment of the National Environmental Standards And Regulations Enforcement Agency (NESREA) charged with responsibility for the protection and development of the environment in Nigeria, and for related matters. Section 2 sets out the Objectives of the Agency thus: 'The Agency, shall, subject to the provisions of this Act, have responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology, including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines.' This Act also provides in section 7 thereof that the National Environmental Standards and Regulations Enforcement Agency shall:

- (a) enforce compliance with laws, guidelines, policies and standards on environmental matters;
- (b) coordinate and liaise with, stakeholders, within and outside Nigeria on matters of environmental standards, regulations and enforcement;
- (c) enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment including climate change, biodiversity conservation, desertification, forestry, oil and gas, chemicals, hazardous wastes, ozone depletion, marine and wild life, pollution, sanitation and such other environmental agreements as may from time to time come into force;
- (d) enforce compliance with policies, standards, legislation and guidelines on water quality, Environmental Health and Sanitation, including pollution abatement;
- (e) enforce compliance with guidelines, and legislation on sustainable management of the ecosystem, biodiversity conservation and the development of Nigeria's natural resources;
- (f) enforce compliance with any legislation on sound chemical management, safe use of pesticides and disposal of spent packages thereof;
- (g) enforce compliance with regulations on the importation, exportation, production, distribution, storage, sale, use, handling and disposal of hazardous chemicals and waste, other than in the oil and gas sector;
- (h) enforce through compliance monitoring, the environmental regulations and standards on noise, air, land, seas, oceans and other water bodies other than in the oil and gas sector;
- (i) ensure that environmental projects funded by donor organizations and external support agencies adhere to regulations in environmental safety and protection;
- (j) enforce environmental control measures through registration, licensing and permitting Systems other than in the oil and gas sector;
- (k) conduct environmental audit and establish data bank on regulatory and enforcement mechanisms of environmental standards other than in the oil and gas sector;
- (l) 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 carry out such activities as are necessary or expedient for the performance of its functions.

#### **Environmental Impact Assessment Act, Cap E12, LFN, 2010**

The environmental impact assessment Act of 1992 flows directly from the provisions of principle 17 of Rio declaration and of course remains the core legislation that governs environmental impact assessment in respect of proposal projects of the Act that before the final decision is taken or approval given for any activity likely to significantly affect the environment, the effect of such activity shall first be taken into count.

#### **Mineral and Mining Act, Cap M12, LFN, 2010**

Originally promulgated as the Mining Act, Cap. 226, LFN, 1990, the Act was passed as a legislative response to environmental degradation. Minerals here refer to other forms of mineral deposits and excluded mineral oil, as per section 2 thereof. It sought to amend and consolidate the laws relating to mines and minerals

#### **Land Use Act (LUA) 2004**

The Act vests authority over all land in the territory of each state (except land vested in the Government or its Agencies) solely in the Governor of the state. The Governor is expected to exercise authority over the land in a judicious manner for the benefit of all.

#### **Company and Allied Matters Act (CAMA) 2020**

The CAMA requires that all companies (including extractive companies) must be incorporated under the Act before it can carry on business in Nigeria. The Act also provides for reporting and disclosure requirements.

Finally, it forbids foreign companies from carrying on business in Nigeria unless it incorporates a local subsidiary under the Act.

#### **Pollution (Prevention and Control) (Miscellaneous Provisions) Law Cap. 120**

This law oversees the activities of the operators to prevent industrial pollution and section 3 (i) provides that no industries which emit obnoxious gases which are hazardous to people's health or which generate a lot of noise shall be sited in or near a residential area. Also, section 4 (i) provides that it shall be mandatory for every major industrial proposal to be accompanied by an environmental impact statement which shall explain the probable effect of such establishment on the neighborhood.

#### **Public Health Law (Cap.126)**

This law is responsible for matters relating to health and shall be apply to and be in force in the area of authority of any local government council in Ebonyi State and section 7 (1) (f, l and m)<sup>21</sup> any hole or excavation well, pond or quarry in or near any street which is or is likely to become dangerous to the public and any premises on which servants or workman are employed and suitable and adequate sanitary conveniences are not provided and paragraph (m) further that any act, omission, place or thing which is or may be dangerous to life or injurious to health or property.

#### **Ebonyi State Environmental Protection Agency Law (Cap. 53)**

This law shall have responsibility for the protection and development of environment and biodiversity conservation of the state's natural resources in general and environmental technology including invitation of polity in relation to environmental research. Section 26 (i) (d) prohibited and enforce compliance against the use of substances which the gently believes many present unreasonable risk or injury to health or the environment and section 27 (i) (c) provides the most appropriate means to prevent and combat various forms of atmosphere pollution.

#### **Natural Minerals and Metals Policy (NMMP) 2008**

The NMMP is derived from and complements the mining Act, 2007. The thrust of the policy includes, though not limited to the following which ensuring that extractive companies comply with environmental best practices by conducting their affairs in a responsible manner and promote and encourage transparent mining titles and permit regime.

#### **Ebonyi State Directive for Rural Development Law**

This law is created in Ebonyi State for mobilization of rural communities and development of rural areas and to charge the directorate with various functions directed towards the improvement of the quality of life in the rural areas as stipulated in the directorate of food, road and rural infrastructures Act section 4(1) (g) and (j)<sup>22</sup> of the law establish such procedures for industries, agricultural and human related activities in order to minimize damage to environment and natural resources enter and respect premises engaged in industrial or business activities and indeed all premises (public or private) suspected to be polluting the environment with a view to ascertaining environmental polluted environment for further investigations. Section 4 (1) (k) and (n)<sup>23</sup> of the law which apply enforcement measure to combat environment pollution degradation and noise control, N enforce full compliance on legislation regulating mining activities that state including quarrying.

#### **4. Conclusion and Recommendations**

We are not unaware that Environmental laws are expected to effectively aid the protection of the environment, but we do also know that this not always so. The laws are oftentimes there while the environment undergoes unmitigated degradation. Examples of this abound in the Niger Delta Areas where crude oil is exploited. The same thing is also the case in most parts of Ebonyi State, such as Crush Rock in Ishiagu Ivo Local Government Area, Ameka –Ezza South Local Government Area, Nkalagu and Iyonu in Ishielu Local Government Area, Nwofe Agbaja Unuhu in Izzi Local Government Area and Enyigba in Ikwo Local Government Area, Okposi Umuoghara in Ezza-North Local Government Area, these areas where solid minerals are mined after which the miners do nothing to safeguard the environment. In addition, therefore, to or even above all, the protection of the environment requires other innate approaches to complement the somewhat toothless or inactive juridical laws. To do this would require that we go back to where we originated from, that is, to the time before the advent of colonization and of Christianity and Islam, when traditional people managed the environment by the application of traditional means. Environmental education to be meaningful, it should enable people to gain an

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<sup>21</sup> Public Health Law of Ebonyi State 2009, vol 5. Cap 126.

<sup>22</sup> Cap. 51, EBSL,2009 Vol. 2

<sup>23</sup> Ibid

understanding of how individual actions on values and participation affect the environment and parents should be encouraged to learn traditional practices that show positive human qualities of environmental conservation and thereafter pass them onto children and must strive to consolidate what was good in the past to mutually interact with present ideals, if the future is to remain meaningful

For better environment in our towns and cities, it is suggested that there is the need to amend section 41 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) to allow the various levels of government in Nigeria to make laws permitting the restriction of movement for the purposes of environmental sanitation on the days that may be appointed in the laws. Presently, environmental sanitation exercises are observed in the various states of Nigeria based on the mere directives of the various state governors. It will be recalled that in *Faith Okafor v. Lagos State Government & Anor*<sup>24</sup>, the Court of Appeal Court, Lagos nullified the monthly environmental sanitation in Lagos State, saying it is illegal and ordered the Lagos State Government not to restrict people's movement at any time or day whatsoever on the basis of environmental sanitation as there is no written law to that effect. There is also the need for the various states in Nigeria to enforce their various laws on the protection of the environmental. For instance, the laws barring building on waterways should be enforced. So also the laws building of illegal structures, which are currently being allowed upon the payment of some prescribed fees, which are oftentimes illegal. The laws on the control of dumping of refuse also need to be strictly enforced. It also needs to be emphasized that it's not enough to make laws; there has to be public awareness of the existence of the laws and the fact that when we degrade our environment, we end up harming ourselves. The public has to know the adverse effects of leaving the environment unprotected or degraded. Government must not only establish but must maintain standards for an environment that is safe, clean and healthy. It was recommended inter-alia that there should be put in place an efficient environmental audit system that will engender compliance activities such as obtaining permits, installing controls, monitoring compliance, reporting violations and keeping relevant records. It was further recommended that among other measures, government should strengthen its regulatory agencies and monitor them to carry out their assigned roles without compromise at all stages. It is expected in conclusion that if this measures are carried out the issue of environmental degradation and rights abuse will be a thing of the past

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<sup>24</sup> (2016) LPELR-41066(CA)