



# Applying International Environmental Law to Nigeria's Pollution Crisis: Legal Solutions for Oil Spills, Pipeline Leaks, and Waste through Global Principles

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## Abstract:

This article explores how core principles of international environmental law can be used to address serious pollution challenges in Nigeria. It focuses on land-based pollution caused by oil spills, pipeline failures, and inadequate waste management systems. By analysing legal tools such as environmental impact assessment, the precautionary principle, the polluter pays principle, and the principle of prevention, the paper offers practical legal strategies for controlling pollution and protecting vulnerable communities. The article compares Nigerian legal responses with international best practices, highlighting where local enforcement falls short. It also draws lessons from other jurisdictions that have successfully integrated these global legal standards into domestic law. The paper argues that these principles are not just theoretical guidelines but can serve as strong legal anchors for pollution control and accountability in Nigeria. In doing so, the article calls for the strengthening of national environmental institutions and legal reforms that support compliance, corporate accountability, and community protection from harmful environmental practices.

## Part 1 Introduction

Land-based pollution is a critical and prevalent environmental challenge in Nigeria, particularly in the context of oil spills, pipeline leaks, and waste mismanagement. Nigeria, Africa's largest oil producer, relies heavily on fossil fuel exports, which contribute significantly to its economy. However, the environmental costs of this dependence are severe, especially for communities in regions like the Niger Delta. According to the United Nations Environmental Programme (UNEP), the Niger Delta is still one of the most polluted areas globally, with severe oil contamination affecting water sources, soil fertility, and biodiversity<sup>1</sup>. These challenges disproportionately affect the inhabitants of these local communities, making it difficult for Nigeria to balance economic growth with environmental protection. Achieving environmental justice in Nigeria remains an elusive goal. Corruption lies at the core of the relationship between oil companies and the government, creating a system where accountability is either absent or deliberately obstructed. Multinational oil companies often escape responsibility for their actions, either due to a lack of enforcement mechanisms or collusion with government officials. It is deeply troubling that Nigerian courts may issue fines or judgments against these companies, yet there is no one to ensure

compliance. In the rare instances where oil companies are held accountable, such cases are often litigated in foreign courts, such as those in Europe or the United States. This raises a critical question: must international courts continue to do the work Nigerian courts should be doing? And why do these companies consistently disregard Nigerian judicial systems?

A significant contributor to this injustice is the lack of education among the population about the dangers of environmental degradation. Many Nigerians are unaware of the far-reaching consequences of pollution or the importance of global initiatives like climate change mitigation and the Sustainable Development Goals (SDGs). Compounding this issue is the imbalance in development across states. While some states have made progress, others lag far behind, with inadequate infrastructure and a failure to adopt proper waste management practices. This inconsistency undermines collective efforts to address Nigeria's environmental challenges and perpetuates the cycle of environmental injustice.

International Environmental Law (IEL) provides a structured framework for addressing these issues. As Philippe Sands notes, IEL principles emphasize both preventive and remedial measures for environmental harm, making them essential tools for countries grappling with systemic pollution<sup>2</sup>. This essay examines how four pivotal IEL principles namely; Environmental Impact Assessment (EIA), the Principle of Prevention, the Precautionary Principle, and the Polluter-Pays Principle can be applied to tackle Nigeria's land-based pollution issues. These principles provide complementary approaches to mitigating environmental harm: proactive measures (Prevention and Precautionary Principles), accountability mechanisms (Polluter-Pays Principle), and informed decision-making (EIA).

The relevance of these principles extends beyond theoretical application, as they work in harmony with the United Nations Sustainable Development Goals (SDGs). Specifically, this essay focuses on:

SDG 6: Clean Water and Sanitation, which addresses the need to protect water sources from pollution. SDG 12: Responsible Consumption and Production, which highlights waste management and sustainable practices. SDG 13: Climate Action, emphasizing pollution prevention to mitigate climate impacts. SDG 15: Life on Land, focusing on ecosystem restoration and protection<sup>3</sup>.

These goals are distinctively relevant to Nigeria, where oil spills contaminate drinking water (SDG 6), poor waste management degrades ecosystems (SDG 12), and unchecked pollution contributes to climate change (SDG 13). By analysing these IEL principles, this essay aims to present practical recommendations for balancing Nigeria's policies with global standards while promoting sustainable development and intergenerational equity. These challenges, particularly in oil-producing regions, require critical action guided by international environmental law principles to address their root causes and consequences.

## Part 2

### Oil Spills and Pipeline Leaks

Oil spills and pipeline leaks are among the most significant contributors to land-based pollution in Nigeria, particularly in the Niger Delta. This region, known for its vast oil reserves, has suffered extensive environmental degradation due to the activities of multinational oil companies and poor infrastructure maintenance. According to UNEP's environmental assessment, oil spills in the Niger Delta have left devastating impacts on water sources, soil fertility, and biodiversity, with some areas requiring up to 30 years for full restoration<sup>4</sup>. This persistent pollution exacerbates socioeconomic issues, including displacement of communities, loss of livelihoods, and long-term health risks.

As a developing country, Nigeria faces unique challenges and conflict of interest in balancing its extreme economic reliance on fossil fuels with environmental protection. Petroleum accounts for approximately 90% of Nigeria's export earnings, making it a critical driver of the economy<sup>5</sup>. However, the environmental costs of this dependence are immense, with over 4,000 pipeline incidents reported annually<sup>6</sup> including pipeline spills, bursts, fires, and leakages. These challenges are further compounded by weak regulatory enforcement, corruption, and insufficient accountability mechanisms for polluters.

## Legal Framework

Nigeria's environmental laws aim to address the impacts of oil spills, with the Environmental Impact Assessment (EIA) Act and the Petroleum Industry Act (PIA) serving as key regulatory instruments. The EIA Act requires companies to assess the potential environmental impacts of their activities before starting operations<sup>7</sup>. However, its implementation has been criticized for being inconsistent and overly influenced by corporate interests. The PIA, passed in 2021, includes provisions for environmental protection and the establishment of host community development trusts to mitigate the social impacts of oil production<sup>8</sup>. Despite these measures, enforcement of the relevant environmental protection laws stays weak, leading to recurring pollution incidents.

The impact of oil spills and pipeline leaks on the Niger Delta region has been devastating, leaving a permanent scar on its people and environment. Once a region of abundant natural resources, where communities thrived through fishing and farming, the Niger Delta has now become a symbol of environmental degradation and injustice. Oil spills have destroyed aquatic ecosystems, killed fish, and rendered farmlands infertile, stripping the people of their primary sources of livelihood. Entire communities have been displaced, forced to move elsewhere to escape the health and economic consequences of this environmental disaster.

The situation is worsened by the government's complacency and its close ties to multinational oil companies. Corruption lies at the heart of this crisis. How can justice be served when the government either colludes with oil companies or simply fails to enforce the law? Courts may fine these companies, but judgments often remain unenforced. It is no surprise that successful environmental cases, like *Gbemre v. Shell Petroleum Development Company Ltd* or *Oronto Douglas v. Shell*, have been litigated outside Nigeria, in Europe or the United States. This raises the troubling question: must international courts continue to step in to do the work of Nigerian courts? And why do these companies so readily ignore the authority of Nigerian courts? The answer lies in a broken system, where justice for environmental crimes is almost non-existent.

The government's initiatives, such as the Hydrocarbon Pollution Remediation Project (HYPREP), offer little hope. Launched to clean up Ogoni land under the Federal Ministry of Environment, HYPREP has been marred by allegations of fund diversion and inefficiency. Years after its establishment, much of the promised remediation work remains undone. Meanwhile, oil wells in Ogoni land continue to leak, polluting the environment and endangering lives. People from the region have spoken about ongoing health issues and the difficulty of accessing clean water, a necessity that has been denied to them for decades.

This environmental catastrophe stems not only from oil spills but also from gas flaring, which has turned cities like Port Harcourt into health hazards. Black soot from flaring settles on homes and fills the air, causing respiratory illnesses and leaving the city in a state of perpetual pollution. Imagine living in a place where touching your windows reveals layers of soot—a constant reminder of the destruction caused by oil extraction.

What makes this situation even more disheartening is the lack of public awareness about the long-term consequences of environmental degradation. Many Nigerians do not fully understand the hazards of pollution or the concept of sustainable development. Without this knowledge, there is little pressure on the government or corporations to act. The imbalance in development across states only worsens the issue, as wealthier regions may have the resources to address waste and pollution, while poorer states are left to withstand the worst of environmental harm.

At the root of this crisis is the prioritization of economic interests over human and environmental well-being. The government benefits financially from oil exploration, yet it ignores the suffering of its citizens. The absence of specialized environmental courts further compounds the problem. For a country as plagued by environmental challenges as Nigeria, the establishment of such courts should be a priority, yet it remains absent from the government's agenda.

The Niger Delta is a tragic example of what happens when accountability and foresight are abandoned. It did not have to be this way. When oil was first discovered in Oloibiri, Bayelsa State, the people celebrated, not knowing the long-term cost of this so-called blessing. They were misled, thinking that the oil companies were bringing prosperity, not destruction. Today, those celebrations feel like an irony as the region struggles to recover from decades of exploitation and neglect. Unless real change is implemented, the people of the Niger Delta will continue to pay the price for a resource that should have brought them prosperity.

### **Application of IEL Principles**

**Polluter-Pays Principle** - The Polluter-Pays Principle looks to hold polluters financially accountable for environmental damage. In Nigeria, this principle has been inconsistently applied, often due to the dominance of multinational corporations in the oil industry and the complacency of the government. For instance, in *Gbemre v. Shell Petroleum Development Company Ltd* (2005), the Federal High Court held Shell accountable for violating the constitutional right to a clean environment<sup>9</sup>. However, the enforcement of this judgment and similar rulings has been hampered by delays and insufficient regulatory oversight. Comparative examples from other jurisdictions, such as the EU Environmental Liability Directive, show how stronger enforcement mechanisms can compel corporations to internalize the costs of environmental damage<sup>10</sup>. Nigeria could receive help from adopting similar approaches, ensuring that oil companies bear the costs of cleanup and restoration.

**Prevention Principle** - The Prevention Principle emphasizes taking proactive measures to avoid environmental harm. This principle is particularly relevant in addressing pipeline leaks, which are often caused by poor maintenance and sabotage. The PIA includes provisions for pipeline monitoring, but implementation is still inadequate due to resource constraints<sup>11</sup>. Proactive measures such as regular pipeline inspections, enhanced security measures, and stricter penalties for negligence could significantly reduce the frequency of leaks.

### **Case Studies**

Two landmark cases illustrate the application of IEL principles to oil spills in Nigeria:

*Gbemre v. Shell Petroleum Development Company Ltd* (2005): This case showed the constitutional right to a clean environment under Section 20 of the 1999 Constitution. The court held Shell accountable for environmental damage caused by gas flaring and oil spills<sup>12</sup>.

Oronto Douglas v. Shell Petroleum Development Company (1999): In this case, the court addressed Shell's failure to conduct adequate environmental impact assessments before commencing operations, highlighting the importance of the EIA Act<sup>13</sup>.

### Link to SDGs

Addressing oil spills and pipeline leaks is closely tied to achieving multiple Sustainable Development Goals (SDGs). For instance, mitigating oil pollution aligns with SDG 6 (Clean Water and Sanitation) by ensuring that affected communities regain access to safe and clean water. Similarly, tackling gas flaring and oil spills contributes to SDG 13 (Climate Action) by reducing greenhouse gas emissions and mitigating the impacts of climate change. Moreover, restoring polluted farmlands and rivers directly supports SDG 15 (Life on Land), as it safeguards terrestrial and aquatic ecosystems from further degradation.

The persistent pollution in the Niger Delta not only violates the principles of clean water and sustainable development but also highlights the stark reality of environmental injustice. Residents are forced to live without access to clean drinking water, relying on alternatives like sachet water for basic needs. This dire situation underscores the urgent need to achieve SDG 6 (Clean Water and Sanitation) and SDG 15 (Life on Land), ensuring that communities can reclaim their livelihoods and live in a healthier, more sustainable environment.

By integrating these goals into its environmental policies, Nigeria can create a sustainable pathway that prioritizes both the well-being of its people and the preservation of its natural resources.

## Part 3

### Solid Waste Pollution

Solid waste pollution is a growing environmental concern in Nigeria, particularly in its rapidly urbanizing cities, such as Lagos, Abuja, and Port Harcourt. Urbanization, population growth, and industrial expansion have led to an increase in waste generation without corresponding advancements in waste management infrastructure<sup>14</sup>. It is estimated that Nigeria produces about 32 million tons of solid waste annually, with Lagos alone accounting for over 13,000 tons per day<sup>15</sup>. Lagos State, for example, has been at the forefront of waste management initiatives. Through the Lagos State Waste Management Agency (LAWMA), the state has implemented systems for waste collection, disposal, and even limited recycling efforts. LAWMA has sublet its franchise to private operators, who manage aspects of waste pickup and disposal, offering a glimpse of structured waste management in a densely populated city. Recycling centers have also been established to handle materials such as plastics, glass, and cans. However, despite these efforts, there is still much room for improvement.

Lagos faces significant constraints, including funding shortages and a lack of public education about waste management. These challenges are especially apparent when moving from the well-maintained urban centers of Lagos to its outskirts, where improper waste disposal practices are rampant. In many other Nigerian states, the situation is even more dire. For example, in Ogun and Oyo states, there is a prevalent culture of indiscriminately disposing of waste into storm water during rainfall. This not only blocks drainage systems but also exacerbates flooding and water pollution. During my time in Ibadan, Oyo State, I observed first hand how many people avoid paying for waste collection services, opting instead to dispose of their waste in running water or on streets. Such practices highlight a pervasive lack of awareness about the environmental hazards of poor waste management.

The government must intensify efforts to educate the populace on the dangers of improper waste disposal and the benefits of sustainable waste management. In many parts of Nigeria, individuals discard waste carelessly by throwing it out of moving vehicles or leaving it on streets thereby contributing to widespread environmental degradation. This behaviour is rooted in a lack of accountability and understanding of the broader impacts of pollution.

Improper waste disposal also contributes to Nigeria's growing flooding crisis, particularly in Lagos. Torrential rains often lead to blocked drainage systems, causing widespread flooding in urban areas. A prime example is the Olusosun landfill in Ojota, Lagos, one of the largest waste sites in the country. Located within the city rather than on its outskirts, the landfill is a stark symbol of poor waste management infrastructure. The smell emanating from the site is unbearable and poses serious health risks to nearby residents. Such facilities are not only environmental hazards but also a reminder of the government's failure to adopt global best practices in waste management. In advanced countries, landfills are typically located far from city centers, and efforts are made to minimize their impact on surrounding communities.

The application of international environmental law principles could help Nigeria address these challenges. The precautionary principle encourages proactive measures to prevent harm before it occurs, such as developing effective waste disposal systems and educating the public about sustainable practices. Similarly, the prevention principle emphasizes the need for structured policies to ensure waste is properly disposed of, thereby avoiding further environmental degradation.

Addressing solid waste pollution also aligns with several Sustainable Development Goals (SDGs). For instance, SDG 12 (Responsible Consumption and Production) advocates for sustainable waste management practices that reduce environmental harm and promote resource efficiency. SDG 6 (Clean Water and Sanitation) is equally relevant, as improper waste disposal contaminates water bodies, depriving communities of clean drinking water. Furthermore, SDG 13 (Climate Action) calls for efforts to mitigate the contribution of waste to global warming. In Nigeria, open dumping and burning of waste release harmful greenhouse gases, exacerbating climate change. Improved waste management systems could significantly reduce these emissions while creating healthier urban environments.

Nigeria has a long way to go in tackling solid waste pollution effectively. While Lagos has made commendable progress, it must expand its efforts to include less urbanized regions and ensure that waste management policies are accessible and enforceable nationwide. Public education campaigns, government funding, and stricter enforcement mechanisms are crucial to achieving sustainable waste management. Both the government and the people have a role to play in fostering a culture of responsibility and accountability for the environment. Unfortunately, only a fraction of this waste is responsibly managed, while the rest contributes to illegal dumping, open burning, and pollution of land and water<sup>16</sup>.

These mismanagement practices have far-reaching consequences, including soil degradation, groundwater contamination, and severe health risks such as respiratory illnesses and waterborne diseases<sup>17</sup>. Contaminated water sources, for instance, contribute to high rates of diseases like cholera and typhoid fever in Lagos, where waste accumulates near informal settlements<sup>18</sup>. The vulnerability of Nigeria as a developing country is further exacerbated by inadequate funding, poor policy implementation, and lack of public awareness about sustainable waste disposal<sup>19</sup>.

Challenges of Solid Waste Management in Nigeria - Nigeria faces several systemic challenges in addressing solid waste pollution, such as:

**Inadequate Infrastructure:** Most cities lack modern waste treatment facilities, relying instead on open dump sites that worsen environmental hazards. For example, the Olusosun landfill in Ojota, Lagos is notorious for its hazardous environmental impacts, including air and water pollution<sup>20</sup>.

**Weak Legal Enforcement:** Although Nigeria has established laws such as the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, enforcement remains inconsistent due to limited resources and corruption<sup>21</sup>.

**Limited Public Awareness:** Many communities lack knowledge about proper waste management practices, leading to indiscriminate disposal and burning of waste.<sup>22</sup>

## Legal Framework

Nigeria's efforts to regulate waste management are anchored in the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, which provides guidelines for pollution control<sup>23</sup>. Additionally, state-level policies, such as the Lagos State Waste Management Authority (LAWMA) regulations, aim to enhance waste collection and recycling. However, these frameworks are hampered by weak institutional ability, insufficient funding, and poor inter-agency coordination.<sup>24</sup>

## Application of IEL Principles

**Precautionary Principle:** The Precautionary Principle underscores the need to prevent environmental harm even when scientific certainty about its full impacts is lacking. In Nigeria, the principle could be applied by adopting proactive strategies such as:

Promoting waste reduction initiatives at the source by encouraging businesses to adopt sustainable packaging and production processes. Introducing incentives for recycling and composting programs. For example, community-based recycling programs in cities like Abuja and Lagos have demonstrated the potential to reduce waste volumes while creating economic opportunities.<sup>25</sup>

**Prevention Principle:** The Prevention Principle emphasizes the importance of minimizing waste generation and ensuring safe disposal practices. Nigeria can adopt stricter regulations to reduce reliance on open dump sites and enforce compliance with modern waste disposal standards. Policy-driven interventions, such as expanding recycling infrastructure and penalizing illegal waste dumping, are essential.<sup>26</sup>

## Link to SDGs

Addressing solid waste pollution is consistent with SDG 12 (Responsible Consumption and Production), which aims to promote sustainable waste management and reduce environmental harm. By implementing effective waste management systems, Nigeria can also contribute to SDG 6 (Clean Water and Sanitation) by protecting water sources from contamination caused by improper waste disposal. Furthermore, reducing reliance on open dump sites can help mitigate methane emissions, corresponding with SDG 13 (Climate Action) by minimizing the contribution of waste to global warming.<sup>27</sup>

## Conclusion

Solid waste pollution presents a pressing challenge for Nigeria's cities, threatening environmental and public health. While laws such as the NESREA Act provide a framework for addressing these issues, their success depends on robust enforcement, public awareness campaigns, and international collaboration. Developing robust recycling systems could also generate green jobs, stimulate local economies, and alleviate poverty, integrating seamlessly with both environmental and socioeconomic objectives<sup>28</sup>. By

integrating international environmental law principles, particularly the Precautionary and Prevention Principles, Nigeria can reduce waste-related pollution and achieve its sustainable development goals while safeguarding the environment for future generations.<sup>29</sup>

## Part 4

### Applying International Environmental Law Principles to Nigeria as a Developing Country

Nigeria, as a developing country, faces unique challenges in addressing land-based pollution due to its economic reliance on fossil fuels, limited resources, and weak institutional frameworks. While international environmental law (IEL) provides valuable principles to mitigate pollution, their effective application requires adaptation to Nigeria's specific context. This section explores how the Polluter-Pays Principle, Prevention Principle, and Precautionary Principle can be practically implemented in Nigeria, alongside opportunities for regional and international collaboration.

#### Polluter-Pays Principle

The Polluter-Pays Principle (PPP) holds polluters accountable for the environmental harm they cause, requiring them to bear the costs of cleanup and compensation. While this principle is included in Nigerian law, enforcement has been inconsistent due to the influence of powerful multinational oil companies and weak governance structures.<sup>30</sup> For instance, in *Gbemre v. Shell Petroleum Development Company Ltd* (2005), the court held Shell liable for environmental damage caused by gas flaring and oil spills.<sup>31</sup> However, delays in enforcement and lack of transparency in regulatory agencies, such as NOSDRA, have hindered the practical implementation of such rulings.<sup>32</sup>

Comparatively, the European Union's Environmental Liability Directive provides an example of the effective application of PPP, where corporations are legally obligated to prevent and remediate environmental damage.<sup>33</sup> Nigeria could adopt similar measures by:

Strengthening regulatory agencies such as the Nigerian National Oil Spill Detection and Response Agency (NOSDRA).

Introducing financial penalties and tax incentives to encourage compliance with environmental laws.

Supporting community-led monitoring initiatives to ensure corporate accountability and transparency.<sup>34</sup>

A regional example is Kenya's partnership with UNEP to establish environmental monitoring programs, which empowered the country to better enforce polluter-pays obligations. Similar collaborations could help Nigeria develop a more robust framework for holding corporations accountable.<sup>35</sup>

#### Prevention Principle

The Prevention Principle emphasizes proactive measures to prevent environmental harm before it occurs. In Nigeria, this principle is especially relevant to pipeline leaks and waste mismanagement, which are often caused by poor maintenance and regulatory oversight.<sup>36</sup> The Petroleum Industry Act (PIA) includes provisions for pipeline monitoring and environmental restoration funds, but these measures require stronger enforcement.<sup>37</sup>

To enhance the application of the Prevention Principle, Nigeria could adopt the following strategies:

1. Improve pipeline integrity and waste treatment facilities to reduce incidents of leaks and pollution.
2. Update existing environmental laws to align with international best practices, such as mandatory risk assessments and contingency plans.
3. Use real-time monitoring systems and data analytics to show potential leaks and waste management failures.<sup>38</sup>

## Precautionary Principle

The Precautionary Principle is particularly relevant in managing the risks associated with oil spills and hazardous waste disposal in Nigeria, where long-term impacts are not always immediately evident.<sup>39</sup> For example, contamination from oil spills often leads to generational health issues and irreversible ecosystem damage.<sup>40</sup>

### Applying the Precautionary Principle in Nigeria could involve:

Setting up early-warning systems for pipeline leaks and waste management failures.

Promoting research and development to better understand the long-term impacts of pollution in the Niger Delta.<sup>41</sup>

Developing pollution insurance schemes to fund cleanup efforts and compensate affected communities.<sup>42</sup>

Countries like Ghana have successfully implemented early-warning systems in collaboration with UNEP to watch environmental risks. Nigeria could replicate this model to prevent pipeline disasters and improve preparedness for waste-related pollution.<sup>43</sup>

## Regional and International Frameworks

**African Charter on Human and Peoples' Rights (ACHPR):** The ACHPR recognizes the right to a healthy environment and obligates member states, including Nigeria, to prevent environmental degradation.<sup>44</sup> Aligning domestic policies with ACHPR standards could improve enforcement and accountability.

**International Collaboration:** Partnerships with organizations such as the United Nations Environment Programme (UNEP) and the World Bank could provide technical assistance, funding, and capacity-building to improve environmental governance.<sup>45</sup>

**Technology Transfer:** Access to advanced waste management and pollution control technologies from developed countries can enhance Nigeria's ability to meet IEL standards.<sup>46</sup>

For instance, UNEP's intervention in the Ogoniland cleanup demonstrates how technical and financial support can address systemic environmental pollution. Expanding such collaborations to include funding for pipeline monitoring and waste treatment could significantly improve Nigeria's environmental governance.<sup>47</sup>

## Link to SDGs

The application of IEL principles aligns with Nigeria's commitments to the Sustainable Development Goals (SDGs):

SDG 13 (Climate Action): Preventing pipeline leaks and waste mismanagement reduces greenhouse gas emissions, contributing to climate change mitigation.<sup>48</sup> Methane emissions from pipeline leaks, for example, are a significant contributor to global warming.

SDG 6 (Clean Water and Sanitation): Proactively addressing oil spills protects water sources from contamination, ensuring access to clean water for affected communities.<sup>49</sup>

SDG 12 (Responsible Consumption and Production): Implementing waste reduction and recycling initiatives promotes sustainable practices.<sup>50</sup>

By addressing these goals, Nigeria can create a framework for sustainable development that balances environmental protection with economic growth.

## Conclusion

Applying IEL principles in Nigeria requires a combination of legal reform, infrastructure investment, and international collaboration. While challenges such as weak governance and limited resources persist, leveraging regional frameworks like the ACHPR and global partnerships can strengthen enforcement mechanisms and balance Nigeria's policies with international standards. Countries like Kenya and Ghana demonstrate that effective partnerships with UNEP and other organizations can empower developing nations to implement IEL principles successfully. By integrating the Polluter-Pays, Prevention, and Precautionary Principles, Nigeria has an opportunity not only to address its land-based pollution challenges but also to serve as a model for other developing countries striving for sustainable development and intergenerational equity.

## Part 5

### Recommendations and Conclusion

Recommendations - To effectively combat land-based pollution in Nigeria and harmonize with international environmental law (IEL) principles, a multifaceted approach is essential. This part outlines actionable recommendations, addressing policy reform, institutional strengthening, international collaboration, and community involvement:

**Strengthen Domestic Legal Frameworks:** Update existing laws, to align with international best practices. Introduce mandatory risk assessments for industries engaged in high-risk activities, such as oil exploration and waste management.<sup>51</sup>

**Enhance Enforcement Mechanisms:** Allocate increased funding to regulatory agencies like NOSDRA and NESREA to improve their capacity for monitoring and enforcement.<sup>52</sup>

**Promote International Collaboration:** Partner with organizations like the United Nations Environment Programme (UNEP) and the World Bank to secure technical and financial assistance for pollution prevention initiatives.<sup>53</sup> Leverage technology transfer agreements to access advanced waste management and pollution control systems.<sup>54</sup> For example, UNEP's work in Ghana to implement early-warning systems for oil spill monitoring could serve as a model for Nigeria.<sup>55</sup>

**Incentivize Sustainable Practices:** Implement tax breaks and subsidies for corporations that adopt sustainable practices, such as recycling, waste reduction, and eco-friendly technologies.<sup>56</sup> Introduce financial penalties for companies that fail to comply with environmental laws, ensuring adherence to the Polluter-Pays Principle.<sup>57</sup>

Engage Local Communities and Civil Society Organizations (CSOs): Foster community-led monitoring programs to identify and report environmental hazards, particularly in vulnerable regions like the Niger Delta.<sup>58</sup>

Integrate Environmental Education: Introduce environmental education programs at all levels of the Nigerian education system to promote a culture of sustainability and environmental stewardship.<sup>59</sup>

Regional Partnerships: Collaborate with ECOWAS member states to develop shared strategies for transboundary environmental challenges, such as oil spill monitoring and waste management.<sup>60</sup>

## Conclusion

Nigeria faces significant challenges in addressing land-based pollution, worsened by its reliance on fossil fuels and weak enforcement of environmental laws. However, by effectively applying international environmental law principles, Nigeria can develop a robust framework to combat pollution while achieving sustainable development.<sup>61</sup>

In line with the United Nations Sustainable Development Goals (SDGs), particularly SDGs 6 (Clean Water and Sanitation), 12 (Responsible Consumption and Production), and 13 (Climate Action), provides a roadmap for integrating environmental protection with economic growth.<sup>62</sup> Reducing oil spills, pipeline leaks, and waste mismanagement will not only mitigate environmental degradation but also improve public health, create green jobs, and contribute to climate resilience.<sup>63</sup>

Regional and international collaborations, such as partnerships with UNEP and adherence to the African Charter on Human and Peoples' Rights, offer opportunities to strengthen institutional ability, access funding, and adopt best practices.<sup>64</sup> Expanding such collaborations to include ECOWAS member states can enhance regional cooperation, addressing shared environmental challenges across borders.<sup>65</sup>

Furthermore, empowering local communities and fostering public awareness is crucial for ensuring long-term success.<sup>66</sup> Investing in recycling facilities and renewable energy infrastructure could generate thousands of jobs while attracting environmentally conscious investors, demonstrating the economic potential of sustainable practices.<sup>67</sup>

By implementing these recommendations, Nigeria has the prospect to become a model for developing countries striving to balance economic growth with environmental sustainability. Emphasizing intergenerational equity and sustainable development will ensure that future generations inherit a healthy environment while enjoying the benefits of a thriving economy.<sup>68</sup> With these measures, Nigeria can emerge as a leader in global environmental governance, influencing policy and fostering collaboration on the international stage.<sup>69</sup>

## BIBLIOGRAPHY

### Table of Cases

Gbemre v Shell Petroleum Development Company Ltd [2005] FHC/B/CS/53. Oronto Douglas v Shell Petroleum Development Company [1999] Suit No. FHC/L/CS/573/97.

## Legislation

Constitution of the Federal Republic of Nigeria 1999, s 20. Environmental Impact Assessment Act 1992 (Nigeria). Petroleum Industry Act 2021 (Nigeria). National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007 (Nigeria).

## Books

Philippe Sands and Jacqueline Peel, Principles of International Environmental Law (4th edn, Cambridge University Press 2018).

## Journal Articles

UNEP, 'Environmental Assessment of Ogoniland' (2011).

## Online Sources

United Nations Sustainable Development Goals, 'Goal 6: Clean Water and Sanitation' <https://sdgs.un.org/goals/goal6> accessed 26 December 2024.

United Nations Sustainable Development Goals, 'Goal 12: Responsible Consumption and Production' <https://sdgs.un.org/goals/goal12> accessed 26 December 2024.

United Nations Sustainable Development Goals, 'Goal 13: Climate Action' <https://sdgs.un.org/goals/goal13> accessed 26 December 2024.

United Nations Sustainable Development Goals, 'Goal 15: Life on Land' <https://sdgs.un.org/goals/goal15> accessed 26 December 2024.

## Additional Sources Referenced

UNEP, 'Progress Report on Ogoniland Cleanup' <https://www.unep.org> accessed 26 December 2024.

Lagos State Waste Management Authority (LAWMA), 'Recycling Initiatives in Lagos' <https://lawma.gov.ng> accessed 26 December 2024.

