

## THE ROLE OF GOVERNMENT INSTITUTIONS IN MANAGING THE ENVIRONMENT IN NIGERIA: POLICY AND GOVERNANCE REVIEW

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**ABSTRACT.** *Environmental protection starts with individuals, groups, and communities at large. The government at its level formulates, regulates, and enforces laws and policies governing environmental protection as well as the punishment of violators through designated legal institutions. The aim of this review is to examine the role of environmental institutions in protecting the environment in Nigeria. The findings revealed that national policies for the protection of the environment came into existence only in 1991. This study employed literature review and combed through articles published from 2000 to 2022 in the contexts of Nigeria. The objective of this study is to highlight the role that environmental institutions play in managing the environment in Nigeria. There are numerous environmental challenges in Nigeria, including air pollution, water pollution, lead poisoning, poor waste management, deforestation, desertification, wind erosion, and flooding, all of which have harmed the environment and the population. National policies for the sustainable use of the environment include the National Environmental Policy, National Policy on Climate Change, Environmental Impact Assessment Act, Endangered Species (Control of International Trade and Traffic) Act, and the National Drought Plan. The national regulatory bodies include the National Environmental Standards and Regulations Enforcement Agency; the National Oil Spill Detection and Response Agency; the Federal Ministry of Environment; the Directorate of Petroleum Resources; the Nigerian Nuclear Regulatory Authority; the Federal Ministry of Water Resources; and the National Oil Spill Detection and Response Agency, among others. The study recommends that the government strengthens the national policies, laws, and regulations on the environment to meet the challenges of the 21<sup>st</sup> century, strengthens the capacity of environmental law enforcement personnel, and provides necessary logistics to aid in executing their functions. Governments should inject more funds into environmental protection and stakeholder engagement.*

**KEYWORDS:** Environment, Law, Policy, Governance, Nigeria

## INTRODUCTION

The first global environmental conference, held in Stockholm in 1972, set in motion three decades of debate, negotiation, and ratification of a slew of international environmental treaties (Najam et al., 2006). This has given rise to environmental concern globally and the emergence of policies related to the environment and governance institutions at international, national and local levels. According to Elenwo and Akankali (2014), environmental policy is a commitment to environmental laws, regulations, and other policy mechanisms. The environment has undergone numerous changes and modifications over the years because of economic, political, and environmental forces, to the point where the pattern of its epigenetic trend can no longer be used with high precision in predicting the near future (Oruonye and Ahmed, 2020). The effects of pollution on water, air, and land are just a few examples of a broader range of environmental issues (Elenwo and Akankali, 2014). Environmental governance is the ongoing process of making interactive decisions on international and national environmental matters. It encompasses institutions and organisations and legally binding agreements, policy instruments, and procedures that govern environmental protection (United Nations Environment Programme, 2017). Environmental and economic policies are crucial in designing a sustainable environment (Young, 2003). This can be achieved with more general improvement of institutions to ensure that policies are implemented and monitored effectively (Dasgupta et al., 2016). Institutions, specifically environmental management institutions, are prominently placed in an effort to understand the causes of environmental problems and devise solutions that have a reasonable chance of success (Young, 2003).

Efficient governance, as well as enabling legal and regulatory frameworks, are the foundations of good governance for environmental management, allowing governments at all levels to initiate and enforce critical environmental protection measures. It is now widely acknowledged that both economic development and environmental protection are critical for achieving environmental management goals. The emphasis has shifted to institutional mechanisms aimed at promoting a balance between the environment and development (Okafor-Yarwood, 2018; Roos et al., 2020).

Nigeria has a rich natural resource heritage spread across its various climatic belts. This includes mangrove swamps and wetlands in the coastal region and the Niger Delta, the lowland tropical rain forests of the south, the middle belt savannah grasslands, and the northern Sahel and semidesert vegetation zone. These belts are interspersed with scenic and wildlife resources, and they have much potential for tourism development. Furthermore, Nigeria has abundant reserves of the following mineral resources: crude oil and gas, coal, tin, gold, iron ore, and various other earth minerals and vast land for agriculture (Oluwaseyi, 2017; Omotehinse & Ako, 2019).

Human activities and natural disasters pose an increasing threat to Nigeria's environment. There are already some concerning environmental issues, as well as visible scars associated with the destruction of the natural resource base (land, water, and air) on which all life depends. The country's large population of approximately 200 million people, as well as its rapid growth rate of 2.8%, contribute to environmental degradation (FME, 2016). Nigeria established its first national environmental policy in 1991. It was revised in 1999 and in 2016 to reflect emerging environmental issues and concerns. Thus, these national policies and programs on the environment aim to establish a new holistic framework to guide the country's management of the environment and natural resources (FME, 2016; Akamabe and Kpae., 2017). In addition to the existing draft policy

documents, there were a lot of policies and regulations guiding the use of the environment in Nigeria. The fundamental obligation to protect the environment is stated in Section 20 of the Constitution of the Federal Republic of Nigeria 1999, which states that the "State shall protect and improve the environment and safeguard the water, air, and land, forest and wild life of Nigeria" Furthermore, Nigeria is a signatory to a number of international treaties and conventions governing environmental issues (Kankara, 2013; FME, 2016; Ifesinachi, 2018). Therefore, the objective of this paper is to examine the role of environmental institutions in achieving a sustainable environment in Nigeria. Therefore, this study attempts to highlight the latest trends in environmental policy and governance and the role they play in ensuring a sustainable environment in Nigeria. The objective of this study is to highlight the role of environmental institutions in environmental management in Nigeria. Policy strategies and strengthening institutions for sustainable development based on the identified gaps in the current policies and governance to manage the environment were part of the recommendation.

### METHODOLOGY

The study focuses on the linkages between environmental institutions, policy and governance and explore their functions in environmental management in Nigeria. To achieve these, a substantial literature review was carried out for up to date information on environmental laws and policies in Nigeria.

The bulk of literatures were obtained from sophisticated databases: science direct from Elsevier, Web of science, google scholar, and research gate. The study use keywords such as “environmental law”, “environmental policies”, “environmental regulations”, “environmental ethic” in combination with search strings, Nigeria, etc.

Based on the objective of the research, titles and abstracts of the retrieved literature were screened and evaluated and selected the best that fits the objective of the review. Therefore, out of 100 literature retrieved, 23 were retained after exclusion of duplicate and articles that are not relevant. The selection criteria indicate that articles must be written in English and between 2000-2022 to obtain recent information. The review considered both qualitative and quantitative studies and prioritize on the role of environmental institutions in environmental management in Nigeria.

**Table 1.** Criteria for Document Inclusion and Exclusion

| Inclusion   | Exclusion  |
|---|--|
| Phase 1: keyword search   |  |
| English articles  | Non-English articles                                     |
| 2000-2022 peer review articles  | Pre 2000 and after 2022                                  |
| Review and articles   | Non-peer review articles (meetings, editorial, abstract) |
| Phase 2: title and abstract review and full-text review where necessary |  |
| Environmental policy  | Environmental planning                                   |
| Environmental law   | Environmental vulnerability                              |
| Environmental regulations   | Environmental disaster                                   |

Berrang-Ford et al. (2011)

## Synopsis of Policies, Laws and Regulations on the Environment in Nigeria

National policies, laws and regulations on the environment emerged in 1991, a few years after the Koko pollution incident. In 1988, Italian businesspeople illegally dumped over 2000 hazardous waste drums, sacks, and containers in a small fishing village in southern Nigeria. The dealer claimed that the waste was fertiliser that would benefit poor farmers, but it turned out to be a nightmare. A few months later, the containers began to leak, causing stomach upset, headaches, failing vision, and death in the surrounding community. The area around the dumpsite became inhabitable, and over 500 people were evacuated. People in the Koko village still remember this accident as the ‘drums of death’ (United Nations, 2018).

The policies/laws for the sustainable use of the environment at the national level include; the National Policy on Environment; Environmental Impact Assessment Act (Cap E12 LFN 2004); National Drought Plan; National Water Policy; Harmful Waste (Special Criminal Provisions Act (Cap H1 LFN 2004); Endangered Species (Control of International Trade and Traffic) Act (Cap E9 LFN 2004); National Oil Spill, Detection and Response Agency Act 2006 (NOSDRA); National Park Services Act (Cap N65 LFN 2004); Nigerian Minerals and Mining Act 2007; Water Resources Act (Cap W2 LFN 2004); Hydrocarbon Oil Refineries Act; Associated Gas re-injection Act; Nuclear Safety and Radiation Protection Act; Oil In Navigable Waters Act, National Erosion and Flood Control Policy; National Renewable Energy Efficiency (NREE) 2015, Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) 2002; National Policy on Climate Change; Sea Fisheries Act; Exclusive Economic Zone Act; Oil Pipelines Act; Petroleum Act; Petroleum Products and Distribution (Management Board) Act; Territorial Waters Act; Nuclear Safety and Radiation Protection Act; Nigerian Mining Corporation Act; Quarantine Act; River Basins Development Authority Act; Pest Control of Production (special powers) Act; Agricultural (Control of Importation) Act; Animal Diseases (control) Act; Bees (Impact Control and Management) Act; Civil Aviation Act; Factories Act; Water Resources Act; Hides and Skins Act; Federal National Park Act; Niger-Delta Development Commission (NDDC) Act e.t.c. (Akinwumi et al., 2001; Nicholas et al., 2016; Wonah, 2017; Efobi et al., 2018; Aye & Wingate, 2019). In addition, each of the 36 states in the federation of Nigeria has its own environmental protection agencies (Ejide et al., 2017). These policies act as important checks and balances in environmental management, planning and decision-making and works to protect Nigeria's land, air, water, and soil. These policies also prevent, reduce, remedy, and punish actions that endanger or harm the environment and its inhabitants. In addition, the policies ensure sustainable use of the environment to meet the need of present and future generations.

Table 1: Summary of some policies/laws/regulations related to environment in Nigeria.

| Policies/law/ regulations     | Objective   | Expected outcome  |
|-------------------------------|---|---|
| National Environmental Policy | To ensure environmental protection and the conservation of natural resources for sustainable development. | Promote coordination of environmental protection, natural resources conservation, and securing a quality environment for good health and economic prosperity. |

|   |  |   |
|---|--|---|
| National Policy on Climate change   | Strengthen national capacity to adapt to climate change  | Strengthen resilience and adaptation to climate change.   |
| Environmental Impact Assessment Act (Cap E12 LFN 2004)                                | To set out the general principles, procedures, and methods of environmental impact assessment in various sectors.  | Ensure in-depth assessment of the potential impacts, whether positive or negative, of a proposed project on the natural environment.  |
| Endangered Species (Control of International Trade and Traffic) Act (Cap E9 LFN 2004) | To provide for the conservation and management of Nigeria's wild life and the protection of some of its endangered species in danger of extinction.  | Ensure regulation of hunting, trading of wild animals, export and import of specified species, penalties and forfeitures for violators.   |
| National Oil Spill, Detection and Response Agency Act 2006                            | To protect human life and the environment, minimize losses due to flooding and erosion and their effects on vulnerable areas by regulating land-disturbing activities and controlling accelerated soil erosion and flooding. | Ensure restrict or prohibit land disturbing activities/uses which are dangerous to health, safety, and property due to water induced erosion caused by increased flow velocity and volume/depth of surface run-off. |
| Nigeria Minerals & Mining Act 2007  | To guide the exploration of mineral resources and and protection environment.  | The law is expected to deal with possession of mining materials, small-scale mining and the protection of the interests of host communities, provide incentives for mining operations and define offences.          |
| Water Resources Act (Cap W2 LFN 2004)   | To protect, conserve, and control water resources for equitable and sustainable social and economic development and to maintain environmental integrity.   | Promote the optimum development, use and protection of water resources and ensuring authorized licenses for water users.  |

|   |   |   |
|---|---|---|
| Nigeria Flare Gas (Prevention of Waste & Pollution) Regulations 2018. | To reduce the social and environmental impact of gas flares.                                | Ensure to deal with gas flaring activities by oil and gas companies through regulation and legal permit.                            |
| National Drought Plan   | To provide an effective and systematic means of monitoring and assessing drought conditions | Enhance capacities of risk communities, reduce vulnerability and exposure to recurrent droughts, as well as monitoring of droughts. |

### **The Role of Institutions and Legislations for Environmental Protection in Nigeria**

The environmental governance in Nigeria is based on federal, state and local government laws. The legislature and executive arms of government work together in formulating laws and policies governing the use and management of the environment in Nigeria. Environmental non-governmental organisations (NGOs) play a critical role in bridging gaps by conducting research to aid policy development, building institutional capacity, and facilitating independent dialogue with civil society to help manage and protect the environment and people live in more sustainable ways.

#### ***The Environmental Bodies***

There are two types of environmental bodies in Nigeria. These include government and non-government environmental organisations. In Nigeria, both government and non-governmental organisations collaborate to ensure environmental protection.

The National regulatory bodies include: National Environmental Standards and Regulations Enforcement Agency (NESREA); National Oil Spill Detection and Response Agency; Federal Ministry of Environment; Directorate of Petroleum Resources (DPR); Nigerian Nuclear Regulatory Authority; Federal Ministry of Water Resources; National Oil Spill Detection and Response Agency (NOSDRA); National Biosafety Management Agency; Department of Climate Change; Energy Commission of Nigeria; Erosion, Floods and Coastal Zone Management; Department of Planning, Research and Statistics; drought and desertification agency. Others include environmental non-governmental organizations; civil society organisations (CSOs); state planning authorities; community-based organisations (CBOs); faith-based organisations (FBOs); non-governmental organizations (NGOs); international community and donor agencies. (Ejide et al., 2017). However, in the 36 states of the Federation and Federal Capital Territory have designated ministries and agencies responsible for environmental protection and management; for example, the Jigawa State Environmental Protection Agency (JISEPA) and the Lagos State Environmental Protection Agency (LASEPA), among others. The officers are authorised by law to search for and seize illegal items and arrest violators. Some of the offences include; discharge of untreated raw human waste into any public drain, gorge, or piece of land; and discharge of any type of oil, grease, spent oil, or manufacturing waste into any public drain, watercourse, gorge, or road verge (Ejidae et al., 2017). Some state governments, for example, have recently reinstated the monthly environmental sanitation exercise. Lagos, Oyo, Ebonyi, Kano, and Kebbi are among them. The reintroduction was made possible by passing environmental sanitation laws in various state legislatures.

**Table 2: Summary of government agencies related to environment their objectives and expected outcome in Nigeria**

| Ministry/Agency                                  |                                      | Objective   | Expected outcome   |
|--|--------------------------------------|---|--|
| Federal Environment                              | Ministry of                          | To ensure protection of land, air, vegetation and water for sustainable development   | Ensure a quality environment, promote sustainable use of natural resources, preserve biodiversity, ecosystem management, raise public awareness and promote understanding of the linkages between the environment.   |
| Federal Resources                                | Ministry of Water                    | To develop and implement policies, projects and programmes that will enable sustainable access to safe and sufficient water supply to meet the social, cultural, environmental and economic development needs of all Nigerians. | Ensure the nation's integrated water resources management contributes optimally to the socio-economic activities of the nation through comprehensive planning; facilitating and creating an enabling environment for integrated conservation.  |
| National Oil and Response Agency (NOSDRA).       | Spill, Detection and Response Agency | To monitor and regulate oil spills as well as coordinate, implement and review the National Oil Spill Contingency Plan for Nigeria  | Ensure the co-ordination and implementation of the Plan within Nigeria, including within 200 nautical miles of the baseline for which the breath of the territorial waters of Nigeria is measured; undertake surveillance, reporting, alerting, and other response activities as they relate to oil spillages. |
| National Standards Enforcement (NESREA) Act 2007 | Environmental Regulation Agency      | To ensure the protection and the development of the environment, biodiversity conservation and sustainable development of natural resources.  | Ensure compliance with laws, guidelines, policies, and standards on environmental matters. It also promotes coordination and liaises with stakeholders within and outside Nigeria on matters of environmental standards, regulations, and enforcement.   |

|                                  |   |   |
|----------------------------------|---|---|
| Department of Climate Change     | To provide a sustainable policy framework and enabling environment for climate change action (mitigation, adaptation and resilience) in Nigeria | Promote a sustainable policy framework and an enabling environment for climate change action in Nigeria and to regularly update information regarding national greenhouse gas emissions, mitigation options, vulnerability assessment and adaptation measures to the impacts of climate change. |
| Energy Commission Nigeria (ECN)  | To ensure adequate, reliable, cost-effective and sustainable energy supply for the nation's economic and sociopolitical development.            | Promote energy sector planning and policy implementation, promote the diversification of energy resources through the development and optimal utilization of all, including the introduction of new and alternative energy resources like solar, wind, biomass, and nuclear energy.             |
| National Management Agency, 2015 | Biosafety<br>To establish and strengthen the institutional arrangement on biosafety matters in Nigeria  | Develop a risk management plan and strategy for protecting human health, biological diversity, and the environment from potential risks and ensure compliance with the legal obligations of the act.  |

The Federal Ministry of the Environment monitors other ministries, implements government initiatives, monitors compliance with regulations, and provides secretariat services to higher bodies, acting as a link between the ministry and the overall policymaking body. The Ministries (Federal and State) also coordinate state and provincial activities in their respective domains. According to Osawe and Magnus (2016), environmental factors for governance include soil deterioration, climate change, biodiversity, water, wildlife, agriculture e.t.c. Institutions and agencies take preventive measures to ensure compliance with all applicable relevant legislation and licencing provisions, but the institutions/agencies will use their enforcement powers if voluntary compliance is not satisfactory. The enforcement strategies include; inspection, compliance monitoring, negotiation, legal action and prosecution, whereas some of the methods of enforcement include; permits and licences are issued, prohibition and enforcement notices are issued, changing the terms of a licence, in accordance with the "polluter pay" principle, permits and licences may be suspended or revoked, injunction and completion of corrective actions (Ejidae et al., 2017).

Oruonye and Ahmed (2020) observed that the government is oftentimes the primary violator of environmental policies and provisions. The authors further pointed out that the advantages of enforcing environmental regulations include creating new job opportunities, environmental protection, and environmental sustainability. Some of the challenges to effective environmental regulation compliance include outdated laws, high cost of environmental regulations, weak institutional capacity, poor governance, understaffing, insufficient funding and special interests, a plethora of legislation/conflicting laws, ignorance, and lack of the rule of law, to name a few.

In Nigeria, several environmental agencies have been established to protect the environment at all levels of government. These environmental agencies are established by the federal, state, or local governments to coordinate programmes geared at limiting pollution and safeguarding the environment. Despite that, Nigeria signed different international environmental treaties in safeguarding the environment in its effort to protect the environment. Therefore, the objectives of signing international environmental treaties are “to analyse or monitor the environment for misuse or degradation, conserve natural resources and the existing environment, and, where possible, repair damage and reverse the trend e.t.c” (Public Health Nigeria, 2022). Table 3 summarises some of the international environmental treaties and conventions to which Nigeria is a signatory.

**Table 3: Summary of the international treaty/convention ratified by Nigeria**

| Title of treaty or convention   | Year of signing | Year of enforcement |
|---|-----------------|---------------------|
| African Convention on the conservation of nature and natural resources  | 1968            | 1974                |
| Convention concerning the protection of the world cultural and natural heritage   | 1972            | 1975                |
| Convention on international trade in endangered species of wild fauna and flora (CITES)   | 1973            | 1987                |
| Vienna convention for the protection of Ozone layer and Montreal protocol on substances that deplete the ozone layer                              | 1985            | 1988                |
| Basel convention on the control of trans-boundary movement of hazardous wastes and their disposal   | 1990            | 1992                |
| Convention on the conservation of migratory species of wild animals   | 1979            | 1983                |
| United nations Framework convention on climate change   | 1992            | 1994                |
| Convention on Biological diversity (Rio conference)   | 1992            | 1993                |
| International convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa | 1994            | 1996                |
| Convention on wetlands of international importance especially as waterfowl habitat  | 1971            | 1975                |
| The Kyoto Protocol to the UN convention on climate change   | 1997            | 1997                |

Source: Urhobo Historical Society (2006) and Cunningham *et al.*, (2003).

## CONCLUSION

The environment is subject to changes as individuals and society progress. These changes might be positive or negative for the environment. Protection of the environment entails the formulation of laws and policies to guide the use of the environment. The study concludes that numerous policies govern the use of the environment in Nigeria, but they require amelioration. Therefore, the study recommends that emphasis should be given to national policies and laws related to environment to overcome the challenges of the rapidly changing environment and ensure law enforcement personnel are provided with necessary logistics to aid in the execution of their functions, governments should invest more funds in environmental protection, and the need to integrate all stakeholders is apparent.

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