



NATIONAL OPEN UNIVERSITY OF NIGERIA
14/16 AHMADU BELLO WAY, VICTORIA ISLAND, LAGOS
SCHOOL OF LAW
MARCH/APRIL 2014 EXAMINATION QUESTIONS

COURSECODE: LAW321
COURSE TITLE: ENVIRONMENTAL LAW I
TIME ALLOWED: 3 HOURS
INSTRUCTION: ANSWER FOUR QUESTIONS, [QUESTION 1 IS COMPULSORY]

1. MR. JEJELAIYE IS A VERY WELL-KNOWN PHILANTHROPIST WHO LIVES IN THE LANGBASA AREA OF AJAH IN LAGOS STATE AND HE HAS A FRIEND KNOWN AND CALLED MR. BAMIKU AND BOTH OF THEM HAVE LIVED IN THAT AREA FOR ALMOST 19 YEARS. ON THE EVE OF EASTER CELEBRATION IN THE YEAR 2013, THERE WAS AN HEAVY FLOODING OF THE LANGBASA TERRITORY AS OCCASIONED BY THE RIVER DREDGING ACTIVITIES OF THE USURPERS INTERNATIONAL ENGINEERING COMPANY. THE FLOODING DESTROYED NOT LESS THAN 100 BUILDINGS AMONG WHICH WAS MR. JEJELAIYE AND MR. BAMIKU'S HOUSE. MR BAMIKU HAS ELECTED TO MAINTAIN AN ACTION IN HIS PERSONAL CAPACITY AGAINST THE ENGINEERING COMPANY FOR THE DESTRUCTION OF HIS HOUSE AS OCCASIONED BY THE FLOOD. BUT ON THE CONTRARY, MR JEJELAIYE BY VIRTUE OF HIS PHILANTHROPIST PERSONALITY HAS DECIDED TO MAINTAIN AN ACTION ON BEHALF OF THE COMMUNITY BUT HE WAS ALMOST BEING DISCOURAGED WHEN THE SECRETARY OF THE COMMUNITY INFORMED HIM THAT HE NEEDED THE CONSENT OF THE ATTORNEY GENERAL TO MAINTAIN SUCH ACTION. YOU AS A STUDENT OF LAW JUST DISCOVERED THAT YOUR BROTHER WHO ALSO RESIDES IN THAT COMMUNITY HAD HIS HOUSE BADLY DESTROYED BY THE FLOOD AND ON YOUR SOLIDARITY VISIT TO HIM, HE TOLD YOU THE SITUATION ON GROUND AS REGARDS THE DECISIONS OF BOTH MR. BAMIKU AND MR. JEJELAYE AND HE HAS ASKED FOR YOUR VIEW AS REGARDS THE SITUATION PRESENTED. KINDLY ADVISE HIM AS TO THE PROPRIETY OF THE INTENDED ACTIONS OF BOTH PARTIES AND THEIR CHANCES OF SUCCESS FROM THE POINT OF VIEW OF THE LAW.
2. WRITE SHORT NOTES ON THE FOLLOWING:

- a. NEGLIGENCE
 - b. NUISANCE
 - c. PUBLIC NUISANCE
 - d. PRIVATE NUISANCE
3. THE HISTORY AND DEVELOPMENT OF LAW AND POLICIES ON ENVIRONMENTAL LAW AND PROTECTION IN NIGERIA OWES MUCH OF ITS GRATITUDE TO THE KOKO TOXIC WASTE DUMP SAGA. DISCUSS
 4. HIGHLIGHT AND DISCUSS IN FULL THE KNOWN SOURCES OF ENVIRONMENTAL LAW IN NIGERIA.
 5. THE 'LAW' AND THE 'ENVIRONMENT' ARE TWO DISTINCTIVE CONCEPTS WHICH HAVE NO MEDIUM BY WHICH A LINK CAN BE ESTABLISHED BETWEEN THEM. DISCUSS.
 6. THE DEVELOPMENT OF ENVIRONMENTAL LAW AND POLICIES IN NIGERIA IS ONE WITH A VERY LONG PROCESS OF HISTORY. DISCUSS