



NATIONAL OPEN UNIVERSITY OF NIGERIA
UNIVERSITY VILLAGE, PLOT 91, NNAMDI AZIKWE EXPRESSWAY,
JABI, ABUJA
FACULTY OF LAW
JULY 2017_1 SEMESTER EXAMINATION

COURSE CODE: LAW 321

COURSE TITLE: ENVIRONMENTAL LAW I

COURSE UNIT: 4 UNITS

TIME ALLOWED: 2 ½ HOURS

INSTRUCTIONS: ANSWER FOUR QUESTIONS. QUESTION ONE IS COMPULSORY AND CARRIES 25 MARKS. OTHERS CARRY 15 MARKS EACH.

1. Raphael lives in a slum in Niger Delta. He lacks access to basic infrastructure, no clean water and electricity. The only readily available water flows from the gutter and has very strong odour and colour. The noise from the generating sets hardly permits anyone young and old to have quality sleep. As a law student he is aware that Nigeria has ratified several international conventions but is not bothered about implementing them unlike many other countries. He considers these a breach of his right to quality life and he is equally not comfortable with the apparent passive attitude of the judiciary. Raphael wants to bring an action in court. The government has promised to give the community a face lift by providing basic amenities but Raphael is tired of waiting endlessly. Advise the parties.
- 2.(a) Discuss the concept of environmental law in line with the view of environmentalists.
- (b) Write short notes on any three of the following:
 - (i) Recycling
 - (ii) Landfill
 - (iii) Polluter pay principle
 - (iv) Noise pollution
3. Access the development of regulatory framework for the protection of the Nigerian environment.
4. Alhaji Dunka has a very large/expansive tank farm. While conducting routine maintenance on the tanks, the crude oil waste from one of the tanks escaped to the property of Mr. Bassey and damaged his lakes and ponds, killing his fishes. Mr. Bassey intends to go to court and has engaged you for that purpose.

- (a) Discuss the general principles enunciated in *Rylands Vs Fletcher* per Blackburn J.
 - (b) With the aid of *Olutimehin Vs Lagos City Council* and the case of *Umudje Vs Shell B. P. Petroleum Development Co. of Nigeria Ltd*, discuss the rights of the parties and the defence available to them in the pending court action.
5. An oil pipeline installed by one of the big mining companies got burst discharging several gallons of fuel. The discharge polluted most of the rivers in the Niger Delta area destroying the aquatic life. In response to the communities request for cleanup operations, the company has refused to release money to the community for the cleanup. NESREA got to know about the spill. His invitation to the oil company for a discussion on how to go about the cleanup was rebuffed by the company. The community is threatening court action. Advise the parties.
6. Mr. Ade was arrested for indiscriminately felling trees and burning same to produce charcoal. It is not the first time he was arrested for breach of environmental laws. When confronted with the fact of incessant breach of the environmental laws, he simply replied that he is not the only one and that the laws are not even being enforced. Discuss the various constraints in the enforcement of Environmental Laws in Nigeria.