



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
PLOT 91, CADASTRAL ZONE, NNAMDI AZIKWE  
EXPRESS WAY, JABI - ABUJA**

**FACULTY OF LAW  
DEPARTMENT OF PUBLIC LAW (JIL)**

**OCTOBER/NOVEMBER EXAMINATION 2016**

**COURSE CODE: LAW 322 (PUL 322)**  
**COURSE TITLE: ENVIRONMENTAL LAW II**  
**CREDIT UNIT: 4**  
**TIME ALLOWED: 2 ½ HOURS**  
**INSTRUCTIONS: ANSWER FOUR QUESTIONS ONLY.**  
**QUESTION ONE IS COMPULSORY**

**QUESTION**

- 1.a) Niger Company Ltd is an oil prospecting Company. Oil stored in one of their tanks spilled and destroyed Mr Zena's farmland resulting in loss of income and destruction of farmlands. Mr Zena is asking the Company to pay him 400 Million Naira as compensation and also to re-inject its excess gas into its operations. The Federal Government is in receipt of the Company's ₦5,000 penalty fee for failure to re-inject its excess gas. Mr Zena has gone to court. Advise all the parties as to their rights.
- b) Would it have made any difference if:
  - i. Niger company had not paid any penalty to the government?
  - ii. Niger Company Ltd had taken all reasonable care to prevent any spill and it still happened?
2. Mr Bama is the Chairman of a Local Government Area. His government had promised free education to the citizens. He had implemented this for two years but due to the economic crunch can no longer cope with the financial demands. Mr Bama's business has been going down after his private company ignorantly took delivery of some containers of fake drugs and chemicals. Not wanting to sell the fake drugs and chemicals, he ordered his staff to bury the drugs which they did. Since last year it was noticed that many children in the area are having heart-related problems and the doctors have confirmed that the sickness has to do with the drugs buried. The community wants to sue him for stopping the free education program which has made many to be out of school and also

for the death and ill health of many children. Advise the community as to their rights.

3. Cardiff Express Ltd., a Company registered in Germany was engaged by an agency to dispose of some wastes. Two years ago, the Company transported these wastes to Africa and dumped some of it in Lagos before proceeding to some other Countries in West Africa. Since last year, residents of Ikorodu discovered that many of the residents have started suffering from skin infections which the doctors have traced to the effect of the waste. Upon their complaint, the company gave them some money to alleviate their suffering but has reneged on its promise to evacuate the wastes arguing that as at the time the waste was dumped, there was no law in Nigeria prohibiting such. However, there is a law now but several petitions to the federal and state governments have not yielded much. Advise the community on possible steps to take.
4. It has been argued in some quarters that the NESREA Act has not brought any remarkable improvement to the issue of environmental protection in Nigeria. Discuss.
5. The history of environmental protection in Nigeria shows that the leaders are more interested in the economic resources from the land than they are about the resources. Discuss.
6. In order to construct a school fence, the Oga community diverted the canal water which now flows into the garden belonging to Mr Fineman. The water destroys Mr Fineman's garden. He alleges that the fowl smell from the lagoon water is a threat to his life and a breach of his environmental right. Advise him.