



**NATIONAL OPEN UNIVERSITY OF NIGERIA  
14-16 AHMADU BELLO WAY, VICTORIA ISLAND LAGOS  
SEPTEMBER/OCTOBER 2015 EXAMINATION**

**SCHOOL OF LAW**

**COURSE CODE: LAW 321**

**COURSE TITLE: ENVIRONMENTAL LAW 11**

**TIME ALLOWED: 2 ½ HOURS**

**INSTRUCTIONS: ANSWER QUESTION ONE AND ANY OTHER THREE**

1. Mr. Law has an eatery in a high brow area of Lagos where recently Mr. Philips established a big filling station and became Mr. Law's closest neighbor. A few days ago after petrol had been discharged from the tanker unto the underground tanks, the filling station attendants were still taking record of what was delivered to them when some quantity of petrol escaped from a hose and splashed on a charcoal grill in the suya spot on Mr. law's premises. The suya spot instantly caught fire which also destroyed a section of Mr. Law's eatery as well as a portion of Mr. Philips super mart at the filling station. Mr. Fineman and his family were having lunch at the eatery at the time of the incident. While trying to escape, he broke his leg and has been told he may need to amputate the leg. His daughter who is an asthmatic patient has been lying critically ill at the hospital. The Doctor said she will be at the hospital for a long time because of the quantities of fumes she inhaled. The heat from the inferno caused the pipe that transports fuel from the fuel depot to Mr. Philips generator house to burst thereby leaking several gallons of diesel into the community's river, killing most of the marine plants and animal species. In response to a letter from Mr. Fineman requesting the acceptance of responsibility for the medical bills, Mr. law merely replied that he is yet to rebuild his eatery and as a good religious man sees everything that has happened as the "will of God". Mr. Law has also asked Mr. Fineman to see it as such too. Advise Mr. Fineman and the community as to their rights. What possible defence do you think Mr. Philips can raise assuming he is involved in this case?
- 2.
3. XYZ is a company registered in Nigeria. In the course of its production activities in Ikeja, it emits large quantities of sulphur dioxide. These clouds of heavy smoke contaminated the air and fell as toxic precipitation on numerous buildings in Lagos. MrZuma lives in the residential area of Ikeja and presently his entire household is suffering from various

health challenges which his doctors have traced to sulphur related atmospheric pollutions. In an action by MrZuma, XYZ argued that the company is rightly located in a commercial area of Ikeja, has license to engage in its business and cannot be the cause of any harm to MrZuma who lives in the residential area. In addition the company argues that even people who live nearer to the company compared to MrZuma are not complaining of any problem; that Mr. Zuma is from Adamawa who became internally displaced due to the impact of climate change. MrZuma has engaged you as his attorney. What is your advice?

3. (a) Trace to the present day the events that led to the development of a regulatory framework for the environment  
(b) What is Environmental law .Explain the relationship between law and the environment.  
(bii) Explain the three sources of Environmental law in Nigeria
4. MrUnoka has a poultry at the back of his house and adjacent to his neighbor, MrOmola. The noise from the clucking of the chickens and the odour of their droppings disturb the rest and peace of the Omola family. In addition, rodents generated by the poultry do migrate from the poultry into MrOmola's house. MrOmola is considering a court action. Advise him as to his rights and chances in court.
5. The crude oil waste in a pit owned by MrOsaze escaped to the property of Mr Ede and damaged his lakes and ponds, killing his fishes. Discuss the rights of the parties and defence available to them in the pending court action.
6. Toxic waste dump has been discovered in several containers in a community in Nigeria in contravention of our laws. The waste which contains tons of illegal radioactive industrial and nuclear substances was imported into the country over a period of 18 months by one Bombay, a foreigner living in the country and acting on behalf of a foreign waste disposal company. The waste was brought into the country under the pretext of bringing industrial chemicals for an indigenous construction company. The waste has since been evacuated but not before it caused several environmental health problems to the community where it was dumped. When confronted with the issue Mr Bombay said that he does not owe them any obligation ; that the waste was mistakenly brought to Nigeria instead of Niger. Discuss the rights and defence available to Mr Bombay and the community.