



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

**SCHOOL OF LAW**

**COURSE CODE: LAW 322**

**COURSE TITLE: ENVIRONMENTAL LAW 11**

**TIME ALLOWED: 2 ½ HOURS**

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

1. Your local community entered into an agreement with an oil company for exploration and exploitation of oil in your community having obtained an oil licence from the federal government. The agreement stated among other things that they will employ some of the youths from that area in the company and also fulfill their corporate social responsibility. The company has since commenced operation and is also gradually fulfilling its promises on corporate social responsibility. However, the gaseous emissions from the company are seriously polluting the community's land and water. When contacted about the pollution they argued that they have promptly paid the penalties but continued with their operations and pollutions. They also contend that the environmental right is also not justiciable under the Nigerian constitution. As the community's legal representative, advise the community as to their rights.
2.
  2. (a). The rights to environment complete the fundamental human rights guaranteed by the constitution and particularly the right to life. To this extent a breach of the right to life will amount to a violation of the environmental right. Discuss.
  - (bi) The Niger Delta has been declared one of the most oil-polluted places on the planet. Discuss.
  - (bii) Evaluate the attitude of government towards solving this problem.
3. ABC Community engaged XYZ to manage its waste. XYZ decided to bury the chemicals underground without proper treatment. Ten years later, residents of the community started dying from proven chemical wastes related sicknesses. Barrister success who was engaged to represent the Company argued that the right to environment is not justiciable and that ten years is a long time for anyone to still hold the company liable. Advise the community on their chances of succeeding in an action in court for breach of their right to life.

4. (a). Ese Company Ltd is a major oil prospecting Company. Oil stored in one of their tanks spilled and destroyed Mr Jack's farmland resulting in loss of income and destruction of farmlands. Mr Jack is asking the Company to pay him 200 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 N5000 penalty fee for failure to re-inject its excess gas. Mr Jack has gone to court. Advise all the parties as to their rights.  
(b). Would it have made any difference if:
  - i. Ese Company Ltd had taken all reasonable care to prevent any spill and it still happened?
  - ii. Mr Jack had not paid any penalty to the government?
5. 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.
6. ABC are nomadic Fulani persons. In search of green pasture for their live stocks, they moved down to the South East allowing their stock to graze on every available land, destroying farms in the process. When confronted by the local communities, they argued that man has an inherited right to dominate the earth and ensure good economic growth. The government has asked you to reconcile this position with the traditional belief of the local community in the right of man, plants, animals, etc to ensure sustainable living.  
(b) Do you think the Economic Growth theory of development encourages environmental pollution and global warming?