1.0 Introduction

The environmental concerns of our planet have expanded in recent times and are now among the most serious challenges affecting our well-being around the globe, it has no national boundaries, but the less developed nations and the least privileged populations bear the burden most. Nigeria is no exception. As the impact of climate change and environmental destruction is felt all over the nation, flooding, increased intensity of rain, air and water, soil water scarcity, deforestation and loss of biodiversity, increased population pressure, inappropriate technology use, overgrazing, profligate exploitation of mineral resources, poor sanitation, Poor waste management and pests and diseases control system abound (Eze et al., 2013). There exist legislations, policies and programmes by government towards abating or reducing these tendencies on the citizens.

Environment is the sum total of all the objects available in the planet earth including water, air and land plus the interrelationships among themselves with the human beings, and other living organisms there in. The study of environmental science is multi-disciplinary in the sense that it covers areas such as Conservation of nature and natural resources, Conservation of biological diversity, Control of environmental pollution, Stabilization of human population and environment, Social issues in relation to development and environment and, Development of non-polluting renewable energy system and providing new dimension to nation’s security.

The environmental challenges in our region are many and interlinked. Air pollution caused some 600,000 deaths in 2012, and more than 100 million people still do not have access to safe drinking water and adequate sanitation. Added to these, releases of hazardous chemicals, climate change, effective engagement of the public in decision-making and access to environmental information and justice are among major concerns we need to address urgently. To meet these challenges we work to improve environmental governance across the region and to reduce pollution and the damage it causes (UNECE, 2014). The means and ways of achieving this onerous task is through a thoughtful environmental legislations, implementable policies and environmentally and socially inclusive politics crowned by good governance.

Environmental legislation is the collection of laws and regulations pertaining to air quality, water quality, the wilderness, endangered wildlife and other environmental factors. The umbrella of environmental legislation covers many laws and regulations, yet they all work together toward a common goal, which is regulating the interaction between man and the natural world to reduce threats to the environment and increase public health. As one might imagine, environmental legislation is a broad topic, mainly because the natural environment encompasses so many different aspects. So environmental laws need to consider everything, from the air we breathe to the natural resources we rely on to the plants and animals that share this world with us.

To better understand what environmental legislation and law means, let us assume that an energy company wants to build a coal-burning power plant to create electricity for the community. Where this power plant should be built? What type of pollutants might result from the coal burning, and what measures will need to be taken to control harmful emissions? If the power plant is built at the edge of town to lesson air pollution

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for the human population, how will this impact lesser species that inhabit the land downwind of the plant? These are all considerations to be evaluated within the scope of environmental law (Gillapsy, 2003).

In most countries of the world there are legislations in the ACT that protect the environment from pollution and its effects. These legislations constitute the Environment Protection Act. The Act provides the regulatory framework to help reduce and eliminate the discharge of pollutants into the air, land and water. It is this Act that establishes the Environmental Protection Authority (EPA) as the statutory decision maker for environmental regulation and policy. The EPA administers legislation covering air and water quality, waste, contaminated land, noise, pesticides and hazardous waste.

In this verse effort is made to portray what constitute the environment, what environmental legislations mean, various environmental policies common and are adopted by various nations of the world and the place of politics and governance to sustainable and safe environment for the existence of biodiversity.

2.0 Environmental Policies in Developing Countries – The Nigeria Experience

The goal of the National Policy on the Environment is to achieve sustainable development in Nigeria, and, in particular to:

a. secure a quality of environment adequate for good health and well-being;
b. conserve and use the environment and natural resources for the benefit of present and future generations;
c. restore, maintain and enhance the ecosystems and ecological processes essential for the functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources and ecosystems;
d. enactment of necessary legal instruments designed to strengthen the activities and strategies recommended by this policy;
e. establishment/emplacement of management organs, institutions and structures designed to achieve the policy objectives.

Environmental policy is action to foster and improve the quality of the environment with the thrust of balancing the economic and social interests. In achieving the thrust of economic and social balance, many actors’ interests could be internal or external, each pushing for its own interest without minding the consequences to the other. Policy is located in political and bureaucratic settings and should involve political processes and scientific knowledge. Any policy put in place must be effectively implemented. For implementation to be successful, some scholars proposed a bottom-up approach, emphasizing that implementation of a policy will be successful only when the people to be affected by such policy are involved. The actors could be scientists, economists, government agencies, non-governmental organisations and the general public. We could as well divide these actors into state and non-state. the non-state actors play the role of influencing the decision of state actors by lobbying and the public through raising awareness, participating in public –private partnership and development of private governance initiatives (Gupta, 2010). For a policy to be successful, there must also be the use of the right policy instruments. According to Vedung (1998) as cited in Okafor (2010) there are three main environmental policy instruments which are mutually exclusive and exhaustive. These are regulations, traditional policy instruments, which set the standards that are enforced upon actors for compliance, economic instruments which involve the use of incentives and subsidies to achieve compliance by stakeholders to the
agreed standards by influencing their behavior, and information instruments which involved the activation of stakeholders towards changing their perception and behavior to environmental concerns.

Nigeria is committed to a national environmental policy that will ensure sustainable development based on proper management of the environment. This demands positive and realistic planning that balances human needs against the carrying capacity of the environment. This requires that a number of complementary policies, strategies and management approaches are put in place which should ensure, among others, that:
* environmental concerns are integrated into major economic decision-making process;
* environmental remediation costs are built into major development projects;
* economic instruments are employed in the management of natural resources;
* environmentally friendly technologies are applied and finally that
* Environmental Impact Assessment is mandatorily carried out before any major development project is embarked on.

This policy, in order to succeed must be built on the following sustainable development principles:

1. The precautionary principle which holds that where there are threats of serious or irreversible damage, the lack of full scientific knowledge shall not be used as a reason for postponing cost-effective means to prevent environmental degradation;
2. Pollution Prevention Pays Principle (3p+) which encourages Industry to invest positively to prevent pollution;
3. The polluter pays principle (PPP) which suggests that the polluter should bear the cost of preventing and controlling pollution;
4. The user pays principle (UPP), in which the cost of a resource to a user must include all the environmental costs associated with its extraction, transformation and use (including the costs of alternative or future uses forgone);
5. The principle of intergenerational equity which requires that the needs of the present generation are met without compromising the ability of future generations to meet their own needs;
6. The principle of intra-generational equity which requires that different groups of people within the country and within the present generation have the right to benefit equally from the exploitation of resources and that they have an equal right to a clean and healthy environment; and
7. The subsidiary principle which requires that decisions should as much as possible be made by communities affected or on their behalf by the authorities closest to them.

This new policy thrust is based on fundamental re-thinking and a clearer appreciation of the interdependent linkages among development processes, environmental factors as well as human and natural resources. Since development remains a national priority, it is recognized that the actions designed to increase the productivity of the society and meet the essential needs of the populace must be reconciled with environmental issues that had hitherto been neglected or not given sufficient attention.

In enunciating a national policy on the environment, cognisance must be taken of the various institutional settings and professional groupings, as well as the complex historical, social, cultural and legal considerations which have been and continue to be involved, in the identification and implementation of measures designed to solve national environmental problems. The provisions of the Policy have thus been informed by recent national policy initiatives in Science and Technology, Agriculture, Health, Industry, Oil and Gas, Population, Culture, etc., as well as major international efforts in the field of environment. The Policy aims to provide a rational, practicable, coherent and comprehensive approach to the pursuit of economic and social development in a way that minimizes contradictions and duplications, while enhancing inter and intra-sectoral co-operation and effectiveness at all levels.
In developing countries, factors hindering the success of policy making and implementation range from social, economic, political to some other factors such as poverty, lack of finance, low education, lack of administrative tradition and weak institution. Many institutions in our countries are multi-ethnic oriented, which leads to nepotism, and corruption hence presenting difficulties to the implementation of policies on environment.

3.0 Implementation Strategies for Various Environmental Policies

The implementation of the National Policy on the environment depends on specific actions directed towards all sectors of the economy and problem areas of the environment. Consequently, the approach to problem-solving adopted in this Policy is predicated on an integrated, holistic and systemic view of environmental issues.

3.1 Human Population

The most valuable national resource is the human resource base - the people of Nigeria. Consequently, the protection and enhancement of the health and well-being of the people constitute a major responsibility of government. By their individual and collective behaviour, humans make significant positive or negative impact on the natural resources and non-human environment of the country. One major way of achieving this is by addressing the issues of population growth and resources consumption in an integrated way.

3.2 Culture

The various communities living in the different ecological zones of the country have developed, over many generations, their individual and unique traditional strategies for understanding and exploiting their environments and the available natural resources. This is embodied in the culture of the people and consists of their social, economic, legal and political institutions; their beliefs and values; their creative abilities; and their habits and materials as manifested in their housing, food, clothing, medical practices, tools, etc. Consequently, at every stage of a sustainable development plan, the interrelationships between culture, the natural environment and the rational utilization of available resources should be clearly comprehended.

3.3 Housing and Human Settlements

The goal of the National Housing Policy is to ensure that all Nigerians own or have access to decent housing accommodation at affordable cost within the foreseeable future. The attainment of this goal as well as the provision of housing which satisfies basic and environmental needs of the populace on sustainable basis would necessarily require the active participation of all tiers of government and the greater involvement of the private sector. One major way of achieving this is by strengthening appropriate institutional framework to facilitate effective planning in housing development.

3.4 Biological Diversity Management

In Nigeria, economic development has not been sustainable partly because biological resources are improperly managed. The trends which manifest by the misuse of biodiversity, the underestimation of the benefits of biological conservation, the non-inclusion of the full costs of biodiversity losses in economic accounting, and the biodiversity must all be reversed. One major way of achieving this is by working out ways of using ecosystem sustainably thereby improving their social value.
3.5 Natural Resources Conservation
The nation’s boundaries encompass rich natural resources which are unevenly distributed. The human resources are also abundant though much of the population still lives in poverty. As a result, the natural resources are being overexploited thereby decreasing their productive potential for current and future generations. Improvement in the quality of life for the people will require long-term economic growth which is itself dependent upon improved management and conservation of the natural resource base.

3.6 Land Use and Soil Conservation
Land is the basic resource upon which most development efforts are based. Activities utilizing this vital resource usually interact and are often conflicting. It is necessary, therefore, to plan the utilization and management of land in an integrated manner. Integrated management of land should be harmonised and co-ordinated at the various levels of government. Additionally, the impacts of the various social and economic activities on natural resources such as soil, water, air and biota should routinely be assessed at every stage of the development process. This is necessary for appropriate allocation and utilization of land and its resources that will ensure transition to sustainability.

3.7 Agriculture
The viability or otherwise of the agricultural sector is crucial to the growth and development of a nation. The agricultural sector strongly impacts food security, industrialisation efforts, quality of life, economic growth, political stability and, to a certain extent, a nation’s position in international relations and trade. The sustainability of this important sector should, therefore, be of paramount importance. Consequently, it is essential to establish a balance between efficient agricultural enterprise and environmental protection.

3.8 Water Resources Management
Water is a vital resource governing the viability of all ecosystems and providing the basis for socio-economic development. The proper management of this vital resource through the incorporation of environmental concerns is essential to minimize supply shortages, pollution, land degradation and associated health hazards. To ensure sustainability, comprehensive medium and long term national plans for water resources management and conservation should be put in place taking into consideration demand and availability. These will be achieved through provision of water in adequate quantity and quality to meet domestic, industrial, agricultural and recreational needs.

3.9 Forestry, Wildlife and Protected Natural Areas
It is true that there have in recent years been increasing deforestation, soil degradation, deterioration and desertification in Nigeria. All these have been due to the spread of agriculture, commercial timber felling and local cutting of wood for fuel at will. This is further aggravated by accidental forest fires as well as farming and game related bush burning. The need is, therefore, to secure development while at the same time sustaining the productivity of the natural vegetation, protecting wildlife, maintaining genetic diversity and avoiding forest and soil destruction.

3.10 Marine and Coastal Area Resources
In order to maintain and improve the quality of the unique environmental resource endowment and the physical characteristics of the coastal areas, Ecological Master Plans (EMP) will be prepared based on detailed baseline ecological data to guide the use of coastal areas for the diverse and often conflicting industrial and social needs of the nation so that continued viability of all aspects of the ecosystems will be secured. To achieve this objective, all applications for project development in the coastal and nearshore areas must mandatorily be accompanied by Environmental Impact Assessments with strict adherence to public hearings before permission is given for such developments.

3.11 Mining and Mineral Resources
The growing profile of the solid mineral extraction sector within the economy dictates that attention be focused on its tendency to cause extensive environmental degradation. Mining and associated beneficiation activities should, therefore, be carried out in an environmentally sound manner. In order to achieve this objective, the approval to initiate mining should mandatorily be preceded by an Environmental Impact Assessment (EIA).

3.12 Industry
Sustainable industrial development can be achieved through policy initiatives that seek, among others to ensure:
i. availability of indigenous technological materials;
ii. availability of industrial raw materials;
iii. possession of a viable research and development base that is capable of selecting, adapting and developing technology; and
iv. creating awareness to promote and sustain technological and industrial growth

3.13 Energy
Energy sources are multifaceted and the technical expertise for their harnessing and exploitation vary from very simple to very complex. Their impacts on the environment also vary markedly from low level environmental disturbances as in the case of peat and coal mining and burning to extremely severe environmental damage associated with nuclear power plant accidents. Thus, the specific environmental concerns will vary depending on the energy type, source, the mode of exploitation and the technology employed in harnessing and transmission. In energy production and use, therefore, attention should be focused on the following: energy source; • mode of procuring the energy fuel on sustainable basis; • mode of power generation; • energy transmission and use; and • conservation

3.14 Oil and Gas
The Oil and Gas Sector has continued to be the backbone of the Nigerian economy, contributing over 90% of the nation’s foreign exchange earnings and at least 80% of the GDP. This situation is likely to continue unchallenged in the near future and well into the third millennium. The sustainable development of the Oil and Gas Sector is, therefore, of utmost importance, especially since virtually all the activities in both the upstream and downstream sectors are not only pollution-prone, but readily provoke social discord.
4.0 Environmental Policies in Developed Countries- The USA Experience

4.1 History of U.S. Environmental Policy

During the 1800s, people in the United States made use of the country’s vast resources. Prairies were turned into cropland, ancient forests were cut down, and several species of animals were hunted to extinction. By the 1900s, citizens began to realize the consequences of these actions, and the citizens’ attitudes started to change. Leaders such as President Theodore Roosevelt and conservationist John Muir, called for increased protection and management of the nation’s resources. Many national forests and parks, and agencies to manage them, were established around the early 1900s. Environmental Agencies and Laws

Throughout the 1900s, U.S. citizens became more aware of environmental problems. Widespread crop disasters in the 1930s showed the country that poor farming practices were causing soil erosion and poverty. Policies to encourage soil conservation were adopted. People objected to living near smelly garbage dumps, so research on better methods of waste disposal began. The public began to complain about pollution.

The United States of America is guided by the Environmental Protection Agency within the framework of the National Environmental Protection Act (NEPA). The ACT requires federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. To meet NEPA requirements, federal agencies prepare a detailed statement known as an Environmental Impact Statement (EIS). EPA reviews and comments on EISs prepared by other federal agencies, maintains a national filing system for all EISs, and assures that its own actions comply with NEPA.

Consequent upon these, the U.S. lawmakers created many policies and federal agencies to manage environmental affairs. These are shown in Table 1

Table 1

<table>
<thead>
<tr>
<th>Department or Agency</th>
<th>Responsibilities</th>
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<tbody>
<tr>
<td>Environmental Protection Agency</td>
<td>Enforces National Environmental Policy Act; Clean Water Act; Clean Air Act; Solid Waste Disposal Act; Superfund; Federal Insecticide, Fungicide, and Rodenticide Control Act; Waste Reduction Act; Toxic Substances Control Act</td>
</tr>
<tr>
<td>Department of the Interior</td>
<td>Enforces Wild and Scenic Rivers Act (managed across several agencies)</td>
</tr>
<tr>
<td>Bureau of Land Management</td>
<td>Enforces Federal Land Policy and Management Act, Taylor Grazing Act</td>
</tr>
<tr>
<td>National Parks Service</td>
<td>Manages national parks</td>
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</tr>
<tr>
<td>Office of Surface Mining Reclamation and Enforcement</td>
<td>Enforces Surface Mining Control and Reclamation Act</td>
</tr>
<tr>
<td>Department of Agriculture</td>
<td>Enforces Soil and Water Conservation Act, National Forests Management Act</td>
</tr>
<tr>
<td>National Oceanic and Atmospheric Administration</td>
<td>Monitors international atmosphere, climate, and oceans</td>
</tr>
<tr>
<td>National Marine Fisheries Service</td>
<td>Enforces Marine Mammal Protection Act</td>
</tr>
<tr>
<td>Nuclear Regulatory Commission</td>
<td>Regulates nuclear power stations and nuclear waste</td>
</tr>
<tr>
<td>Department of Energy</td>
<td>Enforces National Energy Act, Public Utility Regulatory Policies Act</td>
</tr>
</tbody>
</table>


### 5.0 Environmental legislations in Nigeria

In Nigeria, during the colonial period, there existed edicts, byelaws, decrees and conventions aimed at controlling the activities man in relation to nature particularly as it concern environmental hygiene, cleanliness, and refuse management mainly carried out by the local authorities. These laws, edicts, ordinances were scattered in different documents and instruments of state for the protection of the environment. The criminal code act 1958 came into effect to help to control odour and noise pollutions against neighbours particularly section 246 controlling burials in houses, and public health act of 1958 which aims at control of the spread of diseases, slaughtering of animals and disposal of night soil and refuse. The fines and penalties are liberal and the laws are quite often poorly enforced.

Also the British common law rules such as negligence, nuisance, trespass, and equity by injunction (law of Tort and Equity) which apply to environmental law matters were applied during the colonial period. When we gained independence from Britain, the Nigerian state, regions/states and international bodies enacted laws, regulations and conventions/protocols for the control, protection and management of the environment so that it will be sustainable not only for our generation but for future generations. Also the framers of the constitution of Nigeria 1999 as amended recognizing the importance of conserving and sustaining the environment enacted under chapter 2, fundamental objectives and directive principles of state policy, section 20, and it stated inter alia that the state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria. Some other important laws enacted by governments are;


3) Niger delta development commission act s 7 (h) empowers it to tackle ecological and environmental problems in its area of coverage

4) Harmful wastes (special criminal provisions etc.) Act cap 165 of 1990 laws of the Federation

5) Water and environmental quality improvement Act 1970

6) The criminal code Act 1958 cap 77

7) The public health Act 1958

8) The factories Act 1987 cap 126

9) Minerals Act 1946 cap 226

10) Oil in navigable waters Act cap 11 2004 laws of the federation

11) The petroleum Act cap 350

12) Petroleum (drilling and production) regulations Act 1969

13) Oil pipelines Act cap 338 1956

14) National environmental (Soil erosion and flood control) regulations 2011

15) National environmental (desertification control and drought mitigation) regulation 2011

16) National environmental (protection of endangered species in international trade) regulations 2011

17) National environmental (control of bush, forest fire and open burning) regulations 2011

18) The international convention on High seas in cases of oil pollution casualties of 1969


21) Geneva convention on the high seas of 1958

22) 1982 law of the sea convention enjoin states to take measures to reduce, prevent and control pollution of the marine environment

23) 1992 biodiversity convention

24) 1973 international convention for the prevention of pollution from ships


27) Lagos state environmental sanitation edict, no 2, 1985

28) Lagos state environmental pollution control edict, no 13, 1989


30) The fourth national development plan urged industries to produce environmental impact assessment and acquire facilities for environmental assessment.

31) The 1979 constitution provided for hygiene, cleanliness, and refuse disposal by local governments, beautification of the environment etc.

There are organisations established by governments and non-governmental bodies meant to serve in the control and reduction of environmental pollution and degradation. These are

1) Federal ministry of environment (replaced FEPA)

2) The inter-governmental maritime consultative organisation

3) United nations environmental programme unep

4) The international chamber of shipping ics
5) The international oil pollution compensation fund
6) The international association of drilling contractors
7) Offshore pollution liability association limited
8) The international petroleum industry environmental conservation association
9) The tanker owners ( voluntary agreement concerning liability ) for oil pollution
10) Pollution and clean Nigeria association (CNA)
11) Federal ministry of health , national council on health , sanitary inspectorate division

To what extent has these rules, laws and regulations helped man in taking full charge of his environment?

This the one million dollar question facing us today. The environmental laws, rules and regulations are ineffective because the governments that enacted them lack the political will to execute them, there is also the competing claims in the nation and its resources. At a time when environmental health damage and land degradation is worsening in many cities, towns and villages, as well as deliberate disobedience to legislations, a careful quantification of the damage will help policy makers combine environmental and health decisions with sound economics and legal enforcement strategies. Quantification would help set priorities, mobilize public awareness and encourage communication across different constituencies and interest groups, including environmentalists, health professionals, law enforcement agencies and anti-poverty non-governmental groups. This is important because there is a direct link between urban and rural environmental degradation and public health in terms of water related diseases such as diarrhea, dysentery, cholera and typhoid. Hence the need for environmental control that will bring about improved healthy living conditions. Moreover, experiences from developed nations shows that in the short run, the net effect of environmental control is almost certain to have some macroeconomic impacts on the society.

6.0 Environmental Politics and Governance
Heintzelman (2015) defined politics as the study of the functioning of government at all levels and the use of strategies and maneuvers to further an interest in a political, social, or economic outcome. Governance refers to the development of policy within the public and private sectors including for-profit and not-for-profit organizations, and other interested parties.

According to United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP)(2007) the concept of "governance" is not new. It is as old as human civilization. Simply put "governance" means: the process of decision-making and the process by which decisions are implemented. Governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.

Global environmental governance refers to the sum of organizations, policy instruments, financing mechanisms, rules, procedures and norms that regulate global environmental protection. Within the context of the evolution of global environmental politics and policy, the end goal of global environmental governance is to improve the state of the environment and to eventually lead to the broader goal of sustainable development (Najam et al., 2006).

At the global level the process of environmental governance precipitated by United Nations Conference on the Human Environment (Stockholm, 1972) led to the establishment of the United Nations Environment
Programme (UNEP), which was created to play the lead role in GEG by coordinating environmental activities within the UN agencies and acting as a catalyst for new initiatives. Since then, the world has seen hectic activity in global environmental policy (and, more recently, in sustainable development policy) and a host of treaties, organizations and mechanisms have emerged. The 1992 Rio Earth Summit and the 2002 Johannesburg Summit on Sustainable Development mark just two of the many policy landmarks of this rapid evolution of the GEG system (Anderson, 2001).

Locally and in Nigeria particularly, environmental governance involves the use of government agencies like Federal Environmental Protection Agency (FEPA), National Policy on Environment (NPE), National Adaptation Strategy and Plan of Action (NASPA), National Environmental Standards and Regulations Enforcement Agency (NESREA) amongst others to make and enforce policies and programmes geared towards maintaining a healthy and sustainable environment for the continuous existence of biodiversity. Therefore going by Heintzelman’s definition of politics, the Nigeria political system has really moved in terms of good policies to maintain a clean environment but owing to factors such as poverty and corruption those policies may not have yielded the desired objectives.

7.0 Conclusion
A critical look at various national and international laws/legislations adopted towards maintain a healthy and sustainable environmental reveals that there need to be a synergy and cooperation between nations due to the fact macro level environmental challenges permeates all nations irrespective of the originating source. However, governance at both local and international levels should go beyond enactment of policies and programmes but should fashion implementation strategies that are not only feasible but also appropriate and location specific. This will go a long way in ensuring that an environment that favours the eco-support systems and protects the potentials of future generations to thrive is
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