



ADMINISTRATIVE AND ENVIRONMENTAL LAW REVIEW

Volume 4 Issue 2, August 2023: pp. 89-102

Faculty of Law, Universitas Lampung, Bandar Lampung, Indonesia.

<http://jurnal.fh.unila.ac.id/index.php/aelr>

P-ISSN: 2723-2484

E-ISSN: 2745-9330

Are The Laws for Us or Against Us? Reinventing Environmental Sanitation Laws in Nigeria

Ajagunna Folakemi. O¹, Opeyemi. A. Gbadegesin²

¹University of Ibadan, Nigeria

E-mail: folakemiajagunna1@gmail.com

²University of Ibadan, Nigeria

E-mail: opeyemigbadegesin84@gmail.com

Submitted: Mar 28, 2023; Reviewed: Apr 18, 2023; Accepted: May 04, 2023

Article's Information

keywords:

Environmental Sanitation, Public Perception of Laws, Compliance, Community-led Sanitation, Nigeria.

DOI :

<https://doi.org/10.25041/aelr.v4i2.2972>

Abstract

Environmental sanitation has been defined as managing any aspects of a man's physical environment that might harm his physical, cognitive, or social health. Indoctrinating good environmental sanitation practices into its citizenry has been and remains a foremost concern for the Nigerian government, with several laws enacted at levels of government to achieve this target. Although there are many of these laws, compliance with environmental sanitation laws remains at its lowest ebb in Nigeria. Nigeria's current environmental sanitation situation reflects that these laws are obeyed more in abeyance, with many viewing compliances as a fool's errand rather than a necessary evil. The method used in this research is descriptive and doctrinal. This paper discusses the issue of environmental sanitation in Nigeria and examines the existing legal system for achieving a cleaner Nigeria. This paper posits that having a clean Nigeria is achievable and asserts that a bottom-up approach to environmental sanitation lawmaking in Nigeria is needed to achieve this goal. A participatory community module for sanitation lawmaking is recommended to ensure that the people understand the importance of these laws by taking ownership of the process rather than depending on the government for its actualization.



A. Introduction

The need for good environmental sanitation practices is one of the Sustainable Development Goals' main topics, given its reverberation in each of its 17 set goals.¹ By definition, environmental sanitation is the science and craft of using scientific ideas, biological and physical information to enhance and regulate the environment, safeguard public health, and promote welfare.² Environmental sanitation's overarching objectives include protecting natural resources and ensuring that everyone may live in safety, security, and dignity. Poor sanitation harms the environment and human health and incurs significant economic costs.³

There are several environmental sanitation techniques and methods available.⁴ It covers drainage, garbage management, vector control, and other practical techniques for using facilities, moving human waste, treating it, and disposing of it hygienically. Albeit this range of available technologies and approaches, for environmental sanitation to be most effective, it must serve as an intervention involving behavioral change aimed at interrupting the lifestyle and behavior of individuals in a community. Hence, there is a need for a community-led approach to environmental sanitation.⁵ This approach which implements cost-effective environmental sanitation services is built on a foundation that sustains human dignity and a healthy way of life by balancing environmental requirements with those of humans.

A key determinant for the success of this approach is the existence of legal and regulatory frameworks to create favorable conditions for environmental sanitation planning.⁶ This is because laws, regulations, standards, and codes define in greater detail how the government expects the environmental sector to perform its functions within the overall policy framework.⁷ As is the case with all developing countries where rapid population growth is a major causative factor for poor environmental sanitation, in recent decades, Nigeria's environmental management and environmental sanitation laws have changed rapidly. However, this legislation's downfall has been the absence of implementing regulations and supporting standards and the problem of weak regulation enforcement even where it is there. Therefore, finding heaps of refuse in Nigeria's strategic locations and urban centers has become commonplace.

This paper posits that concerning Nigeria's environmental sanitation situation, the level of compliance to these laws is closely related to many viewing compliances as a 'fool's errand rather than a necessary evil. The existing laws focus on prevention mechanisms rather than community-wide behavioral change. To put this in proper perspective, the paper would first examine the state of environmental sanitation in Nigeria as a direct reflection of low compliance

¹ R. Scheyvens, G. Banks, & E. Hughes, "The Private Sector And The SDGs: The Need To Move Beyond "Business As Usual" (2016) *Sustainable Development*, 24 (6) 371.

² A. Yassi, T. Kjellström, T. De Kok, and T.L. Guidotti, *Basic Environmental Health* (Oxford University Press: USA 2001) 55; M. Gola, G. Settimo, & S. Capolongo, "Indoor Air Quality In Inpatient Environments: a Systematic Review On Factors That Influence Chemical Pollution In Inpatient Wards" (2019) *Journal of Healthcare Engineering*; G. Lofrano, & J. Brown, "Wastewater Management Through The Ages: A History Of Mankind" (2010) *Science of the Total Environment* 408 (22) 5254.

³ H. Van Minh, & N. Hung, "Economic Aspects Of Sanitation In Developing Countries" (2011). *Environmental Health Insights* 5 EHI-S8199.

⁴ J. M. Kalbermatten, R. Middleton, & R. Schertenleib, "Household-Centred Environmental Sanitation" (1999) *Swiss Federal Institute for Environmental Science and Technology Ueberlandstrasse*, 133.

⁵ V. Venkataramanan, J. Crocker, A. Karon, A. J. Bartram, "Community-Led Total Sanitation: a Mixed-Methods Systematic Review Of Evidence And Its Quality" (2018). *Environmental Health Perspectives*, 126 (2) 026001.

⁶ S. A. Fagbemi, "Legal and Regulatory Frameworks for Urbanisation and Urban Planning and Management in Nigeria" (2017) *Nigerian Law Journal* 20 334.

⁷ Z. Allam, A. Sharifi, S.E. Bibri, D.S. Jones, & J. Krogstie, J. "The Metaverse As a Virtual Form Of Smart Cities: Opportunities And Challenges For Environmental, Economic, And Social Sustainability In Urban Futures" *Smart Cities* 5 (3) 771.

with environmental sanitation laws. The next section will examine environmental sanitation laws in Nigeria and the extent to which they focus on behavioral change as a catalyst for ensuring compliance. In the next section, the paper proposes community-led environmental sanitation planning as a module to create a legal framework that would be transparent, realistic, and equally enforceable to improve compliance. This paper is summarised in the final part.

This study will utilize descriptive and doctrinal methods to analyze environmental sanitation in Nigeria and its relevant laws. The descriptive approach will review existing literature to determine the lack of community participation, which this research seeks to address. The doctrinal study will focus on primary sources that are statutory authorities and secondary sources such as textbooks, journal articles, internet articles, and other relevant materials.

The novelty of this research will provide a bottom-up contribution to environmental sanitation to improve people's understanding of environmental law in Nigeria, encouraging them to take charge of the process rather than relying solely on the government.

B. Discussion

1. Environmental Sanitation in Nigeria

Controlling disease vectors, living conditions, food supply, excreta disposal, waste water disposal, rubbish disposal, and workplace security are all part of environmental sanitation. Environmental sanitation is the effort individuals make to maintain a healthy environment. Since the colonial and post-colonial eras, successive governments in Nigeria have been concerned with improving poor environmental sanitation.⁸ For instance, Nigeria's first development planning exercise under the British administration in 1946 focused on environmental sanitation and hygiene.⁹ The colonial administration had sought to promote public action and knowledge of environmental sanitation and hygiene through this policy effort. Inspectors conducted regular, house-to-house inspections to uphold its health and sanitation policies to ensure compliance with Public Health Laws.¹⁰ The country established its environmental sanitation laws and regulations in the post-independence era by relying on its pre-independence policy declarations and regulations. While the traditional practice of inspecting houses to ensure cleanliness effectively promoted a clean environment, political intervention in the duties of sanitary inspectors led to the failure of the house-to-house program and a decline in the country's overall hygiene standards. Since then, legal and regulatory tools have been established by governments at all levels to solve the sanitation issue. Following the fall of the Second Republic in 1983, the problem of environmental cleanliness peaked as a significant national concern.¹¹ State governments issued many sanitary regulations, many of which had little to no real influence on the lives of those living in major cities.

The selection of environmental sanitation as the focus of the fifth phase of the War Against Indiscipline (WAI) in 1985 marked a significant turning point in the state's attention to this issue in Nigeria.¹² For the nation's cleanest capital city, a reward of one million Naira was to be given. All state capitals saw a frenzy of sanitation-related activity as a result. Government

⁸ O.C. Chidiobi, & J.C. Ibekwe, "Oil Exploitation, Environmental Issues and Resource Curse in a Post-Colonial Niger Delta Region of Nigeria: The Unending Search for Peace, 1960-2009". (2022) *Advances in Social Sciences Research Journal*, 9 (11) 23.

⁹ M.A. Sani, "A Review of the Nigerian Urban and Regional Planning Law, CAP. 138 LFN of 2004" (2022) *Town and Regional Planning*, 80 77.

¹⁰ Examples of such Laws include Public Health, Ordinance Cap. 56 Vol. 1 of 1917 and the Criminal Code Act which was enacted in 1916.

¹¹ R. Stock, "Environmental Sanitation In Nigeria: Colonial and Contemporary" (1988) *Review of African Political Economy* 42 19

¹² Above n.14 at 23.

offices and companies were instructed to close on specified clean-up days. State sanitation brigades were created, more sanitation employees were engaged to clear trash and mobile sanitation courts were established to penalize reprobates more vigorously.¹³ Many long-standing trash mounds vanished at this time, and clogged drains that had accumulated for a while were cleared. Most of this activity was supported by neighborhood self-help organizations, which were helped by office and factory workers. The Federal Government passed a statute as part of this program designating the last Saturday of the month, three hours, as a day to observe a monthly sanitation exercise. During three hours, residents were advised to remain indoors and use the time to clean their vicinity. A team of members of the police, the WAI brigade, and the general public implemented the exercise. Environmental sanitation again took a backseat after the collapse of the Buhari-Idiagbon junta in 1985. The experiment in environmental sanitation was no longer carried out, and subsequent military governments failed to create sufficient environmental rules and regulations.

The monthly environmental sanitation exercise was abolished in 1999, the year of democratic administration. However, several of the federation's states have reinstated monthly and bimonthly environmental cleanliness drills through various edicts, with their methods comparable to the military order from 1985 that was later repealed.¹⁴ Despite the program's reintroduction in several states, the contradictory character of environmental cleanliness in city areas was made clear by the look of cityscapes nationwide. This is because environmental regulation and compliance monitoring, rather than community engagement, govern how environmental sanitation is carried out in the country.¹⁵

2. Compliance with Environmental Sanitation Laws in Nigeria: A Conundrum

In recent Nigerian sanitation campaigns, from the Nigerian Constitution to subsidiary legislative frameworks, the trend has been promulgating legislation at all levels of government as the most efficient form of environmental sanitation.¹⁶ The urgent necessity to ensure their observation, compliance, or enforcement to safeguard the environment motivated the formation of these laws by Federal, state, local, and even in the worldwide environmental space. Incidentally, there have always been numerous obstacles to achieving this admirable aim. One such challenge, the discourse of this paper, is the level of compliance with these laws.

According to Nwachukwu, the government has passed various legislation to create a better environmental culture in the Nigerian public due to the country's poor sanitation and inadequate excreta management.¹⁷ According to the study, these efforts have failed due to the level of compliance with these laws. Rather than instill a better sanitation culture, poor environmental habits have become more embedded in the lifestyle of Nigerians. Ajagunna's study evaluated the knowledge, perception and compliance of household heads in the Ibadan North Local Government area of Oyo State with environmental sanitation legislation. The study examined the link between household heads' socioeconomic position and their degree of environmental sanitation knowledge, perception, and behavior. The study indicated that although the participants in the study region had a high level of awareness and perception of the rules that govern cleanliness, they did not always follow them. Although the study found that

¹³ B.O Owolabi, Effect of Housing Conditions and Environmental Sanitation on the Residents of Oyo State, Nigeria (2017) *International Journal of Research in Environmental Science* 3 (3) 20.

¹⁴ As of today, most states have abolished the Monthly Environmental Sanitation Exercise Program.

¹⁵ O. A. Olowoporoku' "A Recipe for Disaster: An Assessment of environmental Sanitation Situation in Nigeria" (2017) *MAYFEB Journal of Environmental Science* 1 1.

¹⁶ N Ikpeze "SaFe Disposal Of Municipal Wastes In Nigeria: Perspectives On A Rights Based Approach" (2014) Afe Babalola University: *Journal Of Sustainable Development Law And Policy* 3(1) 72.

¹⁷ M. Nwachukwu, "Environmental Sanitation Enforcement And Compliance Best Management Strategies For Nigeria" (2008) Eighth International Conference on Environmental Compliance and Enforcement 2008. Available at <https://bit.ly/3W8FT2V> accessed November 25, 2022.

environmental regulatory officials' lack of enforcement is a contributing cause to Nigeria's poor environmental cleanliness, the attitudes of individuals living in houses in the study region also impact compliance with environmental regulations.

Similarly, Raimi identified several environmental sanitation strategies and enforcement strategies as solutions to alleviate the sanitation crisis in Nigeria.¹⁸ However, adhering to these tactics is crucial to improve the health of people and the environment in this country. According to the study, the effect of non-compliance with environmental sanitation standards in Nigeria is that in recent years the nation's reputation internationally in terms of sanitation has declined. Ijaiya and Joseph's research results also indicated that Nigeria's low compliance rates could be attributed to various factors, including insufficient public education and sanitation infrastructure, limited implementation capacity, and a weak sanitation culture.¹⁹ According to Mensah et al.'s study, compliance management appears to be linear in principle since it seems that all the government needs to do force everyone to conform.²⁰ However, the issue is complicated and requires a multifaceted solution. Compliance pertains to conformity with the regulations, whereas enforcement involves using various methods, such as persuasion, promotion, coercion, or imposition, to ensure that regulations are followed. Therefore, a smart mix of coercive and catalytic methods is required to ensure Nigerian environmental standards are followed.

Similarly, Okeke and Okafor discovered that Nigerian attitudes toward their living environment are to blame for the country's current sanitation problem, despite the obvious harm that inadequate environmental sanitation does to the economy, environment, human health, and livelihoods, as well as government efforts to pass legislation, public awareness of and adherence to laws and practices remains relatively low.²¹ Daramola and Olowoporoku²² evaluated the socioeconomic traits of Osogbo inhabitants, the accessibility of environmental sanitation facilities and services, and the environmental sanitation behaviors of inhabitants in the residential neighborhoods of the study area.²³ According to the study, despite available environmental sanitation facilities and laws of both the state and local government to encourage and compel the use, there was still a high prevalence of poor environmental sanitation practices among residents in the study area. The study found that one factor contributing to this trend is residents' apathy regarding compliance with these laws. In another study, Nwakerendu examined Sanitation Exercises in Lagos State, Nigeria.²⁴ Measuring Lagos State residents' adherence to monthly environmental sanitation, the survey participants were asked about the frequency of their participation in cleaning activities. They were also asked about their adherence to the mobility rules during the monthly sanitation days in Lagos State.²⁵ Their answers indicated that while they obeyed the restrictions, mostly out of necessity and to avoid

¹⁸M.O. Raimi, "A Critical Review of Health Impact Assessment: Towards Strengthening the Knowledge of Decision Makers Understand Sustainable Development Goals in the Twenty-First Century: Necessity Today; Essentiality Tomorrow" (2020). *Research and Advances: Environmental Sciences* 2652

¹⁹ H. Ijaiya, & O. Joseph, "Rethinking Environmental Law Enforcement in Nigeria" (2014) *Beijing Law Review* 5 306.

²⁰ J. Mensah, P. Agbeko, D. Mattah, J. Amoah, Memuna M.M. Mattah, "Public compliance With Environmental Sanitation Regulations in Ghana" (2022) *Open Health* 3 1.

²¹ R.U. Okeke & E. Okafor, "Religious and Ethical Evaluation of the Attitudes of Some Contemporary Nigerians to the Environment: An Issue in Nation-Building" (2019). *Journal of African Interdisciplinary Studies*, 3 (4) 4.

²²O. Daramola and O. Olowoporoku "Environmental Sanitation Practices in Osogbo, Nigeria: An Assessment of Residents' Sprucing-Up of Their Living Environment" (2016) *Economic and Environmental Studies* 16(4) 699.

²³ The capital of Osun State in southwestern Nigeria

²⁴I. Nwakerendu, "Sanitation Exercise in Lagos State, Nigeria: The Imperative of Integrated Communication Strategy" (2016) *Covenant Journal of Communication (CJOC)* 3(2) 28

²⁵A Federal High Court In Lagos in 2015 declared unlawful the restriction of citizens' movement during the monthly Lagos environmental sanitation exercise because the Constitution of the Federal Republic of Nigeria grants freedom of movement to every citizen, and such freedom cannot be taken away by executive proclamation on the grounds of enforcing environmental sanitation in the absence of any law to that effect. See <https://guardian.ng/news/court-nullifies-restriction-of-human-movement-for-lagos-environmental-sanitation/>

being hassled by government employees, they did not actively engage in the exercise's fundamental goal of cleaning up their surroundings. This a glaring example of how poor compliance levels persist despite the government's use of coercion to encourage them

Similarly, Achor et al., sought to establish that high conformity to environmental and sanitation laws, regulations, and standards could be achieved through stakeholder education and engagement.²⁶ They identified and ranked the causes of the study area's non-compliance with sanitary requirements. The common denominator of these factors was 'residents' lack of personal commitment to environmental safety /health.

Therefore, it is acceptable to say that improving the adherence to sanitation laws will enhance the environment and public health, and there is a need for attitudinal change on the part of the citizenry. The next section examines the existing laws in Nigeria on environmental sanitation to determine the degree to which they focus on behavioral change as a catalyst for ensuring compliance.

3. Legal Framework for Environmental Sanitation in Nigeria

Several laws, statutes, rules, and regulations make up Nigeria's environmental law system, all of which are related to environmental sanitation in some way. These laws address issues such as waste management, land use and conservation, environmental sanitation, and air pollution, water, soil, and food pollution. Environmental welfare is made a fundamental objective and Directive Principle of state policy by Section 20 of Chapter II of the Constitution of the Federal Republic of Nigeria (1999 as amended) (CFRN 1999). However, a close reading of the clause reveals that it does not explicitly mention Nigeria's need for a clean and healthy environment. The Constitution is silent on the need for environmental sanitation, except for fundamental rights like the right to life, the dignity of the person, private and family life, equality, and property, which are frequently interpreted broadly to include the rights to a healthy and clean environment. This study posits that it becomes even more difficult to determine whether Section 20 of the C.F.R.N explicitly states the need for a clean and healthy environment when compared to similar provisions in other countries. For example, Article 53 of the 2005 Constitution of the Democratic Republic of Congo (DRC) guarantees every citizen the right to a satisfactory and sustainable healthy environment, along with a duty to protect it.

Similarly, Section 24 of the 1996 Constitution of South Africa guarantees the right to a healthy environment and establishes legal guidelines for its protection, benefiting both present and future generations. Although the Nigerian Constitution doesn't explicitly mention the importance of having a clean and healthy environment, Section 20 of the CFRN 1999 embodies a spirit of environmental well-being. This has led to the creation of several laws and policies related to environmental sanitation.

The National Environmental Standards and Regulations Enforcement Agency (NESREA) was created by the NESREA Act to ensure the enforcement of environmental standards, regulations, rules, laws, policies, and guidelines. Its mission is to protect and develop the environment, conserve biodiversity, and sustainably manage Nigeria's natural resources.²⁷ Section 25 of the Act provides that NESREA may make regulations to protect public health and promote sound environmental sanitation. It further states that anyone who flouts the rules issued per subsection (1) of this section is guilty of an offense and subject to the penalties outlined in the regulations made following that subsection. This paper opines that the use of the phrase 'may make' in comparison to the phrase 'shall 'make,' which is the predominant phrase of the

²⁶P. Achor, A. Ehikwe and A. Nwafor 'Curbing/Mitigating Indiscriminate Waste Dumping Through Effective Stakeholder Relations (2014) *International Journal of Science and Research International Journal of Science and Research* 4 (3)

²⁷ National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 (No. 25 of 2007).

Act concerning environmental protection, indicates the Act's position on the issue of environmental sanitation.

The 2009 National Environmental Sanitation and Wastes Control Regulations, made under section 34 of the NESREA Act, 2007, is another such law.²⁸ The regulation encourages adopting eco-friendly and sustainable waste management and environmental sanitation methods to reduce pollution. The Regulations include broad guidelines for hygienic conditions and personal hygiene. It imposes duties on organizations and property owners, including providing lavatories, a supply of drinkable water, and regular building maintenance. People who produce garbage, home, and other living units are also subject to specific environmental sanitation duties. The regulations include many waste management techniques, such as solid waste management, effluent discharge, hazardous waste, and healthcare waste management. There are severe penalties for anyone who violates any of the Regulations' criminal provisions, whether people or corporate organizations.

Before the 2009 NESREA regulation, the National Environmental Sanitation Policy was conceived to help secure a quality environment for current and future generations' social and physical well-being. According to the policy, environmental sanitation refers to the ethics and methods of creating sanitary conditions in the environment in order to advance public health and welfare, enhance the quality of life, and guarantee a sustainable environment. The policy acknowledged that all Nigerians have a fundamental right to live in a risk-free environment that encourages healthy living. According to the policy, maintaining cleanliness and hygiene is the responsibility of the Federal Ministry of the Environment, as well as the various State Ministries of the Environment and Water Resources. To ensure Nigerians have access to affordable, sustainable sanitation services, the National Policy Water-Sanitation 2000 was equally adopted. All levels of government must provide funds for water sanitation programs equal to at least 15% of their yearly budgets for water supply and sanitation programs, according to the policy.

Several policy guidelines, including the Policy Guidelines on Solid Waste Management, address environmental sanitation. These guidelines aim to promote public health and welfare by implementing effective and affordable methods for managing solid waste sustainably that also ensure sound environmental quality. Additionally, the Policy Guidelines on Excreta and Sewage Management seek to provide country-wide access to sustainable and effective methods for managing excreta and sewage while eliminating associated health risks. The Policy Guidelines on School Sanitation aim to create a safe and healthy environment for the school community by providing optimal sanitation facilities that support students' and staff's physical, mental, and emotional well-being. Although each of these laws and policy directives demonstrates the government's desire to promote environmental sanitation in Nigeria, the policies do not consider the obligations and tasks that communities and individuals have, as well as the value of educating people about cleanliness, nor do they provide citizens the comparable legal authority to require compliance.

Apart from federal laws and Policies, all the federation states, including the Federal Capital Territory Abuja, have their respective Environmental Protection Agencies and Sanitation laws to protect the environment. In Oyo state, for instance, there is the Oyo State Waste Management Authority Law of 2004. This law has similar provisions to the National Environmental Sanitation and Wastes Control Regulations 2009. The law makes the authority responsible for enforcing all laws and regulations concerning solid waste management and other laws and regulations as may be in force in the state.²⁹ The law empowers the authority to carry out its enforcement activities to enter upon any land or premise (after having given its occupier notice)

²⁸ National Environmental (Sanitation and Wastes Control) Regulations, 2009

²⁹ Oyo State Waste Management Authority Law 2004 S 6(1)(a)

for its objectives. An authorized official is explicitly granted the power of access under Section 32(1) to check that the law requirements are being followed. This authorized officer is also empowered to arrest people reasonably suspected of contravening the law. Offenses under the law can be tried by all Magistrate Courts, Mobile sanitation courts, and High Courts except where a special provision has been made. The law prescribes some fines and sanctions for offenders. For example, a landlord who fails or refuses to provide and maintain a dustbin or make provision for waste disposal in his premises shall be liable on conviction to a fine of Two Thousand Five hundred naira only or two months imprisonment.³⁰ The Enugu State Waste Management Authority is created in Enugu state under the Enugu State Waste Management Authority Law. The 'laws' Sections 12 through 29 address a variety of human activities and personal hygiene issues, including ownership of tenements, ownership of undeveloped plots in built-up areas, industrial and commercial waste, the provision of dustbins in commercial vehicles, public restrooms, the removal of silt, the disposal of construction debris, and the observance of a required sanitation day on the last Saturday of every month.

The Abuja Environmental Protection Board (Solid Waste Control) and the Abuja Environmental Protection Regulation 2005 are the main bodies that regulate solid waste control in Abuja, the federal capital area. The Lagos State Environmental Protection Agency (LASEPA) statute was passed in Lagos State and created the agency (LASEPA). Like most environmental protection agencies across the nation, LASEPA's duties include keeping an eye on and managing trash disposal in Lagos State and serving as the state government's advisor on all environmental management policies. The former Environmental Sanitation Law of 1998 was abolished by the Lagos State Environmental Sanitation Law of 2001, which also created the Environmental Sanitation Corps and provided for sanitation throughout the state.

Like the Federal laws, the Laws applicable in various states have largely failed in ensuring the cleanliness of the environment. The element of community participation in behavioral change remains vague. The laws view community participation as constructing facilities for environmental sanitation rather than allowing the community to contribute ideas, make decisions, and take responsibility.

4. Reinventing Environmental Sanitation Laws in Nigeria Through Community Participation

Legal strategies discussed above aimed at environmental protection in Nigeria, including those attributed to environmental sanitation, have been largely top-down and have failed to yield the desired result in terms of changing the attitude of citizens toward environmental sanitation. Globally, there is increasing recognition in the literature that community participation, by its very nature a critical tool to address the problem of compliance with environmental sanitation strategies, given that it enables communities to have greater control and take ownership of these interventions.³¹ According to Fagbemi et al., any discourse on the knowledge and perception of environmental sanitation laws must include the 'users' perception of environmental sanitation laws which includes the organization, identification, and interpretation by the sensory organs of the presented information of the environment.³²

³⁰ Oyo State Solid Waste Management Authority Law 2004 S1, Schedule A18.

³¹ O. Alonge, S. Sonkarlay, W. Gwaikolo, C. Fahim, J.L. Cooper, & D.H. Peters, "Understanding The Role Of Community Resilience In Addressing The Ebola Virus Disease Epidemic In Liberia: A Qualitative Study (Community Resilience In Liberia)" (2019) *Global Health Action* 12 (1) 1662682; S. Ammirato, R. Linzalone, A.M. Felicetti, "Knowledge Management In Pandemics. A Critical Literature Review" (2021) *Knowledge Management Research & Practice* 19 (4) 415; S. Hügel, & A. Davies, "Public Participation, Engagement, And Climate Change Adaptation: A Review Of The Research Literature" (2020). *Wiley Interdisciplinary Reviews: Climate Change*, 11 (4) e645.

³² K.B. Fagbemi, A.O. Ogungbemi, O.O. Philips, B. Obatuase and Y.O. Hassan "Users Perception Of Environmental Sanitation Exercise In Selected Market In Nigerian Cities" (2020) *International Journal of Waste Resources* 10 (2) 378.

Therefore, the perception of users deals with the levels of understanding of environmental sanitation laws in their respective communities. In essence, there is a strong linkage between an individual's understanding of environmental sanitation, their perception of it, and actual practice or compliance with the law.

In light of the above, this section presents two methodologies that have been field-tested to enhance the sustainability of sanitation service interventions in Nigeria and provide a model for sanitation lawmaking for improved compliance. These two approaches include urban-focused household-centered environmental sanitation (HCES) and rural-focused community-led total sanitation (CLTS), utilizing community and small-scale business sector resources to address local sanitation issues and improve compliance with environmental sanitation laws, recorded consideration since their introduction. These two approaches are particularly significant for Nigeria given the heterogeneous nature of Nigerian cities, where there are still certain areas of the city where people still adhere to many of the rural attitudes and practices of rural communities.

a. The Urban-Focused Household-Centered Environmental Sanitation (HCES) Model

The challenges posed by rapid urbanization, such as population growth and sprawl, have made it difficult for traditional city planning methods to keep up. Providing urban sanitation services that effectively serve the needs of citizens and account for the complex urban landscape is a significant challenge. The political and economic realities, institutional fragmentation, and cultural diversity within urban areas further complicate the situation, making it challenging to enforce sanitation regulations effectively.³³ The HCES is a multisector planning strategy designed to improve the delivery of environmental sanitation services in underdeveloped urban areas. It integrates water supply, stormwater, and sewage management, makes it easy to include feedback from various actors, and uses the idea of urban zones to speed up the adoption of decentralized options.³⁴ The HCES approach is a part of the family of communicative planning frameworks that emphasize bottom-up, participatory techniques and encourage a range of stakeholders to participate in a democratic planning process, particularly in lawmaking.³⁵

HCES incorporates environmental sustainability systems based on circular resource management.³⁶ This aims to reduce waste, conserve resources, and address environmental sanitation problems from their source. This acknowledges sectoral advances which have devised new strategies and solutions to tackle the rising environmental sanitation problem. The HCES approach requires municipal officials, urban planners, community representatives, and chiefs to receive information on affordable and sustainable sanitation options to effectively comply with environmental sanitation laws.³⁷ The stakeholders involved in a process are equipped with the necessary knowledge and support to enhance their ability to make informed decisions, effectively implement services, and manage the associated processes.

³³D. Mara, & G. Alabaster, 'A New Paradigm For Low-Cost Urban Water Supplies And Sanitation In Developing Countries' *Water Policy* 10 119.

³⁴The Household-Centred Environmental Sanitation (HCES) approach was conceived by the Environmental Sanitation Working Group of the Water Supply and Sanitation Collaborative Council (WSSCC) and the Swiss Federal Institute of Aquatic Science and Technology (EAWAG) in response to the Bellagio Principles.

³⁵R. Schertenleib, A. Morel, J. Kalbermatten, & D. Saywell, 'Guidelines for the Implementation of the Bellagio Principles and the Household-Centred Environmental Sanitation Approach (HCES)'. In *Proceedings of the 2nd International Symposium on Ecological Sanitation in Lu'beck 2003*. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ) GmbH (ISBN 3-00-012791-7).

³⁶D. Spuhler, & C. Lüthi, 'Review Of Frameworks And Tools For Urban Strategic Sanitation Planning: Considering Technology Innovations And Sustainability (2020) *Journal of Water, Sanitation and Hygiene for Development* 10 (4) 768.

³⁷Above n. 41 770

Stakeholders are crucial to the planning process in the context of environmental sanitation laws, as per the HCES model.³⁸ As a result, the method responds to the users' requirements and demands rather than the central planner's often inaccurate ideas. Through its community-based participatory processes, which give the end users a say in the type and character of laws that should be established, the community is empowered and takes ownership of the system.³⁹ Therefore, HCES as a model for environmental sanitation lawmaking, encourages citizens' involvement in the planning process phases, allowing actors from all spheres and sectors to collaborate, transforming individual and institutional perspectives about the laws that are formed.⁴⁰

b. Community-led Total Sanitation

Community-led total sanitation (CLTS) was introduced as a pioneering approach to eradicate open defecation (ODF) through community participation.⁴¹ CLTS works with entire communities, rather than individuals, to ensure compliance by relying solely on local resources. This approach has proven successful in many parts of Asia and Africa, efficiently changing community hygiene practices and reducing law violations.⁴²

The most significant advantage of the CLTS approach is its effectiveness in promoting changes in behavior and encouraging community action to support this change. The CLTS process involves educating all stakeholders, including elected municipal council members, department heads, local NGOs, Community-based organizations (CBOs), health workers, and community members, including local leaders, on the approach and emphasizing the importance of behavior change as the ultimate goal. Given the success of CLTS in driving behavior change and promoting community involvement, there is a growing interest in applying this approach to Nigeria's environmental sanitation legislative process. In a study of water aid-supported CLTS interventions in rural Bangladesh, the overall result demonstrated ongoing latrine upgrading and maintenance, prolonged behavior modification, and extremely cost-effective program implementation.⁴³ Additionally, the strategy has resulted in the declaration of ODF status for more than 16,000 rural villages, and the strategy is now acknowledged in national policy.⁴⁴

In environmental lawmaking, ensuring community participation is a point toward improving compliance with the law's spirit, leading to improved sanitary conditions. This is because to make sanitation happen using the instrument of law, and there is a need to have a good understanding of 'people's behavior and practices in the lawmaking process. Since CLTS involves the entire community, making environmental sanitation laws using this model will

³⁸ E.M. Abalo, S. Agyemang, S. Atio, D. Ofosu-Bosompem, P. Peprah & R. Ampomah-Sarpong "Environmental Sanitation Unleashed: Effectiveness And Challenges Of The National Sanitation Day As a Community Sanitation Participatory Approach In Aboabo, Ghana", (2017) *Cogent Environmental Science*, 3 (1)

³⁹ C. Lüthi, R. Schertenleib, & E. Tilley, "HCES: A New Approach To Environmental Sanitation Planning" (2007). *Waterlines* 26, 2

⁴⁰ C. Lüthi, A. Morel, P. Kohler, E. Tilley 'People's Choice First. A 4-Country Comparative Validation of the HCES Planning Approach for Environmental Sanitation' 2009. NCCR North-South Dialogue 22. Bern, Switzerland: NCCR North-South.

⁴¹ V. Zuin, C. Delaire, R. Peletz, A. Cock-Esteb, R. Khush, & J. Albert, 'Policy Diffusion in the Rural Sanitation Sector: Lessons from Community-Led Total Sanitation (CLTS)' (2019). *World Development*, 124, 104643; J. Crocker, A. Geremew, F. Atalie, M. Yette, J. Bartram, 'Teachers and Sanitation Promotion: An Assessment of Community-Led Total Sanitation in Ethiopia' (2016) *Environmental Science and Technology*. 50(12) 6517.

⁴² K. Parameswari, T.K. Padmini, B.V. Mudgal, Assessment of Soil Contamination around Municipal Solid Waste Dumpsite. (2015) *Indian Journal of Science Technology* 8 36; K. N. Ogendo, A. B. Kihara, R. J. Kosgei, H. Tweya, W. Kizito, B. MurKomen, and O. Ogutu, "Assessment of Community Led Total Sanitation Uptake in Rural Kenya" (2016) *East African Medical Journal* S39

⁴³ Evans, B., et al., Sustainability and equity aspects of total sanitation programmes: a study of recent WaterAid-supported programmes in three countries. Global synthesis report. (2009). Preprint prepared for the 34th WEDC Conference, May 2009.

⁴⁴ V Zuin, C Delaire, R Peletz, A Cock-Esteb, R Khush, J Albert, Policy Diffusion in the Rural Sanitation Sector: Lessons from Community-Led Total Sanitation (CLTS).(2019) *World Development* 124 104643,

give rise to natural leaders, activists, and enthusiasts who would take the lead in ensuring compliance with the laws. This would, in turn, trigger an emotional spur to the behavioral disposition of the entire community to the laws. According to Harter et al., using the CLTS model triggers a feeling of humiliation and disgust that permeates the entire community when people face obscene facts about widespread open defecation and its detrimental effects on everyone.⁴⁵ In essence, everyone will want to comply with the provisions of the law to avoid being regarded as a deviant. The local communities in CLTS are crucial to self-organization and collective action.⁴⁶ Creating local action plans, including organizing mobilization techniques, considering low-cost technology choices, offering incentives, overseeing the implementation process, and achieving sanitation outcomes, will arise from including the local community in the lawmaking process.

To succinctly put, the key focus of this approach to environmental sanitation lawmaking is not just creating laws but creating laws that prioritize changing behavior in order to ensure compliance. The goal is for the entire collection to uphold the laws to manage the public concerns created by breaking the law and lower the occurrence of diseases linked to poor sanitation. This will foster a favorable environment for adopting better hygiene habits, safe food and water handling, and safe confinement and waste disposal.

5. Environmental Sanitation Law Making in Nigeria: Understanding the Key Shifts

Given Nigeria's top-bottom approach to environmental sanitation lawmaking, existing laws, predominantly federal laws, typically coexist with state sanitation laws in the form of policies, rules, and regulations, as well as with provisions for administrative actions by some environmental agencies. However, generally, they do not appear to have sufficiently covered the field. For the HCES and CLTS models to be effective in Nigeria, the local governments must shift this lawmaking responsibility.⁴⁷ "Local governance" refers to the participation of local governments and community-based organizations in collaborative decision-making to provide effective public services.⁴⁸

Local governments play important roles in providing and improving some infrastructural services, even if it is acknowledged that the federal government may be more extensively involved in some parts of infrastructure development to ensure community engagement. The fourth schedule outlines the role of local government as defined in the Federal Republic of Nigeria. Its duties include, among others, the provision and upkeep of public restrooms, sewage treatment, and garbage disposal.

As the arm of government closest to communities, through local monitoring procedures, local governments are in a good position to guarantee long-term benefits and sustainable change in social behavior. The CLTS approach has been successfully shown by non-governmental organizations (NGOs), but experience suggests that local government participation legitimizes local action and speeds scaling up.⁴⁹ The coverage would increase dramatically with this community-based strategy's expansion and local governments' cooperation.

⁴⁵M. Harter, J. Lilje, and H. Mosler, "Role of Implementation Factors for the Success of Community-Led Total Sanitation on Latrine Coverage. A Case Study from Rural Ghana" (2019) *Environmental Science & Technology* 53 (9) 5466.

⁴⁶N. Ferronato and V. Torretta "Waste Mismanagement in Developing Countries: A Review of Global Issues" (2019) *Int J Environ Res Public Health* 16(6) 1060.

⁴⁷I. Diejomaoh, and E. Eboh, 'Local Governments in Nigeria: Relevance and Effectiveness in Poverty Reduction and Economic Development' (2012). Available at SSRN: <https://ssrn.com/abstract=2045439> or <http://dx.doi.org/10.2139/ssrn.2045439> accessed 27 December 2022

⁴⁸K.J. Samuel, S.B. Agbola, & O.A. Olojede, 'Local Governance And The Crisis Of Water And Sanitation Provision In Medium-Sized Urban Centres: Evidence From Three Cities In Nigeria' (2021). *Local Economy*, 36 (2) 164

⁴⁹Above n. 53 at 169

The allocation of responsibilities between the local government and the higher levels of government is the crucial change in adopting these models for environmental lawmaking in Nigeria. The main parties involved in these models are local governments and communities. The higher tiers of government are expected to design policy and provide implementation support in a way that facilitates and does not dilute the process of self-realization by the community to own the lawmaking process once the collective needs to change its behavior is realized and established. The policies, methods, and legislation created with communities and local government at their center will foster compliance and successfully induce a change in general behavior for better cleanliness and gratifying results.

C. Conclusion

Collaborating with many stakeholders is necessary to develop a demand-driven approach. Many planning academics believe that multidisciplinary involvement in all planning, decision-making, and implementation phases is essential to creating more intelligently planned and equitably distributed cities. Through collaboration, actors from many domains and sectors (public, corporate, parastatal) can alter institutional and individual views through participatory planning frameworks. Finding common ground and practical solutions while cooperating has several benefits.

The necessity of building people's capacity, skills, and local knowledge is emphasized by experiences in testing the HCES and CLTS models. It also demonstrates the value of an open-ended and adaptable legal framework that enhances citizens' control over their livelihoods, makes lawmaking more relevant to local realities, and encourages community-based action. By making involvement relevant and time-efficient for the law's intended users, these two models in Nigeria will alter how environmental sanitation laws are produced, enhancing compliance. The laws will also consider all stakeholders' methods, tools, expertise, and experience. A focus on learning and knowledge for action, particularly addressing disparities among various societal strata, will be present.

References

A. Book

Yassi. A, Kjellström. T, De Kok. T. and Guidotti. T.L. *Basic Environmental Health*. Oxford University Press: USA, 2001.

B. Journal

Abalo. E.M, Agyemang. S, Atio. S, Ofosu-Bosompem. D, Peprah. P, and Ampomah-Sarpong. R. "Environmental Sanitation Unleashed: Effectiveness And Challenges Of The National Sanitation Day As a Community Sanitation Participatory Approach In Aboabo, Ghana". *Cogent Environmental Science* 3, No. 1, (2017).

Achor. P, Ehikwe. A and Nwafor. A. "Curbing/Mitigating Indiscriminate Waste Dumping Through Effective Stakeholder Relations". *International Journal of Science and Research International Journal of Science and Research* 4, No. 3, (2014).

Chidiobi. O.C., and Ibekwe, J.C. "Oil Exploitation, Environmental Issues and Resource Curse in a Post-Colonial Niger Delta Region of Nigeria: The Unending Search for Peace, 1960-2009". *Advances in Social Sciences Research Journal* 9, No.11, (2022).

- Daramola. O and Olowoporoku. O. “Environmental Sanitation Practices in Osogbo, Nigeria: An Assessment of Residents Sprucing-Up of Their Living Environmen”. *Economic and Environmental Studies* 16, No. 4, (2016)
- Diejomaoh.I and Eboh. E. “Local Governments in Nigeria: Relevance and Effectiveness in Poverty Reduction and Economic Development”. (2012). Available at SSRN: <https://ssrn.com/abstract=2045439> or <http://dx.doi.org/10.2139/ssrn.2045439> accessed 27 December 2022.
- Fagbemi. K.B, Ogungbemi. A.O, Philips. O.O, Obatuase. B. and Hassan. Y.O. “Users Perception Of Environmental Sanitation Exercise In Selected Market In Nigerian Cities”. *International Journal of Waste Resources* 10, No. 2, (2020).
- Fagbemi. S. A. “Legal and Regulatory Frameworks for Urbanisation and Urban Planning and Management in Nigeria”, *Nigerian Law Journal* 20, (2017).
- Ferronato. N and Torretta. V. “Waste Mismanagement in Developing Countries: A Review of Global Issues”. *Int J Environ Res Public Health* 16, No. 6, (2019).
- Gola.M, Settimo.G, and Capolongo. S. “Indoor Air Quality In Inpatient Environments: a Systematic Review On Factors That Influence Chemical Pollution In Inpatient Wards”. *Journal of Healthcare Engineering*. (2019).
- Harter, M., Lilje. J and Mosler. H. “Role of Implementation Factors for the Success of Community-Led Total Sanitation on Latrine Coverage. A Case Study from Rural Ghana” *Environmental Science & Technology* 53, No. 9, (2019).
- Hügel. S and Davies. A. “Public Participation, Engagement, And Climate Change Adaptation: A Review Of The Research Literature”. *Wiley Interdisciplinary Reviews: Climate Change* 11 No. 4, (2020).
- Lofrano. G, and Brown.,J. “Wastewater Management Through The Ages: A History Of Mankind”. *Science of the Total Environment* 408, No. 22, (2010).
- Lüthi. C, Schertenleib. R. and Tilley. E. “HCES: A New Approach To Environmental Sanitation Planning”. *Waterlines* 26, No. 2, (2007).
- Mensah. J., Agbeko. P, Mattah. D, Amoah. J, Mattah. M.M. “Public compliance With Environmental Sanitation Regulations in Ghana”. *Open Health* 3, No. 1, (2022).
- Nwachukwu. M. “Environmental Sanitation Enforcement And Compliance Best Management Strategies For Nigeria”. (2008) Eighth International Conference on Environmental Compliance and Enforcement 2008. Available at <https://bit.ly/3W8FT2V> accessed November 25, 2022.
- Nwakerendu. I. “Sanitation Exercise in Lagos State, Nigeria: The Imperative of Integrated Communication Strategy”. *Covenant Journal of Communication (CJOC)* 3, No. 2, (2016).
- Okeke. M.M. and Okafor. E. “Religious and Ethical Evaluation of the Attitudes of Some Contemporary Nigerians to the Environment: An Issue in Nation-Building”. *Journal of African Interdisciplinary Studies* 3, No. 4, (2019).
- Olowoporoku, O. A. “A Recipe for Disaster: An Assessment of Environmental Sanitation Situation in Nigeria”. *MAYFEB Journal of Environmental Science* 1, No. 1, (2017).
- Owolabi. B.O. “Effect of Housing Conditions and Environmental Sanitation on the Residents of Oyo State”. *Nigeria International Journal of Research in Environmental Science* 3, No. 3, (2017).

- Raimi, M.O. “A Critical Review of Health Impact Assessment: Towards Strengthening the Knowledge of Decision Makers Understand Sustainable Development Goals in the Twenty-First Century: Necessity Today; Essentiality Tomorrow”. *Research and Advances: Environmental Sciences* 2652. (2020).
- Samuel. K.J, Agbola. S.B and Olojede. O.A. “Local Governance And The Crisis Of Water And Sanitation Provision In Medium-Sized Urban Centres: Evidence From Three Cities In Nigeria”. *Local Economy* 36, No. 2, (2021).
- Sani. M.A. “A Review of the Nigerian Urban and Regional Planning Law, CAP. 138 LFN of 2004”. *Town and Regional Planning* 80, 77. (2022).
- Scheyvens. R, Banks. G and Hughes. E. “The Private Sector And The SDGs: The Need To Move Beyond 'Business As Usual'”. *Sustainable Development*, 24, No. 6, (2016).
- Spuhler. D. and Lüthi. C. “Review Of Frameworks And Tools For Urban Strategic Sanitation Planning: Considering Technology Innovations And Sustainability”. *Journal of Water, Sanitation and Hygiene for Development* 10, No. 4, (2020).
- Van Minh. H, and Hung. N. “Economic Aspects Of Sanitation In Developing Countries”. *Environmental Health Insights* 5 EHI-S8199. (2011).
- Venkataramanan.V, Crocker. J., Karon. A, Bartram. A. J. “Community-Led Total Sanitation: a Mixed-Methods Systematic Review Of Evidence And Its Quality”. *Environmental Health Perspectives* 126, No. 2, 026001. (2018).
- Zuin. V, Delaire. C, Peletz. R, Cock-Esteb. A, Khush. R, and Albert. J. “Policy Diffusion in the Rural Sanitation Sector: Lessons from Community-Led Total Sanitation (CLTS)” *World Development*, 124, 104643. (2019).