



**An Assessment of the Role of Enforcement in Promotion of Compliance to Environmental Standards in Ibadan Metropolis, Oyo State, Nigeria**

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**Abstract**

This study examined the role of enforcement in the promotion of compliance to environmental standards in Ibadan Metropolis. It also identified various enforcement actions of government and investigated the various environmental management tools that promote compliance. This was with the view to identifying the challenges and prospect of enforcement of environmental laws in Ibadan metropolis providing a platform for rapid generation of data for environment related decision making and promoting compliance to environmental standards in Ibadan metropolis. This research focused on the major regulatory authorities overseeing environmental compliance and monitoring in Ibadan. The primary source of data involves the conduct of interview with regulatory bodies in Ibadan Metropolis and the use of properly structured questionnaire. A total of 200 questionnaires were administered to workers of four enforcement agencies in the study area. The data collected from the field was analyzed using descriptive and inferential statistics. The result of the analysis showed that 52% of the respondents indicated that enforcement promotes compliance to environmental laws, 46% of the respondent stated otherwise that enforcement do not promote compliance to environmental laws while 2% of the respondents do not know the effects of enforcement to compliance promotion. Environmental Management Plan (38%), relevant regulations (34%), environmental impact assessment (16%), and environmental audit (12%) were indicated as environmental management tools used in Ibadan. 33% of respondents stated that environmental management tools are moderately enforced, 30% said they were very effective, 15% said they were not effective, 8% said they don't know, while 6% were indifferent. Also 38% of respondent agreed that enforcement efforts of government were well executed, 26% agreed that it was moderately executed, 22% were undecided. 36% of the respondents agreed that lack of awareness has been hindering the enforcement of statutory environmental legislation, 26% said it was lack of training, 20% said it was inadequate funding, while the remaining percentage 18% said it was poor understanding of legislation. The research concluded that diligent enforcement of environmental laws and relevant management tools promotes compliance to environmental laws and regulations.

**Keywords:** *Compliance; standards; enforcement; environmental laws; Ibadan.*

**INTRODUCTION**

Issues of the environment are dealt with under numerous local, state, federal and international laws, regulations, guidelines and policies, depending upon the type of legislation and the stage it is at its lifecycle (Adegoro, 1995). Moreover, the scope of legislation relating to environment has expanded to take into account different purposes. The last three decades have seen the emergence of environmental regulation as a major activity of governments in Nigeria (Adelegan, 2006). As the stringency of those regulations increased so too have the incentive for non-compliance and the need to

enforce (Agbonifo, 2002). Complexities of definition and purpose make it difficult to provide a single, comprehensive summary of environmental legislation. Nonetheless, there is some continuity and commonality across specific spheres. For example, Bricknell (2010: 4) notes that while a uniform definition presently remains elusive and the application of laws against environmentally harmful practices varies between (and within) nations, there is unanimity in the types of acts commonly recognized as environmental crimes. Among these crimes is the illegal discharge, dumping and transport of, or trade in, hazardous and other regulated waste (Rob & Diane, 2012). As with most transnational crimes, there are various levels of regulation and legal convention in relation to environmental crime. In terms of the question of who does what, a succinct answer is that:

Under the Nigerian constitution, environmental issues are placed on the concurrent list, and delineation of environmental responsibilities, waste management is the primary responsibility of the states and local governments which regulate and manage waste in accordance with their respective legislation, edicts and bye-laws. The Nigerian Government has responsibility for national legislation, strategies and policy frameworks for Environmental Impact Assessment, Environmental Auditing, Environmental Management Systems, waste, including measures that give effect to obligations under international agreements (National Policy on Environment 2010). Local governments have responsibility for waste management within their local areas as laid down by the regulatory framework of each state. Some local governments have developed their own strategies and regulations on waste management, and programs to implement local sustainability and environment outcomes (Ebomhe, 2012, Adibe and Essagha, 1999, Ola and Tonwe, 2003).

It is rare that the state uses coercion solely or even as the key lever of compliance to environmental laws. Rather, a wide variety of measures are used, one of which is enforcement of applicable laws to promote compliance frequently in conjunction with each other, as a means to deal with environmental harm (Lawrence and Caroline, 2005). Likewise, a range of agencies is assigned the task of ensuring compliance and enforcing the law vis-à-vis environmental protection (Benebo, 2008).

The regulatory landscape is made up of many different stakeholders and participants. These include, for example, businesses, employees, government agencies, communities, shareholders, environmentalists, regulators, the media, trade customers, financial institutions, consumers and the list goes on (Aksel, 2013). The role and influence of various people and agencies is shaped by factors such as resources, training, information, skill, expertise and legislation. In the specific area of environmental regulation, the general trend has been away from direct governmental regulation and toward softer regulatory approaches. Measures include Environmental Impact Assessments (EIAs) and Environmental Management Systems (EMSs) through to voluntary adoption of good environmental practices by the regulated communities. Generally speaking, systems of regulation range from on the one hand “command and control” regimes through to on the other hand systems based upon voluntary compliance by companies.

Issues of compliance and enforcement are at the heart of the regulatory project. The intent of legislation and regulation is to shape behaviour in particular directions. When this does not occur, it sometimes signals a failure in regulatory practices. Compliance means the state of conformity with the law. The mandate of most environmental protection agencies is not only to enforce compliance through use of criminal prosecutions, but to forge strategic alliances and working partnerships with industries, local governments and communities in support of environmental objectives (Benebo, 2008). It is the anticipation of enforcement action that confers the ability to deter (Robinson, 2003: 11). Bearing these sentiments in mind, it is instructive to assess the challenges and prospects of enforcement of environmental legislations in Ibadan Metropolis Oyo State for it is obvious that enforcement issues matter in designing and appraising any regulatory regime.

Improving compliance with environmental regulation and enhancing results has been a longstanding theme in the regulatory debate. The battle has been primarily waged within the arena of environmental agencies that engage in daily struggles to achieve substantial environmental outcomes

and reduce non-compliance with the law. These agencies seek to promote compliance in a deliberate and proactive manner. In essence, theories of responsive regulation have in common the general assertion that regulators need to be acutely aware of the consequences of their actions and need to modify their actions accordingly (Farber 1993-1994; Baldwin & Black 2008). This awareness is rooted in the simple notion of the need to look backwards before moving forward. In other words what is required of regulators is a reflexive investigation of past achievements, aimed at modifying future action (Orr and Oren, 2016). How this investigation should be conducted has remained at times a vague notion.

Responsive regulation has the potential to bridge the gap between environmental policy and implementation. Key to realizing this promise is improved information and reflexive analysis of regulatory performance (Thornton et.al. 2008). Environmental compliance and enforcement indicators are an index which serves as a regulatory scoreboard which can set the boundaries of a rational reflexive process and provide necessary information to regulators and the public (INECE, 1992). This research proposes a framework for dealing with the difficulties associated with enforcement and compliance to environmental regulations. It will involve selecting and articulating data components that can help in identifying sources of non-compliance, methods for addressing these sources, monitoring implementation of new relevant legislations and identifying best enforcement strategies to boost compliance to environmental laws.

The weak enforcement of Nigerian environmental laws is a major cause of non compliance by the regulated communities (Benebo, 2008, INECE, 1992, Wasserman, 1993). The federal, state and local government are empowered by the constitution to legislate on environmental matters; they all have respective authority to enact environmental laws, regulations and rules. The result of this arrangement is that it has never been clear as to what level of inter-governmental relationship exist in environmental matters. The loopholes existing in the compliance mechanism to environmental law on one side shows the not serious enough attitude of environmental management for some administrations, they have not realized the importance of a sound system of environmental laws and the need for enforcement (Konisky, 2008).

On another side, the lack of awareness on the side of the regulated communities on existing environmental legislations and even deliberate neglect of environmental interests leaves little to be desired (Lawrence and Caroline, 2005). This obviously does not conform to the sustainable development principle and lead to neglects and abuse of environmental obligations. As a result, conflicts and compromises of different interests in the implementation process occur, other economic benefits by negotiation with environmental officials, and bribery to officials may happen. If the public interests in terms of ecosystem services of provisioning, regulating and supporting different human and environmental functions as well as health, material basis of development, and recreational benefits deriving from environment are not properly reflected in the environmental law, citizens may object to the pollution and harm on human and the environment as a result of non enforcement of laws and consequently non compliance. The neglect of environmental interest may bring short-term economic benefits, nevertheless, much more economic loss may result from environmental accidents, and public trust on government will also suffer. Environmental departments also have the lack of resources problem which includes the tight financial budget, insufficient technical support as well as inadequate and properly trained personnel.

A significant issue affecting regulation enforcement in Nigeria is the lack of a National database on environmental quality (Solomon et al., 1995). The weakness in the institutional set up of environmental regulations leads to corruption and special interest groups often try to use the regulatory process to advance their own economic position (Wasserman, 1993). Some other cases, "revenue-driven" economic interest may intervene in the political process to structure regulation in ways that deliver benefit to them. For example, most state environmental and public health legislations are more revenue driven than regulating pollution. For example, in Ibadan Municipality of Oyo state, where there is a large concentration of industries in the industrial estates of Oluyole,

Lagelu, Olubadan, Eleyele and other locations like Idiaunre, the State Ministry of Environment allows the industries to pollute once they pay the polluter fees and other administrative charges.

It is in light of the above that this study sought to explore the underlying factors that hinder compliance to environmental legislations as well as identify the challenges and prospect of enforcement of environmental laws in Ibadan metropolis, Oyo State.

## RESEARCH METHODOLOGY

### The Study Area

The study area which was Ibadan consisted of 11 Local Government Areas (LGAs) for governance and administrative purposes. Five of the LGAs are located in the metropolis, while the remaining six are either predominantly peri-urban or rural settlements (Figure 3.1). Ibadan has total land area of 3,123 km<sup>2</sup>, of which about 15 per cent is urban and the remaining 85 per cent is classified as peri-urban (Adelekan *et al.*, 2014). Ibadan North LGA is the largest among the urban LGAs (145.58 km<sup>2</sup>) while Ibadan North West is the smallest at 31.38 km<sup>2</sup>. The peri-urban LGA of Ido (865.49 km<sup>2</sup>) covers the largest land area (Adelekan *et al.*, 2014).

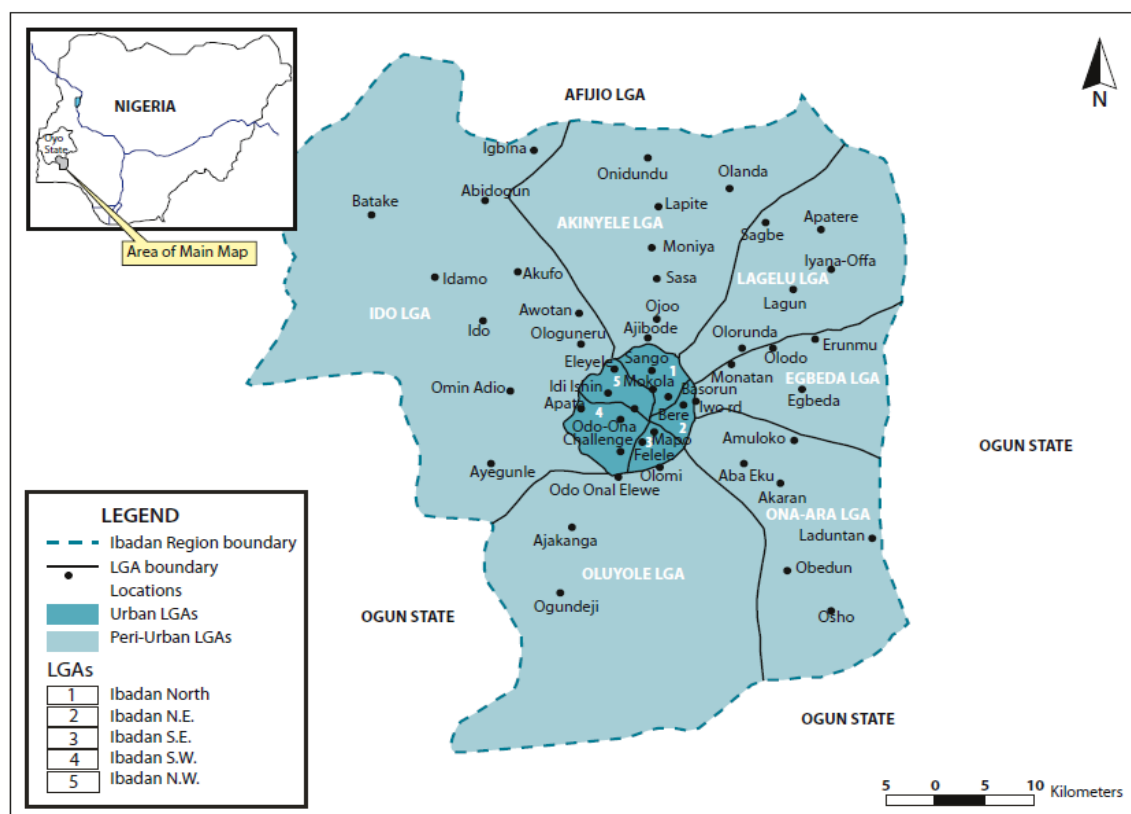


Figure 3.1: Map of Study Area

### Research Design

A survey research was employed in this study. Nwogu (1991) defined a survey research as one in which a group of people or items is studied by collecting and analyzing data from only few people considered to be a representation of the entire group. The research relied on both primary and secondary sources of data. The primary source of data involves the conduct of interview with regulatory bodies in Ibadan Metropolis and the use of properly structured questionnaire which will consist of four sections, participants are requested to fill all sections of the questionnaire, Section A consist of demographic data of respondents, the other sections of the questionnaire will elicit information about their knowledge on environmental enforcement and compliance, environmental

management tools used in Ibadan Metropolis, roles and perception of stakeholders in environmental management, past approaches to enforcement and compliance promotion.

### Sample Size and Sampling Techniques

The study sample was deduced from the total population through sample randomization the distribution highlighted in Table 1.

Table 1: Sample Population

ITEMS	POPULATION	%
National Environmental Standards and Regulations Enforcement Agency NESREA (Federal Government)	50	25
Oyo State Ministry of Environment (State Government)	50	25
Oyo State Waste Management Authority (State Government)	50	25
Environmental Health Officers (Local Governments)	50	25
TOTAL	200	100%

### Data Analysis

In line with the objectives of this study, descriptive statistics such as simple percentages, cross tabulations and charts were used to explain the results of the analyses, SPSS statistical software was used to perform the analysis.

## RESULTS

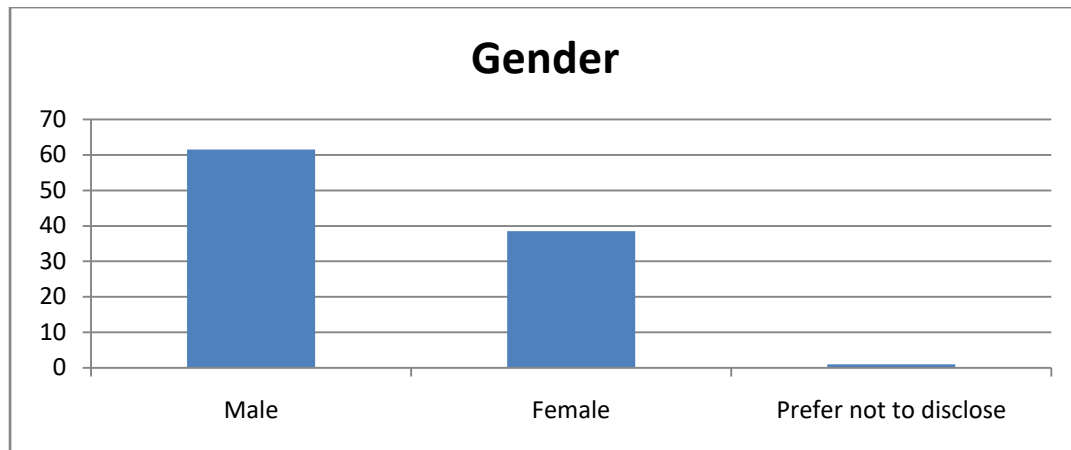
### Socio-economic Characteristics

These characteristics were; age, sex, educational level, marital status, state of origin, income level etc. were analyzed.

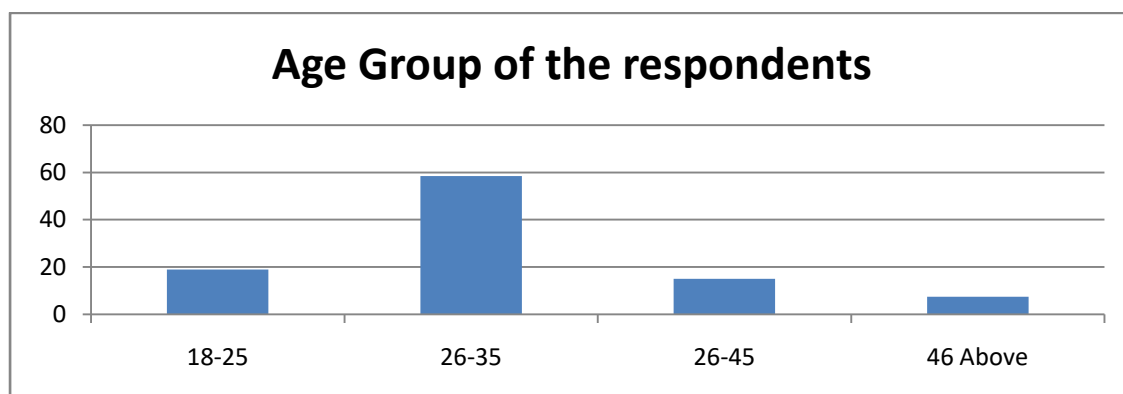
### Sex and Age of Respondents

Figure 1 shows the sex of respondents. At a glance it shows that 61.5% of the total respondents were male, while 38.5% of the respondents were females of the sampled communities in the study area.

Figure 2 displays the different age categories of respondents in the study area. The chart shows that (19%) of the respondents are age 18-25, (58.5%) of the RESPONDENTS are between 26-35 years, (15%) of the respondents are between age 36-45 years and (7.5%) of the respondents are 46 years above. The age distribution reflects the fact that the majority of the respondents are young and experienced officials who are actively involved in environmental compliance monitoring and enforcement activities.



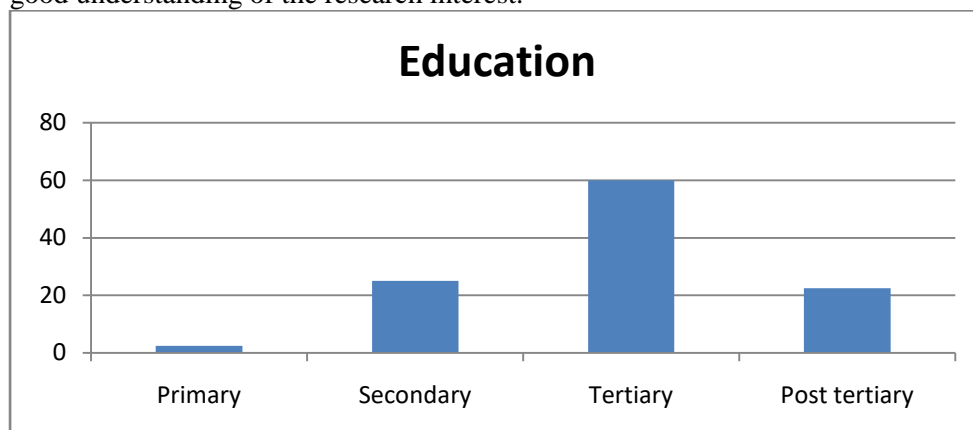
**Figure 1: Sex of Respondents**



**Figure 2: Age of Respondents**

#### **Level of Education and Income of the respondents**

From figure 3 shown below, it is clear that the majority of the respondents have tertiary education with 120 respondents representing 60% of the sample population being educated enough to have a good understanding of the research interest.



**Figure 3: Level of Education of the Respondents**

#### **Effectiveness of Environmental Enforcement and Compliance**

Table 2 shows that most of the respondents (52%) indicated that enforcement promotes compliance to environmental laws, 46% of the respondent indicated that enforcement do not promote compliance to environmental laws while 2% of the respondents do not know the effects of enforcement on compliance promotion.

**Table 2:** Which of the following best describes the effect of enforcement on compliance?

	Frequency	Percent	Valid Percent	Cumulative Percent
Dont know the effects of enforcement to compliance promotion	2	2.0	2.0	2.0
Enforcement does not promote compliance to environmental laws.	92	46.0	46.0	48.0
Enforcement promotes compliance to environmental laws	104	52.0	52.0	100.0
Total	200	100.0	100.0	

Table 3 shows that most of the respondents (38%) indicated that environmental management plan is one of the environmental management tools used in Ibadan, (34%) indicated that relevant regulations are used to enforce compliance, (16%) indicated environmental impact assessment as a tool to manage the environment while 12% of the respondents indicated environmental audit process.

**Table 3:** What is the various environmental management tools used in Ibadan Metropolis?

	Frequency	Percent	Valid Percent	Cumulative Percent
Environmental impact assessment	32	16.0	16.0	16.0
Environmental audit exercise	24	12.0	12.0	28.0
Environmental management plan	76	38.0	38.0	66.0
Relevant regulations	68	34.0	34.0	100.0
Total	200	100.0	100.0	

On the level of enforcement and effectiveness of the tools for environmental management, the responses were as given in table 4, the result of the analysis showed that 33% of respondents indicated that environmental management tools are moderately enforced, 30% indicated they are very effective, (15%) indicated they are not effective, 8% of respondents indicated they don't know of their effectiveness or otherwise, while 6% gave other reasons such as lack of medium for measurements of the level of effectiveness of management tools, inconsistencies in use of management tools and non enforceability of tools in most cases.

**Table 4:** How effective are the environmental management tools enforced?

	Frequency	Percent	Valid Percent	Cumulative Percent
Not effective	30	15.0	15.0	15.0
Very poor	16	8.0	8.0	23.0
Moderately effective	66	33.0	33.0	56.0
Very effective	60	30.0	30.0	86.0
I don't know	16	8.00	8.00	94.0
Others	12	6.00	6.00	100.0
Total	200	100.0	100.0	

Table 5 shows the result of the analysis on level of execution of relevant environmental management tools, a larger percentage of the respondents 38% indicated that enforcement efforts of government are well executed, 26% indicated that they are moderately executed, and 22% were undecided.

**Table 5: Level of Implementation of relevant environmental management tools by government?**

	Frequency	Percent	Valid Percent	Cumulative Percent
moderately executed	52	26.0	26.0	26.0
poorly executed	28	14.0	14.0	40.0
well executed	76	38.0	38.0	78.0
I don't know	22	22.0	22.0	100.0
Others	0	0.0		
Total	200	100.0	100.0	

Table 6 shows the result of the analysis on performance of enforcement agencies, 40% of the respondents indicated that enforcement agencies are doing good, 25.5% indicated that they are doing very good, 24.5% indicated that they are doing fairly, while 7.0% indicated that they are poor in performance and 2% noted they are doing very poor.

**Table 6: How would you evaluate the performance of enforcement agencies?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Poor	14	7.0	7.0	7.0
Fair	49	24.5	24.5	31.5
Very good	51	25.5	25.5	57.0
Good	80	40.0	40.0	97.0
Very Poor	4	2.0	2.0	99.0
Total	200	100.0	100.0	

Respondents were asked about the problems hindering enforcement actions of relevant agencies and the result of the analysis is as presented in Table 7 below. 36% of the respondents indicated that lack of awareness of the existence of laws has been hindering the enforcement of statutory environmental legislations, 26% indicated lack of relevant trainings of persons needed to enforce the laws, 20% indicated inadequate funding of relevant agencies of government charged with the responsibilities of enforcing relevant environmental laws, while the remaining percentage 18% said that it is poor understanding of legislations that hinders enforcement of the laws.

**Table 7: Problems hindering enforcement of statutory environmental legislations**

	Frequency	Percent	Valid Percent	Cumulative Percent
Lack of awareness	72	36.0	36.0	36.0
Inadequate funding	40	20.0	20.0	56.0
Lack of training	52	26.0	26.0	82.0
Poor understanding of legislations	36	18.0	18.0	100.0
Total	200	100.0	100.0	

Table 8 shows the result of analysis on best strategies to improve the enforcement efforts by relevant government agencies as the regulated communities and promoting compliance to environmental requirements. 30% of the respondents indicated that adequate education and sensitization of regulated communities can improved enforcement efforts, 24% of the respondents believed that proper funding of enforcement programmes will help improve enforcement efforts, 22% indicated that proper training



of enforcement officials on relevant laws and legislations and their applications will help promote enforcement and compliance, 6% of the respondents said review of laws and enactment of appropriate new ones will be a sure bet to poor enforcement actions of relevant authorities.

**Table 8: Strategies to improve enforcement efforts and compliance to environmental requirements**

	Frequency	Percent	Valid Percent	Cumulative Percent
Proper funding of enforcement programmes	48	24	24.0	24.0
Proper training of enforcement officials	44	22	22.0	46.0
Adequate education/sensitization of regulated communities	60	30	30.0	76.0
Collaboration among enforcement agencies	36	18	18.0	94.0
Review of laws and enactment of appropriate new ones.	12	6	6.0	100
Total	200	100.0	100.0	

## CONCLUSION AND RECOMMENDATIONS

The research concluded that diligent enforcement of environmental laws and relevant management tools promotes compliance to environmental laws and regulations. The path of environmental compliance regulation and enforcement in Nigeria began slowly and later became reactive. Today, Nigeria's environmental compliance and regulations are gradually becoming firmer, with institutions such as the National Environmental Standards and Regulations Enforcement Agency (NESREA) at the federal level, and environmental protection Agencies at state and local government levels are being put in place for environmental management and monitoring. It is pleasing that environmental legislation in Nigeria is progressing in the right direction—from a state of virtual non-existence to its present state of environmental laws, regulations and institutions, with centralization of environmental management in environmental protection agencies.

Strengthening compliance to environmental laws must incorporate measures for improved awareness and sensitization about existing laws, to conserve the quality of environmental resources to prevent their deterioration; monitoring and restoration of polluted or damaged resources; and enforcement, including penalties for non-compliance. These multifaceted procedures would act in accordance with international agreements about the best options for safeguarding important natural resources. In the interest of sustainable development, the following recommendations are imperative;

- relevant government Agencies charged with the responsibilities of environmental compliance monitoring and enforcement should ensure improved and vigorous enforcement of relevant environmental laws, standards and regulations to promote compliance;
- there should be improved inter-agency collaboration among various relevant Agencies to coordinate enforcement actions towards compliance promotion;
- there should be improved funding and welfare of staff of enforcement agencies;
- there is need for improved environmental education, sensitization and awareness advocacy among the citizenry; and
- Citizens should be admonished to comply voluntarily to environmental requirements.

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