

REFLECTION ON NIGERIA'S AIR POLLUTION REGULATIONS WITH A VIEW TO LEARNING FROM THE EUROPEAN UNION

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Abstract: The effects of air pollution on all people across the globe cannot be overemphasized. It is a phenomenon that needs urgent attention from all countries of the world. Serious efforts must be made to cut down the greenhouse gas emissions by all nations so as to reduce the menace of air pollution. Various countries including developed, developing and under developed are making efforts to tighten the control of pollution so as to ensure that the rate at which people are exposed to pollutants across their cities are reduced, but in spite of all these efforts, the level of pollution all over the world seems to be going higher, Nigeria inclusive. The level of pollution in Nigeria is still very high and there seems to be no solution around the corner. The World Health Organization (WHO) has noted that each year, air pollution is responsible for nearly seven million deaths around the globe. This shows the extent to which air pollution has wrecked and is wreaking havoc on the entire world. This article is necessary at this time as it has been noted that there is no concrete legal framework in Nigeria which addresses air pollution. The existing laws regarding environmental protection are grossly inadequate to take care of the level at which air pollution is ravaging Nigeria as a country; also, the existing laws lack enforcement mechanism. There is a need for the Nigeria government to come up with a standard and adequate law to tackle the menace of air pollution in Nigeria and the country must be ready to ensure that the laws made are adequately enforced. This article examines what air pollution is all about and its effects on human beings and the Nigeria environment at large bringing out lessons Nigeria can learn from the EU.

Keywords: air pollution; public health; European Union; air quality; Nigeria

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INTRODUCTION

Pollution is experienced in Nigeria on daily basis, it can be safely concluded that the problem has become part of us as we live with it without any form of concrete intervention from the government and the relevant stakeholders in the industry.¹ Air pollution arises whenever there is a release of hazardous substances into the environment. Some air pollutants include nitrogen oxide, sulfur oxide, carbon monoxide and Chlorofluorocarbons. Primary pollutants are referred to as the harmful substances

¹ KEHINDE, A. O. Environmental Problems in Nigeria, Pollution in Focus. *Economic and Law*. 2021, Vol. 3, No. 2, pp. 9–19.

that directly affect the air we breathe in. Examples of such contaminants include carbon monoxide and sulfur dioxide. Likewise, secondary pollutants arise if primary pollutants in the atmosphere undergo chemical reactions, example of this is photochemical smog². Air pollution arising from natural and human-made sources, is increasing. All these have implications on people's health, crop productivity and so on; for instance, air pollution is a leading cause of respiratory diseases.³

Nelson Mandela, once expressed his concern about the air pollution and particularly its effects on human lives when he said: "*Everyone has the right to an environment that is not harmful to their health or well-being; and to have that environment protected, for the benefit of present and future generations.*"⁴

One of the most significant elements in the environment for humans is air. A typical human needs about 12 kg of air per day, which is roughly 12 to 15 times more than they do for food.⁵ Clean and pure air is very essential for human health and survival, thus, any change in the natural and normal composition of air that may adversely affect the living system, particularly the human life invariably causes air pollution.

The presence of compounds in the air that are damaging to the health of people and other living things, or that impair the climate or materials is referred to as air pollution. Air pollution, especially in cities, has long been an issue because of inefficient energy combustion in the transportation system, which led to high localized air pollution levels. The general level of air pollution has increased due to the recent rise in the importation of used automobiles and the widespread use of single-engine motorbikes for passenger transportation throughout most Nigerian cities.⁶

Additionally, the term "air pollution" refers to the contamination of air by the release of dangerous compounds, which can result in health issues like burning eyes and noses, itching throats, and breathing difficulties (USEPA 1994).⁷ Additionally, several chemicals present in contaminated air have been linked to cancer, birth defects, brain damage, and long-term damage to the lungs and breathing passages. Natural air pollution, which includes wind-borne dust, volcanic ash and gases, smoke and trace gases from forest fires, and anthropogenic air pollution, which includes combustion byproducts like nitrogen oxides, carbon oxides, and sulphur dioxide, are two categories of air pollution.⁸

One of the main environmental issues facing the Niger Delta region is air pollution. The region is one of the most industrialized after Lagos in Nigeria and has the highest concentration of oil mineral resources. The sources of air pollution can be either natural

² Ibid.

³ KEHINDE, A. O. Legal Control of improper and effect of improper solid waste management in Nigeria. *Novena Law Journal*. 2019, Vol. 6, No. 2.

⁴ Comment: Mandela cared deeply about the environment. In: *Times Colonist* [online]. 11.12.2013 [cit. 2022-02-22]. Available at: <https://www.timescolonist.com/opinion/comment-mandela-cared-deeply-about-the-environment-4603051>.

⁵ SULEIMAN, I. L. Examining Air pollution and control measures in urban centres of Nigeria. *International Journal of Environmental Engineering and Management*. 2013, Vol. 4, No. 6, pp. 621–628.

⁶ KEHINDE, Legal Control of improper and effect of improper solid waste management in Nigeria.

⁷ USEPA. *National Air Quality and Emissions Trends Report*. Washington, D.C.: United States Environmental Protection Agency, 1994.

⁸ *National Open University of Nigeria* [online]. [cit. 2022-10-06]. Available at: <http://nou.edu.ng/sites/default/files/2017-03/ESM%20311.pdf>.

or man-made, and its effects can either be detrimental to human health or the environment. According to the most recent (2021) Air Quality Life Index report, residents of the Niger Delta Region could lose roughly 6 years of life expectancy on average if the local air pollution situation is not under control.⁹ Cities like Lagos, Abuja, Port-Harcourt, Kano, and in especially Onitsha, a port city on the bank of the Niger River in Southern Nigeria, still have health-damaging air pollution levels. Both Nigerians' quality of life and the country's environment have suffered as a result of air pollution. It also has an impact on weather, climate, and atmospheric processes, and it is to blame for two major worldwide issues: contamination of the upper atmosphere and changes in weather and climate.¹⁰ This article contributes to the existing knowledge by identifying the rigorous and conscious efforts of the European Union in ensuring that the menace of climate change is urgently addressed so as to limit its effects on the environment, it will at the end of discussion specify the need for Nigeria as a country to buckle up its efforts in ensuring that the problems associated with climate change is addressed, taking examples from the European Union actions and activities on the subject matter.

METHODOLOGY

The article relies on the doctrinal research methodology. It is a library research which includes primary and secondary sources. The primary sources are Statutes, Constitution, Acts and Laws while secondary sources are books, journals, bulletins and so on.

Some of the primary sources explored here are: The 1999 Constitution of the Federal Republic of Nigeria (as amended), National Environmental Standard Regulatory and Enforcement Agency Act (NESREA Act), Petroleum Regulation, Environmental Impact Assessment Act (EIA Act) among others. The secondary sources include books, articles and journals related to the subject matter of this research. The internet has turned the whole world not only into a global village but also a global room. It helps a lot in various researches of various natures. There is no information needed that cannot be obtained from the internet. Thus, the internet is of tremendous help in putting this article together.

SOURCES AND EFFECTS OF AIR POLLUTION

The inappropriate disposal of waste on busy streets and highways, vehicle emissions, emissions from power plants used by businesses, schools, and households, and dust from poorly maintained roads are only a few of the major causes of air

⁹ Reports. In: *AQLI: Air Quality Life Index* [online]. 2021 [cit. 2022-09-19]. Available at: <https://aqli.epic.uchicago.edu>.

¹⁰ UKEMENAM, O. S. Causes and Consequences of Air Pollution in Nigeria. *South American Journal Public Health*. 2014, Vol. 2, No. 2, pp. 293–307.

pollution in Nigeria. Smoke from household waste burning outdoors as well as other sources, such as cooking fires, have also been recorded.¹¹

The impact of air pollution in Nigeria cannot be overemphasized. It has been reported that air pollution is second in position to HIV/AIDS when it comes to its impact on life expectancy of citizens of Nigeria¹². The estimated number of 114,000 (One Hundred and fourteen Thousand) people died in Nigeria in the year 2017 as a result of air pollution.¹³ The World Health Organisation has also said that the mortality rate for air pollution in Nigeria is 307.4 for every 100,000 (One Hundred Thousand) people.¹⁴

Due to the increase in numbers of air pollutants, breathing in fresh clean air is next to impossible especially in Nigeria. We shall consider some sources of air pollution and its effect on human health.

In Nigeria, air pollution is primarily caused by generator emissions. People in Nigeria are required to utilize generators to power their establishments, including their homes, companies, and schools, due to the epileptic nature of the country's power supply; emissions from these generators is dangerous to human health.¹⁵

Emissions from automotive activity are another form of pollution. Vehicles release pollutants such as hydrocarbons, carbon monoxide, and others, which significantly contribute to air pollution in Nigeria. Additionally, burning trash or farm waste contributes to the level of air pollution that is experienced throughout the nation. Some farmers burn bush instead of clearing it and disposing of it properly, and some hunters also burn bush to get farm animals to kill for their own purposes, all of which add to air pollution.¹⁶

LAWS REGULATING ENVIRONMENTAL PROTECTION IN NIGERIA

1. THE 1999 CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA (AS AMENDED)

The 1999 Constitution as the major instrument in Nigeria recognizes the importance of improving and protecting the environment and makes provision for it. Various liabilities are prescribed in the 1999 Constitution of the Federal Republic of Nigeria for various offences. Section 20 makes it an objective of the Nigerian State to improve and protect the air, land, water, forest and wildlife of Nigeria. Section 12 establishes, though impliedly, that international treaties (including environmental treaties) ratified by the National Assembly should be implemented as law in Nigeria. Section 33 and 34 which guarantee fundamental human rights to life and human dignity

¹¹ CHASANT, M. Air Pollution in Nigeria: Causes, Effects and Solutions. In: *atcmask* [online]. 27.11.2018 [cit. 2022-09-19]. Available at: <https://www.atcmask.com/blogs/blog/air-pollution-in-nigeria>.

¹² Ibid.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ KEHINDE, *Legal Control of improper and effect of improper solid waste management in Nigeria*.

¹⁶ CHASANT, *c. d.*

respectively, have also been argued to be linked to the need for a healthy and safe environment to give these rights effect.

It must be pointed out that as good as the provision of Section 20 of the Constitution is, the said right falls within the ones that are non-justiciable, that is, the breach of such right cannot be redressed in a law court. This is mostly unfair and the Nigerian government should as a matter of urgency review the Constitution and ensure that the right is placed among the ones in Chapter IV of the Constitution which are all justiciable rights. Even before that is done, it can be safely argued that this right can be attached to the right to life as enshrined in Section 33 of the Constitution because without good air, there can be no life as air is an essential commodity for human life.

2. THE NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS ENFORCEMENT AGENCY (NESREA) ACT¹⁷

This Statute repealed the Federal Environmental Protection Act 1988. The National Environmental Standards and Regulations Enforcement Agency (NESREA) is the major federal body responsible for protecting Nigeria's environment. It is responsible for enforcing all environmental laws, regulations, guidelines, and standards. This includes enforcing environmental conventions, treaties and protocols to which Nigeria is signatory. Under the National Environmental Standards Regulations Enforcement Agency Act, the unauthorized discharge of harmful quantities of any hazardous substance into the air is prohibited. Any person who violates the provisions of the NESREA Act commits an offence and on conviction is liable to a fine or a maximum imprisonment of one year or to both.

3. THE ENVIRONMENTAL IMPACT ASSESSMENT ACT¹⁸

This Act sets out the general principles, procedures and methods of environmental impact assessment in various sectors. This was promulgated to assess the impact of any kind of project on the environment and it further makes it mandatory for an EIA report to be issued from the Federal Ministry of Environment. Environmental Impact Assessment is the process of identification of any contrary effect that may arise from siting certain projects in a particular area as well as the mechanisms put in place to contain, curtail, mitigate such contrary effect and as well ensure that parties who are adversely affected get restitution.¹⁹

¹⁷ National Environmental Standards and Regulations Enforcement Agency Act 2007 Cap 301 LFN 2010.

¹⁸ Environmental Impact Assessment Act Cap E12 LFN 2004.

¹⁹ WILLIAM, P. C. The Environmental Impact Assessment Act and the process as an Environmental and Livelihood Advocacy Tool in Defending the Environment. *Environmental Defence Newsletter*. 2009, Vol. 31, No. 3.

4. THE HARMFUL WASTE (SPECIAL CRIMINAL PROVISIONS ETC) ACT²⁰

This Act prohibits depositing of harmful waste in the air and applies to air emissions that are injurious or poisonous which pose the risk of death, fatal injury or incurable impairment of physical and mental health.

It is pertinent to note that, each of the 36 states across Nigeria has its own environmental protection bodies. For instance, in Lagos state, the environmental protection body is the Lagos State Environmental Protection Agency (LASEPA) which is saddled with the responsibility of ensuring adequate environmental protection. Also in Akwa Ibom, the body responsible for environmental protection is the Akwa Ibom State Environmental Protection and Waste Management Agency (AEPWMA).

5. NATIONAL ENVIRONMENTAL (OZONE LAYER PROTECTION) REGULATIONS²¹

This Regulation was made under the NESREA Act.²² The purpose of the enactment is to ensure the phasing out, labelling and packaging of ozone layer depleting materials and spells out the powers of NESREA relating thereto. It equally prohibits the sale, importation and exportation of ozone depleting materials.

6. NATIONAL ENVIRONMENTAL (AIR QUALITY CONTROL) REGULATIONS²³

This Regulation was made in 2014 to ensure that high level of air quality control in Nigeria is maintained, it provides standards expected to be maintained in every sector across the country so as to ensure that the country is safe with respect to air standard.

LEVEL OF COMPLIANCE WITH THE LAWS

Since there is no compliance with the regulations now in place to combat air pollution in Nigeria, it can be confidently concluded that they are ineffective. The high rate of population growth and urbanization, modernization of agriculture, particularly the increased use of agrochemicals, introduction of new technologies and consumer products, and the inefficiency of institutional, logistical, and policy arrangements that have been put in place over the years to address the menace have all contributed to environmental pollution in Nigeria.

The main issues with environmental pollution in Nigeria, according to Ukemenam, include inadequate identification of sources of specific pollutants due to the use of inappropriate technologies and a lack of cluster legal framework, institutional capacity, and human capacity to reduce the pollutants to levels that are acceptable and in compliance

²⁰ Harmful Waste (Special Criminal Provisions etc) Act Cap H1 LFN 2004.

²¹ National Environmental (Ozone Layer Protection) Regulations 2009 S.I No. 32 of 2009.

²² National Environmental Standards and Regulations Enforcement Agency Act 2007 Cap 301 LFN 2010.

²³ National Environmental (Air Quality Control) Regulations 2014.

with international standards.²⁴ Additionally, it has been noted that the government-provided trash cans in some states of Nigeria are woefully insufficient; some communities may only have a few, while others may have none at all. As a result, waste is dumped in the streets and on major roads, building up a heap of trash that contributes to air pollution throughout the nation.

It must however be noted that the ineffectiveness of the laws regulating air pollution in Nigeria can be traced to the unseriousness on the part of the Nigeria government to ensure compliance with the laws. Sometimes once a law is made in Nigeria; it is seen as the solution to the problem the law was meant to address, without putting appropriate mechanism in place for the enforcement of such laws. Even when there are mechanisms in place to ensure compliance with the laws, the lackadaisical attitude of the officials to the work they are expected to do is a major setback. It has also been noted that these officials who have failed to carry out the assignments designated to them by the law are not made to face the wrath of the law for failing to carry out their duties. It is worthy of note that some of the existing laws are obsolete; there is a need for urgent amendment of some of these laws so as to meet up with current reality of things across the globe. Some of the penalties prescribed for breach of some the laws are so ridiculous, for instance, charging a fine of N20.00 (Twenty Naira) for an offence committed, this also contributed to non effectiveness of the laws. Thus, the entire system in Nigeria needs complete overhauling if the laws are to serve the purpose of their enactments especially as it relates to air pollution.

EFFECTS OF AIR POLLUTION AND LESSONS FROM EUROPEAN UNION

No matter where one lives, it must be remembered that air pollution is quite challenging to escape, it could have a negative impact on the environment and people's general health,²⁵ thus, the EU as a response to the adverse effects of air pollution on the citizens and the environment at large promulgated various bodies of legislations to whittle down the effect of air pollution by reducing the level of pollutants released into the atmosphere.²⁶ It has been noted that air pollution has adverse effects on health, living organisms, water, soil, vegetation and buildings.²⁷ Research has further shown that there are some air pollutants that negatively affects the protective ozone layer and serves as a contribution to the greenhouse effect; thereby creating a necessity to ensure that the air is adequately protected by taking drastic efforts in ensuring its quality.²⁸ Air pollution harms the environment and exacerbates the negative effects of climate change;

²⁴ UKEMENAM, *c. d.*

²⁵ Environment. In: *European Commission* [online]. [cit. 2020-02-22]. Available at: <https://ec.europa.eu/environment/air/quality/standards.htm>.

²⁶ *Ibid.*

²⁷ KUKLINSKA, K. – NAMIESNIK, J. Air quality policy in the U.S. and the EU-a review. *Atmospheric Pollution Research*. 2015, Vol. 6, No. 1, pp. 129–137.

²⁸ *Ibid.*

as a result, they are intertwined.²⁹ It has also been noted that environmental rights are important. As a result of European Union (EU) law, a real right to clean air has been established.³⁰ Over the years, the European Union has been able to set standards for air quality so has to ensure that the level of pollution is abated to a minimal level. It has developed very extensive laws which establish standards and objectives for a number of pollutants in the air. Some authors have noted that the EU government has taken steps to address air quality issues, such as creating a new framework for clean air zones that intends to streamline the several overlapping regulations already in place and provide local governments new legal authority to operate their own local clean air zones.³¹

Some of these laws are discussed below:

Directive 2008/50/EC This Directive specifies actions aimed at identifying and implementing ambient air quality goals intended to avoid, mitigate, or reduce negative effects on human health and the ecosystem as a whole; evaluate the ambient air quality among Member States using standard techniques and standards; gather data on the ambient air quality to monitor long-term trends and advancements brought about by national and Community actions, as well as to help combat air pollution and annoyance; guarantee that the public has access to the information on ambient air quality; preserve good air quality and enhance it in other situations and encourage greater interstate co-operation to cut air pollution.

Directive 2004/107/EC, the goal of this directive is to set a target value for the amount of arsenic, cadmium, nickel, and benzo (a)pyrene in ambient air in order to avoid, prevent, or minimize the negative effects that these substances – along with polycyclic aromatic hydrocarbons – have on both human health and the environment as a whole. It establishes standard techniques and standards for measuring the levels of polycyclic aromatic hydrocarbons, arsenic, cadmium, mercury, nickel, and nickel in ambient air, as well as the deposition of these compounds.³²

Directive 2010/75/EU is also a very important law made by the European Union to combat environmental safety. This Directive establishes guidelines for the comprehensive prevention and management of pollution caused by industrial activity. In order to attain a high degree of overall environmental protection, it also establishes laws intended to avoid or, when that is not possible, minimize emissions into air, water, and land as well as to prevent the formation of trash.³³

Another law to be considered is Directives 2016/2284/EU. This Directive establishes the emission reduction commitments for the Member States' anthropogenic atmospheric

²⁹ GEMMER, M. – XIAO, B. Air quality legislation and standards in the European Union: Background, status and public participation. *Advances in Climate Change Research*. 2013, Vol. 4, No. 1, pp. 50–59.

³⁰ DELPHINE, M. The emergence of a right to clean air: transforming European Union law through litigation and citizen science. *The Review of European, Comparative & International Environmental Law (RECIEL)*. 2020, Vol. 30, No. 1, pp. 34–45.

³¹ HUSSAIN, T. The Environment and Climate Change Law review: United Kingdom. In: *The Law Reviews* [online]. 2.2.2022 [cit. 2022-09-19]. Available at: <https://thelawreviews.co.uk/title/the-environment-and-climate-change-law-review/united-kingdom>.

³² Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

³³ Article 1 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (integrated pollution and prevention control) (Recast).

emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), non-methane volatile organic compounds (NMVOC), ammonia (NH₃), and fine particulate matter (PM_{2.5}) and mandates that national air pollution control programs be implemented in order to move towards achieving levels of air quality that do not pose significant risks to human health and the environment. This Directive also advances the Union's long-term goal of attaining air quality levels consistent with the World Health Organization's air quality guidelines, the Union's biodiversity and ecosystem objectives consistent with the Seventh Environment Action Programme, and the Union's long-term goal of attaining air quality levels consistent with the World Health Organization's air quality guidelines.³⁴

Regulation (EC) No 715/2007, This Regulation establishes uniform technical standards for the type approval of motor vehicles (vehicles) and spare parts, such as new pollution control equipment, with relation to emissions.³⁵

European Union in the year 2022 has come up with another landmark document in ensuring environmental safety; the document is referred to as Decision 2022/591/EU. The eighth EU Environment Action Programme, which outlines environmental policy until 2030, is laid out in this Decision. The EU Biodiversity Strategy for 2030, the new Circular Economy Action Plan, the Chemicals Strategy for Sustainability, and the Zero Pollution Action Plan are just a few of the policies and initiatives laid forth in this document that provide a framework for the direction of Union policymaking. The Action Programme includes thematic priority objectives for reducing environmental pressures from production and consumption across all economic sectors, as well as for mitigating and adapting to climate change, conserving and restoring terrestrial and marine biodiversity, creating a non-toxic circular economy, and achieving zero pollution.³⁶

Worthy of mention are some of the EU treaties which define the purpose and basic principles of environmental policy and EU law. The rule of law is the cornerstone of the European Union. All EU member states voluntarily and democratically ratified the treaties that serve as the foundation for all of the organization's actions. EU treaties are agreements that must be abided by, by all EU members. They consist of protocols as well as founding, modifying, and accession treaties. EU goals, institutional standards, decision-making processes, and the relationship between the EU and its member states are all outlined in treaties. Treaties serve as the framework for all of the EU's actions. The EU institutions are authorized by the treaties to pass legislation, which the member states then put into effect. The treaty on the functioning of the European Union and Treaty on European Union, are indeed of great importance. These Treaties constitute the Treaties on which the Union is founded and have the same legal value.³⁷

³⁴ Article 1 Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC.

³⁵ Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passengers and commercial vehicles.

³⁶ Decision (EU) 2022/591 on a General Union Environment Action Programme to 2030.

³⁷ Treaty on the Functioning of the European Union (TFEU). In: *University of Oslo: The Faculty of Law* [online]. [cit. 2022-11-06]. Available at: https://www.jus.uio.no/english/services/library/treaties/09/9-01/tfeu_cons.xml.

Worthy of note is also some of the institutions put in place in the EU to ensure environmental protection. The first to be mentioned is the The European Environment Agency (EEA) which aims to support sustainable development and to help improve the environment through the provision of information to policy makers and the public. The Agency supports sustainable development by incorporating environmental concerns into economic policies and the EU's member countries' decision-making in order to improve the environment.³⁸

The same methods used to enforce other EU laws are also used to enforce EU environmental laws. Its implementation is monitored by the European Commission, which has the authority to take individual member states before the European Court of Justice for improper implementation.³⁹ Environmental crimes are those that violate environmental laws and endanger both the environment and human health. These include the illicit shipment or disposal of garbage, the illegal trade in animals, ozone-depleting compounds, or emissions or discharges into the air, water, or land. On 28 October 2008, Directive 2008/99/EC on the protection of the environment through criminal law was adopted.⁴⁰

The levels of air pollutants in Europe continue to exceed both the strictest World Health Organization recommendations and EU requirements, despite recent improvements in the region's air quality. One of the major hazards to the public's health in Europe is air pollution. Even in circumstances of modest exposure and where pollutant levels are under limits set by the European Union, significant effects on Europeans' health have been seen in terms of morbidity and death (EU).⁴¹ The detrimental effects of major air pollutants are mostly directed at the respiratory system. In Europe, several air pollutants' emissions have significantly dropped over the past few decades, which has reduced concentrations and improved air quality. According to the European Environment Agency (EEA), despite a gradual improvement in air quality, air pollution is still the continent's top environmental health risk, lowering people's quality of life through disease and premature deaths each year.⁴² Since inhalation is the primary point of exposure to air pollutants, cardiopulmonary effects caused by specific air pollutants moving from the lungs into the circulatory system are the most obvious side effects of exposure to air pollution.⁴³

³⁸ European Environment Agency (EEA). In: *European Union* [online]. [cit. 2022-11-06]. Available at: https://european-union.europa.eu/institutions-law-budget/institutions-and-bodies/institutions-and-bodies-profiles/eea_en.

³⁹ European environmental law. In: *Citizens Information* [online]. [cit. 2022-11-06]. Available at: [https://www.citizensinformation.ie/en/environment/environment_and_the_law/eu_environmental_law.html#:~:text=The%20European%20Environment%20Agency%20\(EEA,policy%20makers%20and%20the%20public](https://www.citizensinformation.ie/en/environment/environment_and_the_law/eu_environmental_law.html#:~:text=The%20European%20Environment%20Agency%20(EEA,policy%20makers%20and%20the%20public).

⁴⁰ Ibid.

⁴¹ ISABELLA, A. The Air of Europe: where are we going? *European Respiratory Review*. 2017, Vol. 26, No. 146.

⁴² European Environment Agency.

⁴³ THURSTON, G. – KIPEN, H. – ANNESI-MAESANO, I. A joint ERS/ATS policy statement: what constitutes an adverse health effect of air pollution? An analytical framework. *European Respiratory Journal*. 2017, Vol. 49, No. 1.

A very large number of the population in Europe live in areas where high level of air pollution occurs which leads to various health hazards.⁴⁴ Pollutants released into the atmosphere travels far beyond the place where it was released. If a pollutant is released in an environment, it may be transported in the atmosphere and this may lead to poor air quality elsewhere and this has adverse effects on human health and ecosystems as earlier mentioned.⁴⁵ Air pollution hurts ecosystems and human health, according to Hans Bruyninckx, by today's standards, a significant portion of the population does not reside in a healthy environment, thus, Europe needs to be ambitious and go above and beyond present law in order to get toward sustainability.⁴⁶

The long-term goal of the EU is to maintain the air quality standard and make sure that the amount of pollutants emitted into the atmosphere does not reach an unacceptably high level or a level that poses dangers to both human health and the environment as a whole. The EU's approach to air pollution includes reducing exposure to it through various laws put in place to do so, cooperating with industries that have been identified as being responsible for it, and doing research.⁴⁷ EU policies aim to reduce exposure to air pollution by reducing emissions and setting limits and target values for air quality.⁴⁸ In 2013, the European Commission approved a proposed Clean Air Quality Package that included fresh regulations to cut air pollution. A Clean Air Programme for Europe with 2020 goals is part of the package. By 2030 and beyond, it also seeks to achieve complete compliance with current air quality laws and substantially enhance Europe's air quality.⁴⁹

Additionally, in 2018 the Commission passed a communication named "A Europe that protects: Clean air for all" with the intention of giving national, regional, and municipal actors the practical assistance they need to enhance the quality of the air in Europe. Every year, a plethora of rules are introduced to ensure that Europe's air quality standards are met, that local residents can breathe easy, and that the continent as a whole is moving toward environmental sustainability.

It is imperative to state unequivocally that robust air quality actions, public understanding and political leadership are crucial lessons to be learnt from the European Union; robust laws were made by the EU to tackle environmental issues especially air pollution, it seems this cannot be achieved in Nigeria because of the unseriousness of the nation towards environmental sustainability, but it can be achieved if the government takes a new turn and takes the issue of environmental protection serious in order to ensure sustainable development. Also, effective actions require public understanding and political leadership to enable solutions, this is really lacking in Nigeria. People should be made to understand the consequences of their actions if they fail to protect their environment especially in the area of air pollution. Likewise, in Nigeria, the existing laws

⁴⁴ Air pollution. In: *European Environment Agency* [online]. [cit. 2022-09-18]. Available at: <https://www.eea.europa.eu/themes/air/intro>.

⁴⁵ Ibid.

⁴⁶ HANS, B. in: *European Environment Agency* [online]. [cit. 2022-10-06]. Available at: <https://www.eea.europa.eu/themes/air/intro>.

⁴⁷ Ibid.

⁴⁸ Air pollution. In: *European Environment Agency* [online]. [cit. 2022-09-18]. Available at: <https://www.eea.europa.eu/themes/air/intro>.

⁴⁹ Ibid.

need to be updated as our knowledge improves, some of these laws are archaic and do not meet up with the present standard in Nigeria; punishment prescribed for violation of the existing laws are highly ridiculous and sometimes people prefer to breach the law and face the ridiculous sanction rather than obey it because of their selfish interest(s).

Furthermore, rather than focusing on just one pollutant, it is important to identify all of the sources of air pollution and control them. Nigeria as a nation focuses on air pollution from traffic and the contribution of carbon dioxide to our climate emergency, but there is a need to go further and identify other types of pollutants to ensure a healthy life and a healthy environment because the quality of the air determines the quality of life that citizens will be able to enjoy.⁵⁰

The EU's experience has also allowed us to observe the need for regular implementation of laws to combat the threat of air pollution. These laws are even essentially reviewed from time to time so as to meet the current demand, demonstrating the European Union's government's proactivity in this area; this is evident in the series of laws made regularly to combat environmental challenges in the regions. Given that the majority of Nigeria's laws are insufficient and out-of-date, the nation should endeavor to adopt similar measures. These are the things Nigeria as a nation may take away from the EU.

INTERNATIONAL LAWS RELATING TO AIR QUALITY

As mentioned earlier, the entire world is in the mess of air pollution and air pollutants are all over our space leading to all forms of damage to the international environment and human health generally. As a result of this, the whole world has risen up to battle the situation and bring it to a minimal and manageable state if not abate it completely. Some of the international attempts to combat the menace are briefly considered below.

GENEVA CONVENTION

The 1979 Convention on Long-Range Transboundary Air Pollution (LRTAP), the first multilateral agreement addressing transboundary air pollution, established a regional framework for reducing transboundary air pollution and better comprehending air pollution science that was applicable to Europe, North America, Russia, and former East Bloc countries. LRTAP has contributed to a dramatic decline in air pollution emissions in the region, particularly for sulfur, and economic growth and air pollution trends have been progressively decoupled.⁵¹ The Convention has 51 Parties while there are eight protocols to it, most of these protocols address specific pollutants.

⁵⁰ FULLER, G. Pollution watch: lessons to learn from UK'S 1956 Clean Air Act. *The Guardian* [online]. 16.7.2021 [cit. 2021-09-17]. Available at: <https://www.theguardian.com/environment/2021/jul/16/pollutionwatch-lessons-to-learn-from-uks-1956-clean-air-act>.

⁵¹ Office of Environmental Quality. Convention on Long-Range Transboundary Air Pollution. In: *U.S. DEPARTMENT of STATE* [online]. [cit. 2022-10-06]. Available at: <https://www.state.gov/key-topics-office-of-environmental-quality-and-transboundary-issues/convention-on-long-range-transboundary>

The Heavy Metals Protocol seeks to reduce emissions of lead, cadmium, and mercury that are brought on by human activity and are subject to long-distance atmospheric transport. By focusing on emissions of sulfur dioxide, nitrogen oxides, and volatile organic compounds, the Gothenburg Protocol aims to lessen the negative consequences of air pollution such as acid rain and ground-level ozone. It must however be noted that Nigeria is not a signatory to this very important international Treaty.⁵²

It is also worthy of note that on 28 July 2022, the United Nations General Assembly declares access to clean and healthy environment a universal human right. The resolution acknowledges the connection between the right to a healthy environment and current international law and states that in order to advance this right, multilateral environmental agreements must be fully implemented. António Guterres, the UN Secretary-General, praised what he termed the historic decision and said the important move shows how Member States can work together to combat the triple global challenges of pollution, biodiversity loss, and climate change. In a statement issued by his spokesperson's office, he noted that the resolution will assist in decreasing environmental injustices, close protection gaps, and empower people, particularly those that are in vulnerable circumstances, like environmental human rights activists, children, youth, women, and indigenous peoples.⁵³

RECOMMENDATIONS & CONCLUSION

Nigeria as a country needs to commence a serious research work in order to estimate the effects of air pollution generally especially on human's health, the environment at large, agriculture, etc. and put in place means for standardization, effective monitoring and enforcement of standards against atmospheric pollution.

The Nigerian government should ensure that there is a sufficient supply of electricity throughout the nation, as this will lessen the amount of emissions produced when citizens use generators to provide electricity for their homes, companies, and other purposes. A vehicle inspection should be implemented so that drivers are required to do routine maintenance on their vehicles as well as to remove outdated, smoke-emitting vehicles off the road and only permit the usage of vehicles that are in good shape. Through the National Orientation Agency, the general public should make sure that Nigerians are properly informed about the risks posed by air pollution and the need for them to avoid it as much as possible. They should also be made aware of the sources of air pollution.

In addition, the existing laws with respect to air pollution in Nigeria are grossly inadequate; it is important for the government to enact new laws that can tackle environmental

-air-pollution/#:~:text=The%201979%20Convention%20on%20Long,pollution%20and%20better%20understanding%20air.

⁵² Convention on long-range transboundary air pollution. In: *United Nations: Treaty Collection* [online]. [cit. 2022-10-06]. Available at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtmsg_no=XXVII-1&chapter=27&clang=_en.

⁵³ UN General Assembly declares access to clean and healthy environment a universal human right. In: *Africa Renewal* [online]. 28.7.2022 [cit. 2022-10-10]. Available at: <https://www.un.org/africarenewal/magazine/july-2022/un-general-assembly-declares-access-clean-and-healthy-environment-universal-human>.

problems including air pollution adequately, the existing laws should also be complied with pending the time the new laws are enacted. The government should also ensure that the laws made are obeyed. Most of the laws in Nigeria are honored in breach than obedience; violators of any environmental law should be adequately sanctioned and adequate fine and compensation paid to reduce the level of violations of the laws.

It is also recommended that the method of garbage collection be considered. Nigeria's major cities are currently in disarray due to poor garbage collection and disposal. Government should see to it that organizations are set up to handle rubbish collection from home to home, office to office, and so forth. This would reduce the amount of waste that people leave about their communities. Additionally, the government should restrict the fees that these garbage collectors demand because if the fees are too high, people may find it difficult to pay and the problem of waste pollution in the environment will still exist. In addition, as discussed earlier in the paper, Section 20 of the 1999 Constitution should be made justiciable since good air is essential to life.

In conclusion, Nigeria must be prepared to combat the air pollution threat that is wreaking havoc on the entire nation. No area of the nation can be said to be free from air pollution; these pollutants are present almost everywhere and harm the ecosystem constantly. As was already said, Nigeria has no specific legal structure that handles air pollution. The current environmental protection regulations are woefully insufficient to address the extent of air pollution wreaking havoc on Nigeria as a nation, and they also lack an enforcement mechanism. The Nigerian government must create a uniform and sufficient law to address the threat of air pollution in Nigeria, and the nation must be prepared to ensure that the laws created are properly implemented. Nigeria should not sit back and expect other countries to pass laws regarding how air pollutants should be dealt with because even if other countries pass laws for her due to treaties and other agreements, it is utterly impossible for the other countries to enforce the laws for Nigeria. Countries around the world are making significant efforts to ensure that clean air is enjoyed throughout their country. Therefore, to ensure that air quality is not compromised, the government should be proactive and learn from other nations that have passed legislation with great success. For this reason, this paper made reference to EU Air quality criteria. If there is to be a standard for decent air in Nigeria, the government should appropriately address the aforementioned proposals. However, it should be mentioned that this work has significant limitations. The study is restricted to Nigeria's lax environmental protection legislation and the absence of a specific law that tackles the problem of air pollution.

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