

A BILL

FOR

AN ACT TO AMEND THE NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS ENFORCEMENT AGENCY NESREA, (ESTABLISHMENT) ACT, CAP 164, LAWS OF THE FEDERATION OF NIGERIA TO PROVIDE FOR AND ADOPT CLEAN AIR POLICIES AND FOR RELATED MATTERS

Sponsored by Hon. Samuel Ikon

[] Commencement

ENACTED by the National Assembly of the Federal Republic of Nigeria as follows:

- 1 1. The National Environmental Standards and Regulations Amendment of
2 Enforcement Agency NESREA, (Establishment) Act, Cap 164, Laws of the the Principal Act
3 Federation of Nigeria (in this Bill referred to as "the Principal Act") is
4 amended as set forth in this Bill.
- 5 2. Section 8 of the Principal Act is amended by inserting a new Amendment of
6 sub-section 8 (g) immediately after sub-section 8 (f) as follows- Section 8
7 "8 (g) The Minister of Environment shall establish six (6)
8 Environmental Arbitration Tribunals to hold sittings at the NESREA Head
9 Offices located within the six geo-political zones of Nigeria. Each
10 Environmental Arbitration Tribunal shall be composed of three members
11 including one legal practitioner of not less than ten years post call to bar
12 experience; in Arbitration and environmental law; an official of NESREA or
13 the Ministry of Environment not below the rank of Assistant Director and a
14 member of the private sector with qualifications and cognate experience of
15 the environment. The legal practitioner shall serve as the Chairman of the
16 Tribunal. The duty of the Tribunal is to arbitrate on all disputes or failure of
17 companies, individuals to comply with relevant environmental laws and
18 regulations as stipulated in the laws of the Federation and the Gazette of the
19 Federal Republic of Nigeria.

1 In addition to ensuring compliance and resolving disputes resulting from
2 alleged breaches of the provisions of the NESREA Act 2007, the Tribunal shall
3 also ensure the enforcement of the Paris Agreement, 2016, the WHO 2005 Air
4 Quality Guidelines as may be stipulated by Regulation enacted by the Minister
5 of Environment or NESREA.

6 The Rules of the Tribunal shall be enacted by the Minister of Environment
7 through a Committee to be headed by the Director of Legal Services of
8 NESREA or a legal consultant with cognate experience in Arbitration and
9 environmental law.”

Citation

10 3. This Bill may be cited as the National Environmental Standards
11 and Regulations Enforcement Agency NESREA, (Establishment)
12 (Amendment) Bill, 2017.

EXPLANATORY MEMORANDUM

This Bill seeks to amend the National Environmental Standards and Regulations Enforcement Agency NESREA, (Establishment) Act, Cap 164, Laws of the Federation of Nigeria to expand the functions of NESREA to include the creation of an Environmental Arbitration Tribunal as a mechanism to promote the enforcement of compliance with recent Treaties and Policies relating to good air quality that Nigeria has recently ratified such as the Paris Agreement of 2016 and the World Health Organisation (WHO) 2005 Air Quality Guidelines.