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THE PROSPECTS AND CHALLENGES OF NIGERIA EXECUTIVE ORDER 009: COMPARATIVE STATUTORY AND INSTITUTIONAL ANALYSIS WITH INDIA SWACHH BHARAT MISSION FOR UNITED NATIONS SUSTAINABLE DEVELOPMENT GOALS

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Abstract
The need for access to safe drinking water, water quality and sustainable water supplies cannot be over-emphasized. In order to have safe drinking water, efforts were made globally through the United Nations' Sustainable Development Goals; especially Goal 6. This goal was aimed at ensuring availability and sustainable management of water and sanitation for all. It was observed that since the launch of these goals in 2015, leaders of the world started to launch this programme in their own ways towards attaining the same objective for their people. In America, the government came up with USAID Water and Development Plan. India through their government emulated them with the launch of Swachh Bharat Mission which is aimed at eliminating open defecation through the construction of household-owned and community-owned toilets and establishing an accountable mechanism of monitoring toilet use. In their own bid, Nigeria through their government came up with the Executive Order 009 which is aimed at ensuring open defecation free-Nigeria by 2025. The comparative evaluation of India and Nigeria approaches towards eradicating open defecation for safe drinking water and good health in line with the United Nations sustainable goals formed the fulcrum of this paper. We made recommendations for sustainable development.

Keywords: **Sustainable Development Goals, Executive Order 009, Swachh Bharat Mission, India, Nigeria.**

1. Introduction

The 6th out of the 17th goals of the United Nations sustainable development goals is termed "ensure availability and sustainable management of water and sanitation for all."(Nwokike, 2018).The new goals replaced the Eight Millennium Development Goals adopted at a Summit in 2000. They expired at the end of 2015 when Sustainable Development Goals began. Projections are that by 2025 two third (2/3) of the world's population could be living in severe water stress conditions. This stress adversely affects individuals, communities, economies and ecosystems around the world, especially in developing countries. Ensuring the availability of safe water to sustain natural systems and human life is integral to the success of the development objectives foreign policy goals and national security interests of the United State (USAID 2013-2018).

Goal 6 is to the effect that before 2030, member states of the United Nations should have safe drinking water devoid of diseases. To achieve this target, developed countries like the United

States of America through their agency called United States Agency for International Developments (USAID) came up with USAID Water and Development Strategy and Water for the World Act (http://www.usaid.gov/india/water-and-sanitation).

USAID has three overarching development objectives that address the Presidential Initiatives of Climate Change, Food Security, and Global Health. This Strategy focuses on two key development objectives related to effective and multiple uses of water resources: water for health and water for food. This Strategy responds to the need for USAID to focus investments and identify priorities within the wider role that water and watershed management play toward energy, conflict, climate change, education, biodiversity, ecosystems, and economic growth. This Strategy specifically endorses the principles and proven approaches of integrated water resources management (IWRM) and encourages the use of all appropriate technologies and tools in achieving those objectives (USAID, 2012/2016).

2. The Importance of Meeting Sanitation Goals

Conventional sanitation, a flush toilet connected to a centralized sewer system, is available for only a small fraction of people in developing nations. Forty percent of the world's population use unsafe toilets or practice open defecation. The consequences of unsafe sanitation can be devastating and last a lifetime. Every year, food and water tainted with fecal matter cause up to 2.5 billion cases of diarrhea among children under five, resulting in 1.5 million child deaths. Chronic diarrhea can hinder child development by impeding the uptake of essential nutrients that are critical to the development of children's minds, bodies, and immune systems. Studies show that hand washing, improved sanitation, and improvements in household water quality significantly reduce the risk of diarrhea.

The impact that clean and safe sanitation can deliver is transformational. The economic benefits of improved sanitation can increase productivity, reduce healthcare costs, and prevent illness, disability, and early death. People who have access to clean, safe, and convenient sanitation services also experience greater dignity, privacy, and security. This is especially important for women and girls, who may miss work or school when they are menstruating or risk sexual assault when they do not have access to safe sanitation facilities. This importance extends not just to the existence of sanitation facilities, but also to the physical location and design in a school/workplace that has an impact on safety, security, and use (Introduction to the USAID Water and development strategy 2013 – 2018).

3. Limited access to fresh water for food security

The interdependence between food security and sustainable water resource management is significant. Globally, agriculture consumes 70 percent of available freshwater resources and is often used in irrigated systems that are inefficient and environmentally unsustainable. Global population growth projections of two to three billion people over the next 40 years, combined with changing diets, are expected to increase food demand 70 percent by 2050.However, as the largest user of water, food production also represents the largest unknown factor of future water use in terms of future global water demand. Significant efficiency gains are possible. Based on current use patterns, agricultural water consumption will increase by approximately 19 percent to feed a larger and richer global population of 9.1 billion people.

4. The impact of climate change on water resources

The impacts of climate change can be seen from oceans to mountain tops. Rapid glacier melt and decreased snowpack will increase variability of stream flows and may contribute to a long term decline in supplies. Rising sea levels will exacerbate saltwater intrusion into many river deltas, salinizing productive/cultivatable land and impacting drinking water. Stronger storm surges could flood large tracts of coastal areas, where a significant number of people and critical infrastructure are located. The effects of climate change in combination with other drivers of stress on water resources will increasingly restrict access to safe water and sanitation and make food security even harder to achieve (Ibid).

The risks of climate change to rain fed agriculture could be particularly acute. Increased rainfall variability and reduced natural storage will likely reduce crop yields by producing higher rates of runoff, escalate soil desiccation at critical times, and shift rainfall patterns and the timing of rainy seasons. Resilience to climate change and other pressures is an emergent property of a functioning ecosystem, and water programs need to consider climate impacts. This Strategy seeks to strengthen adaptation and resilience to climate change, in accordance with the USAID Climate Change and Development Strategy, through increased efforts to support integrated water and watershed management practices. The USAID resiliency policy will further guide Agency programming and development approach (USAID, Ibid).

5. The significant energy requirements for water

Every drop of water that has to be pumped, moved, or treated to meet health and food needs requires energy. Inefficiency and waste in the use of water for industrial production increases energy demands and raises emissions. Effective co-management of water and energy, including the integration of water, food and energy programs, as well as support for and development of technology, can lead to significant returns on investment.

6. Water as a potential source of conflict

As indicated by the 2012 Intelligence Community Assessment on Global Water Security, water problems will contribute to instability in countries important to U.S. security interests. Water security is an increasingly important component of the U.S. Government's diplomatic and development efforts to promote peace and security within and between key countries and around trans boundary river basins. Growing demands on limited fresh water, degradation of fresh water quality, and greater variability in rainfall patterns are potential drivers of tension. Competition and disputes over water and watersheds exist in many places around the world. The causes and nature of these disputes vary widely; from small scale clashes over pasture and water, to urban protests over changes in water pricing schemes, to sub-regional disputes between provinces over water for agriculture or hydropower, to upstream/downstream countries competing for a share of an increasingly limited water supply.

As water becomes scarcer at community water points, women and children who gather the water may find themselves at the forefront of inter and intra community based conflict as they compete against each other for access to scarce water resources. The U.S. National Action Plan on Women, Peace and Security, for instance, calls for building resilience through assistance

that supports women's roles in the management of natural resources, mitigation of resource related conflict, and adaptation to climate change in fragile and conflict affected states (USAID Ibid).

The above position of USAID is the standard and basis of this paper. We shall now look at the subsequent topics seriatim:

7. Key Development Challenges

Population growth, increased demand for and rising cost of energy, increased urbanization, watershed and environmental degradation, natural disasters, conflict, climate change, and weak water governance are putting water resources under increasing pressure. Projections are that by 2025, two thirds of the world's population could be living in severe water stress conditions.

This stress adversely affects individuals, communities, economies, and ecosystems around the world, especially in developing countries. It also underscores why it is so critical to properly manage the scarce freshwater resources upon which human life depends (Ibid).

Millennium Development Goal (MDG) 7C calls to halve by 2015 the proportion of the population without sustainable access to safe drinking water and basic sanitation. While the safe drinking water target was met in 2010, 783 million people still do not have access to safe drinking water, and major issues related to equity of access, water quality, and sustainability of water supplies remain. In addition, the world is not on track to meet the sanitation target as approximately 2.5 billion people still lack access to improved sanitation. The challenges and solutions vary significantly by region; for example, sub-Saharan Africa has the highest proportion of people without sufficient sanitation facilities, while South Asia has the largest number of people practicing open defecation.

Often the burden of inadequate access to water and sanitation falls heavily on women and girls. Examples of this are evident throughout the developing world. Two concerns of particular importance are reducing the many hours women and girls spend seeking water for their families which often put their safety at risk and addressing the different sanitation needs of women and adolescent girls which have direct impacts on maternal mortality and morbidity.

Lack of access to safe water and sanitation services has direct health implications as nearly two million people – the vast majority of whom are children under five – die from diarrhea each year. Nearly 88 percent of diarrhea is attributed to unsafe drinking water, inadequate sanitation, and poor hygiene, and is preventable by known interventions (Ibid).

8. The Role of Improved Excreta Management

Numerous studies have shown that the incidence of many diseases is reduced when people have access to, and make regular use of, effective basic sanitary installations. It is particularly important to keep pathogens out of the environment in the first place because many of these

organisms are capable of surviving for long periods of time under different conditions. Therefore, effective excreta management at the household and community levels produces far ranging societal benefits by helping to protect water resources and the food supply from faecal contamination. The following sections describe the health benefits of improved excreta management and provide an overview of the current state of coverage worldwide (Richard et al, 2001).

9.The Health Dimension of Poor Sanitation

In the Global Burden Disease (GBD) study disability adjusted life years (DALYs) were ascribed to 10 selected risk factors. Water, sanitation (i.e. excreta disposal) and hygiene accounted for the second biggest percentage of DALYs behind malnutrition. Worldwide, it is estimated that there are approximately 4 billion cases of diarrhea per year (resulting in 2.2 million deaths), 200 million people with schistosomiasis and as many as 400 million people infected with intestinal worms (Murray and Lopez, 1999). All of these diseases are largely excreta-related. In less developed countries, poor nutritional status and poverty exacerbate morbidity and mortality associated with excreta-related diseases. For example, most deaths attributed to diarrhea occur in children below the age of five reviewed 21 studies on infant mortality associated with diarrhea and found that children with low weight for their age had a much higher risk of mortality (Rice, 2000). Overall, malnutrition is thought to have a role in about 50% of all deaths among children worldwide.

Two literature reviews assessing the health impact of water and sanitation interventions have been published (Esrey, et al 1991). The first review focused on water and sanitation interventions with one of three outcomes (diarrhea or a specific pathogen e.g. Shigella spp., nutritional status and mortality). The second study expanded the literature on diarrhoea or similar outcomes to include: ascarisis, dracunculiasis, hookworm, schistosomiasis and trachoma as well as diarrhoea. Median values, rather than means, water used to summarise the findings.

In general, impacts measured as reduction in morbidity ranged from low (4% for hookworm) to high (78% for guinea worm). The mean reduction from diarrhea from the better studies was 26%, ranging from 0 – 68%. Different levels of impact were found according to which intervention (i.e. improved excreta disposal, water quality, water quantity or hygiene) was examined. The largest effect was seen for interventions focusing on improved excreta disposal, reflecting excreta as being the source of pathogens and the multiple routes of transmission. Moreover, it is important that all members of a community, particularly the children, make use of improved sanitation installations. Children are frequently the victims of diarrhoeal disease and other faecally/orally transmitted illinesses, and thus may act as sources of pathogens. Getting children to use sanitation facilities (or designing child-friendly toilets) and implementing school sanitation programmes are important interventions for reducing the spread of disease associated with waste and excreta (WHO, 1989).

Combining the result of the many studies and reviews conducted, it becomes evident that improvements in excreta management, hygiene and water supply may reduce diarrheal morbidity, diarrhoea mortality and child mortality by significant amounts found reductions in diarrhoea mortality and overall child mortality of 65% and 55% respectively when

improved water and sanitation were introduced (*Op.Cit*). However, the size of the impact is likely to vary according to a wide range of factors, including current sanitary conditions, food supply, breast feeding habits, education level and uptake of new facilities and behaviour. Clearly, tackling the problem at source assists in reducing transmission via all routes.

10. Executive Order 009 and Swachh Bharat Mission of Nigeria and India: Institutional Comparison

Executive Order 009

President Muhammadu Buhari Wednesday signed Executive Order 009 which is titled 'The Open Defecation –Free Nigeria by 2025 and Other Related Matters Order.' The signing of the order is to ensure Nigeria becomes open defecation free by 2025.

About 46 million Nigerians are said to practice open defecation making the country the second in the world with such unhealthy practice. Only India ranked worse than Nigeria in the Water Sanitation and Hygiene (WASH NORM) survey conducted by the United Nations Children's Fund (UNICEF). The Nigerian Ministry of Water Resources and National Bureau of Statistics took part in the Nigerian survey. The survey also found that only 11 of the 774 local government areas in Nigeria are free from the practice of open defecation (https://www.premiumtimesng.com/news/headlines/36264-just-in-buhari-signs-executive-order-to-tackle-open-defecation-in-nigeria.html.)

Declaration of the Order

The Order declares as follows:

1. That by this Order, Nigeria is committed to being open defecation free by 2025.
2. That the National Open Defecation Free (ODF) Roadmap developed by the Federal Ministry of Water Resources with support from other key sector players across Nigeria be put into effect.
3. (a)There is established in the Federal Ministry of Water Resources a National Secretariat called "Clean Nigeria Campaign Secretariat."
   (b) The Secretariat is authorized on behalf of the President to implement this Order by ensuring that all public places including schools, hotels, fuel stations, places of worship, market places, hospitals and offices have accessible toilets and latrines within their premises.
4. All Ministries, Departments and Agencies (MDAs) of government shall cooperate with the Clean Nigeria Campaign Secretariat.
5. The National Assembly and the State Houses of Assembly shall enact legislation on the practice of open defecation with appropriate sanctions and penalties.
6. All development projects shall include construction of sanitation facilities as an integral part of the approval and implementation process.
7. The Secretariat shall terminate when Nigeria is declared Open Defecation Free.
8. All enforcement authorities are hereby directed to diligently collaborate with the Federal Ministry of Water Resources in implementing this Order.

The Executive Order 009 came into being against the background that:

Nigeria is ranked second amongst the nations in the world with the highest number of people practicing open defecation estimated at over 46 million people – a practice which has had a negative effect on the populace, and has contributed to the country's failure to meet the United Nations Millennium Development Goals (MDGs);

President Buhari had described the statistics on open defecation and access to pipe borne water service and sanitation as disturbing and had declared commitment to implement the National Water Supply, Sanitation and Hygiene (WASH) Action Plan;

The President had declared a State of Emergency on Nigeria's water supply, sanitation and hygiene sector, the action being imperative as it will reduce the high prevalence of water borne diseases in different parts of the country which have caused preventable deaths;
Nigeria has committed to end open defecation throughout the country by 2015 in consonance with her commitment to the United Nations Sustainable Development Goals (SDGs);
This Executive Order takes effect from Wednesday, November 20, 2019 (Ibid).

11. Swachh Bharat Abhiyan (SRA) or Swachh Bharat Mission (SBM)
Earlier this year, in October, 2014Nirmal Bharat Abhiyan (NBA) was replaced by Swachh Bharat Mission (Gramin) (SBM-G) which is a sub-mission under Swachh Bharat Mission. SBM-G also includes the key components of the earlier sanitation schemes such as the funding for the construction of individual household toilets, construction of community sanitary complexes, waste management, and IEC (Swachh Bharat Mission (Gramin), 2014).

Guidelines for Swachh Mission (Gramin)
The guidelines for SBM-G, released earlier this month, outline the strategy to be adopted for its implementation, funding, and monitoring. Objectives: key objectives of SBM-G includes (i) improving the quality of life in rural areas through promoting cleanliness and eliminating open defecation by 2019, (ii) motivating communities and panchayati raj institutions to adopt sustainable sanitation practices, (iii) encouraging appropriate technologies for sustainable sanitation, and (iv) developing community managed solid and liquid waste management systems. Institutional Framework: While NBA had a four tier implementation mechanism at the state, district, village, and block level, an additional tier has been added for SBM-G, at the national level. Thus, the implementation mechanisms at the five levels will consist of: (i) National Swachh Bharat Mission (Gramin), (ii) State Swachh Bharat Mission (Gramin), (iii) District Swachh Bharat Mission (Gramin), (iv) Block Programme Management Unit, and (v) Gram Panchayat/Village and Water Sanitation Committee. At the Gram Panchayat level, Swachhta Doots may be hired to assist with activities such as identification of beneficiaries, IEC, and maintenance of records. Planning: As was done under NBA, each state must prepare an Annual State Implementation Plan. Gram Panchayats must prepare implementation plans, which will be consolidated into Block Implementation Plans. These Block Implementation Plans will further be consolidated into District Implementation Plans. Finally, District Implementation Plans will be consolidated in a State Implementation Plan by the State Swachh Bharat Mission (Gramin). A Plan Approval Committee in Ministry of Drinking Water and Sanitation will review the State Implementation Plans. The final State Implementation Plan will be prepared by states based on the allocation of funds, and then approved by National Scheme Sanctioning Committee of the Ministry. Funding: Funding for SBM-G will

be through budgetary allocations of the central and state governments, the Swachh Bharat Kosh, and multilateral agencies. The Swachh Bharat Kosh has been established to collect funds from non-governmental sources.

Funding for SBM-G across components

Component	Centre	State	Beneficiary	Amount as a % SBM-G outlay
IEC, start-up activities, etc	75%	25%	-	8%
Revolving fund	80%	20%	-	Up to 5%
Construction household toilets	75% (Rs 9000) 90% for J&K, NE States, special category states	25% (Rs 3000) 10% for J&k, NE states, special category states	-	Amount required for full coverage
Community sanitary complexes	60%	30%	10%	Amount required for full coverage
Solid/Liquid Waste Management	75%	25%	-	Amount required within limits permitted
Administrative charges	75%	25%	-	Up to 2% of the project cost

Source: Fund Sharing Pattern for SBM-9 between the central and state Government as provided for the SBM-9 guidelines.

One of the changes from NBA, in terms of funding, is that funds for IEC will be up to 8% of the total outlay under SBM-G, as opposed to up to 15% (calculated at the district level) under NBA. Secondly, the amount provided for the construction of household toilets has increased from Rs 10,000 to Rs 12,000. Thirdly, while earlier funding for household toilets was partly through NBA and partly though the Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS), the provision for MGNREGS funding has been done away with under SBM-G. This implies that the central government's share will be met entirely through SBM-G. **Implementation**: The key components of the implementation of SBM-G will include: (i) start up activities including preparation of state plans, (ii) IEC activities (iii) capacity building of functionaries, (iv) construction of household toilets (v) construction of community sanitary complexes, (vi) a revolving fund at the district level to assist Self Help Groups and others in providing cheap finance to their members (vii) funds for rural sanitary marts, where materials for the construction of toilets, etc., may be purchased, and (viii) fund for solid and liquid waste management. Under SBM-G, construction of toilets in government schools and aganwadis will be done by the Ministry of Human Resource Development and

Ministry of Women and Child Development, respectively. Previously, the Ministry of Drinking Water and Sanitation was responsible for this.

Monitoring: Swachh Bharat Missions (Gramin) at the national, state, and district levels will each have monitoring units. Annual monitoring will be done at the national level by third party independent agencies. In addition, concurrent monitoring will be done, ideally at the community level, through the use of information and community technology. More information on SBM-G is available in the SBM-G guidelines.

Swachh Bharat Abhiyan

"A clean India would be the best tribute India could pay to Mahatma Gandhi on his 150 birth anniversary in 2019", said Shri Narendra Modi as he launched the Swachh Bharat Mission at Rajpath in New Delhi. On 2nd October, 2014, Swachh Bharat Mission was launched throughout length and breadth of the country as a national movement. The campaign aims to achieve the vision of a 'Clean India' by 2nd October, 2019.(https://www.youtube.com /watch?v=HmtxA_iXvbY).

The Swachh Bharat Abhiyan is the most significant cleanliness campaign by the Government of India. Shri Narendra Modi led a cleanliness pledge at India Gate, which about thirty lakh government employees across the country joined. He also flagged off a walkathon at Rajpath and surprised people by joining in not just for a token few steps, but marching with the participants for a long way.

While leading the mass movement for cleanliness, the Prime Minister exhorted people to fulfill Mahatma Gandhi's dream of a clean and hygienic India. Shri Narendra Modi himself initiated the cleanliness drive at Mandir Marg Police Station. Picking up the broom to clean the dirt, making SwachhBharaAbhiyan a mass movement across the nation, the Prime Minister said people should neither liter, nor let others litter. He gave the mantra of 'Na gandagikarenge, Na karnedenge.' Shri Narendra Modi also invited nine people to join the cleanliness drive and requested each of them to draw nine more into the initiative (Ibid).

By inviting people to participate in the drive, the Swachhta Abhiyan has turned into a National Movement. A sense of responsibility has been evoked among the people through the Clean India Movement. With citizens now becoming active participants in cleanliness activities across the nation, the dream of a 'Clean India' once seen by Mahatma Gandhi has begun to get a shape.

The Prime Minister has helped spread the message of Swachh Bharat by urging people through his words and action. He carried out a cleanliness drive in Varanasi as well. He wielded a spade near River Ganga at AssiGhat in Varanasi under the Clean India Mission. He was joined by a large group of local people who cooperated in the Swachhta Abhiyan. Understanding the significance of sanitation, Prime Minister, Shri Narendra Modi has simultaneously addressed the health problems that roughly half of the Indians families have to deal with due to lack of proper toilets in their homes.

People from different sections of the society have come forward and joined this mass movement of cleanliness. From government officials to jawans, bollywood actors to the sportspersons, industrialists to spiritual leaders, all have lined up for the noble work. Millions of people across the country have been day after day joining the cleanliness initiatives of the government departments, NGOs and local community centres to make India clean. Organizing frequent cleanliness campaigns to spreading awareness about hygiene through plays and music is also being widely carried out across the nation (Ibid).

Prime Minister himself has praised the efforts by people and various departments and organizations for talking part in the Swachh Bharat Mission and contributing toward a cleaner India. Shri Narendra Modi has always openly lauded the participation of people via social media. The 'MyCleanIndia' was also launched simultaneously as a part of the Swachh Bharat drive to highlight the cleanliness work carried out by citizens across the nation (Ibid). We advocate that Nigerian Government should adopt this for effective management waste in Nigeria for sustainable development (Nwokike, 2020).

5. Efforts made by Nigerian Government to being about Cleanliness

Nigerian governments have made serious efforts to bring about cleanliness to our environment by pragmatic, active and cogent laws cum legislations that addressed the need to observe environmental cleanliness;this is because law is an instrument of social engineering. The following laws cum legislations shall be discussed under this subheadings:

Lagos Waste Management Authority Law (LAWMA), 2007

The extant legislation on waste management and related matters in Lagos State is the Lagos waste management Authority (LAWMA) law 2007, which repeals the (LAWMA) Law 2003, one of the reasons for repealing the LAWMA law 2003 was to enact in its stead a law that is independent, can sue and be sued and with sustainable development in the field of waste management. It is a 30-Section Law and with 2 Schedules.

Establishment of LAWMA Law

There is established an Authority to be known as the Lagos Waste Management Authority (referred to in this Law as "the Authority"). The Authority shall be a body corporate with perpetual succession and a common seal; have power to sue and be sued in its corporate name; and be capable of holding, purchasing, acquiring and disposing of movable and immovable property for the purpose of carrying out its functions under this Law.1(1) – (2)(a) – (c).

There is established for the Authority a Governing Board (referred to in this Law as "the Board") which shall be responsible for the day to day administration of the Authority. The Chairman of the Board shall be appointed by the Governor from amongst the members of the Board. The members of the Board shall consist of – a representative of the Office of the Governor who shall be an officer not below Grade Level 15; a representative of a community based organization; one Local Government Chairman from each of the three senatorial districts in the State; a representative of the private sector; the Commissioner for the Environment; the Commissioner for Local Government Affairs; the Managing Director of the Authority; a representative of the health care industry conversant with waste management; a

representative of the Lagos State University from the Department of Civil Engineering.(2)-(3)(a)-(i)

The functions of LAWMA Authority

Clean street, remove, collect and dispose of domestic, commercial and industrial waste; remove and dispose of abandoned and scrapped vehicles; remove and dispose of carcass of dead animals from public places; prepare and update from time to time the master plans for waste collection and disposal in the cities, towns, and villages in the State and control resultant waste system within the State; approve and monitor all waste disposal systems in the State; make provision for waste management services to State agencies, local governments, industries, business entities and private persons within the State by receiving waste at the Authority's facilities pursuant to contract agreement between the Authority and such other party; issue, renew and revoke licence of private waste collectors; do all such acts as are necessary or incidental to the proper discharge of its duties under this Law. The Authority may carry out its functions in association with any other person or body lawfully empowered to do so in accordance with the provisions of this Law 4(1)(a)-(h) & (2).

Powers of LAWMA Authority

Employ such staff as it may consider necessary for the purpose of carrying out its functions under this Law and may in accordance with the procedure applicable in respect of transfer of officers in the public service, accept officers on secondment to the Authority as soon as possible after the commencement of this Law; determine the remuneration of its staff; promote and exercise disciplinary control over such staff; determine the fees payable for issuance and renewal of licence to private waste collectors; engage in the sealing off of all premises that do not conform with Sections 12, 13 and 14 of this Law; authorize and delegate any officer, employee or servant of the Authority to act as an agent of the Authority in respect of any function, service or facility which may be exercised, performed or produced by the Authority under this Law; set, collect and revise from time to time, rates, rentals and charges for the use of facilities or service provided by the Authority subject to the approval of the Board; establish and manage an organizational structure for recycling activities in the State; acquire, purchase, lease, hold, construct, manufacture or maintain any property whatsoever whether movable or immovable in accordance with existing Laws of the State; acquire any land for the purpose of planning, designing, transferring, managing, constructing, operating, maintaining waste disposal and processing facilities in accordance with existing Laws of the State; enter into agreement which may be necessary for and incidental to the discharge of its functions under this Law or any other enactment; enter into contract with local governments, State agencies, regional authorities and private persons to provide waste management services in accordance with the provisions of this Law; and to plan, design, construct, manage, operate and maintain solid waste disposal and processing facilities on their behalf; invest money standing to its credit not for the time being required for its purpose under this Law in stocks, shares, debentures, or other securities and subject to the approval of the Governor sell such stocks, shares and debentures or other securities; accept or acquire and hold any security for any kind in any form whatsoever, excluding security in any company that has an interest in waste management or related activities such as operations, manufacture and sale of equipment and services including consultancy services; surrender, transfer or re-convey any security held by the Authority whether in exchange for other security or upon discharge; and adopt an official

seal. The Authority shall have the power to – charge commercial tariffs, which may vary from area to area and make direct charges on users for services rendered where such circumstances may arise; provide other related services not mentioned in this Law for a fee which may be amended from time to time.5(1)(a)-(p)&(2)(a)-(b)

Disobedience and Punishment Under LAWMA Law

Any person who contravenes any of the provisions of this Law commits an offence and is liable on conviction to a fine of ₦5,000.00 (Five thousand Naira) or to three months imprisonment. Where the offence is committed by a corporation, company or firm other than a waste collector operator, the company, corporation or firm shall be liable on conviction to a fine of ₦50,000.00 (Fifty thousand Naira) and in addition, the Secretary, Director or Manager of the Company shall be liable to a fine of ₦10,000.00 (ten thousand Naira) or to three months imprisonment. Where the offence is committed by a waste collector operator, the Authority may in addition to subsection (2) of this Section suspend or cancel any licence issued under Section 9 of this Law.

> But where the contravention relates to the provisions of Section 13 of this Law, the person shall be liable to a fine of ₦50,000.00 (Fifty thousand naira) or six (6) months imprisonment or both, and in the case of a company/corporation or firm to a fine of ₦250,000.00 (Two hundred and fifty thousand Naira) and in addition the Secretary, Director or Manager of the company shall be liable to a fine of ₦50,000.00 (Fifty thousand Naira) or to six (6) months imprisonment. Notwithstanding the provisions of any Law, any person who – fails or neglects to pay the tariffs, fees or charges prescribed under this Law shall be deemed to be a debtor and such debt shall be recoverable by civil action in the appropriate court; in addition, the Authority shall terminate its services; fails or neglects to pay the tariffs, fees or charges as at when due shall be liable to penalty on such fee, tariffs or charges as may be determined by the Board.18(1)-(1)-(4)(a)-(b)

6. National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007 Act

The extant Legislation on waste management on waste and environmental management and other related matters in Nigeria is the NESREA Act, 2007 which repeals the Federal Environmental Protection (FEPA) Act, 1988. One reason for repealing the FEPA Act is the lack of political will on the part of the government for the enforcement of the laws owing to the fact that it is a major economic player in the oil and gas sector. There is also the problem of uncertainty as to the standard of clean up required in cases of hazardous waste discharge. This is as a result of uncertainty about the precise meaning of the terms "best available clean - up method" used in the Act. The Act did not specify whether it is the best available clean - up and removal method available in the home country of the operators or that available in Nigeria. This has created a leeway for the operators to lower the clean up standard by resorting to local methods and avoiding the expense of the superior and technology driven cleans up methods available in their home countries. Furthermore, the membership structure of FEPA is such that civil servants dominate the council of the Agency and as a result, hearing in pollution cases submitted to it against the government is bound to produce absurd results

since the agency cannot fairly adjudicate over cases brought against its master. It is in the effort to avoid this conflict that the National-Environmental Standards Regulation and Enforcement Agency (NESREA) Act which succeeded the FEPA Act excluded the oil and gas sector from its application (NESREA Act, 2007).

Establishment of the Agency

There is established a body known as National Environmental Standards and Regulations Enforcement Agency (in this Act referred to as "the Agency". The Agency - shall be the enforcement Agency for environmental standards, regulations, rules, laws, policies, and guidelines; shall be a body corporate with perpetual succession and a common seal; may sue and be sued in its corporate name. The Agency, shall, subject to the provisions of this Act, have responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's natural resources in general and environmental technology, including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies and guidelines (1)-(2)(a)-(c) & 2. There is established for the Agency, a Governing Council (in this Act referred to as the "Council") which shall consist of – a Chairman who shall be appointed by the President, on the recommendation of the Minister; the Permanent Secretary of the Federal Ministry of Environment or his representative; a representative each, not below the rank of Director from the – Federal Ministry of Solid Minerals Development ; Federal Ministry of Agriculture and Natural Resources, Federal Ministry of Water Resources, Federal Ministry of Science and Technology, representative of the Standards Organization of Nigeria, a representative of the Manufacturers Association of Nigeria, a representative of the Oil Exploratory and Production Companies in Nigeria; the Director – General of the Agency; and three other persons to represent public interest, to be appointed by the Minister of Environment. A member of the Council, other than the Chairman, shall be appointed by the Minister on the recommendation of the body, if any, he represents. With the exception of the Director-General, membership of the Council shall be on part-time basis. The members of the Council shall be paid such allowances as provided under existing regulations on such payments. The provisions of the Schedule to this Act shall have effect with respect to the proceedings of the Council and other matters mentioned therein. A member of the Council appointed, otherwise than by office and the Director-General, shall hold office for a term of four years and shall be eligible for reappointment for only one further term of four years (3)(1)-(a)-(e), (2)-(5) & 4.

Functions and Powers of the Agency and Council

The Agency shall – enforce compliance with laws, guidelines, policies and standards on environmental matters; coordinate and liaise with stakeholders, within and outside Nigeria, on matters of environmental standards, regulations and enforcement; enforce compliance with the provisions of international agreements, protocols, conventions and treaties on the environment, including climate change, biodiversity, conservation, desertification, forestry, oil and gas, chemicals, hazardous wastes, ozone depletion, marine and wild life, pollution, sanitation and such other environmental agreements as may from time to time come into force; enforce compliance with policies, standards, legislation and guidelines on water quality, environmental health and sanitation, including pollution abatement; enforce compliance with guidelines and legislations on sustainable management of the ecosystem, biodiversity conversation and the development of Nigeria's natural resources; enforce

compliance with any legislation on sound chemical management, safe use of pesticides and disposal of spent packages thereof; enforce compliance with regulations on the importation, exportation, production, distribution, storages sale, use, handling and disposal of hazardous chemicals and waste other than in the oil and gas sector; enforce through compliance monitoring, the environmental regulations and standards on noise, air, land, seas, oceans and other water bodies other than in the oil and gas sector; ensure that environmental projects funded by donor organizations and external support agencies adhered to regulations in environmental safety and protection; enforce environmental control measures through registration, licencing and permitting systems other than in the oil and gas sector; conduct environmental audit and establish data bank on regulatory and enforcement mechanisms of environmental standards other than in the oil and gas sector; create public awareness and provide environmental education; sustainable environmental management, promote private sector compliance with environmental regulations other than in the oil and gas sector and publish general scientific or other data resulting from the performance of its functions; carry out such activities as are necessary or expedient for the performance of its functions 7(a)-(o).

Powers of the NESREA

The Agency shall have power to – purchase or take on ease any interest in land, building or property; build, equip and maintain the offices and premises for the performance of its functions under this Act; lease out any office or premises held by it, which is no longer required; prohibit processes and use of equipment or technology that undermine environmental quality; conduct field follow-up compliance with set standards and take procedures prescribed by law against any violator; subject to the provisions of the Constitution of the Federal Republic of Nigeria, 1999, and in collaboration with relevant judicial authorities establish mobile courts to expeditiously dispense cases of violation of environmental regulations; conduct public investigations on pollution and the degradation of natural resources, except investigations on oil spillage; open and operate ordinary and domiciliary accounts for the Agency in recognized banking institutions in Nigeria; borrow by overdraft or otherwise, with the approval of the Minister, such sums as it may require for the performance of its function under this Act; accept gifts of land, money or other property, upon such terms and conditions, if any as may be specified by the person or organization making the gift, as long as such conditions are consistent with the functions of the Agency; submit for the approval of the Minister, proposals for the evolution and review of existing guidelines, regulations and standards on environment other than in the oil and gas sector… 8(a)-(j)

6. Conclusion and Recommendations

"The impact of water on all aspects of development is undeniable; a safe drinking water supply, sanitation for health, management of water resources, and improvement of water productivity can help change the lives of millions (Rajiv, 2011)."

United States of America through their Agency for International Developments USAID has set a standard as adopted at the United Nations Sustainable Development Declaration whereGoal 6 was the issue. Nigeria and India implemented their objectives by launching, signing and adopting Executive Order 009 and Swachh Bharat Mission in this regard. Therefore, notwithstanding challenges and criticisms from adopting these programmes for the benefit of their citizens, they should go unabated in implementing these programmes for safe drinking water and disease eradication through their policies for defecation free Nigeria

and India before their targeted times expire. They should not relent until they achieve their objectives amidst the odds.

We recommend that they can seek assistance from developed economies of the world like United States and United Kingdom or access available United Nations aids on this to address their programme objectives for the sake of their citizens and sustainable development.

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