

**JOSEPH AYO BABALOLA UNIVERSITY, IKEJI-ARAKEJI, OSUN STATE,
NIGERIA**

COLLEGE OF LAW

FIRST SEMESTER EXAMINATION, 2022 – 2023 SESSION

COURSE: ENVIRONMENTAL LAW I

COURSE CODE: PPL 312

INSTRUCTION: ANSWER ANY FOUR QUESTIONS

TIME ALLOWED: THREE HOURS

1. "One of the major functions or importance of Environmental Law is the urgent need for the protection of the environment and maintaining sustainable development. Various scholars have suggested some functions and importance of Environmental Law in the society." Discuss this assertion in relation to the functions and importance of Environmental Law in the society. (17 ½ marks.)
2. Environmental Law is a product of international laws such as treaties, conventions, protocols, local statutes as well as Common Law principles. Mention and discuss extensively local and international sources of Environmental Law known to you. (17 ½ marks.)
3. The Criminal Code Act came into operation since 1st June, 1916, long before all the anti-pollution statutes currently in operation in Nigeria. Prior to the Koko toxic waste incident of 1988 which led to a radical approach to environmental protection in Nigeria, the Criminal Code Act was the major source of environmental protection in Nigeria. Critically discuss relevant provisions of the Criminal Code Act useful for environmental protection in Nigeria. (17 ½ marks.)
4. Pollution is defined by NESREA ACT — as man-made or man aided alteration of chemical, physical or biological quality of the environment to the extent that it is detrimental to that environment or beyond acceptable limits. Enumerate and critically discuss various forms and causes of pollution, their effects on the environment and how to curb them. (17 ½ marks.)
5. *"The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria."* Section 20 of the Constitution of the Federal Republic of Nigeria, 1999 as amended. Critically discuss this constitutional provision and its effectiveness in terms of environmental protection or otherwise in Nigeria. (17 ½ marks.)
6. Write short notes on the following Common Law remedies provided by Law of Tort viz a viz their usefulness in environmental protection in Nigeria:
 - a. Tort of Nuisance
 - b. Tort of Negligence
 - c. Tort of Trespass
 - d. The Rule in Ryland v Fletcher(17 ½ marks)

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FIRST SEMESTER EXAMINATION, 2021 – 2022 SESSION

COURSE: ENVIRONMENTAL LAW II

COURSE CODE: PPL 322

INSTRUCTION: ANSWER ANY FOUR (4) QUESTIONS; TWO (2) FROM EACH PART

TIME ALLOWED: THREE HOURS

PART A

ANSWER TWO (2) QUESTIONS ONLY FROM THIS PART

1. "In the last two decades there has been an impressive awareness in the area of environmental theoretical framework coming with the development of various theories of environmental protection. The growths of these environmental philosophical theories have helped greatly to explore the intellectual and moral causes for environmental destructive practices of human beings." - O. Fagbohun. In line with the above stated submission of the learned author, identify and critically discuss various environment protection theories known to you. (17 ½ marks).
2. "...Environmental protection can be achieved when recognized as a human right and when included in international (and domestic) instruments because most environmental problems result in serious and far reaching effects such as death, displacements, change in life pattern and loss of ability to provide for basic things of life, which prevent the enjoyment of basic rights." - Sheilla Watt-Cloutier. Critically discuss this assertion in relation to the link between human rights concept and environmental protection. (17 ½ marks)
3. (a) Enumerate and briefly discuss 5 statutes regulating criminal environmental challenges in Nigeria. (10 marks).
(b) Discuss the role of the Criminal Code prior to the advent of environmental legislations in Nigeria. (7 ½ marks).

PART B

ANSWER TWO (2) QUESTIONS ONLY FROM THIS PART

4. Discuss fully with the aid of statutory authorities any eight mechanisms for the enforcement of environmental law under both domestic and international law.
5. The People of Kasabuvu in Ajagba State, Nigeria woke up on the 5th of November 2021 and discovered that their environment had been polluted by oil spillage from the blowout that occurred from the wellhead operated by Nigersol Oil Company in the community. The leak which lasted for about fourteen (14) days caused monumental damages to the marine living resources and at the same time hampered farming activities. The community has now consulted you as their counsel to seek redress for the pollution of their environment:
(a) Discuss injunction and nuisance as remedies for environmental pollution
(b) Distinguish between damages and compensation as awards for environmental degradation
6. Discuss fully the requirements of *Locus Standi* and "ownership of property" in an action seeking redress for the environmental degradation of the property of the claimant.