

Federalism and the Pursuit of Environmental Justice: A Case Study, Nigeria

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Abstract

This paper examined the impact of federalism on environmental sustainability, especially environmental justice. To achieve this, the paper did a comparative and systemic study of federalism and the quest for environmental justice in the United States of America and Canada. The paper further juxtaposed the trend with the situation in Nigeria. The study revealed that in the United States of America and Canadian federalist system of governments, there exist cooperative federalism between the center and the federating units on environmental matters, coupled with the act of acceding more powers to the federating units and provinces, respectively. This implies that powers are shared by the national and sub-national units in accordance with the provisions of the constitution in order to avoid autonomy of powers by the federal government. The aim is to protect the environmental rights of its citizens, achieve sustainability and economic growth. The paper further revealed that federalism as practiced in Nigeria, is a system, standing on its head, and has failed to serve the goals of environmental justice because states are not given powers over environmental issues. Environmental issues in Nigeria are of serious and diverse nature. The environmental hazards emanating from oil exploration and exploitation activities, industrial waste and other harmful activities are problematic. To worsen matters, the Constitution of the Federal Republic of Nigeria 1999 in Section 6(6)(c), expressly ousts or denies the judiciary which is the last hope of the common man, the power to make pronouncements on matters of public policy. The doctrinal approach was used for collection of data, which were analyzed to reach conclusions. The paper recommended the practice of true federalism in Nigeria, especially the devolution of extensive powers on environmental matters to the states and the repeal of Section 6 (6)(c) under Chapter 11 of the Constitution. The paper further proposed that there should be cooperative federalism between the federal government and the states in matters of environmental management, and environmental justice, in particular.

Keywords: Environment; Environmental Justice; Federalism; Federal Government; Pollution.

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1. Introduction

Federalism as a political principle which first found strong expression in the United States, is an arrangement whereby powers of government are shared between the national and regional governments in a way that allows each to maintain its own integrity [1]. Prior to 1980s, the United States adopted the command and control strategy to combat environmental problems with little success in the achievement of the goals of Environmental justice, which is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations and policies.

From the 1990s, there was a change of strategy by the United States in combating environmental problems. This period marked an increase in the devolution of powers to the states on environmental matters, making it possible for the central government and the states or federating units to achieve cooperative federalism in environmental matters.

Nigeria is a federation currently faced with lots of environmental problems [2]. The Federal Government's command and control strategy in environmental management has proved inadequate [3]. The Constitution of the Federal Republic of Nigeria (CFRN) 1999, has given the center more powers over many matters, including environmental matters, and this has hindered the states from playing major roles in matters of environmental management. Nigerian federalism is an example of federalism standing on its head. This type of federalism cannot allow for the achievement of Environmental Justice, rather it breeds Environmental inequities. Until states are given powers over environmental matters, as it is in the US, Canada and other federations, Environmental Justice and overall environmental sustainability will continue to elude Nigeria.

1.1 Explanation of Key Terms

For the purpose of clarity some key terms are hereunder explained.

1.1.1 Federalism

Federalism as a founding political principle of the US [4], is derived from the Latin word *foedus*, which means an alliance, a league or treaty [5].

The Encyclopedia Britannica defines federalism as a mode of political organization that unites separate states or other polities within an overreaching political system in a way that allows each to maintain its own integrity [6].

Nwabueze, posits that federalism is an, Arrangement whereby the powers of government within a country are shared between a national, countrywide government and a number of regionalized (territorially localized) governments in such a way that each exists as a government separate and independent from the others operating directly on persons and property within its territorial area, within a will of its own, its apparatus for the conduct of its affairs, and with an authority in some matters exclusive of all the others [7].

Nwabueze's definition was given judicial approval by Uwais CJN (as he then was) when he stated thus:

By section 2(2) of the 1999 Constitution, Nigeria shall be a federation and by the doctrine of federalism which Nigeria has adopted, the autonomy of each government, which presupposes its separate existence and its independence from the control of the other governments including the Federal government, is essential to federal arrangement. Therefore, each government exists not as an appendage of another government but as an autonomous entity in the sense of being able to exercise its own will in the conduct of its affairs, free from direction by another government [8].

1.1.2 Environment

The term environment as defined in the Federal Environmental Protection Act, shares similarity with the definition of the term in the Indian Environmental (Protection) Act of 1986. According to the Acts, environment includes water, air, land and all plants and human beings or animals living therein and the inter-relationship which exist among these or any of them. Similarly, the Environmental Impact Assessment (EIA) Act [9], describes environment to mean that component of the earth, and includes (a) land, water and air including all layers of the atmosphere, (b) all organic and inorganic matter and living organisms and (c) the interacting natural systems that include components referred to in paragraphs (a) and (b). The environment therefore has to do with man and his surroundings [10].

1.1.3 Environmental Justice

Although there is absence of a universally accepted definition of environmental justice, there is a compendium of sort among scholars that its main concern revolves around the idea that minority and low-income individuals, communities and populations should not be disproportionately exposed to environmental problems. In other words, low-income and minority communities should not be exposed to greater environmental risks than other communities through the placing of undesirable land use policies, enactment and enforcement of environmental regulations, and remediation of polluted sites [11].

Environmental justice is the fair treatment and meaningful involvement of all people regardless of race, colour, national origin, or income with respect to the development, implementation and enforcement of environmental laws, regulations and policies.

Fair treatment means that, minority and low-income individuals and communities should not bear a disproportionate share of negative environmental consequences resulting from industrial, governmental and commercial activities or policies. And meaningful involvement means that, people should have the opportunity to participate in decisions concerning activities that may affect their environment; their participation or input can influence the regulatory agency's decision; their concerns will inform decision making process and decision makers will be able to involve those potentially affected [12].

2. The Need for Implementation of Environmental Policy

Many countries face environmental problems of unprecedented proportions arising from climate change, threats to biological diversity, unsustainable water use and the likes. Individuals and businesses embark on activities that may cause minor levels of environmental harm, and as time goes on, those causes sum up and interact, thereby leading to cumulatively significant harm to the environment [13]. High levels of environmental degradation, brought about by industrial waste, oil drilling, climate change, and the cost associated with it, have awakened the minds of governments all over the world, to create policies that will tackle the effect of environmental harm. In Nigeria, for instance, because of environmental degradation, life expectancy is low [14].

It is important to state that highly industrialized nations are to blame for global environmental problems, this is so because, they consume very high amount of energy. As a result, they are expected to be the first in the line of proffering solutions to environmental problems. Unfortunately, this has not yet been achieved.

Problems of cumulative environmental harm are usually accompanied by legal ambiguities, the resolution of which can be seriously affected in federalist arrangements. Federal governments are in the forefront of the worlds quest for action on climate change [15].

Consequently, environmental degradation and the inherent negative effects associated with it, has motivated governments across the globe to come up with effective policies that will curb the level of environmental harm prevalent in the society. The United States and Canada are world's largest economy, as a result, environmental policy ranks high in the two countries. The United States and Canada have been, to a large extent, successful in their implementation of environmental policies, though there have been differences in their notion of what federalism is.

3. Federalism in the United States of America and Canada

Notably, the main goal of federalism is to keep intact personal liberty by separation of the powers of the government and putting in place modalities to prevent one government or arm from having and exercising absolute powers [16].

In Canada, the foundation and structure of environmental policy is based on the 1867 British North America (BNA) Act [17], which serves as a portion of the country's constitution. The BNA Act states clearly the authority vested on the federal and municipal governments in its sections 91 and 92 [18], and leaves jurisdiction over many environmental issues open to interpretation.

However, the American government did not address environmental issues since it was not a problem until 1960s. Prior to that time many people had the view that the air and rivers had the ability to absorb waste [19]. However in 1960s as a result of smog blanketing the air above some cities; radioactive substances from nuclear weapon testing and pesticides contaminating agricultural products [20], there arose great awareness on environmental issues. As a result, issues related to the environment are now considered as those needing serious attention and arousing the curiosity of courts to interpret and assign authority to the appropriate bodies in order to

address environmental problems. However, Canadian provinces are given vast powers. This is as a result of the quest by French Canadians who never wanted the central government to take hold of all the powers so that they will not become a relegated minority and thereby have less authority [21], but this is different from the case of America. The American constitution grants provinces the enormous responsibility to oversee property and civil rights, and to manage and sell public lands [22]. On the flip side, the Canadian constitution grants Canadian provinces enormous authority than their American counterparts especially since over 50% of Canadian land is owned by the crown or province, while only 9% of American land is owned by the state and local governments [23]. As a result, the Canadian province has vast jurisdiction even to regulate environmental issues relating to public lands, forestry, and hydroelectricity [24]. In America, the federal government derives its powers from the Constitution of 1787 [25]. The constitution thereby granted to the American national government very broad authority due to a lack of clarity in the constitution.

The primary powers of the American States are derived from the Tenth Amendment to the Constitution, which declares that “the powers not delegated to the United States by the constitution nor prohibited by it to the states, are reserved to the states respectively or to the people” [26]. The powers of the sub-national government in America are residual in nature and not vividly stated in the constitution, as a result, there is uncertainty in clearly defining the limits of the federal and state authority. However, it clearly gives states reasonable authority over its resources not involved in interstate commerce, and authority over their internal jurisdictions [27].

Since federalism involves bargaining, negotiations and conflict, in the United States, conflict arose as states claimed sovereignty over federalization in early times. However, by the 1930s, the spirit of cooperative federalism was dominant. As a result, states collectively came together primarily in the field where officials of the federal government, the states and the localities analyzed and exchanged information and consequently cooperated to solve clearly defined problems [28]. Informal relationships developed. However, a wide variety of disputes were bound to arise and they did arise. The conflict involved one level of government against another, one ideology against a different ideology, one political party against another [29].

Since the 1970s, the United States federal government has played a major role in addressing environmental issues, and has enacted laws to that effect. The experiment of co-operative federalism established a framework whereby the federal and state governments work together to protect the health, environment and natural resources of residents from the effects of pollution by both private and public sectors [30]. Hence, in 1982 in the case of *FERC v Mississippi* [31], the court held that the states and not the federal government, had the authority to regulate their internal land uses.

However, during the Regan Presidency, the novel trend became much more operational. There was devolution of responsibilities for many policies from the national to the state level. By 1990s, states started to assume policy initiatives[32]. The state now assumed a powerful position.

Consequently, in 1991, in the case of *Gregory v Ashcroft* [33], the court held that a healthy balance of power between the states and the federal government was necessary and that a more decentralized system will provide desired solutions to the diverse needs of the society.

However, there were pressures on governments in the US, for instance, in response to the first wave of public concerns, the US Federal Government passed the National Environmental Policy Act (NEPA) in 1969 to outline a strong federal policy towards the environment and thereby spelt out procedures to guide federal action in elevating environmental concerns, which are mainly formulated towards having a significant impact on the environment [34].

The result from the pressures faced by the two governments was change from solely relying on the courts for environmental enforcement to the

idea of command and control. Before the first wave, environmental protection was primarily in the hands of private individuals against polluters, enforced through legal action. This strategy failed to remedy the enormous environmental concerns of the two countries.

Notably, In the United States of America, the courts recognized an individual's right to represent the public, which made the institution of legal action easier because individuals did not have to prove direct harm against their person by the polluter and could instead focus on general harm. Yet, legal remedies were limited because of the precedents laid down from previous decisions of the court.

Conversely, In Canada, courts did not recognize an individual's right to represent the public, and this greatly limited legal actions notwithstanding the fact that the Canadian system offered broad legal remedies. The system was deficient and incapable of addressing the growing environmental problems.

4. Relationship Between the National and Sub-National Sector

The pattern of relationship that exist between these two federalist countries are different, hence, the divergence in environmental policy implementation.

4.1 Canada

In Canada, the constitutional stipulation has given the provinces an edge over the center in administering environmental policies. The Canadian federal government adopted more of a supportive role to the provinces in consensus building and conducting scientific research. The provinces are relatively free to set its own

standards, work out its own enforcement and monitoring modalities, and adopt innovative approaches which suit its interest [35].

The relatively weak role of the federal government resulted in great struggle in the implementation of nation-wide environmental projects. This was reflected in development and implementation of the Green Plan by Brian Mulroney's government in 1990. To avoid the battle over supremacy in relation to matters of jurisdiction with the provinces, the government's sweeping environmental plan was limited to indirect initiatives, such as information sharing and the funding of scientific research, instead of tackling the real environmental issues with more stringent enforcement of standards.

However, since the provinces were wielding much powers, whenever the federal government attempts to implement environmental policy, it is required to engage in collaborative negotiation with the province, and the process goes with numerous obstacles which includes: Firstly, issues pertaining to pollution. The polluting jurisdiction will vehemently oppose any sort of encroachment on its provincial resource right, stalling remedial action because the end result is usually the economic damage of one jurisdiction for the environmental benefit of another [36].

Secondly, the negotiations can be time consuming. This was evident in the federal-provincial negotiations aimed to address the issue of habitat degradation at Prince Albert National Park in Saskatchewan. The Park which was owned by the federal government, was surrounded by lucrative provincial timber lands which were heavily utilized by forestry companies. The destruction of the surrounding ecosystem had negative impact on the Parks wildlife. To solve the problem, the federal government engaged in negotiations with the province in 1991, which spanned the entire decade. By the time the federal government had reached an agreement, significant damage had been done to the ecosystem [37].

Thirdly, the negotiations often end in compromise between the jurisdictions, often resulting in half-baked solutions, which in reality fail to address the problem.

4.2 United States of America

Federal powers have facilitated a more effective system of environmental policy implementation. Since the 1960s, the federal government has given more attention to environmental issues. It became involved in virtually every area of environmental policy. Between the 1960s and 1970s, the United States federal government enacted twenty-five major laws concerning a wide range of environmental issues, and eighteen of which trespassed on regulations previously enforced by states, including the National Water Pollution Policy legislated in 1961, 1965, 1966, 1972, among others.

By setting national standards for the quality of the environment since the 1970s, the American federal government assumed a dominant role by regulating the activities of the states through direction and coercion. It runs a system whereby it establishes the standards and conditions for implementation of environmental policies and it delegates the implementation and the day-to-day responsibilities of the states. If the states do not meet up with the requirements of the environmental protection agency, the federal government steps up to assume responsibility for implementation. This can result in dissatisfaction and feelings of both anxiety and strength for state officials [38].

However, with the emergence of the doctrine of New Federalism in the 1980s, the relationship between the states and the federal government began to change. The states now have a stronger role in setting pollution standards [39]. Also, the government of the United States of America passed the national environmental policy law in 1969, to outline a firm federal policy towards the environment, and laid out procedures to guide federal actions in alleviating environmental concerns [40].

4.3 Modern Trend of Federalism in the United States of America and Canada

The United States of America and Canada operate a command-and-control system of government. However, in the US, the decline of the command-and-control system of government began during President Ronald Regan regime.

Both countries are moving towards private sector regulation and marketization of environmental standards. Due to recession, there have been massive cuts of resources to sub-national governments, and in America these cuts had severe impact on the command-and-control system in place. In Ontario, the operating budget for the ministry of environment was cut by 68% between 1991 and 1998 with total staff being cut by 40% [41]. This lack of resources greatly affected many programmers and led to downsizing in the number of water quality monitoring facilities from 700 in 1991 to 200 in 1997, with non to be found north of the city of Barie in 1997. As a result of lack of budgetary allocation, there was decline in enforcement of environmental policies and default fines reducing to as low as 67% between 1995 and 1997. These substantial cuts in budgetary allocation left government unable to regulate and enforce environmental policies [42]. Command-and-control in both governments, have been replaced with industry based voluntary initiatives and self-monitoring.

4.4 Federalism and Environmental Justice in Bangladesh

The Bangladesh government is moving forward to the modern trend of protecting the safety and lives of its citizens, despite the autonomy of its constitution. In the case of Dr. Mohiuddin Farooque [43], the petitioners contended that faulty vehicles unfit for traffic operated without pollution related fitness certificate or a wrongly awarded one. The court held that there was no proper implementation of the regulations required to control pollution levels and that preventive measures should be taken by the Ministry of Environment to curb the hazardous effects, and that the petroleum products used in operating the vehicle contained hazardous substances affecting the health of residents.

An analysis of the above case reveals that an aggrieved individual can institute an action geared towards eradicating environmental pollution and protecting the lives of the citizens in Bangladesh.

5. Federalism and Environmental Justice in Nigeria

Nigeria runs a federal system of government. Federalism in Nigeria operates a system of command and control. Nigeria's federalism allows for disproportionate impact of environmental hazards on poor and minority communities residing within territories where industrial activities are sited. For example, gas flaring, a fallout from oil exploitation, is one of the major causes of global warming, increasing the greenhouse emissions and impacts negatively on humans and other living organisms. About 75% of gas is flared in Nigeria, while the world's average is 5% of total extracted gas [44]. The environmental hazards that results from the exploitation of oil and gas in the Niger Delta region, are not equitably shared by all Nigerians that reap the benefits or proceeds of the oil and gas. Rather it is the poor and minority oil bearing communities of the region, that bear the brunt of these hazards. Conversely, every Nigerian takes the benefits, but only the people of the oil producing region are left to suffer the problems associated with oil production activities. What a grave act of injustice that is.

Another issue seeking environmental justice in Nigeria is the contamination of natural bodies of water, leading to the death of aquatic life. In Rivers State, Nigeria, and in other Atlantic Shorelines across the Gulf of Guinea, the banks of most riverine communities were littered with thousands of dead fishes washed ashore from the sea in 2020 [45]. Investigations by the National Oil Spill Detection and Response Agency (NOSDRA), revealed that the death of the fishes along the Atlantic Ocean Coastline in Nigeria was as a result of the discharge of toxic waste into the ocean [46]. The question remains: who was responsible for the discharge of the toxic waste into the ocean? Has the government prosecuted any individual or corporate body for such act of environmental iniquity till date? The answer to the above questions remains negative.

Legally, the constitution of every country makes adequate provisions for the protection of its citizens in order to ensure that their safety is guaranteed. However, by virtue of Section 6(6)(c) of the CFRN 1999 [47], the jurisdiction of a competent court of law is ousted or ripped, the court is denied the ability to make any meaningful contribution with respect to matters relating to development and good governance. That constitutional provision seeks to deny the citizens right to obtain redress from the courts when denied their socioeconomic, developmental, and other rights. The legislature by this provision seeks to take away or deny the court its power of judicial review with respect to matters in which jurisdiction has been ousted [48].

Consequently, the position in Nigeria took a good turn in the case of *Jonah Gbmre v Shell Petroleum Development Company Nigerian Limited & FHC/B/CS/53/05, 2005 AHRLR 151* [49], wherein the applicant on behalf of the Iwhrekan community made claims against the multinational oil company and the Federal Government of Nigeria for violation of fundamental human rights including right to a healthy environment and dignity of the human person as guaranteed by Sections 33(1) and 34(1) of the CFRN 1999. The claim arose as a result of the gas flaring activities carried out in the community and the effects it had on the health of residents. The Federal High Court granted all the reliefs sought.

However, a combine examination of Section 6 alongside Section 20 of the CFRN 1999[50], which provides that “the state shall protect and improve the environment and safeguard the water, air, and land, forest and wild life of Nigeria”, reveals that the constitution portrays a high level of inconsistency in relation with the protection of citizens, especially from the harmful effects of oil exploration and exploitation activities carried out by the multinational oil companies in the country, operating a joint venture with the federal government of Nigeria who they pay royalties to.

As stated earlier, Section 6(6)(C) of the CFRN 1999, barred enforcement of the fundamental right of citizens enshrined in Section 20 of the same constitution by means of the ouster clause. This has resulted in untold hardship on citizens, who when aggrieved or environmentally endangered, lack the capacity, or can hardly institute legal action like their counterparts in other federalist countries such as the United States of America, Canada and Bangladesh, where an individual does not need to prove special and direct harm before his claim can be enforced.

6. Challenges facing Federalism

There are many challenges facing federalism, some of these will be examined: Federalism can breed confusion and doubt as to who or which arm of government is responsible for implementation of public policy and its outcome. This is so because under a federalist system, many units of government overlap and if failure results, constituents will tend to apportion blame and probe to know why the failure and the tendency of speculating as to which level of government was responsible leading to the failure will create more confusion and agitation for the people.

Federalism can create competition and economic inequalities across states. The rich get richer and the poor poorer. This is as a result of different level of economic growth across the state and the communities. Sometimes states compete to attract more businesses by lowering taxes and regulations [51].

Federalism prevents national policies from being implemented. Local laws can at times hamper the passage of regional laws. Since federalism circulates powers throughout the nation. It therefore means that it can take so long a time to enact a national law[52]. Negotiations and consultations has to be made for the different levels of government to reach a common ground.

7. Conclusion

True federalism as practiced in advanced democracies, such as the United States of America and Canada, has revealed that the pursuit of environmental justice, and overall environmental sustainability, is achievable, but not yet in Nigeria.

The trajectory adopted by other federalist countries is not that of an autocratic command and control policy which relegates states to the background without having a say on environmental issues. Attaining this height of environmental management in Nigeria will continue to be a mirage, except the necessary constitutional framework is put in place to ensure the practice of true federalism, which will allow states exercise powers over environmental matters in a clearly outlined and collaborative manner with the federal government.

The political arrangement in Nigeria is anything, but federalism. Therefore, the Nigerian constitution being the supreme law from which other laws originate, should safeguard human rights. This means that any provision of the constitution connected to good governance, economic and social rights that is rendered non justiciable by the constitution should be quickly amended and made justiciable. Hence, Section 6(6)(c) of the CFRN 1999 should be repealed.

This will bring about true federalism and the realization of environmental justice. As a result, all categories of rights will be guaranteed and the Nigerian government will be fully accountable to the people by virtue of the constitution.

8. Recommendation

The following recommendations are made:

The executive arm of government should act expeditiously in making Chapter 11 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 justiciable by forwarding an Executive Bills for the repeal of the Ouster Clause contained in Section 6(6)(c) of the constitution which is repugnant to natural justice. That will bring about good governance, growth and socioeconomic development to all states of the federation.

The legislative arm of government should work out modalities to immediately facilitate the process of repealing and expunging section 6(6)(c) of the CFRN1999.

The Judiciary should embark on thoughtful judicial activism and firmly resist any impediment in the form of Ouster Clause.

States should have more constitutional powers on environmental issues than the federal government in order to ensure effective enforcement of environmental policies.

State governors and the local government chairmen should organize seminars and conferences to educate and sensitize the people, including those at the grass root level, about the dangers of environmental harm and the need to speak out loud whenever their environment is endangered. This will lay the ground work for the immediate arrest and prosecution of environmental criminals.

References

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- [1] D. Webster and Ors, <https://www.britannica.com/topic/federalism> >Accessed November 6, 2021.
- [2] C. Uwaegbulam, 'Challenges of Building an Environment-Friendly Nation', <https://www.guardian.ng/property> June 2020 > Accessed January 3, 2022.
- [3] O. J. Oyebode, 'Impact of Environmental Laws and Regulations on Nigerian Environment', *World Journal of Research and Review*, Vol. 7 Issue 3, 2018, 12.
- [4] D. C. Cory, and Rahman T., 'Environmental Justice and Federalism' (Cheltenham: Edward Elgar, 2012) 3.
- [5] Collins Concise Dictionary, (London: Williams Collins Sons & Co.Ltd, 1978) 275.
- [6] <https://www.britannica.com.>topic> >Accessed November 6, 2021.
- [7] B.O.Nwabueze, *Federalism in Nigeria under the Presidential Constitution*.(London: Sweet & Maxwell, 1983) 170.

- [8] Attorney-General of Lagos State v Attorney-General of the Federation (2003) 12 NWLR (Pt.833)
- [9] EIA Act, Cap. E12, LFN 2004.
- [10] USEPA, 2017, <https://www.sciencedirect.com> > Accessed November 6, 2021.
- [11] <https://www.cambridge.org> > Accessed November 6, 2021, Cliff Rechtschaffen, 2009 cited in Dennis C. Cory and Tauhidur Rahman).
- [12] (D. C. Cory and T. Rahman, Environmental Justice and Federalism. (Cheltenham: Edward Elgar, 2012) 3.
- [13] R. Nelson, University of Melbourne. www.blog.iacl-aidc.org/new> Assessed 20th August 2020.
- [14] Vanguard Newspaper, February 28, 2021, Environmental Pollution, Cause of Low Life Expectancy in Nigeria-Survey <https://www.vanguardngr.com> > Accessed November 27, 2021.
- [15] W H. GOV, Executive Order on Tackling the Climate Crisis at Home and Abroad January 27, 2021 Presidential Actions <https://www.whitehouse.gov/briefing> > Accessed November 27, 2021.
- [16] What was the Goal of Federalism? <https://www.google.com/search> > Accessed November 7, 2021.
- [17] The British North America Act, 1867; <https://www.canadahistoryproject.ca> > Accessed November 7, 2021.
- [18] The Constitutional Distribution of Legislative Powers, <https://www.canada.ca/en/intergovernmentalaffairs> > Accessed November 7, 2021.
- [19] Early History of Environmentalism, <https://www.sfu.ca/andrewf/environment> > Accessed November 7, 2021.
- [20] Ibid.
- [21] Establishing A Federal Union, <https://www.canadianencyclopedia.ca> > Accessed November 7, 2021.
- [22] Ibid.
- [23] <https://www.google.com/search> > Accessed November 7, 2021.
- [24] Canada's Forest Laws, <https://www.nrcan.gc.ca/our-natural> > Accessed November 7, 2021.
- [25] Constitution of the United States of America (1787), Amendment X section 1.

- [26] American Constitution 1787, Tenth Amendment.
- [27] Caldwell, L. 'Authority and Responsibility for Environmental Administration', *Annals of the American Academy of Political and Social Science*, 389, 114-115.
- [28] D. J. Elazar, 'The Scope of Co-operation' In Laurence J. O'Toole, *American Inter governmental Relationship* (2nd ed.), (Washington D.C.C.Q Press, 1993); *US History, Federalism* <https://www.encyclopedia.com/history> > Accessed November 7, 2021.
- [29] W. T. Gormley, 'Taming the Bureaucracy: Muscles, Prayers, and other Strategies, Princeton Legacy Library, 1989, p. 173.
- [30] R. L. Glicksman, 'From Cooperative to inoperative Federalism: The Perverse Mutation of Environmental Law and Policy', *41 Wake Forest Law Review*, 719 (2006).
- [31] 456 U.S. 742 (1982).
- [32] O'Toole, 'Research on Policy Implementation: Assessment and Prospects' (1993), 24-25.
- [33] *Gregory v Ashcroft*, 501 US 452 (1991).
- [34] S. E. Boslaugh, 'National Environmental Policy Act (NEPA)' <https://www.britannica.com/topic> > Accessed November 24, 2021.
- [35] A. McIntosh, G Stevenson, 'Federalism in Canada', *The Canadian Encyclopedia* 2006 ><https://www.anadianencyclopedia.ca>> Accessed December 21, 2021.
- [36] Brooks S. and Miljan L., 'Public Policy in Canada: An introduction' (4th ed.) (Toronto: Oxford University Press, 2003).
- [37] W. R. Lowry, 'Paved with Political Intentions: The impact structure on the national park system plan in Canada and the United States'. *Policy studies journal* 22 (1) 44-58.
- [38] C. A. Simon and Ors Chapter 2 'State and Local Government and Politics: Prospects for Sustainability', Oregon State University, Pressbooks.> <https://www.open.oregonstate.edu>> Accessed December, 22, 2021
- [39] Schoenbrod D. 'Why States not EPA should set Pollution Standards'. In T. Anderson and P. Hill (Eds.) *Environmental Federalism*. (New York: Rowman and Littlefield, 1977).

- [40] L. K. Caldwell, 'Authority and Responsibility for Environmental Administration', *Annals of the American Academy of Political and Social Science* (1970), 309, 107-115.
- [41] A. Krajnc, 'Whither Ontario's environment? Neo- conservation and the decline of the environment ministry', *Canadian public policy*, (2000) 26 (1), 111-127.
- [42] *Ibid*, 125.
- [43] *Dr.Mohiuddin Farooque and Anor. v Bangladesh* 1997, 26 CLC (HCD).
- [44] C. O. Ikorukpo, 'Petroleum, Fiscal Federalism and Environmental Justice in Nigeria' (2010), 321- 354.
- [45] E. Chinwo, ''This Day News Paper April 17, 2020', Thousands of Dead Fish Washed up in Rivers Shoreline.
- [46] O. Obe, 'This Day News Paper, May 15, 2020', Nigeria: NOSDRA Traces Causes of Dead Fishes on Atlantic Coastline to Toxic Wastes.
- [47] The 1999 Constitution of Nigeria.
- [48] A. O. Sambo and Abdulkadir A., 'Good Governance: And Ouster Clauses, Judicial Review and Expository Study of the Experience in Nigeria and Malaysia' (2013).
- [49] *Jonah Gbmre v Shell Petroleum Development Company Nigerian Limited* FHC/B/CS/53/05, 2005 AHRLR 151.
- [50] The 1999 Constitution of Nigeria.
- [51] Basics of American Politics, 'Advantages and Disadvantages of Federalism' <https://www.courses.lumenlearning.com> > Accessed December 22, 2021.
- [52] L. Gaille, '12 Federalism Pros and Cons', Vittana Personal Finance Blog.Org, <https://www.vittana.org/12federalism> >Accessed December22, 2021.