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UNDERSTANDING THE ANAMBRA STATE'S ENVIRONMENTAL MANAGEMENT, PROTECTION AND ADMINISTRATION LAW, 2024 IN THE CONTEXT OF PLASTIC POLLUTION CONTROL IN THE STATE

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Abstract
This paper examined the new environmental protection law of Anambra State, that is, the Environmental Management, Protection and Administration Law (EMPAL), 2024, with particular attention to its provisions on plastic wastes that has been rated as a major global environmental pollutant of the present day. The paper used the doctrinal research methodology with the analytic approach. The findings, amongst other things, were that this legislation streamlined the body of environmental legislations in the State and provided copiously for plastic pollution control through adequate legal specifications and the establishment of fitting institutions, like the Anambra State Waste Management Authority (ASWAMA), for this goal.

Keywords: Plastic Pollution, Anambra State, Plastic Wastes, Environmental Management, Nigeria

1. Introduction

It is axiomatic that human existence is totally dependent on the environment. For this, protecting the environment from degradation and pollution is a necessity for the protection and guarantee of good life in the society. It is believed that it was with this understanding that the present government of Anambra State under Professor Charles Chukwuma Soludo, enacted the Environmental Management, Protection and Administration Law, 2024, to reposition and advance environmental management, protection, and administration in the State. This paper examined this legislation with particular attention to its provisions on plastic wastes which has been rated as a major global environmental pollutant in the present day. This paper followed the doctrinal methodology by majorly drawing information from statutory provisions and, journal and internet resources. The approach to the information from these sources was analytical. The finding of the paper is that the Law has made copious provisions on the control of plastic pollution in the State which include provisions also allow for citizens and corporate participation in solving plastic pollution. The paper is divided into seven parts. After part 1 that is the introduction, is part 2, clarification of key concepts. Part 3 is the harmful effects of plastic pollution and part 4 comes with the examination of EMPAL. Part 5 is an examination of the role of ASWAMA in controlling plastic waste. Part 6 concludes the paper while part 7 presents the recommendations

2. Clarification of Key Concepts:

2.1 Plastic Pollution

Plastic pollution is defined as the 'accumulation in the environment of synthetic plastic products to the point that they create problems for wildlife and their habitats as well as for human populations'[1] Plastics are polymer materials and polymer materials can be synthetic or natural. Natural polymers such as rubber and silk are not implicated in environmental pollution.[2] Thus, plastic pollution is defined in terms of synthetic plastics which are not subject to the natural decay processes, and so, easily liter the environment, clogs drainages, coastal areas, waterways, and open spaces. Everyday

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[1]Charles Moore, 'Plastic Pollution', <https://www.britannica.com/science/plastic-pollution,> accessed 30 May 2025

[2]Ibid.

an average consumer encounters plastic materials of different kinds as shopping bags, commodity wrappings, kitchen utensils, household goods, bottles *et cetera*. For this fact, plastic waste is attracting increasing attention nowadays as a major environmental pollutant.

Plastic pollution comes from plastic wastes which belong to the category of solid wastes.[3]Plastic pollution is constituted by improperly disposed plastics. While plastics improperly disposed of constitute plastic pollution, plastics properly disposed of do not. Thus, the idea of plastic pollution is coterminous with improperly disposed of plastic wastes.

2.2 Anambra State's Environmental Management, Protection and Administration Law, 2024

The new Anambra State Environmental Law (2024) is the 'Environmental Management, Protection and Administration Law, 2024.' It is a Law that came into force in 2024 after it was passed by the State Assembly and was assented to by Governor. As the name indicates, it is a law that deals with environmental management, protection and administration in Anambra State. It is structured into 14 Parts, 353 sections and 13 Schedules. It concretises in Anambra State the National Policy on the Environment as well as relevant statutory and regulatory legislations on environmental management, protection and administration.

3. The Harmful Effects of Plastic Pollution

Plastic pollution has these harmful effects.

a. It is harmful to marine mammals that mistake them for food because they are neither nutritive nor digestible.[4]
b. Terrestrial effects of plastic pollution. It clogs drainage systems with films, plastic bags and items, resulting to flooding. Birds and animals that feed on waste materials have had intestinal blockage due to plastics they ate.[5]
c. Plastics also pollute the environment without being littered. Chemicals leached from plastics pollute the air and water.[6]These are chemicals used in plastic production and they include phthalates, bisphenol A (BPA), and polybrominated diphenyl ether (PBDE).[7] All these compounds have been detected in humans and are known to disrupt the endocrine system.[8] These compounds are also implicated in hormonal disruption in animals in terrestrial, aquatic and marine habitats.[9] Studies show that they have adverse effects on reproductive development of amphibious lives, mollusks, worms, insects, crustaceans, and fish.[10]

4. Environmental Management, Protection and Administration Law, 2024 (hereafter EMPAL)

4.1 Overview of EMPAL

The EMPAL is a comprehensive legislation that covers the three major areas of environmental management, environmental protection, and environmental administration with far reaching provisions. Thus, it makes access to the laws on these matters very easy. One of the novelties of this legislation is that it repealed five earlier separate environmental protection legislations and re-enacted them into one body of environmental laws. By this move all key legislations on environmental management, protection, and administration form one corpus of environmental law

[3]'Composition of Municipal Solid Waste' <,https://ebrary.net/181741/environment/composition_municipal_solid_waste> accessed 6 June 2025.
[4]Charles Moore (n 1).
[5]ibid.
[6]ibid.
[7]ibid
[8]ibid.
[9]ibid.
[10]ibid.

for the State thereby making the laws on environmental management, protection, and administration easily accessible. The repealed and re-enacted legislations are:

i. The Anambra State Waste Management Authority Law, 2015, No 09 2015.
ii. The Operation Clean and Healthy Anambra (OCHA) Brigade Law, 2016, No 1, 2017,
iii. The Anambra State Erosion, Watershed and Climate Change Agency (ANSEWCCA) Establishment Law, 2020, No 04 2020.
iv. The Anambra State Clear Drainage and Forest Preservation Agency Law 2020, No 05 of 2020
v. The Anambra State Leisure Parks, Gardens and Beautification Agency Law, 2020, No 06 2020.

Even though plastic pollution control is not explicitly discussed by the EMPAL, it is sufficiently provided for in it.

4.2 Objectives of EMPAL

The objectives of the Law stated in section 4 are to: (a) provide a clean, safe and healthy environment for all residents in the State; and (b) enable citizens, access the various public amenities or segments of the environment for residential, recreational, educational, health, cultural and economic purposes. To provide a clean, safe, and healthy environment for all residents in the States implies eradicating everything that renders the environment unclean, unsafe, and unhealthy in all the nooks and crannies of the State. The indiscriminate and pervasive presence of plastic pollution in the State just like in many other States therefore makes its control one of the objectives of the EMPAL. Control of plastic pollution in the State is also implied in the second leg of the objectives stated by section 4(b). To enable citizens to access the various public amenities or segments of the environment for residential, recreational, education, health, cultural and economic purposes implies that these public amenities and segments of the environment are not swarmed by plastic pollutions. For instance, who would go to the new Anambra Fun City for recreation if it is overtaken by plastic pollution?

4.3 Physical Structure of EMPAL

The EMPAL is structured into 14 parts, 353 sections and 13 Schedules. It provides for both legal and institutional regimes for environmental management, protection, and administration. The 14 parts are the following.

Part 1 - Preliminary Provisions; Environmental Management, Protection and Administration: Ss1-12
Part 2 - The Anambra State Erosion, Watershed And Climate Change Agency (Ansewcca): Ss 13-34
Part 3 - The Anambra State Clear Drainage And Inland Flood Management Agency: Ss 35-58
Part 4 - The Anambra State Leisure Parks, Gardens And Beautification Agency: Ss.59-88
Part 5 – Forestry:Ss 89-124
Part 6 - Anambra State Waste Management Authority: Ss 125-190
Part 7 - Wastewater Management Office: Ss 191-222
Part 8 - Anambra State Environmental, Social, Health and Safety Management Plan: Ss 223-253
Part 9 – Nuisances: Ss 254-263
Part 10 - Street Trading: Ss 264-278
Part11- Anambra State Environmental Protection Unit: Ss 279-304
Part 12 -Citizens' Participation in Environmental Protection Including Access to Information AndEnvironmental Impact Assessment: Ss 305-317
Part 13- The OCHA Brigade: Ss 318-348
Part 14 - Dumpsites and Landfills: Ss 349-353.

4.4 Management and Administration of EMPAL

4.4.1 Agencies

The EMPAL created five agencies as bodies corporate with each having a perpetual succession and common seal for particularly driving the objectives of the Law. These are:

i. The Anambra State Erosion, Watershed and Climate Change Agency (Ansewcca).

The functions of this agency include to arrest early and mid-stage gully formations, that is, prevention of gully formation and flood incidents by storm water channelization and proper termination of drainages in target catchments across the State (s.15(b)). Water channelization cannot be effectively done if the channels are blocked by plastic wastes.

ii. The Anambra State Clear Drainage and Inland Flood Management Agency.

The functions of this agency include providing leadership and executive strategies to prevent the blockage of drainages in the State,[11] and to develop and implement strategies for all year-round cleaning of the drainage systems and clearing of sewages in the State, working with relevant stakeholders and authority.[12]

iii. *The Anambra State Leisure Parks, Gardens and Beautification Agency*.

The functions of this agency include to enunciate and execute strategies to manage State and CommunityParks and other landscaped areas.[13]

iv. Anambra State Waste Management Authority.

The functions of this agency will be examined subsequently in more details.

v. The OCHA Brigade.

"OCHA' is an acronym for 'Operation Clean and Healthy Anambra'.[14] The functions of this agency include to facilitate the arrest, prosecution by the relevant authorities any payment of fine by any person that, amongst other things, dumps refuse of any description on any road, street, drainage, canal, walkways.[15]It includes also to enforce the cleanliness and desilting of drainages and gutters by relevant agencies across the State.[16]

The fact that these agencies were created as bodies corporate with each having perpetual succession and a common seal does not raise them to the status of private or public corporations that enjoy a wider latitude of administrative autonomy. As government parastatals they are under the supervision of the Ministry of Environment and Commissioner for Environment pursuant to section 5(1&2) of EMPAL. While this arrangement is administratively sound, the problem is that in our clime with the rule of 1aw often standing on its head; members of the executive arm overreach their legitimate mandate and descend to colonizing the agencies. In fact, research shows that the ineffectiveness of the erstwhile ASWAMA Law 2015 resulted from functions of ASWAMA being highjacked by the powers that were, thereby reducing ASWAMA to AWAMA (Awka Waste Management Authority). Waste management in other cities of the State like Onitsha, Nnewi, Ihiala and Ekwulobia were illegally excised from the control and management of ASWAMA and contracted out to persons chosen by the powers that were. This starved ASWAMA of the needed revenue to embark on adequate measures for environmental management. It is hoped and believed that this would not be the case under the EMPAL if the EMPAL should deliver on target.

[11] S. 37(a) EMPAL.
[12] S. 37(b) ibid.
[13] S. 62(b) ibid.
[14] S. 318 EMPAL
[15] S. 321(a)(vi) ibid.
[16] S. 321(b) ibid.

4.4.2 Technical Departments

Besides the agencies, the EMPAL in section 5(b) provides for technical departments in the Ministry of Environment to serve the needs of the agencies and the government in adequately rising to the demands of environmental management, protection and administration. The technical departments concern issues like (i) Ecology; (ii)Environment; (iii) Forestry; (iv) Wildlife Conservation; (v) Environmental Health; (vi)Sewage; and (vii) Pollution Control. Since plastic pollution has become a kind of epidemic, the operations of these departments to be fitting must cover plastic pollution control.

Since plastic wastes belong to the category of solid waste, it is fitting and proper to examine in some details the agency responsible for solid waste management with a view to identifying its commitment to plastic pollution control in the State. This makes the examination of the Anambra State Waste Management Authority (ASWAMA) imperative.

5. The Anambra State Waste Management Authority (ASWAMA) and the Control of Plastic Pollution

The ASWAMA is established by section 126(1) of the Law. The definition of 'wastes' in this part which incorporates plastic wastes and which is found in section 125 states that 'wastes' 'means any scrap material, or any effluent or other unwanted surplus substance arising from any process and includes any substance or article which requires to be disposed of as being broken, worn out, contaminated or otherwise spent'. A plastic waste fits into the idea of any scrap material or any substance or article that requires to be disposed of as a being broken or worn out.

5.1 ASWAMA Functions

The functions of the ASWAMA under EMPAL are not quite different from its function under the repealed ASWAMA Law 2015. So, under the EMPAL, ASWAMA is retained to pursue the waste management goals assigned to it in the repealed 2015 Law. Section 129(1), EMPAL specifies 24 functions for the agency, which it uses the verb 'shall' to provide. It says, the Authority shall:

(a) collect, remove, process, treat and safely dispose of domestic, hospital, commercial, institutional and industrial waste;
(b) recycle waste;
(c) design blueprints for establishment of sewage disposal systems and clearing of sewage;
(d) advise and make recommendations to the Ministry for improvements in collection, removal, processing, treatment and safe disposal of wastes;
(e) clean streets;
(f) remove and dispose of carcass of dead animals from public places;
(g) monitor the clearing, cleaning and maintenance of drainage facilities within the State;
(h) design, operate and maintain waste disposal facilities;
(i) prepare and update from time to time master plans for waste collection and disposal in the cities, towns and villages within the State and the control of the resultant waste systems within the State;
(j) promote, encourage and foster the maintenance of clean and healthy environment in the State;
(k) remove and dispose of any vehicles abandoned or cannibalized on any highway;
(l) control and supervise night soil services in respect of places where bucket or pit latrines are in use;
(m) establish, maintain and clean public conveniences;
(n) carryout inspection of each building and premises for purpose of ensuring that sanitary conditions are maintained in such buildings and premises;

(o) apprehend any person selling goods or any articles of trade in places not authorized for that purpose and seizing all such goods or articles of trade for eventual disposal in such manner as the Authority may deem fit;
(p) in collaboration with the Internal Revenue Service, prescribe the amounts payable by persons or organizations as sanitation rates and direct the Local Government Waste Management Authority on such prescriptions;
(q) provide waste management services for State Government buildings, Local Government buildings, industries, business premises, private residential houses and all types of buildings within the State by providing waste receptacles or bins at agreed convenient positions and continually collecting and disposing of wastes from the receptacles;
(r) control pests and approve and monitor all waste disposal systems in the State;
(s) issue, renew and revoke licenses of Private Waste Collectors;
(t) prescribe the sizes, shapes and makes of dustbins or refuse bins to be kept in residential buildings, hackney carriages and stage carriages;
(u) provide, subject to such conditions as it deems fit, the location and use of private refuse disposal systems;
(v) provide necessary procedure to be followed in refuse disposal and conduct research in relation to refuse collection and disposal systems;
(w) prepare long term plans in relation to its functions and duties;
(x) oversee the implementation, in all parts of the State, of all policies and strategies for refuse disposal and control of public conveniences as are decided upon by the Executive Council;
(y) conduct research in relation to refuse collection and disposal systems; and
(z) do all such acts as appear to it to be required or convenient for the proper discharge of its functions under this law.

5.2 Analysis of ASWAMA Functions vis-à-vis Plastic Pollution Control

Of all the 24 functions, only two functions, that is, 'f' and 'l', do not relate to the control of plastic pollution. Function 'f' deals with removing and disposing of carcass of dead animals from public places, and function 'l' deals with controlling and supervising night soil services in respect of places where bucket or pit latrines are in use. The rest, in one way or the other, relate to the control of plastic pollution. Function 'a', for instance, specifically talks of collecting, removing, processing, treating and safely disposing of domestic, hospital, commercial, institutional, and industrial wastes. This function applies directly to plastic wastes since they are parts of domestic, hospital, commercial, institutional, and industrial wastes ASWAMA is to collect, remove, process, treat and safely dispose. Function 'b' for instance again, specifically implies the duty of the ASWAMA to recycle plastic wastes.

6. Conclusion

The EMPAL is a bold and commendable step towards streamlining the state's legislations on environmental management, protection, and administration as it collapsed the previously five distinct environmental legislations into one corpus of Law.Each of these five legislations created an environmental protection agency and the EMPAL recreated these agencies. Repealing these earlier five legislations and subsequently recreating their agencies under the EMPAL makes the EMPAL a compendium of Environmental legislations in Anambra State. The EMPAL makes the access to the law on these agencies very easy. Bringing these agencies under one legislation creates and environment for greater synergy and harmony between the staff of these agencies pursuing the common objectives of the EMPAL. A boost to this synergy is the fact that they are all under the supervision of the same Ministry, the Ministry of Environment and under one Commissioner for Environment. Besides these agencies, there are technical departments in the Ministry of Environment to serve the needs of the agencies and the government in adequately rising to the demands of environmental management, protection, and administration in the State.

The effectiveness of legislation does not depend solely on the coherence and reasonableness of its provisions but also on the political will of Executive arm of government responsible for the enforcement the legislation. Without the political will of the Executive, the EMPAL will not be effective particularly as it concerns ASWAMA, which is directly charged with removing plastic wastes from the environment. Unfortunately lack of political will crippled the operations of ASWAMA under the repealed ASWAMA Law, 2015 and reduced it, instead, to AWAMA (Awka Waste Management Authority). This means that it was reduced from being a statewide agency to only an agency confined to the city of Awka. The ubiquitous presence of plastic wastes makes the enforcement of EMPAL regarding its removal from the environment a difficult and expensive job such that the involvement of citizens, corporations is a *sine qua non* for a commendable and effective result.

7. Recommendations

a. The Agencies like ASWAMA created by EMPAL should be given the free hand to discharge their statutory functions without undue interference from the Executive.
b. The Executive should muster the required political will to enforce the EMPAL. The EMPAL as a piece of legislation cannot achieve the set objectives if it does not receive the necessary cooperation from the Executive.
c. The government must translate the requisite political will into financial support for the administration of the EMPAL when and where necessary.
d. Since plastic pollution occurs almost everywhere people are, government should embark on sustained education, conscientization, and advocacy for citizens to cooperate in reducing and removing wastes from the environment.
e. Advocacy should be also addressed to corporations, especially those that introduce plastics into the environment to be involved in removing and reducing them in the environment.