



EFFECTIVE COMPLIANCE MONITORING AND ENFORCEMENT: A KEY TO COMBATING FLOODING IN NIGERIA



Ahmed Maigari IBRAHIM

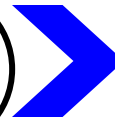
**HOD & Professor of Environmental Management,
Bayero University Kano, Nigeria**



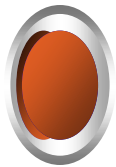
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Diverse Opinions





Join me and see what this **PRESENTATION**
is **ALL ABOUT**



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BACKGROUND

- **Flooding in one form or other affects at least 20% of the nation's population.**
- **It cuts across the society from the urban residents to the rural dwellers.**
- **Flooding is a threat to physical infrastructures, including:**
 - **Residential accommodation,**
 - **Commercial properties**
 - **Industrial properties,**
 - **Roads, rail lines,**
 - **Bridges,**
 - **Port installations,**
 - **Farmlands, including standing crops, etc.**
- **Losses due to flooding run into many billions of naira per year**



- In deed, it is a **national disaster** whose repercussions if **unchecked** would lead to total break down of the economic **prosperity** of the nation as a whole.
- To guard against that, **effective management strategies** have been put in place.
- These among others include:
 - **Enforce compliance with planning/urban laws/edicts.**
 - **Build embankments and levies along rivers and coastline prone to flood**
 - **Establish rainstorm early warning system**
 - **Establish and monitor weather stations, river and tidal gauges**
 - **Ensure appropriate management of dams**
 - **Ensure proper maintenance of existing urban drainage channels**
 - **Enforce environmental sanitation laws in towns and cities**



Mechanisms



- The **mechanisms** through which these strategies and many more, can be achieved are:
 - **Effective Compliance Monitoring;**
 - **Effective Enforcement,**
 - **Governance,**
 - **Management**



Compliance Monitoring



What it's
All About

What is Compliance Monitoring?

- It is a **visible Environmental Management Tool** that often regulatory and enforcement bodies or agencies uses **to ensure that the regulated communities obey environmental laws and regulations.**



Compliance Monitoring



- It is a means of identifying non-compliance and appropriate action against it.
- It is also a technique that enables early detection and prevention of adverse environmental effects.



Components



- It also encompasses **all regulatory agency activities performed to determine whether a facility is in compliance with applicable law.**
- **Component of Compliance Monitoring include:**
 - **Formulation and implementation of compliance strategies**



Components



➤ **On site compliance monitoring:**

- ❖ Compliance Inspection;
- ❖ Evaluations;
- ❖ Investigations: review of permits, data, and other documents.

➤ **Offsite Compliance Monitoring:**

- ❖ Data collection;
- ❖ Review;



Components



- ❖ Reporting;
- ❖ Programme Coordination;
- ❖ Oversight;
- ❖ Support.

➤ **Inspector training, credentialing and support**



Principles



- Basically there are five main principles that if handled carefully will result in effective compliance monitoring programme:
 - **Environmental Results and shared Responsibility:**
 - ❖ Firm Commitment to the Environment;
 - ❖ Comprehensive Framework for Environmental Management
 - ❖ Collective Effort.



Principles



➤ Goals and Strategies:

- ❖ Meaningful Targets
- ❖ Communication and Outreach

➤ Good governance, Rule of Law and Compliance:

- ❖ Good Governance
- ❖ The Rule of Law
- ❖ Non-Compliance Response



Principles



- **Structure and Resources:**
 - ❖ Policies and Procedures
 - ❖ Adequate Resources and Training
 - ❖ Adequate Resources and Training
- **Continuous Evaluation and Improvement.**
 - ❖ Environmental Compliance and Enforcement Indicators
 - ❖ Program Evaluation



Compliance Promotion



- **Compliance Promotion Culture:**
 - **Compliance Assistance**
 - ❖ Education and Technical Assistance
 - ❖ Financial assistance
 - **Compliance Incentives**
 - ❖ Auditing Policies
 - ❖ Recognition Programs
 - ❖ Public Information
 - **Market-Based Mechanisms**



Monitoring Compliance



- **Procedures of Monitoring Compliance:**

- **Inspections:**

- ❖ Routine and Cause

- ❖ Auditing

- **Monitoring Environmental Conditions near a Facility.**

- ❖ Ambient Monitoring

- ❖ Remote Sensing via Satellite and Aircraft



Monitoring Compliance



- Self-monitoring, recordkeeping, and self-reporting by the regulated community.

- Citizen monitoring:
 - ❖ Citizen Monitoring Generally
 - ❖ Citizen Involvement in Inspections
 - ❖ Public Complaint Processes



Enforcement



- Enforcement refers to actions taken by the government against violators to compel compliance the law.
- It is a provision that gives government the entity authority to impose sanctions:
 - ❖ Administrative,
 - ❖ Judicial, or
 - ❖ Criminal forum, and require the violator to come into compliance with the law.



Enforcement Process



- **Enforcement Process:**
 - **Protecting Basic Rights:**
 - ❖ **Notice**
 - ❖ **Appeals**
 - ❖ **Dispute Resolution**
 - **Supporting the Enforcement Case**
 - ❖ **Prove that a violation has occurred.**
 - ❖ **Establish that the procedures and policies were fairly and equitably followed and that the violator is not being unduly “picked on.”**



Enforcement Process



- ❖ Demonstrate the underlying environmental or public health need for the requirement being violated
 - ❖ Demonstrate that a remedy for the violation is available (*e.g., pollution control equipment, stopping a particular activity*)
 - ❖ Justify the proposed penalty.
- Public Comment



Steps for EE



- Steps for effective Enforcement
 - Clear definition and communication of rules
 - Provision of consistent rule compliance feed back
 - Definition and enforcement consequences
 - Measuring and improving the enforcement process



Purpose of CME



- **Purpose of Compliance, Monitoring and Enforcement:**
 - Educating and engaging with the public about how to improve or achieve compliance,
 - Assuring the public that rules and policies are being upheld,
 - Informing plan, policy and resource consent development processes,
 - Demonstrating the consequences of non-compliance and providing both general and specific deterrents, to prevent future offending
 - Upholding Treaty of Waitangi obligations
 - Providing for good environmental outcomes



Principles of CME



- Principles guiding compliance, monitoring and enforcement activities:
 - Transparency
 - Consistency of process
 - Fairness and proportionality
 - Based in evidence
 - Collaborative approach
 - Legal, accountable and ethical
 - Outcomes-focussed
 - Responsive and effective



How CME can Mitigate Flood Disaster

- How Compliance Monitoring and Enforcement can Mitigate against Flood Disaster in Nigeria?
- Flood disaster and related matters, as contained in:
 - ❑ The National Flood Insurance Act of 1968 (1968 Act)
 - ❑ The Flood Disaster Protection Act of 1973 (FDPA)
 - ❑ National Flood Insurance Reform Act of 1994 (1994 Act),
 - ❑ Revised National Policy on Environment , 1998,
 - ❑ NESREA Act, 2007
 - ❑ 24 Gazette Regulations, 2009, etc.



CME can Mitigate Flood Disaster

- Have provided measures for, and against flood hazard and disaster in Nigeria.
- Majority of these measures centred on or are related to compliance monitoring and enforcement of environmental guidelines, laws, standards and regulations.
- Effective compliance monitoring and enforcement of environmental guidelines, laws, standards and regulations, especially as it relates to flood disaster would reduce, control and remediate flood hazard as follows:



CME can Mitigate Flood Disaster

- ❖ Guard against remedial causes;
- ❖ Facilitate attitudinal change;
- ❖ Creates environmental awareness;
- ❖ Promote environmental ownership and entrepreneurship;
- ❖ Promotes land use planning;
- ❖ Guide construction standards and building codes;



CME can Mitigate Flood Disaster

- ❖ Encourage Insurance
- ❖ Encourage flood risk management;
- ❖ Promote Climate change adjustment strategies
- ❖ Promote Hazard Forecasting, Early Warning Systems, and Emergency Plans



Challenges of CME

- **Challenges Undermining Compliance Monitoring and Enforcement**
 - Capacity
 - Transparency
 - Incentives



The Way Forward

A way forward cannot be charted without considering the present situation and the limitations that currently exist.



Way Forward

- The power of NESREA to:
 - prohibit processes and use of equipment or technology that undermine environmental quality;
 - conduct field follow-up of compliance with set standards and take procedures prescribed by law against any violator;
 - subject to the provision 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 regulation
- Without the following:



Way Forward

- Adequate Funding
- Capacity Building,
- Good Governance.

PRAY
FOR



NIGERIA

MAY ALLAH

BLESS YOU

ALL,

THANK YOU