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The Legal Protection and Conservation of Marine Biodiversity for a Sustainable Future in Nigeria

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THE LEGAL PROTECTION AND CONSERVATION OF MARINE BIODIVERSITY FOR A SUSTAINABLE FUTURE IN NIGERIA

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ABSTRACT

Marine biodiversity underpins ecological stability, food security and the maritime trade on which national economies depend. Nigeria's marine and coastal endowment, particularly in the Niger Delta, faces acute pressure from oil pollution, overfishing, destructive fishing, unplanned urbanisation and the dumping of waste. Adopting a doctrinal methodology, this article examines the legal and regulatory framework for the protection of marine biodiversity in Nigeria and assesses how effectively it is implemented. It reviews the constitutional, statutory, regional and international instruments that bind Nigeria and the regulatory techniques they deploy (licensing, prohibition, sanction, punishment and quotas), with comparative lessons from the United States and the United Kingdom. The article finds that Nigeria does not lack law or institutions; it lacks effective enforcement. Penalties are in several instances negligible, or inverted in proportion to the harm caused; no statutory quota system exists; no marine protected area has been designated; technical capacity and inter-agency coordination are weak; and public awareness is low. The article recommends law reform with deterrent penalties, a statutory quota regime modelled on United States sanctuary regulation, the designation of marine protected areas, institutional capacity building, public education, and deeper regional and private-sector partnership.

Keywords: Environment, Environmental law, Marine Biodiversity; Marine Protected Areas; Blue Economy; Sustainability; Sustainable Development.

INTRODUCTION

Life thrives within our liquid world. The marine environment sustains a vast variety of species and performs functions on which all life depends: it regulates the global climate, supports the food web and carries the maritime transport on which international trade relies.[1] More than eighty per cent of merchandise goods by volume move by sea,[2] and the global blue economy has been valued at some $2.5 trillion annually.[3] The protection of the ocean and of the life within it is therefore a precondition of economic and social survival.

Nigeria is a coastal state whose maritime zones comprise internal waters, a territorial sea, a contiguous zone, a continental shelf and an exclusive economic zone (EEZ),[4] and its coastal Niger Delta communities depend on marine living resources for food and income. Yet oil pollution, unplanned coastal development, waste dumping and destructive fishing have degraded mangroves, contaminated fisheries and eroded livelihoods. Nigeria has ratified or acceded to the principal international instruments, enacted considerable legislation and created institutions, including National Environmental Standard Regulation Enforcement Agency (NESREA), National Oil Spill Detection and Response Aagency (NOSDRA), Nigerian

[1] Markus Salomon and Till Markus (eds), *Handbook on Marine Environment Protection: Science, Impacts and Sustainable Management* (Springer 2018) 3; Delia Paul, 'Protecting the Marine Environment from Land-Based Activities', (2021) *International Institute for Sustainable Development* 2.

[2] UNCTAD, *Review of Maritime Transport 2021* <https://unctad.org/publication/review-maritime-transport-2021> accessed 17 January 2025.

[3] United Nations Environment Programme, 'Sustainable Blue Economy' <https://www.unep.org/topics/ocean-seas-and-coasts/ecosystem-based-approaches/sustainable-blue-economy> accessed 17 January 2025.

[4] Michael Efeturi Ateme, 'Developing Marine and Coastal Resources in Nigeria: Prospects and Challenges' (2021) 3(4) *Maritime Technology and Research* 336.

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Maritime Administration and Safety Agency (NIMASA) and most recently, the Federal Ministry of Marine and Blue Economy. The difficulty lies elsewhere: laws are outdated, penalties are frequently too low to deter and awareness is limited. The Ministry, created to reconcile ocean-based growth with ecosystem protection, had at the time of the study yet to unveil a working policy.[5]

This article asks what legal and institutional mechanisms protect marine biodiversity in Nigeria, how effective they are, which unsustainable practices persist, and what Nigeria can learn from other jurisdictions. It applies the doctrinal method, analysing primary sources and secondary literature.[6]

CONCEPTUAL FRAMEWORK

The conceptual framework, defines key terms such as environment, marine environment/ecosystem, marine and maritime law, biodiversity, sustainability, and sustainable development which are relevant to this research work

Environment and Environmental Law

The word 'environment' derives from the French *environner*, 'to surround'. Definitions range from the narrowly physical, namely air, water, soil, flora and fauna,[7] to broader formulations that include man-made, social and cultural surroundings and treat the environment as embracing ecological, economic and ethical concerns.[8] Nigerian statute adopts an inclusive physical definition: the NOSDRA Act 2007 treats the environment as water, air, land, all plants, human beings and animals living there, and the inter-relationships among them,[9] while the Environmental Impact Assessment Act extends it to all layers of the atmosphere and inorganic matter.[10] Of its components, the hydrosphere, which includes the seas, oceans, creeks and marshes, is the concern of this article.

Environmental law comprises the regulations, guidelines, directives, principles and policies recognised, enacted and implemented at domestic and international level to regulate human treatment of the environment, drawing on criminal, administrative, procedural and constitutional law.[11] It embodies principles such as precaution, the polluter-pays principle and sustainable development.[12] In Nigeria, the Supreme Court in *Centre for Oil Pollution Watch v NNPC*[13] recognised the right to a clean and healthy environment and the standing of non-governmental organisations to sue in the public interest. Because the force of environmental

[5]Adaku Onyenucheya, 'Delayed Policy Implementation and Future of Nigeria's Blue Economy' *The Guardian* (Lagos, 13 November 2024) <https://guardian.ng/business-services/maritime/delayed-policy-implementation-and-future-of-nigerias-blue-economy> accessed 17 January 2025.

[6]Chris Wigwe, *Legal Research Methodology and Practice* (Princeton and Associates Publishing 2019) 12.

[7]Marie-Louise Larsson, 'Legal Definitions of the Environment and of Environmental Damage' (2009) *Stockholm Institute for Scandinavian Law* 156.

[8]Gordon J MacDonald, 'Environment: Evolution of a Concept' (2003) 12(2) *Journal of Environment and Development* 151; Philippe Sands, *Principles of International Environmental Law* (2nd edn, CUP 2003) 15.

[9]National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 (No 25 of 2007), s 37.

[10]Environmental Impact Assessment Act, Cap E12 LFN 2004, s 63(1).

[11]Aldona Kipāne and Andrejs Vilks, 'Legal Framework for Environmental Protection in the Context of Sustainable Development' (2022) 11(4) *European Journal of Sustainable Development* 169.

[12]Sands P., '*Principles of International Environmental Law'* (New York: Cambridge University Press 2nd Ed) 2003

[13][2019] 5 NWLR (Pt 1666) 518

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law lies in compliance, the effectiveness of any environmental statute must be measured by whether, and how far, it is obeyed and enforced.[14]

Marine Environment, Marine Ecosystem, Marine Law and Maritime Law

The marine environment is the aggregate of physical, chemical, geological and biological conditions in oceanic and coastal zones, including water masses, the seabed and the legal maritime zones defined under UNCLOS.[15] A marine ecosystem, by contrast, is a dynamic complex of living communities and the non-living environment interacting as a functional unit, which delivers ecosystem services such as food production, climate regulation and coastal protection.[16] Put simply, the environment is the container and the ecosystem is the content, and the CBD and the UN Fish Stocks Agreement adopt ecosystem-based approaches accordingly.[17]

Marine law and maritime law are distinct, but interconnected, regimes. Marine law is essentially public and regulatory; it protects and regulates the marine environment, manages marine biodiversity, controls pollution and governs the sustainable exploitation of living and non-living resources. Its most comprehensive source is UNCLOS, whose Part XII obliges states to protect and preserve the marine environment.[18] In Nigeria, the Sea Fisheries Act, the NESREA Act and the NOSDRA Act belong to this category. Maritime law, by contrast, governs private and commercial relationships connected with shipping. Nigerian maritime disputes are heard by the Federal High Court, which has exclusive admiralty jurisdiction,[19] and the Merchant Shipping Act and the NIMASA Act sit largely in this domain, although both contain pollution-control provisions that cut across the divide. The two regimes converge on illegal fishing, transboundary pollution and biodiversity loss, and effective ocean governance requires that they be read together.

Biodiversity and Marine Biodiversity

The CBD defines biological diversity as the variability among living organisms from all sources, including terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part, embracing diversity within species, between species and of ecosystems.[20] Marine biodiversity is that variety within the marine realm, from genes and species to ecosystems,[21] and it sustains ocean function as well as the services humans draw from it.[22] Roughly a quarter of a million marine species have been formally described, a small

[14]Cleverline T Brown, 'Sustaining the Nigerian Environment: The Place of Compliance and Enforcement in the Environmental Regulation of the Nigerian Petroleum Sector' (2020) *Rivers State Ministry of Justice Journal of Law and Practice* 14.

[15]United Nations Convention on the Law of the Sea 1833 UNTS 3 (UNCLOS), Part XII.

[16]GESAMP, (Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection). (2015). Pollution in the Open Oceans: A Review of Assessments and Related Studies. <https://www.gesamp.org/publications/pollution-in-the-open-oceans-a-review-of-assessments-and-related-studies> accessed 25 January, 2025

[17]Convention on Biological Diversity (adopted 5 June 1992, entered into force 29 December 1993) 1760 UNTS 79.

[18]UNCLOS, arts 192–193.

[19]Admiralty Jurisdiction Act, Cap A5 LFN 2004, ss 1-2

[20]CBD, art 2.

[21]S. K. J. Cochrane and others, 'What Is Marine Biodiversity? Towards Common Concepts and their Implications for Assessing Biodiversity Status' (2016) *3 Frontiers in Marine Science* 248.

[22]Heike K Lotze, 'Marine Biodiversity Conservation' (2021) 31(19) *Current Biology* R1190.

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fraction of those thought to exist,[23] and climate change is already altering their distribution and habitat productivity.[24] UNCLOS requires states to take measures to protect rare or fragile ecosystems and the habitat of depleted, threatened or endangered species.[25]

Sustainability, Development and Sustainable Development

Sustainability has been framed in marine contexts as the maintenance of coastal ecological integrity alongside the livelihoods that depend on it,[26] as an ethical responsibility towards nature and future generations,[27] and, in the standard formulation of the Brundtland Commission, as development that meets the needs of the present without compromising the ability of future generations to meet their own.[28] Strong sustainability holds that critical natural capital, such as coral reefs, fish stocks and marine biodiversity, is not substitutable and must be protected by firm limits, a position that supports strict controls on overfishing, offshore drilling and seabed mining.[29]

The notion of development has itself evolved from a narrow pursuit of economic growth to a capability-based conception in which development means expanding people's freedoms and protecting coastal livelihoods.[30] Sustainable development, the integration of economic and social development with environmental protection, has been accepted in international adjudication as a generally recognised concept.[31] It is operationalised through the Sustainable Development Goals, of which Goal 14 calls for the conservation and sustainable use of oceans, seas and marine resources,[32] and through the 'blue economy' concept developed by the World Bank, which links ocean-based economic growth and livelihoods to the health of the ocean ecosystem.[33] Together these concepts frame the article's central argument: marine biodiversity is a component of the marine ecosystem that is protected by marine law, and its protection is an aspect of sustainable development under SDG 14 and the blue economy agenda.

LEGAL AND REGULATORY FRAMEWORKS

Nigeria's protection of marine biodiversity is layered: constitutional provisions and national statutes form the base; regional instruments under the Abidjan Convention and the Economic Community of West African States (ECOWAS) supply a second tier; and global treaties, to which Nigeria is party, supply the third.

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[23]World Register of Marine Species, 'Statistics' <https://www.marinespecies.org/aphia.php?p=stats> accessed 20 January 2025.

[24]Alexander Proelss and Monika Krivickaite, 'Marine Biodiversity and Climate Change' (2009) 3(4) *Carbon and Climate Law Review* 438.

[25]UNCLOS, art 194(5).

[26]Mark D Spalding and others, 'Coastal Ecosystems: A Critical Element of Risk Reduction' (2014) 7(3) *Conservation Letters* 293.

[27]James Mensch, 'Sustainability and the Ethical Relation to Nature' (2003) 26 *Human Studies* 289.

[28]World Commission on Environment and Development (WCED), *Our Common Future* (New York: Oxford University Press, 1987).

[29]Mark Diesendorf, 'Sustainability and Sustainable Development' in *Encyclopedia of Life Support Systems* (UNESCO-EOLSS 2000).

[30]Amartya Sen, *Development as Freedom* (Oxford University Presse 1999).

[31]*United States: Import Prohibition of Certain Shrimp and Shrimp Products* (Shrimp/Turtle) WT/DS58/AB/R (12 October 1998), para 129.

[32]UNGA Res 70/1, *Transforming Our World: The 2030 Agenda for Sustainable Development* (25 September 2015). <https://docs.un.org/en/A/RES/70/1> accessed 20 January, 2025

[33]World Bank, *The Potential of the Blue Economy: Increasing Long-Term Benefits of the Sustainable Use of Marine Resources* (2017).

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The National Framework

The Constitution of the Federal Republic of Nigeria 1999 (as amended) is the supreme law from which all other laws derive their validity.[34] Section 20 commits the state to protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria, and section 17(2)(d) requires that exploitation of natural resources be not detrimental to the good of the community. These provisions recognise, in rudimentary form, the principle of sustainable development. Their weakness is structural: both sit within the Fundamental Objectives and Directive Principles of State Policy, which section 6(6)(c) renders non-justiciable, and the Constitution contains no express right to a healthy environment.[35] The gap was partly closed judicially in *Centre for Oil Pollution Watch v NNPC*,[36] and the right to life offers a further route, since damage to ecosystems and biodiversity ultimately harms human life.[37]

The Oil in Navigable Waters Act[38] was enacted to prevent oil pollution in Nigeria's navigable waters and to domesticate the Convention for the Prevention of Pollution of the Sea by Oil 1954 to 1962. It prohibits the discharge of oils into the waters of Nigeria and seas, subject to a narrow defence of securing the safety of a vessel or saving life.[39] The Harmful Wastes (Special Criminal Provisions) Act 1988[40] prohibits the purchase, sale, importation, transit, transportation, deposit, storage and dumping of harmful wastes on any land or waters of Nigeria,[41] on pain of imprisonment for life,[42] and defines harmful waste as any poisonous, hazardous, toxic or noxious substance which can subject any person to the risk of death, fatal injury or incurable impairment of physical and mental health.[43] The National Oil Spill Detection and Response Agency Act 2006[44] establishes NOSDRA to monitor and regulate oil spills, ensure compliance with legislation on their prevention, detection and management, enforce relevant international conventions, coordinate spill response, and prevent, control, combat and mitigate marine pollution.[45] Failure to report a spill attracts a fine of ₦2,000,000 for each day of failure, and failure to clean up impacted sites a fine of ₦5,000,000 or imprisonment for two years or both.[46] The Petroleum Industry Act 2021 requires an environmental management plan within six months of the grant of a licence, mandates

[34] *Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228; *AG Abia State v AG Federation* (2002) 6 NWLR (Pt 763) 264.

[35] Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 6(6)(c) and 20; *AG Ondo State v AG Federation* (2002) 9 NWLR (Pt 772) 222.

[36] [2019] 5 NWLR (Pt 1666) 518.

[37] Ayodele Babalola, 'The Right to a Clean Environment in Nigeria: A Fundamental Right?' (2020) 26(1) Hastings Environmental Law Journal 26.

[38] Oil in Navigable Waters Act, Cap O6 LFN 2004,

[39] ibid, ss 1–3.

[40] Harmful Wastes (Special Criminal Provisions) Act, Cap H1 LFN 2004

[41] Harmful Wastes (Special Criminal Provisions) Act, s 1.

[42] ibid s. 6.

[43] Harmful Waste (SCP) Act 1988, s. 15

[44] Act No. 15 of 2006

[45] NOSDRA ss. 6-7

[46] ibid ss 6 (2) and (3)

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remediation by the polluter, and requires operators to contribute to an environmental remediation fund.[47]

The Sea Fisheries Act 1992[48] was enacted for the protection, regulation and control of sea fisheries. Every ship operated for fishing in Nigeria's territorial waters or exclusive economic zone must be registered and licensed,[49] and fishing without registration and licence is an offence punishable by imprisonment for five years or a fine of $250,000, or both,[50] with forfeiture of the boat and whatever fish or shrimp has been caught.[51] The Endangered Species (Protection, Conservation and Regulation of Trade) Act 1985,[52] which domesticates the Convention on International Trade in Endangered Species (CITES), lists protected species, including marine animals, and prohibits their hunting or trade without a ministerial licence.[53]

The Environmental Impact Assessment Act[54] aims to ensure that the effects of activities on the environment are taken into consideration before they are carried out.[55] It requires prior assessment of projects likely to affect the environment, including the clearing of mangrove swamps and the drainage of large wetlands, and permits the responsible agency to refuse authorisation where significant harm cannot be mitigated.[56] The NESREA Act[57] creates NESREA with the mandate to achieve optimal environmental protection, biodiversity conservation and sustainable development of Nigeria's natural resources.[58] In setting federal water quality standards the Agency must consider, among other things, the propagation of marine life and wildlife; it may make regulations for effluent limitations to protect marine life and for the protection of watersheds and coastal regions; and the discharge of hazardous wastes or substances is prohibited.[59]

The primary function of the Nigerian Maritime Administration and Safety Agency (NIMASA), established by the Act of 2007,[60] is, among others, to control and prevent marine pollution.[61] In doing so the Agency may inspect ships to prevent pollution of the marine environment, arrest ships that have committed acts of pollution, and, with the approval of the Minister, make regulations on the dumping of ship and shore generated waste in Nigerian waters.[62] The Climate Change Act 2021 sets a framework for emissions reduction and net zero between 2050 and 2070 and establishes a National Council on Climate Change,[63] but it does not restate

[47]Petroleum Industry Act 2021, ss 102–103.
[48]Sea Fisheries Act, Cap S4 LFN 2004,
[49]ibid s. 1
[50]ibid s. 1 (b)
[51]ibid.
[52]Endangered Species (Protection, Conservation and Regulation of Trade) Act 198 CAP E9 LFN 2004
[53]ibid First and Second Schedulde
[54]Environmental Impact Assessment Act, Cap E12 LFN 2004,
[55]ibid s. 1
[56]ibid Schedule.
[57]NESREA Act, 2007 (Act No. 25 of 2007)
[58]ibid s 2.
[59]ibid ss 23, 24, 26 and 27.
[60]NIMASA Act 2007 (No 7 of 2007).
[61]ibid s. 22 (1) (i)
[62]ibid ss 22(2), 23(9)(b) and 44.
[63]Climate Change Act 2021, ss 1 and 3(1).

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Nigeria's conditional and unconditional emission-reduction pledges, and its implementation is hampered by overlapping agency mandates.

The Regional Framework

The Abidjan Convention of 1981 requires parties to prevent, reduce and control marine pollution from land-based sources, vessels, seabed activities and the atmosphere, and to cooperate in emergencies.[64] Importantly for this article, it also requires parties to preserve rare or fragile ecosystems and the habitat of depleted, threatened or endangered species, and to establish protected areas for that purpose. Nigeria has implemented its pollution provisions through domestic legislation, but not its protected-area obligation, since no marine protected area has been designated.[65] The West Africa Water Resources Policy (WAWRP) 2008[66] is anchored in the Revised ECOWAS Treaty (1993), which obliges member states to cooperate in environmental protection and natural resource management,[67] and the ECOWAS Environmental Policy of 2008 addresses mangrove loss, siltation, petroleum pollution and coastal erosion.[68] Initiatives such as the West Africa Sustainable Ocean Programme, which targets ocean governance, inclusive blue economy growth and coastal ecosystem restoration, and the regional action plan against illegal, unreported and unregulated (IUU) fishing, extend this framework.[69] These instruments are largely policy rather than binding law, and their effectiveness depends on uneven domestication, funding, capacity and political will.

The International Framework

The United Nations Convention on the Law of the Sea (UNCLOS) was adopted in 1982 at the close of the Third UN Conference on the Law of the Sea (1973–1982).[70] Every coastal state must protect and preserve the marine environment in its maritime zones, exploit natural resources in accordance with that duty, and prevent, reduce and control pollution of the marine environment from any source to the best of its ability, containing it so that it does not spread to other states.[71] Nigeria signed UNCLOS in 1984 and ratified it in 1986, and section 337 of the Merchant Shipping Act supplies a domestic hook for its vessel-source provisions.

Convention on Biological Diversity 1992 aims at biodiversity conservation, sustainable use of biological diversity and the fair and equitable sharing of benefits arising from genetic resources.[72] States may use resources in line with their own environmental laws and policies but must ensure that activities within their jurisdiction do not cause environmental damage to other States or to areas beyond national jurisdiction; they are to cooperate for conservation and

[64]Convention for Cooperation in the Protection, Management and Development of the Marine and Coastal Environment of the Atlantic Coast of the West, Central and Southern Africa Region (Abidjan, 23 March 1981), art 4.

[65]Sunday Daniel Atakpa, 'Marine Protected Area: A Fundamental Component of the Blue Economy' (Nigerian Hydrographic Agency, 13 December 2024) <https://nha.gov.ng/2024/12/13/marine-protected-area-a-fundamental-component-of-the-blue-economy/> accessed 21 January 2025.

[66]ECOWAS Water Resources Policy (2008), available at: <https://ecowas.int>accessed 24 November, 2025

[67]Revised Treaty of the Economic Community of West African States (1993), art 29.

[68]ECOWAS Environmental Policy (ECOWAS Commission, Abuja 2008).

[69]EEAS, 'West Africa Sustainable Ocean Programme (WASOP)' (September 2025) <https://www.eeas.europa.eu/delegations/mauritania/west-africa-sustainable-ocean-programme-wasop_en> accessed 24 November 2025.

[70]UN Conference on Law of the Seas <https://legal.un.org/diplconf_records/1973_los/vol3.shtml> Accessed 21 January 2025

[71]UNCLOS, arts 192–195.

[72]CBD 1992, art. 1

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sustainable use, and to develop national programmes, plans and strategies for that purpose.[73] Nigeria signed the Convention in 1992 and ratified it in 1994 but has not domesticated it; protected areas for the country's marine environment also need to be established to save threatened marine biodiversity from certain extinction.

Convention on the International Maritime Organization 1948 in force since 1958, is the primary treaty establishing the International Maritime Organization. It seeks the general adoption of the highest practicable standards on maritime safety, efficiency of navigation and the prevention and control of marine pollution from ships,[74] and establishes the Marine Environment Protection Committee, whose duties revolve primarily around preventing, reducing and controlling marine pollution from ships.[75] Signed by Nigeria in 1962, it is the mother Convention of several pollution Conventions considered in this study, most of which Nigeria has signed; optimal implementation will therefore go far to ensure that marine biodiversity is protected.

London Dumping Convention 1972 deals primarily with the prevention and control of marine pollution from dumping of wastes and other matter. Dumping is prohibited except as permitted under the Convention,[76] with permits issued by States where necessary, and States must promote measures protecting the marine environment from hazardous substances and other wastes generated in the operation of vessels, aircraft, platforms and other man-made structures at sea.[77] It is domesticated in Nigeria by the Merchant Shipping Act 2007 and regulations made under it, with compliance overseen by NIMASA.

UN Fish Stocks Agreement 1995 seeks the long-term conservation and sustainable use of straddling and highly migratory fish stocks through effective implementation of the relevant provisions of UNCLOS,[78] which can achieve its goals only if fully implemented by State parties. States must adopt scientifically approved measures designed to maintain stocks at their highest yield, adopt conservation measures for different species, minimise pollution and protect biodiversity.[79]

Convention on International Trade in Endangered Species 1973 regulates international trade in threatened species, or species likely to become threatened if traded, listed in its Annexes: such trade must be strictly regulated so as not to threaten their survival and authorised only in exceptional circumstances,[80] and permits are required for any such trade or export.[81] Nigeria signed the Convention in 1974, ratified it in 1975 and domesticated it by the Endangered Species Act 1985.

[73]ibid arts 3, 5 and 6.
[74]IMO, 1948, art. 1 (a).
[75]ibid arts 37 and 38(a), (c), (e).
[76]International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972, art. IV.
[77]ibid arts VI and XII.
[78]UNFSA, 1995, art. 1
[79]ibid art. 5
[80]CITES, art. 2
[81]ibid art. 3 (2), 4 (2), 6

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The international regime is thus extensive, and Nigeria has signed most of its key instruments. The difficulty is not one of adoption but, as the repeated oil spills in the Niger Delta show, of performance against the obligations assumed.

The Institutional Framework

NESREA is the lead enforcement agency for environmental standards and international environmental agreements; NOSDRA oversees spill detection, response and remediation; the Federal Ministry of Environment makes environmental policy; NIMASA enforces domestic and domesticated international maritime law, with powers to stop, board, search, detain and arrest; and the Nigerian Ports Authority regulates port operations, including ballast, oil-spill monitoring and ship waste. The Federal Ministry of Marine and Blue Economy, created in 2023, to reconcile ocean-based growth with ecosystem protection, but still has not unveiled a working policy to begin pursuing its goals of achieving sustainable utilization of ocean resources to achieve economic growth, bringing about improved livelihoods, job creation while preserving the life of marine and coastal ecosystems.[82] The judiciary interprets and enforces the law, and in matters concerning natural resources the Federal High Court has original jurisdiction under section 251(1)(n) of the Constitution.[83] Decisions such as *Centre for Oil Pollution Watch v NNPC*[84] and *Gbemre v SPDC and NNPC*[85] show a judiciary increasingly ready to give effect to environmental rights, and non-governmental organisations educate, monitor and litigate in the public interest. Regionally, ECOWAS, and globally, the UN General Assembly and the International Maritime Organisation provide the wider institutional setting.

LEGAL PROTECTION OF MARINE BIODIVERSITY FOR A SUSTAINABLE FUTURE IN NIGERIA

This part assesses how the instruments operate: the importance of marine biodiversity and the threats to it, the five regulatory techniques through which Nigerian law seeks to protect it, liability for marine pollution, the pitfalls that undermine protection, and lessons from the United States and the United Kingdom.

Importance of Marine Biodiversity and of its Sustainable Use

Marine biodiversity is valuable in itself, as life has intrinsic worth,[86] and instrumentally, because the diversity of marine life keeps the ocean viable and delivers the services on which humans rely.[87] Its sustainable use matters because marine resources are species-specific; the loss of one fish stock or habitat cannot simply be offset by another. Healthy marine and coastal ecosystems supply food, protect coasts against flooding through mangroves and reefs, regulate climate, and sustain the livelihoods of large rural populations that depend on ecosystem services.[88] Demand for fish will keep rising with population growth and overexploitation

[82]John Osadolor, “Explainer: Blue economy and what it means for Nigerians”, August, 2023. Available at: <https://www.businessday.ng/features/article/explainer-blue-economy-and-what-it-means-for-nigerians/.> Accessed 5 December 2023

[83]Constitution of the Federal Republic of Nigeria 1999 (as amended), s 251(1)(n).

[84][2019] 5 NWLR (Pt 1666) 518.

[85](2005) FHC/B/CS/53/05

[86]B. Belim Imtiyaz, P. Dhone Sweta and K. Kaba Prakash, *'Threats to Marine Biodiversity'* in *Marine Biodiversity: Present Status and Prospects* (Narendra Publishing House 2011) 21.

[87]Moreau Rene, 'The Marine Environment' (Encyclopedia of the Environment, 2025) <https://www.encyclopedie-environnement.org/en/water/marine-environment-2/> accessed 17 January 2025.

[88]Cristiana Paşcal Palmer, 'Marine Biodiversity and Ecosystems Underpin a Healthy Planet and Social Well-Being' (2017) LIV *Our Ocean, Our World*.

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remains a major threat, so conservation is key to the long-term resilience and poverty reduction of rural livelihoods.[89] Biodiversity regulates the oxygen–carbon dioxide balance and soil fertility,[90] sustains the fifty to ninety per cent of the rural population that depends on ecosystem services, freshwater, medicinal plants and food, and is central to food security and to addressing climate change, the primary driver of biodiversity loss.[91]

Threats to Marine Biodiversity

Illegal, unreported and harmful fishing: The Sea Fisheries Act criminalises fishing without a licence and fishing by explosives or poisonous substances.[92] Such fishing kills indiscriminately, damages habitats and depletes populations. It is also economically costly: the trawler industry body NITOA has estimated that more than $70 million is lost annually to illegal fishing.[93] Its persistence reflects weak implementation, not an absence of prohibition.

Overfishing: Nigeria is blessed with numerous fisheries resources in both inland and coastal marine regions,[94] but many fish stocks are being depleted en masse through overfishing.[95] The depletion has been attributed to obnoxious fishing practices[96] and to the constant development of fishing technology, which has led to overexploitation of fisheries.[97] By depleting stocks faster than they can reproduce, overfishing eliminates entire species, stocks and even marine habitats and ecosystems in Nigeria.[98]

Urbanisation: Coastal development, canalisation, sand-filling and land reclamation reduce and fragment marine and mangrove habitats.[99] Across the Niger Delta and Nigeria's coastal regions, especially Lagos, rising land development to accommodate growing population,

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[89]Priyom Bose, Importance of Biodiversity in Achieving the Sustainable Development Goals (SDGs) <https://www.azolifesciences.com/article/Importance-of-Biodiversity-in-Achieving-the-Sustainable-Development-Goals-(SDGs).aspx>accessed on the 24 of November, 2022.

[90]Dr. Waseem Ahmad Qureshi, Marine Biodiversity Conservation: The International Legal Framework and Challenges (2018) (Vol. 40:3) *Houston journal of International Law*. http://www.hjil.org/articles/hjil-40-3-qureshi.pdf>accessed on 20 November, 2022.

[91]ibid.

[92]Sea Fisheries Act, ss 1, 10.

[93]Oluwakemi Dauda, 'Illegal fishing threatening Prospects of Blue Economy' *The Nation* (Lagos, 30 October 2023) <https://thenationonlineng.net/illegal-fishing-threatening-prospects-of-blue-economy/>accessed 22 January 2025.

[94]Charles Onyema, 'Marine Resources of Nigeria' (Business Day: 19th February 2019) <https://businessday.ng/analysis/article/marine-resources-nigeria/> Accessed 20 January 2025. Charity Mmuo, 'Treasures from the Deep: Explore Nigeria's Marine Potential' (Science Naija: 1st March 2024) <https://sciencenaija.com/marine-and-coastal-resources-in-nigeria> Accessed 20th January 2025; Yetunde E. Agbeja, 'Marine Protected Area: Prospective Tool for Ecosystem-Based Fisheries Management in Nigeria' (2017) 9 (6) *International Journal of Biodiversity and Conservation* 158-166

[95]Imaobong Emmanuel Ekpo, Idopise Abasi Ekpe Asuquo and Nsikak Okon Abiaobo, 'Threatened and Endangered Fish species in Nigeria, A Menace to Biodiversity – A Review' (2016) 3 (1) *African Journal of Education, Science and Technology* 16

[96]Olaniyi Alaba Olopade, Iyabo Olusola Taiwo and Henry Eyina Dienye, 'Management of Overfishing in the Inland Capture Fisheries in Nigeria' (2017) 3 (3) *Limnofish-Journal of Limnology and Freshwater Fisheries Research* 189

[97]ibid.

[98]Josee G.B. Derraik, 'The Pollution of the Marine Environment by Plastic Debris: A Review' (2002) 44 *Marine Pollution Bulletin* 842.

[99]Aroloye O Numbere, 'The Impact of Landscape Reclamation on Mangrove Forest and Coastal Areas in the Niger Delta, Nigeria' in *Landscape Reclamation: Rising from What's Left* (Intech Open 2020).

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housing and economic needs has resulted in the loss of marine ecosystems,[100] and much of it is unplanned and unsustainable, with little environmental consideration.[101]

Deep-sea mining: Nigeria does not currently engage in deep-sea mining, but the Federal Government has signalled interest in seabed exploration as a route to economic diversification.[102] The same environmental challenges will arise, and Nigeria will have to address the associated environmental, technical and regulatory challenges proactively, guided by best international practices and due consideration for the marine environment and biodiversity.[103]

Marine pollution: Pollution is the dominant threat. It arises from ship-sourced discharges of sewage, garbage, oily waste and hazardous waste; land-based industrial effluent, sewage, agricultural run-off and domestic litter; marine litter, including plastics that persist for decades and entangle or are ingested by marine animals; crude oil; and abandoned ship parts, fishing gear and scrap metal. Crude oil is the most damaging pollutant in the Niger Delta. Hydrocarbons form a film that restricts oxygen exchange, eliminating marine organisms and contaminating the food chain, and spills, well blow-outs, pipeline leaks and vandalism have made parts of the region's mangroves and creeks uninhabitable for fish. The 1980 Funiwa-5 blow-out, which damaged some 340 hectares of mangrove, remains a notorious example.[104] Enforcement is undermined because oil is the mainstay of the economy and the state is reluctant to imperil revenue from operators,[105] because fines are negligible,[106] and because operators often fail to remediate fully. Plastic compounds the damage: it has been estimated that more than five trillion pieces of plastic debris, weighing over 250,000 tonnes, float on the world's oceans.[107] Marine pollution in Nigeria therefore cannot be treated as an environmental problem alone; it is a problem of food security, public health and livelihoods.

The Regulatory Techniques

Five recurring mechanisms may be isolated across the framework already discussed namely; licensing, prohibitions, sanctions, punishment and quotas.

Licensing: Licensing is the principal control on exploitation. The Sea Fisheries Act requires that every fishing vessel be registered and licensed on proof of ownership and fitness, and unlicensed fishing attracts five years' imprisonment or a fine of $250,000, or both, with forfeiture of vessel and catch.[108] The net is undermined, however, by weak monitoring. Many

[100]ibid

[101]S. N. Muhammed, N. Sabiu and M. S. Khahlil, 'An Overview of Urbanization and Its Challenges on Sustainable Development in Nigeria' (2015) 1 (1) *Dutse Journal of Pure and Applied Sciences* 19-29.

[102]Yusuf Babalola, 'FG Targets Deep Seabed Exploration, Mining for Economic Diversification' *Leadership* (Abuja, October 2024) <https://leadership.ng/fg-targets-deep-seabed-exploration-mining-for-economic-diversification/> accessed 22 January 2025.

[103]ibid.

[104]Peter C Nwilo and Olusegun T Badejo, 'Impacts and Management of Oil Spill Pollution along the Nigerian Coastal Areas' (2006) 119 *Administering Marine Spaces: International Issues* 1.

[105]US Energy Information Administration, 'Country Analysis Executive Summary: Nigeria' (25 June 2020). < https://www.eia.gov/international/content/analysis/countries_long/Nigeria/NigeriaCAXS_2020.pdf> accessed 20 January, 2025

[106]Nwachukwu Okechukwu, '(NESREA) and the Challenges of Environmental Regulation in Nigeria' (2024) 4(1) *British Journal of Mass Communication and Media Research* 6.

[107]Marcus Eriksen, Laurent C M Lebreton and Henry S Carson, 'Plastic Pollution in the World's Oceans: More than 5 Trillion Plastic Pieces Weighing over 250,000 Tons Afloat at Sea' (2014) 9(12) *PLoS ONE* e111913.

[108]Sea Fisheries Act, s 1.

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operators are unaware of their obligations under the Sea Fisheries Act,[109] and the technical-personnel deficit that afflicts NESREA constrains licensing generally.[110]

Prohibitions: Prohibition renders specified conduct unlawful outright. The Endangered Species Act 1985 prohibits hunting or trading listed species without a licence,[111] and the Sea Fisheries Act 1992 prohibits fishing by explosives or other noxious substances.[112] The Harmful Wastes (Special Criminal Provisions) Act 1988, enacted after the Koko waste-dumping incident,[113] prohibits the purchase, sale, importation, storage or dumping of harmful waste,[114] defined as any substance capable of causing death or incurable injury.[115] Sections 245–248 of the Criminal Code Act similarly criminalise the fouling of water,[116] and the Merchant Shipping (Marine Environment) Regulations 2012 prohibit the dumping of garbage, sewage and ballast water except under approved management plans.[117]

Sanctions: Sanctions are administrative measures, such as stop, search, seizure, forfeiture, detention and refusal of authorisation, that operate independently of criminal conviction. NIMASA may stop, board, search, detain and arrest; forfeiture applies under the Sea Fisheries Act and the Endangered Species Act; and the responsible agency may refuse authorisation under the Environmental Impact Assessment Act where harm cannot be mitigated. These powers are considerable, but they are undercut by the personnel and technological deficits that affect NIMASA, the Nigerian Ports Authority and NESREA alike.

Punishment: Punishment refers to penalties imposed on conviction, and it is here that the framework is weakest. The Oil in Navigable Waters Act creates an offence but stipulates no penalty, rendering it effectively toothless. The Endangered Species Act prescribes a fine of ₦500 to ₦1,000 or six months' to one year's imprisonment, which is widely criticised as inadequate in present economic conditions.[118] The Sea Fisheries Act displays an inversion: unlicensed fishing attracts five years or $250,000, while fishing with explosives or poison, which is far more ecologically destructive, attracts only six months or ₦50,000.[119] By contrast, the Harmful Wastes Act imposes life imprisonment, the severest penalty in the framework, and NOSDRA stipulates a fine of ₦5,000,000 or two years' imprisonment for failing to clean up a spill. Apart from the Harmful Wastes Act, punishment is disproportionately low relative to the

[109] Macaulay J D Akpan, 'A Comparative Study of Nigeria's Sea Fisheries Act and Sea Fisheries Regulations Vis-à-vis Malaysia's Fisheries Act' (2017) 3(2) Donnish Journal of Law and Conflict Resolution 28.

[110] Suleiman Romoke Monsurat, Raimi Morufu Olalekan and Sawyerr Henry Olawale, 'A Deep Dive into the Review of National Environmental Standards and Regulations Enforcement Agency (NESREA) Act' (2019) 4(1) International Research Journal of Applied Sciences 121.

[111] Endangered Species (Protection, Conservation and Regulation of Trade) Act 1985, s. 1.

[112] Sea Fisheries Act 1992, s. 10(1).

[113] James Brooke, 'Waste Dumpers Turning to West Africa' (New York Times, 17 July 1988). Available at <http://www.nytimes.com/1988/07/17/world/waste-dumpers-turning-to-west-africa.html> access on the 8 July, 2025

[114] Harmful Wastes (Special Criminal Provisions) Act, s. 1.

[115] ibid, s. 15.

[116] Criminal Code Act, ss. 245–248.

[117] Merchant Shipping (Marine Environment) Regulations 2012

[118] Enviro News, 'Strengthening Nigeria's Wildlife Protection Laws: A Critical Analysis of Challenges and Solutions' (17 January 2025) <https://www.environewsnigeria.com/strengthening-nigerias-wildlife-protection-laws-a-critical-analysis-of-challenges-and-solutions/>.

[119] Sea Fisheries Act, s 10(2).

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ecological harm involved. A polluter who can afford the fine and continue to pollute has not been deterred.

Quotas: A quota is a quantitative ceiling, typically a total allowable catch, on exploitation of a resource. None of the principal statutes, namely the Sea Fisheries Act, the Endangered Species Act or the enabling Acts of NIMASA, NESREA and NOSDRA, establishes a quota system for fisheries or wildlife,[120] and the only quantitative target in the framework, the net-zero commitment of the Climate Change Act, is climate-specific rather than catch-based. Until a total allowable catch regime is introduced, most naturally through reform of the Sea Fisheries Act, Nigeria's fisheries remain vulnerable to overexploitation however robust the other four mechanisms become.

Proof and Liability for Marine Pollution

Liability for marine pollution in Nigeria is administrative, criminal and civil. Under the NOSDRA framework, a spill is reported to the Agency, verified by a preliminary assessment and investigated by the Joint Investigation Team (JIT), a joint team of regulators, operators, local officials and sometimes community members. The resulting Joint Investigation Report (JIR) identifies the cause, extent, responsible party and remediation required, and serves as prima facie evidence for enforcement, with the operator presumed liable.[121] The Agency may then order remediation at the operator's cost. In court, pollution is proved by scientific evidence of contamination and of loss of living organisms, which makes modern detection and testing equipment essential.

Criminal liability, grounded in the polluter-pays principle, attaches under the Oil in Navigable Waters Act, the Sea Fisheries Act, the Harmful Wastes Act, the NOSDRA Act and the Marine Environment Regulations, but, as shown above, the penalties are generally insufficient. Civil liability has proved more productive. Claimants have pursued negligence, nuisance and trespass with mixed success,[122] but the rule in *Rylands v Fletcher*[123] has been applied to impose strict liability on oil operators in cases such as *Umudje v Shell BP*[124] and *SPDC v Anaro*.[125] The Petroleum Industry Act also requires remediation and contribution to an environmental fund, and the Oil Pipelines Act imposes liability on pipeline owners for injury caused by leaks.[126]

Pitfalls to Effective Protection

Four pitfalls explain why Nigeria's extensive framework has not translated into effective protection.

Weak political will: Commitment is too often visible only in conferences and promises. Nigeria has a coastline of roughly 853 kilometres,[127] yet more than a year after the Ministry of Marine and Blue Economy was created it still lacked a working blue economy policy.

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[120]Nnamdi Kingsley Akani and Ihuoma Robert-Amadi, 'Examination of the Nigerian Sea Fisheries Act and Regulations: Lessons from the Fisheries Law of Seychelles' (2023) 17(3) *Journal of Jurisprudence, International Law and Contemporary Legal Issues* 115.

[121]NOSDRA Act, ss 5–7.

[122]*Shell Petroleum Development Company v Otoko* (1990) 6 NWLR (Pt 159) 694.

[123]*Rylands v Fletcher* (1868) LR 3 HL 330

[124]*Umudje v Shell BP (Nig) Ltd* (1975) 1 SC 155

[125]*SPDC v Anaro* (2000) 10 NWLR (Pt 676) 248.

[126]Petroleum Industry Act 2021, ss 102–103; Oil Pipelines Act, Cap O7 LFN 2004, s 11(5).

[127]World Data, 'Nigeria' <https://www.worlddata.info/africa/nigeria/index.php> accessed 23 January 2025.

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Inadequate laws: Much of the legislation is decades old and cannot meet present challenges. There is no dedicated marine biodiversity statute. The Sea Fisheries Act does not regulate overfishing, protect endangered fish species or provide deterrent fines, and several penalty provisions require revision. Repeal and re-enactment may be necessary in some cases.

Ineffective enforcement: Institutions exist but implementation is partial, as the persistence of pollution shows. The causes include the laxity of officials, too few trained staff, inadequate equipment and financing, and the corruption and mismanagement of funds intended to combat pollution.[128]

Low public awareness: Many people dump domestic waste into drains and waterways without knowing that doing so is prohibited or what it does to the marine environment.

Lessons from the United States (US) and the United Kingdom(UK)

The United States protects habitats through the National Marine Sanctuaries Act 1972, enacted as Title III of the Marine Protection, Research, and Sanctuaries Act and administered through the National Oceanic and Atmospheric Administration (NOAA).[129] Activities within sanctuaries are regulated by permit, and any person who injures a sanctuary resource is strictly liable, in rem against the offending vessel, for response costs and restoration damages.[130] The United States also regulates fisheries to prevent overfishing through the Magnuson-Stevens Act 1976 and protects marine mammals through the Marine Mammal Protection Act 1972.[131] The United Kingdom's Environment Act 2021 requires the Secretary of State to set long-term targets on biodiversity and water, to prepare environmental improvement plans covering at least fifteen years, and to conserve and enhance biodiversity through published conservation strategies, under an independent Office for Environmental Protection;[132] it designates marine conservation zones under the Marine and Coastal Access Act 2009 and special areas of conservation and protection under the Habitats Regulations of 2017, and it maintains a National Biodiversity Strategy and Action Plan.[133]

Two lessons can be learned from the UK and the US; the first concerns marine protected areas: about a quarter of United States waters are designated as marine protected areas, with a target of at least thirty per cent, and there are nearly a thousand such areas,[134] while in English waters there are some 178 marine protected areas, covering about fifty-one per cent of inshore and thirty-seven per cent of offshore waters.[135] Nigeria, with an extensive coastline and rich fisheries, has yet to designate one. The second concerns quotas: under the National Marine

[128]Okechukwu, '(NESREA) and the Challenges of Environmental Regulation in Nigeria' 6; Michael Obidimma Akpuogwu, 'Critical Insight into Environmental Challenges in Nigeria: Issues and Prospects' (2022) 9(2) *International Journal of Research* 324.

[129]Marine Protection, Research, and Sanctuaries Act 1972, Pub L No 92-532, 86 Stat 1052, title III; 16 USC s 1431 et seq.

[130]16 USC s 1443(a); *United States v M/V Jacquelyn L* 100 F 3d 1520 (11th Cir 1996).

[131]Marine Conservation Institute, 'US Ocean Governance and Legislation' <https://marine-conservation.org/us-ocean-governance> accessed 23 January 2025.

[132]Environment Act 2021 (UK), Introductory Text and Part 1.

[133]Helen Mitcheson, 'Marine Environmental Law in the UK: Overview of Current and Proposed Steps' (Francis Taylor Building, 25 October 2023) <https://www.ftbchambers.co.uk/elblog/view/marine-environmental-law-in-the-uk-overview-of-current-and-proposed-steps> accessed 23 January 2025.

[134]National Oceanic and Atmospheric Administration, 'Marine Protected Areas' <https://marineprotectedareas.noaa.gov> accessed 23 January 2025.

[135]Marine Management Organisation, 'Marine Protected Areas' (13 March 2023) <https://www.gov.uk/guidance/marine-protected-areas-mpas> accessed 23 January 2025.

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Sanctuaries Act, sanctuary regulations fix binding site-specific catch-and-take limits enforced by a single lead agency, which give concrete effect to conservation objectives that would otherwise remain aspirational. Nigeria should therefore legislate a binding quota system, empowering a regulatory agency to fix, publish and periodically review catch-and-take limits.

CONCLUSION AND RECOMMENDATIONS

Conclusion

A sustainable future for Nigeria cannot be achieved without sustainable seas. This article reaches four conclusions.

First, Nigeria has a substantial framework; It is party to the principal international and regional instruments, has enacted considerable domestic legislation, and has created agencies and a ministry to give them effect, and the judiciary, in decisions such as *Centre for Oil Pollution Watch v NNPC*, has begun to treat environmental rights as justiciable. These are real achievements and a foundation for reform.

Second, the framework's effectiveness is suboptimal; the statutes are sectoral and outdated; none is devoted to marine biodiversity; penalties are in several instances negligible, absent or inverted relative to the harm; the administering agencies are constrained by limited capacity and weak coordination; and public awareness is low.

Third, unsustainable practices persist; illegal and harmful fishing, overfishing, pollution and unplanned coastal development continue to erode marine ecosystems and the livelihoods that depend on them, particularly in the Niger Delta.

Fourth, Nigeria's legal framework does not contain a codified system of quotas governing the exploitation of marine biological resources, and Nigeria does not have a single marine protected area for the conservation of its marine biodiversity. Their absence leaves the sustainable exploitation of marine resources dependent on discretionary enforcement rather than a fixed statutory standard. These conclusions rest on the facts available at the time of the underlying study; developments in the Ministry's policy framework and in the designation of protected areas should be kept under review.

Recommendations

The following measures would materially improve the protection of marine biodiversity in Nigeria.

Reform the law and enforce it: The National Assembly should review and modernise the statutes discussed in this article, replacing the penalties under the Oil in Navigable Waters Act, the Endangered Species Act and the Sea Fisheries Act with determinate and deterrent sanctions and removing the inversion in the Sea Fisheries Act under which the gravest ecological offence carries the lightest penalty. A dedicated marine biodiversity statute should be considered. Reform must be matched by political commitment to enforce it, including against powerful operators, and the Ministry of Marine and Blue Economy should promptly publish a working blue economy policy.

Adopt a statutory quota system: Nigeria should introduce, by reform of the Sea Fisheries Act or a new statute, a system of binding extraction limits for marine biological resources, modelled on the site-specific catch-and-take mechanism of the United States National Marine Sanctuaries Act. The designated agency should fix the limits by regulation, calibrated to the

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area or resource, publish them and review them periodically in light of ecological data, with a determinate sanction for breach.

Designate and manage marine protected areas: Nigeria should designate marine protected areas within its internal waters, coastal zone and maritime regions, and ensure that they are legally defined, properly resourced and effectively managed. This would fulfil its obligations under the Abidjan Convention and the CBD and support its blue economy ambitions.

Build institutional capacity: The government should invest in the technical, human and financial capacity of NESREA, NOSDRA, NIMASA, the Nigerian Ports Authority and the Ministry, including monitoring equipment and training, strengthen coordination among them, and ensure transparent management of funds intended for pollution control.

Raise public awareness: Sustained campaigns through schools, media, coastal communities and civil society should inform the public of their obligations and of the consequences of polluting waterways.

Strengthen regional, international and private partnerships: Nigeria should make fuller use of its membership of the United Nations, ECOWAS and the Conferences of the Parties, and of private-sector partnerships, to obtain finance, science, technology and human capacity for marine conservation.

Nigeria's marine biodiversity has not been lost and much of the law to protect it is in place. What remains is to complete, strengthen and, above all, enforce it.

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