

Background Report
Law and Regulation for the Reduction of Risk from Natural Disasters
in Nigeria
A National Law Desk Survey
October 2012

Acknowledgements

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Law and Regulation for the Reduction of Risk from Natural Disasters in Nigeria: A National Law Desk Survey

Executive Summary

Disaster Risk Reduction (DRR) in Nigeria can best be described as being incipient. As a result the legislative frameworks regarding issues regarding DRR are sparse. Limitations were encountered during this survey as a result and additionally because of the unavailability and paucity of adequate information regarding Disaster Risk Reduction and specific disasters in Nigeria on the internet or in library resources. The disaster management institution in Nigeria is the National Emergency Management Agency (NEMA) established by the Federal Government under the National Emergency Management (Establishment) Act in 1999. It is important to note that this law is what is regarded as the disaster management law in Nigeria. This law essentially established the NEMA and made provisions for staffing and finance. Provisions are also made in this Act for the establishment of agencies of equivalent status to the NEMA at the state and local government levels; the State emergency Management Agency (SEMA) and the Local Government Emergency Agency (LEMA).

Unfortunately, there is no comprehensive law on disaster management in Nigeria which addresses important issues in disaster risk reduction like early warning system, hazard mapping, risk information, community participation in disaster risk reduction etc. although the NDMF has policies which address some of these issues. With regards to Early Warning System, there is only talk about early warning for flood and epidemics and not for drought and every other disaster plaguing Nigeria. Even at that a website based early warning system for the flood early warning system (FEWS) was created and there is no literature on this system. There is also barely any information on the Epidemic early Warning System. There are two major disaster management policies; the National Disaster Response Plan (NDRP) and the National Disaster Management Framework (NDMF) which is the major policy which incorporates policies on disaster risk reduction as set out in the Hyogo Framework of Action (HFA) priorities.

Nigeria is plagued by different disasters, however, it has been discovered through this survey, that most of these disasters do not have designated legislations to regulate these disasters. Different ministries and various institutions established by the federal or state government to administer or take charge of affairs regarding various disasters have little or no information on the organisation website to assist in this survey. For instance, throughout the period of this research no information could be accessed on the website of the Federal Ministry of Environment on any issues regarding disasters which

come under its mandate, thus adding to the paucity of information of this issue in Nigeria. This paper, as such, is a result of the analysis of available law and policies on disaster risk reduction and an analysis of a plethora of literature available on this issue in Nigeria. This paucity of information on legislation was not encountered in regards to literature and laws on disaster risk reduction, but also in respect to laws regarding other laws in Nigeria as well.

While it is acknowledged that Disaster Risk Reduction is still at its early stages and also that the Nigerian Government, through the National Emergency Management Agency, has made remarkable effort to integrate the priorities of the HFA into the current DM policy, this desk survey finds that the legislative framework for disaster management and disaster risk reduction in Nigeria is due for urgent consolidation, updating and improvement. An overall legislation regulating natural disasters which constitute hazards in Nigeria is due. This is necessary for easy access to consolidated information, precise establishment of responsibility and compliance for necessary actions, whether in the long or short term.

The objective of the result of this survey and the accompanying legal documents is to serve as part of a global synthesis report on the law and regulation for Disaster Risk Reduction of natural disasters. The outcome is anticipated to serve as a guide which would be useful to researchers on the subject in Nigeria.

List of Abbreviations

CAP	Chapter
CFRN	Constitution of the Federal Republic of Nigeria
DM	Disaster Management
DRR	Disaster Risk Reduction
ECOWAS	Economic Commission of West African States
EIA	Environmental Impact Assessment
EWS	Early Warning System
FEWS	Flood Early Warning System
HFA	Hyogo Framework of Action
LEMA	Local Emergency Management Agency
LFN	Laws of the Federation of Nigeria
NASPA	National Adaptation Strategy Plan of Action
NCC	Nigerian Communications Commission
NDRP	National Disaster Response Plan
NDMF	National Disaster Management Framework
NEMA	National Emergency Management Agency
NERDC	National Education and Research Development Council

NIHSA	Nigerian Hydrological Services Agency
NIMET	Nigerian Meteorological Agency
NWLR	Nigerian Weekly Law Report
RBDA	River Basin Development Agency
RTA	Registration of Titles Act
RTL	Registration of Titles Law
SC	Supreme Court
SEMA	State Emergency Management Agency

1) Introduction

This is a questionnaire based desk survey of the Disaster Risk Reduction (DRR) law and regulations in Nigeria. Disaster Risk Reduction is the logical method of identification, assessment and, ultimately, reduction of risks arising from disasters. The objective is to identify and deal with triggers of disasters and eventually lessen the socio-economic vulnerabilities which are characteristic aftermaths of disasters. The Hyogo Framework of Action (HFA), which was adopted by the UN World Conference on Disaster Reduction at Japan in 2005, is the first internationally accepted framework for DRR. The HFA has the following priorities:

- a. Ensure that DRR is a national and a local priority with a strong institutional basis for implementation, through “policy, legislative and institutional frameworks”.
- b. Identify, assess and monitor disaster risks and enhance early warning.
- c. Use Knowledge, innovation and education to build a culture of safety and resilience at all levels.
- d. Reduce the underlying risk factors.

This survey is aimed at analysing, reviewing and examining the DRR laws, regulations and policies in place in Nigeria and find out how far these laws, regulations and policies have complied with the HFA priorities. The analysis and review of the available applicable law has been conducted and answers given against the questions which have been provided for this survey. Besides the analysis of primary legislation and case laws, this paper also made use of available literature on this subject on the internet and in the library.

2) Summary of Main Hazards and Risks in Nigeria, West Africa

Nigeria is located in western Africa on the Gulf of Guinea and has a total area of 923, 768 kilometres squared. Nigeria is located between latitude 4° N to 14° N; and longitude 3° E to 15° E. Nigeria is bounded to the east by Cameroon, to the west by Benin, to the Northeast by Chad, to the North by Niger Republic and to the South by the Atlantic ocean. It has a coastline of about 853 Kilometres. Nigeria has a varied landscape. The tropical rain forest occurs in the far south of Nigeria and the annual rainfall here is slated to be at about 60 to 80 inches a year. The coastal plain is found at the southeast and southwest areas of Nigeria. Nigeria is a populous country, with a population of 140 million people, according to the 2006 census figures. Nigeria has 36 states and 774 local government areas.

Nigeria is prone to various natural disasters. Flooding is one of the major natural hazards in Nigeria and this usually affects agricultural land use when it occurs. This occurs mostly along the River Niger through Benue and the Sokoto basin. A major reason for the occurrence of this hazard is improper drainage system in various areas. Coastal erosion is another major natural disaster which is prominent in Nigeria. This occurs mostly in the eastern region of Nigeria where many people have been displaced as a result. Drought is also another hazard which affects Nigeria. This occurs within the Sudan/Sahel belt in Nigeria.

Other natural disasters which plague Nigeria are the occurrence of dust-storms/sand-storms, epidemics, locust and insect infestations and other man-made disasters such as fire and conflicts. Details of the legislation, policies and regulations which are applicable to some of these natural hazards are provided in the questionnaire below. This survey aims to serve as contribution to the global synthesis being developed on disaster risk reduction and also as an elementary foundation to enable further research on this topic in Nigeria.

3) Government and Law-making Structure

The major body of law regulating issues of general importance in the country is the Constitution of the Federal Republic of Nigeria (CFRN) of 1999. The constitution provides that Nigeria is a federal republic and as such is made up of three levels of government; the federal, state and local government. Nigeria has three arms of government; the legislative arm, which is the law making body, the executive arm which executes laws made by the legislature and the judicial arm of government which interprets the law in the event of any conflict. Nigeria practices the system of separation of power and as such each arm of government acts as a check for the other arms.

Nigeria operates a bicameral system of legislating and as such the legislative arm has two branches; the national assembly, which is the legislative authority in Nigeria, is divided into the House of Representatives and the senate. The executive arm of government is headed at the federal level by the president, who is the commander-in-chief of armed forces and at the state level by governors who have their various duties under the state law. At the local government level, there is a local government chairman elected for the people at that level.

The Supreme Court is the highest court of law in Nigeria, followed by the court of appeal, the federal high courts, state high courts, magistrate court and customary/area courts. The Supreme Court is the last court of appeal and the decision of the Supreme Court is for all intents and purposes final. It is headed by the justice of the Supreme Court. With regards to the process of law making, bills are deliberated at both legislative houses and then sent to the president for the final consent.

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1. Background information

Using secondary and legal sources, identify and describe briefly in the table below the governmental structure of the subject country to assist readers understand how the different levels of law and regulation relate to each other.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Identify laws that indicate the structure of government, including the number of levels of government and the extent of decentralisation of governmental functions, such as: constitutional framework for different levels of government (e.g. national/provincial/local), and specific laws on decentralisation.			
1. How many levels of government are there, and what are they called? How many administrative areas are there (e.g. provinces, local government areas)?	Constitution of the Federal republic of Nigeria (CFRN), 1999	Chapter 1, Part 1, Ss 2&7 Chapter 1, Part 1, S. 3(1) & (3)	There are three levels of government; the federal, state and local government. There are 36 states and 774 local government areas in Nigeria (Although the Constitution provides for 768 local government areas)
2. Is there a separate law on decentralisation of government functions? How does it decentralise? For example, does it establish new institutions or delegate powers to provincial/local government?	CFRN 1999	Part I & II of the Second Schedule And the Fourth Schedule	No there is no separate law on decentralisation of government functions. Issues regarding the decentralisation of government functions between the federal, state and local governments are provided for in the 1999 CFRN. In the 1999 Constitution, Part I of the Second Schedule provides for the Exclusive Legislative List which sets out issues which the Federal Government can legislate upon. Part II of the Second Schedule sets out issues which both the federal and the state governments can legislate upon; The Fourth Schedule of the Constitution sets out issues which the local government councils can legislate upon.

1. BACKGROUND INFORMATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
3. Looking at the Constitution and/or decentralisation law, is there any mention of allocation of responsibility at the different levels for reducing risks related to natural disasters?	CFRN 1999	S. 305(3) (e)	<p>This section of the Constitution provides for the federal government through the president to have the responsibility to proclaim a state of emergency in the event of a disaster or natural calamity.</p> <p>“The President shall have the power to issue a Proclamation of a state of emergency only when- (e) there is an occurrence or imminent danger, or the occurrence of a natural disaster or calamity, affecting the community or a section of the community in the federation.”</p>
4. Is this country a member of any regional organisation(s) that make(s) regulations or agreements or issues guidelines for member states that could impact on disaster management or risk reduction? Is so, please name the organisation(s).			<p>Yes, Nigeria is member to various regional organisations that issue guidelines for member states that could impact on disaster management or risk reduction.</p> <p>Such organisations include the United Nations Office for Disaster Risk reduction Africa Office. The Nigerian Red Cross Society The United Nations Development Programme Regional Office Economic Community of West African States (ECOWAS)</p>

2. Institutional frameworks, resourcing and community participation in DRR:

The aim is to identify laws that establish the governmental institutions and structures relevant to DRR, and which set out their mandates, and resource allocation mechanisms, including the extent of involvement of communities and civil society. These may include specialist disaster management institutions, bodies established to implement the Hyogo Framework for Action, or authorities charged with planning for adaptation to climate change, as well as government bodies responsible for planning and oversight, public administration at all levels, land use planning, building controls, environmental management, and telecommunications. However, to avoid repetition, the sectoral institutions are not included in this question but are part of the data requested in the section on reducing underlying risks.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
Part One. Disaster Management Law & Institutions			
The key question in relation to DM laws is whether they exist and, if so, the extent to which they incorporate longer term disaster risk reduction, as well as prevention. Issues for investigation include: progress in the development of comprehensive DM legislation (at national level, provincial and local levels), what, if any, elements of existing DM laws and regulations relate to risk reduction and prevention for natural disasters; and whether there is a specified DM role for communities, civil society and the National Red Cross or Red Crescent Society (especially in recognition of its auxiliary status in humanitarian response).			
A. Disaster Management Institutions			
5. Is there a national disaster management (DM) or civil protection law or regulation? - or a group of regulations? Describe.	The National Emergency Management Agency (Establishment etc.) (NEMA) Act 12, amended by Act 50 of 1999	S. 6(a)	<p>The NEMA (Establishment) Act is the only disaster management regulation in Nigeria and it was promulgated in March 1999 by the Federal Government of Nigeria to establish the National Emergency Management Agency (NEMA) which is the coordinating agency for disaster management in Nigeria and has the mandate to manage disasters in all its ramifications in Nigeria. This Act majorly provides for the establishment of this agency, the functions of the agency, appointment of staff and issues which have to do with the finance.</p> <p>One of the functions of the agency as provided for in the Establishment Act is to; "... Formulate policy on all activities relating to disaster management in Nigeria and co-ordinate the plans and Programmes for efficient and effective response to disasters at national level;"</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			This is where the formulation of different policies and plans for disaster management in Nigeria is provided for.
6. Is there also a national disaster management policy? Is this established by a law? Provide details.	The National Disaster Management Framework (NDMF) 2010 The National Disaster Response Plan (NDRP)		<p>The National Disaster Management Framework is the closest document to a disaster management policy in Nigeria although it is at present not backed by Law as the process for approving it is still on-going.</p> <p>In previous years, NEMA had, in order to fulfil its mandate, formulated several plans, policies and guidelines. These policies include the National Disaster Response Plan (NDRP), the Search and Rescue/Epidemic Evacuation Plan, the National Nuclear and Radiological Plan and the early warning System on Epidemic. Over the years several gaps were encountered during the implementation of the plans and this led to the development of the NDMF to increase the efficiency and effectiveness of disaster management in Nigeria.</p>
7. Is the DM law a national law applicable throughout the territory of the subject country? If so, does it establish an integrated national system with elements at provincial, local and/or community level?	National Emergency Management Agency (Establishment etc.) (NEMA) Act 12, amended by Act 50 of 1999	Ss. 8	The NEMA Act is a law applicable only at the national level. Nigeria operates a federal system where states are autonomous. The NEMA Act however mandated all States to establish the State Emergency Management Agencies (SEMA), while the Local Governments are to establish the Local Emergency Management Committees (LEMC). As such States adopt the NEMA Act to suit their peculiar needs. So far there are 22 states in Nigeria have Emergency Management Agencies backed by Law.
8. Are there separate provincial or local DM laws? Are these connected with the national DM law in any way? e.g., is there a hierarchy of laws between them, or a common institutional structure?			Yes, there are separate state and local disaster management laws. The states adapt the NEMA Act to suit their specific needs. In the states, the NEMA Act mandated the creation of the State Emergency Management Agency (SEMA) and in local governments the Local Emergency Management Authority (LEMA) is to be established.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
9. Does the DM or other law establish one or more specialist DM institutions? What are they (i.e. what are their names and what type of body are they) and what are their mandates?	NEMA (Establishment Act) 1999	Part 1, S. 1(1)	The National Emergency Management Agency (NEMA) is the major national specialist disaster management institution. However, there are other disaster management institutions such as the fire service, civil defence corp. and the military are all specialist disaster management institutions as they contribute their efforts towards disaster management as at when needed. The Act established the National Emergency Management Agency which is the coordinating institution for disaster management in Nigeria.
	Fire Service Act, No. 11 of 1963	S.2	It is a body corporate with perpetual succession and its mandate is to lead activities that will contribute to efficient disaster management in the country and to coordinate and integrate the activities and efforts of disaster management stakeholders and structures, and to complement their resources to avoid haphazardness, duplication and waste.
	Nigerian Security and Civil Defence Corps (Amendment) Act 2007 Act No. 6	Part III Section 20	S. 1 (a)
10. Does the DM policy use the same or different implementing institutions from the DM law? Describe.			Yes, the DM Policy uses the same implementing institutions as the DM Law. The DM Policy (NDMF) provides for the coordination of activities of NEMA, SEMA, and LEMA in the implementation of the policies regarding disaster management in the federal, state and

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			local levels. The DM Law (NEMA Act) provides for the establishment of these bodies at the federal, state and local level. The DM policy seeks to complement the rules stipulated in the DM Law.
11. Does the DM law or other law deal with: a. Disaster response ¹ ? b. Disaster preparedness ² ? c. Disaster mitigation ³ and prevention ⁴ ? d. Disaster risk reduction ⁵ (DRR)? e. If it includes DRR, how is it defined? (include definition)	No		No, the DM Law does not deal with any of the outlined issues. These issues are dealt with under the DM policy, which is the National Disaster Management Framework (NDMF).
12. Does the DM law (or any other law) or policy allocate DRR responsibilities in one or more government ministries? If so, which ministries? Describe their allocated roles.	National Disaster Management Framework	5.2	The DM Law does not allocate such DRR responsibility to government ministries. The DM Policy (NDMF) does not expressly allocate DRR Responsibilities to specific government ministries. However, it states that "...NEMA, SEMA and LEMA shall collaborate with other stakeholders to ensure that coherent and relevant disaster risk reduction planning is undertaken at all levels, including the community. This shall ensure that the State and Local Government

¹ "The provision of emergency services and public assistance during or immediately after a disaster in order to save lives, reduce health impacts, ensure public safety and meet the basic subsistence needs of the people affected."

² "The knowledge and capacities developed by governments, professional response and recovery organizations, communities and individuals to effectively anticipate, respond to, and recover from, the impacts of likely, imminent or current hazard events or conditions."

³ "The lessening or limitation of the adverse impacts of hazards and related disasters."

⁴ "The outright avoidance of adverse impacts of hazards and related disasters."

⁵ "The concept and practice of reducing disaster risks through systematic efforts to analyse and manage the causal factors of disasters, including through reduced exposure to hazards, lessened vulnerability of people and property, wise management of land and the environment, and improved preparedness for adverse events."

Note: These definitions are taken from the 2009 UNISDR Terminology on Disaster Risk Reduction, obtained here: <http://www.unisdr.org/we/inform/terminology>.

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		3.2.1(b)	<p>disaster risk management plans are consistent with the National disaster risk reduction management plan.”</p> <p>These agencies at the federal, state and local levels will in take the lead in mobilizing and collaborating with relevant ministries at the different levels to carry out their mandates on disaster management in Nigeria.</p>
<p>13. Does the DM law or policy prescribe a role in DM institutions for civil society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>			No
<p>14. Does the DM law or policy prescribe a role in DM institutions for the National Red Cross or Red Crescent Society? If so, how defined and what is the role? At what levels?</p> <p>a. National?</p> <p>b. Provincial/state?</p> <p>c. Municipal/local?</p>	NDMF	Ss 2.2.2 (c)(xxi) & 2.2.3 (b) (xvi)	<p>The role prescribed in the DM Policy for the Nigerian Red Cross Society is for the society to be part of both the governing council established by the state for the management of the State Emergency Management Agency (SEMA) and the Local Emergency management Committee (LEMC) which is established at the local level for the management of the Local Emergency management Agency (LEMA).</p> <p>a. No</p> <p>b. Yes</p> <p>c. Yes</p>
<p>15. Is there any provision in the DM law or policy to ensure that women have a role and a voice in the DM institutions? If so, how is this regulated or encouraged by law? At</p>	NDMF	s.2.2.2 (c)(iv)	<p>Yes, the DM Policy (NDMF) makes provision for the inclusion of a representative from the state ministry of women affairs and social development in the governing council which is set up for the management of the state emergency management agency (SEMA) in states.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>what levels does the law provide for women's participation in DM institutions?</p> <p>a. National? b. Provincial/state? c. Municipal/local?</p>			<p>a. No b. Yes c. No</p>
<p>16. Does the DM law or policy prescribe a role in DM institutions for communities? If so, how defined and what is the role? Does it specify any mechanisms to ensure a voice for all elements of the community in DRR, e.g.</p> <p>a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?</p>	NDMF	<p>ss. 2.3</p> <p>Ss. 2.3.1</p>	<p>Yes, the DM Policy prescribes roles in DM for communities in disaster management. Community structures such as the neighbourhood associations, schools, faith based organisations, Non-Governmental Organisations, Community based organisations should be established and sensitized to participate in disaster management activities by LEMA with the support of SEMA and NEMA.</p> <p>The roles prescribed for the communities are as follows: “...Community structures shall perform the following functions in disaster management:- i. Ensure commitment and preparedness of community members to disaster management. ii. Sensitize and build the capacity of communities that constitute disaster fronts in preparation for initial response to disaster threats. iii. Mobilize community resources and build community capacity and resilience to prepare for, respond to and mitigate the impact of disasters.”</p> <p>The framework does not explicitly specify any mechanism to ensure a voice for all the elements mentioned.</p>
<p>17. Describe the main differences in the scope of the DM law and the DM policy concerning prevention and</p>			<p>The difference in the scope of the DM Law and DM policy concerning the prevention and disaster risk reduction is huge. This is because the DM Law basically only makes provisions to establish</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
disaster risk reduction.			the DM institutions in the federal level and makes similar provisions to be applicable to states and local governments. However, the DM policy covers a whole range of issues from Institutional Capacity to coordination, disaster risk assessment, disaster risk reduction, disaster prevention, preparedness and mitigation, disaster response, disaster recovery and finally to facilitators and enablers.
18. Does the DM law or policy, or other legislation, provide for oversight mechanisms on DRR implementation, including reporting and/ or parliamentary oversight?	NDMF	S.3.2.1(a)	The DM Policy (NDMF) did not expressly make provisions for oversight mechanisms on DRR implementation. However it provides in S.3.2.1 (a) which deals with strategic coordination supporting unity of efforts in implementation and overall direction of disaster management structures. This section makes provision as follows: “...Vertical Coordination: shall define the relationship among NEMA, SEMA, LEMA and community structures. This shall refer to NEMA, through the NEMA Zonal Offices coordinating the activities and operations of SEMA, LEMA and community structures. It shall also refer to SEMA coordinating the activities and operations of LEMA and community structures, and reporting to NEMA. At the local government level, LEMA shall coordinate the activities and operations of community structures, and report to SEMA.”
B. Hyogo Framework for Action & Climate Change Institutions			
19. Does legislation establish any institutions (including committees), or allocate to an existing body, implementation of the Hyogo Framework for Action? What institutions? What are their designated roles in DRR?	NEMA (Establishment Act)	Part II S. 6	The NEMA Act predates the HFA. The Act mandates National Emergency Management Agency (NEMA) to coordinate disaster management in Nigeria and as such the agency has a legal basis for the implementation of the HFA. The Disaster Risk Reduction Unit was created as a department under NEMA.
20. Does legislation establish any institutions (including committees),			The Special Climate Change Unit was created by the Federal Government to be part of the Federal Ministry of Environment in

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or allocate to an existing body, planning and implementation for adaptation to climate change? What institutions? What are their designated roles in DRR?			Nigeria. It has the mandate, among others, to formulate policies and strategies for combating Climate Change. Also the National Climate Change Adaptation Strategy and Plan of Action (NASPA) project was also developed to assist in the planning and implementation of for adaptation to climate change in Nigeria.
21. Do the implementation mechanisms for the Hyogo Framework, climate change adaptation and DM institutions intersect? If so, how? Are their mandates complementary or do they overlap? Describe.			No
C. DRR priority and resource allocation in government			
22. Does the budgetary process provide for any dedicated budget line items for DRR and/or minimum percentages for DRR expenditure by government institutions? If so, is there a budget allocated to DRR at national level? How is this prescribed?	NEMA (Establishment Act) 1999	Part V S. 13	Yes, 1% of the National Budget is allocated to mitigate ecological problems and the underlying risk factors. 20% of the fund is allocated to the DM agency (NEMA). Others are utilized by the federal ministries, such as the ministry of environment, health and others that contribute to disaster risk reduction and mitigation as well as to states and local governments.
23. Is there a budget allocated to DRR at provincial/state level (if relevant)? How is this prescribed?			No, there is no budgetary allocation for states dedicated to disaster risk reduction. Most of the annual allocations from the ministry of finance are for response purposes.
24. Is there a budget allocated to DRR at municipal or local level? How is this prescribed?			Local Governments are empowered by the NEMA to establish the Local Emergency Management Agency (LEMA) and since they have the constitutional responsibility to protect the lives and property of their citizens, they are expected to make budgetary allocations for DRR in their respective areas.
Part Two. Responsibility, accountability and liability for natural disaster risk reduction			

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
		S.42	<p>e. Yes. See S. 42 of CFRN</p> <p>f. Yes. See c above.</p> <p>g. No</p>
<p>26. Do the above constitutional or other guarantees give residents any personal right of action against the state if the government breaches these rights? E.g. access to a constitutional court, or a claim in a human rights court or tribunal? If so, explain how the law enables this to occur, and who has the right to make such claims. E.g.</p> <p>a. Is it an individual or a collective right?</p> <p>b. Can claimants represent themselves?</p> <p>c. Are there costs that mean the poorest people cannot access the remedy?</p>		S. 39	<p>h. Yes. The CFRN provides: "... Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."</p> <p>No, it does not.</p>

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Are there financial limitations on any such claims (minimums or maximums)?			
B. Liability & Insurance			
27. Does legislation (including case law, where applicable) make government agencies liable for failure to prevent natural disasters affecting the population?			No legislation or case law makes such provision in Nigeria. The NDMF only makes provisions for strategies for disaster prevention and what disaster prevention activities would include. There is no provision as to liability of agencies for failure to prevent natural disaster.
28. Are government agencies liable for failure to warn or for making an erroneous warning of natural disaster? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?	National Disaster Response Plan (NDRP)	IV. 8 at page 33	The NDRP provides as follows: “...While performing a function, a Federal agency or designated employee of a Federal agency is not liable for any claim, based upon the exercise or performance of or the failure to exercise or perform that function.”
29. Do government agencies that fail to warn or make an erroneous warning have legal immunity? If governments have immunity from liability, how extensive is this and/or how and where in law is it defined? Does it apply to all levels of government?			See question 30
30. Are private persons (individual or corporate) liable for faulty disaster-related advice or warnings given? Does this apply to volunteers? If so, what kind of liability? – civil, criminal			See question 30

2. INSTITUTIONAL FRAMEWORKS, RESOURCING AND COMMUNITY PARTICIPATION IN DRR			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			
31. Are private persons (individual or corporate) liable for damage caused to others from their property during natural disasters? If so, what kind of liability? – civil, criminal or both? If so, what are the legal mechanisms for injured parties to seek redress? Are these individual or collective actions, or both?			No data found on such provision
32. Is there any system of compulsory insurance against the effects of natural disasters? If so, how is this established by law and what are the main elements of the scheme?			No there isn't.

3. Early warning and reduction of underlying risk factors through regulation

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>Parts One and Two: Are there laws or regulations relating to preparedness, prevention and/ or risk reduction against the following specific natural hazards (if relevant)? Such regulations may include some specific laws on rapid-onset disasters – Part One – such as fire regulations and fire service, as well as building codes (e.g. earthquake, fire, hurricanes/cyclones), land zoning and land use planning regulations (e.g. flood plain exclusions, unstable land) , disaster management / civil protection laws, and environmental management laws concerning rivers and forests (flood mitigation, erosion prevention against landslides and floods). There may be similar or a different range of laws concerning slow-onset disasters such as drought and other food security issues – Part Two. There may therefore be some overlap with the subsequent sections, but the main aim of Parts One and Two of this section is to identify which risks have separate regulation in the subject country, and in which laws.</p>			
Part One. Rapid-onset disasters, sectoral and specific regulation based on identified risks and community participation			
A. Cyclones, tornadoes, or storms?			
33. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			There is no legislation on these disasters in Nigeria
34. Does this law specify how management of this risk is financed? If so, describe.			N/A
35. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>warnings of this risk?</p> <p>b. failure to take preventive action including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>36. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			N/A
<p>37. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons</p>			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
with disabilities? d. Socially isolated groups and the very poorest people?			
38. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			N/A
39. If communities are involved in Early Warning Systems (EWS), does this law provide that they: a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			N/A
B. Earthquake/Tsunami?			
40. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to			No details found on earthquake / tsunami in Nigeria or legislation addressing it. Nigeria has not experienced this disaster and can be

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			said to be free from earthquakes or tsunamis.
41. Does this law specify how management of this risk is financed? If so, describe.			N/A
42. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
43. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			N/A
44. Does this law provide for consultation and/or participation			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ol style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>45. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>46. If communities are involved in EWS, does this law provide that they:</p> <ol style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on 			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
C. Fire?			
47. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No data found on any law governing this hazard in Nigeria.
48. Does this law specify how management of this risk is financed? If so, describe.			N/A
49. Does this law attribute liability for damage caused by: <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or 			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
both?			
50. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			N/A
51. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			N/A
52. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
involvement in EWS?			
<p>53. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			N/A
D. Floods?			
<p>54. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			The legislation on this hazard in Nigeria could not be identified on the internet. However, at the federal level and under the federal ministry of environment, the flood early warning system was developed.
<p>55. Does this law specify how management of this risk is financed? If so, describe.</p>			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>56. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			
<p>57. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			N/A
<p>58. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? 			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<ul style="list-style-type: none"> b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
59. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			There is a Flood Early Warning System (FEWS) established by the federal government under the Federal Ministry of Environment with outreach to communities.
60. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			N/A
E. Heat/cold waves?			
61. Is there a specific law about this			No data found on regulation of this disaster in Nigeria.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?</p>			
<p>62. Does this law specify how management of this risk is financed? If so, describe.</p>			N/A
<p>63. Does this law attribute liability for damage caused by:</p> <ul style="list-style-type: none"> a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both? 			N/A
<p>64. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>65. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			N/A
<p>66. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>67. If communities are involved in EWS, does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? 			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)?			
68. Describe form of regulation, and institutional responsibility.			N/A
F. Insect Infestations?			
69. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?	Pest Control of Produce (Special Powers) Act CAP. P9. LFN 2004		This legislation does not specifically deal with reducing the impact of the risk of pest infestation in Nigeria. The legislation deals with produce inspection and fumigation for the purpose of pest control by pest control inspectors. This is regulated at the federal level of government.
70. Does this law specify how management of this risk is financed? If so, describe.			N/A
71. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>including by reducing this risk?</p> <p>c. If so, who may be liable - or immune?</p> <p>d. Is it civil or criminal liability, or both?</p>			
<p>72. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?</p>			N/A
<p>73. Does this law provide for consultation and/or participation about risk mapping, early warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <p>a. Women?</p> <p>b. Different cultural or ethnic groups?</p> <p>c. Vulnerable groups, including children, older persons, persons with disabilities?</p> <p>d. Socially isolated groups and the</p>			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
very poorest people?			
74. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			N/A
75. If communities are involved in EWS, does this law provide that they: <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			N/A
G. Landslides and avalanches?			
76. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this			There is no data found on any law which specifically addresses this disaster in Nigeria. However, there is a National Policy on Flood and Erosion Control which was formulated by the federal government in 2005.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
regulated?			
77. Does this law specify how management of this risk is financed? If so, describe.			N/A
78. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
79. Does this law regulate the collection and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			N/A
80. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities?			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			
<p>81. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?</p>			N/A
<p>82. If communities are involved in Early Warning Systems (EWS), does this law provide that they:</p> <ul style="list-style-type: none"> a. Assist in the design of local and community EWS? b. Establish or maintain EWS? c. Provide information for the EWS? d. Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to 			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
meteorological or seismological data and analysis)?			
H. Volcanoes?			
83. Is there a specific law about this hazard (i.e. not the main DM law)? If so, describe the form of regulation to reduce the impact of this risk (if any), and institutional responsibility. At what level(s) of government is this regulated?			No data found on any specific law regulating this disaster in Nigeria.
84. Does this law specify how management of this risk is financed? If so, describe.			N/A
85. Does this law attribute liability for damage caused by: a. failure to warn, or false or faulty warnings of this risk? b. failure to take preventive action including by reducing this risk? c. If so, who may be liable - or immune? d. Is it civil or criminal liability, or both?			N/A
86. Does this law regulate the collection			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and distribution of information on hazards and risks (risk mapping) in relation to this risk? If so, what authority is responsible and what is their mandate?			
87. Does this law provide for consultation and/or participation about risk mapping, Early Warning or general DRR regarding this risk by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			N/A
88. Does this law provide for Early Warnings Systems (EWS) for this risk? If so, does it require community involvement in EWS?			N/A
89. If communities are involved in Early Warning Systems (EWS), does this law			N/A

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
provide that they: <ol style="list-style-type: none"> Assist in the design of local and community EWS? Establish or maintain EWS? Provide information for the EWS? Have direct and timely access to relevant warnings and data on emerging risks (e.g. telephone, radio or internet access to meteorological or seismological data and analysis)? 			
Part Two. Slow-onset disasters, sectoral and specific regulation based on risks and community participation			
I. Drought and related famine?			
90. Is there a specific law or institutional mandate for drought preparedness and risk reduction, especially for agriculture and related industries? In particular: <ol style="list-style-type: none"> Rain and river water storage, distribution and conservation measures? Development and maintenance of ground water extraction, storage and distribution? 	National Policy on Drought and Desertification (NPDD) (2005); Drought Preparedness Plan (2005) The National Environmental (Desertification Control and Drought Mitigation) Regulations (2011) S.I. No. 13 Gazette No. 40. Vol. 98 of		There is no specific law on drought and related famine in Nigeria. However, there is the National Policy on Drought and Desertification(2005); Drought Preparedness Plan (2005) The National Environmental (Desertification Control and Drought Mitigation) Regulations (2011) was promulgated for the purpose of providing an effective and pragmatic regulatory framework for the sustainable use of all areas affected by desertification and the protection of vulnerable lands. Data on this regulation was however not found on the internet or library.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
If so, describe the forms of regulation. At what level(s) of government is this regulated?	3 rd May, 2011		
<p>91. Is there a specific law or institutional mandate for early warning and response to drought, to mitigate the effects of drought and help prevent famine? In particular:</p> <p>a. Is an institution legally mandated to issue drought early warnings? If so, how is this regulated?</p> <p>b. Is an institution legally mandated to impose water use restrictions? If so, at what level(s) of government?</p> <p>c. Is there legal provision for diversion, piping or transporting water to drought-affected areas? If so, at what level(s) of government?</p>	NIMET (Establishment Act) 2003		<p>a. The Nigerian Metereological Agency (NIMET) is mandated to provide weather forecasts and seasonal rainfall predictions. This informs early warning alerts for climate related disasters, of which drought is included. NIMET is regulated by the NIMET (Establishment) Act which was promulgated in 2003. Details of the Act was however not found online.</p> <p>b. At the Federal level, NIMET also has the responsibility to coordinate and manage the production of services that pertain to the application of meteorology and climatology to key sectors of the economy. This includes water resource management, among others.</p> <p>Also the Nigerian Hydrological Services Agency (NIHSA) under the Federal ministry of Environment has the responsibility to provide data and information on the location of water resources in time and space, and the possibility of their utilization and control on a continuous basis.</p> <p>c. No data found on such law.</p>
92. Do the above laws or mandates specify how management of drought and famine risk is financed? If so, describe.			No data found on such provision. However, management of all disaster risks are financed through the funds allocated for this by the Federal Government (1% of the national budget) to the

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			Ecological Fund, 20% of which is allocated to the NEMA and the remaining 80% allocated to the relevant ministries which contribute to disaster risk reduction and mitigation.
93. Do the above laws or mandates regulate the collection and distribution of information on drought and related famine risks? If so, what authority is responsible and what is their mandate?			Yes, the mandate of the NIMET includes providing the public and policy-makers weather and climate forecasts, warnings and other hydrological and meteorological, hydrological and climate information for public welfare and for the protection of life and property.
94. Do the above laws or mandates provide for consultation and/or participation about drought and famine risk, early warning or general DRR regarding drought and famine by affected or at-risk communities? How? If so, does it provide for participation or a voice for all parts of those communities, including: a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people?			There is no data found in the mandates above regarding the following: a. Women- No specific data found for participation of women in DRR regarding drought and famine. However, the Federal Ministry of Women Affairs was established to provide capacities for women and NEMA is collaborating with this ministry to mainstream gender into disaster risk reduction. b. No data found. c. No data found. d. No data found.

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
J. Other food security risks?			
<p>95. Is there a specific law or institutional mandate concerning threats to food security other than droughts? (e.g. predicted effects of climate change, such as inundation of agricultural land and/or mass migration).</p> <p>a. If so, describe the form of regulation to reduce the impact of these risks (if any), and institutional responsibility</p> <p>b. At what level(s) of government is this regulated?</p>			No data found.
<p>96. Does the above law or mandate specify how management of food security is financed? If so, describe.</p>			See question 95.
<p>97. Does the above law or mandate regulate the collection and distribution of information on hazards and risks to food security, particularly those relating to agricultural production? If so, what authority is responsible and what is their mandate?</p>			See question 95.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>98. Does the above law or mandate provide for community consultation and/or participation about risk reduction from threats to food security? How? If so, does it provide for participation or a voice for all parts of those communities, including:</p> <ul style="list-style-type: none"> a. Women? b. Different cultural or ethnic groups? c. Vulnerable groups, including children, older persons, persons with disabilities? d. Socially isolated groups and the very poorest people? 			See question 95.

Part Three. Early Warning, Hazard Mapping and Risk Information

A. Early Warning

<p>99. In addition to the sectoral laws above, is there any general obligation to establish early warning systems (EWS) in the disaster management law?</p> <ul style="list-style-type: none"> a. If so, does this include institutional mandates on EWS? b. Which institution(s) are involved 	NDMF 2010	Articles 6.6.1 & 9.3.1.2	<p>The NDMF includes provisions which require an integration of a system for the reporting, evaluation and dissemination of early warning of disasters in the disaster response plans at the national, state, local and community levels of government.</p> <p>a. There are no institutional mandates in the NDMF concerning EWS.</p>
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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>and what are their mandates on EWS?</p> <p>c. Is there legal provision for financing of EWS?</p>			<p>b. The Nigerian Meteorological Organization (NIMET) has the mandate to provide weather forecasts and seasonal rainfall predictions which are aimed to inform early warning alerts for climate related disaster threats across the country. Also, with regards to epidemic early warning system, the Integrated Disease Surveillance and Response (IDSR) which was formed by the federal government under the federal ministry of health for the purpose of providing EWS for epidemics across the country.</p> <p>c. No data found on such legal provision.</p>
<p>100. Does EWS regulation include requirements for community consultation and participation in development of EWS? Describe.</p>	<p>NDMF 2010</p>	<p>Article 2.3.2</p>	<p>There is no data found on any specific regulation on EWS in Nigeria. However, the National Disaster Management Framework (NDMF) has made provision for communities' strategies in disaster management and this includes creating awareness in disaster risk reduction and early warning systems.</p>
<p>101. Does EWS regulation provide for community-based early warning data collection? Describe.</p>			<p>No data found on such provision.</p>
<p>102. Does EWS regulation provide for timely and reliable access for at-risk communities to EWS, meteorological</p>			<p>No data found.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
			facilities.
<p>104. Does the above law impose, or allow for the imposition, of any restrictions on use of certain types of telecommunications equipment</p> <p>a. Generally throughout the territory?</p> <p>b. In specified areas?</p> <p>c. Under specified circumstances?</p>	NCC Act 2003	S. 148	<p>a. No</p> <p>b. No</p> <p>c. Yes, in the event of a public emergency, the Act provides that the Commission may suspend the licence, withdraw the use of any network facility or service or order the taking over of possession of any customer equipment.</p>
B. Risk identification, assessment and monitoring			
<p>105. In addition to the sectoral laws above, does the disaster management law regulate the collection and distribution of information on hazards and risks (risk mapping)? If so, what authority is responsible and what is their mandate?</p>	NEMA (Establishment) Act	S. 6 (1) (d)	<p>Yes, the Act provides that NEMA has the mandate to do the following:</p> <p>“... Collate data from relevant agencies so as to enhance forecasting, planning and field operation of disaster management.”</p>
<p>106. Does the disaster management law, or another law, regulate the collection and publication of seismological, meteorological and climatic data relevant to natural disasters? If so, what does it require and who is responsible for this, and</p>	NIMET (Establishment) Act 2003		<p>Yes, the Nigerian Meteorological Agency (NIMET) is responsible for this. Its basic function is to provide weather and climate forecasts, warnings and other meteorological, hydrological and climate information for public welfare and for the protection of life and property. This is the duty assigned to this organisation under the</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
under what law?			NIMET (Establishment) Act of 2003.
107. Does the disaster management law, or another law, regulate the collection and publication of baseline population data, especially in high risk areas? If so, what does it require and who is responsible for this, and under what law?			No data found on such law.

Part Four. Regulation of the Built Environment

The aim is to outline the laws and regulations that set out building and construction standards, relevant approvals and enforcement processes, as well as planning and construction of roads & bridges, and land use planning and zoning, such as: urban and rural planning and zoning, including prohibitions on development of high risk sites, public open space for evacuation, access for rescue services such as fire and ambulance, and including regulation of informal settlements; regulation and responsibility for water storage, distribution and quality control for human consumption, flood mitigation construction and other water management against flooding; land tenure, including mapping and registration of tenure rights (especially participatory land mapping with communities) and any recognition of indigenous land rights and occupiers' rights; regulation of emergency and transitional shelter; and regulation or treatment of informal settlements.

A. Building Codes

Identify building and construction codes, including fire, flood and earthquake safety, as relevant to identified risks, including any differences in regulation, such as between large urban construction and small residences in rural villages; building regulations, including approvals, inspection and enforcement; and any regulation of emergency and transitional shelter, and informal settlements.

108. Is there a national building and construction law? If so, what	Nigerian Building Code 2006	S. 3	There is no national building and construction law in Nigeria. However, there is Nigerian Building Code of 2006 which is yet to be
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3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
authority is responsible for its implementation?			passed as a law by the National Assembly. The authority responsible for its implementation is the Building Code Advisory Committee.
109. If there is not a national building and construction law, is this issue regulated at provincial/state or local level? If sub-national regulation only, can you find an example of such a law?			See question 110
110. Does the building and construction law include detailed building codes, regulations or rules? Are these codes mandatory and binding? What areas do they cover (e.g. fire, earthquake, general building design and construction, health requirements, water & sanitation etc.)? List these categories of regulation.	National Building Code 2006	Ss. 8.8.13, 11.1, 7.6.1, 7.1.14.3.1 .8	There is a detailed building code, which is yet to be promulgated into law by the national assembly. The building code is mandatory. Yes, the building code covers issues like earthquake, fire, general building design and construction, health requirements, water and sanitation.
111. Does this law include mechanisms for individual building approvals? If so, which institution(s) have responsibility for this?			No, the Building Code does not contain express provision on mechanisms for individual building approvals.
112. Does this law include mechanisms for building inspections? If so, which institution(s) have responsibility for	National Building Code, 2006	S. 13.7, 13.19 and	Yes. The Code Enforcement Division/Section/Unit is responsible for inspections.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>this? Does it apply to:</p> <ul style="list-style-type: none"> a. New buildings? b. Renovations / extensions of existing buildings? c. Existing buildings where there is no building application, such as old buildings that may no longer be safe? 		13.11	<ul style="list-style-type: none"> a. Yes b. Yes c. Yes
<p>113. Does this law include mechanisms for enforcement of codes, including sanctions? What type of sanctions (e.g. fines, whole or partial demolition orders)? If so, which institution(s) have responsibility for this?</p>	National Building Code, 2006	S. 13.3	<p>Yes, it does. The Act provides as follows: “...Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Division/Section/Unit, or of a permit or certificate issued under the provisions of this Code, shall be guilty of an offence punishable under the existing law.”</p> <p>The Code Enforcement Division/Section/Unit is responsible for issuing a notice of violation after which legal proceedings will be instituted thereafter.</p>
<p>114. Do the building regulations have special standards or requirements for:</p> <ul style="list-style-type: none"> a. schools? b. hospitals? 	National Building Code, 2006	Ss. 4.5.1, 7.1.12.1, 7.1.3.1, 4.3.5	<ul style="list-style-type: none"> a. Yes b. Yes. c. Yes d. yes, in respect to churches and mosques.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>c. fire stations?</p> <p>d. other public buildings that may also be required as collective centres in case of disaster (e.g. ministries, sports complexes, churches, mosques etc.)?</p>			
<p>115. Do the building regulations or land use planning laws (or other special laws) include regulation of large commercial buildings and developments (such as multi-storey shopping centres, office buildings and factories)? Identify & describe.</p>	National Building Code, 2006	Ss. 5.3.7, 5.4.7,	Yes. The Building Code has provisions to regulate building of Offices in the mentioned sections- regarding roof construction, wall and opening protection of occupancies based on location on property, structural framework, stair construction etc.
<p>116. Do the building laws/regulations include large, multi-storey apartment buildings? Identify & describe.</p>	National Building Code, 2006	Ss. 7.1.1.5.2, 7.15.6, 9.1.8.17.9	Yes, with respect to floor area, stairwell exit, and handicapped access.
<p>117. Do the building laws/regulations include small self-built constructions? Identify & describe.</p>			No, it does not.
<p>118. Do the building laws/regulations differ as between urban and rural settings? If building laws/regulations are different in rural settings, what are the main differences compared</p>			No, the building code does not make any distinction in this regard.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>with urban settings? E.g.</p> <p>a. the extent of regulation?</p> <p>b. the level of government at which it is regulated?</p> <p>c. other?</p>			
<p>119. Do the building/planning laws/regulations include emergency and transitional shelter? If so, what form of regulation and which institution(s) have responsibility for this?</p>	<p>National Building Code, 2006</p>	<p>S. 13.1.1.3.7</p>	<p>No, the building code does not make such express provision. However, in S. 13.1.1.3.7, the code provides that in the event of a building failure or anticipated collapse, part of the building would be made temporarily safe for the inhabitants. The institution responsible for this is the Code Enforcement Division/Section/Unit.</p>
<p>120. Do the building laws/regulations include:</p> <p>a. Inspections?</p> <p>b. programmes and/or incentives for making existing buildings safe (e.g. retro-fitting for earthquake resistance, addition of fire escapes, condemning unsafe buildings including demolition orders, tax or funding incentives for owners to fortify buildings)?</p> <p>If so, what form of regulation and which institution(s) have responsibility for this?</p>	<p>National Building Code, 2006</p>	<p>Ss. 7.46.4, 9.1.8.3, 9.1.8.12, 9.2.9.3, 9.2.9.5, 10.22.13, 11.6.1.6, 13.7</p> <p>Ss. 7.21.4, 7.4.3, 7.4.8, 12.1.2</p>	<p>a. Yes</p> <p>b. Yes</p> <p>The building code makes provisions in this regard and the Code Enforcement Division/Section/Unit is responsible for ensuring adherence to the specifications.</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
121. What if any provision is there for planning, approval and construction of public roads, bridges and related public works? – describe the authority(s) & mandate(s).			The Federal Ministry of Works in Nigeria is the authority with the mandate to direct the planning, approval and construction of public roads and bridges.
122. Are there other matters relevant to DRR that are regulated in the building and construction laws of the subject country?			No, there isn't any such express provision in any of these laws.
B. Land Use Planning Laws			
<p>The aim is to identify whether there are national laws and statutory authorities with responsibility for land zoning and/or land use planning. If there is not a national law or authority, the issue may be regulated at provincial/state or local level and examples of these laws may not be available. However, although land use planning is frequently regulated at local government level, the underlying principles or institutional responsibilities may be included in national or provincial laws. Also, many major cities now have planning law overlays that cross local government boundaries, and may be determined under national or provincial/state laws. In other cases, special regimes have been established to manage the course of a major river that crosses many local boundaries (and these laws may also refer to bilateral treaties about cross-boundary water management - for DRR as well as water use – which may bring them under national law through the treaty powers).</p>			
123. Are there national laws and statutory authorities with responsibility for land zoning and/or land use planning?	The Nigerian Urban and Regional Planning Act CAP 138, LFN, 2004	S. 5	Yes. The said Act established the following statutory authorities: The National and Urban Regional Planning Commission, the State Urban and Regional Planning Board, and the Local Planning Authority.
124. Is this issue regulated at provincial/state or local level? If so,			Yes, the Nigerian Urban and Regional Planning Act regulate this issue at all levels of government and this includes at the state and

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
in preparation for potential disaster?			
129. Does the planning / zoning law include provisions for infrastructure installation (water and drainage, sewers, telecommunications, energy) in new developments?			No, the Act does not include such express provisions.
130. Does the planning / zoning law include street width regulations for future traffic flow and to ensure access for emergency services such as fire and ambulance?			No, it does not include such provision.
131. Does the planning / zoning law differ as between urban and rural settings? If different in rural settings, what are the main differences compared with urban settings? E.g. a. the extent of regulation? b. the level of government at which it is regulated? c. other?	Nigerian Urban and Regional Planning Act, CAP 138, LFN, 2004	Ss. 4, 7, 11 & 25(2)	a. The extent of the regulation which applies to the urban and rural settings are the same. However, the policies regarding urban planning are dealt with at the federal and state levels of government, whereas the similar policies regarding planning in the rural areas are dealt with by the local government, in line with plans made at the state level. b. Policies made with regards to planning at the urban areas are made in the federal and state levels of government by the national urban and regional planning commission and the state urban and regional planning board as seen in S. 7 of the Act. Whereas, by S. 11 of the Act, the local planning authority at the local government level has the function to make policies with respect to planning at the rural areas.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
132. Does the planning / zoning law include any other matters relevant to disaster risk reduction?			No, it does not.
C. Land tenure			
133. Is there a national system of land title registration established under law? a. If sub-national regulation, at what level of government does this occur, if at all? If sub-national, can you find an example of such a law? b. Does the legal mandate for this system require computerisation and/central record at national level? If not, how and where does it require records to be kept?	Registration of Titles Act, CAP 546, 1990 Registration of Titles Law, CAP R4, Laws of Lagos State		Yes. The Act is subject to modifications which would bring the Law in Conformity with the Land Use Act. a. In Lagos, the Law in place for registration of titles is the Registration of Titles Law, CAP R4, Laws of Lagos State. b. Details of this law could not be found online.
134. Are there institutions mandated to survey land and/or register title? Does this mandate: a. require or allow community participation in land mapping or surveying for the purpose of establishing titles and/or occupancy and/or usage rights? b. establish a timeframe for the	Federal Land Registry (Miscellaneous Provisions) Act 1992	Ss. 1 & 2	Yes, the federal lands registry has the mandate to register titles to federal government lands in Nigeria. Various states have their state land registries to register title to lands and these registries maintain links with the federal land registry. a. No b. No c. No

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>hunting or water rights)? Describe.</p>			<p>ancestral possession and inheritance.</p> <p>b. Numerous positive acts of ownership over a sufficient length of time to warrant the reasonable inference of ownership.</p> <p>c. Acts of long undisturbed possession and enjoyment of land.</p> <p>d. Possession of adjacent land could raise the presumption of ownership of the land in question.</p>
<p>137. Is there any legal recognition of traditional or customary law and practice regarding land occupation or ownership, or community or collective management of land? If so, describe the relevant legislation or case law.</p>			<p>Yes. As was posited by the court in the case of <i>Idundun vs. Okumagba</i> (1976) 9-10 SC 227 and more recently re-iterated by the court in the case of <i>Justus Nwabuoku and 5 others vs. Francis Onwordi and 3 others</i> (2006) SC 344/2001, "...there are five ways in which title or ownership of land could be proved. They are (1) By traditional evidence. (2) By production of documents of title duly authenticated and executed. (3) By acts of ownership extending over a sufficient length of time numerous and positive enough as to warrant the inference of true ownership. (4) By acts of possession and enjoyment. (5) Proof of possession of connected or adjacent land in circumstances rendering it probable that the owner of such connected or adjacent land would, in addition, be the owner of the land in dispute..."</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>138. Is there legislation or case law that recognises land tenure as a result of occupation, such as:</p> <p>a. adverse possession (use and occupation of land over a certain period of years in the absence of the legal owner, resulting in a change of ownership)?</p> <p>b. 'squatters' rights' (including any rights to continue inhabiting land and/or vacant buildings or to be given notice of eviction if contested by the legal owner)?</p>	<p>Limitation Law CAP 167 of the Laws of Lagos State 1994</p>	<p>S.19</p>	<p>a. Yes, in the case of Ezedigwe vs. Ndichie (2001) 12 NWLR (Pt. 726), P. 37 @ 60, Para. D, the court held that an act of long ownership by a trespasser can herald ownership of land. Also the Limitation Law of Lagos State provides to the effect that a right of action to accrue land can accrue when the land is in possession of a person in whose favour the limitation period can run and where no person is in adverse possession of the land on that date, then the right of action shall not be deemed to accrue unless and until adverse possession of the land is taken.</p> <p>b. No details of this found.</p>
<p>139. If there are parallel systems for recognition of land tenure, such as customary law vs. registered freehold title, does one type of legal claim take precedence over the other?</p>			<p>Both systems confer statutory right of occupancy and the fact that there is a registered title cannot oust proof of holding legal title under customary law if title is adequately proved as specified in question 139 above.</p>
<p>140. Is there any law or legal mechanism that allows government authorities to compulsorily purchase or requisition land for public purposes? If so, do these purposes include:</p> <p>a. risk reduction from natural</p>	<p>Land Use Act, CAP 202, LFN, 1990</p>	<p>S. 28</p>	<p>Yes, the Governor, by this section, has the right to revoke rights of occupancy over a land for public purposes.</p> <p>a. No</p> <p>b. No</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>disasters?</p> <p>b. land to be kept for evacuation or emergency or transitional shelter?</p>			
<p>141. Is there a land tribunal or other dispute resolution mechanism that provides for resolution of land tenure disputes? If so, is this accessible to communities? – to individuals?</p> <p>a. Can people without financial means access this system? E.g. are there fees, or requirements to engage lawyers?</p> <p>b. Are such tribunals or mechanisms available throughout the territory, including in rural areas?</p>	<p>Land Use Act, CAP 202, LFN, 1990</p>	<p>Ss. 39 & 41</p>	<p>The Area Court/Customary Court/ Court of Equivalent Jurisdiction and the High Court of a State shall have jurisdiction to resolve issues regarding land disputes. Yes, the area/customary courts are accessible to communities and to individuals.</p> <p>a. A person may represent himself in a land case in a customary court; however, it is advisable that he/she engages a lawyer to represent him/her.</p> <p>b. Yes, customary/area courts are available throughout the country, including in rural areas.</p>

D. Informal and precarious settlements

Informal settlements (also called slums or shanty towns) are areas of housing constructed on land to which the occupants had no prior legal claim. The housing is generally constructed by the occupants from available materials and does not comply with building and planning laws. These unplanned settlements are not served with public infrastructure such as water, sewers/drainage, roads or telecommunications, or public services such as schools and medical facilities. They are especially vulnerable to the effects of natural disaster, as they are often built on high-risk land (precarious settlements), with poor construction materials and methods, and the residents are not protected from the effects of, for example, water contamination during flooding. Informal settlements sometimes arise from mass migrations to the outskirts of large cities following disaster (including slow-onset disasters such as drought and famine). However, many of these settlements exist for many years and become established townships. Approaches taken by governments tend to follow one of three paths: (1) ignore informal settlements for the purpose of regulation, (2) relocate residents either through forced evictions and demolition, or planned resettlement schemes, or (3) regularize them. The latter approach has been taken in Brazil under its Statute of the City administered by the Ministry

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
of Cities, which seeks to progressively regularize and integrate under local government, existing informal and precarious settlements.			
<p>142. Is there a law that mandates clearing of slums / informal or precarious settlements?</p> <p>a. If so, what is the policy reason given (if any) for such clearance?</p> <p>b. Does it require or empower government authorities to evict or resettle residents? Or to demolish such settlements?</p> <p>c. If residents are to be moved, does this law require the provision of alternative housing? If so, how is this financed?</p> <p>d. If mandated, is there a process for eviction? E.g. notice periods, dispute resolution through land tribunals?</p> <p>e. Are there any other protections for the human rights and livelihoods of residents who are evicted or relocated?</p>	<p>CFRN, 1999</p> <p>Land Use Act, 1990</p>	<p>Ss. 297(2)</p> <p>S. 1</p>	<p>There is no strict law mandating the clearing of slums in Nigeria, however, authorities lean on the provisions of S. 297(2) of the constitution which vests the ownership of lands in the federal capital territory on the federal government and S.1 of the Land Use Act which vest powers on governors to manage lands in their states, to establish a right to demolish slums, shanty houses and other illegal structures in states for the purpose of city beautification, urban renewal and environmentally related issues.</p> <p>a. No data found on any such policy reason given.</p> <p>b. Yes, in Abuja, the Development Control Department of the Abuja Metropolitan Management Council has the mandate to handle issues of development in Abuja and are required to demolish such illegal settlements. In Lagos state, the Lagos State Task Force on Environmental Sanitation and Special Offences is the authority that is mandated to carry out these demolitions.</p>
<p>143. Is there a law that mandates recognition and/ or regularization of slums / informal settlements?</p>			<p>No data was found regarding the existence of any such law.</p>

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<p>a. If so, describe the legal regime for regularization, including the responsible institutions.</p> <p>b. Does regularization include the introduction of building codes? Are these mandatory and binding?</p> <p>c. Does regularization include the construction of public infrastructure? If so, how is this financed?</p> <p>d. Does this law authorise or mandate the provision of social services to informal settlements?</p> <p>e. Does this law include any other regulatory measures to address the vulnerability of such settlements to risk from natural disasters?</p>			
<p>144. Does any law require that informal settlements are included in:</p> <p>a. Early Warning Systems?</p> <p>b. Community based DRR education and training?</p>			No data found on the existence of this law in Nigeria.
<p>145. Does any law provide a mechanism for recognition of tenure for residents of informal</p>			No law in Nigeria at the moment provides a mechanism for the recognition of tenure for informal settlements.

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>settlements?</p> <p>a. If so, what types of tenure (e.g. full title, right to occupy or use, right to purchase, tenancy)?</p> <p>b. If so, and such settlements are on privately owned land, is there provision for compensation of those with prior legal tenure?</p>			
E. Urban Water and Flood Management			
<p>146. Is there one or more national laws regulating and allocating institutional responsibility for water storage, distribution and quality control for human consumption? Is urban water management principally a national, or provincial/state or local responsibility?</p>	<p>Water Resources Decree, Decree No. 101, 1993</p>	<p>S. 1</p>	<p>Yes, this Act , at the federal level, confers on the federal government through the federal ministry of water resources the responsibility to, among other things, ensure the co-ordination of such activities as are likely to influence the quality, quantity; distribution, use and management of water.</p> <p>At the State Level, the various State Water Boards and State Rural Water Supply and Sanitation Agencies have enabling Acts setting them up to supply potable water to the inhabitants of their respective states.</p> <p>At the Local Government level, the various laws setting them up define rural water supply as one of their primary functions.</p>
<p>147. If there is a national water authority, does its mandate include risk reduction or preparedness for</p>	<p>Constitution of the Federal Republic of Nigeria (CFRN)</p>	<p>S. 20</p>	<p>The national water authority is the federal ministry of water resources and the River Basin Development Authority (RBDA).</p>

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Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
safeguarding the water supply in the face of natural disasters?	1999		There is however no data found as to the inclusion of risk reduction or preparedness for safeguarding the water in the face of natural disasters. However, from the provision of the constitution, it is the duty of the State (federal government) to safeguard the water, among other things.
148. Does a national law allocate responsibility for flood mitigation construction and other water management against urban flooding (if relevant to the subject country)? If so, what authority is responsible?	Water Resources Decree, No. 101, 1993 River Basin Development Authority Act, CAP R9 2004	S. 5 S. 4	Yes, the Decree provides that the secretary shall make proper provision for, among other things, the control and prevention of flooding, soil erosion and of damage to watershed areas. The River Basin Development Authority has the mandate to, among other things “...undertake comprehensive development of surface and underground water resources for multi-purpose use with particular emphasis on the provision of irrigation infrastructure and the control of floods and erosion and for watershed management.”
149. If flood mitigation and water management against urban flooding is regulated at the sub-national level, at what level of government does this occur? Can you find an example of such a law?			At the state level of government, the various State Water Boards and State Rural Water Supply and Sanitation Agencies have enabling laws regulating flood mitigation and water management.

Part Five. Regulation of the Natural & Rural Environment

Outline the laws and regulations concerning environmental management from the perspective of human safety, preservation of livelihoods and food security, including the regulation of exploitation of natural resources, water management, and reducing risks from natural events such as floods,

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>earthquake, drought, landslides, and wildfires, such as: forestry regulation concerning wildfires, deforestation and erosion relevant to prevention of landslides and floods; environmental impact assessments; river and water catchment management relevant to flood prevention and mitigation, and water storage and distribution for human and agricultural consumption; prevention measures relating to drought, especially protection of people, livestock and crops in the face of drought, including water reserves against the risk of drought; and other prevention and risk management mechanisms to maintain food security, including measures to prevent desertification.</p>			
<p>A. Human Risks in Environmental Change</p>			
<p>150. Is there legislation on environmental protection? If so, what institution has responsibility?</p>	<p>Constitution of the Federal Republic of Nigeria (CFRN), 1999</p>	<p>S.20</p>	<p>Yes, there is legislation on environmental protection in Nigeria. This section of the constitution provides that "... the state shall protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria." The Federal Ministry of Environment is the institution with responsibility/mandate to handle environmental issues in Nigeria.</p>
<p>151. Does the above mandate include environmental management from the perspective of:</p> <ul style="list-style-type: none"> a. human safety? b. preservation of livelihoods? c. food security, especially concerning protection of crops and livestock? 	<p>Constitution of the Federal Republic of Nigeria (CFRN), 1999</p>	<p>Ss. 33 & 34</p>	<p>a. These sections guarantee rights to fundamental human rights and human dignity and have been argued to be linked to the need for a healthy and safe environment to give this provision the required effect.</p> <p>b. See a.</p> <p>c. No data found on this.</p>
<p>152. Does this law provide for environmental impact assessments (EIAs) of any proposed new private</p>	<p>Environmental Impact Assessment (EIA) Act CAP</p>	<p>S. 2</p>	<p>Yes. The EIA Act makes provisions for assessment of public and private projects which are likely to have negative impacts on the</p>

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
and public industrial developments?	E12, LFN, 2004		environment.
153. If there are EIAs, do the criteria include: a. human risk factors from changes to the environment, including life and health as well as livelihoods and food security? b. assessment in light of the known natural hazards affecting the relevant locality, or downstream communities (where relevant)?	Environmental Impact Assessment (EIA) Act CAP E12, LFN, 2004		a. Yes, with regards to effects to health which is also subsumed under the Acts meaning of “environment effect” of the assessment. b. No.
154. Is there a law that makes any authority responsible for the regulation of exploitation of natural resources from the perspective of human safety during natural disasters? For example, preventing cross-contamination from industrial sites during flooding, or control of extraction methods to manage flooding and/or erosion?	The National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007	S. 7	Full text not found online. The NESREA has the mandate to to ensure compliance with environmental laws, local and international, on environmental sanitation and pollution prevention and control through monitory and regulatory measures. There is however no function of the agency which involves regulating exploitation of natural resources from the perspective of human safety.
B. Forests			
155. Is there legislation on forest management (if relevant to the subject country)? If so, what			In Nigeria, issues regarding the protection of the forests are dealt with under the concurrent legislative list and as such both states

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
institution has responsibility?			and the federal government can legislate on this issue. There is no national forest law. However, different states have their forest laws. Issues regarding forestry are addressed under the mandate of the Federal Ministry of Agriculture.
<p>156. Does the above mandate include forest management from the perspective of natural disaster risk reduction, such as:</p> <ul style="list-style-type: none"> a. prevention of wildfires? b. deforestation and erosion relevant to prevention of landslides and floods? c. other hazards, (such as encroachment by wildlife into agricultural land or villages)? <p>Describe the scope.</p>			See 155
157. Does the law recognize customary laws and practices as to the use and management of forests and their resources?			See 155
158. Does the law provide for use, conservation or management of forests and their resources by communities?			See 155

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
C. Rivers and watercourses			
159. Is there legislation on river and watercourse management (if relevant to the subject country)? If so, what institution has responsibility?	River Basins Development Authority Act, Cap R9, 2004	S.4	The River basins Development Authority is the institution responsible for issues regarding river and watercourses management.
160. Does the above mandate include river management from the perspective of natural disaster risk reduction, such as: a. Riverbed management relevant to flood prevention and mitigation? b. Water storage and distribution for human, agricultural and industrial consumption in rural areas? Describe the scope.			a. No b. No
161. Does the law recognize customary laws and practices as to the use and management of rivers and their resources?			No
162. Does the law provide for use, conservation or management of rivers and their resources by communities?			No

3. EARLY WARNING AND REDUCTION OF UNDERLYING RISK FACTORS THROUGH REGULATION

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
D. Drought and food security			
163. Is there any legislation providing for risk reduction and prevention measures relating to drought (if relevant)? If so, does this include any institutional mandate or responsibility to protect people, livestock or crops in the face of drought?			There is no data found on legislation relating to drought in Nigeria.
164. Does the above mandate include the construction and maintenance of water reserves, including against the risk of drought?			See 163
165. Is there any other legislation relevant to risk management to maintain food security in the face of natural disasters, including any special measures to prevent desertification (if relevant)?			No data found on such legislation.

4. Information management and exchange, community level DRR education & awareness

Most elements of information, education and awareness will normally be done through policy rather than law, but the legal framework may require public institutions to make DRR information available to the public and/or to carry out public and school education and awareness on reducing risk from natural disasters. For example, there could be a Ministerial directive under the Education Act requiring the inclusion of DRR in the school curriculum. [If this requires repetition of information given above, please note 'see above' and refer to the relevant question number.]

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS			
Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>166. Is there a law that regulates the collection and publication of seismological, meteorological and climatic data relevant to natural disasters?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>	<p>NIMET (Establishment) Act, No. 9, 2003</p>		<p>Yes, the NIMET (Establishment) Act established the Nigerian Meteorological Agency which has the mandate to provide weather, climate and water information and services for sustainable development and safety of lives and property by observing Nigerian weather and climate and providing meteorological, hydrological and oceanographic services in support of national needs and international obligations.</p> <p>The text of this legislation is however not found online.</p>
<p>167. Is there a law that regulates the collection and publication of baseline population data, especially in high risk areas?</p> <p>a. If so, what does it require and who is responsible for this, and under what law?</p> <p>b. Does it provide for community level access to the data?</p>			<p>No data found on the existence of such law in Nigeria.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
<p>168. Does the education law or regulations require inclusion of DRR awareness in the school curriculum? Does this law or another law such as the DM law also require community DRR education?</p>			<p>Yes. The National Education and Research and Development Council (NERDC) which is the government agency responsible for curriculum development in Nigeria included DRR awareness and community DRR education in school curriculum.</p>
<p>169. If there is a national disaster management policy, does this require any public authorities to conduct public education and awareness on DRR?</p> <p>a. If so, which authorities and what are they required to do?</p> <p>b. In particular does it require DRR education in schools?</p>	<p>National Disaster Management Framework (NDMF) 2010</p>	<p>Articles 3.3.1, 5.1 (v), 5.4.3, 9.3.3, 9.3.5</p>	<p>Yes, the DM policy has such requirements.</p> <p>a. The NEMA, SEMA and LEMA. They are required to train staff of relevant stakeholders on disaster management, integrate disaster management into the induction training course for newly employed staff at all levels and collaborate with private and public sector agencies to conduct trainings and seminars on disaster management.</p> <p>b. Yes, it does.</p>
<p>170. If the above law or the national disaster management policy requires public education, does this provide for community level DRR awareness? If so, does this make any provision for community participation in the development and delivery of public education and awareness campaigns?</p>	<p>National Disaster Management Framework (NDMF) 2010</p>	<p>Article 2.3.1, 5.1, 5.3.2(iv)</p>	<p>Yes it does.</p>

4. INFORMATION MANAGEMENT AND EXCHANGE, COMMUNITY LEVEL EDUCATION & AWARENESS

Legal Research Questions	Short Title, no. & date of law / regulation	No.ss./ paras.	Answers, comments & extracts (please use quotation marks for all extracts)
171. Does legislation provide for any designated role for the Red Cross or Red Crescent National Society as an auxiliary to government in DRR education and awareness at community level?	National Disaster Management Framework (NDMF) 2010	Articles 2.2.2 & 2.2.3	There is no data found on the existence of such legislation in Nigeria. But the NDMF in Articles 2.2.2 & 2.2.3 included the Nigerian Red Cross in the committee to be formed for disaster management coordination in both the state and local government levels.
172. Does legislation provide for any designated role for Civil Society in DRR education and awareness at community level?			No data found on any such legislation in Nigeria.
173. Does any law provide for community-level results in DRR, such as: a. Natural disaster warnings that extend to community level? b. Implementation of incentives to carry out community based DRR, or disincentives to ignore or increase risks from natural disasters? c. Community involvement in land-use and urban planning? d. Community involvement in and education concerning building codes?	National Disaster Management Framework (NDMF) 2010	Articles 2.3.2, 5.1, 6.1, 6.6.1, 9.3.1.2	No data found of any such law in Nigeria. a. The NDMF makes such provision. b. No such data found on such provision. c. No data found on such provision. d. No data found on such provision.

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