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Achieving Universal Access to Clean Water in Nigeria: An Analysis of Extant Laws and Policies

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Abstract

There is a growing and urgent demand for access to sustainable water supply and sanitation in Nigeria. The present circumstances, marked by water emerging as a tradable commodity, the ongoing COVID-19 pandemic, escalating environmental pollution, and the impacts of climate change, underscore the pressing necessity for robust water protection measures and systemic governance in Nigeria and on a global scale. Therefore, addressing today's water scarcity requires a progressive securitization strategy. This approach should be propelled by considerations of availability, affordability, accessibility, hygiene, sustainability, and, foremost, a commitment to environmental principles and sanctity. This paper uses the socio-legal methodology to investigate the extent to which Nigerian policy and legal regime support universal access to sustainable, clean water supply and sanitation, based on the United Nations Sustainable Development Goal (SDG) (6) six. It contends that current laws are insufficient to the extent necessary for achieving one hundred percent access to clean water in Nigeria. Firstly, it presents a situational analysis of water supply access, examining barriers that hinder equitable access to safe and affordable water in the country. The major impediment identified is a lack of funding. Subsequently, the effectiveness of current water policies and laws is assessed. Notably, it argues that the non-justiciability of the government's duty to provide water facilities in the 1999 Constitution of the Federal Republic of Nigeria (As Amended) significantly diminishes its impact. Furthermore, the licensing regime for water projects under the Nigerian Water Resources Act 2004 exacerbates the funding issue, as investors are obligated to pay processing fees before initiating a project. The article scrutinizes the Nigeria Water Resources Bill 2020 and concludes that it lacks progressiveness in addressing the identified flaws in the existing legal framework. The article provides significant policy implications, particularly in recognizing and remedying critical impediments to adequate water supply and sanitation.

Keywords: Water Access, Water Sanitation and Hygiene, Sustainable Development Goals, Water Policies, Nigeria Water Resources Bill 2020.

1. INTRODUCTION

The issue of access to sustainable, clean water supply in Nigeria is at alarming levels, despite being commonly regarded as one of nature's greatest and ubiquitous gifts to humanity. In both Nigeria and globally, water has historically received less priority until recently when universally equitable access to adequate clean water supply took precedence in regional and international discussions. Thus, the United Nations SDGs 2015 (Agenda 2030) targets achieving universal access to adequate and clean water by 2030.¹ The African Union sets a common aspiration of attaining a healthy life for its citizenry by 2063.² Flawless implicit in the latter goal is the imperative for a clean and adequate water supply.³ Today, in contexts where water is available, accessible, and affordable, a critical question comes about its cleanness and sustainability. The concern for water security is exacerbated by the global climate change impacts. The COVID-19 pandemic also has re-emphasized the need for universal access to adequate clean water, the problem of water scarcity and sanitation in Africa.⁴ This is attributable to the nexus between the availability of clean water and resilience against COVID-19.⁵

Nigeria has a contextually, unique problem of lack of access to water, hygiene, and sanitation (WASH).⁴ Many factors such as socio-economic, cultural, political, and institutional barriers,⁵ as well as awful water system coverage,⁶ have been attributed to this problem. The latter is given a boost by increasing demographic dynamism, such as population and urbanisation.⁷

¹ The United Nations SDGs are a set of 17 global goals, including access to clean water and sanitation, among others, agreed upon in 2015 by member states. United Nations, 'Sustainable Development Goals' <<https://sdgs.un.org/goals>> accessed 6 December 2023.

² African Union, 'Agenda 2063: The Africa We Want', <[https://au.int/en/agenda2063/over view](https://au.int/en/agenda2063/overview)> accessed 6 December 2023.

³ E. Windle-Taylor, 'The Relationship Between Water Quality and Human Health: Medical Aspects' [1978] 98(3) *Perspectives in Public Health*, 121.

⁴ Rachel Cooper, 'Water Security beyond COVID-19' [2020] K4D Helpdesk Report 803, <<https://opendocs.ids.ac.uk/opendocs/handle.20.500.12413/15240>> accessed 19 December 2023.

⁵ *ibid.*

⁴ Emmanuel M. Akpabio, 'Water Supply and Sanitation Services in Nigeria: The Policy Trend and Practice Constraints' [2012] No 96, *ZEF Working Paper Series* <<https://www.econstor.eu/bitstream/10419/88393/1/773379894.pdf>> accessed 4th January 2024.

⁵ Mobolaji Olaseni and Wale Olade, 'Vision 20: 2020 and the Challenges of Infrastructural Development in Nigeria' [2012] 5(2) *Journal of Sustainable Development*, 63.

⁶ Pedi Obani, 'Localizing the Human Right to Water in Lagos State, Nigeria' [2020] 16(2) *Utrecht Law Review*, 75.

⁷ Judith Afooma Jideonwo, 'Ensuring Sustainable Water Supply in Lagos, Nigeria' [2014] *Master of Environmental Studies Capstone Projects*, 58 <<http://repository.upenn.edu/mescapstone/s/58>> accessed 4th January 2024.

Besides, political and policy fragmentation, characterised by intrinsic multilevel water governance interplay within a shared responsibility among the three (3) tiers of government in Nigeria, remains a problem in itself. Therefore, attaining universally equitable access to sustainable, adequate, and clean water supply and sanitation raises a critical concern for Nigeria.

Trends, policies, and laws concerned with water development and supply have largely formed a key focus of much existing research. This extends to studies bringing insights into the technical and technological innovations for sustainable water supply services.⁸ Laws, regulations, and policies are central to the role of tackling water issues.⁹ There is a lack of literature addressing the effectiveness of laws and policies in this context.¹⁰ This study is, hence, informed by a seeming lack of effective policies and laws for equitable access to clean, affordable, and adequate water supply management and sanitation in Nigeria.

The objective is to evaluate the effectiveness of both current and potential water laws and policies in achieving universal access to clean water supply in Nigeria. It posits that the existing laws are insufficient to the extent necessary to achieve one hundred percent access to clean water in the country. Firstly, it provides a situational analysis of access to water supply, and accordingly, examines barriers impeding equitable access to safe and affordable water in the country. It identifies a lack of funding as the major problem that constrains access to water in the country. The effectiveness of existing water policies and laws are subsequently assessed. Among other things, it argues that the duty on the Federal Government to provide water facilities is whittled down greatly by its non-justiciability of the provisions of the 1999 Constitution of the Federal Republic of Nigeria (as amended). The licensing regime for water projects under the Nigerian Water Resources Act 2004 exacerbates the funding problem, given that investors are required to pay processing fees before they can develop a project.

The study is organized into the following sections: The next section analyzes the current water situation and identifies barriers to achieving 100% access to quality, affordable, and

⁸ O. M. Imonikhe and K. Moodley, 'The Challenge of Effective Policy Implementation in Nigerian Urban Water Utilities' [2018] 18(5) *Water Supply* 1696.

⁹ Daphine Misiedjan, 'Exploring the Road to Justifiability of the Human Right to Water in Suriname,' [2020] 16(2) *Utrecht Law Review* 125.

¹⁰ Imonikhe and Moodley (n 8).

sufficient water supply in Nigeria. Two subsequent sections respectively assess the extent to which the existing water laws and policies support universal, equitable access to clean and adequate water supply by 2030, taking into account SDG goal six. Finally, a brief summary of the key lessons and findings is provided.

2. METHODOLOGY

Socio-legal methodology is predominantly used in this paper and, the latter is a marriage of doctrinal and sociological research methodology.¹¹ The term ‘doctrinal methodology’ is the use of logic and precedent to ‘analyze legal rule, principle or concept to see whether it matches with the hitherto judicial statements and to suggest a new set of or principles if the existing ones are not adequate to address the identified gaps.’¹² The rationale for its use with other methodologies for instance socio-legal. The problem that births this research is a lack of access to clean and reliable water supply in Nigeria. The central research objective is an investigation of the role of law in addressing the mentioned societal problem and the underlying factors that gave birth to it. Thus, a justification for the use of socio-legal methodology to tie the legal analyses to the underlying societal problem of lack of access to reliable water supply. Sociological literature is reviewed to show the problems that gave birth to unreliable water supply in Nigeria.

3. TRENDS IN ACCESS TO WATER, SANITATION AND BARRIERS

3.1 The Scenario

The geographical location of Nigeria, both within Africa and on the global map, provides favourable environmental conditions for ensuring sufficient water availability and harnessing.¹³

Similar to any country blessed with well-distributed, favourable tropical weather and rich vegetation¹⁴, Nigeria possesses exploitable surface and underground water resources across various regions. However, despite the country's water potential, public access to Water,

¹¹ D. O. Donovan, ‘Socio-Legal Methodology: Conceptual Underpinnings, Justifications and Practical Pitfalls’ in L. Cahillane and J. Schweppe (eds), *Legal Research Methods: Principles and Practicalities*, eds (Clarus Press, 2016), 31. See also A. Bradshaw, ‘Sense and Sensibility: Debates and Developments in Socio-Legal Research Methods’ in Philip A. Thomas (ed), *Socio Legal Studies* (Dartmouth Publishing Company, 1997), 99.

¹² Khushal Vibhute and Filipos Aynalem, ‘Legal Research Methods’ (2007), <<https://chilot.files.wordpress.com/2011/06/legal-researchmethods.pdf>> accessed 5th January 2024.

¹³ Donovan (n 11) 31.

¹⁴ O. R. Balogun and M. M. Redina, ‘Water Supply Regulation in Nigeria: Problems, Solutions, Challenges and Benefits’ (2019) 27(1) RUDN Journal of Ecology and Life Safety, 65.

Sanitation, and Hygiene (WASH) remains a distinct concern. The management and supply of sufficient surface and groundwater resources by the government have notably proven ineffective, resulting in water supply shortages throughout the nation,¹⁵ and some states facing severe cases of water security.¹⁶ The most recent, joint annual survey report of the Federal Ministry of Water Resources (FMWR), National Bureau of Statistics (NBS), and the United Nations Children’s Fund (UNICEF), which is startling, shows that only 9% of over 200 million populations in the country had access to complete basic WASH services, and access is disproportionally characterised in various sectors.¹⁷ To a further awful extent, it is also reported that 46 million people in the country still practice open defecation in water sources, especially in rural areas.¹⁸ These poor sanitary conditions prompted unwarranted use and intake of contaminated water among many poor citizens, leading to high rates of death and diseases, particularly among children below five (5) years.¹⁹ The poor performance of the water sector is attributable to some barriers which will be discussed in the next section.

3.2 Barriers to Water and Sanitation

Barriers impeding access to Water, Sanitation, and Hygiene (WASH) services in Nigeria have been the focus of several studies. One study has emphasized factors such as the lack of water infrastructure, the absence of skilled personnel, inadequate water storage facilities, and a lack of political will as contributors to water scarcity in Nigeria. Apart from political will, the common thread underlying the aforementioned barriers is the absence of financial resources.²⁰ Apart from political will, the common thread underlying the aforementioned barriers is the lack of financial resources. Significantly, insufficient and uneven funding is identified as the most critical barrier to achieving universal access to clean and quality water supply.²¹

¹⁵ WaterAid, ‘National Water Sector Assessment in Nigeria’ July 2006, <<https://washmatters.wateraid.org/publications/national-water-sector-assessment-nigeria-2005>> accessed 9 January 2024.

¹⁶ Jideonwo (n 7).

¹⁷ FMWR, Water, Sanitation and Hygiene: National Outcome Routine Mapping (WASH NORM) 2019: A Report of Findings (FCT Abuja: FMWR, 2020).

¹⁸ *ibid.*

¹⁹ UNICEF, ‘Water, Sanitation and Hygiene’ [2018] <<https://www.unicef.org/nigeria/water-sanitation-and-hygiene>> accessed 5th January 2024.

²⁰ Michael Obeta and Cletus Famous Nwankwo, ‘Factors Responsible for Rural Water Supply Shortage in Southeastern Nigeria’ [2015] 8(3-4) *Journal of Environmental Geography*, 21.

²¹ WHO, ‘Sanitation, Drinking-Water and Hygiene Status Overview’ [2015], <https://www.who.int/water_sanitation_health/monitoring/investments/nigeria-10-nov.pdf?ua=1> accessed 25th December 2023.

This trend raises concerns about water security and, consequently, gives rise to issues of water injustice, inequity, and inequality. The ramifications of insufficient funding have led to the government's inability to conduct regular overhauls and maintenance of existing, outdated water supply systems at all levels of governance, including the federal, state, and local governments. It could be argued that such cases signify a lack of concern rather than a result of financial incapacity on the part of governments. As a result, existing water supply systems in Nigeria are characterized by a short lifespan, prompting serious questions about their sustainability.

On the other hand, investment in new water infrastructures and ensuring sustainable operation has received little financial attention and support. The 'water sector is capitally intensive'.²² Thus, it is challenging for governments, households, and investors to afford or access the needed capital for WASH facilities in Nigeria.²³ The governments have had to contend with allocating enough finance or funds for water projects. This assumption has been supported by existing literature pointing to a lack of adequate financing as one major barrier to WASH.²⁴ Besides, it has been argued that financial instability is a general major security challenge for water development schemes in developing nations,²⁵ in which case Nigeria is not insulated. The challenge has always been exacerbated by an over-dependence on overseas importation of pricey water project equipment.²⁶ More investment in water can only be seen in the electricity sector, reflecting the effort of the Federal Government of Nigeria (FGN) effort to generate hydroelectricity.

A significant portion of the population faces economic disadvantages, contributing to the heightened challenge of accessing adequate, hygienic, and cost-effective water. Citing the National Bureau of Statistics (NBS), Obeta and Nwankwo noted that 80% of rural communities in Southeast Nigeria are classified as poor²⁷. Consequently, this demographic lacks a better likelihood of accessing sufficient clean water and sanitation, making them more

²² James Leigland, Remolet Sophie and Ikeda John, 'Achieving Universal Access to Water and Sanitation by 2030: The Role of Blended Finance' (Washington DC; World Bank 2016) <<http://hdl.handle.net/10986/25111>> accessed 9th January 2024.

²³ Jideonwo (n 7).

²⁴ Obeta and Nwankwo (n 24).

²⁵ FAO, *Coping with Water Scarcity: An Action Framework for Agriculture and Food Security*, (FAO. 2012), 38.

²⁶ H. T., Ishaku and others, 'Water Supply Dilemma in Nigeria Rural Communities: Looking Towards the Sky for an Answer' [2011] 3(8) *Journal of Water Resource and Protection*, 598.

²⁷ Obeta and Nwankwo (n 24).

susceptible to water scarcity stressors. The economic constraints of impoverished individuals hinder their ability to purchase vended water or engage in affordable private water projects for self-supply, posing a considerable concern²⁸. Additionally, their exclusion from decision-making processes regarding the location of government-financed water schemes due to the lack of recognition of their economic status further exacerbates the issue. The extent of coverage of the water supply network is equally contingent on the availability of funding for such initiatives.

3. Evaluating Water Supply and Sanitation Policies

Typically, policies precede laws and regulations, including those related to water governance²⁹. This assumption is arguably contingent on each case, perhaps following a top-down approach. In Nigeria, certain policies have preceded existing laws. For instance, the Electric Power Sector Reform Act 2005 (repealed by the Electricity Act 2023) was enacted based on the recommendations of the National Energy Policy 2003.³⁰ Moreover, these policies play a crucial role in informing the effective implementation of laws. In the realm of Water, Sanitation, and Hygiene (WASH), two of the most relevant policies are the National Water Sanitation Policy 2004 and the National Water Resources Policy 2016. These policies are analyzed in the context of how effectively they support the achievement of universal access to clean and adequate water supply in Nigeria.

3.1. National Water Sanitation Policy 2004

The National Water Sanitation Policy 2004 was adopted based on a general objective of providing access to adequate, affordable, and sustainable sanitation via effective participation of all relevant stakeholders.³¹ For this purpose, it sets a target of accomplishing and sustaining 100% sanitation coverage by 2025 and emphatically expatiates that its objectives entail that all households, whether domiciled in urban and rural areas, should have water sanitation facilities. While it does not set a target of universal access to water supply, it is implied given that it is impossible for a household to have water sanitation facilities without access to water.

²⁸Obeta and Nwankwo (n 24).

²⁹Michael D. Yokell, 'The Role of the Government in Subsidizing Solar Energy' [1979] 69(2) The AER, 357-361.

³⁰The National Energy Policy 2003 (NG) provides that laws and regulations should be developed for the management of a liberalised and privatised electricity sub-sector. See NEP 2003 (NG), p.71.

³¹National Water Sanitation Policy 2004 (NG) 7.

The provisions on target are commendable because it incorporates the global aspiration on clean and adequate water supply as stipulated in ‘Agenda 2030’. Moreover, the 100% target will create a basis for adopting effective measures that will enable the removal of existing barriers to attaining the target.³² Similarly, such targets are beneficial for measuring and monitoring the effectiveness of law in achieving universal access to clean and adequate water supply with mathematical precision.³³

Against the backdrop of the target, it recognises the role of private actors in achieving 100% access to clean and adequate water supply.³⁴ Democratically, it provides that all the tiers of government, for instance, Federal, state, and Local Governments should provide funding to create an enabling environment for private actors to provide water sanitation facilities.³⁵ The argument has been presented that funding stands as the primary barrier to achieving universal access to clean and adequate water supply. Therefore, creating an enabling environment implies directing funds towards assisting private actors in overcoming financing challenges. The overarching policy stipulates that ‘appropriate legislation for the enhancement of sanitation delivery at all levels shall be enacted.’³⁶ Thus, the Federal, state, and Local Governments should adopt laws that will accentuate the above-discussed provisions of the policy to achieve universal access to clean and adequate water supply in Nigeria.

Unfortunately, while the provisions of the Sanitation Policy are commendable, they lack mandatory status. In Nigeria, policies do not hold a position within the legal hierarchy³⁷, a situation common in various jurisdictions. Instead, they articulate governmental objectives to guide administrative actions. Consequently, their impact is, at best, recommendatory until they are formally incorporated into written law. This implies that the fate of the policy depends on the political will of relevant stakeholders or policymakers. In Nigeria, there is often a lack of political will from the Federal Government to enforce statutory provisions,

³²IRENA, *Renewable Energy Target Setting* (IRENA 2015) 27; Babelli Ibrahim, ‘Building the Renewable Energy Sector in Saudi Arabia’ (IRENA Doubling the Share of Renewables: Roadmap to 2030 Workshop, 2012).

³³ Karen Edvardsson and S. Hansson, ‘When is a Goal Rational?’ [2005] 24 *Soc Choice Welfare*, 343-361.

³⁴ National Water Sanitation Policy (n 36) 9.

³⁵ National Water Sanitation Policy (n 36) 10.

³⁶ *ibid*, 9.

³⁷ Micheal Creg and others, ‘The Hierarchy of Laws’ [2016] IFES, 3.

leading to widespread and blatant violations of laws. Therefore, without a mandatory status, it is challenging to envision political will in implementing the mentioned provisions.

3.2. National Water Resources Policy 2016

The National Water Resources (NWR) Policy 2016³⁸ is a federal policy framework for water supply and sanitation. On the evaluation of antecedent policy, it recognises that the National Water Sanitation Policy 2004 is outdated and purports to fill in the gap by addressing the barriers impeding access to clean and adequate water supply.³⁹ Going forward, it sets an express target of achieving 100% coverage in access to clean and adequate water by 2030.⁴⁰ The NWR Policy, unlike its predecessor, provides a broad target on access to water and sanitation. As earlier stated in relation to the Sanitation Policy, the target is commendable because it will provide the basis for garnering needed actions and benchmark for its attainment and monitoring the effectiveness of adopted measures.

It retains most of the positive attributes of the earlier sanitation policy. In the first instance, it stipulates that government at all levels should continue to support WASH projects financially.⁴¹ Such support should be directed towards encouraging water providers in a manner that will address the problem of funding.⁴² As stated, attaining a universal access to clean and adequate water supply entails addressing the problem of funding. Thus, the provisions of the NWR Policy are a step in the right direction. The NWR Policy provides that a water resources Act should be enacted which will be in tune with modern exigencies.⁴³ It takes its policy aspirations a little further by detailing out some of the contents of the proposed law.⁴⁴

Besides the commonalities with the Sanitation Policy, the NWR framework contains additional provisions, especially towards ensuring efficient and sustainable water

³⁸ National Water Resources Policy 2016 <<https://www.waterresources.gov.ng/wp-content/uploads/2020/2021/01/national-water-policy.pdf>> accessed 10 June 2021.

³⁹ *Ibid*, 1.

⁴⁰ Imonikhe and Moodley (n 8).

⁴¹ National Water Resources Policy (n 43) 30.

⁴² *Ibid*.

⁴³ *Ibid*, 25.

⁴⁴ *Ibid*.

management. It provides that WASH facilities to be adopted in furtherance of its objectives must be responsive to severe environmental challenges like climate change and flooding.⁴⁵ Likewise, it addresses how water would be used sustainably like the use of water for smart irrigation.⁴⁶ The sustainable use of water is very helpful in the context of ensuring that the target of 100% is not only achieved but also sustained for future generations.⁴⁷ The provision for the cooperative management of transboundary water resources including the establishment of a coordination committee is not forgotten.⁴⁸ Essentially, transboundary water resources have a role to play in the quest to attain universal access to clean and adequate water supply.⁴⁹ By its very nature, the provisions on the management of transboundary water resources hold positive implications for attaining the 100% target. Regardless of the commendable provisions of the NWR Policy, its provisions are merely recommendatory.

The Sanitation Policy 2004 and NWR Policy 2016 share one commonality, which is the adoption of the general target of achieving 100% access to clean and adequate water supply. Though the policies' timelines differ from 2025 to 2030 respectively, both reinforce the global aspirations in this context. They also contain measures for attaining the mentioned target. Regrettably, they are merely recommendatory and a lot would depend on the political will to implement it.

4. Evaluation of Laws on Water Resources and Sanitation in Nigeria

4.1 Brief Overview

The preceding section analysed existing policies in the water sector. To a similar degree, there are laws that provide for water governance in Nigeria. The 1999 Constitution is the foundational law that underpins the governance of every sector, but its provisions on water are rather undetailed. The Water Resources Act 2004 is a detailed, overarching law that covers every spectrum of water governance. These laws are analysed to ascertain their

⁴⁵ National Water Resources Policy (n 43) 26.

⁴⁶ *Ibid.*

⁴⁷ The International Water Association (IWA), 'Sustainability in Water Supply' (IWA Publishing) <<https://www.iwapublishing.com/news/sustainability-water-supply>> accessed 3rd January 2024.

⁴⁸ *Ibid.*, 20-21.

⁴⁹ UN, 'Transboundary Water' <<https://www.unwater.org/water-facts/transboundary-waters/>> accessed 3rd January 2024.

effectiveness in attaining a universal access to water supply and in line with the central focus of this study.

4.2. The Constitution of the Federal Republic of Nigeria 1999 (as amended)

The Nigerian Constitution tangentially recognises water resources as an integral part of the fundamental objectives and directive principles of state policy.⁵⁰ On a basic level, it provides that the state, which in this context refers to the Federal Government of Nigeria (FGN), ‘shall protect and improve the environment and safeguard the water ...’.⁵¹ This provision has an implicit duty of the government to attain sanitation in water resources and provide funding that will engender cleanliness in water supply. The said provision is arguably non-enforceable and non-justiciable, in a similar vein, as fundamental objectives and directive principles provided in the Constitution, (*supra*). There have been different views from an interpretative lens as to why such objectives and principles are not enforceable. One major reason always offered is that the provisions are merely guidelines, providing a cause of action for the State. Okeke has accordingly argued that ‘these objectives merely provide a guide to any government in power in Nigeria and contain essential needs of the people on political, economic, social, educational, foreign policy, environmental, cultural, media, national ethics matters and duties of citizens’.⁵²

Notwithstanding, the above provision is questionably ineffective in addressing the problem of lack of access to clean water given its lopsidedness and non-justiciability. The point has been made that the constitutional duty of the Federal Government to safeguard water does not imply an obligation to attain universal access to water supply. There is no express constitutional provision underpinning universal access to water supply. Even the existing provision on safeguarding water quality is rendered non-justiciable by the provision of the Constitution, which ousts the jurisdiction of the court from entertaining questions on its enforceability.⁵³ Thus, no actual consequence for governmental failure to adopt measures to achieve sanitation in water supply exists. It is for this reason that some academics have dubbed the provision as really disappointing and a ‘mere ideal, a utopia, the arrival of which

⁵⁰ Constitution of the Federal Republic of Nigeria 1999, (as amended) Chapter II

⁵¹ *Ibid*, s 20.

⁵² G.N. Okeke, ‘Fundamental Objectives and Directives Principles of State Policy: A Viable Anti-Corruption Tool in Nigeria’ [2013] 7(6) *IOSR Journal of Humanities and Social Science*, 175.

⁵³ CFRN, 1999 (n 57) s 6(6) (c).

the citizens have to pray and hope for'.⁵⁴ Duru opines that the 'one factor that has undermined the usefulness of the chapter II and prevented the people from reaping the fruits of good governance which the chapter is meant to guarantee is the retrogressive non-justiciability clause in section 6(6)(c) of the Constitution'.⁵⁵

On the one hand, it may be argued that the provision may be enforceable from a human rights-based approach. For instance, in the case of *Gbemre v Shell BP Development Company of Nigeria Ltd. and others*, a Federal High Court in Nigeria held that a similar non-justiciable duty of the Federal Government of Nigeria to protect the environment is justiciable to the extent that it undermines the right to life as guaranteed under the 1999 Constitution.⁵⁶ The consumption and use of clean water are germane to human existentialism.⁵⁷ Both from an environmental and health lens, unclean water supply invariably will be detrimental to the realisation of the right to life.⁵⁸ To that extent, it is arguable that a court may use the nexus between right to life and clean water supply to give justiciability to the otherwise non-justiciable duty of the state to safeguard water in Nigeria.

The likelihood of this assumption happening is, however, marred by uncertainty especially when the sturdiness of related judicial precedent is factored in. As reiterated earlier, the decision in *Gbemre v Shell BP* was delivered by a Federal High Court (FHC). The FHC is the lowest court of record from a right enforceability viewpoint.⁵⁹ By its very nature, the decision is merely persuasive and can be overturned on appeal.⁶⁰ Thus, it is not certain that the right-based approach to enforcing the duty to safeguard water will certainly be the disposition of the court. This uncertainty forms the basis upon which some authors, such as Ikukpon, have opined that 'it can be said that while Nigeria recognizes the right to potable water, this right is

⁵⁴ Ceazar Onyekachi Wisdom Duru, 'The Justifiability of the Fundamental Objectives and Directive Principles of State Policy under Nigerian Law' (2012) <<https://ssrn.com/abstract=2140361>> accessed 5th January 2024.

⁵⁵ Adeoye Akinsanya, 'Fundamental Objectives and Directive Principles of State Policy in the Nigerian Constitution' [1993] 46(2) *Pakistan Horizon* 23, 32-33.

⁵⁶ [2005] FHC/B/CS/53/05.

⁵⁷ James M. Hughes and Jeffrey P. Koplan, 'Saving Lives through Global Safe Water' [2005] 11(10) *Emerg Infect Dis*, 1636.

⁵⁸ Piotr F. Borowski, 'Nexus between Water, Energy, Food and Climate Change as Challenges Facing the Modern Global, European and Polish Economy' [2020] 6(4) *AIMS Geosciences*, 376.

⁵⁹ CFRN, 1999 (n 57) s 249.

⁶⁰ Taiwo Osipitan and Abiodun Odusote, 'Reflections on some Aspects of the Jurisdiction of the Federal High Court under the Nigerian 1979 and 1999 Constitutions: One or More High Court (s)?' [2016] 12(3) *Acta Universitatis Danubius Juridica*, 20.

not absolute and, therefore, unenforceable.⁶¹ Given this, the constitutional duty of the state to safeguard water is not a sturdy basis for universal access to clean water in Nigeria.

The Constitution provides that issues pertaining to water governance are yet a concurrent legislative task in Nigeria.⁶² This implies that the Federal and state legislatures can make laws on water development, supply, management, and sanitation. Contrarily, any right to use, manage, and control all surface and groundwater resources, mutually affecting any two, or more of the 36 states in Nigeria, other than a single state has been exclusively vested in the Federal Government.⁶³ The provision on concurrent powers presents opportunities for all hands to be on deck at all tiers of government to cumulatively adopt measures for addressing WASH. The Federal Government has initiated several policies, measures, and programs on water.⁶⁴ Most states in Nigeria are also involved in addressing WASH challenges. For instance, a premier state, Lagos in their Environmental Management and Protection Law 2017, establishes Lagos State Water Corporation (LSWC) conferring on it the mandate to ‘‘provide safe drinking water in sufficient and regular quantity, maintain good quality service through revenue generation to sustain operations... promote community health by good potable water’.⁶⁵ The LSWC has initiated over 51 mini and macro water projects in Lagos State.⁶⁶ Likewise, the River State Water Sector Development Law 2012 established a Port Harcourt Water Corporation (PHWC) with the mandate to provide reliable, clean, and adequate water supply.⁶⁷ They have also implemented several water projects and programmes in the state.⁶⁸

Regardless, there is an absence of coordination between the efforts of the two tiers of government to an extent that undermines the actualisation of a universal access to clean water supply in Nigeria. The Constitution does not clearly delineate the powers of the two tiers of government in regulating water issues. There is no provision made for synergy between the

⁶¹ Irekpitan Okukpon and Ijeoma Francesca Anozie, ‘Justifying Water Rights in Nigeria: Fiction or Achievable Panacea’ [2018] 11(2) *Law and Development Review*, 757-800.

⁶² CFRN, 1999 (n 55), pt 2, concurrent legislative list, section 13 (c).

⁶³ CFRN, 1999(n 55) second sch, pt 1, item 64.

⁶⁴ Imonikhe and Moodley (n 11).

⁶⁵ The Lagos State Environmental Management and Protection Law 2017, s 215.

⁶⁶ For more information, see <<http://watercorporation.lagosstate.gov.ng>> accessed 5th June 2023.

⁶⁷ The River State Water Sector Development Law No 7 of 2012, s 4(a).

⁶⁸ For more information about Portharcourt Water Corporation, see <<https://www.portharcourtwater.ng>> accessed 5th June 2023.

two tiers of government. The resultant effect was captured by Goldface-Irokalibe as thus, ‘Federal, State and Local Government, share responsibility for water resources management. Thus, leading to fragmentation, duplication, and lack of inter-sectoral coordination with each segment pursuing its own independent water agenda’.⁶⁹ The Federal, state, and Local Governments have their individual permit systems for water projects.⁷⁰ Thus, there is unnecessary duplication of investment costs, which deflates investor’s confidence when it comes to investing in the water sector.⁷¹ The absence of clear delineation inhibits investment, thereby limiting the possibilities for achieving a universal access to clean water.

Evidently, the Nigerian Constitution is arguably a weak legal foundation for underpinning laws that will achieve 100% clean water. Delineation and a better understanding of constitutional roles of each tier of government would help to leverage private, institutional, and political support for effective water resource management in the country. Furthermore, while the Constitution recognises water sanitation as imperative, the role of governments in achieving water supply is unfortunately vague.

4.3 Water Resources Act 2004

The point has been made that the Federal Government is vested with the power to make laws for water governance. Pursuant to this role, it has made the Water Resources Act, the premier law, which reiterates that the government has ‘the right to the use and control of all surface and groundwater and of any watercourse affecting more than one state.’⁷² This right to use and control is at first instance to achieve the optimum planning and development of water resources.⁷³ Though, working towards the optimum planning, development, and use may have positive connotations for achieving a universal access to water. Regrettably, it is not synonymous with having an objective of attaining a universal access to water. The exercise of the right to use and control is geared toward the coordination of activities that may interfere with the quality of water supply.⁷⁴ The latter provision presupposes quality in water supply in

⁶⁹ I. J. Goldface-Irokalibe, ‘Water Management In Federal And Federal –Type Countries: Nigerian Perspectives’ (2008) < https://www.africaportal.org/documents/8111/Joe_Goldface_en.pdf > accessed 3rd June 2023.

⁷⁰ *ibid*; Water Resources Act 2004 (as amended in 2016), s 10-11.

⁷¹ *Ibid*, s.13.

⁷² The Water Resources Act (n 75), s 1(1); E.O. Longe and others, ‘Water Resources Use, Abuse and Regulations in Nigeria’ [2010] 12(2) *Journal of Sustainable Development in Africa*, 35-44.

⁷³ *ibid*, s 1(1) (a).

⁷⁴ *ibid*, s 1(1) (b).

Nigeria. Therefore, governments shall coordinate relevant activities in order to preserve the *status quo*. However, countless studies have concluded that majority of Nigerians, including children do not have access to clean water.⁷⁵ The United Nations Children's Emergency Fund (UNICEF) has revealed that 'high morbidity and mortality rates among children under five' are linked to poor access to improved water and sanitation in Nigeria.⁷⁶ Thus, the obligation of the governments to coordinate activities that may interfere with the quality of water supply is not a complete panacea to the existing lack of clean water.

One further attribute of the Water Resources Act is that it delegates the powers of the Federal Government to the Federal Minister of Water Resources (FMWR).⁷⁷ Thus, the FMWR has the mandate to do all such acts that the Federal Government can do under the Act. They are emboldened with the power to adopt regulations in furtherance to the objectives of the Act.⁷⁸ As a result, they have adopted the Water Use and License Regulations 2016, which detail some of the licensing provisions of the Act. The Act provides that any person in Nigeria can take water freely for domestic and subsistence agriculture.⁷⁹ They can also use watercourse freely for fishing and navigation. The use of water for commercial undertaking, storage pumping, operation, and repair of boreholes or hydraulic work must be preceded by a formal license.⁸⁰ This means failure to obtain a license will result in a breach,⁸¹ and penalties for any breach are specifically spelt out in section 18 of the Act.⁸² The FMWR is empowered by law to set up such permit system for the listed purposes.⁸³ The permit system is detailed in the Water Use and License Regulations 2016.⁸⁴ Effectively, it is aimed at achieving the protection and conservation of water resources in Nigeria.⁸⁵ The payment of application fees is the condition precedent for the grant of such permit.⁸⁶

⁷⁵ WHO, 'Nigerian Country Highlights: Water, Sanitation and Health' [2010] <https://www.who.int/water_sanitation_health/monitoring/investments/nigeria-10-nov.pdf> accessed 5th January 2024.

⁷⁶ UNICEF, 'Water, Sanitation and Hygiene' [2018] <<https://www.unicef.org/nigeria/water-sanitation-and-hygiene>> accessed 5th January 2024.

⁷⁷ The Water Resources Act [n 75], ss 5, 6, 7, 8, 14, 16, 16 and 19.

⁷⁸ *Ibid*, s 19.

⁷⁹ *Ibid*, s 2.

⁸⁰ *Ibid*, s 9 (1).

⁸¹ *Ibid*, s 9 (2).

⁸² *Ibid*, s 18.

⁸³ *Ibid*, s 9-11.

⁸⁴ The Water Use and License Regulations 2016, s 23.

⁸⁵ *Ibid*, s 1(a).

⁸⁶ The Water Resources Act 2014 (n 75), ss 10, 11.

Nevertheless, the pecuniary condition for the issuance of permit is not helpful in the context of achieving a universal access to clean water. Drilling of boreholes has become increasingly popular as a way of providing clean water supply in Nigeria.⁸⁷ Borehole facilities are extremely expensive and way above the affordability of an average Nigerian.⁸⁸ The affordability of funds for WASH facilities including a borehole is a huge challenge for investors and consumers. The requirement for permit fees is duplicated at the Federal, state, and sometimes at the Local Government levels.⁸⁹ Consequently, investors who are already struggling with affording the capital cost of a borehole will also face the challenge of funds for the duplicated permit fees. Even the duplication is complicated by the absence of any justification for it.

In summary, the Act lacks the robustness of an effective legal framework that will underpin 100% access to clean water in Nigeria. The analysis of its provisions shows it does not accentuate the goal of attaining universal access to clean water in Nigeria. The Regulations are a progression in the context of setting a licensing system that will help in maintaining quality in water supply. Though, unfortunately, it does not address the problem of access to water. Even in terms of maintaining quality in water supply, the question of whether the Act has been effective or not is open to debate. The National Water Resources Policy 2016 has emphasised that the inherent flaws in this legislation means it cannot adequately meet present and emerging water resources management challenges and the requirement emerging from the policy itself.⁹⁰ Thus, the legislation needs to be reviewed in order to address the growing water management challenges in Nigeria. It has been established that the 1999 Constitution is not suited to efficiently support the attainment of a 100% access to clean and adequate water supply. Therefore, it is not surprising that the Water Resources Act 2004 is inadequate in this context. The main problem for both instruments is a general incorporation of a target to achieve a universal access to clean and adequate water supply.

⁸⁷ Ogueri Nwaiwu and others, 'Bacterial Quality of Borehole and Sachet Water from a Community in Southeastern Nigeria' in S. Kirmusaoglu and S.B. Bhardwaj (eds) *Pathogenic Bacteria* (IntechOpen, 2020).

⁸⁸ Pedro Martínez-Santos and others, 'Manual Borehole Drilling as a Cost-Effective Solution for Drinking Water Access in Low-Income Contexts' (2020) 12(7) *Water*, 1981.

⁸⁹ Goldface-Irokalibe (n 17).

⁹⁰ National Water Resources Policy (n 45), 15.

4.4 National Water Resources Bill 2020

The National Water Resources Bill is an ambitious yet to be a federal legal framework for water resources management and sanitation, which was originally introduced in the 8th National Assembly in 2017, by the former president Muhammadu Buhari of Nigeria.⁹¹ Though witnessed a dramatic delay following dissenting views by some lawmakers over some of its provisions, it was eventually passed by a predecessor House of Representatives on 7 July 2020 and has been sent to the House of Senate for concurrence.⁹² There is currently no evidence to show it has received the Senate's concurrence or presidential assent. Broadly, its provisions are pertinent for attaining universal access to clean water in Nigeria. To begin with, it is premised on the overriding objective of controlling, protecting, and managing water resources by factoring in several considerations.⁹³ The most relevant provisions include citizens' right to safe and clean water; meeting the basic needs of present and future generations and protecting the water environment.⁹⁴ Additionally, it lays to rest the uncertainty between the powers of the federal and state governments by subjugating the powers of the latter to the former. The Bill retains a licensing regime as the extant Water Resources Act 2004.⁹⁵ Besides, it sets up a Water Supply, Sanitation, and Hygiene Fund (WSSHF).⁹⁶

The control, protection, and management of water resources as highlighted in the Bill is in consideration of the right to safe and clean water, meeting basic needs, and protection of the environment. Granted that the latter enumerated considerations are not tantamount to an unequivocal target to achieve universal access to clean water. The United Nations has concluded that the impetus for achieving universal access to clean water supply is to meet the basic needs of humans.⁹⁷ Thus, 'the right to safe and clean water, meeting basic needs and

⁹¹ National Water Resources Bill HB 921(2017-2020).

⁹² Policy and Legal Advocacy Centre (PLAC), 'Trajectory of the National Water Resources Bill 2020 Passed by the House of Representatives' 16 September 2020 <<https://placng.org/i/trajectory-of-the-national-water-resources-bill-passed-by-the-house-of-representatives/>> accessed 5 July 2023.

⁹³ National Water Resources Bill HB 921(2017-2020) s 1(1).

⁹⁴ *ibid*, s 1(1) (a), (b), (e).

⁹⁵ *Ibid*, s 2; Bashir Ibrahim Hassan, 'Understanding the Water Resources Bill' (*Business Day*, 10 September 2020) <<https://businessday.ng/features/article/understanding-the-water-resources-bill/>> accessed 8th May 2023.

⁹⁶ National Water Resources Bill (n 98) s 151(1).

⁹⁷ Miroslav Lajčák, 'Achieving Universal Access to Water and Sanitation' (*UN*, 10 October 2017) <<https://www.un.org/en/chronicle/article/achieving-universal-access-water-and-sanitation>> accessed 9th June 2023.

protection of the environment' arguably implies taking into cognisance the need to achieve universal access to clean water. In principle, the Bill has made some progress in incorporating the concept of universal access to clean water to some extent. However, it does not explicitly aim to achieve universal access to clean and safe water. Instead, it states that the latter should be considered as the objectives are pursued.

Further, relevant attribute of the Bill is the provision that subjugates the powers of states in water governance to the overriding policies of the Federal Government. The point has been made that States and the Federal Government have concurrent powers to legislate on water and ancillary issues. This was argued that such duplication introduces uncertainty and leads to unnecessary multiple permit regimes. The National Water Resources Bill attempts to lay it to rest by providing that 'states may make provisions for the management, use, and control of water sources occurring solely within the boundaries of the states, but shall be guided by the policy and principles of the Federal Government...'⁹⁸ The implication of which is that the Federal Government has overriding powers to legislate on the management, use, and control of water resources. The Bill pointedly seeks to empower it to control all sources of water in Nigeria.⁹⁹ The benefit of such clarity is that the Federal Government now has ample opportunities to obliterate the problems of duplicity, and multiple permit regimes arising from the concurrent powers through policy and legislative provisions.

The above provision has been criticised as having the propensity to deflate the political will of states in adopting measures that will advance the attainment of universal access to clean water supply in Nigeria. By constitutional arrangement, Nigerian federalism is predicated upon the autonomy of states to regulate their internal affairs.¹⁰⁰ Thus, a law that purports to subjugate the powers of state governments to federal powers is not a welcome development.¹⁰¹ So, in this context, relevant states' and grass-root actions are needed for an expedited attainment of

⁹⁸ National Water Resources Bill (n 98) s 2(2).

⁹⁹ Vanguard Newspaper Editorial, 'Again, the Water Resources Bill', 3 September 2020 <<https://www.vanguardngr.com/2020/09/again-the-water-resources-bill/>> accessed 9th January 2024.

¹⁰⁰ Eghosa E. Osaghae, 'The Status of State Governments in Nigeria's Federalism' (1992) 22 *The Journal of Federalism*, 181.

¹⁰¹ Guardian Editorial, 'Trash that National Water Resources Bill 2020', 16 August 2020 <<https://guardian.ng/opinion/trash-that-national-water-resources-bill-2020/>> accessed 9th January 2024.

universal access to clean and safe water supply in Nigeria.¹⁰² It has been argued that the mentioned provision of the Water Resources Act will introduce conflict between the Federal Government and state governments, which will deflate the impetus for relevant state actions towards universal access to clean water supply.¹⁰³ Even without conceding that the mentioned was not the case, another challenge may be the difficulty in making efficient policies at the federal level, which will garner adequate states' actions towards universal access to clean and safe water.

Similar to the Water Resources Act 2004, the Bill establishes a licensing system, under which the use of water for variant purposes must be permitted.¹⁰⁴ It is apt to mention that the Bill will repeal the Water Resources Act 2004 when it becomes law.¹⁰⁵ The retention of some attributes of the Water Resources Act 2004, especially with regards to licensing is hence not surprising. The Bill provides that a license will be needed before various activities it enumerated will be undertaken.¹⁰⁶ Emphatically, some of the activities include the construction of boreholes for commercial purposes, hydraulic activities, pumping, and storage among others.¹⁰⁷ Failure to obtain a license before any of the enumerated activities will result in a consequential criminal offence punishable by fine and/or imprisonment.¹⁰⁸ The Bill proposes to establish the Nigerian Water Resources Regulatory Commission (NWRRC),¹⁰⁹ which shall have the power, among other things to administer the licensing provisions, including the making of regulations.¹¹⁰ The mandate of NWRRC is to protect and conserve water resources.¹¹¹ Thus, the provisions of the Water Resources Bill provide an opportunity for the adoption of regulations that will foster clean and safe water in Nigeria.

¹⁰² Femi Orebe, 'National Water Resources Bill 2020: That Nigeria may not abort its Long-Running Luck' (*The Nation*, 23 August 2020) <<https://thenationonline.net/national-water-resources-bill-2020-that-nigeria-may-not-abort-its-long-running-luck/>> accessed 9th January 2024.

¹⁰³ Guardian Editorial, 'Trash that National Water Resources Bill 2020' (n 98).

¹⁰⁴ Adedamola Adejokun, 'Water Resources Bill 2020 Contravenes Existing Laws' (*Economic Confidential*, 19 October 2020) <<https://economicconfidential.com/2020/10/water-resources-bill-2020-laws>> accessed 9th January 2024.

¹⁰⁵ National Water Resources Bill (n 98) s 156.

¹⁰⁶ *Ibid*, ss 62, 64(1).

¹⁰⁷ National Water Resources Bill (n 98).

¹⁰⁸ *Ibid*, s 51(1).

¹⁰⁹ *Ibid*, s 15(1).

¹¹⁰ *Ibid*, s 16(a), (c), 29(1) (d).

¹¹¹ *Ibid*, s 16(1).

The above-mentioned benefit may be whittled down by the requirement for the payment of licensing fees because it provides an application for a license... ‘shall be accompanied by the required application fee as may be fixed by the Commission from time to time’.¹¹² The application fee will be defined in subsequent regulations that will be adopted by the NWRRC.¹¹³ While it is not clear how significant the fees will be, it is provided that such is a source of funding for the NWRRC. The point has been made that the lack of universal access to clean water is engineered mostly by a lack of funding. Thus, the requirement for licensing fees will exacerbate the existing problem of funding. Overall, it contributes to making the Bill unfit for achieving universal access to a safe and clean water supply. Hence, the need for further review to guarantee access to clean and safe water in Nigeria.

Another relevant attribute of the Water Resources Bill is the proposed Water Supply, Sanitation and Hygiene (WASH) Fund. The Bill provides for the establishment of the WASH Fund for ‘financing the development of water resources... for expanding access to water supply and sanitation facilities and the promotion of hygiene practices across Nigeria’.¹¹⁴ The objective of the WASH Fund is to promote a federal-state partnership towards achieving the national targets for a universal access to clean and safe water in Nigeria.¹¹⁵ To reiterate, one basic barrier to achieving a universal access to clean and safe water is the problem of affordability and accessibility of funding for WASH facilities. The WASH Fund will certainly contribute to addressing the latter problem by the disbursement of funding for water facilities.

However, the usefulness of the WASH Fund may be affected by its limited focus. The doctrine of *expressio unius est exclusio alterius* (the express mention of one thing is the exclusion of another) has been accepted as a legal principle in Nigerian jurisprudence. This is so because in *All Progressive Grand Alliance (APGA) v Senator Christiana N.D. Anyanwu & 2 others*,¹¹⁶ Nigeria’s Supreme Court held that where a law expressly mentions one thing, it is by implication excluding other things, which would have ordinarily been included.¹¹⁷ Commenting on this, Justice John Afolabi Fabiyi of the Supreme Court *supra*, stated *inter*

¹¹² *Ibid.*, s 64(4).

¹¹³ *Ibid.*, s 15(1).

¹¹⁴ *Ibid.*, s 151(1).

¹¹⁵ National Water Resources Bill (n 98) s 152.

¹¹⁶ [2014] SC 20/2013.

¹¹⁷ *Ibid.*

alia, that ‘the express mention of one thing in a statutory provision automatically excludes any other which otherwise would have been included.’¹¹⁸ The Bill provides that the sole ‘objective of the Fund shall be to create a basket of funds to promote federal-state partnership’.¹¹⁹ An application of the doctrine of *expressio unius est exclusio alterius* to the mentioned provision implies that the WASH Fund will not be applied to projects without the element of a federal-state partnership.¹²⁰ Thus, projects that are solely floated by the Federal or state government will be excluded from the fund. There is also no mention of private investments as falling within the purview of the WASH Fund. The limited progress recorded in the water sector would not have been possible without the help of private investors.¹²¹ But investors are perhaps constrained by the affordability and accessibility of WASH facilities.¹²² Thus, their exclusion is not in the overall interest of attaining universal access to water supply in Nigeria. To crown it all, the Water Resources Bill 2020 is laudable for some of its features like the WASH Fund and clarity on the powers of the respective tiers of government. On a contrary note, the Bill is also laced with flaws, most of which will limit its potential in achieving universal access to clean and safe water supply.

5. Conclusion

This study has analysed key policies and laws on water governance in Nigeria. The goal of which is to develop a clearer understanding of the robustness, suitability, and effectiveness of Nigerian water policies and laws towards addressing universal access to clean water supply. The result simply suggests that the extant policy and legal frameworks are fraught with fundamental complications, and hence, not in the overall interest of achieving 100% universal access to sustainable clean water supply. They are considered ineffective, having noticeably failed to address important access to water and sanitation-related issues.

To a further extreme, private participation in water development and supply is a part of the underlying philosophy of the Nigerian Government’s objectives, but the form, nature, and

¹¹⁸ *Ibid*; *Central Bank of Nigeria and 6 others v Aite Okojie* [2015] SC.127/2004.

¹¹⁹ National Water Resources Bill (n 98), s 156.

¹²⁰ *Ibid*; Clifton Williams, ‘Expressio Unius Est Exclusio Alterius’ [1931] 15(4) *Marquette Law Review*, 191.

¹²¹ UNICEF, ‘Water Supply and Sanitation in Nigeria: Turning Finance into Services for 2015 and Beyond’ [2011] <<https://www.wsp.org/sites/wsp.org/files/publications/CSO-Nigeria.pdf>> accessed 9th January 2024.

¹²² Zaid Jurji and Bioye Ogunjobe, ‘Leveraging the Power of Private Sector Tackle Poverty and WASH Challenges in Nigeria’ (*UNICEF*, 8 December 2019) <<https://www.unicef.org/nigeria/stories/leveraging/power-private-sector-tackle-poverty-and-wash-challenges-nigeria/>> accessed 8th January 2024.

degree for participation is unclear. Even the current licensing regime is characterised by duplication of permit fees. Then, while state governments are at liberty to implement any federal water laws or policies, taking such a path has remained starkly unrealistic. More generally, different deep-rooted considerations, such as economic, political, and social factors have acted as contributory barriers to the problem of WASH, driven and compounded in part by increasing global climate change, the ongoing COVID-19 pandemic, environmental stressors, and pollution, as most available water bodies are made unfit for human usage.

Based on experience and demonstrated research findings, it is reasonable to assume that access to water supply and sanitation in Nigeria poses a fundamental question with multifaceted implications, and sustainability appears to be an unlikely possibility

Despite Nigeria's environmental prospects for water resources, it has been disappointing to see her increasing population lack equitable access to clean, safe, affordable, and sustainable water supply and sanitation services. What this means is that achieving the UN SDG Six in Nigeria is still a dream, and may not manifest in 2030, as the target period. The development and use of water have only manifested significantly towards hydroelectric power generation for supporting the national grid. This suggests that even at the state level, the hydropower people consume only comes from the Federal Government's hydroelectricity projects.

Therefore, ensuring universal access to clean, adequate water supply and sanitation in Nigeria ultimately requires a holistic review of the extant water policies and laws to overcome the potentially perceived barriers. To a similar extreme, policy objectives must be implemented and transformed into realities, with improvement in the management and coordinated processes from the three tiers of government, water management boards, and agencies. This means effective, robust legal frameworks and genuine regular interactions among institutions are key. There is a need for clear intention, characterised by political will and support of the governments for water development, supply management, and delivery of sanitation services, both for urban and rural populations. This will undoubtedly increase public trust and attract satisfactory investment in the water sector. There is no reason to think that making SDG six work for Nigeria comes with little or no benefits. Expectedly, at least, such will be central to the economic development, improvement in people's health and lifestyle. After all, natural resources with particular human needs and substitutes, for instance, oils, are not as widely

important as one needed water for all human activities, which has no conceivable alternative. The aphorism, 'water is life', indeed reflects its overall universal value.