

TRANS-BOUNDARY MOVEMENT OF WASTE IN AFRICA-WHAT NEXT?

By

Akhabue, D.A. (Esq.)

FACULTY OF LAW AMBROSE ALLI UNIVERSITY, EKPOMA, EDO STATE, NIGERIA.

E-Mail: danielakhabue@gmail.com

International Journal of Law and
Legal Jurisprudence Studies :
ISSN:2348-8212

ABSTRACT

This paper examines the impacts and challenges of trans-boundary movement of waste on environment in Africa. There is no doubt that private individuals concerned have adopted various measures of waste control management. Of the measures adopted especially by private individuals concerned in developed nations of the world at the expense of the developing nations of the world, is trans-boundary movement of such waste which has a negative impact on the developing nations of the world.

The paper also brings to light that the crucial issue is not whether we should halt all commercial and industrial activities in order to sustain the quality of the environment. Rather, the real issue at stake is the role which law must play in striking an equilibrium between the forces of waste generation and environmental protectionists so that the law will not be regarded as a mere paper tiger.

The paper argues in detail that the causes of trans-boundary movement of waste are multidimensional and varied. Africa is the target of most trans-boundary movement of waste. The reasons may not be unconnected with her disadvantageous position in terms of technological advancement, poverty, illiteracy, porous border and problem of enforcement of the laws/conventions. This problem is further

compounded by the lack of adequate infrastructure and deficiency in regulatory system to handle the problem.

INTRODUCTION

It is the belief of most inhabitants of planet earth (especially among Christian faithful) that God created the Earth, out of nothing¹ and He put man in charge² to nurture Nature. For, when God created Adam, the Lord God took him and put him into the Garden of Eden to dress it and keep it. And the Lord God commanded the man saying of every tree of the garden thou mayest freely eat. But of the tree of knowledge of good and evil, thou shall not eat of it.³ In other words, God is not saying that man should not eat but don't waste – conservationist. And Adam failed in this regard, hence he was sent out of the Garden of Eden. As the Holy Bible put it, "lest Adam put forth his hand and take also of the tree of life and eat and live forever, therefore the Lord God sent him forth from the garden of Eden to till the ground from whence he was taken"⁴. Starting from the time Adam was sent out of the Garden of Eden, environment has been abused by its inhabitants.⁵

At the onset, a cordial relationship existed between man and his environment. The relationship was that of mutual respect and mutual dependence. Not today any more! The world as it is today, is a far cry from the primitive times when man was one with nature and his environment. Man's insatiable quest for technological advancement has led man to unashamedly breached the tacit agreement of trust earlier reached with her environment.

"The children of 21st Century will inherit a World in many ways beguiling. For everyone but the poorest, it beckons as a magical empire of Mammon, a madcap consumer's paradise of

immediate gratification and express delivery of hot images and cool gadgets of designer jeans and designer genes. It is a dream world where chemists can turn a sow's ear into silk purse, where bioengineers can put a little bit of sheep into wolf and the lifestyles of the rich and the famous are beamed by satellite to every upwardly mobile village on the planet".⁶

Today, people in the developed and developing world throw away mountain of waste, they generate on daily basis. It has been said that the annual Garbage (waste) output of the United State of America has an equivalent weight of water that could fill 68,000 Olympic Size Swimming pool.⁷ New York alone (which is the heart of economic activities in the United State of America is estimated to produce enough waste each year to bury the cities, huge central park under four meters of refuse⁸. It is unimaginable the quantity of waste that is made out of Lagos (Nigeria) with an estimated population of over 18 million people.

This disturbing phenomenon is posing a lot of worries to government of Nations/States who are desperate to find a way out in other to safe guide public health of her citizenry. To safe guide public health of her citizenry, the government and private individuals concerned have adopted various measures of waste control and management. Of the measures adopted, especially by private individuals concerned (in the developed world at the expense of the developing world) is the Trans-Boundary Movement of such waste, which has a negative impact on the developing nations of the world.

WHAT IS TRANS-BOUNDARY MOVEMENT OF WASTE?

First, we shall define the key words of this subject of discuss, that is Boundary and waste. The term Boundary means a dividing line, especially between two areas of land, and in its wider context and connotation, it means the outer limit of anything⁹.

These two areas of land shall be taken to mean two geographical entities for the purpose of our discussion. Waste on the other hand could be defined as something which the owner no longer wants at a given place and time and which has no current or perceived market value. Against the background of the above definition, it is of course a truism that one-man waste is another's raw material. Bell and Bell defined it as something that is not or no longer useful and it is to be thrown away¹⁰. These definitions above are not likely to be of general acceptability with Environmental Lawyers and Environmental studies generally. A more acceptable definition of the word waste is that it is a material of solid or semi solid character that a possessor no longer considers of sufficient value to retain¹¹

The word sufficient¹² in its aggregate content basically means, enough or adequate.

A direct implication of this definition is that, the possessor is the determiner of what amounts to waste and the value the possessor places on the said waste is a subjective and not an objective one.

It is therefore safe for the writer to define Trans-boundary movement of waste as the movement of solid or semi-Solid material which are no longer of sufficient value to be retained, from one geographical entity to another or from state to state. The word state in this context is not a unit state or the component of a federation or federating unit within a country, but as in a state having an organized political community, her apparatus of government and a defined geographical entity or territory.

Note that, trans-boundary movement of waste is mostly facilitated by trade, among trading nations as a result of Globalization. Globalization is the term used to describe the growing worldwide interdependence of people and countries on one another¹³. And this process has been accelerated dramatically in the past five-decade,

largely because of huge advances in technology. In Nigeria, while it is a fundamental objective and directive principle of state policy that the resources of the Nation is to be harnessed to promote National prosperity and an efficient, dynamic and self-reliant economy¹⁴, she does not underscore the need for a just world economic order¹⁵ or the promotion of Africa Integration and support for African unity¹⁶, which the writer believes can only be achieved through trade.

As mentioned earlier, the movement of waste from one geographical entity to another is mostly from the industrialized countries of the world to the developing countries (mostly African countries). In the 80s alone, millions of tons of waste were deposited in African territories. For example 15,000 tons of toxic waste was sent from Philadelphia, USA to Conakry, Guinea resulting in the destruction of flora and fauna near the island of kass¹⁷. Similarly, the African analysis reports that two shiploads of radioactive French waste were dumped in Benin Republic in exchange for a 30 year special financial assistance to the Republic¹⁸. In 1989, Liberian Health Minister, Martha Sendolo Belleh disclosed that in June alone she rejected three European commercial request to dump toxic waste in Liberia¹⁹.

Why trans-boundary movement of waste, and why is Africa the target?

1. WHERE THE MANAGEMENT OF SUCH WASTE IS EXPENSIVE
Where the management of such waste would be too expensive or dangerous to manage and it would be cost effective to dump such a waste in another geographical entity, the only seemingly alternative is to find an alternative shore to transport such waste to where there is no diligent or stringent domestic waste management regulations, especially where the industrialized nation have adopted strict laws or place costly restriction on the domestic disposal of such hazardous, semi solid or solid waste.

In 1989, Sierra Leon was offered \$25 million, by a United State of America based economy to use her territory for her industrial waste site. This is because it is more cost effective to do so, considering the cost of building a new technology to manage the waste, which is alleged to be three times the cost it was offering the government of Sierra Leon.

2. WHERE THE WASTE IS OF SUFFICIENT VALUE. Where the waste is of sufficient value to the receiving country or entity, she would normally encourage the dumping of such waste with regulations though through the instrumentality of trade. This is the bane of most developing countries of the world, especially in Africa today.

Approximately Nine millions auto-mobiles are scrapped in European Union annually disposing them, is no simply task...²⁰

But interesting this scrape finds their way into the African market; At least 60% of such auto mobile “Tokunbo” as it is fondly called finds its way into Nigeria, which has the largest market in Africa at an affordable price for most Nigerians.

3. LACK OF TECHNOLOGICAL KNOW-HOW. The reason why Africa is the target of most trans-boundary movement of waste may not be unconnected with her disadvantageous position in terms of technological advancement. In most developing countries there is the prevalence of lack of technological know-how on waste and pollution management. These countries also largely requires knowledge, experience, facilities, technical and financial capacity to help manage their waste and pollution by either recycling municipal solid waste composting or re-using waste water for irrigation. This problem is further compounded by the lack of adequate

infrastructure, deficiency in regulatory system and lack of education to handle this problem²¹.

4. THE PROBLEM OF ENFORCEMENT. One of the major problems that have be-devilled this various laws and convention(s) from being implemented to the letter, is the problem of enforcement of this convention. Most of this convention governs situation between contracting states only, coupled with the fact that it is not in all situations that the participant at convention rectify or adopt same. In the same vain there is the problem of or compounding issue of jurisdiction, redress is often long and tedious, where litigation succeeds. Furthermore, the act of dumping of waste or trans-boundary movement of waste is usually done by companies residing in these industrialized nations and not by the host nations of such company itself. The effect of this is that their act may have been completed in her cause of doing business before her host country is aware of its act. For example the \$25 million offered Sierra Leone for the use of her Territory for industrial waste was by a company based in the United States of America and not at the instance of the United States Government which was a part of the 1989 Basel Convention.
5. POVERTY. Poverty is another reason why some countries are still host to toxic waste dump. For example Guinea Bissau accepted to import 500,000 tons of hazardous waste from a company in Switzerland to enable it make money, to reduce its balance of payment deficit at a pantry sum of \$40.00/ton to get \$20million only. In Namibia, the South West African Peoples' Organization (SWAPO), being seen as the future government of Namibia 1989, was offered a package deal of

\$5billion, including building for Namibia a new town and an airport for which in return SWAPO was to illiberally cede a part of its island to a European company which will dump about 3million tons of toxic waste every year for the next 40 years was accepted. A twist in this deal was occasioned by public outcry, where SWAPO who under the agreement be obliged to allow the formation of local company to which a license would be granted by SWAPO to carry the agreement in Namibia²². In the Philippines, one third of the population lives on less than \$ 1 (US) per day, an amount that is often earned in a minute in wealthier nation. It is doubtful if the Philippines Government or other poorer Nations would not accept similar deal if offered them like that Namibia. The United Nation Human Development report 2002, says “the richest 5% of the World people have incomes 114 times those of the poorest 5%.”²³ It must however be mentioned that not only are inequality between rich and poor found in developing nations, but as the World Bank states “Pocket of Poverty are common in all Countries”^{24a}. In Nigeria, the “koko incident” of 1988, which rudely jolted the Nigerian Government to the reality of toxic waste when some were dumped at koko in the then Bendel State (now Delta state) of Nigeria by some Italian business frauds was facilitated with the active connivance of some poverty stricken ignorant and hungry villagers including Sunday Nana, (reportedly dead, allegedly from the effects of the toxic waste dump in his compound) for a miserable sum of ₦500.00 monthly in spite of the obvious harm. Four trucks drivers were arrested over alleged attempt to dump toxic waste within the Kwale axis of Delta State in Nigeria. They

were arrested along Oguashi-uku / Kwale Road while conveying the suspected toxic waste to the destination ^{24b}. It will be recalled that a toxic waste dump site was discovered in Okpai community of Ndokwa East Local Government area of the state sometime in May 2013^{24c}, not mindful of the koko experience of 1988.

6. **IGNORANCE AND ILLITERACY.** In the developing Countries (especially in Africa), ignorance in environmental matters or issues is a major setback towards the effective management or control of trans-boundary movement of waste. This ignorance is basically a function of illiteracy. Where there is illiteracy it would be difficult to understand and appreciate simple environmental precautions. More annoying is the ignorant of officials in government circle, who do not know or simply appreciate the law that protect their immediate environment. It is on record that the Italian importer, (Mr. G. Reffaelli) who was directly responsible for the koko dump, was said to have sought through his embassy whether Nigeria had any law banning the dumping of toxic waste. The Ministry of External Affairs to which the request was made, never replied to the request presumably that no such law existed²⁵. However, it is humbly submitted that there were scattered laws on environmental pollution in the then Bendel State under which the Mr. G. Reffaelli (the importer would have been prosecuted).
7. **POROUS BORDERS.** Where the Borders of each concerned country is porous, it will obviously encourage trans-boundary movement of waste either of sufficient value or otherwise. Most developing countries have porous borders. Nigeria is not

an exception. It is perhaps not an exaggeration to say that both Nigeria Government and people were shaking by the Italian toxic dump at koko near Warri in Bendel State (now Delta State). The dump exposed the laxity of Nigerian Customs Official and undermines the Nigeria security system. The good thing however is that it led to a quick promulgation of two environmental laws; the Harmful Waste (special criminal provision etc) decree 1988 and the Federal Environmental Protection Act No. 58 of 1988 which was repealed in 2007. It is humbly submitted that the repealing may not be unconnected with the fact that it was under ministerial control which is not devoid of redtapism, political influence, procrastination and delay as the agency could not enact and enforce regulations without reference to the minister²⁶.

8. DUBIOUS INTENT. A Chinese based company Shijiazhuang Qixiang Chemical Company Ltd has been exposed over alleged exportation of sand-like toxic waste in place of caustic soda (NaOH) to unsuspecting Nigerian Importer Christo Venture Ltd in Lagos. Luck ran out of the Chinese firm when the officials of National Agency for Food and Drugs Administration and Control (NAFDAC) upon examination during its routine joint physical checks at the Sifax Bonded Terminal on June 2013 observed that the physical characteristic of the consignment was in contrast with the expected caustic soda that usually appears in pearls. Further laboratory analysis by NAFDAC confirmed that the sample taken from three of the containers was not caustic soda²⁷.

CLASSIFICATION OF WASTE

Generally waste can be classified into two as follows;

- (1) Control Waste and
- (2) Dangerous Waste (or Toxic Waste).

Control waste, are household waste, office waste, commercial waste and waste from stores and this types of waste are usually to a large extent of sufficient value in some host entity and they are usually easily treated and disposed off.

Dangerous Waste or Special Waste is waste that is too dangerous to treat, keep or disposed off. These kinds of waste include acid, alkalis, lead, mercury, methyl etc, all this kind of waste are referred to as Toxic and Hazardous. They are dangerous to human life if swallowed, inhaled or when they come in contact with the skin or eyes. Unfortunately, it is the last mentioned type of waste that is mostly transported across boundaries and it has been variously criticized, because of the compactness and complexity of the Global environment.

To this end, Nations have entered into bilateral and multilateral agreement and have rectified conventions as a leeway to arrest this growing environmental problem generally²⁸, trans-boundary movement of waste, been one of them.

In 1972, the United Nations Conference on Environment and Development (UNCED) was held in Stockholm, and was attended by 133 Countries²⁹ excluding USSR, Cuba and some other socialist countries at which the members of the global village for the first time met to create awareness of the inherent danger pertaining to Environmental Damage generally. Some 26 principles, known as the "Stockholm Declaration" were made. The gist of which was that states were conceded the Sovereign right to exploit their own resources pursuant to developmental policies (and were to assume) responsibility to ensure

that activities within their jurisdiction or control do not cause damage to the environment of other states or of areas beyond the limits of national jurisdiction.

On 8th May, 1972, the United Nations Conference on Trade and Development at its 3rd session resolved to set up a 31 member state group to draw up a charter relating to the rights and duties of states in the economic sphere. In this regard, the United Nations General Assembly (UNGA) adopted the draft charter at its 29th session in 1974³⁰. The charter empowered each state to exercise supervisory and regulatory power over all economic and social activities carried out by its nationals and foreigners within its jurisdiction in accordance with its national objectives and international law. In addition, state were to have mutual co-operation in the exploitation of resources shared by more than one state to achieve optimum use of it without causing damage to the legitimate use of others.³¹

In 1983, the United State General Assemble (UNGA) adopted a Resolution³², which inter alia empowered the Secretary General to set up the World Commission on Environment and Development (WCOED) and the United Nations Environment Programme (UNEP), which is presently a major factor in the effect to ensure co-operation in solving most of the vital environmental problems in the world.

In June 1992, the United Nations Conference on Environment and Development (UNCED) (known as the Earth Summit or the Neo-Conference) met in Rio de Jeniero. It was committed to environmental protection. The Declarations and the provision of Agenda 21 was the turning point, increasing the commitment of states to take action to protect the environment. Above all, these documents reaffirmed that, protection of the environment required international co-operation.

Specifically speaking, the issue of Trans-boundary movement of (hazardous) waste has been very alarming and disturbing over the years because of the dimension it has taken. This no doubt necessitated the conveying of a convention on the control of the Trans-boundary movement of hazardous matter and their disposal. The Basel Convention of 1989, among other things, made it a duty for exporting waste generating countries to re-import such waste where they have been dumped in another geographical entity³³, especially where it was noticed that this industrial waste material most of which were toxic and radio-active in nature were been dumped in the territories of impoverished nation by the more industrialized nations.

More specifically, Article 9 of the Convention was supposed to address and solve the problem of illegal traffic of hazardous waste. It defines the illegal traffic as the traffic that is in contravention of legal instrument, as well as traffic not carried out in compliance with internationally accepted guide lines and principles in the field.

Note that, there are a total of 18 types of waste listed in Annex I of the convention as hazardous and these include clinical waste from hospitals, waste from manufacture of wood preserving chemical, waste generated from heavy metal toxicants such as metal dusts, ignitable waste and heavy metal solution to mention but a few.

Note that the convention defined toxic as having poisonous effects if breathed in, eaten or absorbed by the skin, including carcinogenicity, that is cancer producing.

Although, the Basel Convention on the control of the Trans-boundary movement of hazardous waste was adopted in 1989 and was rectified by Nigeria and most African countries, its effect has not been far reaching, owing principally to the persistence of the industrialized world

in the act of dumping harmful waste in Africa and non-compliance with Article 9 of the convention.

In January 1991 Bamako convention was negotiated by twelve nations of the Organization of Africa Unity (OAU)³⁴ as a result of the failure of the Basel convention to prohibit trade of hazardous waste to developing countries and came into force in 1998.

No fewer than four management instruments emerged recently from Bamako, Mali capital, where African Ministers of Environment ended a meeting to shape the continents agenda on hazardous waste. The meeting known as the first Conference of the Parties (COP) of the Bamako Convention of the Ban of the Import into Africa and the Control of Trans-boundary Movement and Management of Hazardous Waste made four key declarations as follows;

1. All African nations to enhance or supplement existing legislation to prevent illegal and unwanted traffic in hazardous and other e-waste from entering their territory and the African continent;
2. African nations to create and adopt legislation to make electronics manufacturers legally take individual producer responsibility for taking back their equipment in the continent of Africa;
3. African nations to legally consider all non-functional or untested used electronic equipment as hazardous waste and prevent their importation into the African continent;
4. African nations to adopt legislation to control the importation of near-end-of-life or unwanted equipment, inter alia by designating such equipment as hazardous waste³⁵.

It is my humble submission that it is most shameful that Nigeria who should be seen to play a lead role in the continent has inadvertently lagged behind, Nigeria is yet to ratify the Bamako Convention after 15 years of its coming into force in 1998.

At the sub-regional level, the Economic Community of West Africa States (ECOWAS) at its 11th summit meeting passed a resolution urging member states to criminalize the dumping of harmful waste. It was agreed at the Summit that a monitoring committee for the African sub region known as the ECOWAS dump should be set up, and it should shoulder the responsibility of watching over the sub-region, and most importantly, to assist in regular information flow between members with regards to the subject matter being set up. This committee set up by ECOWAS is in many respects compliance by the ECOWAS countries to the request of the OAU council of ministers resolution calling for the establishment of appropriate mechanism for monitoring and control of the movement and disposal of nuclear and industrial waste in Africa.

In all, this moves by the African leaders both at continental and regional levels have proved abortive owing to lack of technological know-how, problem of enforcement, poverty, ignorance and illiteracy, porous border to mention but a few.

SOURCES OF TOXIC (HAZARDOUS WASTE)

The sources of Toxic or hazardous waste can broadly be categorized into two viz-

- a. Human and
- b. Natural Sources.

HUMAN SOURCES:

Most of the known toxic arises from business refineries and industries, this toxic waste generated by industries may be liquid, solid or gaseous depending on the product of such industries and raw materials used.

Some of the industries, which generate toxic waste, include:

1. Chemical manufacturing plants, which produce waste types such as strong acid and bases, spent solvents and reactive waste.

2. Printing industries, which generate heavy metal solutions, waste link solvent, spent electroplating waste ink sludge containing heavy metals.
3. Vehicle manufacturing and maintenance shops, which produce heavy metal waste, ignitable waste, used lead, acid batteries etc.
4. Metal manufacturing Industries produces plant waste containing heavy metal, strong acids and bases, cyanides waste and sludge containing heavy metals. Etc.

The above list is by no means exhaustive. It must however be pointed out that the greatest of toxic waste generation, is in the nuclear industry, where the wastes generated are just as dangerous to handle as the nuclear products themselves.

NATURAL SOURCES:

The most obvious natural sources of toxic waste include volcanoes which on eruption produce a lot of toxic gases and damaging larvae and of course food.

CONCLUSION AND RECOMMENDATIONS

It is humbly observed that nipping in the bud of trans-boundary movement of waste is almost impossible at this stage now at best it can be curtailed. Millions of barrels of deadly substance are said to be sitting in a temporary storage in the United States of American³⁶. Where will this dangerous substance find itself in the nearest future? The follow suggestions would be useful in curtailing trans-boundary movement waste in Africa:

It is humbly advocated that eradication of poverty is an indispensable requirement of suitable development. Poverty has been found to be the greatest degrading factor of our environment. This scourge called poverty can be mitigated by the provision of basic amenities in our environment which includes, pipe-borne water, good drainage system,

durable roads, electricity, safe health delivery, functional institutions, establishments, employment for our restless youth, and imbibing the spirit of self discipline to sustain these developments. The citizenry as a matter of urgency should be educated on simple environmental precaution. The Nigeria koko incidence of 1988 would not have been perfected but for the ignorance of Mr. Sunday Nana, Chief Kofi Nana (the village head of koko town) and others who are reportedly dead from the after infect of the toxic dump.

Secondly, it is humbly suggested that the various conventions be implemented to the letter and diligent enforcement machinery should be placed to check the excess of the developed nations of the world so that the law will not be seen as a mere paper tiger. Kudos must however be given to the United States of American Government who has since 1984 through the Resource Conservation and Recovery Act (RCRA) imposed some restriction on export of hazardous waste. The law requires that for waste defined as hazardous under RCRA, any potential exporter must give prior notice of the waste shipment composition and quantity to the receiving government, and the Environmental Protection Agency (EPA) must receive written document of that country's informed consent. If the consent is given to the EPA, she would then forward a written consent to the exporter who will then proceed with transaction. It is hoped that other develop nations would take a clue from this and sustain same.

It is also recommended that the issue of porous borders should also be critically addressed by providing enough manpower to man the borders coupled with that, is the provision of modern and up to date equipment and facilities to help check the importance of such hazardous waste. It is humbly observed that, the "koko" incidence of 1988 would not have occurred if the government of Nigeria has provided enough equipment and facilities to detect the supposed "Cargos", which came in

through the Nigerian port where the customs, immigrations, health and pharmaceuticals product inspection agencies were. In fact it is on record that the toxic waste dump in koko was brought in by six vessels at different time all of which passed through the Warri port.³⁷

The same fate applies to waste, which is of sufficient value, such as used motorcars, clothing, household materials which has been banned but still find its way into Nigeria market through her porous borders.

It is also suggested that the African alert system against the traffic of hazardous waste into the continent of Africa be given a functional secretariat with modern infrastructural facilities and its activities be clearly defined.

Finally, there should be strict implementation of existing environmental laws and edict as it affects trans-boundary movement of waste. It is apposite to end this paper with the assertion that the crucial issue is not whether we should halt all commercial and industrial activities in order to sustain the quality of the environment. Rather, the real issue at stake is the role which law must play in striking equilibrium between the forces of waste generation and environmental protectionists.

REFERENCES

1. The Holy Bible (King James' Version) Genesis chapter 1:16-17
2. Ibid Genesis chapter 1: 26-27
3. Ibid Genesis chapter 2:5-17
4. Ibid Genesis chapter 3:22-23
5. Akhabue, D.A., Impact of Agricultural Practices on Environment in Nigeria in Journal of Law and Diplomacy, Vol.9 Number 2, 2012 P.37
6. Eugene, L., What have we wrought? In Times Magazine (Special Edition) Nov. 1997
7. Awake! August 22,2002, Pg 3&4
8. Awake! May 22, 2002, pg.3.
9. Hornsby, A.S., Oxford Advanced Learners Dictionary of Currents English 8th Edition P.169

10. Bell and Bell, Environmental Law, the law of policy relating to the Protection of Environment 4th Edition, Black Stone Press Ltd, London 1974. P. 363.
11. Environmental Law Dictionary.
12. Onagoruwa v State (1993) 7 NWFR PT 303, 49 on P. 59. R. 15. CA
13. Awake! May 22, 2002. P. 3.
14. S. 16(1)a of the 1999 Constitution of the Federal Republic of Nigeria, as amended in 2011.
15. Ibid S.19(c)
16. Ibid S. 19(b)
17. The Punch, African Development News, September 30th 1989. P. 9.
18. Ibid.
19. Ibid. P. 4.
20. Awake! August 22, 2002
21. Akhabue, D.A., Constraints on Environmental Protection in Developing Countries in Intentional Journal of Advancement in Development Studies Vol. 7 Number 6 2012 P. 153
22. The Guardian January 15, 1989.
23. THE WATCHTOWER, Aug. 1, 2003 at P. 3.
24. Ibid
- 24b. Vanguard (mobile edition) Wednesday August 7th 2013.
- 24c. Ibid
25. The Press conference of the former Minister of External Affairs – Major General Ike Nwachukwu Published in Daily Times of 15th June 1988 P. 25.
26. Akhabue, D.A, Limitation on Environmental Litigation in Nigeria Amidst Environmental Legal Frame Work in African Journal of Arts and Cultural Studies Vol. 6, Number 1 2013. P.3
27. Vanguard mobile edition Thursday August 22 2013
28. Malcolm, R., A Guide Book to Environmental Law, Sweet and Maxwell London P.194.
29. Martin Dixon and Robert Mc Corquodala, Cases and Materials on International Law, 2nd Edition, Blackstone Press Ltd. London 1995, P. 521.
30. Resolution 3281 (xxix) of 12/12/74
31. Article 2&3
32. Resolution 38161.
33. Article 9 Basel Convention of 1989.
34. Now African Union.
35. Guardian Monday August 19th 2013.
36. Awake! August 22, 2002 Pgs. 4&5.
37. The Sun News Saturday, October 25th 2003 Vol. No. 41 at P. 16
38. Atsegbua, L., (2000): selected Essays on Petroleum and Environmental Laws Department of Public Law, Faculty of Law, University of Benin
39. Okorodudu-Fubara, M.T., (1998): Law of Environmental Protection: Material and Text Cal top Publications (Nig.) Ltd.

40. Omotola, J.A., (1990): Environmental Laws in Nigeria Including Compensation, Faculty of Law University of Lagos.