

AN EXAMINATION OF WASTE MANAGEMENT AS TOOL FOR ENVIRONMENTAL PROTECTION AND CONTEMPORARY ISSUES IN NIGERIA

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Abstract

Citizens of the developed countries have a right to healthy environment unlike Nigeria in which right to environment is not justiceable. Waste disposal poses a serious problem in our country. Throughout the Nigeria, we can see rotten heaps of waste that causes enormous harm to the environment: markets, houses, waterways, etc. This research aims at examining waste disposal and management in Nigeria and also examine the challenges threatening the achievement of a clean and healthy environment in Nigeria. This research relies on doctrinal methodology such as statutes regulating waste disposal and management in Nigeria and also International Conventions and Treaties regulating waste disposal and management in Nigeria. This research recommends that there should be a review of most of the existing waste disposal abatement laws with a view to entrenching adequate penal sanctions and also increasing public participation in environmental sanitation with a view to ensuring adequate protection of the environment.

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Keywords: waste, nuisance, environment, disposal, management, protection, penalty

1.0 INTRODUCTION

Waste management has become more challenging as incidences of environmental pollution have progressed from the elementary form to a sophisticated and complex nature owing to massive industrialization pace and technological development prompting the use of chemicals that are sources of organic pollutants.¹ It is nothing new that the exponential increase in the number of people living in Nigeria cities has resulted in an increase in waste production, thus taxing the infrastructure now in place for waste management and treatment. The issue has been made worse by inadequate garbage collection services, a lack of suitable disposal facilities and inadequate landfill capacity, which has led to widespread environmental degradation, health risks and socioeconomic inequality.²

The prevalence of informal trash disposal techniques, such as open dumping and careless burning, especially in low-income communities is one of Nigeria's biggest problems with waste management. For instance, Surulere in Ado-Ekiti, Nigeria has limited access to professional waste management services. Residents frequently turn to unofficial methods of disposing garbage since there is little infrastructure for waste collection and awareness of the issue.³ In addition to the regular waste that many households produce on a daily basis, there is the problem of electronic

¹ W A Adebayo, *Contemporary Issues in International Environmental Law* (1st edn, Ekiti State University Press, 2017).

² O Francis, 'Waste Management Challenges and Solutions in Nigerian Cities' (2024) <www.francis.medium.com/waste-management-challenges-and-solutions-in-nigerian-cities> accessed 24 September 2024.

³ *Ibid.*

waste that is dumped in Nigeria by developed nations. These nations are thought to be a haven for all kinds of outdated and abandoned electronics, clothing and mattresses. This is largely due to the dishonest behaviour of corrupt officials who oversee the importation of waste products.

There is no doubt that factories and industries in Nigeria play dominant role in the state of waste management and disposal in Nigeria. In many areas, burning garbage including plastics and other non-biodegradable materials is common. Burning refuse throws dangerous toxins into the atmosphere, endangering the health of citizens and contributing to air pollution. Waste management is becoming a difficult issue in Nigerian cities as majority of the cities are grappling with the issue of waste disposal and proper management. However, to combat the issue of waste management and disposal in Nigeria, a diversified approach is required to successfully address the problem and find a lasting solution.

Every stakeholder has a part to play in creating a cleaner and more sustainable use of the environment. This can be achieved by creating public awareness campaigns and community participation. There is a need for the development of a strategy and blueprint for the collection, management, recycling and disposal of domestic waste to ensure environmental safety, access to clean air and protection of water resources by policymakers for effective waste management.⁴

⁴ M Agbo, 'The Problem with aSolid Waste Management in Nigeria's Low-Income Neighbourhoods' (2023) <www.earth.org/the-problem-with-solid-waste-management-in-nigerias-low-income-neighbourhood> accessed 25 September 2024.

2.0 RESEARCH OBJECTIVE

As part of the correctional indicators for the protection of the environment, specifically for the efficient management, disposal and control of waste, the goal is to critically assess whether Nigeria has a comprehensive and effective legislative regime for waste management. If the response is in the affirmative, are there efficient systems in place to ensure that the waste management laws are followed? This research study extensively references the work of experts in environmental law, oil and gas law, legislation, case law, dictionaries and online resources, while also identifying the problems hindering proper waste disposal and management in Nigeria.

3.0 OVERVIEW OF WASTE AND WASTE MANAGEMENT

Waste generation occurs daily and therefore it is inevitable in the day-to-day activity of man in the search for the necessities of life viz food, shelter and clothing. Garbage disposal refers to the various strategies and procedures established to detect, regulate and manage different types of trash from generation to disposal. Bigger part of this necessities and gadgets are transported into the developing countries whereby after few years or in other circumstances, after some months, they become unserviceable and are abandoned as wastes.⁵ Waste is the superfluous byproduct of human operations that physically comprises the same substances found in useful products.⁶ The term ‘waste’ is not defined by the National Environmental standards Regulation Enforcement Agency Act, 2007.

⁵ W A Adebayo, *Contemporary Issues in Environmental Law* (1st edn, Ekiti State University Printing Press, 2017) 66.

⁶ E Amasumo and J Baird, ‘The Concept of Waste and Waste Management’ (2016) 6 (4) *Journal of Management and Sustainability* 88.

According to Oxford Advanced Learners Dictionary,⁷ waste is something that is not or no longer useful for a particular process and therefore thrown away. The 1989 Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal characterizes “wastes” as materials or items that are discarded, intended for disposal, or mandated for disposal under national legislation.⁸ What an individual considers as a waste may not be a waste to another individual who chooses to treat it as raw material useful for the production of other goods. Waste Management refers to the various strategies and processes established to identify, regulate, and manage different types of trash from their generation to disposal.⁹ The major challenge facing the developing countries, especially Nigeria is the problem of waste disposal and management.

Wastes are disposed in rural and urban areas indiscriminately in such a way as to cause pollution of the natural resources and making the environment horrible to behold. In Nigeria, majorly each state of the federation has an agency saddled with the responsibility of ensuring that the environment is protected against activities that can render the environment unsafe for human habitation.¹⁰ The substantial urban population has led to rampant trash and the proliferation of open dumps. These refuse sites subsequently became breeding habitats for rats and other pests, presenting considerable

⁷ A S Hornby, *Oxford Advanced Learners Dictionary* (10th edn, Oxford University Press, 2022).

⁸ The 1989 Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal art 2 (1).

⁹ A Mubaslat, *Introduction to Waste Management* (1st edn, The Hashemite Kingdom of Jordan, 2021).

¹⁰ For instance, we have Lagos State Waste Management Authority (LAWMA) in Lagos State and Ekiti State Waste Management Authority (EKSWAMA) in Ekiti State responsible for the collection and disposal of wastes.

threats to human health. In essence, waste management is the process of dealing with waste from its generation to final disposal.

4.0 TYPOLOGIES OF WASTE

The garbage in Nigeria comprises refuse produced both domestically and internationally. Typically, the garbage produced in Nigeria, akin to that of other developing nations, is not predominantly harmful or classified as hazardous when compared to the waste that is imported into these countries. Wastes are classified differently depending on their origin, composition and danger. Some focus on their physical-chemical properties, some on the unique molecules that make them up, and some on the activity or place of origin that creates them. However, the ultimate goal of waste management protection is to use the greatest available technologies to decrease and improve waste management. Wastes can also be solid substances with economic value that are not wanted by the owner.¹¹ Waste according to their origin are classified as follows;

- a) Municipal waste: municipal garbage is produced by household's activities, and other entities with similar operations to those of households and commercial organizations. It comprises residual waste, bulky waste, and secondary materials from separate collection, residential waste, street sweepings, and litter collections. For example, paper, glass, cardboard, metals, textiles, food and garden waste and wood.¹² Nigeria is not an exception to the fact that managing municipal solid waste is a significant concern in

¹¹ E Kiyan and B Ikizoglu, 'Types of Waste in the Context of Waste Management and General Overview of Waste Disposal in Turkey' (2020) 4 (4) *International Journal of Agriculture, Environment and Food Sciences* 521.

¹² M Kubal, , 'Origin and Types of Waste' (2024) < www.uchop.vscht.cz > accessed 14 April 2025.

developing nations, as present municipal waste management systems do not meet sustainable development standards. Poor urban planning poorly thought-out policies, an ever-growing urban population, and a lack of resources to deliver the necessary services all contribute to the problem.¹³

- b) Industrial waste: industrial waste is defined as any residual material emitted from industrial activity, whether in gaseous, liquid or solid form, regardless of its classification as industrial or domestic trash, in the absence of established and effective disposal mechanisms. Industrial trash encompasses scrap lumber, gravel, scrap metal, solvents, masonry, oil, concrete, chemicals, plastics, and may contain food remnants from restaurants, all of which can substantially affect the environment.¹⁴
- c) Agricultural Waste: agricultural wastes refer to the byproducts generated by the cultivation and processing of raw agricultural commodities, including fruits, vegetables, meat, poultry, dairy and crops. Agricultural waste often referred to as “agro-waste”, this category includes crop waste (corn stalks, sugarcane bagasse, fruit and vegetable drops and culls, pruning), animal waste (manure, animal carcasses, good processing waste) and toxic and hazardous agricultural waste (pesticides, insecticides and herbicides).¹⁵

¹³ O Lorhemen, S B Onoja and M I Alfa, ‘The Review of Municipal Solid Waste Management in Nigeria: The Current Trends’ (2016) *Advances in Environmental Research* 238.

¹⁴ H A Kareem *et al*, ‘Industrial Waste: Types, Sources, Pollution Potential, Country Wise Comparisons in U Riaz, S Labal and M Jamil (eds) *Waste Problems and Management in Developing Countries* (Apple academic Press, 2023).

¹⁵ F O Obi, B O Ugwuishiwu and J N Nwakaire, ‘Agricultural Waste Concept, Generation, Utilisation and Management’ (2016) 35 (4) *Nigerian Journal of Technology* 957.

Wastes are also classified according to their composition as follows;

- a) Biodegradable waste: waste materials that readily decompose or break down organically due to biotic (bacteria, fungus, plants, animals etc.) and abiotic (PH, temperature, oxygen humidity etc.) factors are known as biodegradable wastes. Human waste, manure, sewage and abattoir waste are examples of biodegradable waste.¹⁶ For any product to be disposed of sustainably, its waste must be able to biodegrade and return to the earth. When exposed to microorganisms, biodegradable plastic is meant to disintegrate; to this aim, a natural substance like corn flour or vegetable oil is added.¹⁷
- b) Non-biodegradable waste: these are waste, which include old newspapers, broken glass pieces, plastics, polythene, rayon, lexan, polyester, PVC (Poly Vinyl Chloride) and carbon fibers. These wastes can be recycled and can be reused. They do not decompose by themselves and hence are major pollutants. Their breakdown involves the use of heat or fire, which results in the production of trash piles and toxic fumes, and it takes a very long time for them to break down. After they are ingested, these poisons can seriously harm living things' metabolisms and cause cancer.¹⁸

Wastes are also classified according to their danger as follows;

¹⁶ B M Popoola, 'Biodegradable Waste' (2022) <www.dx.doi.org/10.5772/intechopen.107910> accessed 15 April 2025.

¹⁷ O O Adetola, D Adegboyega and O Akinyemi, 'Biodegradable Wastes: An Alternative Clean Energy Source' (2021) 2 (3) *International Journal of Advanced Technology & Science Research* 177.

¹⁸ S Simpson, 'The Effects of Non-Biodegradable Plastics on the Environment' (2021) 8 (2) *African Journal of Environmental and Waste Management* 1.

- a) Biomedical wastes: biomedical wastes are wastes generated in hospitals, clinics and assisted living facilities. These wastes are produced during the diagnosis, treatment or vaccinations of humans or animals, as well as during research in these areas and during the manufacturing and testing of biological. These pollutants are extremely contagious and could be dangerous if improperly handled. Biomedical wastes may be solid or liquid wastes that includes wasted blood, sharp items, soiled wastes, disposables, anatomical wastes, abandoned pharmaceuticals, chemical wastes etc.¹⁹
- b) Hazardous waste: Hazardous waste: substances that are no longer required and have no perceived or present value at a particular moment or location are considered hazardous waste. When wastes have one or more of the following dangerous qualities; toxic, explosive, oxidising, irritating, flammable, carcinogenic, and other detrimental effects on the environment and human health, they are classified as hazardous.²⁰
- c) Radioactive waste: the manufacturing of nuclear power plants, defense-related weaponry, medical and hospital facilities that employ radioisotopes and research activities all contribute to radioactive waste, which poses a serious management and environmental protection dilemma for both the current and future generations.²¹

¹⁹ K N Yogalakshmi, 'Waste: Types and Classification' (2024) <www.epgp.inflibnet.ac.in> accessed 22 April 2025.

²⁰ A S Zangina and A F Ali, 'An Overview of Hazardous Waste Management in Nigeria' (2021) 7 (4) *Dutse Journal of Pure and Applied Sciences* 214.

²¹ M I Hosan, 'Radioactive Waste Classification, Management and Environment' (2017) 5 (2) *Engineering International* 53.

5.0 ENVIRONMENTAL PROTECTION IN NIGERIA

Prior to June 1988, Nigeria did not give environmental protection utmost priority as focus was on economic development rather than the protection of the environment. The discovery of toxic waste dumped in Koko, a remote part of the southern Nigeria prompted the government to react swiftly to the protection of the environment against toxic and dumping of hazardous waste.²² The damage been inflicted by activities of human on the natural environment render the activities unsustainable as they alter the nutrients of the environment irreversibly. The challenges of environment in Nigeria include pollution, waste disposal and management, deforestation, desertification, erosion, flooding, transboundary movement of hazardous wastes, international trade in endangered species.²³

Certain factors ranging from the distance from the house to the waste depot, attitude of the Environmental Agencies who allow waste generated to stay in waste bins for a long time before they are removed, population, poverty, declining living standards, bad governance, rapid and unmethodical industrialisation and insufficient environmental consciousness has contributed greatly to non-actualization of proper waste management in Nigeria.²⁴ The problem with waste management in Nigeria is not lack of legislation but rather problem of enforcement. The current mandatory monthly environmental exercise, despite its good intentions, appears to be plagued by its own issues. The waste from the exercise is discarded on the

²² S G Ogbodo, 'Environmental Protection in Nigeria: Two Decades After the Koko Incident' (2009) 15 (1) *Annual Survey International and Comparative Law* 1.

²³ S I Omofonmwan and G I Osa-Edoh, 'The Challenges of Environmental Problems in Nigeria' 2008 23 (1) *Journal of Human Ecology*.

²⁴ C I N Emelie, 'Illegal Waste Management and other Challenges Face in the Enforcement of Environmental Laws in Nigeria' (2019) 2 (1) *Chukuewmeka Odumegwu Ojukwu University Journal of Commercial and Property Law* 4.

roadside for the attention of environmental agencies, which fail to assume responsibility for its disposal.²⁵ For adequate protection of the environment from illegal dumping of waste in Nigeria, there is a need for Nigerian government to start recycling waste generated for a wide variety of new products including clothing, building materials, furniture etc. the more we recycled our waste, the cleaner our environment becomes.

6.0 TORTIOUS LIABILITY FOR NUISANCE IN NIGERIA

Tortious Liability for Nuisance in Nigeria represents a versatile legal concept that plays an essential and pivotal role in safeguarding individual rights.²⁶ This is particularly significant when it comes to the enjoyment of one's property and the maintenance of overall well-being. Within the legal context of Nigeria, the occurrence of tortious liability for nuisance manifests itself when the actions undertaken by an individual or an organization intrude upon another person's inherent and legal right to peacefully inhabit their property or significantly adversely affect their health, tranquility, or comfort.

Within this complex legal framework, the category of nuisance is primarily delineated into two principal types: public nuisance and private nuisance, each possessing unique characteristics and legal implications that reflect the varying degrees of impact they exert on society as a whole.²⁷ While private nuisance primarily centers on infringing upon rights associated with land use, notably framed in legal discussions surrounding the established rule of *Rylands v Fletcher*²⁸, the concept of public nuisance encompasses a broader scope as it extends to factors affecting the well-being of the community at large. Notably,

²⁵ *Ibid.*

²⁶ A Askew, 'Solutions to Waste Management Challenges' (2023) <www.redkitewaste.co.uk> accessed 24 February 2026.

²⁷ J Ogundimu 'The Law of Nuisance and the Rule in *Rylands v. Fletcher* (2023) <www.jideogundimucosolicitors.co.uk> accessed 24 February 2026.

²⁸ *Ibid.*

public nuisance claims are generally restricted to individuals who have experienced special damages that exceed the harm suffered by the average member of the public.

- a) **Public Nuisance** stands out as a particular form defined by actions that do not merely interfere with the rights of a single individual but systematically disrupt the collective rights of the general public. These disruptive activities can encompass a wide array of behaviors, including the obstruction of critical public transportation routes, the degrading pollution of essential public waterways that could harm both the environment and human health, or any activities that pose significant risks to public health and safety, thus leading to broader societal consequences. Such actions not only harm individuals but can ripple through communities, resulting in a loss of quality of life for many. This essential distinction is illustrated in the foundational case of *Attorney-General v P.Y.A Quarries Ltd*²⁹ where a public nuisance was judicially defined as any nuisance that materially hampers the reasonable comfort and convenience of the lives of a class of Her Majesty's subjects. The geographic area affected by the nuisance can be broadly referred to as "the neighborhood." However, determining whether a local community constitutes a sufficient number of individuals to justify protection under public nuisance laws often requires detailed factual clarification on a case-by-case basis. Additionally, statutory nuisances denote those nuisances which are specifically governed by certain statutes.
- b) **Private Nuisance** is characterized as any act of interference that negatively affects an individual's right to enjoy their property. Common examples of private nuisance include persistent noise pollution emanating from a neighboring property, offensive odors originating from a nearby industrial operation, or unwarranted physical trespasses onto a homeowner's land. Each of these examples compellingly highlights how

²⁹ (1957) 2 QB 169.

such nuisances can considerably disrupt a person's living environment and overall quality of life, creating a pressing need for legal recourse.³⁰ To successfully establish a legitimate claim for nuisance within the existing legal framework, the plaintiff, which is the individual bringing the claim forward must clearly demonstrate several key elements that substantiate their case. Firstly, it must be shown that the actions taken by the defendant were directly responsible for the emergence of the nuisance in question, effectively linking their behavior to the resultant disturbance. Secondly, the nuisance itself must pose an unreasonable interference with the plaintiff's rightful enjoyment of their property, preventing the individual from utilizing their property in the manner they deem fit. Lastly, the degree or nature of the interference must be recognized as unreasonable by legal standards, indicating that the situation warrants judicial intervention and remedy.³¹

In the case of *Abiola v. Ijeoma*,³² the plaintiff and defendant occupied adjoining premises in a residential area in Surulere. The defendant kept poultry. The plaintiff claimed that excessive noise made by the chickens in the early hours of the morning interfered with his sleep and the nauseating smell from the pens causes inconvenience to him. The court held that the plaintiff suffered more than a trivial interference with his enjoyment of his land and the defendants were held liable for nuisance. When a claim for nuisance is successfully established, the court possesses the authority to grant several potential remedies aimed at addressing the issue effectively³³ which may include **injunctions**. These are judicial orders specifically designed to halt the ongoing nuisance, thereby

³⁰ E Emenike, M A Ebibake-Nwanyanwu & C Ajie, 'Right to a Healthy Environment in Nigeria and other Jurisdictions: A Legal Assessment' (2020) <www.eajournals.org/wp-content/uploads/right> accessed 24 February 2026.

³¹ *Ibid.*

³² (1970)2 All NLR 268.

³³ *Ibid.*

providing the plaintiff with relief and ensuring the protection of their rights from further infringement. Another possible remedy is **damages**, where financial compensation may be awarded to the plaintiff for the harm or loss they have suffered directly as a result of the nuisance, serving as a means to make amends for the disruptions encountered. Additionally, **abatement** may be ordered by the court, instructing the party responsible for the nuisance to eliminate the source of the disturbance, which could involve measures such as demolishing an obstruction or ceasing a harmful activity that has been disruptive to the surrounding community or individual.³⁴

7.0 LEGAL FRAMEWORK FOR WASTE MANAGEMENT AND DISPOSAL IN NIGERIA

A polluted environment undoubtedly affects living standards, aesthetic appreciation, public health, and overall quality of life. The Federal Government of Nigeria in its efforts to control and manage wastes in the country enacted laws such as; the Constitution, the National Environmental Standard and Regulation Enforcement Agency Act, Harmful Waste (Special Criminal Provisions) Act, Sanitation and Waste Control Regulation and the National Policy on the Environment in Nigeria. There are also regional and international treaties that Nigeria is signatory to and it includes; Bamako Convention on the Ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, Basel Convention on the Control of Transboundary Movements of Hazardous wastes and their Disposal.

A. **The Constitution:** The Constitution of the Federal Republic of Nigeria, 1999 (as amended), serves as the supreme law of the land, providing the legal foundation for environmental governance and

³⁴ J Ogundimu (n27).

sustainability. Under Chapter II, the Constitution emphasizes the state's responsibility to protect and improve the environment and safeguard the water, air, and land, forest, and wildlife of Nigeria.³⁵ This provision mandates the government to prioritize environmental sustainability, ensuring that policies and actions align with the goal of preserving natural resources for present and future generations.

- B. The Harmful Waste (Special Criminal Provisions) Act:** the Act was instituted promptly following the Koko incident in response to the unlawful disposal of hazardous waste by certain Italian firms in Delta State, Nigeria. The Act forbids the transportation, disposal, and dumping of hazardous waste on land, territorial waters, the exclusive economic zone, or contiguous zone of Nigeria, as well as its interior waterways. According to the Act, the person who deposits, dumps or imports the hazardous waste or causes the harmful waste to be deposited, dumped or imported is liable for damages if any harm is caused by the hazardous waste that has been dumped on any land, territorial waters, contiguous zone, exclusive economic zone or inland waterways of Nigeria.³⁶ It must be noted that this Act played a very significant role in the growth of environmental laws in Nigeria. The Act provides a very stringent sentence of life imprisonment and in addition the forfeiture of any aircraft, vehicle or land connected with or involved with the violation.³⁷
- C. National Environmental (Sanitation and Waste Control) Regulations, 2009:** This regulation addresses environmental

³⁵ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 20.

³⁶ The Harmful Waste (Special Criminal Provisions) Act, CAP H1, Laws of the Federation of Nigeria 2004, s 12.

³⁷ *Ibid*, s 6.

sanitation and all waste categories and was created in accordance with section 34 of the National Environmental Standards and Regulations Enforcement Agency Act of 2007. In order to reduce pollution in Nigeria, the regulations seek to implement ecologically friendly and sustainable waste management environmental sanitation practices.³⁸ Section 3 of the Regulation provides that no person is to discard, throw or drop any litter or any similar refuse anywhere except in designated litterbins.

D. National Environmental Standards and Regulations Enforcement Agency Act:

In addressing the need for an enforcement agency, the Federal Government in line with Section 20 of the 1999 Constitution promulgated the National Environmental Standards and Regulations Enforcement Agency Act, which repeals the Federal Environmental Protection Agency Act.³⁹ The agency is endowed with perpetual succession, common seal pursuant to its responsibilities; it may sue and be sued in its corporate name. In line with section 20 of the Constitution, the agency is saddled with the responsibility of enforcing environmental laws and deterring people from polluting the environment. The Act provides authority to ensure compliance with environmental laws, local and international on environmental sanitation, pollution prevention and control through regulatory measures.⁴⁰ Any person who violates the provisions of the regulations made pursuant to the Act commits an offence and shall

³⁸ National Environmental (Sanitation and Waste Control) Regulations, 2009, Regulation 2.

³⁹ Cap F10, Laws of the Federation of Nigeria, 2004.

⁴⁰ Section 7 National Environmental Standards and Regulations Enforcement Agency Act, 2011.

on conviction, be liable to a fine not exceeding ₦50,000 or to imprisonment for a term not exceeding one year or to both such fine and imprisonment and an additional fine of ₦5,000 for every day the offence subsists.⁴¹ However, Where an offence under subsection (1) of this section is committed by a body corporate, it shall on conviction, be liable to a fine not exceeding ₦500,000 and an additional fine of ₦10,000 for every day the offence subsists.⁴² The Agency prohibits the discharge in such harmful quantities of any hazardous substance into the air or upon the land and the waters of Nigeria or at the adjoining shorelines except where such discharge is permitted or authorized under any law in force in Nigeria.

- E. Oil in Navigable Waters Act:** The Act was enacted in 1968 to implement the terms of the international convention for the prevention of pollution of the sea by oil and to make provisions for such prevention in the navigable waters of Nigeria. The discharge of crude oil and heavy diesel oil or any other description of oil by a Nigeria ship into prohibited sea area is not allowed.⁴³ The section also makes it an offence for the owner of a vessel or a person in charge of apparatus used for transferring oil from or to any vessel to discharge oil or mixture containing oil into the waters of Nigeria. It is equally an offence for a ship owner to fail to install pollution prevention equipment on ships.⁴⁴ Also, section 8 of the Act creates an offence targeted at government Agency. Under the said section, the harbor authority is required to provide oil reception facilities to

⁴¹*Ibid*, s 23(3).

⁴²*Ibid*, s 23(4).

⁴³*Ibid*, s 1.

⁴⁴*Ibid*, s 5.

enable vessels using the harbor to discharge or deposit oil residue.⁴⁵ Failure to provide such facilities for disposal of oil residues is an offence under section 8(8) of the Act. Section 9 of the Act places a restriction on transfer of oil at night. To this section, no oil shall be transferred between sunset and sunrise to or from a vessel in any harbor in Nigeria except the requisite notice has been given to the harbormaster or to the harbor authority. Such prescribed notice shall not be less than three (3) hours or more than ninety-six (96) hours before the transfer of oil begins.

8.0 CHALLENGES FACING WASTE MANAGEMENT IN NIGERIA

The issue of waste management in Nigeria has emerged as a critically pressing concern, one that has led to increasing attention from various sectors of society due to the severe implications it holds for both the environment and public health. This complex situation is seen by a multitude of interrelated challenges that significantly hinder effective waste disposal throughout the entire country. One of the most significant hurdles impacting waste management in Nigeria includes the following:

- i. **Inadequate infrastructure:** There are inadequate infrastructures, available for waste treatment and disposal needs in Nigeria.⁴⁶ The current facilities designed for handling waste are woefully insufficient to accommodate the vast amounts of refuse generated daily, leading to alarming practices such as open dumping and the burning of waste materials. These harmful methods not only degrade the local environment, compromising the integrity of the surrounding ecosystems, but they also pose severe health risks to the communities that are consistently exposed

⁴⁵*Ibid*, s 8(1).

⁴⁶ H C O Unegbu & D S Yawas, 'Optimizing Construction and Demolition Waste Management in Nigeria: Challenges, Regulatory Frameworks and Policy Solutions' (2024) 1 (141) *Discover Civil Engineering*.

to toxic fumes and unsightly refuse. This combination of environmental degradation and health hazards is a recipe for disaster, raising the question of how to effectively manage such an overwhelming problem.

- ii. **Poor waste collection:** Moreover, there are poor waste collection services that are prevalent in many regions, particularly affecting rural and peri-urban areas where organized waste collection services are almost nonexistent. In these locations, the lack of structured waste collection systems leads to rampant indiscriminate dumping, where garbage is carelessly discarded and accumulates in public spaces, resulting in unsanitary conditions that can facilitate the spread of disease and attract vermin. This aspect of waste management reflects a concerning neglect of public health standards, necessitating immediate action to address the ongoing crisis⁴⁷.
- iii. **Weak policy enforcement:** Compounding these pressing issues is the weak policy enforcement that has become deeply embedded within the waste management sector. Fragmented mandates and responsibilities among various governmental bodies create a chaotic landscape where open dumping and burning of waste prevail with little accountability. The lack of reliable data on the scope and scale of waste management problems only exacerbates these challenges, driving pollution levels higher and further increasing health risks for the population. Without robust data and coordination, initiatives aimed at improving waste management tend to flounder, unable to effect meaningful change.⁴⁸
- iv. **Limited funding:** Additionally, limited funding allocated to waste management initiatives proves to be another substantial barrier that severely restricts the government's ability to develop and maintain the necessary infrastructure and services required for effective waste

⁴⁷*Ibid.*

⁴⁸A D Whiteman , N Hennessy & D C Wilson, 'Rethinking Waste and Resource Management for Undeserved Communities' (2025) <www.tandfonline.com/doi/full/10.1080/13600818> accessed 24 February 2026.

management. With inadequate financial resources dedicated to addressing this escalating issue, the pursuit of effective waste management continues to remain an elusive goal, frustrating both governmental efforts and community expectations. The need for increased investment in waste management is more crucial than ever to ensure a sustainable and healthier future.⁴⁹

- v. **Public awareness and education:** There is a need for continuous sensitization on the issue of waste management in Nigeria. Proper waste disposal practices are alarmingly low, which only serves to aggravate the existing challenges. A significant portion of the population remains uninformed about the negative consequences of improper waste disposal and the numerous benefits that can arise from adopting environmentally friendly practices. This lack of awareness leads to continued poor habits and behaviors that only serve to worsen the waste management crisis, highlighting the urgent need for educational campaigns that can raise consciousness on this vital issue.⁵⁰
- vi. **Urbanization and population growth:** The rapid growth in the urban area has surged over the years. The rapid influx of people moving to urban centers, accompanied by an ever-increasing overall population, has dramatically escalated the volume of waste generated. This situation places intense pressure on the already overstretched infrastructure to keep pace with the rising demands, leading to further consequences for the waste management landscape and public health.⁵¹

⁴⁹ *Ibid.*

⁵⁰ S D Wapwera, E A Akintunde & R S Chiroma, 'The Impact of Environmental Education and Awareness on the Effective Management of Solid Wastes among Residents of Jos-Buruku Metropolis, Plateau State, Nigeria' (2022) 7 (3) *Global Journal of Earth and Environmental Science* 61.

⁵¹ A A Yusuf, S Magaji & Y Ismail, 'Migration-Driven Pressures on Housing, Social Services and Transportation Infrastructure in the Abuja Municipal Area Council (AMAC) Nigeria' (2025) 1 (2) *Global Journal of Economics, Finance & Accounting* 15.

- vii. **Lack of recycling facilities:** The prevalence of inadequate waste segregation practices serves as yet another significant obstacle to achieving effective waste management. The limited availability of facilities capable of processing recyclable materials means that a substantial portion of waste that could otherwise be repurposed continues to end up in landfills. This situation not only undermines efforts to promote sustainability and environmental responsibility but also highlights a missed opportunity to alleviate some of the waste management burden. These interconnected challenges vividly underscore the urgent need for a comprehensive and coordinated approach to address Nigeria's waste management crisis. Such an approach must encompass the development of robust infrastructure, increased public education, effective policy enforcement, and the allocation of adequate funding, all aimed at fostering a healthier environment for the nation's citizens. Only through a concerted effort can Nigeria hope to overcome these daunting challenges and create a sustainable waste management system that protects both human health and the environment.⁵²

9.0 THE ROLE OF TORT LAW IN ENVIRONMENTAL PROTECTION VIS-A-VIS THE EFFICACY OF LEGAL FRAMEWORK

Tort law plays a crucial role in the realm of environmental protection by establishing a framework that holds polluters accountable for their actions. This legal category not only seeks to provide compensation for the environmental harm and health impacts that result from negligent or harmful activities but also works to rectify injustices suffered by affected communities.⁵³ By placing financial liability on those who engage in damaging practices, tort law serves as a form of deterrence; it encourages corporations and individuals alike to adopt more

⁵² E C Nnamani & O S Odoh, 'Effective Waste Management in Nigeria: The case for Sustainable Development' (2022) <www.researchgate.net> accessed 24 February 2026.

⁵³ K N Hylton, 'When Should We Prefer Tort Law to Environmental Regulation' (2002) <www.scholarship.law.bu.edu> accessed 28 February 2026.

responsible and sustainable behaviors to avoid the repercussions of litigation.⁵⁴ Furthermore, tort law complements existing regulations by filling gaps that may exist within statutory laws, addressing specific cases that might not be adequately covered by broader legislative measures. Additionally, tort law plays a vital role in enhancing accountability across various jurisdictions. It works in concert with existing statutory frameworks to create a robust dual layer of protection. While statutes set forth the necessary standards that must be adhered to, tort law ensures that accountability is enforced, providing compensation for those harmed when these standards are breached.⁵⁵

Judicial activism has also expanded the scope of tort law to address contemporary environmental challenges more effectively. Courts have taken proactive steps, such as relaxing locus standi for non-governmental organizations (NGOs), thus allowing them to represent the interests of the public and the environment even when individual rights might not be clearly established. Moreover, principles like "the polluter pays" have been incorporated, reinforcing the expectations placed on polluters to remediate and take responsibility for their environmental impact.⁵⁶ However, despite its importance, the efficacy of tort law in protecting the environment is often limited by several significant challenges.

10 CHALLENGES TO TORT LAW EFFICACY

The effectiveness of tort law in addressing environmental issues is challenged by several inherent limitations within its framework. One significant limitation is its reactive nature; tort law primarily operates in response to damage that has already occurred, which severely restricts its ability to prevent extensive and long-lasting ecological destruction. By the time, an individual or community seeks justice through tort claims; irreversible harm to the environment may have already taken

⁵⁴ *Ibid.*

⁵⁵ V S Anirudh & A Sastry ‘ The Role of Torts Law in Providing Compensation for Environmental Harms’ (2025) www.vintagelegalvl.com accessed 28 February 2026.

⁵⁶ *Ibid.*

place, illustrating a critical gap in proactive measures that could safeguard ecological health from the outset.⁵⁷ Despite these challenges, it is crucial to acknowledge that tort law remains a highly relevant and necessary tool within the broader context of environmental regulation. It can serve as a catalyst for regulation by promoting urgency in governmental responsiveness; for example, tort actions, such as lawsuits centered on public nuisance, can effectively spur government action and lead to significant legislative changes aimed at protecting the environment.⁵⁸

In conclusion, the overall efficacy of the legal framework dedicated to environmental protection reaches its maximum potential when statutory regulation is paired with proactive standards, while tort law fills the reactive gaps that remain by providing a mechanism to compensate victims and deter future harm. Such a synergistic approach equips both individuals and communities with the necessary recourse in their quest for justice and environmental preservation, creating a more sustainable and responsible framework for safeguarding the planet.

11.0 CONCLUSION AND RECOMMENDATIONS

This study has provided a detailed examination of waste management and disposal in Nigeria, highlighting the types of waste and challenges faced in the management of waste disposal in Nigeria. The study revealed lack of awareness and recycling facilities, weak policy enforcement, limited funding and inadequate infrastructure as barriers that persist in the waste management sector. The study revealed a significant disparity between the cognizance of regulations and their implementation. The waste management laws are widely known amongst citizens, but they are poorly enforced. In view of the foregoing, the following is hereby recommended;

⁵⁷ *Ibid.*

⁵⁸ T N Alatise, 'Common Law Approach to Environmental Litigation in Nigeria: Prospects and Challenges' (2024) 11 (3) *Nnamdi Azikiwe University, Awka Journal of Commercial and Property Law* 91.

- a) **Stringent and Robust Enforcement:** the potential advantage of current restrictions is undermined by their lack of enforcement, which also makes it more difficult to lessen the environmental impact of waste.
- b) **Encouraged Recycling and Provide Recycling Equipment:** one crucial aspect of managing waste items is recycling them after sorting. Recycling paper waste, plastics and other materials will ease the strain on the supply of raw resources required to make these products and in turn boost the nation's economy.
- c) **Private Domestic Waste-Management Firms:** Encouragement should be given to private companies that have experience managing the garbage produced by various human settlements and activities. People moving from rural to urban areas would be reduced or eliminated to a considerable degree by the decentralization of industrial and infrastructure development.