AN EXPOSITION OF THE LEGAL FRAMEWORK OF E- WASTE MANAGEMENT IN NIGERIA

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Abstract

Nigeria faces substantial challenges in the e-waste discharge and control because of rapid urbanisation and limited infrastructure for waste disposal. The situation is further exacerbated by the importation of used electronics, under the excuse of closing the digital divide. This influx degrades the environment and causes health hazards, especially in urban areas. Despite the presence of comprehensive regulations such as the National Environmental (Electrical/Electronic Sector) Regulations (NE(EES))2011 and its commitment to international treaties like the Basel Convention, the enforcement remains weak due to limited resources, inadequate infrastructure and corruption. This paper examines hidden dangers in improper e-waste management as a direct cause of severe soil contamination, water pollution, and air quality degradation. Toxic substances from e-waste into the environment could cause long-term ecological damage and health hazards to local communities. Waste disposal methods such as open burning and acid leaching, increase these environmental hazards. The study's main data sources are international instruments and national environmental protection laws. The secondary sources include textbooks, academic papers, and online resources. Recommendations on the need for strict implementation of the international treaties and domestic laws on e-waste management for sustainable development are made.

Keywords: Environmental degradation, E-waste, Health risks, Pollution

1.0 Introduction

Electronic waste (e-waste) refers to used electrical/electronic products. In 2019 alone, 53.6 million metric tons were recorded due to a global increase.[1] Hazardous materials pose high environmental and health risks.[2] When not properly discharged, could affect the soil, water supplies, and release dangerous gases into the atmosphere. In developing countries, open burning and acid leaching methods were prevalent.[3]

E-waste management needs concerted efforts of various stakeholders, including governments, manufacturers, and consumers in minimizing e-waste generation and sound environmental practices.[4]

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[1]Forti, CP Baldé, R Kueh, and G Bel, *The Global E-waste Monitor 2020: Quantities, flows and the circular economy potential* (United Nations University (UNU, International Telecommunication Union ITU) & International Solid Waste Association (ISWA) 2020) https://www.itu.int/en/ITUD/Environment/Documents/Toolbox/GEM_2020_def.pdf accessed 07 November 2024>.

[2]BH Robinson, 'E-waste: An assessment of global production and environmental impacts' (2009) 408 *Science of the Total Environment* 183.

[3]Ibid.

[4] R Widmer and others, 'Global perspectives on e-waste' (2005) 25 *Environmental Impact Assessment Review,* 436.

Regulatory frameworks have been implemented in some regions to manage the collection, recycling, and disposal of e-waste and promote sustainable practices.[5]
Nigeria encounters serious problems in managing e-waste due to rapid urbanisation, more use of electronic products, and limited infrastructure for waste disposal. The importation of scrap electronics, under the facade of promoting digital access, has exacerbated the dumping of e-waste in the country, leading to environmental degradation and health challenges, especially in urban areas. [6]

Several factors hindered the effective managing of e-waste including inadequate regulatory frameworks, insufficient public awareness, corruption, *lassiez faire* attitude of the government and lack of proper recycling facilities. The private sector, which dominates e-waste recycling in Nigeria, usually employs crude methods which include open burning and acid baths for the extraction of valuable materials.
This paper overviews challenges posed by e-waste generation globally and its dangerous impact on Nigeria. It examines the role of the extant legal regime for importing trash electrical and electronic gadgets and the present institutional framework to support effective implementation of the law.

2.0 Understanding the Concept of E-Waste

E-wastes are "***substance or objects", that are dangerous to human health.***[7] It is also described as used and unserviceable ***materials which are no longer needed for economic/ commercial purposes and are therefore, due for disposal***.[8]
Flowing from the above, electronic wastes (e-wastes) are discarded electronic products like mobile phones, laptops, electronic toys, medical equipment like Magnetic Resonance Imaging (MRI) scanners, rechargeable batteries, and kitchen appliances like toasters, among others. Also, e- waste refers to all waste electrical and electronic equipment (WEEE).[9]

Nigeria is a major importer of used e-appliances which are unwanted and discarded electrical or electronic devices that do not function as they should. As a developing country, Nigeria imports UEEE to access affordable electronic gadgets that would have been unavaila ble or a lot more expensive. The import also creates jobs and economic opportunities in the country. However, importing e-waste causes environmental degradation and a host of health risks, making local communities vulnerable to these negative impacts.

Most e-wastes are disposed recklessly without minding risks that could arise from improper disposal techniques like disposal in regular trash bins, disposal through illegal e-waste collectors, failure to erase personal data, hoarding e-waste at home or attempting to disassemble and recover parts at home. Reckless disposal of e-waste could potentially expose one to toxic substances that could lead to death, cancer, neurological disorders, and reproductive problems and so on for the community where the waste is disposed and those who directly manage the waste without appropriate care.[10]

2.1 An Outline of Nigerian Environmental Laws

The thin layer of the biosphere, which provides nutrients for people, animals, plants, forests, and mineral resources, is essential to life. Therefore, human survival depends on it. The physical

[5]European Parliament and Council, Directive 2012/19/EU on waste electrical and electronic equipment (WEEE) [2012] OJ L197/38 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32012L0019 <accessed 10 November 2024.>
[6]NC Ole, O Erthuen & K Njaka, 'Addressing E-waste from the Electrical and Electronic Sector: An Analysis of Extant Law and Regulation,' *Mondaq* (29 January 2024) https://www.mondaq.com/nigeria/waste-management/1416774/addressing-e-waste-from-the-electrical-and-electonic-sector-an-analysis-of-extant-law-regulation#: accessed 10 February 2025.
[7]Basel Convention.
[8]Ibid.
[9]National E-Waste Policy (2018).
[10]Ibid

environment that supports life is made up of this. The air, water, and soil are components of the physical environment.[11]

Legal history is very important for a study such as this. As opined by Rossouw and Carabine, [12] "Sometimes wisdom looks at the past." The reason is that history gives us the ability to learn about our past, to comprehend and interpret the present, and to chart our course for the future. A brief historical history is required for a better understanding of Nigeria's environmental problems.

2.2 History of Environmental Protection in Nigeria

There was little planning regarding environmental preservation throughout the pre-colonial period. The Nigerian government did not prioritise protecting the environment. Consequently, there was no policy in place to preserve and defend it.[13] Issues relating to environmental nuisance were not regularised and therefore not criminialised.[14] However, efforts were made by the government at the time to regulate environmental matters. The Public Health Act of 1917, and the Criminal Code of 1916,[15] are examples of legislation meant to create a healthy environment at the time. For instance, Section 245, Criminal Code states:[16]

> Any person who corrupts or fouls the water of any spring, stream, well, tank, reservoir, or place, so as to render it less fit for the purpose for which is ordinarily used, is guilty of misdemeanor, and is liable to imprisonment for six months.

There was, however, no institutionalised dispute resolution mechanism to handle environmental differences at that time.

The prospecting of oil in the late colonial era Nigeria led to a realistic shift in environmental policy.[17] Due to the oil boom, pre-colonial regulations were rendered obsolete, inadequate, and inefficient in handling the heightened amount of trade. Notable during this period was the government's determination to outlaw all forms of pollution, especially those that involved the spilling of oil into navigable waters.[18] Although environmental rules were being formed at this time, they were not able to resolve problems caused by the oil industry. Environmental problems like pollution, abatement, and effluent restrictions were not sufficiently understood by the general people or the government. [19]

The Government of Nigeria's attitude toward environmental issues was transformed in 1988 by the disposal of toxic and hazardous garbage. The government was forced to review its environmental protection plans because of the global outrage that followed the discovery. Certain rules were implemented to regulate the disposal of poisonous and hazardous waste in the country as a response to the previously described incident. Among these, the Hazardous Waste Decree (Special Criminal Provisions) was notable as well as FEPA.[20] The Harmful Waste Decree prohibits any unauthorized dumping of harmful waste in Nigeria, with offenders liable to life imprisonment on conviction.[21]

[11] NESREA Act, 2007, S 37.
[12] Rossouw GJ and Carabine Introduction to fraud and the African Renaissance 1999, Uganda Martyr University Press.
[13] MT Ladan, *Law of Environmental Protection* (Caltop Publications Nigeria Limited, 1998).
[14] Ibid.
[15] This Act prohibited water and air pollution
[16] Ibid, Cap 17, Law of the Federal Republic of Nigeria.
[17] Phia Steyn, 'Oil Exploration in Colonial Nigeria, C. 1903-1958. View Data and Similar Papers' <www.core.uk> accessed 22 August 2024.
[18] Oil in Navigable Waters Act Cap 387, LFN 2004.
[19] A. Ogunba 'An Appraisal of the Evolution of Environmental legislation in Nigeria'(2016) *Vermont Law Review, 40 < http://lawreview.vermontlaw.edu/wp-content/uploads/2016/07/40VtLRev673-Ogunba.pdf> accessed 20 June 2025.*
[20] Decree No 42 of 198.
[21] S 6.

Nigeria ratified numerous international conventions and accords, some of which were domesticated, and now form a body of substantive environmental law in the 1980s and 1990s. [22] Most of the regulations on environmental protection developed under this period are still in place today.[23]
The historical analysis is significant because it provides insight into the ways in which Nigeria's environment has been safeguarded from pre-colonial periods to the current era. The takeaway from all of this is that Nigeria's environmental laws have evolved from local to global in scope. This is because the environment has become more crucial to human existence. Consequently, an examination of the global legal structure safeguarding the environment becomes imperative.

2.3 Status of E-Waste Management in Nigeria

This relies on a collective effort from diverse stakeholders. The government has laudably set the tone by developing and enforcing policies and regulations for agencies like NESREA and the Ministry of Environment.
Private sector companies, including manufacturers, importers, and recyclers are partners and stakeholders in e-waste control. ome companies prioritise responsible e-waste management, while others continue the harmful practices. Informal recyclers often employ dangerous methods that put workers' health and the environment at risk. Civil society organisations, raise critical issues about the devastating effects of e-waste to healthy living and better regulatory practices.

International organisations offer crucial support through funding and technical assistance in combating e-waste management projects in Nigeria. Consumers also play a vital role by making informed choices about electronic purchases and disposal and responsible e-waste management. Academic and research institutions contribute invaluable expertise to these efforts.[24]
Despite this, vast e-waste is generated annually. Also, roles and responsibilities are often unclear or overlap among different stakeholders. According to estimates, the yearly generation of e-waste continues keeps on rising at a rate of 2.6 million tons in Nigeria and is projected to 82 million tons by the year 2030. [25] Unfortunately, the majority of this waste is disposed of through illegal dumping, unauthorised recycling, and burning, posing severe environmental and health risks.

Based on this, Nigeria's management of e-waste sector requires a major policy and regulatory review. Additionally, steps must be taken to establish clear roles and responsibilities, enhance enforcement and compliance, and promote sustainable e-waste control. The current state of data management practices and infrastructural facilities have not aided e-waste management.

3.0 Environmental Impact of Nigeria's Mounting E-Waste

The effects of this on human health and environmental sustainability are enormous. These are considered below:

3.1 Soil Contamination:

This contamination, which may permeate the food chain, could affect soil fertility and constitute dangers to agriculture and human health. For example, the Environmental Impact Assessment Act [26]requires projects with potential environmental impacts undergo assessment. However, enforcement is often weak, leading to unchecked pollution from informal e-waste recycling activities[27]. A Nigerian court in *SERAP v. FRN*, has ruled in favour of stricter implementation of

[22]Suleiman *et al.* A Deep Dive into the Review of the National Environmental Standards and Regulations Enforcement Agency (NESREA) *Act*, 2019 *Int. Res. J. Applied Sci*, 1(4):108-125 < https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3498797> accessed 20 June 2025.
[23]Hazardous Waste (Special Criminal Provision) Act 1988; Factories Act 1987, Ss 7-12; Environmental Impact Assessment 1992, S 4.
[24] International E- waste Management Network (IEMN) plays an important role to this effect. It operates in collaboration with the International Telecommunications Union, (ITU), the World Health Organisation (WHO), and other stakeholders.
[25] C Michael,' Health of Nigerians, others at risk as electronic waste rises 33%- ITU' *Business Day* (March 22, 2024< https://businessday.ng/technology/article/health-of-nigerians-others-at-risk-as-electronic-waste-rises-33-itu/> accessed 20 June 2o25.
[26]Cap E12, LFN 2004, S.4 (as amended, 2016).
[27]Environmental Impact Assessment Act, CAP E12 LFN 2004.

environmental laws for the protection of soil from contamination by industrial activities, including e-waste. [28]

3.1.1 Water Pollution:

Unsafe e-waste practices usually result in water pollution. Chemicals from e-waste can seep into groundwater and surface water, contaminating drinking water sources. This poses severe health risks, including neurological damage and kidney failure, due to exposure to heavy metals. The NESREA Act, 2007, saddles the Agency with the following powers to implement environmental "laws, guidelines, policies and standards on environmental matters. [29]

Despite this, enforcement remains a challenge, and water bodies near informal recycling sites are often heavily polluted. [30]In *Gbemre v. SPDC.*[31] emphasis was on the importance of a healthy environment, as stipulated in Section 20 of the Nigerian Constitution. [32]The court's ruling further underscored the need for effective regulation and enforcement to protect water resources from industrial pollution, including e-waste.

3.1.2 Air Pollution

The e-waste is often burnt to recover valuable metals in Nigeria's informal sector informal recycling sector. This process causes the release of toxic fumes, which could accentuate serious respiratory health risks. The National Environmental (Air Quality Control) Regulations, 2014, set standards for air quality and emissions, but compliance is often limited in the informal sector. Judicial interventions, such as the ruling in *Centre for Oil Pollution Watch v NNPC,* [33] have highlighted impacts of air pollution and the need for stringent regulatory oversight to mitigate these effects. Similar principles apply to the pollution caused by e-waste burning, necessitating stronger enforcement of air quality regulations.

3.2 Impact on Biodiversity and Ecosystems:

E-waste does great harm to biodiversity and ecosystems. Poisonous substances which emit from the process could disrupt habitats and harm wildlife. For example, heavy metals can bio-accumulate in the food chain, affecting various species and leading to ecological imbalances. The Environmental Impact Assessment Act [34]requires thorough assessments to mitigate such impacts, but the implementation often falls short of its objectives. In *Douglas v SPDC,* [35]the impact assessments of air pollution to biodiversity and ecosystems from industrial activities were examined. This case underscores the necessity of applying similar rigorous standards to the management of e-waste.

3.3 Regulatory Framework Governing

Although efforts are made, both in Nigeria and worldwide, their success depend mainly on the implementation of existing legal frameworks as well as the administrative efficiency of agencies responsible for formulating strategies, monitoring and enforcing environmental laws. Given the vital relationship between life and the environment, ensuring a healthy environment can no longer be a coincidence. When air and water become contaminated, posing risks to human health, it becomes imperative to investigate, establish safe contamination thresholds, and enforce regulations to safeguard citizens.[36]

[28][2010] FHC/L/CS/640/10
[29]No 61, 2007, S 8.
[30]NESREA Act, 2007
[31][2005] FHC/B/CS/53/05.
[32]1999 CFRN (as amended).
[33] [2019] 5 NWLR (Pt. 1666) 518.
[34]Act No. 86 of 1992 (as amended in 2016).
[35][1999] 2 NWLR (Pt. 591) 466.
[36]U.D Ikoni, *An Introduction to Nigerian Environmental Law* (Malthouse Publisher, 2011) 2.

3.3.1 Global Instruments Protecting the Environment

The 1800s saw the emergence of the first global and bilateral agreements on environmental challenges. [37] The conservation of plants and animals as well as the preservation of fisheries were the main goals of these accords. It is also crucial to note that the Fur Seal Arbitration, which took place in 1893, is widely recognised as the event that first revealed environmental strain.

When member states signed the United Nations Organisation (UN) Charter in 1945, the UN did not view environmental threats as ones that may threaten human life because the word "environment" is completely absent from the Charter. [38] Despite the UN's clear absence of the phrase, the world community has reevaluated its stance on the environment. The UN General Assembly (UNGA) and the Economic and Social Council (ECOSOC) have both increased their focus to the importance of the environment in recent years. [39]

With the conception of MDGs, [40] the international community's perspective on the environment changed because of a UN agenda. The realisation of sustainable development growth is the primary purpose of MDGs. States were expected to achieve, uphold, advance, and protect the MDGs, all of which hinge on the notion of a pristine and salubrious environment.

A new environmental trend of occurrences began to emerge in the 1960s. During this time, a significant development in environmental policy was the extension of fundamental human rights to compel state parties to the ability to exercise other fundamental rights is impacted by the state of the environment. Though UNGA recognises it, nevertheless, the right did not gain global attention until 1972, at the UN Conference on Human Environment.

Nonetheless, several tools have recognised environmental consciousness on a global scale, albeit implicitly. The Universal Declaration of Human Rights (UDHR) and International Covenant on Civil and Political Rights (ICCPR) are notable examples of these. To see how the environment has been managed, a quick analysis of the tools is crucial.

The UN Charter is the first to use the word "environment." The cornerstone of the UN is the UN Charter. It declares the UN's intentions. Even though Chapter One of the UN Constitution outlines the organization's goals and guiding principles, [41] there is no doubt that the UN Charter's preamble gives them legitimacy. Although environmental preservation is not specifically mentioned in the UN Charter, it does lay the stage for subsequent international agreements to address this idea.

The UDHR consists of 30 Articles and a preamble that was approved on December 10, 1948, in compliance with a UN resolution [42] that, in succinct and understandable terms, protects a variety of human rights. [43] The foundation for environmental rights is Article 22, which states that: [44]

> Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

[37] Ibid
[38] Joel Odili *(supra)*
[39] UN Documentation Research Guide accesses at www. research.un.org/en on the 20 November 2024.
[40] The Sustainable Development Goals (SDGs), which the UN replaced them with, have elevated the importance of environmental preservation.
[41] The objectives and principles of the UN are outlined in Article 1 of Chapter 1 of the UN constitution. Article 1(i)–(iv), which discusses promoting friendly ties between states and international collaboration in the resolution of global issues of an economic, social, cultural, or humanitarian nature, contains these.
[42] UN General Assembly Resolution217A (iii) of 10 December 1948.
[43] UDHR, Art 3-21 & Art 22-27 on civil and political rights and social, economic and cultural rights.
[44] UDHR, Art 22.

The above section laid the foundation for recognition and the protection of rights relating to the environment. The importance of the environment has thus been recognized implied by, but not expressly under **UDHR 1948.** [45] The implication of this article highlights the connection between the environment and healthy living.

Furthermore, the ICESCR has also impliedly addressed the environment in its scope.[46] The significance of the environment in achieving a good level of living has been emphasized. Equally significant is the ICCPR, and the Convention of the Right of the Child (UNCRC).[47] which has indirectly but not explicitly mirrored the environment. [48]Even though not explicitly, stated, the CRC includes environmental consideration in its scope of application. It states that a child's education should focus on helping him/her acquire a regard for the environment." [49]

The African Union has also been active in dealing with the environment. Its Rights and Welfare of the Child (ACRWC) [50] has equally alluded to the idea of the environment. The UNCRC as ACWRC describe and clarify rights of African children in great detail. Both charters include every facet of children's rights. Based on this, the ACRWC has adopted a comparable position on environmental matters, [51] when it makes "the development of respect for the natural environment as a cardinal goal".

3.4 Specific Instruments on Hazardous Wastes

3.4.1 The Basel Convention

This Convention is a global network for the Control of trans-boundary movement of toxic wastes and methods of their disposal. It focuses on the reduction in movements of hazardous wastes are reduced among countries. The instrument offers protection to citizens against adverse effects of trans-boundary movement and disposal of dangerous wastes and to ensure that states have the full ability to protect their own environments from dumping which might have adverse effects on them. It also prevents the transfer of waste among nations, except it is subject of another treaty.

The Convention requires "prior informed consent" (PIC) before any export or import of hazardous wastes to or from another party. The exporting state must obtain written approval of the importing state for the movement to be legal. Hence, each State Party has the right to ban the importation or exportation of waste. *The Convention* seeks reduced waste generation to curb their negative effects on social, technological and economic aspects. [52]Its purpose includes encouraging member states to limit their waste to within their countries and reduce or prevent the spread of waste within their countries of origin. Parties have duties to honour import bans from other member states. It also sees as illegal and criminal hazardous waste, but it has no enforcement provisions. Based on these, it has been contended its provisions were not far-reaching. Non-governmental organisations (NGOs) have, therefore, called for a total ban on the movement of hazardous waste to Less Developed Countries (LDCs). Many waste merchants also sought to hide under 'recycling' tag in defence of their trade, while other concerned persons advocated the full ban on exports of wastes.[53]

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[45] Ibid.
[46] 11(1), 12(1) and 12(2)(b) of the ICESCR.
[47]The United Nations Convention on the Right of the Child, 1989.
[48]See Article 27 of the ICCPR. ICCPR, article 27.
[49]Article 29(1)(e) of the CRC. CRC, art 29(1)(e).
[50]ACRWC 1990.
[51]Article XI (2) (g) of the ACRWC is a repetition of article 29(1)(e) of the CRC.
[52]Art 4 of the Convention.
[53]The Basel Ban Amendments was adopted at the 3rd conference of the Parties in 1995. As of mid-2009, 69 nations have ratified the Basel Ban Amendment, three fourths of the signatories were required to ratify the amendment to enter into force. Nigeria ratified the Amendment in 2004.

3.4.2 Bamako Convention[54]

This arose from the failure of the Basel Convention to curb trade in hazardous waste to LDCs, and the increasing incidents of many developed nations exporting harmful wastes to Africa. For instance, the dumping of 18,000 barrels(2900m^3) of toxic wastes from the Italian companies to Koko, Nigeria. [55] The essence of the Bamako Convention is to prohibit dumping of any toxic wastes on African soil. Under the Convention, all member states are mandated to forestall the importation of these wastes to their jurisdictions from non-contracting parties. [56] The scope of this Convention is limited to hazardous wastes, though it does not cover waste discharged from ships. It aims to ensure that the population lives in good and healthy environment.

3.5 National Legal Instruments

3.5.1 The 1999 Constitution

The constitution acknowledges the need to save and improve the environment when it states that: [57]"The State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria." However, judicial powers of the Nigerian State are as contained in its section 6 of the constitution. The jurisdiction to entertain any matter in Nigerian courts is also regulated by the constitution. [58]Although the right to a healthy environment is stated in the constitution, but it is not a fundamental human right that could be protected through the courts. Rather, it is part of Chapter II of the constitution on the policy and directives of the state, which is not justiciable. It makes protecting and enhancing Nigeria's environment a state objective, upon which no legal right could be derived in courts. [59]

It is contended that right to healthy environment forms a fundamental part of other rights such as "right to life" and "right to human dignity", which are protected by the constitution in its section 33 and 34. [60] However, the court lacks jurisdiction to entertain matters relating to Section 20 of the 1999 CFRN as implied by Section 6(6)(c) that comes before it. This is because rights under Chapter II are viewed as inferior rights and mere state policies, not meant for the determination of legal rights and duties in courts. In ***SERAP v FRN,*** [61] the plaintiff contends that the defendant State has infringed upon rights of the people of Niger Delta to social and economic advancement, a respectable quality of life, and health. Furthermore, the plaintiff further pleads for the protection of the environment of the people from pollution and oil spillage.[62] The ECOWAS Court ruled in favour of SERAP, finding that the Nigerian government had violated the rights of the Niger Delta resident. The Court ordered the Nigerian government to take effective measures to restore the environment and prevent further damage. The case emphasized the duty of the government to promote the full enjoyment of the right to clean and healthy environment. Hence, by the decision of the ECOWAS Court, right to environmental health should be justiciable. In view of its importance to human health, this line of reasoning is commendable.

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[54]Signed in 1991 in Bamako, Mali, it is the equivalent of the Basel Convention in the African Region.

[55]Taiwo Ojoye, 'The Koko Community can never Recover from 1988 Toxic Waste Saga-Prof Akaruese' (Punch, March e, 2018) < https://punchng.com/koko-community-can-never-recover-from-1988-toxic-waste-saga-prof-akaruese/> accessed 20 June 2025.

[56]Bamako Convention.

[57]Cap C23, LFN 2004 (as amended), section 20

[58]Ibid.

[59]The basis of Environmental Law in Nigeria is contained in section 20 of the Constitution as amended.

[60]OE, Odipe *et al*., 'Assessment of environmental sanitation, food safety knowledge, handling practice among food handlers of Bukateria Complexes in Iju Town, Akure North of Ondo-State, Nigeria.' (2019) 3(6) *Acta Sci. Nutr. Health*, 186-200< https://www.researchgate.net/publication/333488522_Assessment_of_Environmental_Sanitation_Food_Safety_Knowledge_Handling_Practice_among_Food_Handlers_of_Bukateria_Complexes_in_Iju_Town_Akure_North_of_Ondo-State_Nigeria> accessed 20 June 2025.

[61]Case no: ECW/CCJ/APP/08/09/.

[62]Art 1 & 24

The argument that environmental rights have same and equal legal status as other rights mentioned in the fourth chapter of the constitution has recently been supported by evidence put forward by environmental law specialists. This indicates that section 20's one-size-fits-all approach to other rights should be used in the event that the right to the environment is violated.[63]

The following cases have illustrated the assertion that environmental rights are the same in status as other rights. For instance, in *Jonah Gbemre v SPDC*,[64] the court directed affected oil companies to stop gas flaring in the Niger Delta because of its violation of "rights to life and dignity". Furthermore, in *Otoko v SPDC*,[65] a substantial amount of oil, according to the plaintiffs, spilled from the defendant's well, destroying their "Juju Shrine," which was the only channel of connection they had with their gods, poisoning their drinking water, and killing fish and other marine life. This depicts the violation through environmental contamination, and the manner this can be protected through the right to a healthy environment without compromising religious freedom.

3.5.2 National Environmental Standards and Regulations Enforcement Agency (Establishment Act) [66]

NESREA is the primary regulatory body responsible for enforcing environmental laws in Nigeria, including those related to e-waste. The agency is tasked with ensuring compliance with environmental standards and regulations. Although the National Environmental (Electrical/Electronic Sector) Regulations, 2011, specifically address the management of e-waste,[67] NESREA has established comprehensive guidelines to cover these areas. Its enforcement of these regulations is often inadequate and, in most cases, could not protect citizenship rights to a healthy, safe and cleaner environment.[68]

The Act makes provisions for the control and management of hazardous substances and establishes offences to curb same. The Act specifically provides that: "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 is prohibited, except where such discharge is permitted or authorizes under any law in force in Nigeria".[69] This provision is to prevent indiscriminate and unauthorised dumping of toxic substances in any part of the Nigerian territory.

3.5.3 The Harmful Waste (Special Criminal Provisions Act) [70]

It forbids all acts of omission and commission deposit, and storage of harmful waste. The above Act was enacted because of the huge consignments of deadly toxic wastes secretly dumped at Koko in June 1988. The Decree was promulgated to control such illegal disposal of hazardous wastes on any part of Nigeria. [71]

3.5.4 National Environmental (Electrical/Electronic Sector) Regulations 2022

In May 2011, the National Environmental (Electrical/Electronic Sector) Regulations 2011 was enacted. It is imperative to mention here that the Regulations has been revised in 2022. It emphasises the "5Rs" principles (Reduce, Repair, Reuse, Recycle, Recover) for e-waste management.[72] The

[63] 1999 CFRN, Ss 33(i) , 34 , 38 & 43.
[64] *Gbemre v SPDC* (2005) AHRLR 151 (NgHC 2005).
[65] *Otoko v SPDC* (Unreported) Suit No. BHC/83 delivered at the Bori High Court, Rivers State on the 15/01/1985.
[66] S. 27 (1), 2007.
[67] National Environmental Standards and Regulations Enforcement Agency (NESREA), 'National Environmental (Electrical/Electronic Sector) Regulations 2011' http://www.nesrea.gov.ng accessed 18 November 2024.
N Okechukwu, 'NESREA and Challenges of Environmental Regulation in Nigeria (2024) (4)' *British Journal of Mass Communication* 1- 11.
[68] N Okechukwu, 'NESREA and Challenges of Environmental Regulation in Nigeria (2024) (4)' *British Journal of Mass Communication* 1- 11
[69] NESREA Act, S 27.
[70] S. 1 (1), Ibid.
[71] Federal Gazette No.5 vol. 98.
[72] See Section 2(3) of the National Environmental (Electrical/Electronic Sector) Regulations 2022.

regulations mandate that imported electrical and electronic equipment must be functional, with visible manufacturing dates, warranties, and serial numbers. The regulations also establish an Extended Producer Responsibility Program to manage end-of-life products and require proper labeling and separate storage of e-waste from general waste to prevent environmental contamination.

In alignment with environmental preservation efforts, the Regulations emphasize the importance of reducing, repairing, reusing, recovering, and recycling of wastes within Nigeria.[73] To deter Nigeria from becoming a receptacle for dysfunctional and hazardous waste, the Regulations mandate that all newly imported Electrical and Electronic Equipment meet specific criteria. These include functionality, legible date of manufacture labeling, provision of warranty, and clear pin and serial number identification.[74]

3.6 State and Local Government Initiatives:

Various state and local governments in Nigeria have initiated programmes and policies to tackle this menace. For example, Lagos State, which generates a substantial portion of it, has initiated sustainable collection and recycling strategies. These collaborate with private sector partners to establish collection points and recycling facilities [75].

While state and local initiatives remain central to addressing e-waste management at the grassroots level, they often lack coordination with federal policies and suffer from limited resources and enforcement capacity.[76]

4.0 Challenges Facing E-Waste Management in Nigeria

4.1 No Dedicated National E-Waste Legislation

Nigeria does not have a law devoted to the management of this growing menace, despite the rising flow of the used and unserviceable electrical junks into Nigeria. Although an Electronic Waste Bill proposed to tackle this challenge is in the National Assembly, its early passage and committed, enforcement may assist, in no small measure, the war against e-waste in Nigeria.

4.2 Lack of Professional Expertise

In most less developed countries like Nigeria, those in charge of e- waste management are not well informed on the inherent dangers in the exercise. It is, in most cases, seen as an opportunity for money making. Many of the junk collectors see it as a way out of poverty and unemployment. They do not pay attention to its attendant health and environmental risks.

On the part of NESREA and other State Waste Management Agencies, training professionals to handle all forms of harmful waste is not prioritized. Rather, non-professionals and largely uneducated personnel are exposed to the risk of unhealthy waste disposals. While national regulations on UEEE require citizens to return them to collection points or centres", no form of enlightenment is made by the regulatory agency, nor such points or centres created.[77]

4.3 Absence of Recycling Facilities

Wastes are disposed of indiscriminately in various communities and cities in Nigeria. Although many states have waste disposal plans with ostensible waste management boards, their performances are marred by lack of political will, corruption and, or ignorance and inexperience. While containers and disposal through the recognized private sector participation was in place, this had not been effective because of financial constraints and infrequent rate of picking the waste, scholars have recommended

[73] See Section 3 of the regulation 2022.
[74] See Section 2(3) of the regulation 2022.
[75] Lagos State Waste Management Authority (LAWMA), 'E-Waste Management' https://lawma.gov.ng 20 November 2024>.
[76] A Manhart and O Osinbajo, 'Informal e-waste management in Lagos, Nigeria—Socio-economic impacts and feasibility of international recycling co-operations' (2009) 27 *Waste Management & Research* 26.
[77] Clean Energy Hub, ' National Environmental (Electrical/Electronic Sector) Regulation(2011)' <https://cleantechnologyhub.com/wp-content/uploads/2023/06/ECA-Policy-Guide-8.pdf > accessed 14 February 2025.

awareness of source separation and recycling to reduce risks.[78] Lack of stable disposal policies by industries is also noticeable.

4.4 Danger of Uncontrolled Burning and Disassembly

These may lead to serious dangers to the environment. Although the Basel Convention to which Nigeria is a signatory has provided legal framework for manning e-waste, its enforcement in Nigeria remains daunting. Most of the domestic laws that ought to handshake with the convention are not implemented in a way to combat the challenge of e-waste. Also, the Basel Convention appears deficient in exempting the repair and re-use of used electronics.[79]

5.0 Conclusion

5.1 Summary

The increasing importation of used electronic materials and appliances in Nigeria has created challenges for the effective disposal of electronic junks. The study gave an overview of the dangers inherent in the unsafe disposal of used electrical/electronic appliances. Domestic legislation and international instruments, protocols and conventions were considered, specifically the Basel Convention which specifically addressed movements of toxic waste and their disposal. It was found that unsafe discharge of e-wastes is prevalent in Nigeria, and the extant domestic laws do not have a direct focus on preventing e-wastes, while of all international instruments of which Nigeria is a signatory, the Basel Convention had a direct relationship. It was also found that enforcement of the Basel Convention was marred by lack of professional expertise, opportunities for personnel training and its unfavorable positive to LDGs in Africa.

5.2 Recommendations

The following recommendations are made for the effective control of e-wastes in Nigeria.
Domestic laws in e-waste disposal in Nigeria require urgent review to cope with the mammoth challenges of a safe and clean environment. Hence, legislators and public policy makers must come up with strong legal and institutional policies on the matter. Hence, a comprehensive legal framework capable of addressing tee-waste management is advocated. For example, the law should set up a new agency dedicated to e-waste disposal and be capable of exercising supervisory control and implementing legislation on the UEE trade chain, use, re-use and safe disposal for a healthy environment.

Secondly, the Federal Ministry Environment should collaborate with other ministries, Departments and Agencies (MDAs) which have professional and technological know-how to handle the dangers inherent in e-waste management and disposal. These MDAs include Ministries of Health and Agriculture, Nigeria's Custom Service, Nigeria's Port Authority the Immigration force, National Information Technology Development agency (NITDA), ministry of Finance, Nigeria's Import/Export promotion Agency to harmonise and streamline the conflicting rules and regulations on environmental protection in general and e-waste in particular.

Also, improved knowledge in the areas of Information Technology, electronic design and management and international rules and guidelines on the manufacturing use, re-use and disposal of electronic materials should be imbibed, not only by Nigerian manufacturers of electronic appliances but by the exporters of use electrical and electronic devices to ensure that only safe components are used in the manufacturing, and to ensure safe disposal of used products.

[78] M.A. Ehinwe & N.E. Ojiofor, 'Solid Waste Management and its Challenges in Nigeria' *IDOSR Journal of Experimental Sciences* (2022)(7)(1), 8-18.
[79] Annex A1181, effective January 2025.

Recycling facilities should be established with adequate support from the government, while governments at all levels should make efforts to lay down rules on effective e-waste disposal.
The use of renewable materials and bio-gradable components in electronic manufacturing should be part of the policy for a safe and cleaner environment.

Furthermore, regulatory agencies at the Federal, State and local Government levels on the management and control of e-waste are advocated. Strict and committed strategies of implementation should also be designed, with the support of the government.