

**THE ANALYSIS OF LEGAL FRAMEWORK ON WASTE MANAGEMENT IN
DELTA STATE, NIGERIA**

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Abstract

Environmental protection and the issue of public health is dependent on the activities of humans. This article explores legal framework on waste management in Delta State, with its analysis on the provisions and implementations of State laws such as the Delta State Waste Management Board Law, Delta State Environmental Protection and Sanitation law. It was discovered that these legal policies are generally ineffective owing to challenges such as uneven implementation across the state, absence of public sensitization, ineffective monitoring of waste management activities of individuals and Private Sector Participants (PSPs), weak enforcement of policies and non-uniformity of state laws on waste management. Consequently, the paper recommends that there is a need for greater sensitization of the public on proper waste segregation and disposal, increased monitoring of waste management activities of occupiers of residences and companies, increased collaboration with Private Sector Participants (PSPs) and greater investment in modern waste management facilities.

Keywords: Private Sector, Delta State, Law, Waste Management, Legal Framework

1.0 Introduction

The concept of waste management generally involves the collection, transportation, treatment and disposal of waste, following strict regulations to ensure minimal environmental impact. With the rapidly growing population, industrialization and urbanization, waste generation has suddenly been on the increase, thereby requiring a complimentary regulation for their proper management and disposal without damaging impacts to humans and the environment at large. In order to ensure that generated waste is properly managed, the Delta State government, just as its counterparts, has over the years introduced several laws, policies and agencies towards achieving the goal of proper waste management.

The introduction of these laws and policies, however, has not yielded the much-desired impacts that were anticipated, as challenges of indiscriminate waste disposal and environmental pollution appear to be on the increase in many towns and villages of Delta State. Accordingly, this article seeks to critically examine the existing legal framework on waste management in Delta State in order to determine the level of its implementation, identify any existing lapses and, importantly, proffer viable solutions in line with the findings of this research.

2.0 Conceptual Clarification

It is important to provide better clarification on the subject matter under consideration, including the terms and concepts that would be repeatedly referenced in the course of this paper below.

2.1.1 Waste

Indiscriminate waste management remains a major challenge to the protection of the environment, as it is responsible for issues of environmental degradation in Nigeria.¹ Waste refers to any substance or material, regardless of its form, that is valueless in purpose or meant to be recycled.²

The Basel Convention interprets wastes as objects or substances which are dumped or meant to be discarded based on the provisions of a State's domestic laws.³ This interpretation of waste under the Basel Convention signifies that it is only what has been identified as waste under a country's law that qualifies as such. As a consequence, it is much likely that what is described as waste in one country may differ from country to country. The Delta State Environmental Protection Law defines waste as 'any substance, gas or matter that contaminate, pollutes, adversely interferes with the environment either alone or in combination with others when brought into contact and includes escapes from its usual place in whatever manner of any such substance, gas or matter'.⁴ Waste can be identified as any unwanted, cast-off, rejected, excess material anticipated for recovery, reuse, reconditioning, or purified by an independent process from the same source material.⁵ Waste has also been interpreted as meaning any substance which is discarded or required to be discarded by any person in its possession in line with the requirements of any domestic law applicable in a Country.⁶

2.1.2 Types of Waste

There is no clear-cut identification of types of waste as they may transform from one form to another, either as solid, liquid or gaseous. However, for this study, the following are listed as types of waste.

i. Municipal solid waste (MSW): Municipal solid waste is a term applied to wastes from private households and similar facilities such as schools, hospitals or administrative buildings.⁷ It includes bulky wastes, market waste, bio-waste and separately collected recyclable materials such as glass and paper.⁸

It is important to point out that what is considered as a municipal solid waste differs from one country or city to another, and in most cases, the waste management laws of these places distinguish these different types of waste from the others.

ii. Industrial wastes: Industrial waste refers to different types of waste that are produced or generated as a result of industrial activities by humans. Consequently, any waste generated in construction or manufacturing plants of any kind may be classified as industrial waste. Industrial waste may be solid, gaseous or liquid, based on its nature or hazardous/non-hazardous based on pollution.⁹

iii. Industrial/ Commercial wastes: Generally, any waste that is generated by a business or commercial center may be classified as a commercial waste.¹⁰ This classification of waste is not dependent on the fact that such waste is non-recyclable or that it is a clinical or hazardous waste.¹¹

iv. Agricultural wastes: Agricultural wastes refer to organic by-products generated during the agricultural production process, including residues from both animal and crop farming.¹² Although agricultural wastes may be biodegradable, there are other forms of this waste which are actually toxic to the environment and human health, such as fertilizers and pesticides.

v. Biomedical wastes: This refers to a special class of waste that is generated from hospitals, clinics, nursing homes or medical centers. Biomedical wastes are toxic in nature and highly infectious if they are not properly disposed of.

2.1.3 Understanding the Factors Responsible for Waste Generation

A number of reasons exist for the generation of waste in society. Some of these factors are considered below.

i. Population: Generally, where the number of people in a city or town is high, there is a high likelihood of high probability for waste generation, and where there is no proper regulation, there is bound to be indiscriminate disposal, which ultimately affects society negatively.¹³

ii. Urban and rural area: The movement of people from villages to cities or from one city to another increases the population of these urban areas. With such an increasing population, waste generation in these urban areas increases sporadically, while those in rural areas are reduced.

iii. Economic status and lifestyle: Studies reveal that where there is an increase in the economic status of an individual, a family or an entire city, their needs increase too, conversely leading to the generation of more waste. Consequently, with this increase in income or revenue, the

consumption of goods and production of more materials, gadgets, furniture, etcetera would be on the rise also.¹⁴

iv. Public attitude: The collective attitude of a group of people goes a long way in determining the outcomes of many things among them. As such, in any society where there is no proper waste management, and the people therein are not concerned with modesty, the propensity for greater waste generation becomes higher among them.

v. Legislation: With the introduction of stringent provisions on waste management as well as a conscious effort to ensure compliance, waste generation could be regulated. However, where the legal framework is weak, there is a higher chance of indiscriminate waste generation and disposal.

2.1.4 The Impacts of Improper Waste Disposal on the Environment and its Habitats

Improper waste disposal often leads to pollution of the air, soil, and water, which contributes to a myriad of health problems not only for humans, but for countless species of wildlife too. Some of these detrimental effects are considered below;

i. Land Pollution: The accumulation of waste on the soil or surface of the environment generally results in the pollution of the environment. Over time, land pollution may also degenerate into other forms of pollution, including water and air pollution.¹⁵

ii. Water Pollution: Where there is indiscriminate disposal of wastes all over the environment, over time, these waste which are mostly hazardous in nature, flow into waterways and other water bodies, thereby contaminating the water, thereby making it toxic for aquatic and human beings.

iii. Climate Change: A major challenge that emanates from the myriad forms of pollution is the resultant impact on climate change, particularly as uncontained or improperly managed wastes produce toxic gases which ultimately alter the ozone layer. Once the ozone layer has been altered, the weather conditions worsen, and the sea levels rise, thereby leading to desertification or flooding in different areas.¹⁶

iv. Air Pollution: Where wastes are indiscriminately discarded, it leads to the production and release of toxic gases, which escape through the air to the atmosphere, thereby causing debilitating climate changes.

v. Disease: Consistent mismanagement of waste results in several forms of pollution (air, water and land), which over time exposes humans and animals to different kinds of diseases. For instance, contamination of the air over time is responsible for several respiratory health challenges, while the pollution of water could lead to cholera outbreaks, etc.

vi. Loss of Habitats: Beyond its devastating impact on humans, the first victim of indiscriminate waste management is the environment and its habitats, which rely heavily on the environment for survival. With the contamination of the environment, the animals in the bushes and even the fish

in the water begin to migrate to cleaner areas, while those who cannot adjust to these changes become extinct.

vii. Human Impact: Ironically, even though humans are largely responsible for the degeneration and disposal of waste, they are the ones who are ultimately on the receiving end of its devastating impacts. For instance, indiscriminate waste disposal has been identified as a contributor to floods, and with the recurrence of floods, there is loss of life and property.

2.2 Waste Management

Waste management involves the collection, transportation, and disposal of sewage, garbage, and a variety of waste products¹⁷. Waste management generally involves the processes available for the collection, destruction or discarding of waste regardless of its form or nature. Another name for waste management may be garbage disposal or waste recycling.¹⁸

3.0 Legal and Institutional Framework on Waste Management in Delta State

Pursuant to the powers exercisable under the concurrent list under the 1999 Constitution, the Government of Delta State developed its legal framework for waste management within the State. The major laws are considered hereunder.

3.1 Delta State Waste Management Board Law¹⁹

The objectives of this Law are clearly set out in the preamble to the Law as follows: a Law to establish the Delta State Waste Management Board for the purpose of evolving and maintaining a system of effective waste collection, management and disposal in the State and matters connected therewith.²⁰

The Law has 36 sections and is divided into eight parts. Part I (Sections 1 and 2) is headed Interpretation. The part basically contains the short title and interpretation of some words/terms used in the Law, Part II (Sections 3 to 5) is dedicated to the establishment of the Board, Part III (Sections 6 and 7) covers the functions and powers of the Board, Part IV (Sections 8 to 13) deals with the finances of the Board, Part V (Sections 14 to 17) deliberates on the administrative structure and control, Part VI (Sections 18 to 25) contains the enforcement power of the officers of the Board and various offences created by the Law and penalties for breach of the provisions of the Law, Part VII (Sections 26 to 30) relates to legal matters while Part VIII (Sections 31 to 36) covers the proceedings of the Board.²¹ By virtue of the provision of Section 3 of the Waste Management Board Law, the Delta State Waste Management Board is established as a body corporate with perpetual succession and having the powers to sue and be sued. Furthermore, the functions of the Waste Management Board are enumerated under Section 6 of the law. Some of its functions include:

- i To clear refuse from designated refuse dumps and bins along the streets and corners of the villages, towns and cities in the State;
- ii. Manage the disposal and recycling of refuse and other waste material in a manner that will cause little or no harm to the environment and the people of the State;
- iii. Acquire and maintain refuse dump sites and recycling facilities in all Local Government Areas of the State;
- iv. Procure and maintain all vehicles and equipment necessary for proper management of refuse and waste materials in the State;
- v. Control, recycle and manage effluent discharge, industrial and domestic waste from households and companies operating within the State;
- vi. License, register and regulate the operations of all waste management companies in the State;
- vii. Formulate and foster private sector participation schemes in waste management in partnership with registered waste management companies.

One of the challenges with the implementation of this law is the fact that it is not uniformly applied. For instance, while the waste management board seems to be active in the clearing of refuse from designated points in the state capital, little effort is made in other towns and villages of Delta State in clearing refuse. As a matter of fact, dumpsites are not designated by the board in other towns and villages of the state, thereby leading to uncontrolled and indiscriminate waste disposal.

Furthermore, although section 6 (iv) of the law mandates the waste management board to purchase and manage equipment and waste disposal trucks that are needed for the execution of the State's waste management policy, the reality is that no such vehicles or equipment operate in many towns and villages of the state. This challenge may be attributed to the lack of funding by the state government, particularly as modern waste management processes require more than just the purchase of vehicles but also the use of sophisticated machines for recycling of waste. By the provisions of sections 19-25 of the law, the offences as applicable to individuals and corporate bodies/facilities are elaborately provided alongside the accruing penalty thereto. For instance, section 19 of the law states that it shall be an offence to obstruct an authorized officer of the board from carrying out his lawful duty, such as the inspection of a facility. Accordingly, where a person is found guilty of committing such an offence, he shall, upon conviction, be liable to pay a fine of #25,000.00 or an imprisonment term of one (1) year or both.²²

Section 20 of the law provides that any person who stores, handles or disposes of any waste in or around any living, business or working premises or along any street, road or motorway in the state in such a way as to give rise to offensive odour or infestation by rodents, flies and other insects is guilty of an offence.

It would seem that by the provision of section 20, it is only when whatever waste that is littered gives out an offensive odour that a person would be culpable. It therefore appears the law did not envisage the use of plastic cans and disposable plastic bags which do not in themselves give rise to offensive odour, but are littered all over towns and villages in the state. This is a loophole that needs to be covered, as an individual could easily beat charges under this section once they can prove that the waste they disposed of did not give rise to an offensive odour or infestation by rodents, flies and other insects.

Section 21 makes it an offence where an owner or occupier of a premises fails to procure and maintain an appropriate waste bin or refuse (with an attached lid) for collection and subsequent disposal of solid waste or refuse generated from the premises. The challenge, however, is that the law does not state the medium of waste disposal by these premises occupants, as in reality, there are no waste management vehicles or incinerators being provided for proper disposal of waste. In the absence of these vehicles and equipment, it is once again difficult to ground a conviction under this section.

Section 22(2) makes it an offence for the owner of premises who fails to arrange for regular disposal of waste from the premises; or does not pay the required disposal charges prescribed by the board. The punishment for such failure is a fine of #20,000 upon conviction in addition to any outstanding charges or imprisonment for not more than six months.

Furthermore, the law tackles issues of open defecation, urination and indiscriminate tossing of refuse in the public space or depositing same into open drains thereby obstructing the flow of such drain.²³ These offences attract a fine of #5,000. A subsequent offender is to pay not more than #10,000, and in default of payment of any fine imposed, will be imprisoned for not more than six months in respect of each fine. For a corporate offender, the fine applicable to it is the prescribed fine for the offence multiplied by the number 10.²⁴ It is submitted that these fines are paltry and do not carry any deterrent effect, especially with respect to corporate offenders who may be dealing with industrial and toxic wastes and are more than happy to pay these fines whilst still continuing in their acts of improper waste disposal and management.

A noticeable lacuna of this law is also its failure to distinguish the different types of wastes and provide elaborate methods of disposing of them according to their class. In addition, there is a failure to impose equal obligations on the board with regard to the disposal of waste, even though the law has made it an offence for owners of premises who fail to provide waste bins on their properties or do not pay waste disposal dues to the board. This article finds that the law is not effective as it does not cover the field, and even with its existing provisions, there is a low

level of implementation, with the waste management board being mostly concerned with executing its duties in the state capital, while ignoring other towns and villages of the state.

Just as at the national level, Delta State does not lack laws with elegant and elaborate provisions for the management of waste; however, the problem, just like at the national level, is the lack of implementation of these laws. All over the state, there is a gross level of indiscriminate disposal of waste without any form of proper management, thereby leading to increased health hazards to the public and further destruction of the environment.

3.2 Delta State Environmental Sanitation Law²⁵

The Delta State Environmental Sanitation Law generally regulates the responsibilities of individuals, including and lords²⁶ and occupiers of properties, and body corporates in the protection of the environment by keeping the environment clean. Accordingly, the law establishes a task force for the state, saddled with the duty of ensuring that sanitation offences are not committed, and in cases of breach, defaulters are prosecuted.²⁷

In addition, the law states the local government council in charge of an area may carry out waste disposal services at the prescribed fee, and their services shall be procured by landlords or occupiers of premises in these areas, except where the local government council does not provide such services.²⁸ In that case, the landlord shall engage the services of an approved agent of the local government council to dispose of the refuse regularly.²⁹ While the provisions above are ideal, the reality is that many local government councils do not offer such refuse disposal services, nor do they have approved refuse disposal agents. Once again, the landlord and occupiers of premises in reality solely bear the duty of disposing of the refuse from their premises and in many cases they end up doing so indiscriminately.

Under section 11 of the Delta State Environmental Sanitation Law, some Sanitation offences exist, with each of these offences attracting different types of punishments. The section provides thus;

It shall be unlawful for any person -

- (a) to sweep or throw or deposit refuse or other waste matter into the highway or public space of an unauthorised place;
- (b) to display by the highway any articles for sale or to store firewood, motor-tyres, sand, gravel, blocks, empty crates, cartons, motor junks or anything whatsoever that constitutes an obstruction to the public or is prejudicial to health;
- (c) to store in an empty receptacle or make excavation or construct anything whatsoever that is likely to encourage the breeding of mosquitoes or other harmful insects;
- (d) to discharge or allow to be discharged obnoxious water or other toxic water, from

his tenement to a highway or adjoining gutters or drains;

(e) to throw or lay a tenement, on highway or gutter (except places which may be set apart and certified for such purpose by a local government council) any rubbish, refuse or any other waste matter or any structure or object which is capable of causing any obstruction or constituting a nuisance to the user of the highway or an occupier of the tenement;

(f) to make noise or nuisance through the regular use of sound equipment of any description in a manner as to cause hearing discomfort to neighbours or the immediate public; however, the noise from religious, traditional and social ceremonies is excluded;

(g) not to provide and maintain adequate security lights in his tenement;

(h) to obstruct, damage, remove or interfere with any streetlight;

(i) being a tradesman to operate his business or trade within a designated urban area except he has the written approval of the local government council;

(j) not to report to the local government council any obstruction, or removal or interference with any street light; and

(k) not to provide and maintain a water system toilet.

The penalties for breach of these offences vary. For instance, under section 13(1)(g), the penalty for failure of landlords or occupiers of shops and living accommodation to provide refuse bins and adequate security lights is a fine of N20,000.00; while the penalty for defecation on the highway or in a place other than a toilet is a Fine of N5,000.00.³⁰

Although the state officially holds its monthly sanitation on the last Saturday between 7:00 am and 10:00 am, it is obvious that these measures are not enough; neither are the task force responsible for implementing the law living up to expectations, as the level of waste generation and disposal is very indiscriminate, without any form of containment. Almost every street or corner in the State has an unapproved waste disposal location, with some of these dump sites being very close to the highways. It is therefore hoped that these laws would be brought to life through purposeful implementation and compliance.

On the whole, this study finds that the legal framework on waste management in Delta State is ineffectual, for many reasons, including, particularly, the failure by the established agencies in implementing these laws. In Delta State, although health officers have been commissioned to ensure maintenance of health standards, management of waste and prosecution of defaulters, their impact has been minimal. The government has failed in the aspect of providing waste disposal facilities and in sensitising the public on developing the culture of proper waste disposal.

3.3 Delta State Environmental Protection Agency Law

The Delta State Environmental Protection Agency Law, though not the main law on waste management, makes ancillary provisions on the management of waste as it relates to the protection of the environment. The law establishes the Delta State Environmental Agency as the body responsible for the implementation of its provisions, including the monitoring of compliance with waste management standards and general protection of the environment.³¹

Furthermore, section 8(m) of the law specifies that the powers of the agency include the establishment and running of an environmental sanitation and waste disposal task force, wholly or in co-operation with local government councils. It would appear that this provision of the law does not take into consideration the fact that the Delta State Waste Management Board Law specifically established the waste management board for the specific purpose of managing anything relating to waste management. The Environmental Sanitation Law also makes similar provision for the creation of a task force in a local government council for enforcement of the sanitation law. Consequently, except where these respective agencies truly collaborate, there is a likelihood of controversies and conflicts as well as duplication of functions between these agencies.

Sections 35, 36 and 38 of the law make varying provisions on the storage and disposal of wastes. Section 35, for instance, regulates the discharge of waste by vessels, and finds that except where proven that discharged waste was caused by natural causes, an owner or operator of such vessel shall be liable to pay a fine not exceeding N100,000 or to imprisonment for one year.³² In addition, the defaulter shall be liable to any cost incurred by the state or local government and their agents in the abatement or removal of the discharge and the cost in replacing any damaged facility or in restoring the ecology.

Section 38 generally enumerates different acts that constitute the offence of dumping wastes. Some of these offences include: throwing refuse on the ground, depositing waste in open drains, discharging urine or faeces, etc. The punishment under this section, upon conviction, is a fine of N10,000 or not more than N20,000 for subsequent offences or three months' imprisonment for a first-time offender and six months for a second-time offender.³³

Just like the Waste Management Board and Environmental Sanitation laws, this law makes it an offence for the head of a household to fail to provide containers to be used as refuse bins in the household. The earlier mentioned laws, however, make use of the phrase “owner or occupier of a premises” as opposed to “head of a household”. It is, however, clear that none of these agencies has really concerned themselves with ensuring that each premises within the state has a refuse bin. This law seems to permit the discharge of effluent by corporate bodies, as it clearly

stipulates the respective effluent discharge fees for different categories of companies under its schedule. These fees, which are quite cheap, to the mind of the author, seem to encourage corporate bodies to freely discharge waste as long as they pay the stipulated fees rather than mandating them to put effluent discharge management and remediation measures in place.

4.0 Determination of the Effectiveness of the Legal Framework for Waste Management in Delta State

The legal framework on waste management in Delta State, particularly the Waste Management Board Law, has been fairly effective in the regulation of waste generation, management and disposal in the state. As earlier stated, the laws seem to be implemented to a great extent in the capital city of the state, but are fairly executed in other towns and cities of the state. This lack of uniform implementation of these laws throughout the state is a paramount premise for the finding that the existing legal framework is not effective. For instance, although the Delta State Waste Management Board Law requires that the board should acquire refuse dump sites and recycling facilities in all local government areas of the state,³⁴ the reality is that a great number of the 21 local government areas of Delta State do not have waste recycling facilities. Also, there is a failure by the waste management bodies in enforcing compliance with the law throughout the state. Although the law grants the waste management board the powers to prosecute offenders for offences under the law, their level of prosecution in contradistinction to the number of waste management offences in the state, is very low. This ineptitude has encouraged many persons to engage in indiscriminate disposal of waste, knowing that they would not face any punishment.

Furthermore, the existing laws seem to be out of touch with international best practice with regard to waste generation, waste categorization, waste disposal and recycling. Although the waste management board law mandates the board to establish waste treatment and recycling facilities in the state, and also educate the public on the different methods of waste management, the reality is that the board has failed in this aspect. The proper education of the public, as seen in developed countries, reduces the risk of improper waste disposal, as many countries even employ a financial reward system when members of the public dispose of plastic materials at recycling and re-use facilities. It is therefore submitted that there is a need for the amendment of the existing waste management law in the state to capture modern trends and also strengthen the enforcement agencies to properly carry out their duties. Thankfully, there are moves on the floor of the Delta State House of Assembly to amend the Delta State Waste Management Board Law.

5.0 Challenges on the Implementation of Existing Waste Management Laws and Policies in Delta State

This study identified the current legislative structure on waste disposal in Delta State, analyzing its provisions and their effectiveness in tackling improper dumping of waste in the state. Accordingly, a number of major challenges affecting compliance with these laws have been identified and are considered below:

i. Low Public Awareness and Weak Implementation of Waste Segregation Practices

While the Waste Management Board Law provides that the state's waste management board has the burden to create awareness among members of the public on the different ways to discard waste,³⁶ the reality is that very little has been done in the aspect of sensitization of the public on waste separation and general waste dumping. At most, what is done in Delta State is the observance of the monthly sanitation exercise without any form of education on this identified issue.

According to an audit report by the Office of the Auditor-General of Delta State, it was reported that public education on waste classification and segregation at source remains inadequate.³⁷ It was further reported that although waste segregation at source (such as separating organic waste, plastics, textiles, bottles, etc.) is known all over the world as a particularly effective method for waste reduction, landfill lifespan elongation and reducing its negative impacts on the environment, this method is yet to be fully accepted in Delta State.³⁸ Consequently, with the lack of education campaigns and waste-sorting systems in place, the State's ability to critically minimize the volume of waste at its dumpsites remains ineffective.

ii. Ineffective Monitoring of Waste Management Activities

This research finds that there are agencies responsible for overseeing compliance by residents and private sector participants, thereby leading to incidences of delayed waste evacuation and the continued discarding of waste at different parts of towns and villages in the state, including waterways and roadsides. The monitoring officials of the waste management board and even the Ministry of Environment have failed in the aspect of inspecting private premises and companies to confirm compliance with statutory provisions of providing refuse bins in these premises and sanctioning defaulters.

iii. Weak Enforcement of Waste Management laws and policies

The failure of the responsible agencies to fully exercise their prosecutorial powers is also responsible for the non-compliance with the extant laws on waste management in Delta State. Where individuals and body corporates indiscriminately discard waste without fear of prosecution, the chances are always high that such practices become a regular habit. This has

contributed significantly to the rising level of uncontrolled waste disposal all over the state. The Ministry of Environment and the Delta State Waste Management Board, though empowered by law to regulate, monitor and enforce compliance with management standards, have not fully discharged their responsibilities. These agencies lack a strategic approach to detect and curb illegal dumping of refuse, supervise PSP operations and enforce compliance mechanisms effectively.³⁹

iv. Overlapping Waste Management Legal Framework

The existing laws on waste management in the state are disproportionately implemented across the different councils and areas of the State, ultimately resulting in legal loopholes and implementation conflicts in these local government areas of the State. These issues are further compounded by poor inter-agency coordination and political interference, particularly in areas such as billing, allocation of collection zones, enforcement and public sensitization.⁴⁰

6.0 Conclusion

With the rising population, rural-urban migration and industrialization within Delta State, the levels of waste generation have significantly increased in recent years without a commensurate increase in waste management in the State. As shown in the course of this article, the impacts of indiscriminate disposal of waste are devastating, not only to humans but to the environment as a whole. This damaging situation led to an evaluation of the extant legal framework on waste management in the state and its effectiveness in recent times. Accordingly, it was found that despite the flurry of laws, including the substantial law, the Delta State Waste Management Board Law, incidences of indiscriminate waste disposal in the state have become rife. Some of the compliance issues identified in the research included the challenge of low public awareness, weak implementation of waste segregation practices, ineffective monitoring of waste management activities, weak enforcement of waste management regulations, and overlapping waste management legislation.

In light of the foregoing challenges that have been identified, the following suggestions are recommended for a better legal regime on waste management in Delta State. They include;

- ❖ The need for public enlightenment on waste management practices such as proper waste categorization, waste disposal and waste recycling.
- ❖ The need for better enforcement of the laws, including the increased prosecution of defaulters and inspection of waste-generating premises and facilities.
- ❖ The need for increased collaboration with Private Sector Participants (PSPs) in order to adequately cater for the waste disposal needs of the ever-increasing populace in Delta State.

- ❖ The need for more uniformity of the laws and agencies on sanitation, environmental protection and waste management within the state to eliminate conflicts.
- ❖ Government should also invest more in modern technologies for waste disposal and recycling.

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22. I. Oghenerukevwe, 2025
23. Section 22 (1) of the Delta State Waste Management Board Law.
24. Section 23...
25. Delta State Environmental Sanitation Law Cap D17 Laws of Delta State, 2008.

26. For instance, under sections 3 and 4 of the Law, the landlord and the occupier of a premises are mandated to keep the surrounding clean, and also properly dispose refuse.
27. Section 8 of the Delta State Environmental Sanitation Law.
28. Section 4...
29. Section 4 (3)...
30. Section 13(1)(c) Delta State Environmental Sanitation Law.
31. Sections 3, 7(1) and (2)(g) of the Delta State Environmental Protection Agency Law.
32. Section 41...
33. Section 38(2)(k)...
34. Section 6(c) of the Delta State Waste Management Board Law.
35. 'Akpovovwo's Bill on Waste Management Passes Second Reading in Delta Assembly' (Delta Mirror: 7th February, 2025) < <https://deltamirror.ng/akpowovwos-bill-on-waste-management-passes-second-reading-in-delta-assembly> > accessed 17 December 2025.
36. Section 6 (h) Delta State Waste Management Board Law.
37. 'Performance Audit Report of the Auditor-General, Delta State on Solid Waste Disposal and Management in Delta State by Delta State Waste Management Board' (September, 2025) < <https://share.google/OBMPJNilPUd7qU5l> > accessed 17 December 2025.
38. 'Performance Audit Report of the Auditor-General...2025
39. 'Performance Audit Report of the Auditor-General...2025
40. 'Performance Audit Report of the Auditor-General...2025