



A Critical Analysis Of The Efficacy Of The Law On Domestic Waste Management In Obio/Akpor Local Government Area Of Rivers State

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ABSTRACT

The totality of man and his existence is predominantly hinged on his health. As such, no man can survive independent of his health and wellbeing. His welfare is predetermined by his makeup, activities, especially that which concerns his health and environment. Indeed, this is the means through which his development is achieved. This accounts for the thrive for proper management of the health of man and incidences relating thereto. Consequently, this work is aimed at evaluating the efficacy of the law on domestic waste management. In bid to achieve the desired goal, a variety of legislations both international and municipal shall be considered. Further, the strength and weakness of the law will be highlighted, with viable suggestions proffered (where deemed fit). It is pertinent to state that a multi-disciplinary approach has been applied here though with heavy reliance on doctrinal method. Suffice it to say that this work may neither be absolute nor conclusive and, may not reflect all issues on domestic waste management. However, a probative task shall be undertaken, which shall hopefully proffer solutions to challenges posed in domestic waste management.

Keywords: domestic waste management, law, State Legislation, health, Sustainable development

INTRODUCTION

An indispensable fact in the health and life of man is the issue of his environment. This connotes that his survival, existence and growth on all spheres is hinged on his immediate surroundings. Thus, his entirety which includes his multi-dimensional make-up, productivity and ability to render the best to his society, has a direct impact on his environment. Consequently, a good and clean environment necessitates proper waste management because, waste is inevitable and indeed an integral part of man.

It is pertinent to state that, though waste management is not new in Rivers State, especially in Obio/Akpor Local Government Area, it may not have been properly appreciated, implemented and applied to its best. It may be argued that in Rivers State, though there are laws on waste management, properly enacted to deal with the subject matter and curb excesses (if any), they may not be fully practiced in the interests and common good of the people, the State and society at large. This may be further substantiated by the fact that a close look at the State, especially Obio/Akpor Local Government Area reveals dirt littered on the streets, on every look and cranny, gutters not properly sanitized, drainages blocked which tantamount to floods, dilapidated buildings, unpainted houses, destruction of trees, flora and fauna, improper management of savages, indiscriminate and incessant refusal disposal etc.

To this end, this work is aimed at appreciating the efficacy of the law in domestic waste management in Rivers State, with emphasis on Obio/Akpor Local Government Area. It is targeted at the flaws (if any) in the law, and the best use and application of the law, to engender a healthy and sustained environment.

Owing to the incessant cry on sustainable environment as a necessary tool for the development of man and the global community, a prerequisite for the attainment of this goal is the realization, recognition and sustenance of his health. The life of man is necessarily determined by his ability to manage his activities, conduct himself in the most proper manner and do all it takes to keep his health safe and sound. Little wonder why it is said that health is life; life is health. This presupposes that man must exercise his duty and take precautionary measures to boost his health. It is on this premise that the proper management of waste, is deemed a predominant factor in the health and peace of man. Therefore, it is pertinent to start this work by defining salient terms, for better appreciation and elucidation of the discourse.

Flowing from the above, environmental sustainability is therefore the use of natural products and energy in a way that does not harm the environment¹. Environmental sustainability has been seen to be the sustenance of the environment, which is the growth of the environment. This has been used interchangeably with the term “Sustainable Development”. Despite the proliferation of literature on sustainable development, the concept has been popularized by the report of the World Commission on Environment and Development (WCED).² The report of the commission also known as the Brundtland report as contained in a document entitled ‘Our Common Future’ played a major role in defining sustainable development thus:

“Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.... A process of change in which exploitation of resources, the direction of investments, the orientation of technological development, and institutional change are all in harmony and enhance both current and future potentials to meet human needs and aspiration.”³

Further, the concept has been defined as:

“Development which ensures that the utilization of resources and the environment does not damage prospects for their use by future generations.”⁴

The importance of a sustainable environment or sustainable development as it relates to the environment cannot be overemphasized. On the international plain, it has received so much attention that multi-lateral treaties have been drawn or reached on the subject.⁵

Amidst diverse definitions of the concept, a preferred definition in this study shall be that which goes thus:

¹ Ibid n1, pg 1580

² WCED (1987) – a commission established during the United Nations Assembly in Nairobi in 1982 has been the limechpine of international environmental production. It gives a detailed and practical concept of sustainable development.

³ World Commission on Environment and Development (WCED) (1987), *Our Common Future*, Oxford University Press (also known as Brundtland report) pp 43 and 46.

⁴ As defined in the report of the Nation Taskforce on Environment Economy (NTFEE) (Otta: NTFEE, 1987) P13 in CA Omaka, Ibid n6, pg 108.

⁵ These include but not limited to the following: the Stockholm declaration on the human environment of 1972 (also referred to as the Magma Carters; the United Nations Environment Programme (UNEP) (1987); the United Nations Conference on Environment and Development (UNCED) popularly known as the ‘Earth Submit’, which met at Rio de Jainero in 1992; the World’s Submit on Sustainable Development (WSSD) which held at Johannesburg, South Africa (2002).

“Sustainable development may be defined in terms of the pattern of structural change in natural and man-made capital stock (including human capital and technological capabilities) which ensures the feasibility of at least a minimum socially desired rate of growth in the long run.”⁶

This definition may be here preferred because it takes into consideration the fact that it is a structural change which ought to necessitate a productive result in the long run, at least to a minimal socially desired and accepted rate. The issue of growth is predetermined by the continuity, sustenance of necessary resources whether natural or man-made.

On another hand, waste is described as refuse or superfluous material especially that remaining after a manufacturing or chemical process.⁷ Conventionally, it is regarded as an unwanted substance, which may be generated from a domestic or an industrial process.⁸ Every process and operation whether biological or industrial, creates wastes. Industrial wastes are unwanted materials left over from manufacturing or mining processes, and are created when raw materials and fuels are extracted and processed industrially.⁹ From a legal perspective, wastes are substances or objects which are disposed of, or are intended to be disposed of, or are required to be disposed of by the provision of municipal or national law.¹⁰ In this modern era of scarce and depletable resources, waste is regarded as a resource out of place.¹¹

The term ‘refuse’ is synonymous and sometimes used interchangeably with waste. It is perceived to mean that which is cast aside as worthless; rubbish or worthless matter of any kind; the rejected or unwanted part of a thing. Both waste and refuse are used interchangeably to describe discards of society that are not liquid or gaseous in nature.

Waste has been statutorily defined as that which includes: “any liquid or solid substance from discarded materials resulting from domestic, business, commercial or agricultural operation or from mines and quarries, whether or not it can be recycled or recovered; any substance which constitute a scrap material; effluent; unwanted surplus substance arising from the application of a process, which the generator has no further use of for the purposes of production; any substance or article which requires to be disposed of as being broken, worn out, contaminate or otherwise.”¹²

Further, waste means an unwanted or unused product in whatever state whether solid, liquid or gaseous from any source whatever, discharge into the environment and having a present or future harmful or noxious effect.¹³

There are varieties of waste, which may be determined by the generating process or source, such as Residential, Industrial and Municipal sources. Residential waste consists of garbage, rubbish and trash, ashes and bulky waste materials. Industrial or commercial waste comes from the manufacturing sector-factories wholesale and retail trade outlets, hotels, restaurants, offices and institutions. Municipal on the other hand, consists of street litters, discarded auto bodies, power plant and incinerator ashes and residue, sludge from sewage, dead animals, abandoned cars and trucks.

⁶ Ibid n6, pg 12

⁷ Ibid n4.

⁸ Jubrit Aminu in a keynote address delivered at a seminar on Petroleum and Industrial Law Conference at the University of Lagos March 25, 1992.

⁹ Evans Aina Director on ‘Administrative Control of Utility and Disposal of Wastes’, Law Society Journal, University of Lagos (1992), p.12

¹⁰ Article 2 (1) Based Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal (1989)

¹¹ Ibid, n15

¹² See S. 71 (a-f) Rivers State Waste Management Agency Law. No. 2 (2014) (RIVVAMA), No. 2 (2014)

¹³ S. 52 Environmental Protection Agency Law of Rivers State Cap 53 (1999) Vol. 3.

Waste may be liquid, gaseous or solid, depending on its nature. Solid waste includes inter alia garbage, rubbish, street sweeping, dead animals, abandoned automobiles. Garbage comes from food preparations while rubbish may be papers, rags, plastics, metals, glasses used as food or drink containers. Waste may further be classified as building, business, chemical, domestic, event, garden, hazardous, industrial, medical, radioactive wastes.¹⁴

Domestic waste includes wastes that emanate from premises used wholly or mainly for private dwellings, residential or educational purposes, garbage, other discarded materials, solid or liquid, carcass of an animal, recyclable or non-recyclable material.

Waste management is simply the organized and systematic channeling of waste through pathways or other medium to ensure that they are disposed of with attention to acceptable, public health, and environmental safeguard.¹⁵ This basically involves the process of collection, treatment, re-use, and disposal in an approval manner. It entails the entire process through which waste is managed whether by elimination, minimization, reduction, identification, separation, segregation, collection, storage, transportation, disposal, treatment, sale and recycling of waste.

APPLICABLE LAWS FOR THE PROTECTION OF THE ENVIRONMENT

A proper discourse on laws that protect the environment would entail a consideration of these laws on three (3) tiers viz:

- i. International Protocols
- ii. National Legislation
- iii. State Legislation (Rivers State)

INTERNATIONAL PROTOCOLS

The United Nations (UN) drive for environmental protection and preservation started in 1972. This was marked by the World Conference on Environmental Development (WCED), a conference which held at Stockholm. In 1992, the RIO Declaration was made in a summit described as the Earth summit for environment and development. In 2015, the United Nations General Assembly Summit, 'Transforming our world: the 2030 Agenda on Sustainable Development', was held. It is important to note that these various summits have resulted in a variety of municipal and International frameworks on environmental protection. However, it must be stated here that these are not all that occurred within this period.

Prior to 1972, the awareness for environmental protection was not globally recognized. There was the Smog in London and China but these are seen as local issues. Arising from increase in available knowledge, the international community took a new stand on saving the environment. No doubt, issues pertaining to 'depletion of the ozone layer' and 'a need for an increase in greens' resulted in the Stockholm Conference.

❖ Aarhus Protocol on Persistent Organic Pollutants

This was a protocol which occurred in 1998. It was termed (POP). It was an addition to 1979 convention on Long-range trans boundary Air pollution. It sought to control, reduce or eliminate discharge, emissions and losses of persistent organic pollution in Europe. Some of these include Aloraive Chlorine etc.

❖ Bamako Convention

This occurred in Abinjan, Cote d'ivore, in Africa. Various African Nations (12 in Number) converged as parties to the convention. They include Benin Republic, Bourkina Faso, Congo, Nigeria etc. The goal here was to ban imports in Africa and the control of transboundary movement and the management of Hazardous waste within Africa. It is pertinent to note that though this treaty was made, with Nigeria privy to this convention, it is not yet domesticated or ratified here in

¹⁴ Ibid, n19.

¹⁵ Eugene Arene on dumping of hazardous wastes on African Coast at Nigerian Institute of Advanced Legal Studies, Lagos, August 10 (1988).

Nigeria. This treaty somewhat goes to nothing or stands on nothing, due to the stipulations of the grundnorm (The constitution of the Federal Republic of Nigeria (1999) as altered).¹⁶

❖ **Bamako Convention**

This convention failed in Europe. This prompted the African Union on Bamako convention. It occurred in 1989.

- Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area.
- Helsinki Protocol on the Reduction of Sulphur Emissions.
- Joint Convention of the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management
- London Convention on Prevention of Marine Pollution by Clumping of Waste and Other Matter.
- Oslo Dumping Convention
- Stockholm Convention on Persistent Organic Pollution

There are some of the protocols that have attempted to deal with the issue of environmental protection from pollution or dumping of waste.

NATIONAL LEGISLATIONS

Here in Nigeria, it may be argued that there may not have been much consciousness on environmental issues. However, it was the Koko incidence, South-South Nigeria, that served as an eye open to Nigeria.¹⁷ Some Italians on shore Nigeria, deposited some hazardous and toxic waste materials at Koko, south-south. This harmful waste left was at the expense of lives around the vicinity, yet the generators were made to pay little or nothing because there was yet no legislation on such matters.

As such, they were somewhat not liable because this could not be determined by any law perse.

This of course, provoked the legislation of the Harmful Waste (Special Criminal Provisions etc) Act and the Federal Environmental Protection Agency (FEPA) Act both of 1988.¹⁸ The FEPA Act has long been repealed by the NESREA Act (2007).

❖ **National Environmental Standards and Regulations Enforcement Agency (NESREA)**

The National Environmental Standards and Regulations Enforcement Agency (establishment) Act (2007) repealed the FEPA. This is an agency more specialized in the management of the environment than the defunct FEPA. Consequently, the object of NESREA is to achieve sustainable development of Nigeria's natural resources. Section 2 of the NESREA Act reads:

“The Agency shall, subject to the provisions of this Act, have responsibility for the protection and development of the environment, biodiversity conservation and sustainable development of Nigeria's national resources in general and environmental technology....”

Suffice it to say that in Nigeria, environmental issues are not specifically provided for in the constitution of the Federal Republic of Nigeria (1999) as altered. It may very well be argued that there is no specific provision for environmental protection and related matters in the grundnorm except, as contained in Chapter II under the Fundamental Objective and Directive Principles of State Policy.¹⁹ As beautifully couched and encapsulated in the aforementioned, this goes to little or nothing because of its non-justiciability. This provision bears no real force of law. It is submitted that unless this provision is made

¹⁶ S. 12 (1) CFRN as altered, is to the effect that no treaty between the Federation and any other country shall have the force of law except to the extent to which such treaty has been enacted into law by the National Assembly.

¹⁷ The Koko Incidence Occurred at

¹⁸ Both Acts were made for the protection of the environment. The FEPA Act did not just create an agency to monitor and police the environment, it created various criminal and civil obligations with respect to the protection of the environment. Note that Ss 16,17,18,19,20,21,22, FEPA Act provided legislation of water quality, air quality, ozone protection, noise control, discharge of hazardous substances and spillers' liability respectively.

¹⁹ See Section 20 CFRN (1999) as altered, which provides for environmental objectives.

justiciable, little or nothing can be done by the authorities or any aggrieved party about environmental protection and incidental matters.

Preference must be given to the subject matter by the government, given the fact that environment in the totality of physical, economic, cultural, aesthetic, social circumstances and factors which surround and affect the quality of peoples' lives.²⁰

State Legislation

At the State level, various States have their legislation on the issue of environmental protection and development. Some have subscribed to National laws on environment while some have made unique provisions for this. However, preference must be given here to Rivers State.

In Rivers State, there are necessary legislations on the environmental protection, these include but not limited to the following:

- Environmental sanitation law
- Environmental sanitation authority law
- Environmental protection agency law

RIVERS STATE WASTE MANAGEMENT AGENCY LAW

Rivers State Legislation on Waste Management:

As earlier stated, there is basic provision for Waste Management in Rivers State. This is the Rivers State Waste Management Agency Law.²¹ This law has its peculiarities which include, parts 1-71 sections. Part 1 deals with the objectives, principles, application and scope of the law.²² Part II provides for the establishment of the waste management agency (the regulatory body)²³ Part III makes provision for staff of the agency. Part IV is the financial and reporting provision.²⁴ Part v deals with licensing. Part VI defines the regulatory powers of the agency. Part VII makes emphatic provisions on waste generation, Storage, transportation treatment and disposal.²⁵ Part VIII prescribes offences and penalties to be noted out on offender Part IX is a miscellaneous provision. It is meted worthy that this law repeals the environmental sanitation Authority Law.²⁶ Therefore, the issue of waste management is solely in the hands of the waste management agency and is regulated by the agency law.

An Appraisal Of The Law On Domestic Waste Management

A perusal of the law reveals elaborated provisions with the aim of managing waste to its best capacity. By virtue of section 48 (1) every generator of waste shall minimize its toxicity and amount of waste generated; separate waste with the aim of minimizing of and its impact on the environment and store the recyclable waste from non-recyclable waste.²⁷ It further places an obligation on the waste generator to recover or recycle waste where possible; dispose of recyclable waste; manage the waste so that it does not endanger health or the environment or constitute nuisance; maintain suitable hygiene standards on premises as required by application standards on waste and public health; make use of waste collection services provided by a licensed provider; store waste in approved contained etc.²⁸ This is an omnibus subsection, with no emphasis on the type of waste generated who the generator, of waste may be, and the specific recycling process.

²⁰ See Attorney General of Lagos State v. Attorney General of the Federation of Nigeria and 35 ors (2003) FWLR pt 168, 909 at 946.

²¹ Hereafter cited as RIWAMA No. 2 (2014)

²² See Ss 1, 2, 3 RIWAMA (2014)

²³ Ss 4, 5, 6, 7, 8, 9, 10, 11 (RIWAMA 2014)

²⁴ Ibid, Ss 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23

²⁵ Pt. VII, Ss 48, 49, 50, 51, 52, 53, 54, 55, respectively.

²⁶ By virtue of S. 69 (1) RIWAMA, the Environmental Sanitation Authority Law, Cap. 56, LRS (1999) is repealed.

²⁷ S. 48 (a-b)

²⁸ Ibid, S. 48 (1) (c-d)

Thus, it may be argued here that it may be difficult to determine what waste is involved, the toxicity and amount, the separation process for recycling may be impossible to a large extent, delivery a licensed waste disposal facility impracticable etc. Also, the management of the waste as to protect the health or the environment may not be feasible. Importantly with the manner in which the sub-section is couched, it may be impossible to engender suitable hygiene standards in order not to constitute nuisance, they ought to be necessary specifications. The section must be made clarity and required details where need be.

Sub-section 6 of the aforementioned section is to effect that the generator of a building waste shall not store such waste in a container provided for domestic waste and; remove and dispose of it at a licensed crushing plant or a licensed building waste disposal facility.²⁹ The poser here is how often is a building waste distinguished from a domestic waste? How often is the building waste stored in containers specifically for such building waste, rather than containers meant for domestic waste? It may be argued that in practice, these wastes whether building or domestic are not distinguished. They are littered on the streets and are disposed in the same place. Very many times, building waste are not disposed at crushing plants or licensed building waste disposal facilities.

Further, section 53 (2) is to the effect that a person who stores or transfers waste shall ensure that the container in which the waste is stored or conveyed is intact and not corroded or unfit for the safe storage or transportation of the waste; that a suitable measure is in place to prevent accidental spillage or leakage, so much that the waste cannot be blown away.³⁰ It may be submitted here that in practice, wastes are not store or transported in containers that are intact or not corroded or unfit. Indeed, wastes are seen littered, with no check on spillage, leakage or otherwise.

Further, these wastes are not properly contained or stored so as to prevent accidental spillage or leakage, neither are they not blown away. If it were as envisaged by the wordings of this law, there will not be environmental pollution nor spillages on the roads, water, air and environs generally. This simply calls for a proper check and management.

By the provision in section 54 (3), waste may be recovered, recycled or sorted either by a person who generates the waste or by a service provider. This is indeed a significant provision, however, it may be stated clearly that waste is not properly recovered or recycled here in Obio/Akpor Local Government or in Rivers State at large. At best what operates here is the dumping of waste at different sites, which tend to constitute nuisance to the surrounding and in fact endanger dumping sites and its environs. This is clearly seen in the Iwharfe axis in Obio/Akpor, Oyigbo, Igwuruta, Mile 3 etc. Sub-sections 4 of the aforementioned section, provides that before waste is recycled, recovered or sort out, the person so doing shall conduct an impact assessment to confirm that the process is less harmful to the environment.

The question raised here is how often is impact assessment is conducted? To what extent is the assessment carried out, as to ascertain its less harmful impact on the environment? Even where carried out, is this assessment done in every nook and cranny of the state or in Obio/Akpor particularly.

Also, the law provides that waste shall not be disposed of in a manner likely to have adverse impact on the environment or be harmful to health.³¹ It also stipulates that waste shall not be burnt, especially hazardous waste, except in a licensed incinerator. The poser here is; are wastes not burnt on streets, buildings, bushes and the environs generally? It is indisputable that wastes are burnt all around Obio/Akpor Local Government or in Rivers State generally. This goes to say that, there is no proper check, monitoring or follow-up of waste disposal or waste management. By the provision of this sub-section, no person shall deposit domestic, business industries, garden, building or hazardous waste in a public litter bin; or deal with waste in a manner that may cause dust, spillage or litter. It is submitted that though this section is beautifully couched, there are wastes all over the place, whether domestic or otherwise. Waste is found littered in schools, hospitals, laboratories, streets etc in Obio/Akpor, especially in public places.

²⁹ Ibid S. 48 (6)

³⁰ See S. 53 (2) (a-c)

³¹ See S. 54 (6) (a)

In furtherance to the argument put forth, it may be clearly stated that, waste is discarded or stored in public places, on street, road, land, wetland, beach, coastline, into drains, stream, water course and places which the public ought to have access for the specific purpose of benefit due rather than being waste gathering point.³² It is paramount to state that this law on waste management is somewhat appreciable because, it makes room for offences and penalties. This is clearly seen in Part VIII of the law. As a matter of fact, section 57 prohibits littering or dumping of waste in a public place or open drain; it also prohibits spillage or leakage of waste in a public place it further prohibits burning of waste openly. These offences are not without necessary sanctions. Penalties have been made to curb these excess or underside practices in the state. Be that as it may, these offences and penalties have not absolutely deferred practices but has not achieved the expected results.

The above-mentioned section is powerfully couched the sense in that it carries a force of law with it. No doubt it is backed by law because it specifies sanctions at different levels, however, the point to note here is that the offences and penalties are mapped out into a hierarchy or degree. Interestingly, sub-section 2 of this section states clearly that, where a person litters or dumps waste from a vehicle the agency shall issue an infringement notice to the registered owner of the vehicle and where the vehicle owner does not name the person responsible within 14 days it shall be deemed that the registered owner commits the offence and is liable on conviction to the penalties in the sub-section. A question may be simply raised here, do people, motorists, litter or dump waste from vehicle? The answer is yes. How often has this been done? The answer here may be often times because, this is a convention among motorists, motorcyclists, trailer drivers, tanker drivers etc.

By virtue of subsection 3 of this section, a person who urinates or defecates in a public place commits an offence and shall be liable on conviction to a fine of N100,000.00 or community service for 3 days or both. It is submitted here that despite the significant statement in this law, urination or defecation on roads, markets, public places, persists. This is a constant in the state, especially out here in Obio/Akpor Local Government. Hence, one may ask: where is the law? Emphatically, a person who dumps domestic waste in an unauthorized place; or being a property owner fails to provide an appropriate waste bin for the collection of waste on the property, commits an offence and is liable on conviction to a fine of N50,000.00 or a term of imprisonment of 1 month or both.³³ This ambit of the law has played out strongly in Obio/Akpor Local Government Area, considering how waste and refuse are now disposed. To a large extent, there is the consciousness in the minds of the people about how waste may be disposed. This is hinged on the fact that there are specific dumping sites marked out for waste disposal. This is clearly seen in Rumuokwuta (By AP filling station, now Forte Oil). This is also seen at the Psychiatric Road spot, where people are made to during refuse and waste generally. However, an indisputable fact remains that the streets are littered with waste, people do not adhere to these instructions, premises are littered with little or no bins provided. More so, there have been no risible convictions on this subject matter, no results achieved. Rather, what operates is at best, an arrest and with immediate release or bail, with little sums paid for bail. Until people are made to suffer for these offences, there will not be the required obedience or adherence to instructions. This leaves this law defective and the people, unruly.

By the construction of the law, a person who discharges or causes to be discharged waste into a waterway, stream, canal, creek, pond, lake or river; or buries or causes to be buried waste in the state commits an offence and is liable on conviction to a fine of N500,000.00 or a term of imprisonment of 6 months or both.³⁴ The poser here raised is: are the waterways, streams, canals, creeks, ponds, lakes or rivers free from waste? Are wastes still buried or caused to be buried? The answers to these questions are in the affirmative. This is clearly substantiated by the fact that all around Obio/Akpor and in the state at large,

³² S. 54 (7) places a duty on person not to discard waste in the aforementioned places, so as to give the public the necessary access. Unfortunately, this is not so in practice, considering the fact that drainages are blocked by waste, streets are no longer motorable due to unwanted disposal of waste.

³³ S. 57 (4) (9) (a) (b)

³⁴ S. 57 (5)

the streams, rivers, waterways etc are somewhat blocked or covered with waste. Indeed, it is a convention or tradition that, people choose to dump waste around the rivers, lakes, creeks etc.

This is clearly seen in all the watersides in the State, whether Bundu, Marine Base, Okrika waterside, Borokiri sandfield etc. Further, the 'Boropits' are covered with waste. A vivid example is the Boropits', at Rumuola. Presently, it is covered with waste so much that there is hardly access or pathway for the public. There are other areas in the state, though not mentioned here. In fact, these pits are now refuse or waste during sites for the residents around it.

Also, an owner of a petrol station, departmental store, restaurant or eating place must necessarily, manage his waste within the ambit stipulated by law. How much of this is practiced.

Interpretative, Enforcement and Protective Machinery of the Law

The interpretative, enforcement and protective machinery of this law is none other but the courts and the police. It is the duty of the courts to interpret these laws to the understanding of the people. The court must also enforce and protect these laws by ensuring that, offenders or culprits are punished. This will certainly serve as a corrective measure and will deter intending offenders from their unjust acts. The sooner this is done, the better for the state and the society at large.

By virtue of section 60,³⁵ the court is vested with the power to hear and determine matters arising from this law. It is further vested with the power to convict, impose penalty, make or issue orders with respect to repairs, make good the loss, rehabilitates the environment, determine what measures to be taken and payment of expenses incurred etc. This is however, subject to the power of persecution vested in the office of the Honorable Attorney General of the State.

The agency also reserves the power to prosecute an offence under the law.³⁶ It is pertinent to note that section 67 vests power on the chief judge of the state, to designate not less than four Magistrate Courts, one in each Local Government outside Port local Government, hear matters related to this law. This accounts for the reason why there are sanitation courts, though inadequate, considering the rise in the population of the state. Also, owing to the poor sanitary habits of the people and the impact of unsafe and unhealthy environment to the lives of the people, it is necessary that these sanitation courts be created more, to address these pressing issues. From the forgoing, it is indisputable that measures have been put in place to address the sanitary situation in the state especially with the fact that the interpretative, enforcement and protective machineries have been provided. Nonetheless, the question is: how efficient are these machineries? To what extent have they dealt with this issue of domestic waste management?

CONCLUSION

Owing to the provisions of the law on domestic waste management as espoused, it is clear that there is to a large extent, adequate provision for the regulation and management of domestic waste in Obio/Akpor Local Government Area and the state at large. Sufficient prescriptions have been made for this task. This is clearly proven by the wordings of the Rivers State Waste Management Agency Law.³⁷

The stipulations of the law basically provided for all required in domestic waste management. However, it is noteworthy that the problem or challenges faced with respect to domestic waste management is not with the law or its inscription, stipulations etc. but, with the implementation of the law. The laws are yet applied or usurped to its best capacity.

Consequently, there are no visible results of the law. Until the law is applied appropriately, sanctions mete out where the laws are infringed; there will be no good domestic waste management in Rivers State. Thus, it is submitted here that the authorities responsible for waste management and all involved stand up to their duties. They must address the situation of waste management with all available weapons or armory. They must punish offenders when need be. Nevertheless, this is feasible when the people are

³⁵ S 60 (1) (2) (3) (4) provide for the powers of the court, as contained in the law

³⁶ Ibid

³⁷ Ibid

properly sensitized, the provision of the law brought to their actual notice etc. It is on this premise that the following recommendations are put forth.

RECOMMENDATIONS

1. The law on domestic waste management must be brought to the notice of the citizenry and the society at large.
2. The citizenry must necessarily be educated on the law, with highlights on the offence, penalties and sanctions etc.
3. There must be door to door awareness on sanitary issues.
4. Waste bins must be provided by the government for the citizenry. This will boost sanitary practices.
5. Bill boards, jingles, advertisements etc. on sanitation must be readily available.
6. Domestic waste must be readily recycled and put to proper use where need be.