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## **MEDIA CHALLENGES IN ENVIRONMENTAL ENFORCEMENT: THE CASE IN NIGERIA**

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### **SUMMARY**

Prior to 1988, the Nigerian media had mainly concerned itself with issues of local environmental sanitation. A few opinion features, especially at the occurrence of a disaster or on issues of soil, marine, and forest resources management also appeared in the print media or as documentaries on the broadcast media. But the disclosure by the media of a toxic waste dump in the port town of Koko catalyzed its advocacy role in environmental compliance monitoring and enforcement. This paper illustrates with two case studies the local media's attempt to move from the traditional role of awareness building to generating community participation; achieving mass education, attention and support; and earning enough confidence and the status required to guarantee easy access to environmental information. It also highlights the drags on the way of the media.

### **1 NATIONAL FRAMEWORK FOR ENFORCEMENT AND COMPLIANCE MONITORING**

Following the disclosure of a toxic waste dump at Koko, a port town in the Delta of the Niger River, the Federal Environmental Protection Agency (FEPA) was created by Decree 58 of 1988 as the autonomous body with the overall responsibility for protecting the Nigerian environment.

The agency has continued to evolve a structure and put in place instruments of intervention in order to arrest the spate of environmental degradation nationally. Priority environmental problems which required the agency's immediate intervention were highlighted in the National Policy on the Environment launched in November 1989. By 1993, several regulations for environmental protection had been articulated and promulgated into law.

Following the merger of FEPA with the Natural Resources Conservation Council (NARESCON) and the departments of Land and Natural Resources and of Erosion Control—both of the Ministry of Agriculture, Water Resources and Rural Development—the new FEPA, under the FEPA Amendment Decree 59 of 1992, now also has responsibility for implementing the National Conservation Strategy. The amalgamation which took effect in August 1993 has tinkered with the structure of the erstwhile agency, making it very unclear.

Hitherto, however, the agency had operated six departments, with the Inspectorate and Enforcement Department (established in 1991) being responsible for standards, regulations, and registrations, including the issuance of permits and accreditations; chemical tracking under the Prior Informed Consent (PIC) and Chemical Notification Procedure for Chemicals in international trade and hazardous waste traffic using Nigeria's "Cradle to Grave" strategy; and compliance monitoring. A Public Complaints Ombudsman Unit harmonizes the relationship between the three divisions and the public.

The Planning and Evaluation Department was responsible for environmental education and awareness, information and databank, publications, and liaison with relevant local and international institutions and non-governmental organizations (NGO). In collaboration with the Environmental Technology Department, it has acquired the necessary machinery for the establishment of a National Environmental Information Management and Monitoring Network since October 1992. It is also the focal point of the Infoterra services of the United Nations Environment Programme (UNEP), set up to

handle the exchange of data and other environmental information with other organizations and individuals worldwide.

## **2 THE MEDIA AND ENVIRONMENTAL ADVOCACY IN NIGERIA**

### 2.1 Overview of the media

The communication media as it is known worldwide has undergone something close to a revolution in Africa, and indeed in Nigeria. The present state of journalism, especially print journalism which began about a century ago, shows that standards have improved from what it used to be, particularly in the areas of infrastructure, equipment, and personnel. However, perhaps because of the general poverty of the continent, an unconducive working environment still pervades the industry. Operatives lack tools and equipment as well as job security and opportunities for training.

They are, however, expected to produce several editions of national newspapers in a country with a diverse population in location, language, taste, and interest and with a very erratic communication system. Besides, the print media exhibits a retinue of private investors whose interest vary from profit motive to the gains of political propaganda.

The government which had held the sole rights to the broadcast media only recently granted licences to the private sector under the private broadcasting scheme through the National Broadcasting Commission (NBC). The private broadcast stations, however, have yet to commence operation.

However, the prevailing highhandedness of government is the most worrisome fear hanging over the media in Nigeria. The official control of the media, through various restrictive press-curbing legislations, some as ridiculous as stating punishments for publications which may embarrass government officials, put journalists in a position where they are extremely self-censored. There are others called security Acts which allow detention without trials. Public officers and organizations also engender repressiveness and intolerance. Hence, ministers or heads of government parastatals and, of course, operatives in the private sector seek coalitions with sycophants. You therefore find a cowed journalism unable to question authority.

Under these precarious circumstances the Nigerian media has striven to establish itself as one of the most free and vibrant in Africa. The public has also come to recognize the important role and power of the media in the sustenance of civil society, especially for its recent role in promoting democratic norms. Certainly the fate of the media is changing for the better, towards greater liberalization of media policies and empowerment of communicators.

### 2.2 Media specialization and advocacy

Unlike the dominance of ill-trained job seekers who, in times past, chose the profession as a last resort, journalism is now marked by specialization and clear-cut division of labour, with a profusion of university trained staff. More journalists are now assigned to special beats, perhaps in response to the increasing competition for the market: advertisement and sales share. Currently, the Nigerian mass media has developed such specialized beats as Health, Science, Business and Economy, Tourism, Transport and Aviation, Education, Appointments and Vacancy, Women, Children, and Property.

*The Guardian*, has catalyzed the development of these specialized units. Its Property Desk, which started as a focus on the real estate industry, soon took over in more detail issues of the environment, architecture, building contracts, materials, housing, and physical planning in 1991.

The discovery in June 1988 of a toxic waste dump in the port town of Koko stimulated greater attention and focus on environmental issues within the specialized science beats in both the broadcast and print media. A few periodic magazines also took their root in the toxic waste episode. Preparations

for the 1992 United Nations Conference on Environment and Development (UNCED) further fueled the momentum generated.

The specific challenges of the media in environmental enforcement are best highlighted by two case studies of national experiences.

### 2.2.1 Case Study 1: Media and international enforcement and compliance monitoring

Nigeria's experience with international enforcement and compliance monitoring had been as a third, but concerned, party prior to 1987. By a letter sent by the Nigerian Student Union, Pisa Branch (Italy), to the media, the nation became aware of its vulnerability to the international hazardous wastes traffic/trade. The wastes were first shipped to Koko by a Danish ship, *MV Danix*, in 1987, with another consignment of about 1,000 tons being shipped into the country aboard *MV Line*, a West German registered ship.

Two significant reactions came from the media upon the receipt of the said letter. The first was the rhetorical questions raised by *The Vanguard* newspaper in a story asking if toxic waste had been dumped in Nigeria. Security agents promptly "visited" the newspaper house questioning the Editor, perhaps in an attempt to locate the source of the story. It should be recalled that the Nigerian government had been following development in the Republic of Benin, Nigeria's western neighbour, where plans were on to bury about 5 million tons of toxic wastes annually at a border fishing village known as Agege, located within the coastal swamp area by the mouth of the river Oueme.

*The Guardian*, in April 1988, had reported the Nigerian government's concern over the proposed shipment by Sesco-Gibraltar, a British Company affiliated with South Africa, following a contract signed on January 12, 1988, with the Republic of Benin. The shipment was expected to leave a French port near Marcoule, southeast of Paris. Immediate action was taken by the Nigerian government to verify the allegations, made by a Brussels-based ecological group, Entente Europeenne Pour L'environnement, and avert the action.

The Nigerian External Affairs Ministry secured a resolution of the Organization of African Unity (OAU), which condemned the dumping of waste in Africa and demanded that African countries that have signed contracts to receive hazardous waste should terminate such contracts. It was in the heat of this that it became apparent that toxic waste may have been dumped in Nigeria (1).

The second significant reaction was the dispatch of two reporters by *The Guardian* on what was tagged "Mission Patriotism" to verify the allegation. The journalists found "a huge dump of drums, steel cast, huge poly-propylene bags and containers marked 'R', an acknowledged international method of labelling industrial waste products." (2)

The 8,000 drums of about 3,500 tons of deadly substances had been imported by one Guanfranco Racffeli, an Italian businessman, with the connivance of certain persons under the fictitious name of "Irukepken Construction Company", which had leased the premises of an ignorant villager, Sunday Nana, 67, at a monthly fee of N500.00 (\$50). It was here that they dumped the wastes (see Appendix 1 for a list of the substances dumped).

The grisly details of how the ignorant Nana family had drunk water from some of the containers used to store the waste, and the subsequent death of Mr. Nana and its likely causes barely three years after the wastes were dumped in his backyard, were reported by the media. The inhabitants of the town also never knew how dangerous the cargo was although it produced "so much heat" it burned rubber gloves when they assisted in unloading the cargo on arrival.

In fact, between June 1988, when it was first reported, and the greater part of the following two years, 1989 and 1990, the issue of the toxic waste dump found in Koko engaged the attention of the media. In a nutshell, the media could be said to have been at their peak and most informative era on environmental issues during this period. Their stories were in-depth although sometimes refuted and later updated in follow-up editions. Essentially, the scope of coverage and contents of the articles and news stories range from the genesis of the episode, through the various legal actions taken to achieve the evacuation of the wastes, to the assumed effects of the dumps on the health of residents of Koko.

For instance, in very lucid reports, the media informed on the environmental restoration settlement process involving the evacuation of the over 8,000 poisonous chemicals, and about 2,000 tons of contaminated soil within a 500-metre radius and 60 centimetre depth of the dump site; the acquisition of Mr. Nana's house as a research out-station, after necessary repairs and modification; and his compensation with a freshly built four-bedroom bungalow on a plot some distance from the site.

The reports of experts from Japan, the United Kingdom, and the United States on the wastes; the absence of legal restriction and reasons why the importers of the waste could not be prosecuted under the then-existing regulations; the intention of the community to sue the government for endangering their lives; the plans of the Federal Government to sue the Italian Government at the International Court of Justice at the Hague, Holland; and the consequent actions of the Federal Government in championing campaigns against further waste dump internationally were also published (3).

In fact, within two months in 1992, about 20 worldwide alerts of proposed transboundary shipments of hazardous wastes towards the Nigerian shore were reported. These media actions have created an "enforcement presence" and an atmosphere of deterrence.

### 2.2.2 Case Study 2: Media and national enforcement and compliance monitoring

Nationally, enforcement and compliance monitoring activities are still in their infancy. Apart from a few initial site visits and field citations, which attracted press coverage, the role of the media has been minimal. However, on the release of the regulations on waste management, pollution abatement, effluent limitation, and environmental impact assessment (EIA) requirements, journalists in search of sensationalism have attempted to generate debate over certain situations only to be informed by FEPA of a moratorium to enable industrialists to put in place the technology to control the level of waste discharges.

However, having researched the environmental implications of a real estate development on a swampy estuarian site at the borders of Lagos and Ogun State, *The Guardian* was under self-censorship because of the political implications of the findings to the project. However, events soon led to the disclosure of the findings.

About ten years ago, the Ogun State government, through the Ogun State Property and Investment Company (OPIC), conceived a 10,020 hectare Isheri Estate Project. The project was to be built on land encompassing the Ogun River flood plains, especially the low-lying tributaries of the Ogun River including Ofiki, Opeki, and Ose, earlier earmarked to sustain a number of dams, with suitable reservoir operation to guarantee the future water requirements of metropolitan Lagos.

The project offers single residential plots that could be up to a half acre in size; about 40 plots for nursery, primary, and secondary schools; 30 plots for clinics, health centres, and hospitals; 200 plots for service industries (hotels, petrol stations, restaurants, and supermarkets); and 20 police posts and 2 main police stations. It was also designed to provide 18 postal agencies and one main post office, a telephone exchange, an electricity sub-station, two memorial parks, and two motor depots. The "new town" was to traverse the Lagos-Ibadan inter-city, four-lane traffic route.

Several groups had raised questions over the OPIC Estate offering, calling attention to the environmental implications of the development on the swampy estuarian site area. Most of these groups, including Federal and Lagos State officials, professional bodies, and environmental NGOs, however, could not bring up the issue for national discourse. An attempt by officials of both Lagos and Ogun States to outline a code of conduct over common problems of urban development along their borders in 1981 was shortlived.

In 1991, a cycle of the seasonal flooding of the Ogun River was experienced, less than a year after OPIC moved to the site to commence work on the project. The flood disrupted work and renewed the issues. *The Guardian* at a public forum in September 1991, had sought the views of the Lagos State Commissioner for Environment and Physical Planning on the project. His response, which was

reported in *The Guardian* on the following day, brought the issues to the platform of national discourse. The earlier, unrevealed research details were used as backup for the commissioner's comments (4).

Before long, the desk officer of the then newly created NARESCON invited *The Guardian* for a discussion on his intention to call a colloquium on the issues raised. The colloquium was held in December 1993, two years after the press report. From the initial discussion it was resolved that such a colloquium would require a working document and the attendance of all interested parties. The officer was given the names and contacts of the groups who assisted in the research for the story, and with its retinue of officers NARESCON conducted a site study and produced a document entitled "Ecological Impact Assessment of Real Estate Development on Ogun River Flood Plain at Isheri".

The communique of the colloquium (Appendix 2), attended by OPIC officers, revealed that a proper EIA may not have been conducted before the project's commencement. NARESCON has since been merged with FEPA, but the newly established department—Conservation Monitoring Centre—is to supervise the colloquium's recommendations which observed that the indigenous communities may not have been adequately involved in the planning process, and that while the Isheri-Olofin community welcomed the development project, the Ibafo Community had expressed strong objections to the scheme.

A section of the colloquium believed that at the completion of its recommended environmental audit a large percentage of marine biological diversity may have been endangered, creating an ecological imbalance. They stress the necessity for the conservation of a large portion of the site while restricting any development to the inland areas.

### **3 CONSTRAINTS ON THE MEDIA IN ENFORCEABILITY AND COMPLIANCE MONITORING**

From the foregoing, several factors can be identified as constraints on media in enforcement and compliance monitoring in Nigeria. These are:

- Tendency for authorities, leaders of communities, and or journalist to connive with polluting bodies and therefore conceal information.
- Private sector influence over the media through law suits and advertisement control.
- Repression of the media by legislation and various forms of censorship, which limits or excludes the possibility of uncovering controversial issues.
- Absence of the right status for journalists to endear themselves to sources of information, and restrictive policies of government and industry on press interviews.
- Lack of proper training for specialized journalists in the language of the environment (technicalities and terms), leading to errors which further alienate the few available sources from disclosing information.
- Traditional attitudes and culture of researchers and scientists, which restrict them from granting press interviews for fear of their research findings being misquoted or misrepresented.
- The media's tendency to satisfy its commercial interest at the expense of social and scientific interest.
- Over-sensationalisation of certain issues leading to distortion.
- Inaccuracy in reporting by way of estimation, assessments, or statements which distort facts and lead to loss of credibility.
- The problem of editing to optimize space, and the urgency to meet deadlines which sometimes reduces the media houses' ability to sustain public interest and spur the community to action. This also arises from the media's oversimplification of complex and important issues.

- The absence of a national language which can coalesce the over 490 languages and dialects and ensure the transference of indigenous values and value systems.

However, the various strengths of the media still present it as the first platform in the movement from public disclosure to public accountability. These strengths include:

- Its ability to reach more persons at less cost and to reach out to diverse persons and interest groups at a time.
- Due to its diversity of coverage, even persons who would normally not patronize environmental information are exposed to it in their search for other kinds of information.
- Where properly written and illustrated, media information is easier to read and comprehend when compared with scientific and technical documents.
- The speed at which the media reaches its audience and its ability to overcome barriers of culture and language, especially through pictorial illustrations which also give it strength over other communication medium.
- Its ability to create an "enforcement presence" and an atmosphere of deterrence due to polluters, especially industries, fear of the stigma of bad publicity.

#### **4 CONCLUSION**

Beyond the use of the media for announcements and information distribution, therefore, its ability to deter potential violators through public pressure for compliance offers it as an ally in compliance monitoring and environmental enforcement. To harness the momentum already generated, enforcement authorities may consider the issuance of regular press releases either as an incentive for facilities who meet inspection standards or as a deterrence for their non-compliance. It is essential to make press releases a statutory aspect of all enforcement action.

However, to ensure that the press releases satisfy the mutual needs of the enforcers and the media, the issuing department must recognize that the media has its limitations in the depth and extent of coverage it can offer. Consequently, the releases must be made relevant to the general public and be of sufficient current interest. The message must also be considerably useful to the general public, unambiguous, and written in simple, non-technical terms.

It is also important that the message is illustrated with examples and diagrams, where appropriate, and is made as entertaining and attractive as possible. There is the paramount need for authenticity, quoting the right authorities where possible. Perhaps more importantly the release must be endorsed by an appropriate officer of the issuing agency.

It is a challenge to the creativity and dexterity of the environmental community to harness the various strengths of the mass media to reach a greater number of the people.

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3. Uwejamomere, O.T., A Thematic Overview of Media Consciousness of the Environment in Nigeria: 1985-1992 Content Analysis and Case Study of Four Newspapers, a commissioned paper, October 1992, pp. 7-8.
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**APPENDIX 1: SUBSTANCES DUMPED AT KOKO**

<b>Firms</b>	<b>Substances</b>	<b>Notes</b>
A.R.P. S. Giveaio Su LEGNANO, (MILAU-ITALY)	DIMETHYL FORMAMIDE	
CAPROS (MARTERA, ITALY)	VITHAWES	
COMETA (LAINATE, ITALY)	WASTES FROM NEWSPAPER INDUSTRY	
BAGHIM INCHIOSTRO (FLORENCE, ITALY)	NOT STATED	
DAVIDSON (GENOA, ITALY)	NOT STATED	
SAVID (COMO, ITALY)	SOLVENTS AND COATING WASTES	
LEIFIS (CIVISELLO, BALSAMO, ITALY)	COATING WASTES	
SOMMER (VIANZA, ITALY)	PESTICIDES	
YNO-CYANAMID (NORWAY)	METHYL MELAMINE	
HOECHST (WEST GERMANY)	BUTHANOL, PHENOL, CRESOLS	
BAYER (WEST GERMANY)		
UFOCTIRUS BV (HOLLAND)	REFRIGERATING LIQUIDS	
M.PC S. GIORGIO SU LEGNANA (MILAN, ITALY)	RESINS ETHYLACETATE DI-METHYL FORMAMIDE	HIGHLY INFLAMMABLE
I.V.I. (MILAN, ITALY)	CATOLAC POLI-URETHANES POLI-CHLOROBIPHENYL	
I.V.I. SOUTH (CAIVANA NAPLES, ITALY)	LEAD-BASED COATINGS	

Source: Akingbade, T, 1991.

**APPENDIX 2: COMMUNIQUE OF THE COLLOQUIUM ON OPIC REAL ESTATE DEVELOPMENT IN ISHERI HELD ON DECEMBER 17, 1993**

A group of recognized scientists and academics, from different disciplines and institutions and two communities (Isheri and Ibafo communities), met for a one-day colloquium to discuss the Ecological Impact of Real Estate Development on Ogun River Flood Plain.

The participants observed that:

- The colloquium is a novelty which has been tried in four other project and ecological problem areas in Nigeria.
- An EIA may not have been done for the scheme.
- Lack of adequate communication between the various government agencies may have impeded collaborative efforts.
- The communities were not adequately involved in the planning process of the proposed project.

The colloquium recognized that:

- While the Isheri Olofin Community welcomes the development project, the Ibafo Community has strong objections to the project.
- OPIC activities affect the biotic and abiotic components of the Isheri flood plain ecosystem, leading to various socio-economic and socio-cultural consequences on the communities.
- The colloquium's attention was drawn to the legal aspects, enumerating laws and decrees both recent and those promulgated some decades ago.
- The participants also recognized that the Federal Government of Nigeria (FGN) has now put in place an EIA Decree No. 86 of 1992.

**RECOMMENDATIONS**

The colloquium therefore resolved to recommend as follows:

- The Federal Government should initiate dialogue among the various interest groups.
- There is the immediate need for an Environmental Audit of the Project.
- All future development projects should take cognisance of the EIA Decree No. 86 of 1992.