
TRANSBOUNDARY ILLEGAL SHIPMENTS OF HAZARDOUS WASTE, TOXIC CHEMICALS (PESTICIDES) CONTRABAND CHLOROFLUOROHYDROCARBONS: THE NIGERIAN EXPERIENCE

ODUBELA, MODOUPE TAIWO¹, SOYOMBO, OLURONKE², ADEGBITE, FEMI³, AND OGUNGBUYI, KITAN⁴

¹ Assistant Director

² Chief Environmental Scientist

³ Principal Environmental Scientist

⁴ Senior Environmental Scientist

Inspectorate and Compliance Monitoring Department, Federal Environmental Protection Agency P.M.B. 3150, Surulere, Lagos, Nigeria

SUMMARY

Nigeria, like other developing countries, is facing continuous threats of illegal traffic and trade of hazardous wastes, toxic chemicals [Pesticides], and Contraband chlorofluorohydrocarbons, in spite of the stringent laws enacted after Nigeria's first experience of hazardous wastes dumping in 1988. This paper describes the country's new experience, the enforcement strategy put in place, and the constraints.

1 INTRODUCTION

Nigeria's dominant feature is her size and diversity. It has a population of about 88 million people evenly spread over a total land area of 910,770 square kilometers. Out of the 45 countries of sub Sahara Africa, Nigeria constitutes over 20 percent of the total population.

Nigeria is faced with many environmental problems. These problems include deforestation, desertification, soil erosion, oil pollution, water pollution, biodiversity losses, coastal erosion, floods, urban decay and industrial pollution, and recently the surge and threat of illegal shipment of hazardous and toxic waste, toxic chemicals [pesticides] and contraband chlorofluorohydrocarbons into the country.

With the strong and active environmental awareness and pressure groups in industrialized countries, the hazardous waste from industrial processes in these countries were awaiting disposal elsewhere. The toxic chemicals [pesticides] and contraband chlorofluorohydrocarbons which have been banned in these countries are finding their way illegally into developing countries, Nigeria included. The reasons induced for this trend in Nigeria are:

- the down turn in the economy, which is compelling industrialists to seek for cheap secondary raw materials and goods;
- poor awareness of existing enforcement agencies and bottle necks in the enforcement of the regulations; and
- porous borders.

2 THE NIGERIAN EXPERIENCE

The dumping of 4,000 tons of toxic wastes from Italy in Koko Port, Nigeria in 1988 promoted the government to promulgate the Harmful Waste [Special Criminal Provision etc.] Decree 42. This decree made it a criminal act, punishable by life imprisonment, to carry, deposit, transport, import, sell, buy or negotiate in trade of harmful waste within Nigeria territory. Nigeria was the first country in Africa to sign and ratify the Basel Convention. Nigeria considerably influenced the text of the Convention.

2.1 Alerts

Since the first experience of the illegal dumping of hazardous wastes in Nigeria in 1988, there have been many attempts by Nigerian businessmen and foreign waste merchants in industrialized countries to ship waste, toxic chemicals, and contraband chlorofluorohydrocarbons into the country. Various methods were employed to commit such acts. In 1992 and 1993 fifty alerts were received by the Nation's Dump Watch Network. Notably amongst these were:

- an offer to "dispose radioactive waste" by one Chief Kalu Ezemballa of Gopitech Waste Disposal Limited;
- a business proposal emanating from one Prince M. M. Ajasin to import waste through Germany;
- importation of 71.41 metric tons of waste to Nigeria from the United Kingdom in 1993;
- a business proposal on Toxic Waste disposal in Nigeria by one Alhaji Mohammed Suleiman of Plos-Chem Limited from Germany;
- a request for "transportation of dangerous good" gases, poisonous substances and infectious corrosive substances and miscellaneous dangerous goods by one Anumanu O. Anumanu from Germany;
- Nodek Limited plan to import milk suspected to be radioactive from Baltic region;
- alerts from the Canadian High Commission of persistent efforts by Messrs A.C. Okasi & Associates to import hazardous wastes from Canada through letters and several phone calls; also a company called Alfa Estate solicited for hazardous wastes from Canada;
- alerts from one Dr. Chinendu Okafor requesting toxic waste from Canada to Nigeria;
- an alert on increase in the dumping of toxic wastes in Indonesia from Germany, Singapore, South Korea, USA and Netherlands;
- an alert from Basel Convention Secretary on an attempt to dispose of toxic waste into Nigeria by one John M. Eke;
- attempts to reexport twenty-two rail cars loaded with toxic waste [oil waste, chemical alkaline, used batteries] from Czech Republic by five German firms to unnamed third world countries; and
- alert on Australia's intention to ship toxic waste overseas.

In 1994 and 1995, about 15 toxic chemicals and waste alerts were received from Dump Watch Network. Out of these, twelve were purported requests by alleged Nigerian businessmen, while three were deliberate efforts by foreign companies to dump toxic wastes in the country. The latest method employed by this group of purported importers was to disguise toxic chemicals and wastes as raw materials under various false labeling. Polychlorinated Biphenyls were being

labeled as vegetable oil and Poly Vinyl Chloride as artificial raisins. The most outrageous and dangerous alert was on the proposed importation of radioactive milk products from the Baltic region into Nigeria.

In March, 1993, a consignment of ten bags of expired chemicals labeled "ACTELLIC 25 EC", brought in by Sud Air Transport, a chartered aircraft from Conakry, Guinea, was left unclaimed at the Murtala Mohammed International Airport. These chemicals were packed in cement bags with instructions written in French. Because of the offensive odor emanating from the consignment, officers of the Department of Customs and Excise called the attention of Federal Environmental Protection Agency inspectors. On investigation, it was discovered that the chemicals [pesticides] were expired. The summary of the investigations were as follows:

- the labeling of the Conakry consignments violated the United Nations Program, World Health Organization and Food and Agriculture Organization code of conduct on the safe use and handling of pesticides, because the instructions on the consignments were not written in the language of the users;
- the consignment contained no radioactive element, neither did they emit radiation of any type;
- the chemical, however, exhibited all the characteristics of expired ACTELLIC 25;
- the chemicals were unsuitable for their recognized and intended use; and
- the chemicals contained a serious environmental health hazard if allowed in the environment.

Consequently, the Federal Environmental Protection Agency expressed grave concern over the following:

- the latest increase in international chemical merchandising especially by illiterates, market traders and other people not competent to handle chemicals safely;
- the continuous dumping of deteriorated and inappropriately labeled agrochemicals in the country;
- the recent switch to airfreighting of pesticides to sidetrack the effective checks and inspections of Federal Environmental Protection Agency staff at the sea ports; and
- the poor handling of chemicals including the use of cement sacks as substitute for safe packages.

The Federal Environmental Protection Agency then made an appeal to airlines to maintain strict compliance of International Aviation regulations and other International Conventions when asked to carry pesticides and other hazardous chemicals and substances.

In the case of contraband chlorofluorohydrocarbons, the trend in Nigeria now is the importation, at cheap prices, of second hand refrigerators, air conditioners, compressors, deep freezers and cars which contained chlorofluorohydrocarbons that are being phased out in the industrialized countries. About 25,000 units are being imported into the country annually according to Custom Department unofficial sources. These goods which have outlived their usefulness are being dumped under the pretense of being fairly used.

3 ENFORCEMENT STRATEGY

The watchdog on environmental issues in Nigeria is the Federal Environmental Protection Agency which is vested with all the legal instruments to tackle illegal shipment of toxic wastes, chemicals [pesticides], and contraband chlorofluorohydrocarbons.

- Federal Environmental Protection Agency is the United Nations designated authority for industrial chemical and pesticides with authority to fulfill the London Guidelines and the Prior Informed Consent procedure.
- Federal Environmental Protection Agency is the focal point for the implementation of the Basel Convention on the Control of Transboundary Movement of Hazardous Waste and their Disposal.
- Federal Environmental Protection Agency maintains a combined list of one thousand and forty five [1,045] hazardous chemicals under schedules 11 and 13 of the Hazardous Waste Regulations S.I. 15 of 1991.
- Federal Environmental Protection Agency operates the Harmful Waste [Criminal Provisions] decree 42 of 1988. Section 1.1 of this decree overrides the Customs and Excise Traffic etc. Consolidating decree and it bans the importation, transit, transportation, deposit and storage of harmful waste.
- Decree 36 of 1989 vested the power for clearance or confiscation of imported contaminated foods jointly in the Minister of Health and the Chief Executive of Federal Environmental Protection Agency.
- Under the London Guidelines and Prior Informed Consent Procedure, all exporting countries should obtain the consent of the designated nation and the authority of the importing country, before the shipment of any hazardous chemicals and “green” waste. Where the Prior Informed Consent was obeyed, Federal Environmental Protection Agency gave consent, and should have notice of arrival date and port of berth of vessels carrying wastes.

The Federal Environmental Protection Agency’s enforcement strategy to tackle the illegal shipment of hazardous chemicals and waste is the Hazardous Chemical Program, which was established in 1992. This program monitors the exportation and importation of chemicals which did not obey Prior Informed Consent. Federal Environmental Protection Agency is supported by other enforcement agencies like Customs and Excise Department, Nigerian Navy, and State Security Services. The Federal Environmental Protection Agency also enjoys the support of Nigerian Ports PLC, Ministry of Foreign Affairs, Nigerian Missions abroad, Foreign Embassies within the country, the Manufacturers Association of Nigeria and nongovernmental organizations like Green Peace International.

3.1 The administrative procedures of the Program are as follows:

- The owners of a chemical consignment must write to the Federal Environmental Protection Agency attaching all import documents.
- When the consignment gets to the Custom examination stage, the chemicals are randomly sampled by Federal Environmental Protection Agency inspectors.
- The samples are taken to a Federal Environmental Protection Agency accredited laboratory consultant for analysis. The owner of the consignment pays the cost of the analysis.
- If the result proves positive, the clearance certificate signed by the Head of the Inspectorate and Compliance Monitoring Department of the Federal Environmental Protection Agency is issued to enable the clearing of chemicals.

- The handling, storage, usage, and disposal of the chemicals are monitored by Federal Environmental Protection Agency at the factory facility to ensure sustainable use and proper management.

When an alert is received on an intention to import toxic waste into the country, the Federal Environmental Protection Agency immediately puts its chemical tracking inspectors on alert at the ports. The information is also immediately disseminated to all border posts throughout the Federation thereby putting all government agencies such as the State Security Services [SSS], Customs, Nigerian Ports Plc., etc., on the alert. Many other follow-up investigations are carried out based on all available information.

The Federal Environmental Protection Agency's strategy of tracking chemicals and recycled waste consignment, which do not fulfill the Prior Informed Consent procedure, succeeded in preventing the importation of banned chemicals into the country. Usually, such hazardous chemicals were camouflaged as industrial raw materials and products. In 1994, the Federal Environmental Protection Agency was able to intercept 97,676 metric tons of hazardous wastes. In all the cases, the consignments were returned to the countries of origin. It was, however, unfortunate that permits for these consignments were obtained from another governmental agency.

Table 1

Importing Industry Category	Volume [metric tons]
	16,296,969
Plastic	689
Steel	1,852,825
Petroleum	844,480
Paint	1,834,144
Agro-chemical	3,501,732
Foam	2,057,557
Textile	1,734,200
Building	4,410,000
Miscellaneous & Unclassified	32,532,596
COMPLIANCE	
NON COMPLIANCE/CAMOUFLAGED	97,676