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**QUESTION: “ DISCUSS THE JUSTIFICATION OF THE 1991 BAMAKO
CONVENTION ON THE TRANSBOUNDARY MOVEMENT OF
HAZARDOUS WASTE AND PROHIBITION IN NIGERIA.”**

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ABSTRACT

The Bamako Convention, adopted in 1991, plays a crucial role in addressing the transboundary movement of hazardous waste in West Africa. This paper explores the historical context behind the convention's adoption, with a focus on Nigeria's involvement. It examines the key provisions of the convention, highlighting the prohibition of hazardous waste imports and exports, as well as the obligations of member countries like Nigeria. The project also examines how Nigeria has implemented the convention and the challenges faced in doing so. Furthermore, it explores the positive impact of the Bamako Convention on Nigeria's environmental protection efforts, sustainable development, and public health. By regulating hazardous waste movement, the convention contributes to a safer and more sustainable future. However, this only applies to countries who are passionate about environmental protection. As a signatory to the convention, has Nigeria done justice to the provisions of this convention? Does Nigeria's passion for environmental protection supersede its economic interests? This paper would decipher the aforementioned questions succinctly.

1.0 INTRODUCTION; WHY THE BAMAKO CONVENTION?

Human activity geared towards economic development does not come without severe consequences, one of which being the incessant dumping toxic and hazardous waste.

Transboundary movement of hazardous waste thereby refers to the transportation of hazardous waste across national borders. It involves the movement of waste from one country to another for various reasons, such as disposal, treatment, or recycling. This movement can pose significant environmental and health risks if not properly managed.

The scope of the Bamako Convention is confined to hazardous wastes, though not wastes from ship discharges covered by another Convention. Hazardous substances banned, cancelled or refused registration by government regulatory action for health or environmental reasons, are defined as hazardous wastes under the Convention.

According to **Article 1** of the Convention¹, ‘**Wastes**’ are substances or materials which are disposed of or intended to be disposed of or are required to be disposed of by the provisions of the national law. The various substances referred to as hazardous waste are also specified in Article 2 of the Bamako convention.

Simply speaking, ‘Hazardous waste’ is waste that must be handled properly to avoid damaging human health or the environment. Waste can be hazardous because it is toxic, reacts violently with other chemicals, or is corrosive among other traits. As of 2022, humanity produces 300-500 metric tons of hazardous waste annually². Some common examples are electronics, batteries, and paints. An important aspect of managing hazardous waste is safe disposal. Hazardous waste can be stored in hazardous waste landfills, burned, or recycled into something new. Managing

¹ The Bamako Conventio 1991, s1.

² Avitua. A. Agbor *Movement of Hazardous Wastes and Environmental Degradation in Africa*. African Journal of Legal Studies 18 Aug 2016.

hazardous waste is important to achieve worldwide sustainability. Hazardous waste is regulated on a national scale by national governments as well as on an international scale by the United Nations (UN) and international treaties.

As an important agreement, the Bamako convention served as an avenue to address the ill effects of transboundary movement of hazardous waste in Africa. It was adopted in 1991 by several African countries, including Nigeria. The convention aims to minimize the generation of hazardous waste, ensure its environmentally sound management, and prevent illegal dumping or disposal. It plays a crucial role in protecting the environment and promoting sustainable development in the region.

It is quite unfortunate that Africa was being used as a dumping ground for hazardous waste in the past. African leaders recognized this issue and took action to condemn the importation of hazardous materials into the continent. The Cairo Guidelines were established to support the development and implementation of efficient policies for managing hazardous waste. However, the international community's efforts were not enough, leading to the adoption of **Resolution 1153** by the Council of Ministers of the OAU³. This resolution called for African states to ban all types of hazardous items in accordance with the set guidelines. The subsequent adoption of the **Basel Convention** in 1989 did not fully address the environmental pollution concerns faced by Africa. This context laid the foundation for the Bamako Convention.

The Bamako convention uses a format and language similar to that of the Basel convention, except that:

(a) it is much stronger in prohibiting all imports of hazardous waste, and

³ ‘ Resolutions Adopted by the Sixty-Third Ordinary Session’.; African Union <[https://au.int › sites › default › files › decisions › 9620-c...>](https://au.int/sites/default/files/decisions/9620-c...>)., Accessed April 28th 2024.

(b) it does not make exceptions on certain hazardous wastes (like those for radioactive materials) made by the Basel convention.

The Bamako Convention aims to regulate and control this movement to ensure that hazardous waste is managed in an environmentally sound and sustainable manner. It promotes cooperation between countries to prevent illegal dumping and protect the environment.

The purpose of the convention include but are not limited to;

- To prohibit the import of all hazardous and radioactive wastes into the African continent for any reason;
- To minimize and control transboundary movements of hazardous wastes within the African continent.
- To prohibit all ocean and inland water dumping or incineration of hazardous wastes.
- To ensure that disposal of wastes is conducted in an “environmentally sound manner”.
- To promote cleaner production over the pursuit of a permissible emissions approach based on assimilative capacity assumptions
- To establish the precautionary principle.

2.0 HISTORICAL CONTEXT AND ORIGIN OF THE BAMAKO CONVENTION

In Africa, the impetus for the Bamako Convention arose from the realization that many developed nations were exporting toxic wastes to Africa. The adoption of the Bamako Convention in 1991 was a result of the growing concern over the dumping of hazardous wastes in Africa, as well as the lack of regulation and enforcement in many African countries⁴.

In the 1980s, several high-profile incidents of illegal waste dumping in Africa, such as the dumping of toxic waste in Probo Koala in the Ivory Coast by European companies and the Koko case in Nigeria drew attention to the need for regulation⁵.

It should be noted however that Prior to the adoption of the Bamako Convention of 1991, the **Basel Convention of 1989** was in application. The Convention aimed to control the transboundary movement of hazardous wastes. However African countries felt that the Basel Convention was insufficient in protecting their interests, as it did not prohibit hazardous waste exports from industrialized countries to developing countries. Thus, the Bamako convention was a response to **Article 11** of the **Basel Convention**⁶ which encourages parties to enter into bilateral, multilateral and regional agreements on Hazardous Waste to help achieve the objectives of the convention⁷.

⁴ Maureen Ihua-Madueny ‘Ratify, Implement Bamako Convention, SRADEV tells FG’ *The Punch* (15th January 2018) <<https://punchng.com/ratify-implement-bamako-convention-sradev-tells-fg/?amp#offcanvasExample>>; accessed April 28th 2024.

⁵ The Bamako Convention, “UNEP United Nations Environment Programme” <<https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/meeting-international-environmental#:~:text=The%20impetus%20for%20the%20Bamako,Koala%20case%20in%20Ivory%20Coast>>; accessed April 28th 2024.

⁶ The Basel Convention 1989, Article 11.

⁷ S. Matemilola, O.Fadeyi, “Bamako Convention”, September 2020 DOI:10.1007/978-3-030-02006-4_522-1. <<https://www.researchgate.net/publication/344224176>>

The Bamako Convention goes beyond the Basel Convention in several ways, including banning all hazardous waste imports to Africa, and requiring prior informed consent from the importing country. It not only includes radioactive wastes but also considers any waste with a listed hazardous characteristic or a listed constituent as a hazardous waste. The Convention also covers national definitions of hazardous waste. Other products also covered under the Convention as waste include those that have been severely restricted or have been subject of prohibitions⁸.

It is an effort to prevent incidents such as ‘Koko’ and ‘ProboKoala’ from happening again, and to reinforce existing international treaties surrounding the shipment and disposal of hazardous waste – as established in the Basel Convention and Bamako Convention.

"We have a collective responsibility to safeguard communities from the environmental and health consequences of hazardous waste dumping," said Ibrahim Thiaw, (Deputy Executive

Director of UN Environment). According to him, the creation of regional Public-Private Partnerships could lead to the creation of adequate facilities to manage hazardous waste internally generated in Africa. Previous experiences have led us to establish these international treaties around chemical waste, and together we must ensure they continue to be adhered to.

The Basel Convention prevents the shipment and disposal of hazardous waste from industrial to developing countries. This international treaty establishes a procedure of strict requirements and consents of any trans-boundary movement of hazardous waste. To complement the Basel Convention, African Nations then established the Bamako Convention in 1991. The Convention, which came into force in 1998, is aimed at protecting the health of populations and the environment of African countries through a ban on the import of all hazardous and radioactive

⁸ The Bamako Convention, “UNEP United Nations Environment Programme”
<<https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/meeting-international-environmental#:~:text=The%20impetus%20for%20the%20Bamako,Koala%20case%20in%20Ivory%20Coast>>;
accessed April 28th 2024.

wastes. It also prohibits the dumping or incineration of hazardous wastes in oceans and inland waters, and promotes the minimization and control of trans-boundary movements of hazardous wastes within the African continent. The Convention also aims to improve and ensure ecologically rational management and handling of hazardous waste within Africa, as well as the cooperation between African nations.

In a nutshell, The Bamako Convention is a regional instrument and was a direct response to the call on parties to enter into bilateral, multilateral and regional agreements on hazardous wastes to help achieve the objective of the Basel Convention. The Bamako Convention was adopted by African States to address certain aspects of the hazardous wastes problem that the Basel Convention did not cover. Upon coming into force in 1998, the convention's secretariat was with the African Union.

The Bamako Convention regulates substances, especially pesticides, fertilizer and other chemicals that have been banned, canceled, denied registration by a government regulatory action or voluntarily withdrawn in the country of manufacture due to health and environment reasons. Radioactive wastes are included in the definition of hazardous wastes in the Convention. To strengthen the legal regime of the Convention, it obliges parties to take legal, administrative and other measures within their national jurisdiction to prohibit the import of all hazardous wastes into their territories.

Nigeria was heavily involved in the Bamako Convention from its inception. Nigeria was one of the main drivers behind the adoption of the Bamako Convention, and played a key role in shaping its content.

Nigeria had experienced several incidents of hazardous waste dumping in the 1980s, including the infamous 1988 toxic waste scandal, in which a company illegally dumped toxic waste in the

town of Koko. This incident prompted Nigeria to advocate for stricter regulations on hazardous waste dumping in Africa.

In addition, Nigeria was also concerned about the impact of hazardous waste dumping on its environment and public health. Nigeria's involvement in the Bamako Convention continued beyond its adoption in 1991⁹. Nigeria was one of the first countries to be a signatory to the convention, doing so in 1999, which played a key role in bringing the convention into force.

Nigeria has also played a leading role in regional efforts to implement the Bamako Convention. For example, Nigeria was instrumental in the establishment of the Bamako Convention Secretariat, which is based in Bamako, Mali, and serves as the main body for the implementation and coordination of the convention.

3.0 SALIENT AND KEY PROVISIONS OF THE CONVENTION

In its effort to prohibit and eradicate the transboundary movement of hazardous wastes, the Bamako Convention contains some attributable provisions, geared towards achieving the aim of its enactment. These provisions are highlighted below:

3.1. Article 4: National Focal Point, Obligation of Member Countries

This article establishes the requirement for each Party to designate a National Focal Point. The National Focal Point serves as the contact and coordination point for the implementation of the Convention within the country¹⁰. The Article also imposes the following on member countries;

⁹ S. Matemilola, O.Fadeyi, "Bamako Convention", September 2020 DOI:10.1007/978-3-030-02006-4_522-1. <<https://www.researchgate.net/publication/344224176>>

¹⁰ The Bamako Convention 1991, Article 4.

- Prior Informed Consent (PIC): Member countries must establish mechanisms for obtaining prior informed consent (PIC) from other African countries before exporting hazardous wastes to them.
- Notification and Reporting : Member countries are obligated to notify other African countries and the Secretariat of the convention about their national laws, regulations, and administrative measures adopted to implement the provisions of the convention.
- Capacity Building and Technology Transfer: Member countries, including Nigeria, are encouraged to promote capacity building and technology transfer initiatives to enhance their ability to manage hazardous wastes effectively and safely.
- Monitoring and Enforcement: Member countries have a responsibility to monitor and enforce compliance with the provisions of the Bamako Convention within their territories.

3.2. Article 5: Strategies for Minimizing Hazardous Waste Generation

Article 5 focuses on the development and implementation of strategies to minimize the generation of hazardous wastes. Parties are encouraged to adopt measures such as cleaner production techniques and waste reduction programs¹¹.

3.3. Article 6: Environmentally Sound Management of Hazardous Wastes

Article 6 emphasizes the importance of environmentally sound management of hazardous wastes. It encourages Parties to establish and maintain appropriate facilities for the treatment, storage, and disposal of hazardous wastes¹².

¹¹ The Bamako Convention 1991, Article 5.

¹² The Bamako Convention 1991, Article 6.

3.4. Article 7: Prevention of Illegal Traffic of Hazardous Wastes

Article 7 addresses the prevention of illegal traffic of hazardous wastes. Parties are required to take measures to prevent and combat the illegal transportation, dumping, and disposal of hazardous wastes¹³.

3.5. Article 8: Notification and Consent Procedure for Transboundary Movements

Article 8 establishes a notification and consent procedure for transboundary movements of hazardous wastes. It requires the exporter to notify the competent authorities of the importing and transit countries, seeking their consent for the movement¹⁴.

3.6. Article 9: Minimization of Hazardous Waste Generation

Article 9 further emphasizes the minimization of hazardous waste generation. It encourages Parties to adopt measures such as waste reduction, recycling, and treatment to minimize the amount of hazardous waste produced¹⁵.

3.7. Article 10: National Legislation and Regulations

¹³ The Bamako Convention 1991, Article 7.

¹⁴ The Bamako Convention 1991, Article 8.

¹⁵ The Bamako Convention 1991, Article 9.

Article 10 highlights the importance of developing and implementing national legislation and regulations to effectively implement the provisions of the Convention. Parties are encouraged to establish legal frameworks for hazardous waste management¹⁶.

3.8. Article 11: Public Awareness and Education

Article 11 promotes public awareness and education on hazardous waste management. Parties are encouraged to disseminate information and raise awareness among the public, including through educational programs and campaigns¹⁷.

3.9. Article 12: Cooperation and Exchange of Information

Article 12 emphasizes the importance of cooperation and exchange of information among Parties. It encourages Parties to share experiences, best practices, and technical information related to hazardous waste management¹⁸.

3.10. Article 13: Inventories of Hazardous Waste Generation and Management

Article 13 calls for the development of inventories of hazardous waste generation and management within each Party¹⁹.

3.11. Article 14: Transboundary Movement of Hazardous Wastes

¹⁶ The Bamako Convention 1991, Article 10.

¹⁷ The Bamako Convention 1991, Article 11.

¹⁸ The Bamako Convention 1991, Article 12.

¹⁹ The Bamako Convention 1991, Article 13.

Article 14 focuses on the transboundary movement of hazardous wastes. It establishes procedures and requirements for the proper handling, packaging, labeling, and documentation of hazardous wastes during their international transportation²⁰.

3.12. Article 15: Liability and Compensation

Article 15 addresses liability and compensation for damages caused by the transboundary movement of hazardous wastes. It emphasizes the responsibility of the generator, exporter, and importer to ensure that proper measures are taken to prevent harm and provides guidelines for liability and compensation mechanisms²¹.

3.13. Article 16: Technical Assistance and Capacity Building

Article 16 highlights the importance of technical assistance and capacity building in implementing the provisions of the Convention. It encourages developed countries and international organizations to provide assistance to developing countries in areas such as technology transfer, training, and financial support²².

3.14. Article 17: Conference of the Parties

Article 17 establishes the Conference of the Parties (COP) as the governing body of the Convention. The COP meets regularly to review the implementation of the Convention, make decisions, and provide guidance on matters related to hazardous waste management²³.

²⁰ The Bamako Convention 1991, Article 14.

²¹ The Bamako Convention 1991, Article 15.

²² The Bamako Convention 1991, Article 16.

²³ The Bamako Convention 1991, Article 17.

3.15. Article 18: Secretariat

Article 18 establishes the Secretariat, which serves as the administrative body of the Convention. The Secretariat assists the COP in carrying out its functions, facilitates communication among Parties, and supports the implementation of the Convention.

These articles form the regulatory framework of the Bamako Convention, addressing various aspects of hazardous waste management and transboundary movements.

Overall, the Bamako Convention aims to protect human health and the environment from the adverse effects of hazardous wastes by regulating their transboundary movement and ensuring their environmentally sound management within Africa²⁴.

4.0 IMPLEMENTATION OF THE BAMAKO CONVENTION IN NIGERIA; A RUSE 33 YEARS DOWN THE LINE

A non-governmental organization, Sustainable Research and Action for Environmental Development Nigeria, says it has become worrisome that the country has failed to ratify the Bamako Convention, 20 years after it came into force. The Bamako Convention on the ban on the import into Africa and the control of trans boundary movement and management of hazardous wastes within the continent is a treaty of African nations prohibiting the import of any hazardous waste, including radioactive waste, and was negotiated by 12 nations of the Organization of African Unity, now African Union, at Bamako, Mali in January, 1991, but came into force in 1998.

²⁴ Bamako Convention on the Ban of the Import into Africa and the Control of TransBoundary Movement and Management of Hazardous Waste Within Africa, January 30 1991.

“Nigeria’s delaying ratifying the Bamako Convention after 20 years of its coming into force is a bad omen for a toxic-free country and continent; it is simply not enough to sign the convention without ratification to implement it.”²⁵ Adogame said.

According to him, the convention has 29 Signatories and 25 parties but regrettably, Nigeria is yet to ratify and implement it since its signatory in 1998. Adogame noted that globally, environmentally sound management of hazardous wastes was the subject of **Chapter 20 of Agenda 21 of the treaty**, while effective control of the generation, storage, treatment, recycling and reuse, transport, recovery and disposal of hazardous wastes was, according to Agenda 21, of paramount importance for proper health, environmental protection and natural resource management and sustainable development.

He further stated that among the overall targets of Chapter 20 are ratifying and full implementation of the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa; and eliminating the export of hazardous wastes to countries that prohibit such imports.

African states involved in cross-border movement of hazardous wastes are driven by a desperate need to earn income as big as (and even bigger than) their GNPs. Rated as the predominant reason behind this, there is an economic drive from developing countries to earn income in the form of hard currency as an attempt to alleviate the economic hardships in which its people are entangled.

²⁵ Maureen Ihua-Madueny ‘Ratify, Implement Bamako Convention, SRADEV tells FG’ *The Punch* (15th January 2018) <<https://punchng.com/ratify-implement-bamako-convention-sradev-tells-fg/?amp#offcanvasExample>>; accessed April 28th 2024.

Furthermore, the greed that is exemplified by African business tycoons in their unquenchable desire to make enormous amounts of money in foreign currency in a relatively short span of time accounts for this. There have been reports of independent African business owners signing deals to import waste materials for just a portion of the cost of having these toxic wastes recycled or disposed of in the West.

Developed industrialized countries, wherefrom these hazardous wastes emanate, have very high regulatory standards (even though at times they are marred by some industrial and legal loopholes). Furthermore, the disposal of industrial wastes and by-products involves very high costs.

The better and more affordable alternative is Africa where regulatory standards are low and enforcement is very weak, added to the low costs of recycling²⁶. Developed countries have continually targeted Africa as the destination for hazardous wastes under the pretext of re-use and recycling. Little wonder it has earned the moniker ‘the dumping ground’ as it is a very lucrative business that has enjoyed unprecedented growth. Hazardous wastes crossing national boundaries are shipped to Africa clandestinely and dumped on huge portions of unused land.

Ratification and implementation of the convention has become expedient since Nigeria very recently signed a pact with Russia to build and operate a nuclear power plant despite concerns about poor quality control, safety and waste management. Even though it is quite hypocritical since Nigeria had consistently reiterated diplomatic support for the United Nations in all its

²⁶ S. Matemilola, O.Fadeyi, “Bamako Convention”, September 2020 DOI:10.1007/978-3-030-02006-4_522-1. <<https://www.researchgate.net/publication/344224176>>

efforts, including the attainment of the 2030 Agenda for Sustainable Development, and should be committed to the implementation of the convention too.

4.1 FACTORS THAT INHIBIT THE ADOPTION AND PROPER IMPLEMENTATION OF THE CONVENTION

There are some shortcomings of the Bamako Convention that explain why trans boundary movement of hazardous wastes across African states has not stopped. They include;-

- **Lack of Political Will for the Implementation of the Convention²⁷**

The adoption of the Bamako Convention was a clear demonstration that African states were completely dissatisfied with the protection accorded by the Basel Convention. However, the ratification of the Convention has suffered from a remarkable slowness, which is a major indicator of the absence of universal support and acceptance amongst African states themselves. As a result, the Bamako Convention only came into force in 1998. As of February 2010, it had been ratified by only 23 African countries. Regarding the development and implementation of regulations and priority funding, the response from most African states has been one of suspicion and apathy.

- **The Economic Realities of African States**

In addition to the lack of a political will for the implementation discussed above, trans boundary movement of hazardous wastes across Africa remains undeterred because of the daunting

²⁷ Avitua. A. Agbor *Movement of Hazardous Wastes and Environmental Degradation in Africa*. African Journal of Legal Studies 18 Aug 2016.

economic realities faced by African states²⁸. The implementation of environmental law (both international and domestic) in Africa is partly and largely influenced by economic, technological and political factors. For a continent where poverty and misery are never on a permanent vacation, and many are entangled in financial and economic difficulties, the importation of hazardous wastes is rewarded by the promises of huge financial gains which serve as a source of foreign revenue for these poor states. Statesmen have disclosed on public podium how such illegal trade would boost their national economies, making them completely oblivious to poisonous consequences and unpalatable ramifications of such illegal transactions.

- Absence of Waste Management Technologies

As a consequence of its chronic poverty, the relevant technology for the treatment of hazardous wastes is almost absent. The Bamako Convention prescribes strict measures regulating the trans-boundary movement of hazardous wastes among states parties²⁹. Unfortunately, the Convention does not contain any specific provisions on the development of the requisite waste management technologies that would, at least, in theory, minimize such activity within the African continent.

- Inadequate International Cooperation

The Bamako Convention makes no provision for the cooperation of its Secretariat with the Basel Secretariat. It is self-evident that collaborative cooperation with the Basel Convention as well as other regional Secretariats and intergovernmental, non-governmental organizations is needed for the successful implementation of the aspirations of the Bamako Convention.

²⁸ *ibid.*

²⁹ *ibid.*

While international instruments have prohibited certain activities like the transboundary movement of hazardous wastes, recent incidents in Africa have highlighted the shortcomings of these laws. The Bamako Convention has made progress, but it's clear that there are still challenges. It is important to recognize that the ban on transboundary movement is just one aspect of a larger problem faced by African countries, including poor environmental management, pollution, waste disposal issues, and more. To effectively address these issues, additional measures such as strong laws, policies, education, and an active civil society are necessary. These efforts can complement the existing international instruments and help create a more sustainable future.³⁰

5.0 IMPACTS AND BENEFITS ON THE NIGERIAN ECOSYSTEM UPON

RATIFICATION:

It is without a doubt that there are salient inhibiting factors that prevent the actualization of the original purpose of the Bamako convention, which is to totally prohibit the illegal dumping of hazardous waste in other countries. However, these factors do not berate the entire purpose of this convention as its benefits are numerous to any country who ratifies and acts on its principles. These benefits include;

- **Enhanced environmental protection:** When Nigeria fully implements the Bamako Convention, it can significantly improve its efforts to protect the environment. The Convention provides guidelines for the environmentally sound management of hazardous wastes. This means that Nigeria would have clear regulations and practices in place to

³⁰ Avitua. A. Agbor *Movement of Hazardous Wastes and Environmental Degradation in Africa*. African Journal of Legal Studies 18 Aug 2016.

ensure that hazardous wastes are handled, stored, and disposed of properly, reducing the risk of environmental pollution and contamination.

- **Improved public health:** Hazardous wastes can have detrimental effects on human health. By adhering to the provisions of the Bamako Convention, Nigeria can better safeguard its population from the harmful impacts of hazardous waste exposure. This can lead to a decrease in related illnesses and diseases, promoting better public health outcomes for the Nigerian people.
- **Strengthened international cooperation:** The Bamako Convention emphasizes the importance of international cooperation in effectively managing hazardous wastes. If Nigeria fully ratified the Convention, it can actively participate in collaborative efforts with other countries. This includes sharing knowledge, resources, and best practices to address the transboundary movement of hazardous wastes. By working together, countries can tackle this issue more effectively and create a safer global environment.
- **Sustainable development:** The Bamako Convention promotes the use of environmentally sound technologies for waste management. If Nigeria fully implements the Convention, it can adopt these technologies, which are designed to minimize environmental impact. By embracing sustainable waste management practices, Nigeria can achieve a balance between economic growth and environmental protection, ensuring that development is carried out in a responsible and sustainable manner.
- **Increased investment opportunities:** Full implementation of the Bamako Convention can enhance Nigeria's reputation as a country committed to environmental protection. This can attract investment from organizations and industries that prioritize sustainable practices. By demonstrating its dedication to proper waste management and

environmental stewardship, Nigeria can create a favorable investment climate, leading to economic growth and the creation of job opportunities for its citizens³¹.

- **Legal framework:** The Bamako Convention provides a comprehensive legal framework for the management of hazardous wastes. By fully ratifying the Convention, Nigeria would have a solid foundation for developing and implementing national legislation and regulations that align with international standards. This can ensure consistency and clarity in waste management practices, making it easier to enforce and monitor compliance.
- **Capacity building:** The Bamako Convention emphasizes the importance of capacity building and technical assistance. Nigeria can benefit from the knowledge and expertise shared through the Convention's platforms and mechanisms. This can help strengthen the country's capabilities in areas such as waste management, pollution prevention, and environmental monitoring. By building capacity, Nigeria can enhance its ability to address transboundary hazardous waste issues effectively.
- **Access to funding:** The Bamako Convention encourages the provision of financial resources and technical assistance to support the implementation of its provisions. Nigeria's full engagement in the Convention can open up opportunities for accessing funding and support from international organizations and donor countries. This can aid in the development and implementation of projects and initiatives aimed at preventing transboundary hazardous waste movement and promoting sustainable waste management practices.

³¹ Maureen Ihua-Madueny 'Ratify, Implement Bamako Convention, SRADEV tells FG' *The Punch* (15th January 2018) <<https://punchng.com/ratify-implement-bamako-convention-sradev-tells-fg/?amp#offcanvasExample>>; accessed May 1st 2024.

- **Regional cooperation:** The Bamako Convention fosters regional cooperation among African countries to address common challenges related to hazardous waste management. Nigeria's active participation can contribute to regional efforts in sharing experiences, best practices, and lessons learned. This collaboration can lead to the development of regional strategies and initiatives that effectively address transboundary hazardous waste issues, benefiting not only Nigeria but the entire African continent.
- **International recognition:** Full involvement in the Bamako Convention can enhance Nigeria's international standing as a responsible and environmentally conscious nation. By actively participating in the Convention's meetings, conferences, and initiatives, Nigeria can showcase its commitment to addressing transboundary hazardous waste issues. This can lead to increased recognition and respect from the international community, strengthening Nigeria's position as a leader in environmental protection. These benefits highlight the potential positive impact of Nigeria's full ratification and implementation of the Bamako Convention. By embracing the Convention's provisions, Nigeria can contribute to a safer and more sustainable future, both domestically and on a global scale.

6.0 CONCLUSION: IS THE BAMAKO CONVENTION JUSTIFIED IN NIGERIA?

In summary, The Bamako Convention wasn't just about Nigeria, it was a continent-wide effort by African nations. The Bamako Convention, adopted in 1991, was a strong response from African nations to the issue of hazardous waste dumping on the continent. The main goal was to completely ban any imports of hazardous waste, including radioactive materials, onto the African

continent. This stemmed from concerns that developed countries were dumping their waste in Africa. The convention strictly prohibits all imports of hazardous waste into Africa, including radioactive materials. This goes beyond the Basel Convention, which allows for some exceptions. The convention allows African nations with the capability to safely dispose of hazardous waste to handle waste generated within Africa, but it strictly regulates this movement. While all imports are banned, the Bamako Convention allows for controlled movement of hazardous waste between African countries. This however, must be done with strict regulations to ensure safe management and disposal. The convention emphasizes environmentally sound management of hazardous waste throughout its lifecycle. This means disposal must prioritize safety and minimize environmental impact. The convention promotes the idea that all hazardous waste disposal must be done in a way that protects the environment. The Bamako Convention embodies the precautionary principle, meaning it's better to avoid creating hazardous waste in the first place than to try to clean it up later. The convention encourages African nations to adopt cleaner production methods, reducing the generation of hazardous waste at the source.

Overall, the Bamako Convention aimed to protect African countries from the dangers of hazardous waste by stopping imports and strictly controlling movement within the continent. The justification for the Bamako Convention stemmed from concerns about developed countries using Africa as a dumping ground for hazardous waste. Incidents like the Koko toxic waste dumping in Nigeria highlighted the dangers of this practice. The convention aimed to protect African environments and populations from the harmful effects of hazardous waste. African nations felt the Basel Convention did not adequately protect them from becoming dumping grounds for hazardous waste from developed countries. The Bamako Convention aimed to shield

Africa from the environmental and health risks associated with improper hazardous waste disposal.

On a final note, the Bamako Convention has only had a persuasive effect on Nigeria's environmental protection laws. This is largely due to the fact that it has not been ratified in line with **Section 12(1)** of the constitution³². Without such ratification, the Bamako convention and all its beautiful provisions will remain a toothless dog with no power to combat the issue of transboundary movement of hazardous waste.

³² The Constitution of the Federal Republic of Nigeria, 1999(as altered), Section 12(1).