



SUMMARY OF CASE LAW ON WASTE PRODUCER LIABILITY

NIGERIA

We do not have a specific reported case in Nigeria, but the general legal requirements on waste producers are very clear.

“Producers of waste may retain residual liability, particularly where a transferee or person engaged to dispose of the same absconds. If the regulator is able to trace the waste back to the producer, it would be liable for clean up.” Aluko & Oyeboode, International Comparative Legal Guide, Nigeria Environmental Law (2006), sec. 3.3. See Wassila Nabourema ENHESA. “Recent Developments and Key Knowledge for Manufacturers and Industrial Waste Generators in [Nigeria](#).” 2015.

This is imposed by several legislative provisions. [Regulation 11 of the National Environment Protection regulations](#) (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations provides that “the collection, treatment, transportation and final disposal of waste shall be the responsibility of the industry or facility generating the waste.” Subsequently, the [Harmful Waste Act](#) covers both criminal and civil liability. It imposes criminal liability for improper disposal for vicarious violations involving acts of omission or delegation.¹ Civil liability is also quite broad reaching waste generators.²

“The ultimate responsibility lies with the producer, as under Nigerian law, the “polluter pays” principle applies.” Aluko & Oyeboode, [infra](#).

¹ Harmful Waste Act: “2. **Parties to the crime**

(1) A person shall be deemed to commit a crime under this Act if-

(a) he actually does the act or makes the omission which constitutes the crime; or (b) he does or omits to do any act for the purpose of enabling or aiding another person to commit the crime; or

(c) he aids another person in committing the crime; or

(d) he counsels or procures any other person to commit the crime, in which case he may himself be charged with committing the crime or with counselling or procuring the commission of the crime.

(2) Any person convicted of counselling or procuring the commission of a crime under this Act shall be liable to the same punishment as is prescribed under this Act for the commission of the crime.”

² Harmful Waste Act: “12. **Civil liability**

(1) Where any damage has been caused by any harmful waste which has been deposited or dumped on any land or territorial waters or contagious zone or Exclusive Economic Zone of Nigeria or its inland waterways, any person who deposited, dumped or imported the harmful waste or caused the harmful waste to be so deposited, dumped or imported shall be liable for the damage....”

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