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# Strict Liability as a Panacea for Toxic Waste Disposal Problem in International Law

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**ABSTRACT**

*Trans-boundary disposal of toxic waste is a major issue in international law, and has elicited global reactions from governments, private investors, lawyers and environmentalists in different nations, due to the problems arising from the indiscriminate disposal of toxic wastes. This has manifested itself in the plethora of environmental hazards plaguing humanity. And has thus called for the need to develop tools, particularly, legal tools, which would effectively tackle the act of indiscriminate waste disposal from the source. As a result, the concept of strict liability provides both the legal and environmental basis for tackling the issue of indiscriminate disposal of toxic waste in that it dispenses with the need of proving the mental elements of an offence and requires only a proof that the physical act that constitutes the offence has been committed by the Culprit State. Thus, making it unnecessary to prove that the act constituting the offence was done in a particular state of mind, to wit, recklessly, willingly, intentionally, knowingly, maliciously, etc. or any of the mental elements that usually define criminal offences in law. This paper, therefore attempts to examine the concept of strict liability as it applies, not only to criminal law but, to environmental law as well as its effectiveness in tackling the problem of indiscriminate toxic waste disposal. The paper identified some strict liability acts in regular the sustainable production, use and disposal of radioactive and other toxic wastes and opines that the concept should be used as panacea for controlling Toxic waste disposal in International Law.*

**Keywords:** *Strict Liability; Toxic Waste; Disposal Problem; Radio Active Waste; Environmental Sustainability; International Law; International Trade.*

## INTRODUCTION

Toxic waste is a label given to a particular type of waste that is regarded as being potentially dangerous to living beings and/or the environment, particularly when handled, transported or disposed of in an unsafe manner (White & Heckenberg, 2011).

Toxic waste can manifest as solid, liquid or gaseous waste and it can be emitted to land, water or air. Toxic waste can occur in three major waste streams namely, Municipal Solid Waste, Commercial and Industrial waste, and Construction and Demolition waste (White & Heckenberg, 2011).

Likewise, HPC (2001) defines toxic waste as any substance, whether in solid, liquid or gaseous form, which has no foreseeable use and which by reasons of any physical, chemical, reactive, toxic, flammable, explosive, corrosive, radioactive or infectious characteristics causes danger or is likely to cause danger to health or environment, whether alone or when in contact with other wastes or environment, and should be considered as such when generated, handled, stored, transported, treated and disposed off. This definition includes any product that releases toxic substance at the end of its life, if indiscriminately disposed off.

Classifying a waste as toxic, White & Heckenberg (2011) supra further noted that the classification of waste as toxic requires mostly the producers or the government to make an effective decision about the nature and volatility of the waste. In order to classify this waste, the consultation of catalogued documents of toxic substances and materials (e.g., schedules, appendices, lists) is necessary for proper classification. The outcome of these decisions determines how the waste is managed throughout its lifecycle. The major problem with toxic waste is its disposal. From scientific viewpoint a waste is harmful, if it is toxic, dangerous to health and impairs the ecological system. Disposing toxic wastes require proper handling and care, due to its volatility and rate

of harm, however, irrespective of the danger posed by these wastes, many producers are still careless about how they handle waste, without taking proper care in their disposal and movement from one territory to another especially, having regards to international trade and trans boundary environmental pollution.

## INTERNATIONAL TRADE IN TOXIC WASTE AND TRANS-BOUNDARY ENVIRONMENTAL POLLUTION

As part of International Trade Concerns, the movement of toxic waste from country to country and the implication in international environmental law have become a global issue. Asmuch as this is important the issue of production, distribution and disposal of goods (toxic waste) apparently become an equally important consideration. In socialist developed countries, production is the exclusive reserve of the state while in the case of western capitalist countries private companies are allowed participation in commercial industrial production.

Bearing the above in mind, it is therefore indisputable and simple to understand that trade in toxic waste across the borders of the producing country is carried out by the state in the case of socialist countries. It goes without saying therefore, that private production of toxic waste will necessarily require private arrangement of the disposal of such waste, as was the case of the dumping of toxic waste in Koko, in the former Bendel State of Nigeria by an Italian company in 1988.

This happened without Nigeria's consent. This raises important moral and ethical question as to why if a waste is not toxic, do countries not dispose of it in their own territories? To my mind this is a pointer to one of the most criminal acts which man or indeed any country can commit against another or the citizens of another country. And calls to question the action of the Nigerian side in accepting the dumping of the toxic waste in its territory. If a man offers a country billions of Dollars in exchange for taking the lives of its citizens, what ethical reason can be strong enough to make us accept! It must be emphasized here that free Education, free Hospitals and free Roads in exchange for dumping of toxic waste as offered in many cases is criminal. The consequence maybe slow but they are certain. They can destroy a whole population while causing other devastating effects on the environment.

It was perhaps this understanding that led to Liberia's refusal to allow the disposal of toxic waste as reported in 1988. Liberia had rejected three requests from Europe to dump its "Killer waste" in the name of trade. The government of Benin Republic betrayed its citizens when, two shiploads of radioactive French waste were allowed to be dumped in exchange for A 30-year special financial assistance to the republic. Why did the French offer to pay so much to dispose of waste? The waste was obviously toxic; not good enough for France, but good for Benin Republic. This had been widely condemned. And this paper seeks to adumbrate on it whilst affirming the condemnation

However, it must be mentioned here that not all waste are harmful. And International environmental Law is concerned with harmful wastes and their disposal thereof.

## INTERNATIONAL LAW AND TOXIC WASTE

Two issues are to be addressed here:

- The issue of Disposal as part of international trade, and
- The issue of Accidental Discharge across international boundary

There are two main issues arising out of trans-boundary disposal of toxic waste. The first is as to damage arising as a result of disposal forming part of international trade and the second is the type of damage arising from an accidental discharge, (from testing of nuclear weapon of mass destruction and the emission of fall-outs constituting hazards to neighbouring countries, etc). In both instances, toxic waste disposal is of international consequence and necessarily attracts the application of rules of international law. As usual, the issue of the state sovereignty must necessarily arise. But to what extent is State sovereignty a limitation to the enforcement of international regulations? This question is analysed shortly under the next sub-heading.

## DISCHARGE OF TOXIC WASTE ACROSS INTERNATIONAL BOUNDARIES

The issue of trans-boundary discharge of toxic waste is in recent time a frequent occurrence in international law. And whenever the issue is raised in criminal justice, it follows necessarily that the issue of liability or blame is correspondingly raised. This usually raises a prima facie case of criminal liability of the state of discharge. It is important therefore, to have a clear understanding of the workability of the concept of sovereignty, in order to understand

the criminal implication of the discharge of solid waste across international boundaries. In a nutshell, sovereignty presupposes independency of supreme and residual power to govern within a defined jurisdiction. It means the power of an independent state of the world to make laws for its internal good governance. Although, some states have extensive legislative schemes for waste disposal, the absence of regulation in many states and the multistate nature of the problem have led to substantial federal efforts in providing laws to curb the problem of toxic waste discharge between states (Micheal, 1982). One apt judicial illustration is from the State of Illinois, United States of America.

In the case of *Illinois v. City of Milwaukee (40_ U.S. 91 (1972),)*[1]Illinois sued Milwaukee (and three other Wisconsin cities) for being a *public nuisance* by polluting Lake Michigan. The case was heard under the original jurisdiction of the US Supreme Court, because it was a matter between the States. However, the Supreme Court held that future cases like this should be heard in Federal District Courts instead of bothering the US Supreme Court directly. In addition, the US Supreme Court held that Illnois could sue under the Federal common law. Until this case there was some debate as to whether Federal regulations, such as the **Clean Water Act**, effectively pre-empted lawsuit based on the common law concept of *public nuisance.*

To this end, International law empowers states to control, run or manage their economy as they consider fit or proper. It does not matter therefore, in international law whether a state is running a capitalist or socialist economy. It would be recalled that a socialist economy reserves production and distribution in the state. The capitalist economy is a mixed economy that allows the instruments of production and distribution in both private and government agencies.

Accordingly, production of goods (and their waste), distribution of goods (and their waste) are allowed to be determined by individual states within the confines of their jurisdictions. Consequently, an independent state is free to locate its machines and plants or (factories) in any part within its territory and where there is no treaty to ban the production, to also produce by whatever means, war implements of any kind. This includes nuclear weapons and in addition to the right to manufacture nuclear weapons, to also tests them within its territories or at the high seas or any other place not being under the jurisdiction or any other state. Simply put, the power to make laws to govern economic and other activities is a hallmark of evidence of sovereignty.

Consequently, independent states have the right to prescribe or prohibit any activity within their territories. And in addition, extend such prohibition to acts and omissions committed outside their territories, but which have significant adverse effects on their territories. The authorities for this principle of law is the Lotus case *France V. Turkey (1927), P.C.I.J. Rep. ser. A. No. 10p 18*[2]. This was a case in which the world court observed that states have the right to make an act committed anywhere in the world to be a crime within its legal system.

However, the problem is usually about how to effect the arrest and trial of criminal outside the state's territory without the consent of the state where the offence is committed. These problems nevertheless may be solved where consent is expressed in an extradition treaty under which a state is bound to punish or return for punishment any criminal who had committed an offence under the provision of the treaty. The only limitation here is that extradition treaties hardly provide for the extradition of a person for a crime committed in another country against criminal laws, only, of the state requesting the extradition of the offender. For instance, a company in Japan, whose toxic waste or harmful substance is deposited in Nigeria through natural agencies, cannot possibly be extradited to Nigeria even though the pollution is a criminal offence which attracts life imprisonment in Nigeria. In such a situation the state of Japan where the offence was committed could punish the offender. But what would be the basis or incentive for punishment, if the discharge, even though emanated from Japan, did no damage in Japan? I think Japan would not bother to punish the culprit because no damage is done to its territory. The rationale for extradition treaty is suggestive of international cooperation, suggesting as it were, that if the country of commission does not want to be held responsible or want to absolve itself of the responsibility and blame then it should return the criminal or the offender to the requesting

[1]Illinois v. City of Milwaukee (40_ U.S. 91 (1972),)

[2]France V. Turkey (1927), P.C.I.J. Rep. ser. A. No. 10p 18

state for punishment. Recall the case of USA V. Afghanistan.

But, the interesting point is that under rules of international law, Nigerian government can arrest and punish, should the culprit find their way into its territory. The state of Japan cannot be heard to protest provided the criminal law which the accused is arrested and tried in Nigeria does not conflict with the rules of international law.

Can a state allow its territory to be used in such a way as to cause damage to another state?

International law prohibits a state to be used or allowed its territory to be used in such a way as to cause damage to the territory of another state. It should be noted that every state is under a duty to ensure the safety of other states from toxic substances within its territory. It follows therefore that every state is under a duty to ensure that no toxic waste or indeed any other toxic substance escape from its territory to cause damage to persons and property in the territory of another state, whether this is directly caused by the state or not. This was actually the principle highlighted in United States V. Canada as far back as 1938 reported in Vol. 3 report of International Arbitration (R.I.A.A)[3], where the tribunal observed that, "a state owes at all time a duty to protect other states against injurious acts by individuals from within its jurisdiction". It should be noted here that duty to protect means that liability attaches in event of failure to so protect. It is to be noted also that the tribunal did not say in obvious terms that the state is responsible for acts committed by individuals. It only says that the state owes at all times a duty to protect other states. But it is submitted that duty is responsibility. The issue therefore that is raised from this statement of law is as to whether the law would hold a state liable for the acts committed by private companies within its territory.

It is perhaps for this reason that our earlier observation of the classification of states into capitalist and socialist became necessary. And as earlier observed in socialist countries of states, since production, distribution and consequently disposal of waste is the exclusive responsibility of the state. In such states, it is not possible to ascribe any damage resulting from factory operation to private individuals. The problem is usually in mixed economies. Who is to be held liable? Is it the state or the private companies?

Even though in capitalist economies, which is basically a mixed economy, acts of private factory operators can hardly be attributed to the states of their nationality as to render those states liable in international law, the tribunal in United States v. Canada focused attention on the state of Canada and made the state of Canada responsible for the acts emanating from its territory and affecting the state of the U.S even though the toxic waste was emitted by a private company.

It is a more acceptable reasoning that states should be made to check the activities of persons or companies within their territories so as to avoid damage being done to other states. For after all, it could be argued that, every register company is licensed by the state to carry out commercial activities within its territory. Should such licensed activity causing damaging discharge to other state, responsibility should obviously be ascribe to the state of discharge. It is submitted that the above reasoning appears appealing especially since international law between state and not law between a state and individuals of other states.

Contrary to customary rules of international law and in the absence of extradition treaty, we should advocate for a law that makes every state liable for the act of individuals and private companies done within its territory, otherwise, our customary international law would be used by state as a shield to protect persons who pollute the environment of other states. In international law, it is settled that states are held responsible for the act of its organs. Based on the concept of state responsibility of its territory, it is submitted that state should be liable for acts done by individuals causing damage to other states, provided they emanate from their territory.

It was perhaps for this same reasoning or thinking that the tribunal in USA V. Canada (supra) made the following assertion that:

"*No state has the right to use or permit the use of its territory in such a manner as to cause injury by fumes in or to the territory of another or the properties, persons therein, when the cause is of serious consequence and the injury is established by clear and convincing evidence*."

Every crusader of environmental law may be able to explain why in his opinion the discharge or disposal of toxic waste needs not to be of

[3]United States V. Canada Report of International Arbitration (R.I.A.A) 1938, volume 3

immediate significantly harmful effect before it is considered offensive and criminal. It appears that the thinking of the tribunal in the case (USA V Canada) was that no liability will attach to the state of discharge where the cause is not according to the court, "of serious consequences". Whereas, Toxic waste is by its very nature harmful, the injury or damage of which may not be immediately ascertained and without adequate legal control the face of the Earth and everything on it could be ruined. The only pragmatic source of social control (Law) ought to be realistic, protective and adequate so that we do not look out for other measure of protection. The next worrisome issue here arising, is as to who or what is the standard for determining a cause which is of serious consequence?

The standard for measuring injury infringed on rights should not be different in international law. And it is not. With utmost respect to the Learned Tribunal, reference to injurious act and no more would have been sufficient instead of emphasis being placed on the cause being serious consequence. It is submitted that our law does not recognise rights based on how much damage is done or based on whether injury afflicted is serious or not. Once it is established that an injury has been inflicted there is always a finding of fact that injury has been whether afflicted is serious or not. And when so established that an injury has been inflicted there is always finding of fact traceable to the cause or originator of the injury. Environmental causes may not in all cases produce impacts that are of immediate effects. The query here is that as in the Koko toxic waste case in Nigeria, the harmful effect may not be immediately significantly harmful but in subsequent years or future, consequential effects may be devastating.

With utmost respect, I think that what the tribunal ought to consider is whether the waste is harmful or toxic if it is, then the finding ought to be that it would cause harmful effect.

In 1972 the United Nation General Assembly in its resolution 2995[4] laid down the following principle and or regulation:

*"… In the exploration and development of their natural resource, states must not produce significant harmful effect in zones outside their national jurisdiction.*

It should noted that the 1972 resolution 2995 introduced the same limitation as was in the case of USA V Canada when it used the term, significant harmful effects. This does suggest that unless what the resolution refers to as significant harmful effect is produced then no harm has been done to the state to which the harmful effect is produced. Compare these with **Stockholm Declaration**. In particular principle 21 of the declaration, which states that states have the sovereign right to exploit their natural resources in accordance with their natural resources in accordance with their environmental laws. In exercising this right states are under a duty to ensure that activities within their jurisdiction or control do not cause damage to the environment of other states or areas beyond the limits of national jurisdiction. This principle was re-affirmed in 1989 by the UN General Assembly in principle No.4. The overall principle from the above, apparently, founded on the principle of good neighbourliness, can be summarized as including an obligation on states as follows:

- Not to use its territory in such a way as to injure its neighbouring states.
- To respect the right and integrity of its neighbours and
- To abstain from any action which would directly or indirectly affect its neighbour

Tied to the above, the most critical issue that is normally raise in the discharge of harmful waste is as to whether the discharge causing damage need be knowingly done. The issue raised here is that of whether liability should be strict or be based on fault. This issue is addressed later in this paper.

## INTERNATIONAL TRADE IN HARMFUL WASTES

That international trade is trade between two countries is no doubt. What is doubtful is whether a country can be absolved from blame for unlawful actions emanating and perpetuated by individuals, commercial activities within their territories against the territories of other countries of the world can be categorized into Capitalist and Socialist economies.

In capitalist State, which is a mixed economy, international trade can be arranged either by the state, its agency or by a private investor or companies, whereas in the case or a socialist State, international trade is arranged or monopolized by the state.

In a capitalist state for instance, international "trade" in toxic waste can arise when a company

[4] Resolution 2995 United Nations General Assembly

resident in a state places an order and is sent the product which are cleared through the customs after the prescribed fees and duties have been paid. Consequently, no international trade is possible without the consent of other parties in other territories. One way by which consent can be presumed is when goods are allowed to pass through the customs and with the acceptance of payment of the prescribed duties, if any, between the two countries. One exception to this is when goods are smuggled into the country. This negatives or removes the consent.

International trade is not only limited to the exchange of goods for money i.e buying and selling. States are free to exchange in trade by barter (exchange of goods for goods).

Companies producing large quantities of industrial wastes do, for instance in capitalist countries, enter into counter-trade agreements with companies of the other states for exchange of their products for other goods. In Africa, what is however emerging, given its poverty-stricken background already discussed, is a situation where African countries enter into transnational agreement on toxic waste. The case of Republic of Benin readily comes to mind and serves as an example of such recent development of trade in toxic waste across Africa. In Namibia the South West Africa People Organization (SWAPO) was also offered five billion dollars, including promise to building a new town and an airport. Under such agreement, Namibia was to cede a part of its island to the European company to dump about three million tonnes of toxic waste every year for forty years. The agreement entailed to allow the formation of an indigenous or local to company to which license was to be given by the Namibian government to contract the importation.

It was supposed to be an intercompany deal with licence from the Namibian government, but the government in its wisdom had rejected the offer in advance. This is to be contrasted with the case of Nigeria, as at September, 2018 following the recent visit of its President Muhammadu Buhari to China. Nigeria in its ignorance proposed to enter a bilateral contract with China in respect of oil exploration in its Niger Delta region in exchange for a 30 billion Dollars debt. Of course, this has received wide condemnation from the citizens and the opposition party across the nation. Although this may not result from trans-boundary disposal of waste, it serves as good example of one of many cases where the poorer Developing countries continue to be on the receiving end through trade agreements.

In the instant case, the Chinese government may treat wastes emanating from oil exploration in the Niger Delta region of Nigeria with reckless abandon and without the protection of the application of concept of strict liability canvassed in this paper.

Justice cannot be done to the discussion of Tran's boundary movement of toxic waste without making bold to say that Africa or indeed developing countries have been on the receiving end. The Nigerian experience is one clear case in which international trade opened the way for the dumping of toxic waste, the injurious effect of which residents of Koko are beginning to feel now as reported recently, confirming the fact that the effect, even if it slow, is also certain. And since the effect may not be immediate, nor seen as being of serious consequence or of significantly harmful effect, (yet a waste which is toxic has been discharged which without any need of prediction, its very nature is producing of harmful effect), any tribunal in the absence of an acceptable policy guidelines may take the matter lightly.

It was on the basis of this that we accepted with mixed feelings, the principle enunciated in U.S.A v Canada (supra) (when the tribunal emphasised that the cause must be of serious consequences) and resolution 2995 (when it talked about significant harmful effect).

## THE CONCEPT OF STRICT LIABILITY OFFENCES

It is one of the fundamental tenets of our criminal justice that there can be no liability without fault. Under our jurisprudence, for liability or blame to be attached to an act or omission, it must be shown that the act or omission was committed in a certain state of mind, for instance, wilfully, knowingly, intentionally, etc.

There are generally two elements to an offence. The mental and the physical elements, the mental element is referred to as the *mens rea* while the physical is the *actus rea*. The *mens rea* is the mental state in which the act constituting the offence is expected committed, while the *actus rea* is the physical act itself which constitutes the offence. Thus, certain offences are required to be committed in a specific state of the mind while others are not so required. When this is the case, then such offences are such that require a proof of the state

of mind required for the offence to be established.

However, if an offence dispenses with the need for proof of a state of mind before it can be established, then it is a strict liability offence. Accordingly, once the party is proved to have committed the physical act which constitutes the offence, the crime is complete and the culprit liable to be punished. In the case of offences which are not of strict liability, it is necessary that both the physical and the mental element must coincide. This means that at the time of committing the physical act, the party must have been in one of or the state of mind so specified in the law creating the offence. But this is not so with a strict liability offence since the offender is liable once the physical act is committed notwithstanding the state of mind in which it was so committed.With regards to the discharge of toxic waste under discussion, the serious nature of the substance makes it needful to place a duty of care on the handlers or controllers of the substances to ensure that such substances do not escape into the territory of other states. Besides, it is strongly opined that international law should adopt the criminal law principle that a man intends the natural and probable consequences of his act. The test to be applied on the presumption of law is an objective test, namely, the test of what a reasonable man would contemplate as the probable act. It is accordingly submitted that the handlers of toxic waste should know the dangerous nature of the substance and therefore should be presumed to intend the probable consequence of their acts or omission which result from the discharge of the obnoxious substance. And on the Authority of Rylands v. Flecher[5], a state should be responsible for dangerous substance produced within its territory and if it escapes and does damage to the territory of another State, should be liable.

## Strict Liability in Toxic Waste Disposal - The Argument

The issue of strict liability in cases of unlawful discharge of toxic waste was raised in Corfu Channel's cases (supra) in which the world court observed that there is obligation on states;

"Not to allow knowingly its territory to be used for acts contrary to the rights of the other states."

This suggests (from the term knowingly) that liability is accordingly based on proof that the toxic substance was discharged "knowingly" without which there will be no liability or responsibility even if it is obvious that there was a discharge and that the discharge had in fact caused damage to the environment of another state. In other words, what Corfu Channel's case has established is that where a discharge of toxic waste into the environment of another state is accidental there is no basis for punishment of compensation since it was not done and could be said to have been done knowingly.

Now, what if the discharge was recklessly done, will there be liability since it would have not been knowingly done? It should be noted that any act committed recklessly is committed unknowingly. Recklessness here suggest that the act though was done unintentionally but without taking due care. It is to be noted that the implication of the expression, "*act committed recklessly*" or "*act committed knowingly*" will suggest in fact that an act has been committed! The opinion of environmental researchers in toxic substances does not allow for such thin line of distinction.

An act committed, whether knowingly or unknowingly, in matters of life-threatening implication such as discharge of toxic waste ought not to be left at the mercy of technicalities. It is the act committed that environmental lawyers are recommending must be punished. In other words, we strongly recommend that liability in the discharge of toxic waste should be strict and not based on any of the mental elements that are usually used in defining faults in criminal law. The principle enunciated in the earlier case of United State v Canada (supra) places a duty of care on every state and it is on this premise that we can draw inspiration from the tribunal's expression of the law that no state should use or permit the use of its territory in such a manner as to cause injury "… in or to the territory of another…". When compared with Corfu Channel case, it would be observed that the duty of care here imposed by the tribunal seems to vanish into thin air. Fault in environmental issues of such serious dimension should be defined in terms of "*the act*" which degrades and pollutes the environment of the act which threatens and continues to endanger humanity and not the state of mind in which the unlawful act it is committed. The fact of the issue in which we are considering is whether an act such as discharge of toxic waste, which is evidently dangerous in

[5]Rylands v Fletcher (1868) LR 3HL 330

itself and which is capable of wiping off the whole humanity, should be unlawful only when it is done knowingly, or unknowingly. And whether it is discharged by human agent or it discharge itself since upon the authority of U.S.A v Canada there is an existing duty of care. We submit that the standard should be as that laid down in the case of Rylands V. Fletcher where liability is imposed on the owner or controller of a dangerous thing which escapes and does damage to another and the dangerous substance in which case is accordingly kept at the owner's risk.

## CONCLUSION

In conclusion therefore, it is submitted that the toxic nature of nuclear waste, and the fact that those who handle such waste should be presumed to know their hazardous nature, are among the reasons liability, resulting from its discharge must be made strict. Much so as indiscriminate disposal of toxic or any other type of waste is not an act that should be left at the mercy of technicalities, due to the spontaneous and detrimental effect of this waste. This is so given the certainty of the detrimental effect of these wastes. Although the objectivity of strict liability makes it a typical harsh tool for criminal cases due to its intolerance in considering the Actus reus to crime. However, this makes it then a better tool for handling the issue of toxic waste disposal in the end. For it is expected that a company or state handling any form of toxic waste must hold a duty of care in ensuring that the waste don't emit beyond its jurisdictional boundary so as not to cause harm to another state or company who might not even be a beneficiary to the production that led to the emission of the waste. This alone places a duty on the justice system in particular the international justice to ensure that justice is not only done but visibly seen to be done. As a result, it is expected that the justice system should look critically at the issue of toxic waste management and don't take any chance is serving justice to any party culpable of indiscriminate disposal of toxic waste, for toxic waste would have no mercy in causing environmental and health damage.

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