

## CONSTRUCTION DIALECTICS OF E-WASTE MATERIALITY AMONG REGULATORY AGENTS AND MERCHANTS IN LAGOS, NIGERIA

Abel Akintunde<sup>1</sup>, Muiyiwa Omobowale<sup>2</sup>

<sup>1</sup> Bowen University, Iwo, Nigeria

<sup>2</sup> University of Ibadan, Ibadan, Nigeria  
[abelonhigh@yahoo.com](mailto:abelonhigh@yahoo.com)

### Abstract

E-waste regulations as well as e-waste regulatory agents have been pivotal in the construction (definition, interpretation) of waste and non-waste electronics. AT the heart of e-waste construction debates is e-waste trade legality with emphasis on how the law constructs and deconstructs e-waste materiality Consequently, various multilateral and national initiatives aim to restrict flows of e-waste from Organisation for Economic Cooperation and Development (**OECD**) to non-**OECD** countries. Despite these initiatives, cross-border movements of e-waste remain unregulated, and a standard definition for e-waste is lacking too, Hence, ambiguities exist on the distinction between waste and non-waste electronics. These ambiguities are examined in this paper. Using a purely qualitative research methodology, driven by Key Informant and In-depth Interviews, this paper explores and discusses subjective and contextual constructions and definitions of e-wastes at two social action levels: the perspective of regulatory agents in Lagos, Nigeria, involved in legal-rational definitions of e-waste and the perspective of local actors such as consumers, in the Lagos Market (who constitute the policy target audience) at meaning-rational level.

**Key Words:** Local Interpretations, Legislative Definitions, E-wasteness, Functionality, Non-functionality

## **Introduction**

E-waste regulation is an important framework in the construction of what may constitute waste and non-waste electronics in any society (Nnorom and Osibanjo, 2008). The trade legality view has become central to several debates on electronics wastes, on how imported used electrical electronics become waste electronics or e-waste (Robinson, 2009, Secretariat of the Basel Convention, 2011, Khan, 2014). In contrast, studies by Jeffries (2006), Schmidt (2006), Robinson(2009), Tereda (2012), Oteng-Ababio (2012), Khan(2014) have necessitated the need to re-examine the construction of e-waste within a formal regulatory framework as they argue the contexts of local meanings and the marketability of electronics among merchants of these electronics. Moreover, the absence of a consistent legal perspective to framing the waste encourage contextualization, an ambiguity and inconsistency in understanding that make it difficult to articulate and solve the wider problems emanating from a non-widely accepted definition (BAN 2002, Lepawsky and McNabb, 2010, Lepawski and Billah, 2011, Khetriwal, Luepschen and Kuehr, 2013, Solving the E-Waste problem (STEP) 2013, UNEP, 2013). The Basel Convention, which is arguably the most comprehensive global policy on e-waste (Herat and Paratiamby, 2012), is not left out of legal definitional uncertainties and contentions pertaining to waste or non-waste electronics, especially as the term is diversely interpreted and domesticated by parties to Basel and other stakeholders involved in cross border movement and transfer of waste. Consequently, a number of countries have come up with their own definitions, interpretation and usage of the term “E-waste/WEEE” (Borthakur and Singh, 2012). Environmental Protection Agency (2009) as a baseline definition or a list of devices necessary to properly characterize the size and composition of an e-waste universe.

In Nigeria, the e-waste regulatory governance is exercised by agencies inaugurated and empowered by the Nigerian state to oversee and regulate activities of exporting and importing of used electronics into and out of Nigeria. Their actions can be presumed legal because they enjoy the backing and support of not only the government but also international agencies with whom the government has signed international treaties and conventions with on the management of cross-border movement of goods, particularly used electronics (such as the Basel Convention Center for the African Region, 2013).

With increasing focus on e-waste obsolescence and toxicology, policy and regulatory mechanisms seem to be losing sight of human welfare dimensions and narratives lurking behind sustained e-waste flows. For instance, while much effort has been made to materially articulate and regulate against the cross border movement and importation of e-waste at national levels such as in developing countries like Nigeria (Basel Action Network, 2002, 2005, Secretariat of the Basel Convention, 2011), very scanty attention has been devoted to understanding the issue from the perspective of the consumers who in fact constitute the target of the e-waste policy and legislation. In the narrow but growing emphases on toxicology and obsolescence, these actors are inadvertently framed as not suitable or relevant. They are technically and broadly designated in the legal-rational parlance as exclusive rather than inclusive. To these people however, it is the meaning attached to the object or action that counts. The focus of this paper is to explore how the e-waste materiality is subjectively constructed and interpreted both by the regulatory agents and by the e-waste traders who constitute a consumer public to what the West has framed and thrashed as waste through exportation and dumping. Of principal concern is how material indices such as 'functionality' and status are subjectively constructed and framed. The study was done in Lagos, used electronics markets which is a center for one trading in e-waste goods. Put differently, how does either of these categories frame e-wastes within the context of their roles? And how do these framings influence the actions and social relations which ensue between these actors in view of the e-waste legality debates?

### **Weber's Social Action Theory**

Action theories are those theories which see the major or only object for sociology as human action. They are not only concerned with actions, they are also focused on the meanings and interpretations which motivate but are also embedded in action (Miller, 2009). Social action is the most general term used to depict the subject-matter of sociology as a science. To therefore engage in a sociology that fails to engage with action is to engage implicitly in an unscientific exercise. Weber holds that human actions can only be identified through the ideas and purposes of conscious agents and which therefore call for different methods of study (Hogan, 2009). Hence, unlike behavior, action often carries and

holds a subjective meaning for the actor involved in it. It is for this reason that action theories do not see or treat sociology as a science like in the natural and pure-sciences, which rather deal with external, independent objects. In contrast, sociology as noted earlier is scientific, because it gives a rational, coherent account of people's actions, thoughts and relationships (Miller, 1999). While the foregoing discourse on action may be considered as generic epistemology on action within sociology, this study is focused on engaging with action, not only as an embodiment or vehicle of meaning but also as a social experience, which as Weber argued, is oriented in its course from one actor to another. Consequently, we speak of social action as the very opposite of mere action. Whereas mere action is about action which is oriented from humans to things, social actions is that action which is meaningfully oriented from one acting human to another overtly or remotely (Thompson and Tunstall, 1977).

Consequent upon the foregoing, this paper posits that the construction of e-waste among regulatory agents and the merchants has two components: the component of meaning and the component of action. Whereas the meanings individually attached to e-waste would subjectively influence what actions are enacted by the regulatory agents as well as the merchants, the nature of actions enacted, by each of these actors would inform and shape what kinds of social actions and therefore too, what social relations are enacted between e-waste regulatory agents and e-waste merchants. On the one hand, if the meanings of e-waste among e-waste regulatory agents are positive and optimistic, it would follow logically that such favorable interpretations would inadvertently ensure positive, albeit official social relations with e-waste merchants. Likewise, if merchants positively interpret e-waste as valuable objects, then it would also follow that their social relations with e-waste regulators will be instructed and dictated by such positive meanings attached. Considering that the meanings inspiring social actions are also subjective in nature, it is also possible that opposite interpretations held by either category of actors would potentially foster a dialectic social relation between these actors, thereby validating the postulate of Weber that even social actions are driven by meanings which are subjective rather than those that are homogeneous or uniform. From this we turn to the methodology of this study.

## Methodology

This study is of an exploratory and descriptive research design. Data for the study derived from a larger body of data gathered during the P.hD research of the author in Lagos between 2013 and 2014. Three used electronics markets were purposively sampled for the research in Lagos Nigeria. Lagos is known as an international commercial hub for e-waste trade. A question worth addressing is, why Lagos? Why is Lagos the apposite location for this study? Lagos is selected for this study because Lagos is home to the largest seaport in Nigeria through which e-wastes otherwise called second-hand electronics are shipped into Nigeria for business purposes. To therefore study Lagos is to directly engage with the very entry point of this study's unit of analysis –e-waste meanings. An associated reason is also because Lagos is arguably one of the largest if not the largest international commercial hub for several corporate and informal businesses in West Africa, drawing patronage from different parts of the world (Omobowale 2012, Akintunde, 2019).

Its multicultural composition and its cosmopolitan accommodation of diversity which Oka Obono aptly captured as the 'Lagos Thing' remains a dynamic mirror of a space best described as one of 'stigma and enigma' (Obono, 2007). Sociologically, Lagos' capacity for contradictions, which guarantees the co-existence of wealth and poverty, affluence and squalor, rich and squalid lifestyles and Lagos' famous domiciliation of the popular second-hand article merchandise, makes this location an apt choice for this study. These constituent dynamics altogether open up room to unravel the interpretive subcultural nuances underpinning the how the competitive drive for livelihood possibly shapes involvement of people in e-waste merchandise and their subjectively attached meanings and interpretations to e-waste.

Consequent upon the foregoing, three market locations were selected for the study namely, the Alaba International used electronics market, Ikeja Computer village and Westminster Used Electronics Market. Research instruments such as In-depth interviews (IDI), key Informant Interviews (KIIs), and Observation were used to gather qualitative data from five (5) veteran e-waste importers, fifteen (15) e-waste traders and three (3) agents working with e-waste regulatory agencies in Nigeria such as NESREA, the National office of the Basel Convention at the University of Ibadan, Nigeria, the Public Relations

Officer of the Nigerian Port Authority (NPA). The textual data generated were transcribed, sorted and consequently subjected to interpretive content analysis.

### **Functionality and Regulatory Interpretations of The E-Waste Materiality**

The physical material attributes of e-wastes remain the defining criteria on which officials imposed restrictions on importation of basically prohibited used electronics into Nigeria. The policy position and mandate used for regulating the importation of used electronics, and instructing on the role(s) of import regulatory officials is that, as a requirement, any used electronics coming into Nigeria must not be 'non-functional', 'toxic' and 'broken'. To ensure compliance to these three material conditionalites of the e-waste, local officials of National Environmental Standards and Regulations Enforcement Agency (NESREA) have the responsibility of subjecting every used electronics shipment coming into Nigeria to 'functionality-test'. This is often carried out through 'random sampling' (SBC, 2011, BCCA, 2013) of goods at the border or in the market of sale. The perspective of government agent is that:

What importer are normally expected to bring in to the country is what we call used electrical electronics which are functional and whose functionality has been ascertained at the port through what we call random sampling. Once they are certified to be working, importers are then allowed to go with their containers (IDI/ Official NESREA/2013).

The stipulation of functionality, as an imperative for importing used electronics, is a crucial criterion for designating used electronics as e-wastes and for distinguishing waste from non-waste electronics within the international waste Technical Guidelines (Khan, 2014). The necessity of functionality of used electronics is equally enshrined in the 'Harmful Waste Act' of 2004 administered by the NESREA and the Annex IX of the Basel Convention in which functionality is stated as a fundamental variable in the waste control mechanisms for approved international shipment of UEEE.

Besides 'functionality' as regulatory injunction, subject to UEEE there must be 'functionality testing', and test for toxicology or toxicity as

defining physical material condition guiding what kind of material electronics must be imported into Nigeria. The proscription against toxicology of used electronics is ingrained in policy guidelines informing the activities of Nigerian officials, and the response below presents what toxicology is, as a major problematic international regulatory framework:

Considering the dangers posed by these toxic electronics, NESREA came up with a regulation to regulate the import of used electronics. We call it the regulation on UEE. There is also the BASEL convention that forbids the illegal transboundary movement of anything hazardous from one country to another and Nigeria is a signatory to that convention. There is also another law called the “Harmful Waste Act”. It is a federal government law which also forbids the import of anything harmful. Not only waste electronics but also anything harmful chemical, insofar as it is hazardous you cannot bring it into the country, bringing it in would require that you to follow the procedures stating how it must be packaged to protect the people from being harmed (IDI/Official NESREA/2013).

In the above interview, the increasing focus on materiality in international e-waste guidelines has become a notable point of emphasis informing what used electronics are considered importable and non-importable by national agencies charged with regulatory governance of e-waste importation in Nigeria. This spreading emphasis across the various agencies, should mean that traders of used electronics have no choice than to totally conform to national and international stipulations on materiality but as would be seen in the succeeding section, this might not be so..

Besides issues of functionality and toxicity is the disintegration of used electronics component parts. For any used electronics to be approved for importation or entry into Nigeria from the importing countries of origin, such used electronics must not be physically 'broken' or have component parts which have been 'severed' for one reason or the other. As noted by the interviewee in the following quote,

We (officials) consider them as wastes when we find out that some are working while others are not or some are broken or some of their parts are severed, such as power cables or chords.

Or when we discover that they are old model black and white TVs for instance, or worn out and outdated, or already discarded by the 'Oyinbos' (the Whites), we then call them waste (IDI/Official NESREA/2013).

The official disdain towards failed materiality of electronics reflected above plays out in the rejection of any electronics whose parts have being severed, separated or broken. The same disdain explains why 'black and white' TVs already used and discarded by the white man described as "Oyinbo" is considered 'obsolescent' and therefore too 'non-importable' into Nigeria. This way disintegration and obsolescence become two defining criteria for distinguishing waste from non-waste electronics.

Officials charged with regulatory responsibility against e-waste import have identified the toxicological materiality of waste electronics as an outcome of the harmful heavy metals present in these electronics. Their supporting argument is that, Nigerians involved most often with the importation of these electronics, fail the materiality criterion of toxicology and do so out of ignorance about the danger of toxicology. The metals, as they argue, include "harmful elements such as cadmium, beryllium and lead and they are toxic. These elements in their view are what makes any used electronics dangerous to the people and the environment. The importation deviates from the legally normal, as a toxic dangerous to the people even though, "the people are using them ignorantly" (IDI/Official NESREA/2013).

It follows logically that the regulatory officials negatively and dispassionately frown at the violation of the material conditionality. This is because to them, the local import behavior of Nigerians reflects on Nigeria's national image in the international committee of nations. To continue to import materials that have failed the standard expectations, framed legally is to render Nigeria as a dumping ground for global waste from developed countries. The wider consequence of such importation is the sourcing and recycling of hazards of these electronics into a bio-environmental contaminated Nigeria:

We (Officials of Nigeria) hate to be a dumping ground. If you bring waste into this country, what will be done with it when it cannot be recycled or refurbished? What recyclers do is to pick items they like and sum up those they dislike for burning. Meanwhile through burning, they contaminate the soil and the



underground water. Even the vegetables planted in such areas are contaminated (IDI/Official of NESREA/2013).

This intuition that Nigeria is not a dumping ground has also informed the regulatory agents' action as they socially interact with actors involved in used electronics importation. Notable intra-regulatory governance interactions identified in this instance consist of that ensuing between three notable actors, namely, NESREA, representatives of Basel Convention and representatives of the Nigerian customs ,all of whom interact with merchants of e-wastes in terms of materiality. As local representatives of the various state and non-state agencies saddled with the regulation of the global movement of used electronics, it has been noted that:

We (officials) collaborate with NESREA and we complement their effort. By law they are not allowed to be at the port because government overtime has been trying to reduce the number of regulatory agencies that operate in the port. Other agencies such as NESREA, SON, NAFDAC all operate out there but we, the customs are the lead agency at the port. When we stumble on goods that require their attention we invite them. In effect, we have the eagle eye, once we stumble on any one we alert them (IDI/PRO Nigerian Customs/ 2013).

It is a view that still works within the perspective of used electronics as potentially and actually harmful, more so as they materially degrade and contaminate the soil and pose threats to humans. Such acts, as importation of three materials, needs to be sanctioned by punishment; and are in fact punishable acts if not a fully punishable act. The market official that buttressed this noted that:

When they inspect the contents thereof and if any single one out of the whole content is found not to be in working condition, it would amount to seizure or impounding. Or most times it would be returned back to the country of origin. Based on their discretion they would either send the shipload back or detain the ship and demand for a payment of fine, most times ranging from half a million dollars to a million dollars. And I can tell you of about two vessel companies that have so far been detained (IDI/ IUE market Official/2013).

Max Weber is of the view that the actions of actors are often driven by meanings which they develop in a given situation and that such actions are characteristically subjective in nature. Action becomes social when its enactment orients action of one actor to another (Thompson and Tunstall, 1976). In the legality perspective to e-waste, the critical interpretive outlook of officials towards imported used electronics as materially hazardous orients them to see electronics chiefly in terms of their toxicological and environmentally degrading effect and also set up a potentially contrastive meaning of their interpretation with an actor who disagrees with such a view.

To materially frame imported used electronics in terms of nothing else but their functionality, in frames of toxicology and wholeness is to contextually restrict the reality of e-waste as a whole. For this is a medicalization of the objects as a disease, as a sickness, as a sense of powerlessness that could lead to marginalization. Those responsible are potentially or actually criminalized, particularly where the effect is of pollution or “epidemics”. Of course, too, where their act is that of a patron, that of the other is that of a saboteur. Just as the material they import, they are also useless to the nation. Failure to conform to the materiality standard consequently leads to official sanctions such as seizure of goods, and sometimes too the repatriation of cargoes back to their countries of origin.

The legal materiality narrative can easily evolve into a development narrative, as a failed or unsubstantiable development. In this official narrative of the regulatory agents, what counts as development is the conformity of importers to legality rule of materially defined ethos and standards on a space of social action that is also of development.

### **Counter-Constructions of Materiality Meaning among E-Waste Merchants**

Contrary to the official overt denunciation of e-waste and of the criminalization of e-waste importation, interviews with merchants of imported used electronics presents a counter narrative on the materiality of e-waste that sharply contrasts with that presented by regulatory officials. They have a favorable economic interpretation of e-waste materiality which renders new sense of functionalism. To the merchants imported used electronics are anything but e-waste. In their thinking, the non-functioning used electronics that constitutes a large part of imported

electronics are redeemable through the skill and capacity of informally trained technicians who abound in the market. Whereas, then, 'materiality' (toxicology and obsolescence) informs the legal-rational definition of IUEs, low-level actors – merchants creatively reconstruct materiality (dysfunctionality) in terms of its potential usefulness for Nigerians who can gainfully be employed in repairing these electronics. Also, instead of construing their importation as deviant act or as criminal action, the electronics merchants redefine functionality as a livelihood. What issues from their meanings is a gap between officials and merchants perspectives, as narrative and counter narrative of value and of development. They argue that:

We bring in non-working without giving them for repairs overseas because the cost of repair is high and because locally we have those who can repair them here. Besides when Nigerians go there they do not decide to buy all working. We buy both working and non-working because we would pay nothing for it (non-working) (IDI/Associational Head of Nigerian used electronics Importers in Lagos/2013).

As for the importers what matters about e-waste is nothing but the economic social transformation and comfort which it affords Nigerians, hence the reference to the West as the place for free electronics articles and to Nigeria as a home to economically dependent individuals seeking to deploy their technical skills to repair faulty imported electronics as a means of livelihood.

One can argue that whereas the official e-waste interpretation, bearing on materiality, orchestrates a 'supposedly' strict governance outlook on e-waste importation as the officials claim, the reconstruction of this materiality vis-à-vis its economic functionality value encourages the circumvention of regulatory regimes, and the circumvention of laws hinged on the converse local reconstruction of 'e-waste'. Non-functional used electronics (e-waste) on the one hand is anti-developmental from the official perspective and developmental on the other among merchants and technicians. Apart from other ills of e-waste materiality identified and frowned at in regulatory narratives, the acknowledgement that the majority of what is imported comprises of 'non-functional' electronics, and the fact that “we would pay nothing for it”(IDI/Associational Head of Nigerian used electronics Importers in

Lagos/2013)illuminate even wider evils acknowledged in wider literature. One is that Nigerians –importers help the West to evacuate their waste free of charge and in the name of charity too. Another is that only 25 percent of used electronics being transferred to developing from developed countries are in good working conditions while about 75 percent of them are non-working and irreparable junks which enlarge and swell the prevailing municipal and solid waste stream (Schmidt and Jeffries, 2006). Besides the toxicological evil that e-waste materiality poses as portrayed in the legality narratives, a wider evil which seems obscured to merchants advancing e-waste functionalism narrative is the growing tendency for capitalist dumping of e-waste in developing countries of the Global South, such as Nigeria by rich countries of the Global North under the guise of 'donor missions' and the 'bridging of digital divide' (Jeffries, 2006, Schmidt, 2006, Puckett et al, 2002).

The repairable construction of materials also facilitates a local perception of non-functioning IUEs as a medium of poverty alleviation. In this case, meanings are assigned to non-functionality in economic term.*An official of the market buttresses this reality saying:*

Here, in this market we have over five (5) thousand people who are feeding on imported used electronics that are brought in originally as 'non-functional' electronics. This market is really large market (IDI/Market Official/2013).

The perceived economic possibilities associated with importation of prohibited electronics encourage a disposition towards circumvention of official barriers set up under legislative framework for a more positive situational meaning based on a functionalism with a beneficial, developmental, value. To this end, an importer argues that:

They (officials) cannot state that every imported used electronics being brought into Nigeria must all be in perfectly working condition or state. If you do, most of those boys involved in fixing non-functioning electronic that come in will lose their jobs (IDI/Importer/2013).

The entry of e-waste into Nigeria can provide economic benefit to the poor and liberate them from poverty. As explained below, this positive link of materiality of e-waste and poverty remains a justification for the continued importation of e-wastes into Nigeria and penchant to subvert

regulatory rules of the state. What the state could not do they think they are doing by providing jobs and enabling people to earn an income that potentially can lift them out of poverty:

Owing to the situation of poverty which is resolved when importers bring in non-working used electronics, I feel that Nigeria is not yet ripe for this level of environmental awareness. And even if they (government) want us instantly to attain that height, it cannot just be sudden. We cannot be at that stage now. The process really needs to be gradual and it should possess an element of human face in it. If it is done this way, we will definitely ensure to make the scheme work. But it cannot just be a draconian scheme whereby you will throw reason and caution to the wind and you completely lose sense of logic just as we now have it. I do not think it is going to work, I do not really think this law is going to work. No! (KII/Market Official/2013).

Merchants affirm the positive construction of non-functionality as being emancipatory, compensatory and germane to survival in a hostile environment. Their pessimism towards the regulatory officials is not unconnected to the view that these officials are too extreme in the execution of their roles. As such they are framed as an obstruction to the attempts of Nigerians to survive odds stacked against their social and status mobility. Consequently, merchants portray the service of the regulatory agencies as being “premature, draconian and insensitive” to the poverty situation of large proportions - “over five thousand people who are feeding on non-functional electronics” (KII/Market Official/2013). They are castigated, particularly NESREA, for working against the collective goal, through promotion of inequality. As one observer said:

Frankly speaking, I consider the creation of NESREA a mistake by the federal government of Nigeria. This is because prior to the establishment of any regulation, a government needs to meet the people dealing directly with these so called harmful goods. They are supposed to seek the opinion of the grassroots people concerned. From the beginning you have to meet them because it is through them that you know all there is about the business (IDI/Importer/2013).

There is a gap to be filled, as long as official and non-official positions on e-waste are sharply different. Definitely recognizing that, the legalistic perspective is dominant, as that backed by the coercive forces of the state, they acknowledge that:

Yes we want to respect the law but the problem is that anyone with access to power in Nigeria always gets intoxicated with these powers, becomes overzealous and goes extra miles to do what even Europeans manufacturing and using these things do not do. They go for workshops over there in Europe and quickly forget that someone trained them. So when they return they act even contrary to what is acceptable over there. They claim to know more than the Oyinbos (the white man) or Europeans. For instance in Europe, there are items called refurbished items that are allowed but Nigerian regulatory agency says no, that they want only functional electronics. The moment there is false alarm from their overseas partners as we had recently with one of our colleagues, NESREA does not want to know. Even when we offload all those electronics after scanning they still insist that they contain toxic and hazardous wastes. In this their overzealousness they are completely inhuman. In fact I do not want to talk about them (IDI/Importer/ 2013).

To the merchants, subjective local meanings of social development are hardly factored into the legal-rationality that defined development. As long as officials are indifferent to the employment opportunities and economic benefits that 'e-wastes' present to Nigerians for consumption, employment and personal development, a more realistic approach is to rationalize and accept what they do as good.

### **Fallible Governance Hanging On To A Weak Narrative**

It would appear from the official narratives of regulatory agents, that the importation of e-wastes into Nigeria is curtailed and checked, but not really, not even with the “disagreeable” interpretations of e-waste among merchants. Interviews with imported used electronics merchants reveals that e-waste importation is ongoing. This means that the e-waste regulatory governance is anything but restrictive. One reason for this might be because of the corruptible tendencies of regulatory agents'. For as the interview below reveals, the regulatory framework itself provides

the incentive for the circumvention of import regulation and unending importation of e-waste into Nigeria among the merchants:

They (NESREA) cannot stop these things from entering, they will still collect money and bribe and we would still be here...because how can you stop it, how can you stop it, tell me? (IDI/Importer/2013).

In the above, the collection of bribe is the very stream on which the circumvention of e-waste import governance sets sail and voyages. In fact, e-waste importation and the continuous circumvention of import governance will remain for as long as the collection of bribes by officials persists. As far as this merchant is concerned what is more eminent is not the likelihood of merchants to abstain from circumventing import governance but the inability of officials to discontinue the collection of bribe which only continues and would continue to inspire pessimism in merchants towards regulatory governance. In a supporting argument, another merchant said:

You see, the truth is that if the system is good we would not be having these problems we have around now. If import management authorities are doing their job, influx of adulterated and substandard electronics equipment would not exist. What do you expect the security agencies that are at the port to do? Other than to have '*themselves sorted out*' and allow you bring in anything. So the importers who are into the importation of substandard items have no problems with that, they pay their way through and get these things into the country (IDI/IUE Market Official/2013).

In the above argument official corruption is not a creation of the regulatory agents themselves but an ongoing culture in the wider Nigerian system which is only finding manifestation in the activities of regulatory governance. In other words, the tendency to “have themselves sorted out” (bribed by merchants) is a creation of the already corrupt Nigerian “system” which “is not good” (free from corruption)...Supportively, another merchant said:

... **the** problem with this country is that the laws of this nation are meant for the poor or the common man. Otherwise all these electronics whether substandard or whatever you call it pass

through the wall and somebody clears them and we allow them to come in to the markets where the users would buy (KII/IUE Market Official/2013).

The above quotation is nothing but an allusion to ongoing although unstated partisanship and regulatory compromise which continues to underpin the process of e-waste import regulation in Nigeria. What is clear from the above interviews is that corruptible regulatory activities inspire the lack of regard for the law. This porous regulatory framework does not only make merchants recalcitrant, it also encourages them to disregard e-waste policies as unworkable and unsustainable. The 'collection of bribe' otherwise described as 'sorting out' is a common practice among the regulatory officials. The imported used electronics merchants, preferably, are able to pay their ways through the situation in order to keep their trading going, sustain their economic survival and enhance improvement of their lives which depend principally on the failed materiality of imported e-waste.

Corruption as a 'systemic' cultural norm has become ingrained in government circles. The narratives from merchants portray regulatory officials as passive agents who do nothing but become fallible to and swayed by wider custom of corruption in the Nigerian society. This way, they create impression that normalizes and perpetuates the easy and endless entry of 'adulterated' and 'substandard' electronics into Nigeria. On their part, importers have no problems with 'sorting out' the regulatory officials who demand for bribe in order to allow e-waste importation. The official narrative on e-waste and e-waste importation betrays the true reality, with impression of a practice by a fallible regulatory officials, doing their regulatory service and activities well, yet having a two-faced, duplicitous, position.

Regulatory officials criminalize e-waste merchants despite their compromising stance towards import guidelines, presupposing that in the ongoing game of corruption, only the weak and less influential would be penalized when it comes to deviance from import regulations. Quite often, the import officials are spared from sanctions because of their superior access to instruments of power: in this case as custodians and implementers of the import laws acting on behalf of the state. Implicitly, adherence and compliance to regulatory frameworks and stipulations is framed chiefly as the obligation and responsibility of IUE merchants (of



some) and not as a bilateral obligation requiring joint responsibilities as charged by the counter narrative of the merchants.

### **Discussion of Findings**

The knowledge of e-waste as represented by the regulatory agency, with inclination to see and relate with object subjectively, as having no benefits to merchants is perhaps responsible for counter narrative of the merchants which deemphasize its evils. The reconstruction of non-functional materiality of IUEs as functional and engineers a source of livelihood have come to subsist on functional use electronics. While e-waste may be materially evil, to the merchants, it is economically beneficial as antidote to poverty and unemployment –two big social evils in Nigeria. An associated technique of neutralizing the e-waste evil narrative is tendency of merchants to reproach and discredit legal-rational governance as an impediment to local economic development. Another associated technique is in form of 'condemnation of the condemners'. The 'condemnation of the condemners' unfolds in the narratives of merchants as that of blaming officials as the 'key problems', or as 'part of' the problems of inflow of used electronics into Nigeria. This blame game does not reduce or solve the hazardous material threats of e-waste to Nigerians involved, but if anything, the tendency to apportion blame to others represents a stand-of-fish stance to the problems generally associated with the importation of used electronics. The worry in this is that of officials condemning and criminalizing e-waste merchants while practicing duplicity and becoming corrupt. It is implicit to note that what is clear from the dialectics of blame game, resulting from the opposite construction of the meaning of e-waste materiality is largely the issue of human survival.

In contrast to pure-scientific assertions of e-waste as a tale of toxicity posing issues of human health and environmental concerns (Osibanjo and Nnorom, 2008, Robinson, 2009, Herat and Paratiamby, 2012, Basel Action Network, 2002, 2005, Jeffries, 2006, Schmidt, 2006), this paper argues that the problem of e-waste trade legality in Nigeria and the wider mainstream problem of unregulated cross-border e-waste movement is intrinsically sociological in nature. This paper argues that to comprehensively unravel the e-waste problem, it is important to begin to problematize the e-waste question sociologically and to begin to understand the everyday interpretive and social relations

dynamics being precipitated by people's subjective interpretations and meanings of e-waste. The discovery of e-waste dialectics in Nigeria goes further to corroborate Lepawski and McNabb's (2010) submission that transboundary e-waste movement is situated in regional specific processes. If anything, a major contribution of this study to prevailing discussions on e-waste is that, the failure of e-waste regulation is predicated on individual economic interpretations of these objects as sources of self-transformation by both e-waste regulatory agents and merchants. Consequently, patriotism towards national environmental standards and regimes is downplayed leading to nothing but enlargement of the e-waste stream in Nigeria.

### **Conclusion**

This study reveals that the regulatory construction and framing of e-waste is chiefly in terms of its materiality and in this case according to its functionality and toxicology, which are projected as bio-environmentally harmful and nationally disgraceful. This construction of e-waste has only encouraged a policy design which frames all other realities negatively, being less sensitive to how these humans subjectively or alternatively construct and relate with e-waste materiality. To base importation and policy regulatory framework on the evil sense of materiality only makes it difficult to recognize what new narratives and directions on e-waste can be offered by the subjective construction of e-waste in view of the wider understanding of the significance of the electronics part. Of course materiality is key to all the narratives but in its subjective construction by different actors, e-waste is certainly a reality that means more that waste, functionality and toxicology.

Notwithstanding that merchants have positive perception of non-functionality, it must be mentioned that this perception does not necessarily nullify the potential and actual 'toxicological' tendency for these electronics to be humanly and environmentally hazardous as officials propose. It only establishes that merchants have a tendency to develop exclusive and unidirectional interpretations of non-functionality, which presents them as actors concerned with poverty amelioration.

### **Recommendations**

E-waste may be toxicological and environmentally hazardous but the in

the dialectics of e-waste meanings, it is also clear that to be more inclusive, policy design on e-waste must begin to factor in the domains of meaning surrounding e-waste patterns being discussed pure-scientifically.

To achieve an effective regulation of cross-border e-waste movement, environmentalism scholarship in general and e-waste research in particular must begin to examine the role of humanistic e-waste meanings on the fate of e-waste and e-waste patterns, especially in developing countries where e-waste is moving from being a 'dump reality' into a merchandise experience.

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