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Exploration of Oil and Gas Paved Way for Environmental Degradation in the Niger Delta Region: The Intractable Saga

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Abstract:

The environment which is the totality of human life has being subjected to unwholesome degradation owing to the exploration of petroleum. This article examines the exploration of oil and gas in the Niger Delta region in Nigeria cum its adverse effect on the environment. This article reveals that environmental sustainability cannot be overemphasized in the Niger Delta region as its indigenes largely depend on the natural environment for subsistence living. Hence, any harm done to the environment would be cataclysmic to their livelihood. However, the resultant effect from the exploration of petroleum in that region such as oil spillage and gas flaring has made life unbearable for the indigenes of the Niger Delta region. This article further shows that irrespective of the number of statutes, regulations and international agreements bordering on environment, the degradation of the Niger Delta environment and Nigeria as a whole remains the order of the day. This article recommends among other things for the constant upgrade and calibration of exploration equipment's as well as the speedy passage of the Petroleum Industrial Bill which will usher in a new dimension in tackling environmental degradation in the Niger Delta region.

Keywords: Environment, Environmental degradation, Niger Delta, Exploration, Petroleum

1. Introduction

Oil and gas otherwise known as petroleum means mineral oil (or any related hydrocarbon) or natural gas as it exists in its natural state in strata, and does not include coal or bituminous sales or other stratified deposits from which oil can be extracted by destructive distillation.¹ Petroleum which is composed of hydrocarbons are organic chemical compounds of hydrogen and carbon atoms.² There are a vast number of these compounds, and they form the basis of all petroleum products³. They exist as gases, liquid and solid⁴. Our environment on the other hand is something that surrounds, which is the surroundings; the aggregate of circumstances surrounding an organism or group of organisms.⁵ It is also the complete of social and cultural conditions affecting the nature of an individual or community.⁶ Oxford's Advanced Learner's Dictionary sees environment as the conditions that affect the behaviour and development of the physical conditions that exist.⁷ From the above definition of concepts, it can be logically inferred that oil and gas are harmful substances irrespective of the fact that they have economic value, when introduced into our immediate environment it results into pollution and environmental degradation.

The air, water, soil etc. which makes up the environment is said to be polluted when certain chemical substances such as oil and gas are discharged either accidentally or intentionally to it, thereby causing environmental degradation harming the soil including flora and fauna.

There are many topical issues pervading the oil and gas sector in Nigeria. However, the most apparent of these issues are the damages done to the environment which are caused by oil exploration and production activities. It is worthy to note that Nigeria is ranked the 9th in the world as an oil producer and the hub for its oil and gas exploration and production is in the Niger Delta region. Sadly, that

¹ Petroleum Act 1969 CAP Laws of Nigeria (LFN) 2004 S. 15 (1)

² Prodigy oil and gas glossary <http://www.prodigyoilandgas.com/oil-and-gas-glossary.html> accessed July 18, 2014

³ Ibid

⁴ Ibid

⁵ Houghton Mifflin Company (1987): American Heritage Illustrated Encyclopedic Dictionary, Boston: Houghton Mifflin

⁶ Ibid

⁷ Hornby Albert Sydney et al (1974): Oxford advanced learner's dictionary of current English. London: Oxford University Press.

region has been subjected to a high level of environmental degradation to the extent that one is inclined to say that the problem is intractable.

Agitations from indigenes of the Niger Delta region range from the air reeking of petrol, skin injuries, inability to breathe properly etc. According to the UNDP (2006) Niger Delta Development Report, 60% of the indigenes of Niger Delta depend solely on natural environment both on living and non-living for livelihood.⁸ Hence, any damage done to their only means of livelihood will be detrimental. The resultant effect of the oil exploration and production activities of oil companies such as oil spills, gas flaring, fugitive emissions etc. causes unprecedented havoc to the Niger Delta indigenes. Oil companies on one hand blame most of the spills on vandals and oil thieves while environmental campaigners and people of Niger Delta attribute the causes to obsolete pipelines and infrastructures used by the companies. Recently, Exxon Mobil's operations have been suspended by youths from Ibeno, Akwa Ibom state owing to the oil spill in that area.⁹ Furthermore Shell Petroleum Development Company (SPDC) revealed that Nigeria is continuing to sustain from oil spillage due to oil theft. Nigeria loses 174,000 barrels per day amounting in 2013 to a total loss of 63.51 million barrels of crude.¹⁰ It further revealed that the company's loss from spill incidents has climbed from 137 in 2012 to 157 in 2013, resulting in a daily loss of 32,000 barrels of oil, driving daily production figures down to 693,000 barrels.¹¹

As earlier noted, the resultant effect from petroleum operations gives rise to various types of pollution which are detrimental to various marine flora and fauna which ultimately brings about the degradation of the environment. The thematic concern of this paper is to examine oil related environmental degradation in Nigeria, particularly in the Niger Delta region; evaluate laws, international conventions and regulations that govern environmental protections and proffer tentatively recommendations that will be palliative concerning the environmental degradation.

2. Oil Related Environmental Degradation in Niger Delta

The Niger Delta has often been described as the engine of Nigeria's economy. It includes nine oil-producing states: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and River States. The region contains the world's third largest wetland, with the most extensive freshwater swamp forest and rich biological diversity.¹²

The region has been characterized as having huge oil and gas reserves ranking 6th world's largest exporter of crude and 3rd largest producer of palm oil. It is this same region that accounts for the bulk of Nigeria's foreign earnings. However, irrespective of the huge revenues accrued to the country, the Niger Delta region, have little or no share in those revenues. According to Cyril Obi "in spite of the overwhelming contribution of the oil minority areas of the Niger Delta to Federal Revenues, they have been excluded from direct access to oil revenues, except through federal and ethnic majority benevolence."¹³ The discovery of oil in 1956 at Oloibiri (Bayelsa State) changed not only the economic situation of Nigeria but also the social, economic and ecological fate of oil producing states. The exploration of crude oil in the Niger Delta region resulted into water, air and land degradation from the following:

3. Oil Spillage

Oil spillage may be described as the presence of a large amount of crude or refined oil on soil or water. Oil may be spilled during the extraction, refining, transportation and storage of oil. However, by the act of an unknown person oil spill can occur through sabotage, illegal oil bunkering, lack of maintenance of engineering equipment etc. It affects the environment negatively. The most damaging and well documented effects of petroleum spillage are the oiling and tarring of beaches, death of seabird, and the destruction of intertidal marine communities.¹⁴

In Nigeria, 50% of oil spills are due to corrosion of pipelines and tanker accidents, 28% is due to oil production operations while 1% is due to engineering drills, inability to effectively control wells, failure of machines and inadequate care in loading and unloading oil vessels.¹⁵

It is imperative for one to assert that there is poor reporting on the frequency of oil spillage in Nigeria. The Department of Petroleum Resources will have a different data from the oil companies, hence making it difficult for one to actually pinpoint the amount of crude discharged into the sea that ultimately results into depletion of the ecosystem. Oil spill as a whole poses a lot of danger to the environment to the extent that the indigenes of the Niger Delta region have to cook, drink and bath with polluted water. The Chairman of the Joint Committee on Environment and Ecology, Senator Bukola Saraki said oil spill had become an irresponsible environmental

⁸UNDP Report 2006 http://web.ng.undp.org/reports/nigeria_hdr_report.pdf accessed July 11 2014

⁹ Oil Spill: 'Akwa Ibom Community Exxon mobil' <http://leadership.ng/news/377039/oil-spill-akwa-ibom-community-shuts-exxonmobil> accessed July 7, 2014

¹⁰ Oil & Gas Weekly. The Guardian, July 7, 2014. pg. 67

¹¹ Ibid

¹² Ibid, UNDP Report 2006

¹³ Cyril I. Obi (2001): 'Oil minority rights versus the Nigerian state: conflict and transcendence, University of Leipzig Papers on Africa, Politics and Economics Series No. 53.

¹⁴ Ibid

¹⁵ Dr. P.C. Nwilo & O. T. Badejo (2001): Impacts of Oil spills along the Nigerian coast, The Association for Environmental Health and Sciences <<http://www.aehs.com>> accessed August 1 2014

behaviour and reckless waste of the people's wealth and benefit.¹⁶ He went on further to state that the statistics of oil spills in Nigeria is shameful; the impact on the environment is offensive.¹⁷ It can longer be business as usual. Without a doubt, oil spillage is dealt with all over the world as an environmental and human right issue that goes to the quality of the environment and value of life of those impacted by spills.¹⁸

Notably, the so called oil companies have not shown sufficient concern and respect for the Nigerian environment as they do in other oil producing zones of the world. Since 1976 oil spills have escalated to 80% rate of incidents. Over 600 oil spills incidents are recorded in Nigeria annually.¹⁹ The severity of environmental degradation, chronic diseases and abject poverty in the oil producing states cannot promote United Nations millennium development goals for environmental sustainability in Nigeria.²⁰ Below is table showing resultant effects of oil operations on the environment and human lives in general.

Year	Incident	Primary Cause	Quantity Spilled	Spill site	Major impact
1970	Oil blowout	Corrosion and operational failure	>250 b	Shell BP Bomu II	Air, soil and water pollution, loss of ecological and aquatic species and health problems
1972	Oil blowout	Corrosion and operational failure	>250 b	Elf Obaji 21	Air, soil and water pollution
1978	Oil blowout	Corrosion and operational failure	300,000b	Gocon's Escravos	Air, soil and water pollution
1978	Oil blowout	Corrosion and operational failure	580,000b	SPDC Forcados Terminal	Air, soil and water pollution
1980	Oil blowout	Corrosion and operational failure	400,000b	Texaco Escravo Funiva	321 villages displaced, 18 people killed, environment polluted
1982	Pipeline rupture	Sabotage by locals	18,818b	Abudu	Air, soil and water pollution, loss of ecological species and health problems
1986	Pipeline rupture	Sabotage by locals	18,818b	Escravos	Villages displaced, eight creeks and villages affected, property and fishing nets lost
1998	Oil blowout	Corrosion and operational failure	40,000b	Idaho	Air and water pollution, loss of aquatic and ecological species
1999	Pipeline rupture	Sabotage by locals		Ishiagu	Water and soil pollution, seven people killed, loss of arable land and health problems
May 2000	Pipeline rupture	Sabotage by locals		Diebu	Water and soil pollution, loss of aquatic and ecological species, fishing activity restricted
July 11 2000	Pipeline rupture/fire	Sabotage by locals		Adeje	Air, soil and water pollution, loss of lives and property, health problems
July 17 2000	Pipeline rupture/fire	Sabotage by locals		Jesse	Air, soil and water pollution, loss of arable land, loss of species
August 2001	Pipeline rupture	Sabotage by locals		Ishiagu	Water and soil pollution, loss of lives and property, loss of arable land
January 3, 2002	NNPC pipeline	Sabotage by locals		Escravos	Water air and soil pollution, loss of ecological and aquatic species
October 15, 2002	NNPC pipeline	Sabotage by locals	40,000b	Akute Ogun State	Air, soil and water pollution, 20 people died
March 16, 2003	NNPC pipeline	Sabotage by locals	40,000b	Forcados	Loss of lives and property, air, soil and water pollution

¹⁶ Nigeria has highest oil spill in the world – senate <http://www.vanguardngr.com/2012/11/nigeria-has-highest-oil-spill-in-the-world-senate/> accessed July 22 2014

¹⁷ Ibid

¹⁸ Ibid

¹⁹ Xpress International Hotel Center Accra, Ghana, April 23-25, 2014 <http://www.oilspillconferenceng.com/> accessed July 22 2014

²⁰ Ibid

2003	NNPC pipeline	Sabotage by locals	40,000b	Ishiugu	Water, soil and air pollution, loss of lives and property
April 29, 2003	NNPC pipeline	Sabotage by locals		Escravos	Loss of revenue, loss of lives and property
May 3, 2003	Pipeline rupture/fire	Sabotage by locals	40,000b	Oso	Air, soil and water pollution, loss of lives and property
June 22, 2003	Pipeline rupture/fire	Sabotage by locals	40,000b	Isiukwato	200 people burnt to death, air, soil and water pollution, loss of arable land
September 26, 2003	Pipeline rupture/fire	Sabotage by locals	40,000b	Nembe	Five people killed, loss of revenue, water and soil pollution
August 2005	Pipeline rupture/fire	Sabotage by locals	40,000b	Ishiugu	Five people killed, loss of revenue, water and soil pollution
December, 21 2005	Pipeline rupture/fire	Sabotage by locals	40,000b	Diebu Creek	Water and soil pollution, loss of revenue ecological and aquatic species
January, 2006	Pipeline rupture/fire	Sabotage by locals	40,000b	Brass Creek	Water and soil pollution, loss of ecological and aquatic species
March 2006	Pipeline rupture/fire	Sabotage by locals	40,000b	Aggre Ekeremor	Water and soil pollution, loss of ecological and aquatic species
May 2006	Pipeline rupture/fire	Sabotage by locals	40,000b	Snake Island Lagos	Air, water and soil pollution, economic activity affected, 200 killed, aquatic and ecological species lost

Table 1

Source: Environmental Right Action (2000)²¹

4. Gas flaring

Another problem degrading not only the Niger Delta region but the whole of Nigeria is gas flaring. It is well known that gas flaring has been illegal in Nigeria since 1984 but it is still ranked the second in the world for flaring of gas after Russia.²² Gas flaring, which is the burning of gaseous waste and non-waste gases into the atmosphere through an elevated vertical chimney, degrades the environment at a significant rate. Invariably the consequences attached to health and the climate in general are attracting international environmental discourse and advocacy.

People of the Niger Delta region are subjected to numerous health issues ranging from eye irritations, sulphur poisoning of the blood, bronchitis, silicosis, cardiac complications and even cancer. In addition flaring of gas causes acid rain which damages crops as well as causing skin irritation. According to the Shell's sustainability report for 2010, oil flaring increased by 32% from 2009-2010.²³ Also Mutiu Sumonu Chairman Shell Companies in Nigeria and Managing Director Shell Petroleum Development Company of Nigeria Ltd was of the view that it would cost over \$2billion to reduce flaring in Nigeria.²⁴ In the case of *Gbemre v. Shell Petroleum Development Co. Nig. Ltd & Ors*²⁵, the court was of the view that burning of gas by flaring amounts to the following:

- Poisons and pollutes the environment as it leads to the emission of carbon dioxide and other cocktail of toxins that affect the health, lives and livelihood.
- Exposes them to an increased risk of premature death, respiratory illness, asthma and cancer.
- Contributes to adverse climate change as it emits carbon dioxide and methane which causes warming of the environment and pollutes their food and water.
- Causes painful breathing, chronic bronchitis, decreased lung function and death.
- Reduces crop production and adversely impacts on their food security.
- Causes acid rain, their corrugated house roofs are corroded by the composition of the rain that falls as a result of gas flaring. Acidic rain consequently acidifies their lakes and streams and damages their vegetation.
- That so many natives of the community have died and countless others are suffering various sickness occasioned by the effects of gas flaring.

²¹ http://www.waado.org/environment/oilspills/OilSpills_Urhobo/Adeje2.html accessed July 6th 2014

²² Nigeria: Gas flaring still a burning issue in the Niger Delta <http://www.irinnews.org/report/95034/nigeria-gas-flares-still-a-burning-issue-in-the-niger-delta> accessed 8th July 2014

²³ Securing Diverse Energy http://reports.shell.com/sustainability-report/2010/servicepages/downloads/files/all_shell_sr10.pdf accessed July 8, 2014

²⁴ Ibid

²⁵ (2005) AHRLR 151

Incontrovertibly, most of this oil companies promises to stop or reduce the flaring of gas, but however, it seems they just say this promises without making any realistic measures to stop or reduce it.

Furthermore, it is largely evident that there is the depletion of the ozone layer owing to the flaring of natural gas. This ozone layer serves as a blanket over the earth protecting inhabitants from ultraviolet lights from the sun, which if not in place or damaged will result into roasting of humans. Apart from the above presumed catastrophe, the climate is changing as the day is becoming hotter and sea levels are significantly increasing. Environmentalists have predicted that there would be increased global warming of 1 to 3.5°C over the next one hundred years.²⁶ Would this be the end of the human race?

Reports have shown that Nigeria loses ₦8.62billion monthly on gas flaring as oil companies flares 53.846 billion standard cubic feet of gas.²⁷ This is indeed an acute sabotage to the Nigerian economy as on countless occasions Nigeria has being termed to be more of a gas producing nation than oil.

5. Regulatory Framework

It is imperative to assert that there are so many laws and regulations regulating the Nigerian oil and gas sector. The Petroleum Industrial Bill which is still before the National assembly is seen as a beacon of hope that will consolidate all those laws as well as reform the oil and gas sector. Be that as it may, there are statutes, international conventions to which Nigeria is a signatory to and regulations providing guidelines for good environmental practices.

Starting with the *grundnorm* the 1999 constitution of the Federal Republic of Nigeria (as amended) in its section 20 Environmental objectives states that:

The State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria.

Every state is mandated to prevent its water, land and air from whatever form of pollution that will be detrimental to health of Nigerian citizens. Furthermore, the Petroleum Act 1969²⁸ which is the principal statute governing the oil and gas sector in Nigeria provides in its section 9 (1) (b) (iii) that the Petroleum Minister may make regulations providing generally for matters relating to licenses and leases granted under the Act and operations carried on thereunder including the prevention of pollution of water courses and atmosphere. Consequently, the Minister is not mandated to make regulations for the prevention of pollution of water courses and atmosphere. From the wordings of the abovementioned provisions, “the minister **may** make regulations”; meaning the petroleum minister can choose not make any regulation to which multinational companies and indigenous companies must adhere to in preventing environmental degradation. The writer strongly advocates that the law ought to have stated that “*the minister shall make regulations for the prevention of pollution of water courses and atmosphere.*” In this manner, when the minister make regulations preventing environmental degradation emanating from the activities of oil companies, they will be strictly adhered to with sanctions for defaulters, thereby protecting the lives of the Niger Delta people and Nigeria as a whole.

The **Petroleum (Drilling and Production) Regulation**²⁹ under regulation 25 which provides that:

The licensee or lessee shall adopt all practicable precautions including the provision of up-to-date equipment approved by the Director of Petroleum Resources to prevent the pollution of inland waters, rivers, water courses, the territorial waters of Nigeria, or the high sea by oil, mud or other fluids or substances which might contaminate the water, banks or shore line or might cause harm or destruction to fresh water or marine life, and where any such pollution occurs or has occurred, shall take prompt steps to control and, if possible, end it.

In addition under regulation 44 and 45 a duty is placed on the licensee or lessee’s employees to report the escape of petroleum oil or gas from any well, pipeline or installation as well as any operations in a neighboring license or lease conducted in a manner which endangers the safety of persons in the vicinity. Be that as it may, common trends evidence the fact that oil companies’ personnel connive with oil thieves and illegal bunkerers to burst pipelines which will spill into the ocean, thereby causing environmental degradation. The above regulation is good but with attendant factors such as corruption among company officials, makes the regulation less effective.

The **Environmental Impact Assessment Act**³⁰ of 1992 is another legislation on environmental issues, as it provides that the public and private sector of the economy shall not undertake or embark on or authorize projects or activities without prior consideration of the effect on the environment. The basic rationale behind the promulgation of this act was to enable prior consideration on the effect of any activity on the environment. Any person planning a project/ activity which may have an impact on the environment is statutorily mandated to prepare an EIA report, and the report must set out the potential impact of the activity on the environment and plans for preventing or mitigating same. It may be presumed that the oil companies in Nigeria has complied with the requirements set out by the EIA Act, however their activities are still causing environmental degradation.

²⁶ Omorogbe Yinka 2009: Oil and Gas Law in Nigeria simplified, Lagos: Malthouse Press Ltd

²⁷ Michael Eboh (2014): Nigeria loses ₦8.62bn on gas flaring, Vanguard News May 6th 2014
<http://www.vanguardngr.com/2014/05/nigeria-loses-n8-62bn-gas-flaring/> accessed 8th July 2014

²⁸ CAP P10 Laws of Nigeria 2004

²⁹ L.N. 69 of 1969

³⁰ CAP E12 Laws of Nigeria 2004

The **Federal Ministry of Environment (FME)** which administers and enforces environmental laws in Nigeria took over that function from the Federal Environmental Protection Agency (FEPA) in 1999 has published several guidelines for the administration of both the FEPA³¹ and EIA Acts. Yet, oil operations are still having adverse effect on the environment of the oil producing states. In addressing the need for an enforcement agency, the Federal Government of Nigeria in line with section 20 of the 1999 constitution (as amended) of the Federal Republic of Nigeria established the National Environmental Standard and Regulations Enforcement Agency (NESREA) as a parastatal of the FME³². In addition, states have enacted environmental legislation such as in Akwa Ibom where it enacted the Environmental Pollution and Waste Management Agency Law, which created the Environmental Protection and Waste Management Agency. Also in River State, Delta State and Bayelsa State where we have: Rivers State Environmental Protection Agency Law 1994 and Rivers State Pollution Compensation Tax Law 1994; Delta State Environmental Protection Agency Law No.5 1997 and Delta State Pollution Compensation Law 1995; Bayelsa State Environment and Development Planning Authority Law 1996 and Bayelsa State Pollution Compensation Tax Law 1998.³³ Unfortunately, despite all the above legislations in different states in Nigeria, environmental degradation is still the order of the day in oil producing states.

The **Associated Gas Re-injection Act 1979** and the **Associated Gas Re-injection (Amendment) Act 1985**³⁴ are statutes addressing the utilization of natural gas as well as reduction of gas flaring. The statute mandates that oil companies must re-inject associated gas not utilised into the earth's crust. However, most of the oil companies refuse to adhere to this law as the federal government often time grants exemptions to oil companies to flare gas. Also these exemptions were made on the basis of technical and economic factor thus turning a blind eye to environmental factors. In addition, the fines levied on oil companies for flaring of gas are rather non-sensical, as the federal government places it at \$3.50³⁵ which amounts to #495 per thousand standard cubic feet (SCF). This fine does not in any way serve as a deterrent for oil companies.

Taking a step into the international arena, Nigeria is a signatory to quite a number of international conventions which has being domesticated in Nigeria in accordance with section 12 of the 1999 constitution (as amended) which states that:

No treaty between the Federation and other country shall have the force of law except to which any such treaty has been enacted into law by the National Assembly.

Some of these international conventions include:

- International Convention for the Prevention of Pollution of the Sea by Oil (OILPOL) 1954: Nigeria ratified this convention in 1968 which resulted into the passage of the Oil in Navigable Waters Act³⁶ with a subsidiary legislation the Oil in Navigable Waters Regulations, thereby making it possible for Nigeria to oblige the terms set out in the convention.
- United Nations Convention on Laws of the Sea (UNCLOS) 1982
- International Convention for the Prevention of Pollution for Ships (MARPOL) 1973
- Convention on the Prevention of Marine Pollution by Dumping of Waste and Other Matter 1972: This convention is otherwise known as the London Dumping Convention in which Nigeria acceded to in 1976.
- Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region 1981: It was ratified in Nigeria in 1984.
- The international Convention on Oil Pollution Preparedness Response and Cooperation (OPRC) 1990

There are other conventions which Nigeria has acceded to but due to the limitations attached to this study, every convention may not be stated. The bone of contention however is why most of the oil producing states are still living in a perilous state. Despite the fact that in 1972, Nigeria attended the Stockholm conference on Human Environment, the environmental situation is becoming intractable, to the extent of which might lead to the total annihilation of our great country Nigeria.

The exploration of oil and gas in Niger Delta region was supposed to be a blessing to the host communities but however it appears it has metamorphosed into a natural curse for them. It has not only degraded their immediate environment but it has also resulted into unemployment of youths, poverty and petro-violence. When the environment is destroyed, inhabitants has to look for another means of livelihood and these other means include pipeline bursting, kidnapping, oil theft, illegal oil bunkering etc. which furthermore degrades the environment and sabotage the economy. Oil firms often time delay or even refuse to compensate communities that are affected by their operations. As a result, youths become militants and commit all sort of atrocities in the bid of realizing their grievances towards the oil companies and Federal government. The Nigerian government further compounds this problem as the oil and gas sector is the *'backbone'* of the Nigerian economy. Thus it is logical to assert that when the backbone breaks, the rest of the body system is subjected to extreme difficulty. The Nigerian government has made a costly mistake by putting its entire basket in the exploration and production of oil and gas. Other sectors such as agriculture which was the major foreign exchange earner before the discovery of oil in 1956, has being largely abandoned.

³¹ CAP F10 Laws of Nigeria (LFN) 2004

³² National Environmental Standard and Regulations Enforcement Agency (NESREA) <http://www.nesrea.org/faq.php> accessed July 10 2014

³³ Akinrele Adedolapo (2005): Nigeria Oil and Gas Law, Lagos: Oil, Gas & Enegy Law Intelligence (OGEL)

³⁴ CAP 08 Laws of Nigeria (LFN) 2004

³⁵ Government Imposes penalty for gas flaring

<http://www.oyibosonline.com/cgi-bin/newsscript.pl?record=3728> accessed 9 July 2014

³⁶ CAP 06 Laws of Nigeria 2004

It can be succinctly put that most of the statutes addressing environmental issues has failed to significantly stop or mitigate to the barest minimum environmental degradation flowing from oil exploration. The level of interest of the oil companies and government's policy as a whole towards environmental development is rather low and inadequate, with the consequential effect of the un-enforcement of the environmental laws. These laws favor the oil firms to the expense of the Niger Delta people.

6. Recommendations

It saddens the mind to note that despite all the measures taken by the government and enactment of legislation coupled with being signatories to various international conventions and agreement, environmental degradation is still very much prevalent particularly in the Niger Delta region. In the bid of moving our country forward, the following below are recommendations that may address environmental degradation.

- Upgrade and constant calibration of oil exploration and production equipment: 70% of oil spills emanates from ruptured and obsolete pipelines. Also facilities at the flow stations are either sub-standard or defective in its entirety. There is utmost need for regular calibration and replacement when necessary of equipment used for exploration of crude in order to stop oil spillage and other associated malady.
- Holistic review of legislations addressing environment pollution: The Petroleum Industrial Bill is anticipated to solve most of the issues surrounding the oil and gas sector. Most of the legislations on environmental pollutions are not enforced to the full extent of the law. In addition the sanctions are not enough to deter economically buoyant oil companies. The \$3.50 as fine for flaring of gas is non-sensical and requires immediate reform.
- Reduction of overconcentration on the oil and gas sector for economic buoyancy: The Nigerian government should explore other options to make revenue rather than just depending on crude. Nobody knows when the crude in the ground will dry up and the multinational companies will pack their bags and leave for a greener pasture. Agriculture is still a viable source as the federal government should endeavor to channel investments in that sector.
- Enactment of compensation laws: The claimants in an oil spills suit are saddled with the burden of proving the liability of the oil company that is presumed to be responsible for the spill. Owing to the lengthy and cumbersome nature of litigation, affected parties might not have any remedy or compensation. In the case of *Eze v. Agip*³⁷ where the plaintiff sued Agip for the destruction of his house and property at the Akri flow station in Imo State. He reportedly lost his house as a result of oil operations but had received no compensation from the oil company. He testified that he has been squatting with a friend, while his family had to stay permanently away from him. When the case was adjourned, the plaintiff couldn't wait until the scheduled day of proceedings and he asked for an accelerated hearing. The judge held that the plaintiff failed to show special and exceptional circumstances justifying such application. In light of this, it is strongly advocated that there should be a law strictly on compensation for host communities and private individuals that are affected directly or indirectly from the activities of oil exploration. Furthermore arbitration should be encouraged in oil and gas disputes.
- Public enlightenment: After necessary compensation has been given to affected communities, the oil companies and federal government should organize conferences with the indigenes of the Niger Delta on environmental matters. This will enable them to understand that unlawful activities such as pipeline busting, illegal bunkering, oil theft etc. causes more harm than good to their own environment.
- Corruption among oil staff and officials of the Nigerian government should be stamped out. Sometimes oil theft and sabotage are done by employees of an oil company with the protection of the militants and soldiers. Oil stolen is then sold in exchange for drugs and weapons. The process of stealing the oil leads to spillage thereby endangering human health and marine life.
- There should be a quick response team that would contain any oil spillage, thereby preventing it from escalating into an issue that will become intractable.
- Gas flaring in Nigeria should be stopped as the Federal government should find incentives of utilizing natural gas that would be suitable for human consumption and development of Nigerian oil and gas sector.

7. Conclusion

The exploration of oil and gas in the Niger Delta region has plagued its indigenes to the extent that there seems to be no remedy. The oil and gas sector often time described as the 'backbone' of the Nigerian economy is causing environmental degradation in a place where it ought to be regarded as the paradise of Nigeria. The region has being and will continue to be degrading if swift measures are not initiated. Activities of multinational companies in that area prospecting, exploring and exploiting crude have increased the level of poverty. The air, water, local flora and fauna, and human health have being reduced below the standard quality of life.

The Petroleum Industrial Bill should be passed in order to usher in a new era on environmental issues in the Niger Delta region. Despite all efforts done by the government through enactment of law and regulations coupled with the establishment of agencies to enforce those laws, environmental degradation is still evident. Perhaps their efforts are not enough; more work needs to be done to protect and improve the standard of living of the Niger Delta people and Nigeria as a whole.

³⁷ (1979) IMSLR 540-542

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