

## THE RELEVANCE OF CULTURE IN NATION-BUILDING

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### **Abstract**

*In approaching the question of nation-building, proper attention must be paid to democratization, modernization, political stability, peace-building and general development. It is the building of a common identity. When the issue of national development is raised, the questions to which answers must be provided are: what is happening to poverty? What is happening to unemployment? And what is happening to inequality? With this in mind, this paper attempts to establish that culture which makes for group identity and unity is key to genuine nation-building. It also posits that some cultures could be cultivated in the spirit of acculturation that would be detrimental to the developmental objectives of the nation.*

**Keywords:** Cultural prejudice, Nation-building, Religious Intolerance, Tribalism, Political marginalization

### **Introduction**

The topic of this paper stands to say that culture promotes nation-building. One cannot talk about nation-building without cultivating a culture of unity, the culture of peace, the culture of understanding; the culture of respect and the culture of equality. In the words of Okonkwo (2007: 193),

We must admit that despite our democratic experiments so far, we have failed to establish a workable inter-ethnic political instrument, dialogue and communication to ensure harmonious and sustainable nation-building.

It is the business of this paper to re-echo the motto of the Association for Promoting Nigerians found in the synergic working of our different but rich cultural heritages.

## **Culture**

Linda Groff and Paul Smoker (1996:104), in their book *Peace and Conflict Issue*, attempted to define culture by stating that there are both narrow and broad definitions of culture. The narrow definition focuses on the arts, including literature, poetry, music, theatre painting, dance, etc. The broader definitions, which are used in anthropology and intercultural communication fields, include all our socially learned behaviour. Thus, one anthropological definition of culture is that it is learned, shared, patterned behaviour, as reflected in technology/tools, social organization (including economic, political, social, religious, educational, family and other organizations) and ideas/beliefs". The key point is that culture is not something one is born with but something that is learned after one is born; it is also passed down from one generation to the next. Culture is also shared by a group of people together, and all the different aspects of one's culture must somehow fit together into the overall pattern.

The Oxford Advanced Learners Dictionary defines culture as "the customs and beliefs, art, way of life and social organization of a particular country or group. Also, it could be seen as "the beliefs and attitudes about something that people in a particular group or organization share". Culture is derived from the German word *Kulture*, which means civilization.

According to Ugbeyavwighren (2008:73), "culture is concerned with the entire essence of human existence and refers to that intellectual and artistic integrity that has been cultivated and nurtured over time, which the people hold sacrosanct". Having seen here both the narrow and the broad meaning of culture, it is also important to attempt a conceptual analysis of the term nation-building.

## **Nation-Building**

Without going deeper to begin to explicate the meaning of the term nation, and its allied terms, a nation in the context of this paper represents the development of the structures and institutions of a nation-state or country. Nation-building therefore is the collective effort at improving the well-being of the nation-state. Nation-building as a concept is multifaceted embracing: independence, economic growth, infrastructural development, technological advancement, respect for fundamental human rights and the general improvement in the living standard of the people.

Unity is the principal factor in nation-building. To achieve nation-building in Nigeria, Nigeria needs the unity and goodwill of the different ethnic groups and people. There is still now a dire need for mutual understanding among the various groups and people.

There is still one soul and one body, so to speak, that we can talk about progress, technological advancement, respect for human rights, political stability and equality. According to Okonkwo (2007:193), the honest feeling of many in this country is that we are taught directly or indirectly, consciously or unconsciously, that certain people or groups of people should be avoided based on their religion, ethnic heritage and tradition.

Okonkwo further maintains that, *Ndigbo*, for example, build houses and provide homes and residences for all Nigerians across the country, while we know that we find nothing concrete built by our Hausa or Yoruba brothers and sisters in Owerri, Onitsha, Aba, Enugu, etc., apart from the so-called Ama-Awusa make-shift (*alawa-aghara*) structures (Okonkwo, 2007: 194).

So, for Nigeria to sustain her nation-building, we must agree to be one in the real sense, and put aside prejudices and hatred. Nigerians should also desist from viewing themselves as separate entities to be able to achieve sustainable development.

### **Obstacles to Nation-Building**

Obstacles are meant to represent those bottlenecks that impede the efforts at improving the lot of a particular country. Obstacles are almost inevitable in nation-building, particularly considering the multi-ethnic and general diversity of a country like Nigeria. If the people are to address seriously the question of nation-building, those issues that constitute impediment factors, and which help to divide rather than build the country such as ignorance and lack of respect for human rights, religious intolerance, tribalism and political bias, cultural pride that engenders. dual-loyalty, inequality and unemployment, must be seriously addressed.

### **Ignorance and Religious Intolerance**

Ignorance of the tenets of other's religions and lack of respect for such other religions, especially among Christians and Muslims in Nigeria is a big obstacle to nation-building. The adherents of both Christianity and Islam have failed to acknowledge the true position of each other. Okike (2000:106) agrees with this when he writes:

Ignorance is among the disturbing issues in both the developed and developing world. People sometimes do not want to know beyond what they have or desire. Such a mentality creates a blockage to the expansion of knowledge. Most Christians and Muslims worldwide do not want to know a little about each other's religion. In Nigeria for instance, people from the South-South Eastern zone will often hand, that every Hausa-Fulani person is a Muslim; while on the other hand, the northern Muslims think that every Southerner is a

Christian. This manifests itself whenever there is religious violence in the north.

### **Tribalism**

Tribalism is among the factors that retard nation-building. It is understood that in African traditional set-up, family, clan and tribal or ethnic ties are very strong. This is more the case in Nigeria with over 350 ethnic groups. According to Okike (2000: 107), "tribe Simply means a family or a race descending from the same progenitor, and is segmented from the rest as was the case of the twelve tribes of Israel". A tribe is made up of villages a clans, and people with a common language and culture, who pursue their common interests d family. It is a good thing to note that the word "tribalism" arose out of the love for One In the words of Okike (2000: 107), Tribalism is still wearing its ugly face today and even strong than pre-colonial era. The pre-colonial era saw inter-tribal wars of supremacy, while today in the 21st century; tribalism manifests more wicked actions against humanity.

It is not out of place to recall here the crises in Nigeria immediately she turned to democratic rule because of this ugly thing called tribalism: the Yoruba killing and vandalizing the Hausa-Fula Non-Hausa-Fulani in the North killing the Hausa-Fulani; and the Igbo destroying life and property of the Hausa-Fulani in Umuahia and Aba during the Sharia episode that happened in Kaduna in February and May in the year 2000.

This tribal discrimination has become a big problem in Nigeria and as well as being an obstacle to the nation's development. For Nigeria to stand as one nation, tribalism must be renounced so that people can see one another as fellow creatures of God, whether Hausa, Yoruba or Igbo, etc. on the one hand and as brothers and sisters on the other. Okonkwo (1994:122) brings this issue to light when he examines the concepts of nationalism and nationism. He writes that Nationalism and Nationism are conflicting programmes of most developing countries. These conflicts manifest themselves in the struggle for socio-cultural and political integration of the amalgamated ethnic groups.

### **Political Marginalization**

Many Nigerians enter into politics with tribal, religious, cultural and Economic prejudices and for their aggrandizement. Even political positions have been shared out based on sentiments and prejudices rather than qualification, suitability and merit. These days, in allocating political positions, they only think of political party affiliations and zoning. Political bias is indeed one of the evils that hinder the development of this nation. So

Nigerians must say no to political prejudices and bias for the proper development of this nation.

### **Cultural Pride and Prejudice**

It is understood that cultural differences or discrimination are still very prevalent all over the world. It remains one of the great obstacles that affect our nation. When people feel culture is superior to others, they can't accept so easily those ideas that might come from those who belong to the 'rejected cultures seen as inferior to them. Even people discriminate against others based on what they wear and eat, the language they speak and how they go about their whole life. The main concern for this paper here is that people must learn to accept others' cultural personalities and integrity to make Nigeria a better home for all and sundry. There must be cultural synergy and integration.

### **Poverty**

The issue of poverty remains one of the greatest concerns of leaders all over the world. Poverty represents the greatest challenge to peace, stability and development. There can be nation-building without consideration of how to reduce or eliminate poverty. Omenukor (2009:1) defines poverty as "the absence of basic entitlements or requirements for a good living". Thus, when there is an absence in any nation, of basic needs, that nation will be considered as living in poverty. Adding to this, Udo, (2009:256) says,

now it seems fair to say that poverty in itself, is not desirable, whatever its magnitude might be. As long as it is a condition of want or deprivation, it is human to want to get out of it. It is doubtful if anybody would desire poverty for its own sake, especially where this would touch the necessities of life, such as food, clothing, housing, health, good drinking water, and so on.

Based on the above citations, poverty is an undesirable condition for individuals, groups or nations. For this reason, individuals, groups, societies and government must work their best to get themselves out of poverty.

### **What should be done?**

According to Ong Keng Yang (2003), culture is our legacy and our future. We draw upon it to shape our identities as individuals, as a nation and as a region. Culture defines our heritage and helps in our personal and national development. Drawing from this and taking full cognizance of the Latin root *cultura*, stemming from *colere*, meaning "to cultivate", Nigeria needs to cultivate a culture that promotes nation-building and development. Thus, it is important to note the following points:

### *The Relevance of Culture in Nation-Building*

Peace needs to be cultivated because where there is peace, there is progress. Peace helps in preserving love, compassion, human dignity and justice. It makes us understand that we are all responsible for the common good, including the well-being of future generations.

We should endeavour to overcome all forms of discrimination, colonialism and neo-colonialism, and exploitation, and to promote institutions based on shared responsibility and participation. Also, the rights of minorities must be observed or respected. We should endeavour to respect environmental and social justice.

Religions are not left out in this regard They must be sources of helpful energy. It is their responsibility to encourage and conduct imbued wisdom compassion, charity, solidarity and love, inspiring everyone to choose the path of freedom and responsibility.

### **Conclusion**

It is obvious that sometimes, we perpetuate our problems both s individuals and as a government. For the development of this nation, all hands must be on deck For example, the youths must be fully and seriously engaged both for personal development and for the overall development of the country. Those who need jobs must have jobs and those without skills or lazy must be made to engage themselves properly.

Government should be the role model of success and hope for all Government should also live above board and have the capacity to generate hope for the people, at least by Creating job opportunities, encouraging justice, respect for others, abolishing tribalism adage says that *corruptio optimi pessima* (the corruption of the best is the worst). Thus that shines for all. Finally, this paper submits that the task of nation-building is the responsibility of every citizen.

### **References**

- Groff, L. and Smoker, P. (1996). "Creating/Local Cultures of Peace". N: *From a Culture of Violence to a Culture of Peace*. Paris: UNESCO Publication, 103-128.
- Okike, O., (2000), *The Practice of Shana in Nigeria: A Democratic Secular State*. Owerri: Amamihe Publication.
- Okonkwo, J. L (1994), "Nationalism and Nationism: The Sociolinguistic Cross-Roads of the Nigerian National Language Policy". In: Dirk Otten (Ed.), AAP No 40. Koln: Institut fur Afrikanistik.
- Okonkwo, J. I. (2007), "Ubi Societas Ibi Jus: The Role Conflict of the Nigerian It. Nation-Building" in Amamihe: *Journal of Applied Philosophy*, vol.5, 189-20.
- Omenukor, D. U., (2009), *The Politics of Development Economy*. (Unpublished). Ong. K. Y. (2003), retrieved from <http://www.aseanfoundation.org/documents/brochure/Reo-culture.pdf>.
- Udo, E (2009), *Poverty, Injustice and Social Disorder*. In: J. O. Oguejiofor (ed.),

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Philosophy, Ideology and Civil Society. Owerri.

Ugbeyavwighren, M., (2008), "Re-packaging our Culture and Value System: A Panacea for Autarky Development in Nigeria". *Journal of Nigerian Languages and Culture*, 10, (2): 71-82.

Oxford Advanced Learners Dictionary of Current English. (6 edition. Oxford: Oxford University Press.

**AN ENVIRONMENTAL CONSERVATION APPROACH TO HANDLING OIL  
AND GAS IN NIGERIA: AN ASSESSMENT OF LEGAL FRAMEWORK**

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**Abstract**

*The paper reviews environmental conservation approach to handling oil and gas industry in the Nigerian sector, assessing its efficiency of legal framework prospects. Essentially, the study established that the Environmental Policies and Strategies of Nigeria Oil and Gas Industry have impacted positively on the Nigerian environment over the years, especially in the area of awareness creation for all stake-holders. In terms of challenges, inefficiency of the regulators due to inadequacy of logistics, poor environmental data base, duplication and overlaps of regulators functions are some of the challenges identified. The prospect of environmental policies and strategies in Nigeria is generally considered to be bright, considering the fact that the industry is still evolving. Relevant recommendations were made on how to achieve improvements.*

**Keywords:** Environment, Policies, Oil Pollution, Conservation, Oil and Gas Industry, legal framework, Nigeria

**Introduction**

It is very important to note that each time environmental issues are mentioned in Nigeria; the oil and gas industry readily comes to mind. The reason for this is that the oil and gas industry in Nigeria accounts for about 90% of the nation's revenue and can equally be claimed to account for a similarly overwhelming proportion of the nation's environmental challenges, especially within the Niger Delta, where most of the oil is produced.

In other words, environmental policies and strategies in Nigeria significantly take into cognizance the sphere of oil and gas industry activities. For instance, Nigeria's development of the oil sector has been good for the country's economy; oil sector development has had an adverse impact on the country's environment. Oil extraction in the Niger Delta region has caused severe environmental degradation, owing to the legacy



of oil spills, lack of environmental regulations, and government complicity during military regimes that once governed the country. Although the situation is improving with more stringent environmental regulations for the oil industry, marine pollution is still a serious problem.<sup>1</sup> Air pollution from natural gas flaring, exhaust emissions from the explosion in car ownership, and electricity generators continue to leave the major cities of Nigeria shrouded in smog.

The various policies and strategies of Environmental Policies and Strategies in Nigeria Oil and Gas Industry have therefore evolved almost at the same pace with the evolution of the Nigerian oil and gas industry. Consequently, it can safely be inferred that the Environmental Policies and Strategies in Nigeria Oil and Gas Industry development have preceded other sectors in terms of its content and targeted effects in combating the environmental consequences of the industry. Considering this fact, the natural assumption should be that the Environmental Policies and Strategies in Nigeria Oil and Gas Industry should be sophisticated and highly developed in terms of achieving the set goals and objectives guiding their formulations. However, this is not exactly the case, as the oil and gas industry in Nigeria as of today stands out clearly as the most bedeviled of all sectors. The undisputable controversial issues associated with the industry in terms of its adverse environmental consequences can hardly ever be adequately captured in print. The numerous oil spills for decades that have remained largely un-cleaned and un-remediated have resulted in globally acclaimed hydrocarbon impacted environmental disaster such as the UNEP report of 2011 on crude oil impacted sites in Ogoni land. Perhaps the Ogoni incident came to international acclaim mostly because of the activism of MOSOP. In other words, the same scenarios of extreme crude oil pollution traverse the entire Niger Delta, but are barely reported and are therefore unknown to the environment conscious world.

Oil pollution is an environmental issue that plagued the Nigerian environment since the exploration and exploitation of crude oil within Nigeria's borders. Oil pollution can cause serious consequences for the marine environment which can be dire for the survival of the fauna and flora therein. It can also cause distress to the ecosystem and the people living near the contaminated sites, affecting their livelihood and quality of life.<sup>2</sup> The Niger Delta, which has borne the brunt of this environmental disaster is a huge fertile farmland and has a vast mangrove ecological makeup. The Niger Delta region is made up of 9 States of the Nigerian Federation namely Abia, Akwa Ibom, and Bayelsa. Cross River, Delta, Edo, Imo, Ondo and Rivers States.<sup>3</sup> The population of the Niger Delta is estimated to be 27 million. Of the people residing in the Niger Delta region, 75 per cent rely on natural endowments for a living. But air, water, soil and forest resources have been devastated by the exploitation of oil and gas resources.<sup>4</sup> Nigeria is the largest producer of oil in Africa and the 6<sup>th</sup> largest producer in the world.

However, the people of the Niger Delta – where the vast majority of oil deposits are found – have benefited little from this and instead are left to deal with oil spills, gas flares, and significant environmental pollution that has destroyed farms, streams, and fishing—key resources on which the indigenous people depend.<sup>5</sup> Since the discovery of oil in Nigeria in 1956, the country has been suffering the negative environmental consequences of oil exploration and exploitation. Between 1976 and 1996 a total of 4647 incidents resulted in the spill of approximately 2,369,470 barrels of oil into the environment. In addition, between 1997 and 2001, Nigeria also recorded a total number of 2,097 oil spill incidents.<sup>6</sup>

According to Ogbodo,<sup>7</sup> (2010), it took the 1988 Koko toxic waste dump for the country to fashion a National Policy on the environment with supporting statutory legislations. Yet, the country has had several legislations concerning oil exploration, exploitation and pollution as far back as 1963. It could be said that the federal Government did not take the enforcement of these laws seriously until the incident in 1988. This directly led to the creation of the FEPA (now NESREA). Since then, several more legislations have been enacted to deal with this Problem which will be discussed below. However, oil pollution cannot be said to have been controlled to a satisfactory degree.

Consequently, this paper advocates the need for a reform of the oil and gas industry in handling the oil pollution, at least for the interests of the affected communities in Nigeria. The research is structured into six main parts with the introduction in Part I, while Part II discusses the Nigerian Oil and Gas Industry: A Historical Perspective. PART III embraced the Concept of Bio-Diversity: noting the various aspects through which Bio-Diversity affects the country i.e. the Biological, Social and Economic Implications. PART IV Is the analysis of the existing Legal and Institutional Framework on Oil Pollution including the Department of Petroleum Resources? PART V focused on Government's effort in handling oil pollution in Nigeria: This has been done by stating the various ways by which the government has tried to fight oil pollution in Nigeria, most especially through enactment of laws to punish offenders, while PART VI is the conclusion and recommendation.

### **The Nigerian Oil and Gas Industry: A Historical Perspective**

Nigeria is recognised as a country with the most known reserves of petroleum and gas in Sub-Saharan Africa.<sup>8</sup> With a daily production of between 2.4mbpd to 2.7mbpd, it is the 12<sup>th</sup> largest oil producer in the world. Nigeria currently has about 150 oil fields and 1,481 oil wells located within the Niger Delta Region. Petroleum has long been an essential aspect of the national economy, accounting for more than half of Gross Domestic Product, about 85% of government revenues, and over 90% of exports.<sup>9</sup>

Historically, Nigeria had other revenue sources, including agriculture, but this changed with the discovery of oil. This section historically analyses the discovery of oil at a time in Nigeria's economic downturn in agriculture as an argument for the weak health and safety regulatory regime. From the analysis, it will become evident that the maximisation of economic recovery from oil and gas could be a reason for the lack of interest in designing a robust risk regulatory framework. The estimated recoverable crude oil reserves stand at 34 billion barrels, and it is suggested that this is expected to increase with additional exploration and appraisal drilling.<sup>10</sup>

So far, about 900 million barrels of crude oil reserves have been identified, but the Nigerian government seeks to achieve a reserve of 40 billion barrels. Regarding its gas reserves, about 159 trillion cubic feet (Tcf) of proven gas reserves have been estimated, placing Nigeria amongst the top 10 countries with natural gas endowments.<sup>11</sup> Unfortunately, due to lack of infrastructure, about 40% of the natural gas produced is still flared. The first traces of oil exploration began in 1908 when the Nigerian Bitumen Corporation, a German entity, began exploratory activities in the Araromi area of Western Nigeria.<sup>12</sup> There was not very much success, especially with the outbreak of the first world war in 1914. In 1937, oil prospecting resumed when the Shell D'Arcy Petroleum (now Shell Petroleum Development Company (SPDC)) was awarded the exclusive concessionary right to exploit oil throughout.

Again, these exploratory activities of Shell were interrupted by the Second World War but resumed in 1947.<sup>13</sup> With over N30 million invested, which was significant at a time, Shell Nigeria had its first commercial discovery of crude oil in Oloibiri (now Bayelsa State) in 1956. It exported the first consignment of crude from the country in 1958.<sup>14</sup> Government revenue exploded from N66 million in 1970 to over N10 billion in 1980. The oil output has risen from just over 5100 barrels per day to about 2.68 million barrels per day between 1960 and 2012.<sup>15</sup> Despite the bombing of oil installations by militia groups in the Niger Delta region, which led to a decline in oil production between 2012 and 2015, oil production is currently about 2.1 mbpd. The Nigerian oil industry's development saw other major international and local oil companies playing more prominent roles. These companies include Mobil, Agip, Elf, Texaco, and Chevron. The dire consequence of this multi-billion-dollar industry resulted in extreme rent-seeking behaviour, weak state institutions, anomalous democracy, increased corruption, inadequate human rights protection, and civil conflict.<sup>16</sup>

In typical rent-seeking fashion, 85% of oil revenues accrue to 1% of the population; 'perhaps \$100 billion of \$400 billion in revenues since 1970 have simply gone missing'.<sup>17</sup> In essence, amidst this enormous fortune, it is paradoxical that as of 2010, poverty had risen

to nearly 61% in Nigeria, with almost 100 million people living on less than \$1 a day.<sup>18</sup> This situation, aptly termed the resource curse, has become a common feature of many oil-dependent countries.<sup>19</sup> The resource curse plagued Nigeria, but the situation was also worsened by the safety and environmental consequences of exploratory activities. Environmentally, the level of environmental degradation occasioned by constant, unattended oil spills and deliberate gas flaring has been concerning. This environmental degradation has, in turn, led to poverty and significant social injustice to the people of the Niger Delta region, mainly as they depend on their environment for survival. The records show that Nigeria has had over 4,000 oil-spill incidents ranging from minor oil spills of a few hundred barrels to over half a million barrels in a single episode.<sup>20</sup>

Presently, Nigeria is ranked sixth in the world regarding countries with the highest volume of gas flares.<sup>21</sup> The resultant degradation of the environment has led to a crisis amongst the people living in the host communities, and tension between them and the multinational companies operating in those regions.<sup>22</sup> This hostile act has further led to the escalated kidnapping of oil workers and the formation of several militia groups, all in an effort by the indigenous populations to “enforce” their environmental rights.<sup>23</sup> We shall now discuss the current regulatory framework for well drilling and safety in Nigeria to determine its status.

### **Concept of Bio-Diversity**

The term Bio-diversity as the variation among living organisms, which encompasses species diversity (the number of different species), genetic diversity (gene pool variety within species) and ecosystem diversity (the variety of interactions among living things in natural communities).<sup>24</sup> This term is also applied to describe the number, variety and variability of living organisms. However, science has revealed that plants, fishes, birds, animals and even man all make up the Bio-diversity of an environment. On the other hand, the term Conservation is the sustainable exploitation of natural resources (land, forestry, wildlife and marine resources) for optimal and maximum yields of the present generations while preserving its potential to meet the needs and aspirations of future generations.<sup>25</sup> Nonetheless, the key purposes of conservation are to maintain essential ecological processes and life support system, preservation of genetic resources and sustainable utilization of species and ecosystems.<sup>26</sup> This definition is clearly reflected in the objectives of the Convention on Bio-diversity, which are the conservation of Bio-diversity, the sustainable use of its components, the fair and equitable sharing of the benefits arising through the utilization of genetic resources, it was state in the United Nations:

From this definition it is apparent that Bio-diversity does not only encompass species diversity, but also includes genetic and ecosystem diversity.<sup>28</sup> Species diversity refers to

the diversity of species with given populations within which gene flows occur under natural conditions.<sup>29</sup> Genetic diversity on the other hand means the range of genetic material found in the world's organisms, upon which depends the functioning of many of the above processes and life-support systems, the breeding programmes necessary for the protection and improvement of cultivated plants, domesticated animals and micro-organisms, as well as much scientific and medical advance, technical innovation and the security of many industries that use living resources. Ecosystem diversity relates to the variety of habitats, biotic communities and ecological processes in the biosphere as well as the diversity within ecosystems.

### **Legal Framework on the Environment**

Here, some of the legal/statutory frameworks and their effect in curbing environmental pollution will be discussed:

#### **The Constitution of the Federal Republic of Nigeria, 1999 CAP C20 LFN, 2004**

The Constitution makes it a fundamental objective of the Nigerian State to improve and protect the air, land, water, forest and wildlife of Nigeria. Section 12 provides that international treaties (including environmental treaties) ratified by the National Assembly be implemented as law in Nigeria. Furthermore, Section 33 and Section 34 of the Constitution guarantees the fundamental human rights to life and human dignity respectively and they are inextricably linked with the protection and preservation of the environment from harm, degradation or destruction.

Section 20 states as follows: "The State shall protect and improve the environment and safeguard the water, air, land, forest and wildlife of Nigeria".<sup>30</sup> Section 17(2) (d),<sup>31</sup> of the Constitution complements the afore stated provision by stating that: "Exploitation of human or natural resources in any form whatsoever for reasons other than the good of the community shall be prevented".

#### ***Oil in Navigable Water Act (1968)*,<sup>32</sup>**

The Act is in fact the first law that deals specifically and solely with the industrial waste generated by oil production. It is concerned with the discharge of oil from ships. Nwifo argued that the enforcement of this legislation has been watered down by several loopholes in its provision through which offenders may wriggle through.<sup>33</sup> Igbokwe,<sup>34</sup> contended that the penalties,<sup>35</sup> prescribed in the act are too lenient on offenders and apart from ineffective enforcement of the laws contained in the act, they find it cheaper to breach the laws and pay ridiculously low fines than adhere to them.

***National Oil Spill Detection and Response Agency Act,***<sup>36</sup>

The agency at the forefront of response to oil spill incidents is the National Oil Spill Detection and Response Agency (NOSDRA). Section 1 (1) states that NOSDRA is the federal agency with the statutory responsibility for preparedness, detection and response to all oil spillages in Nigeria. However, in many cases, it is observed that oil spill investigations are usually led by oil companies' personnel and NOSDRA does not initiate oil spill investigations. The agency is thus seen to be dependent on the company involved in an oil spill incident, whether it involves conveying NOSDRA staff to oil spill sites or supplying technical data about spills. Furthermore, the process of joint investigation is heavily reliant on the oil companies.<sup>37</sup> (Olaniyan,

***Associated Gas Re-injection Act (1979),***<sup>38</sup>

The Associated Gas Re-Injection Act deals with the gas flaring activities of oil and gas companies in Nigeria.<sup>39</sup> The gas re-injection decree stipulates a fine of 10 US cents per 1,000 cubic feet of gas flared,<sup>40</sup> compared to the \$10 fine charged in western countries.<sup>41</sup>

***Federal Environmental Protection Agency Act,***<sup>42</sup>

In 1988, an unforeseen occurrence led to an aggressive environmental policy. This was when toxic wastes were dumped in koko, a village in Delta State. However, according to Edo the action of the Nigerian government in responding to this national embarrassment was decisive and quick.<sup>43</sup> The creation of the Federal Environmental Protection Agency (FEPA) by Decree 58 of 1988 set FEPA as the sole body charged with the responsibility of protecting the environment. The decree gave the agency broad enforcement powers to act, even without warrants, in bringing violators, to book. They have the power to gain entry, inspect, seize and arrest with stiff penalties of a fine and or jail term on whoever obstructs the enforcement officers in the discharge of their duties or make false declaration of compliance.<sup>44</sup> The FEPA Decree prohibits,<sup>45</sup> the 'discharge in such harmful quantities of any hazardous substance into the air , or upon land and the waters of Nigeria or at the joining shorelines except where such discharge is permitted or authorised under any law in Nigeria. However, an owner or operator is exempted from strict liability where the oil spillage was as a result of "natural disaster" or an act of war or by sabotage.

***National Enforcement Standards and Regulation Enforcement Agency Act (NESREA)***

The Act establishes the National Environmental Standards and Regulation Enforcement Agency and it is currently the major federal body charged with the protection of Nigeria's environment. NESREA was created to replace the defunct Federal Environmental Protection Agency (FEPA). Section 7(a) states that the Agency is authorised to enforce compliance with laws, guidelines, policies and standards of environmental matters. Its

authority extends to the enforcement of environmental guidelines and policies, such as the National Policy on the Environment, 1999.<sup>46</sup>

***Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN)***

The Nigerian Department of Petroleum Resources (DPR), the department primarily responsible for regulating the oil industry, expanded these requirements in 1991 by promulgating the Environmental Guidelines and Standards for the Petroleum Industry (EGASPIN). “EGASPIN confirms that oil and gas operations are governed by the Nigerian Petroleum Act and subsequent federal legislation.” Regarding oil spills, EGASPIN requires that oil companies commence cleanup within twenty-four hours of the occurrence of a spill. Where a spill is on inland waters or wetlands,

the only option for cleanup is complete containment and removal. Operators must conduct their cleanup efforts in a way that does not cause additional harm to the environment.<sup>47</sup>

***Petroleum (Drilling and Production) Regulations 1969***

The Petroleum (Drilling and Production) Regulations 1969, provides in Section 25, that licenses and lessees should take prompt steps to control oil pollution where it occurs and if possible, end it. Yalaju (undated) averred that in the context of this section, operators in the industry do not have an obligation to control nor end pollution. Apart from statutory enactments regarding liability for environmental pollution, there is liability for environmental pollution under the Common Law principles of Law of Torts that is: Trespass; Negligence (res ipso facto); Public and Private Nuisance. The case of Rylands v. Fletcher which emphasized strict liability against the defendant is also relevant. The court held in that case that anyone bringing onto lands, in the course of a “non-natural” use of the land, something “likely to do mischief if it escapes... is prima-facie answerable for all the damage which is the natural consequence of its escape.” All of these have been used to recover damages in cases of oil spill litigated through the courts. They are also applicable in environmental pollution claims.

**Government’s Effort in Handling Oil Pollution in Nigeria**

***i. Institutions Created by Law for the Control and Mitigation of Oil Pollution***

Department of Petroleum Resources (DPR): The DPR is the regulatory arm of the oil and gas industry in Nigeria. Its mission statement is-

“To serve as the watchdog over the development of our nation’s oil and gas resources, by employing modern tools and techniques to direct, influence and achieve the optimum exploitation, conversion and utilization of petroleum and

its derivatives for the maximum benefit of Nigerians while ensuring minimal damage to the environment.<sup>48</sup>

The DPR has the power to issue environmental guidelines for the petroleum industry in Nigeria. This power derives from the following: Section 9(1)(f) and 12(1) of the Petroleum Act where under certain powers of the Minister may be delegated to the Director of DPR.

Inference from the provisions of Section 10(2) to Section 11 of the Nigerian National Petroleum Corporation Act (Cap 320) which charges DPR's predecessor with supervisory and regulatory functions over the petroleum industry.

Section 23 of the FEPA Act which acknowledges DPR as the principal authority charged with the responsibility for the "removal of oil related pollution discharged into the Nigerian environment".

The Department of Petroleum Resources (DPR) administers oil and gas laws in Nigeria as well as legislative instruments that are made to ensure that oil companies carry out petroleum exploration and production in line with best practices for sustainable development.

**ii. National Oil Spillage Detection and Response Agency (NOSDREA):** NOSDREA was established in 2004 as an initiative of the Ministry of Environment. Its main aim is to administer the National Oil Spill Contingency Plan (NOSCP) in compliance with the International Convention on Oil Pollution Preparedness, Response and Cooperation, of which Nigeria is a signatory. NOSDREA seeks to achieve zero tolerance for oil spill incidences in Nigeria, while advocating for the restoration and preservation of the environment by ensuring good practices in oil exploration, storage and production, with the aim of achieving sustainable development.

**iii. National Environmental Standards and Regulation Enforcement Agency (NESREA) Act 2007**

NESREA is an agency administered by the Ministry of Environment. The NESREA Act of 2007 replaced the FEPA Act. It is the embodiment of laws and regulations focused on the protection and sustainable development of the environment and its natural resources. Section 7 provides authority to ensure compliance with environmental laws, local and international, on environmental sanitation and pollution prevention and control through monetary and regulatory measures. Section 27 prohibits, without lawful authority, the discharge of hazardous substances into the environment.

**iv. Harmful Waste (Special Criminal Provisions) Act,<sup>49</sup>**

The Harmful Waste Act prohibits, without lawful authority, the carrying, dumping or deposition of harmful waste in the air, land or waters of Nigeria with the purpose of



enhancing biodiversity. Section 6 provides for a punishment for life imprisonment for offenders as well as the forfeiture of land or anything used to commit the offence. Section 7 makes provisions for the punishment accordingly, of any conniving, consenting or negligent officer where the offence is committed by a company.

### **Effects of Laws on Environmental Protection**

As elucidated in the respective acts above, the effect of these acts on preventing environmental pollution and degradation is mixed. However, this is not anything to be enthusiastic about. The Nigerian state, especially the Niger Delta region is heavily polluted. A refreshed and dedicated approach has to be taken with a holistic view to address the dreadful situation, the environment is in. Regardless of the plethora of laws concerning environmental pollution in Nigeria, the pollution of the environment has not ceased. Ibaba cited in Edo,<sup>50</sup> observed that the overreaching environmental laws in Nigeria has not in any way contributed to sustainable development. It has also not been able to reduce the rapid rate of environmental degradation especially as the case of the Niger Delta has shown. This he adduced to the lack of enforcement of the laws which is the most fundamental cause of inability of the legislation to protect the environment. The palpable inability of FEPA to enforce environmental laws and compliance in the country was a major reason for the creation of the National Environmental Standards and Regulations Enforcement Agency (NESREA) in 2007. The NESREA Act repealed the Federal Environmental Protection Agency Act and became the primary law on environmental protection. It is hoped that the newly established agency will live up to the expectations contained in its establishment act and vigorously enforce its charge to protect the environment.

### **Legal Framework on Bio-Diversity**

Hereunder, the legal framework on Bio-diversity conservation will be considered under these three headings—Municipal, Regional and International.

#### ***Municipal***

The following are some of the laws and regulations put in place by the Nigerian government for environmental protection, planning, pollution prevention and control, and the conservation of Nigeria's Bio-diversity.

#### ***The Endangered Species (Control of International Trade and Traffic) Act, 1985.***<sup>51</sup>

This Act focuses on the protection and management of Nigeria's wildlife and some of their species in danger of extinction due to overexploitation. The Act was enacted to fulfil the obligation assumed under the Convention on International Trade in Endangered Species.

*Sea Fisheries Act,*<sup>52</sup>

The Sea Fisheries Act makes it illegal to take or harm fishes within Nigerian waters by use of explosives, poisonous or noxious substances. Section 1 prohibits any unlicensed operation of motor fishing boats within Nigerian waters. Section 10 makes destruction of fishes punishable with a fine of N50,000 or an imprisonment term of two years. Section 14(2) provides authority to make for the protection and conservation of sea fishes.

The goal of the country Nigeria is to conserve and sustain the use of Biodiversity. This is because the provision of Article 6 of Sea Fisheries Act is very similar to that of Article 10(a) of the Convention on Biological Diversity. Both provide for the incorporation of biodiversity conservation and sustainable use into the national programmes of party countries.<sup>17</sup>

*Inland Fisheries Act,*<sup>53</sup>

This Act focuses on the protection of the water habitat and its species. Section 1 prohibits unlicensed operations of motor fishing boats within the inland waters of Nigeria. Section 6 prohibits the taking or destruction of fish by harmful means. This offence is punishable with a fine of 3000 or an imprisonment term of 2 years or both. The Inland Fisheries Decree is enacted for the promotion of the conservation of the fish resources and the sustainable use of their components.<sup>18</sup> It provides for sanctions for noncompliance.

*Water Resources Act,*<sup>54</sup>

The Water Resources Act is targeted at developing and improving the quantity and quality of water resources. Sections 5 and 6 provide authority to make pollution prevention plans and regulations for the protection of fisheries, flora and fauna. Section 18 makes offenders liable, under this Act, to be punished with a fine not exceeding 2000 or an imprisonment term of six months. He would also pay an additional fine of 100 for every day the fine continues.

*The Federal National Parks Act,*<sup>55</sup>

The National Parks Act is concerned with the establishment of protected areas used for resource conservation, water catchments protection, wildlife conservation and maintenance of the national eco-system balance.

***Regional and International***

Some of the Regional and International legal instruments for the conservation of Biodiversity include:

- 1) African Convention on the Conservation of Nature and Natural Resources 1968.
- 2) Convention on Bio-diversity (Rio Conference) 1992.

*African Convention on Conservation of Nature and Natural Resources 1968*

The fundamental principle of the Convention is the obligation it imposes on contracting states to “adopt the measures necessary to ensure conservation, utilization and development of soil, water, flora and fauna resources in accordance with the scientific principles and with due regard to the best interest of African people”.<sup>56</sup>

*Convention on Bio-Diversity 1992*

The United Nations Convention on Bio-diversity (CBD) was signed at Rio de Janeiro in 1992 by 157 State Parties after the Intergovernmental Negotiating Committee for a Convention on Bio- diversity, a committee set up by the United Nations Environmental Programme, adopted the final draft of the convention on 22 May, 1992. The Convention represents the commitment of nations of the world to conserve Bio-diversity, to ensure biological sustainability and to share, equitably, the benefits arising from the use of genetic resources. The Convention contains 42 Articles and is a legal framework to promote the adoption of all measures aimed at ensuring; 1) conservation of Bio-diversity, 2) sustainable use of its components, and 3) the fair and equitable sharing of benefits arising from the use of genetic resources.<sup>57</sup>

*International Conventions Relating to Oil Pollution*

Records and data show that the highest degree of pollution comes from off-shore sources and that coastal countries not surprisingly are its greatest victims.<sup>58</sup> Attempts have been made through international conventions to address this unsatisfactory situation; thus, the main source of the law regulating pollution from off-shore causes can be traced to international treaties and conventions. The following are some of these international conventions. The United Nations Convention on Law of the Sea 1982: This convention was adopted in 1958 but updated in 1982. It is generally regarded as the basic law on matters relating to the pollution of the sea. Pollution of the marine environment is defined to mean “the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment or quality for use of sea water and reduction of amenities.”<sup>59</sup> Nigeria is a party to the convention, signed December 10, 1982, ratified August 14, 1986. The agreement was deposited on October 25, 1994 and was subsequently ratified again on July 28, 1995. Nigeria has always complied with the convention in order to protect the environment and enhance biodiversity.

*Statutory Enactments*

Associated Gas Re-injection Act 1979: Oil companies were mandated to cease gas flaring. Flaring could only be done for operational reasons with the permission of the Petroleum Minister.<sup>60</sup>

Environmental Impact Assessment Act, 1992: This Act makes it mandatory for an environmental impact assessment (EIA) study of a project (which is likely to significantly impact the environment), to be prepared at the early stage of the project often before the project is undertaken.<sup>61</sup> The EIA is to be directed to the Federal Environmental Protection Agency for approval.<sup>62</sup> Any project whose EIA is disapproved by the agency cannot be undertaken.<sup>63</sup> This will help to ensure that any oil and gas exploration and production process is properly assessed before the oil companies commence such project.

Environmental Protection Agency Act 1988: This Act established the Federal Environmental protection Agency. It charges the agency with the responsibility of prescribing the criteria and standards for protecting the Nigerian environment. The law requires the agency to encourage the establishment of environmental protection agencies in States and Local government areas.<sup>64</sup> More so, it acknowledges the Department of Petroleum Resources (DPR) as having the principal responsibility for the “removal of oil related pollutants discharged into the Nigerian environment” and stipulates that the agency should cooperate with DPR in this regard.<sup>65</sup> The agency now functions as part of the Ministry of Environment after its amendment in 1992.

Harmful Waste (Special Criminal Provisions, etc.) Act, 1988: This law came into effect on the 25th of November, 1988. It prohibits and penalizes the carrying, dumping and importation of harmful waste on any land, territorial waters and the exclusive economic zone of Nigeria. Any breach of this provision by an individual makes him guilty of an offence and punishable to a fine as provided in Section 13 of the Act. In essence, any producer or marketer who dumps petroleum waste products on territorial waters or on land would have breached the provisions of this Act.

*Oil Pipelines Act 1956,*<sup>66</sup>

The Oil Pipeline Act provides in Section 14 that the holder of a pipeline licence is not permitted to construct pipelines near a public road, dam or government building to prevent pipeline destruction and oil pollution. The Act further makes it an offence for any holder of the licence to breach the provisions of this Act.<sup>67</sup> More so, the Act grants the Minister the power to make Regulations for the prevention of pollution of any land or water.<sup>68</sup>

*Petroleum Act 1969,*<sup>69</sup>

Under the Petroleum Act the Minister has the power to make regulations.<sup>70</sup> This enables the Minister to make regulations for the prevention of pollution of land and water by those granted the Oil Mining Lease (OML). This Act also provides punishments for illegal prospectors, explorers and miners of crude oil.<sup>71</sup> This provision will ensure that oil is not explored and exploited by those without the requisite knowledge to carry out such activities in a safe and secure way that ensures that the environment is not polluted. It should be noted that the laws are paramount but not effectively implemented.

### **Guidelines and Regulations**

National Environmental Protection (Effluent Limitation) Regulations 1991: This among others is a major regulation of the government for the protection of the Nigerian environment. It sets out regulations for effluent limitation. Specifically, Regulation 1 provides that companies engaged in oil and gas exploration and production should endeavour that they limit effluent discharge to the barest acceptable limits.

National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations 1991: This is one of the regulations issued by FEPA to prohibit the release of hazardous or toxic substances into the air, land or water of Nigeria's ecosystem beyond the limits approved by FEPA.<sup>72</sup>

Oil and Gas Pipelines Regulations 1995: This regulation stipulates that the construction of pipelines shall be done in a way that causes the least disturbance to the environment.<sup>73</sup> It provides that where a pipeline passes within 100 metres of a water course, the operator shall assure DPR that adequate contingency plans have been made for protecting the environment there.<sup>74</sup> Also, the regulation provides that the holder of a pipeline licence must establish emergency plans to ensure prompt and remedial action for the protection of property and the environment.<sup>75</sup>

Petroleum (Drilling and Production) Regulations, 1969 with its amendment of 1996: The Petroleum Regulations were made pursuant to the Petroleum Act of 1969. This regulation provides that a licensee or lessee of an OPL or OML may not enter upon land within a village, town, market, and cemetery or within 20 metres of a reservoir, public road, railway or any land in actual cultivation without the prior written permission from the Petroleum Resources Minister.<sup>76</sup> The lessee is expected to comply with all applicable town and country planning laws and regulations,<sup>77</sup> especially those geared towards the prevention or mitigation of oil pollution. The lessee is also expected to adopt all practicable precautions for the prevention of pollution by oil, mud or other fluid.<sup>78</sup>

Environmental Guidelines and Standards for the Petroleum Industry in Nigeria issued by the Department of Petroleum Resources (DPR): The guideline involved here is the “Environmental Guidelines and Standards for the Petroleum Industry in Nigeria” issued by DPR in 1991 and amended in 2002. It stipulates guidelines and standards for operators in the petroleum sector to ensure that they observe best practices and ensure the protection of the environment from harm that may be caused by oil. This guideline was issued by the Department of Petroleum Resources (DPR) as a result of rising concern for adverse environmental impacts arising from oil related pollution.<sup>79</sup> EGASPIN aims to establish guidelines and standards for environmental quality control of the petroleum industry in Nigeria<sup>80</sup> and to achieve the standardisation of environmental pollution abatement and monitoring procedures in the Nigerian oil and gas industry.<sup>81</sup>

### **Conclusion**

It can be said that the various legislations bordering on oil pollution in Nigeria have had both negative and positive effects. However, the negative effects – prime among these which is the continued oil spills being recorded in the environment – are threatening to overshadow the positive ones. What is needed is for the Federal Government to take a firm stand against oil pollution by sanctioning both the oil companies who are negligent with their pipelines and other installations and other third-party players such as vandals who contribute to this grave environmental problem. The government also needs to strengthen the existing bodies/agencies concerned with oil pollution management and prevention to ensure the adherence and enforcement of the existing laws. Lack of enforcement of which is the most fundamental cause of the inability of these laws to protect the environment from oil pollution.

### **Recommendations**

The need for comprehensive review of existing environmental laws and regulations is imperative to reflect current environmental methodologies, trends and evolutions. This is indicative of practical approaches aimed at closing the gaps between research efforts and industry requirements. The need for establishment of environmental courts vested with special powers and jurisdiction to enforce breach of environmental laws is long overdue, in the light of the social and economic costs attached to uncertainties and delays in several ongoing civil and criminal cases. Another option may be to refine the current judicial arrangement to expedite this class of cases, owing to the far-reaching implications that may jeopardize the quality of human existence.

There is need to strengthen the regulatory agencies for improved efficiency, coupled with the aspect of role streamlining for enhanced collaborations. For instance, in the latter case;

enforcement of Environmental Impact Assessment Act is being executed by both the Federal Ministry of Environment and the Department of Petroleum Resources. This arrangement is not sustainable in terms capacity utilization and resource management. There is also need for the institution of nonjudicial grievance strategies such as; oil spillage self-monitoring mechanisms by the upstream operators, debarment from participating in public contracts and director disqualification should be deployed as required. However, criminal and civil sanctions must be judiciously applied to deter oil spillage in the sector. The underlying issue being that the applicable sanctions should measure comparatively and quantitatively with proven infractions or offences. This will promote transparency, fairness and equity, all of which constitute fundamental elements that are being eroded in Nigeria's oil and gas industry.

### Endnotes

- <sup>1</sup> Adati, A.K. (2012) Oil Exploration and Spillage in the Niger Delta of Nigeria. *Civil and Environmental Research*, 2, 38.
- <sup>2</sup> ITOFF. (2012). Effects of Oil Pollution in the Marine Environment.
- <sup>3</sup> Ukpéh, U. (2009). Ecological Degradation and Environmental Pollution In The Niger Delta, A Direct Impact of Oil Exploration: Human Rights Issue? Yalaju, J. (undated). *Laws Regulating Oil Pollution in Nigeria: A Re-Appraisal*.
- <sup>4</sup> Milieudefensie. (2008). Oil spills in the Niger Delta in Nigeria.
- <sup>5</sup> Konne, B. R. (2014). Inadequate Monitoring and Enforcement in the Nigerian Oil Industry: The Case of Shell and Ogoniland. *Cornell International Law Journal*, 181- 203.
- <sup>6</sup> Nwilo, P. C., & Badejo, O. T. (2006). Impacts and Management of Oil Spill Pollution along the Nigerian Coastal Areas.
- <sup>7</sup> Ogbodo, S. G. (2010). The Role of The Nigerian Judiciary In The Environmental Protection Against Oil Pollution: Is It Active Enough?
- <sup>8</sup> Alex G. and others, 'Political Economy of the Petroleum Sector in Nigeria' (2011) Policy research working paper No.5779 (World Bank)  
[http://www.worldbank.org/external/default/WDSContentServer/IW3P/IB/2011/08/24/000158349\\_20110824134316/Render ed/PDF/WPS5779.pdf](http://www.worldbank.org/external/default/WDSContentServer/IW3P/IB/2011/08/24/000158349_20110824134316/Rendered/PDF/WPS5779.pdf) > accessed 17 October 2018.
- <sup>9</sup> *Ibid*.
- <sup>10</sup> Joseph E. 'Oil and Gas Industry in Nigeria: The Paradox of the Black Gold' [2010] 18 *Environment and Social Justice: An International Perspective Research in Social Problems and Public Policy* 323
- <sup>11</sup> Greg E. E. and Charles E. 'The Trends Analysis of Oil Revenue and Oil Export in Nigeria'[2013] 10 *Journal of Business and Management* 01- 08; also online at <<http://www.iosrjournals.org/iosr-jbm/papers/Vol10- issue3/A01030108.pdf> > accessed 17 October 2018
- <sup>12</sup> Alex Gboyega and others supra note 8
- <sup>13</sup> Saka L. and Fatima L. 'The Political Economy of Oil and the Reform Process in Nigeria's Fourth Republic: Successes and Continue Challenges' [2011] 11 *Journal of Arts, Science and Commerce* 59
- <sup>14</sup> Greg E. E. and Charles E. supra note 11
- <sup>15</sup> *Ibid*
- <sup>16</sup> *Ibid*

- <sup>17</sup> Michael W. 'Petro-Insurgency or Criminal Syndicate? Conflict & Violence in the Niger Delta' [2007] 34 *Review of African Political Economy* 637-641
- <sup>18</sup> BBC, 'Nigerians living in poverty rise to nearly 61%' BBC News (London, 13 February 2012) <<http://www.bbc.co.uk/news/world-africa-17015873>> accessed 18 October 2018.
- <sup>19</sup> Richard A. Sustaining Development in Mineral Economies: The Resource Curse Thesis (London Routledge 1993) 1
- <sup>20</sup> Eddy W.; Chidinma K. Amaeze, and Eze E. Chioma, 'Potential Conflict of Interest in the Dual Functions of the Nigerian Department of Petroleum Resources as both Economic and Environmental Regulator' [2016] 34 *International Energy Law Review* 306.
- <sup>21</sup> World Bank website <<http://www.worldbank.org/en/news/press-release/2012/07/03/world-bank-sees-warning-sign-gas-flaring-increase>> accessed 19 October 2018.
- <sup>22</sup> Nwogwugwu Ngozi, Alao Olatunji Emmanuel, and Egwuonwu Clara, 'Militancy and Insurgency in the Niger Delta: Impact on the inflow of Foreign Direct Investment to Nigeria' [2012] 2 *Kuwait Chapter of Arabian Journal of Business and Management Review* 23.
- <sup>23</sup> Violet A. 'Environmental Terrorism in The Niger Delta: Implications for Nigeria's Developing Economy' [2009] *International Energy Law Review* 40.
- <sup>24</sup> Okiwelu, S. N., & Anyawu, D. I. (2003). *Dictionary of Ecology, Conservation and Environmental Sciences* (p. 16). Lagos: Niyi Faniran Publishers.
- <sup>25</sup> IUCN/UNEP/WWF (1980). *World Conservation Strategy: Living Source Conservation for Sustainable Development* (Para. 1.4). <https://doi.org/10.2305/IUCN.CH.1980.9.en>
- <sup>26</sup> *Ibid.*
- <sup>27</sup> United Nation (1992). *Convention on Biological Diversity*. <https://www.cbd.int/doc/legal/cbd-en.pdf>
- <sup>28</sup> Amokaye, O. G. (2004). 'Environmental Law and Practice in Nigeria' *Lagos: University of Lagos Press*, p. 251.
- <sup>29</sup> *Ibid.*
- <sup>30</sup> Constitution of the Federal Republic of Nigeria, 1999 CAP C20 LFN, 2004
- <sup>31</sup> *Ibid.*
- <sup>32</sup> Cap. 06, Laws of the Federation of Nigeria, 2004.
- <sup>33</sup> Nwifo, C. C. (April, 2010). Legal Framework for the Regulation of Waste in Nigeria. *African Review Journal*. Vol. 4 (2), (Pp. 491-501).
- <sup>34</sup> Igbokwe, M. I. (2001). Assessment of Existing National Legislation and Regulations Related to Pollution Prevention. Workshop for the Ratification, Implementation and Enforcement of MARPOL 73/78. Lagos.
- <sup>35</sup> Section 6 of the Oil in Navigable Waters Act, CAP 06, LFN 2004 makes punishable such discharge with a fine of N2,000
- <sup>36</sup> The National Oil Spill Detection and Response Agency (Establishment) Act No. 15, 2006
- <sup>37</sup> Olaniyan, A. (2015). *The Law and Multi-Agency Response to Oil Spill Incidents in Nigeria*. Interspill Amsterdam.
- <sup>38</sup> Cap. A25, Laws of the Federation of Nigeria, 2004.
- <sup>39</sup> ELRI. (2015, August). A Synopsis of Laws and Regulations on the Environment in Nigeria. Retrieved from Environmental Law Research Institute: [elri-ng.org](http://elri-ng.org)
- <sup>40</sup> Section 4 of the Associated Gas Re-Injection Act, CAP 20, LFN 2004 stipulates the penalty for breach of the permit conditions.



- <sup>41</sup> Andrews, O. T. (2015). The Nigerian State: Oil Multinationals and the Environment - A Study of Shell Petroleum Development Company. *Journal of Public Administration and Policy Research*, 24-28.
- <sup>42</sup> Cap. F10 Laws of the Federation of Nigeria, 2004.
- <sup>43</sup> Edo, Z. O. (2012). The Challenges Of Effective Environmental Enforcement And Compliance In The Niger Delta Region Of Nigeria. Volume 14, No.6., *Journal Of Sustainable Development In Africa*.
- <sup>44</sup> *Ibid.*
- <sup>45</sup> s.20(1) FEPA Decree 1988 No.58
- <sup>46</sup> Ladan, M. T. (2012). Review Of Nesrea Act 2007 And Regulations 2009-2011: A New Dawn In Environmental Compliance And Enforcement In Nigeria. *8/1 Law, Environment and Development Journal* (2012), p. 116.
- <sup>47</sup> Konne, B. R. (2014). Inadequate Monitoring and Enforcement in the Nigerian Oil Industry: The Case of Shell and Ogoniland. *Cornell International Law Journal*, 181- 203.
- <sup>48</sup> Akinjide-Balogun, O. (2001). Nigeria: Legal Framework of the Nigerian Petroleum industry. <http://www.mondaq.com/x/10726/legal+framework+of+the+nigerian+petroleum+industry>.
- <sup>49</sup> CAP H1, LFN 2004:
- <sup>50</sup> Edo, Z. O. (2012). *Supra* note 43.
- <sup>51</sup> Cap E9, LFN 2004:
- <sup>52</sup> CAP S4, LFN 2004:
- <sup>53</sup> CAP I10, LFN 2004
- <sup>54</sup> CAP W2, LFN 2004
- <sup>55</sup> CAP N65, LFN 2004
- <sup>56</sup> African Convention on Conservation of Nature and Natural Resources 1968, Art. 11
- <sup>57</sup> United Nations, 1992. Art. 1.
- <sup>58</sup> Weis. J. (2015). *Marina Pollution: What Everyone Needs to Know*. Oxford University Press
- <sup>59</sup> UNCLOS 1982, Article 1(4)
- <sup>60</sup> Associated Gas re-injection Act, 1979, section 3.
- <sup>61</sup> EIA Act, 1992, Section 2.
- <sup>62</sup> Etikerentse, G. ‘*Nigerian Petroleum Law*’ 2nd ed.,(Lagos: Dredew Publishers, 2004), p. 148
- <sup>63</sup> EIA Act, 1992, Section 8.
- <sup>64</sup> FEPA Act 1988, Section 24.
- <sup>65</sup> FEPA Act 1988, Section 23.
- <sup>66</sup> Cap 338, LFN 1990
- <sup>67</sup> Oil Pipelines Act, Section 32.
- <sup>68</sup> Oil pipelines Act, Section 33(c).
- <sup>69</sup> Cap 350 LFN 1990:
- <sup>70</sup> Petroleum Act 1969, Section 9.
- <sup>71</sup> Petroleum Act 1969, Section 13.
- <sup>72</sup> National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations 1991, Regulation 1.
- <sup>73</sup> Oil and Gas Pipelines Regulations 1995, Regulation 5(d)(ii).
- <sup>74</sup> Oil and Gas Pipelines Regulations 1995, Regulation 8(b).
- <sup>75</sup> Oil and Gas Pipelines Regulations 1995, Regulation 9(b)(ii).
- <sup>76</sup> Petroleum (Drilling and Production) Regulations 1969, Regulation 17(b)(iii) and (iv).
- <sup>77</sup> Petroleum (Drilling and Production) Regulations 1969, Regulation 18.

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<sup>78</sup> Petroleum (Drilling and Production) Regulations 1969, Regulation 25.

<sup>79</sup> Paragraph 3, part 1, "Introduction", EGASPIN 2002.

<sup>80</sup> Paragraph 4 (a), part 1, "Introduction", EGASPIN 2002

<sup>81</sup> Paragraph 4 (c), part 1, "Introduction", EGASPIN 2002