

# Ogoniland Clean-Up, Remediation and Satisfactory Environment Favorable to Its Development: Obligations of the Nigeria State

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**Abstract** The inspiration for the paper kindled from the fact that no nation no people had suffered so terrible in the petroleum quest than the Ogonis. Today, Ogoniland is the center of the world's oil pollution, destroyed living things and non-existence of livelihoods which the broad economic and social setbacks have uncovered as well as the brutal internal conflict where the militants usually blow up strategic gas and crude oil pipelines against demanding a greater share of the nation's black gold wealth. As the world had desired, the Nigerian government has finally accepted the formula recommended by Bishop Kukah's mediation panel, between the Ogoni people and SPDC, which suggested the use of a neutral international body conduct the environmental assessment and supervision of the Ogoniland's oil contamination clean-up and remediation. The United Nations Environment Program (UNEP), which was chosen by the government to undertake the scientific evaluation of the human and ecological tragedy associated with oil pollution in the Niger Delta, on the 2nd June 2016, commenced the clean-up of Ogoniland and other oil-impacted communities of the region. The UNEP has said that it will take between 25 to 30 years for the natives of the degraded land to enjoy a fresh and clean environment (Soni, 2016). The government must make sure the prospects and the faith of the Ogoniland for the next 30 years are guaranteed. So that at the end, they can take control of their destiny when they shall regain once more their economic, social and cultural right, right to watch over the graves of their fathers, farm, and fish as it was before the end of WW11 in 1946 when oil exploration began in the Niger Delta.

**Keywords** Ogoni, Environment, Production, Spillage, Clean-Up, Exploration, Shell, Pollution, Destruction

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## 1. Introduction

Niger Delta region is within the Atlantic coastline stretching across the southern part of Nigeria; made up of rivers, creeks and very extensive stagnant swampy mangrove covering over 2000 Km<sup>2</sup>. It has the largest Mangrove swamp in Africa and is located in the following states Abia, Akwa-Ibom, Anambra, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, Rivers.

The region is the second largest delta in the world with a coastline spanning about 450 km; the biggest wetland in Africa at least is among the three in the world and had one of the finest ecosystems of aquatic lives in the world. A very densely populated region, once a world producer of palm oil and for the past six decades significant in crude oil and gas also so richly endowed with various other natural resources.

It is also the most fertile agricultural area in Africa due to the abundance of water and the topsoil, carried by the Delta

River which deposits through its ramifications of smaller rivers sediments on the banks thereby fertilizing the lands. The fertilizers made of natural and synthetic materials, manure, nitrogen, potassium compounds, and phosphorus, mix into the soil (silt) to increase its capacity, of producing all tropical crops in this region. Also, the rich sediments integrating with the abundant sources of water around and a favorable tropical climate makes the area ideally arable to grow plants such as vegetable, yams, cassava, cocoyams, sweet potatoes, rubber, timber, and palm oil, etc.

Agriculture and fishery have been the occupations of people in the Niger Delta region even before the advent of the European traders in the continent. Due to its excellent quality and quantity of palm produce Ogoniland and its environs became British Oil Rivers Protectorate in 1885 until its enlargement to the Niger Coast Protectorate in 1893. The inhabitants of the Niger Delta and its 40 ethnic groups, which are the Annang, Ibibio, Igbo, Kalabari, Okrika, Ijaw, Ikwerre, Itsekiri, and Ogoni, etc., in the Southern Provinces were comparatively wealthy, owing to their success in the production and export of palm oil and kernels. Trade on palm wine one of the finest natural alcoholic beverages in the world was famous within the Niger Delta zone and beyond

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also increase their incomes and creating wealth.

Here the material prosperity had been extraordinary. The revenue had almost doubled itself over a period of five years. The surplus balances exceeded a million and a half. The trade here significantly developed by the construction of a splendid system of roads, and by the opening of the navigation of waterways hitherto choked with vegetation, (Lugard, 1916). Lord Lugard further confirmed the region was "one of the wealthiest palm areas in Africa" and that the people are by nature very keen traders and agriculturists. Evidently, people were traveling from Imo valley about 250 km north of Port Harcourt to trade on palm kernels and palm oil in Ikwerre and within Ogoniland.

However, later 1950s the environmentally friendly business relationship with the Europeans dropped for something more sophisticated and foreign to the locals called crude oil which contaminates the environment causing the quasi-annihilation of a vital ethnic group Ogoni people.

The Petroleum exploitation has raised some issues such as depletion of biodiversity, coastal and riverbank erosion. Including, flooding, oil spillage, gas flaring, noise, pollution, sewage and wastewater pollution, land degradation and soil fertility loss and deforestation, which are all the key environmental issues (Adati, Mohamad & Fadhilah, 2012). The paper shall underscore these matters, and more afore to arriving at lasting solutions and recommendations.

### 1.1. Objective of Paper

This paper is to underscore the account of how crude oil a divine gift can lead to such amount of Nigerian-Dutch Disease bringing sufferings and the doom to the entire oil-producing Niger Delta region.

The highlight is the region at large though the focus is on Ogoniland, the "soft-belle of the crocodile" of the Niger Delta region comparing its importance and disaster to what the Mediterranean was to Prime Minister Churchill and the Allies in winning the 2nd world war.

The same concept applies when mentioning Shell does not exonerate other multinational oil companies for all have sinned and come short of the glory of God in the Niger Delta (Romans 3:23) because science is the study of nature and nature is the work of God.

All Shell, Eni, Mobil, Elf, and various other companies have to do are repent, redress and recover the lost environment and the ecosystem using bright and innovative means in place today as the paper will highlight.

Bodo waterways - Ogoniland (separating crude oil from water)



PIUS UTOMI EKPEI/AFP/Getty Images

## 2. Ogoniland Lamentations

Ding Dong Ogoni, Ding Dong Alleluia!  
Why me Ogoniland Lord, Why me  
You gave me many blessings  
Rivers flowing with oil  
You so much blessed me. Why me Lord (Presley, 1974).  
Vegetation like Eden, soil fertile like Canaan land  
Rivers of oil bathe me, refresh me and filled anew with  
lives (Brown, 1980).

You decided to adorn your table in heaven with my oil  
You asked me Ogoniland  
To eternally furnish your table with palm oil  
Palm oil that is reddish than a million tomatoes  
Palm wine that the bridegroom doth set forth first.  
People came from far lands called Malaysia and Indonesia  
to take some of my palms;  
Lord, they have destroyed other trees there for the  
precious oil

Traders from the white man's land came for my oil to cook,  
fry and for their industries.

As if not enough you immensely filled my underneath  
with oil called crude to enrich my nation.

Crude officials of my country instead of defending me like  
officers in charge of oil elsewhere do.

They collaborated with rough men from foreign lands to  
destroy me as a city boy from town killed his land.

So Lord what can I do now?

Father when you endowed me with these oils  
Your intention was to bring wealth to my people  
Though the evil is terrible yet, I do not want the avenger,  
Let me cry to the Holy one my Creator to avenge  
And restore me back.

As I was that day you laid the foundation of the earth  
When the morning stars sang together  
And all the sons of God shouted for joy. Job, 38:7  
Lord, they said it would take another thirty year  
Lord restores to me to your Glory

That the lives of my people will be sweet once again  
As it was in the beginning when you called me bloom.

## 3. Literature of the Crude Oil in Nigeria

### 3.1. History of Oil Exploration and Production

The knowledge of the utility of Crude oil in the world came into existence many centuries ago, in the building Babylonian walls and towers, and even during the Roman Empire in the Dacia province now in Romania there was the use of petroleum. However, the first ever known oil well drilled was in China in the 347 AD using perforated pieces of drill attached to bamboo to extract oil for combustion to evaporate brine to produce salt. Followed by Baku - Azerbaijan in the 9th century where many oil fields were drilled and by the 12th-century crude oil distilled for military purposes was accessible in the West through Islamic Spain.

However, the use of oil lamps persisted through all these

centuries even in the public buildings as early as 1500 BC. A town near Grenoble France had natural gas street lights in the year 100, Oil streetlights appeared in Cordoba around 900, London in 1414, and Paris in 1524 (Crain, 2000).

It is not clear when the contemporary perception of the oil industry started, as Sir Walter Raleigh was the first to make reference to petroleum in a book in American in 1595. Then many other publications followed up mainly in the 16th century on distillation process, asphalt discoveries, oil fields, etc., till 1857 when a modish refinery began production in Alsace-Champagne-Ardenne-Lorraine in north-eastern France.

In the 1840s the Pennsylvania business tycoon Samuel M. Kier started to refine crude oil to burn brine from his salt wells. And later on, he built the first American crude oil factory in Pittsburgh (PA) with entrepreneur John Kirkpatrick and by the end of the 1860s, only in Pittsburgh 58 refineries were in full operations.

After China other nations like Azerbaijan, Arab and Persian, USA-Poland, Romania, Canada, and France discovered and drilled oil wells for centuries. While Britain in her colonies of the Persian Gulf and the Middle East also carried out oil exploration and production for many centuries and by 1907 began oil exploitation in the Southern Nigerian delta.

### 3.2. History of Oil Exploration and Production in the Niger Delta

Before the amalgamation of Nigeria, the British administration of the Southern provinces started oil drilling in the Niger Delta as the territory was full of tar seeps and gas pockmarks that gave clues to the location of shallow, crude oil deposits. The history, of almost 50 years of oil exploration afore production started in 1907 with the Nigerian Bitumen Corporation; which abandoned and went back to Germany at the onset of 1st World War.

Later Whitehall Petroleum and D'Arcy Exploration Company took the exploration license and searched in vain till 1923. Afterward, a new consortium, Shell D'Arcy Petroleum Development Company of Nigeria explored from 1937 and was interrupted by the 2nd world war, 1939 – 1945. Shell D'Arcy later named Shell-British Petroleum resumed oil exploration in 1946 until 1951 when it drilled its first well in Owerri area. And in 1953 it discovered oil near Eket, and 1956 discovered crude oil in sales volume in Oloibiri, Afam, and Bomu. However, it was not until in 1958 that the Shell-British Petroleum found second oil and gas giant field at Afam and Bomu southeast of Port Harcourt.

Worth noting for record purposes, that the 1914 Mineral Oils Ordinance which regulated the right to search for, win and work mineral oils stated that all under the Nigerian soil are the legal property of his Majesty (Lugard, 1916). The ordinance gave Shell D'Arcy the right of monopoly to explore all the minerals underneath Nigerian soil including petroleum, up to date the sales of some vital Nigeria mineral resources like tin ore can be sold in (Liverpool) Britain. The

Shell D'Arcy Company monopoly lasted from 1937 to 1955 when Mobil Exploration Nigeria later incorporated in 1969 and named Mobil Producing (Nigeria) Ltd a subsidiary of the American Mobil Oil Corporation came into operation in Nigeria. Then in 1956 Shell D'Arcy Company renamed itself Shell-BP Petroleum Development Company of Nigeria Limited and started in 1958 the first oil production in the Niger Delta at Oloibiri oil field today in Bayelsa State.

The democratization of the oil industry came when the father of the Nation Dr. Nnamdi Azikiwe became the Governor-General from 16th November 1960 to 1st October 1961. Foreign companies were encouraged with favorable policies to enter the oil industry, and from then the industry was dominated by multinational corporations until the early 1990s when domestic companies started coming into the oil business.

### 3.3. The Nigerian Oil and Gas Exploration Rush

In late 1960, Nigeria launched a policy of exploration right to encourage the participation of multinational oil companies so as to develop the petroleum exploration and production sector of the economy.

The administration lured MOCs such as Indonesian Amoseas, Texaco Overseas Nigeria Petroleum Company Unlimited and Gulf Oil Company (Chevron), Azienda Generale Italian Petrol (AGIP), ENI, Tennessee Nigeria Ltd, etc. to the Nigerian oil and gas exploration rush from 1961 to the beginning of the civil war. Many of these multinational oil companies (MOCs) like Shell, ExxonMobil, ChevronTexaco, TotalFinaElf, ENI-Agip and Addax Petroleum a subsidiary of the Sinopec Group have merged and till date are still strongly operating in Nigeria.

In 1970 the year of oil boom Federal Government of Nigeria formed the Department of Petroleum Resources (DPR) Inspectorate, and in 1971 Nigeria entered the Organization of the Petroleum Exporting Countries (OPEC). The first national oil company, the Nigerian National Oil Corporation (NNOC), was created in 1971 transformed in 1977 to the Nigerian National Petroleum Corporation (NNPC).

In 1979 the then military government nationalized the Shell-BP's holdings because it wanted to take control of the petroleum industry and Shell-BP changed its name to Shell Petroleum Development Company of Nigeria (SPDC). Not with standing Shell through the SPDC is still the biggest MOC, in possession of the largest acreage in Nigeria from which comes about 40% of Nigerians oil production.

Presently, operations in the Nigerian Oil and Gas industry are no more dominated by the MOCs for there are about 30 Independents and local operators, more or less 36 marginal fields' operators, four scores Nigerian operators and partners and almost 18 Nigeria/Sao Tome and Principe Joint Development Zone operators.

For record purposes below are some the numbers that are peculiar to the sector:-

70% Government earning is from Crude oil.

The Nigerian current oil production is 1.9 MBPD but has a real capacity to deliver 2.5 MBPD.

Nigeria has about 159 oil fields and 1481 wells in operation.

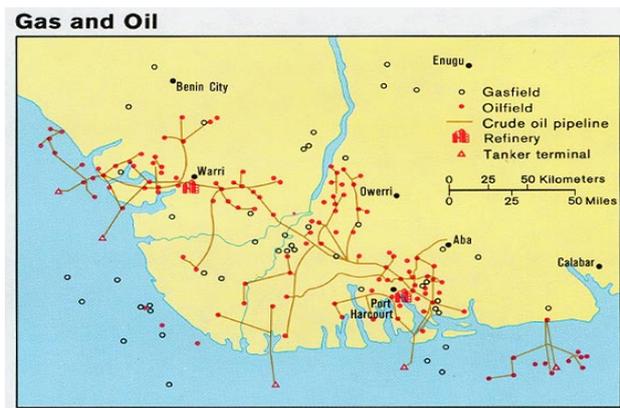
Nigeria has 178 marginal fields which produce only about 2.1% of the total crude oil.

Nigeria has six export terminals; Shell owns two, while Mobil, Chevron, Texaco, and Agip have one each.

Nigeria is the largest producer of low-sulfur sweet oil in OPEC

Nigeria is the tenth most petroleum-rich nation and holds largest oil reserves in Africa.

Nigeria's oil proven reserves are about at 37bn barrels and 110 years is how long Nigeria's gas reserves are expected to last (BudGIT, 2016).



Oil Drilling GGY230F10 – Lipscomb- Furman Wiki

## 4. Comprehending Petroleum Exploration and Production in Nigeria

Unknown to the public, many Nigerian oil fields are unproductive, the majority are small and quite distant from one another. Those little, unprofitable ones account for about 63% of the nation's oil production while the rest sixteen large oil fields provide 40% of Nigeria's crude oil. Because of the need to connect these small and highly unproductive areas for product transportation purposes hence the reason for laying an extensive pipeline network in and around the communities. These pipelines are real distressful to the people and had always been the font of conflict from ab initio between the locals and the Shell in the Niger Delta.

Touring the Ogoni four local governments - Tai, Eleme, Gokana, and Khana east of Port Harcourt will daunt anyone by the monstrous disposition on the ground of the high pressure - pipeline networks, flow stations and wellheads interlocking with houses. It is even sickly and an eye sour when these rusty pipes are leaking as they often do and one cannot afford to wonder how people in the houses around are still alive.

The oil dropping penetrates into the soil contaminate the mangrove, wetland, and the ground waters thereby

condemning the land and surface waters for farming and fishing.

Some places in these local governments have been experiencing the contamination since the 1960s with all serious human health implications. In all these locations no electricity was in place until the institution of NDDC in the early 2000 and no standard government hospital nor can any individual including children boast of a medical check up at least once in a lifetime. The disastrous consequences to human and the environment of corroded pipelines, flow stations, and wellheads are most times unbearable, and whenever they result in conflict, the federal government takes the parts of the Shell Petroleum Development Company (SPDC) instead of protecting the environment and the people.

When the conflict was at the peak some decades ago, the federal government was effectuating mass displacement of the people, imprisonment and assassination of outspoken honchos, denial of social amenities, political marginalization, and maltreatment even fomented inter-ethnic clashes. In the 1990s there were frequent clashes. Like the one in December 1993 in which the government massacred Ogoni people living in Port Harcourt, and on Easter Sunday in 1994 Ogoni villages around Afam were raided and many inhabitants killed. Later investigation revealed that mortar bombs and NATO bullets were in use during the massacre. By mid-June of 1994, 30 villages destroyed (Corby, 2011).

This ethnic group that has been determinate to the Nigerian development and economy from yore pre-colonial era when colonial revenue for development of the country was dependent on palm oil trade till date that the greater proportion of the nation's income is from regions underneath oil wealth.



Broken pipe work in Nigeria. Photographer: George Osodi/Bloomberg

## 5. Concealed Global Interest in Petroleum Extraction

### 5.1. Situation in Ogoniland a World Concern

The goal behind petroleum extraction like any other natural resources has been for revenue yielding to support or substitute incomes from taxes for financing government expenditure like salaries, food, transportation, agriculture, education and vocational training, create employment opportunities, and individual wealth, etc.

Even though, no one is surprised that Nigeria made little or no gains concerning better welfare for its citizenry from the over N96 trillion the country has earned as revenue from

crude oil since 1958 (Ndujihe, Akinrefon, Kumolu & Oke, 2016). As far as the Ogoniland and the whole Niger Delta are concerned, all the oil extraction has brought are war, sicknesses, destruction of the land, water, and the society, apart from the lack of social amenities, maltreatment, and marginalization of the people from past governments and oil companies. The paper is underscoring the reasons that led to such abstruse and inhuman way of working oil that is peculiar to the Niger Delta. To arrive at proposing a series of solutions to prevent future occurrence of such systematic destruction of a people and unparalleled environmental degradation championed by Shell only to make a profit and increase oil productivity for the government to achieve economic development goals from oil export which never occurred instead remained full of all Nigerian-Dutch diseases.

## 5.2. Pollution from One Source Can Affect Lives around the Globe

Fortunately, the era of crude oil at all cost over the lives of the masses had gone when certain MOCs used to overthrow governments for oil because of their policies. We have seen, the negative repercussions of many decades of insurgencies and poverty caused by many western world's backed African dictators in the 1980s and 1990s have significantly escalated the influx of illegal migrants into Europe creating expensive social, economic, and political crisis and even division in the European Union itself like is the Brexit.

The paper is highlighting these empirical facts because time had gone when it was common discarding events occurring in Africa as third world affairs and thus non-important. Today any event whether environmental, socio-political, economic or even war in any part of the world affects every other nation thousands of kilometers away because of globalizing common interests. The world is now globalized, as we can see pollutants from any part of the world like on the icy Tibetan Plateau, which absorb solar radiation and are accelerating the melting of snow and ice, are known to come from as far an area as Africa and Europe (Qiu J. 2015).

Already the earth situation is apprehensive over the greenhouse gases that absorb excess heat and the ozone hole caused by gases comprising Chlorofluorocarbons (CFCs), Halons, Freons, and chlorine, etc. found in ordinary aerosol sprays or released from electronic appliances in any part of the planet.

These gases also found in the gas flared decrease the level of ozone in the stratosphere through the spreading of the harmful ultraviolet rays to the earth with the apparent disastrous effect like heart attack, skin cancer, cataracts to human eyes and even exterminate plants and animals.

For these reasons, the environmental pollution from the 24/7 flaring of the 75% Nigerian gas practiced by all oil companies operating in the Niger Delta area is no more a

Nigerian cup of tea. The environment wreckage, economic waste and human implications arising from this ugly practice still ignored and tolerated by the Nigerian government are dangerous to the earth.

As a confirmation, the King Emere G. B. Okpabi of Ogale in the Niger Delta last year 2016 while attending a court case between Ogale community and Shell in London, offered a bottle of water taken from an Ogale borehole. The liquid smells powerfully of oil and tastes foul. Said "This is what we must drink. It is getting worse. We are getting strange illnesses. Our boys and girls cannot have children. We have strange deaths," he says (Vidal, 2016). Usually, the communities are left to face poverty, chemical sensitivity and diseases like diabetes, cancer, multiple sclerosis, associated lung diseases, etc., developed from frequent exposure to the flared gas and oil spillages. Moreover, oil wells and rigs gas flaring are contributing massively to the global warming and extensive destruction of vegetation very evident in the arid middle belt grazing lands and the rampant Fulani herdsmen and their cattle's destruction of farm crops and killings.

Categorically, all that is opposed to human health and environmental protection in this region as the result of the oil and gas activities and their unhealthy effect are evident and urgently necessitate remedy.

And it would not be presumptuous as critics are quick to point out that it is right ascribing the faults to the world system of petroleum motor sprint consumption and its pressure on the oil companies. Which had lead to always demanding for more thereby contributing significantly to the local's detriments and adverse impacts on the atmosphere, soils and sediments, surface and groundwater, marine environment and terrestrial ecosystems of the Niger Delta?

Another ill of the system, are the frequent negligent discharges of petroleum hydrocarbon and petroleum-derived waste streams. That are causing environmental pollution, adverse human health effects, socio-economic problems and degradation of host communities in all the oil-producing states in the Niger Delta region (Ite, Ibok, Ite & Petters, 2013). As for the benefit of the locals and to save the world as a whole, there is a compelling need to explore for every other healthier alternative source of energy to petroleum for a solution.

They release over 17 million tones of CO<sub>2</sub> directly into the atmosphere



King Emere shows a picture taken near the Ogale area in Nigeria. Photograph: Frank Augstein/AP

## 6. Alarm: Niger Delta Is Still Regularly Contaminated with Millions of Oil Barrels

It is a fact that the first oil field discovered with crude oil in commercial quantity was at Oloibiri in Ogbai local government area Bayelsa in 1956. However, an abridged history of the incongruent extraction method used in the first oil field in over 21 years of its lifespan proved that Shell has never changed until date irrespective of the gross damage of its modus operandi to humanity and the world outcry. During that period to assess the oil reserve of the field 11 wells were drilled between 1957 and the beginning of 1958 when production effectively started with about 5,100 barrels per day (810 m<sup>3</sup>/d).

The pressure on the field and the environs led to drilling eighteen wells until it was finally abandoned in 1978 with over 30.00 million barrels (4,770,000 m<sup>3</sup>) of crude oil reserves still underneath and none of the wells plugged. Besides, every gas from the entire appraisal wells were all flared thus the tradition of gas flaring began then. Also, the act of setting up irrational pipeline network started then, which caused the first conflict between Shell and the Ogonis in 1958 were the first crude oil pipelines ever from the Oloibiri field via Bonny River to Port Harcourt for oil export.

A study released from the US says millions of barrels of crude oil from infrastructure failure still spill steadily into the soil and groundwater, polluting and devastating aquatic and arable land in the Niger Delta.

For instance, two companies Royal Dutch Shell and ENI reported more than 550 spills in the southern oil-rich Niger River delta last year, compared with an average of 10 spills a year in Europe between 1971 and 2011, said Amnesty. The Italian government should investigate Eni for negligence in Nigeria, where it reported 349 spills in 2014 and 500 the year before, according to Amnesty (Donovan, 2015).

The Shell oil spillage whether on land or aquatic has become endemic and unbearable for every multinational oil companies is involved. Hence the genuine reasons for doubting the Shell BP's plan to contain an oil spill in a perfect place like the Great Australian Bight when its oil exploitation business is capable of rendering Niger Delta once untainted into a heap of decay.

The Shell BP's publicly available plans to drill for oil in the Great Australian Bight did not consist of where it would get all the people, boats, and aircraft. Which it never experimented in the Niger Delta needed to contain a major oil spill in the remote waters 300km off the coast of South Australia, according to the Wilderness Society. The world cannot afford to lose the marvelous Great Australian Bight marine park as it lost the Niger Delta ecosystem and aquatic life for oil. Seen Shell's activities in Ogoniland, one may ask how is it possible for the Anglo-Dutch company (\$422 billion) to top the list regarding private oil companies, has a long and storied history, and has grown over time. Besides, Shell has operations all over the world and is going where

others have not (Cunningham, 2015).

## 7. The World Is Tired of Shells Method in Ogoniland

It becomes natural to ask, what has Shell to lose if it operates in the Niger Delta the same way it does in Europe. How dreadful, to imagine the gross damage of the unforeseen consequences of above 550 oil spills a year. Only in the Niger-Delta, with a landmass of 70,000 square kilometers (Oviasuyi & Uwadiae, 2010), compared to a negligent ten drops a year in a decade in an entire continent, this ratio does not tell well of Shell. If Shell can cause such environmental decay in Niger Delta and remain on the top of oil company's list and is in demand by many nations for oil extraction, it means there is a missing link most probably Shell is like the 1966 Sergio Leone's famed spaghetti western film. Ipso facto Shell is the Good for US and western world, the Bad for US and European allies like Gulf countries and Mexico and the Ugly for Nigeria.

Obviously, the past military regimes allowed Shell free hand and abetted Shell, Eni, and others in the destruction of Ogoniland, but that era is gone forever as there will never be a military rule in Nigeria again. The question is, does Royal Dutch Shell enjoy all these notoriety and court cases with the indigenes? If the answer is NAY, then Shell with all its technical know-how and financial muscles can comfortably become sustainable, human and acquire for itself a better public image.

Shell has made history over the years, it is a matured and tenacious company for its ability to survive in global conflict zones hence its longevity, so cannot allow its ugly activities in Ogoniland to dent its image worldwide as such should change the way of working oil in the entire Niger Delta.

Ogoni people do not hate Shell per se but are against irreparably severing their territory, and not even the pioneer Shell workers can forget how amiably the natives were to them. The Ogonis are keen in receiving foreigners only that shell has to practice the fundamental law of nature that says "be your neighbor's keeper" and prove to the world that they are capable of extracting oil in Ogoniland as it does elsewhere.

The Niger deltas are hard-working people who had lived conveniently on earnings from palm oil, fish and farm for centuries before the discovering crude oil in the region. As affluent people by nature who had nothing to fear they trusted Shell from the beginning of oil production in 1958 and did not realize in time the impact of the environmental degradation that started then.

For many decades Shell has been in the Niger Delta and supposedly in all these years to have accumulated an excellent knowledge of the indigenes and environment as such Shell should have precise determination to see to the development of the area, cultivate a cordial relationship with locals and to suppress the conduct of destroying the ambient. For convincing reasons, Shell has to start sustainable

extracting oil in the area so as to improve coexistence with the locals. Above all, Shell should realize that only the locals can offer them a genuinely peaceful and beneficial working environment and not the military.



worldbank.org/photos

## 8. Shell Must Pursue Changes

### 8.1. Shell Should Get the Numbers Straight in Niger Delta

For a company like the Royal Shell which main aim is to make a profit, doing the right thing in the Niger Delta becomes a stress coupled with the free hand on the environment given it by all the succeeding Nigerian governments. It is evident that the only important things to Shell and the government are earnings from the crude oil and what Shell can not realize is that it stands to gain more if it invests in Ogoniland and employ the people. It is improper and unhealthy for Shell to be making billions of dollars from the extraction of resources that has impaired and impoverished the same people that are supposed to be the custodians. Nothing strange for Shell to invest in Niger Delta by first creating an investment team that would focus its activities on the local's means of sustenance like Fiat Chrysler Automobiles (FCA) group through FIAT Agriculture does maize farming thereby rendering its Farm Machinery department competitive.

The team should look into large scale production of every type of the staple and export commodities starting on palm oil and wine, fishing and seafood rearing- crayfish, periwinkles, etc.

These are some of the products that shall guarantee Shell immediate profit, bring continuous business for many years to come, nurture long-term partnerships while improving the relationship with the residents.

Indeed, over the years the locals have experienced severe exploitation of their territory and so being Shell should help restore hope in these individuals who had completely given up as we all know that polluted air quality is a danger to the area's business climate and a hindrance to its attractiveness to investors.

In fact, many oil and gas companies use voluntary sustainability reporting that consists of dispensing environmental, social, and economic growth performances of the company and the indigenes to monitor and improve their sustainability progress. Furthermore, oil and gas Company around the globe, also apply strict internal regulations to enhance sustainability in the crude oil industry, Shell should adopt these policies in Ogoniland. Another,

Shell has to follow particular empirical thought out solutions, and international guidelines set by the likes of Extractive Industries Transparency Initiative (EITI) and obey laws of the federal government including being committed to openness and transparency in the Niger Delta.

Empirically, Shell, Total, Chevron, Eni and other MOCs operating in the Niger Delta have all defaulted and none had ever respected the 1984 law that rendered flaring gas in Nigeria illegal or paid the adequate sanction for the regular violation of that law.

Till date, all the companies put together owe the Nigerian government over 1.5 billion US dollars in fine for flaring gas in rare cases when they feel compelled they pay the January 1998 old penalty rate of N10 per 1000 standard cubic feet burned. Available detail from Nigerian gas tracker demonstrated that presently about 300 billion SCF of gas are flared yearly from around 260 gas station in the Niger Delta zone. This cost the nation above \$27.200 billion equivalent to N10.34 trillion at the average exchange rate of N380 to a dollar if calculated using the April 2008 penalty rate of \$3.5 per 1,000 SCF of gas flared.

The amount is effectively more than estimated because of the lack of transparency from Shell and other companies for refusing to disclose to the federal government and organizations like EITI with information relating to the exact quantity of gas they yearly flare as they flare gas every second in the Niger Delta. It is even detrimental to the oil companies and their worker who still breathe the same air as the locals not to release the data for right management the pollution crisis.

In short, every stakeholder is obliged by law and by force majeure to respect the environment, land, waters, livelihood, and the right to live without health concerns, and have good air quality. By so doing anger and resentment against the oil companies will cease and the youth will no long be forced to carry arms, kidnapping oil workers, perpetuate in oil theft or damage oil infrastructures and all stockholders will live and work in prosperity without fear as elsewhere in Nigeria.



Oil spill in Bodo community Source: The Scoop NG

### 8.2. Shell Must Rectify Their Modulus Operandi

All the multinational oil companies (MOC) lead by Shell have remarkably contributed to the destruction of Ogoniland/Niger Delta and must make redress over to the natives financially and materially for the wrong done to them. The locals are so stressed and aggrieved of the millions of barrels of oil that are spilling continually into creeks and swamps devastating the farmland and fishing water which

can never be cleaned up because of the extent of the contamination no matter the technique applied.

The paper recognized that sometimes the blame could be directed to oil theft or illegal bunkering, which is the result of lack of viable activities to occupy the youth as a consequence of the destruction all form of livelihood by Shell. However, it is worth noting that most of the times mistakes of the Oil Companies and their contractors when working on the pipelines or pumps are the primary cause of oil spillages. Another vital factor is the apathetic management of the pump stations and pipeline networks by these companies in using pipes which life spans have expired thereby not safe. This horrible act of deliberately using unsafe pipelines for operation and laying them unprotected in the open at the mercy of possible domestic incidents seen the closeness to houses, road accidents, air, rain and every potential danger, is endemic among all oil companies in the Niger Delta.

The oil spillages exacerbated, with the outrageously gas flaring practiced by all oil company in the zone are the real Achilles heel in their defense against the locals and the environment for they view it easy and cheaper way of eliminating surface gas at the top of the crude oil by flaring it.

There are needs for sound solutions to the oil spillage and gas flares among which actively penalizing the companies involved. And recover the area for the people to work and live as no one should create the illusion of pretending that there would be no consequences or nothing to pay for causing a harmful material impact on people's lives. Moreover, Niger Delta communities have resorted to looking for Justice in London courts against Shell for not cleaning up the pollutants. Shell for the sake of building a good business reputation in Niger Delta should pay the communities the requested compensations and desist from the attitude of going for decades of appeal judgments as they have been doing in Nigerian courts.

It is known to all how speedily the BP paid the American federal government and five states \$18.7 billion for the Gulf of Mexico oil spill caused by BP and its contractors Halliburton and Transocean. While some communities in the Niger Delta are demanding only for a hundred of millions of compensations in local currency and to clean up their lands to fish and farm takes up to 32 years of court appeals. And many communities up till date have not received compensations agreed upon by Shell for spillage that occurred more than 15 years ago; a good example is the localities along the Imo River in Mbaise.

The people of Nigeria appreciate Shell and others for the contribution of their endeavors to the economy, development, and revenue as oil money is the primary source of the country's earning. But the indigenes should not become extinct for Nigeria to export oil, Shell and the federal government should know that these communities have suffered enough and merit justice. The world is watching. Hence the natives are taking Shell to London courts to look for justice for the cumulative impacts of years of pollution besides the destruction of the environment and human lives.

The sufferings are unbearable for families especially in the face of present economic recession in a country that has neither welfare state nor a just distribution of wealth and with all the billions of dollars inflows from the crude oil sales workers do not receive salaries and pensions, not to think of gratuity entitlements.

## 9. Conclusions

Every Nigerian knows the importance of the oil and gas industry to the economy and the substantial revenue they generate the fact remains that the stakeholders of this sector must strive to meets the needs of the present without compromising the ability of future generations to respond to their needs. Zhang, J. (2012).

Already Nigeria is full of natural disasters, poverty, hunger, deforestation, desertification, flooding, lightning strikes, and extirpating wildlife, etc. which should not be compounded with series of avoidable unwholesome consequences through water, land and air pollution from gas flare, oil spillages, waste dumping and others.

As well microorganisms such as larval, protozoans, diatoms, small crustaceans, and the eggs along with animals that feed on plankton are destroyed by the contaminations of the oil spillages and devastations of the creeks and rivers that were once full of seaweed, periwinkles, larval fish, and may other species. Usually, the destruction of the environment and ecosystem consequentially neither wreck livelihood for when microorganisms in waters die fish die natives can no longer fish nor farm the soils covered by oil spills. Honestly, the exploitation of oil and gas enterprise in the Niger Delta region has only blind, kill and get extinct precious species the future generation will never meet.

Shell and the government should understand that the after effect of such environmental disaster in Niger Delta are unbearable for the communities and go far beyond the coping capacities of the locals especial the youths who are much affected as they remain without hope of gaining any form of employment in their lifetime. Similarly, some health and security heuristic reports show that the oil workers are profoundly affected than can be imagined by the environmental situations of the region even though they enjoy employment in an esteemed establishment like Shell.

Shell is one of the world six oil and gas super majors, recognized and sought worldwide for its revenue, technology, workforce and wealth of experience in crude oil exploitation.

For these facts, Shell should change its approach towards the Mother Nature and change entirely loathed environmental management strategy and become a hub for sustainable economic development and growth in the region. Thus enhance business and employment creation seen the ingenuity and innovative attributes of the Niger deltas to achieving success in entrepreneurship recognized in the people early last century by Lord Lugard the amalgamator of the country.

The way out is that Shell should stop considering

Ogoniland as no man's land for the world is awaiting a change there and is expecting Shell, Eni, Chevron and others to faithfully participate in the cleanup, and healing process. And henceforth protect the environment and ecosystem also regularly publish a Sustainability voluntary report on their environmental performance in the Niger Delta as they are used to in Algeria since 1997.

## 10. Recommendations

### 1. Lack of Redress: -

A London High Court ruled on 26th January 2017 that Royal Dutch Shell cannot be held responsible for the actions of its Nigerian subsidiary SPDC. This judgment was despite the fact that the company has profited from decades of abuses and environmental destruction in the Niger Delta. (Press Release 2017), the rule is not just but dangerous and unprecedented appalling. As the parents are responsible for the actions of their children so is the parent company Royal Dutch Shell should be accountable for the actions of its Nigerian subsidiary SPDC thus the Royal Dutch Shell should compensate the people monetarily, clean up and above keep clean the UNEP Clean-Ups.

### 2. Pipeline Networks Not Comeuppances

The pipeline networks should not become comeuppance against the people, but a necessary infrastructure for transporting petroleum products and because they are static, bulky crisscrossing the whole area not minding the houses they have become inconveniencing to human beings and animals. In fact, pipelines are the main reasons for conflicts and source of disaster as one cannot ask a woman who is cooking on top of pipes passing through her back yard not to complain or someone displaced because of the pipeline networks to be happy.

For instance, fighting because of pipelines between insurgents and government forces deployed to protect oil installations, and personnel led to the death and forced displacement of thousands of civilians between 2004 and 2009 (iDMC/NRC, 2012). The present high increase in pipeline networks has worsened the situation for giving room to abandon the corroded leaking old ones that could have been dismantled and replaced. Shell, Chevron, Eni, etc., have to re-think their pipeline installations policy in the whole country starting from Niger Delta. They have to adopt a regular monitoring policy for the pipelines, oil pumps and drilling rigs, respect the pipes life spans and dismantle old rusty pipelines etc. for agriculture.

### 3. The United Nations Environment Program, UNEP

The UNEP has started the Ogoniland clean-up and restoration of the environmental impact of oil and gas industry activities since the late 1950s. Shell Petroleum Development Company (SPDC) has defaulted on all its obligation to sustainably keep the environment and ecosystem intact causing significant socio-political turmoil and economic distress in the region that has deprived the

locals their everyday life and future for oil and gas wealth that never benefited them in any way. Seen the efforts UNEP is making to clean up and satisfactorily remedial the catastrophes, Shell and all companies involved are now obliged to maintain the environmental standards that applicable to them in the USA or Europe.

### 4. Shell's Financial Commitment to the UNEP Clean Up and Remedial Operation

The federal government has set in motion the one billion dollar UNEP clean-up and remedial program, but Shell is not prepared to make a financial contribution to the program. Too often with the shell discussions on the cost of oil spill clean up become diverted by an argument over the cause of spills. However, SPDC is liable for the financial cost of clean up of oil spills regardless of the cause of such spills. (FairPensions, 2012). Up to date, neither Shell nor any other oil company operating in the Niger Delta has contributed or intends to participate in financing the largest ever environmental remediation program.

But they must understand that they have at least the moral obligations to fund the Ogoniland Clean-Up, Remediation and Satisfactorily Reinvigorate the Environment Favorable to its Development at least for future generations.

### 5. Regularization

The report by the Petroleum Revenue Special Task Force in 2012 showed that oil companies often do not comply in paying fines and when they do are still paying the old penalty of N10 per 1000 standard cubic feet flared (Gas Flare Tracker).

It is not proper for the government to lose 1.5 billion dollars to the oil companies in unpaid fines and on the other hand to help them regularize their fiscal position with the government. The paper recommends the use of the 2008 penalty rate of \$3.5 per 1,000 SCF of gas flared and 1984 the year gas burning became illegal in Nigeria to calculate the fine and make the oil companies pay 60% of the fine for half bread is better than none says the adage.

### 6. The Federal government obligations

- The Federal government has the obligations to make sure it initiate the right policy for all stakeholders involved in the oil business to re-establish the environment and ecosystem by the next 30 years time.
- The Federal government also has the obligations to guarantee the indigenes of Ogoni/Niger delta that have no means of existence for generations to come, the right to having a good standard of living by restoring their livelihoods and improving their everyday life through awarding every person monthly allowance and pension payments following their age.
- The federal government should form a regulatory body or a parastatal composed mainly of the locals. That will be responsible for reporting and monitoring oil sabotage, repairing or dismantling of the pumps and pipelines, pollutions, abandoned wells, pipeline hackings, improper disposals of toxic and hazardous

contents of oil sludge or wastes in general, oil spills, gas flares, etc. More than ever be empowering with stricter laws to sanction oil companies that indulge in oil spilling or burning gas in the region and arrest local oil related delinquents.

- Seen the indiscriminate gas flare in the area and its contribution to the increasing heat waves the world is experiencing. The regulatory body or the parastatal should make it paramount always referring to the ozone monitoring station at Oshodi Lagos and take care of the clean air monitors that the government with Shell shall procure and positioned at each community in the region.

Besides, Shell, Chevron, Eni, and others should be aware that Nigeria values their services to the nation only that they should rethink their mode of working the environment. Develop a good healthy relationship with the locals, support morally and financially the transformative operation of the UNEP to heal the ecosystems, restore the native's livelihoods and make Niger Delta a better place to live.

And moreover, remember that there is a genuine need for them to operate a sustainable and comprehensive environmental development strategy in the area in place of incessant pollutions that irreparably destroy lives and ways of existence. As an influential stakeholder, Shell's experience and technical know-how are needed for a balanced environmental sustainable development in the region because human lives are involved as never before and as such should act accordingly.

In trying to demonstrate the urgency of the global bad condition at the 1992 "Earth Summit" the organizer Maurice Strong told the world leaders and scientists as to Shell "we have got to move fast. The role we are here for is on a fast track. We don't have another 20 to 30 years to squander....." (Okafor, 1995).

- '...To God Be the Glory

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