Cleaning-up of Polluted Environments: The Ogoni Case in the 21st Century

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Abstract

Pollution of the environment is a reality particularly since the exploration and exploitation of crude oil in the Niger Delta of Nigeria since 1956. The experience of Ogoniland in this respect is real and worrisome because of inadequate remediation of oil pollution, non-stop and uncontrolled gas flaring in the past thirty-five years (1958 – 1993) among others. Several initiatives and strategies by environmentalist, Ken Saro-Wiwa (deceased) under the auspices of the Movement for the Survival of the Ogoni People (MOSOP) were employed to ensure that Shell Petroleum Development Company and the Federal Government of Nigeria commenced and implemented a remediation of Ogoniland, to no avid. In 2006, due to sustained pressure by local and international groups and agencies the Federal Government mandated the United Nations Environment Project (UNEP) to comprehensively investigate and assess the degree of environmental degradation and its impact on Ogoniland and people. This study interrogates the performance of the Hydrocarbon Pollution and Remediation Project (HYPREP) on this issue and mandate. Extensive literatures and oral interviews were undertaken to generate data for the research. There is evidence of ongoing investigation that is short of

adequate remediation and payment of full compensation to those directly affect.

Key words: Pollution, Environment, Remediation, MOSOP, UNEP, and HYPREP

Introduction

Without a clean and unpolluted environment, the likelihood of human survival is in doubt. However, shortly after independence (1958 – 1993) when crude oil production began in Ogoniland, to 1993 when the multinational giant Shell Petroleum Development Company of Nigeria (SPDC) was forced to stop operation, the area had undergone pollutions of unimaginable proportions. The Ogoni people area an ethnic group in the eastern Niger Delta, speaking the same language, with same custom, religion, and state of civilization.[1] They also subsist mainly on small scale farming and fishing.

From the beginning of oil exploration in the area, the Ogoni people, like some other groups in the Niger Delta, were not considered for employment especially in key positions. The company did not also carry out any form of corporate social responsibility in the area; roads, hospitals, schools, etc. The standard of their operation especially those that ensures environmental protection, as observed in other parts of the world where they operated was not also replicated in Ogoniland. As a result, there was unhindered flaring of gases, crude oil spillages became an incessant occurrence destroying agricultural lands. The spills equally affected the creeks and its resources; mangrove trees, fishes, etc. The insensitivity of SPDC to look into these occurrences further made life miserable for the Ogoni people since their livelihood depended on farming and fishing.

This development continued from 1958 to 1990 before the Ogoni people became vociferous enough to be heard. In this year, 1990, the Movement for the Survival of the Ogoni People (MOSOP) was formed as a means of restoring their environment and benefit from the abundance of resources in their land. Their ideas and positions were articulated in a document called the Ogoni Bill of Rights.[2] This document contains the environmental catastrophes in Ogoniland and its effects on the people. It also made known the peoples' desire to control their resources henceforth, among other issues. A presentation was made to the Federal

Military Government under General Ibrahim Badamosi Babangida. Disappointingly, there was no response, whatsoever. An addendum was made to the bill which included an appeal to the international community for assistance. Under the auspices of Ken Saro-Wiwa, the Ogoni case went global and attracted support from other environmental right groups, Earth First, Greenpeace, among others. In 1995, Ken Saro-Wiwa was executed by the military government of General Sani Abacha for alleged complicity in the gruesome murder of four ethnic chiefs and politicians, an allegation that was later found to be a ploy to get him out of the way.

In July 2005, the new civilian government under president Olusegun Obasanjo appointed Reverend Father Mathew Hassan Kukah to mediate between Ogoni and Shell. This move was a demonstration of the government's adherence to the rule of law and respect for human rights. In a bid to renew oil exploration in the area, an agency composed of international experts was set up to carry out an environmental assessment and supervise the cleanup of oil polluted sites all over Ogoniland.[3] In July 2006, the Federal government of Nigeria commissioned the United Nations Environment Programme (UNEP) to carry out full scale investigation of the extent of environmental contamination, including the impacts on the people and proper management for remediation in Ogoniland.

The UNEP report was published in 2011 with focus on contaminated air and public health issues, contaminated lands, groundwater, surface water, sediments and vegetations. The report reveals that oil contamination in Ogoniland was massive and had affected many aspects of the environment.

Despite an end to oil exploration in the area since 1993, the report noted, incidences of oil spills had been regular and the people lived with the situation every day. It added that delays in cleaning up the environment immediately after spills resulted in oil being washed away traversing agricultural lands and always terminating in the creeks with rainfall which the area is known to have in abundance.

The cleanup of Ogoniland had since begun but there is uncertainty as to whether, the Hydrocarbon Pollution Remediation Project (HYPREP), the agency in charge, is carrying out the exercise as it should. This is what the study investigates.

Oil Production in Ogoniland and Its Devastating Impacts

Oil exploration started in Ogoniland in 1957 shortly after its discovery at Oloibiri, modern day Bayelsa State in 1956. The discovery of oil in Bornu (K Dere) in Gokana local government area was rated second discovery.[4] From this first oil well in Ogoniland, shell made other discoveries so much so that by 1993 when they were compelled to stop operation in the area, a total of over 96 oil wells had been drilled in nine oil fields on-stream. From 1958 when the product was produced in commercial quantity, to the time the company ceased operation (1993), that isa35 – year period, oil drilled in Ogoni constitutes about 10 percent of all oil drilled in the Niger Delta.[5]

In spite of these huge contributions, however, there was no benefit whatsoever. There was no pipe borne water, no electricity, very few roads, ill-equipped schools and hospitals and no industry at all. The people continually suffered from oil exploration and exploitation. As the Ogoni Bill of Rights puts it:

> …land, streams and Creeks are totally and continually polluted; the atmosphere is forever changed with hydrocarbons, carbon-monoxide and carbon dioxide; many villages experience the internal quaking of the wrath of gas flames which have been burning 24 hours a day for 33 years; acid rain, oil spillages and blow-outs are common. The result of such unchecked environmental pollution is that (i) The Ogoni can no longer farm successfully. The once food basket of the Eastern Niger Delta, the Ogoni now buy food (when they can afford it); (ii) Fish, once of common source of protein, is now rare, owing to the continual pollution of our streams and creeks, fish can only be caught in deeper and off shore waters for which the Ogoni are not equipped (iii) All wild life is dead. (iv) The ecology is changing fast. The mangrove tree, the aerial roots of which normally provide a natural and welcome habitat for many a sea food-crabs, periwinkles, mud skippers, cockles, mussels, shrimps and all – is now gradually been replaced by unknown and other wise useless palms (v) The health hazard generated by an atmosphere

> charged with hydrocarbon vapour, carbon monoxide and carbon dioxide are innumerable.[6]

The above quotation shows the extent of damage done to the Ogoni environment by the Oil Multinationals. Ken Saro Wiwa and indeed MOSOP called the situation in Ogoniland genocidal, that is killing or an attempt to kill an entire race. Of course, when the environment is filled with poisonous gases, the means of livelihood completely destroyed, the people live at the mercies of God.
Years of complain without response propelled the people to do all that was possible to drive shell and its allied companies from Ogoniland.

MOSOP AND THE END OF OIL EXPLORATION IN OGONILAND

Formation of the Movement for the Survival of the Ogoni People (MOSOP) was the last resort after all their efforts to compel Shell do the needful became futile. The group believes in a constructive non-violent campaign for environmental justice and promotion of democratic and human rights awareness of its people. The group is also pre-occupied with the protection of human rights and awareness of its people. MOSOP sought the protection of its already devastated environment, among other vital conditions that constituted a standard of human living for the people. MOSOP leadership, now under Ken Saro Wiwa was making effective plans to drive Shell and its subsidiary companies out of Ogoniland.[7] Shell, the Nigerian National Petroleum Corporation (NNPC) and Chevron were presented a set of demands that must be met if they hope to continue operations in Ogoniland. The hard choice was to pay all the royalties and compensations as enshrined in the Ogoni Bill of Rights in 30 days or pullout from the area forthwith. However, this ultimatum was also ignored. The stage was set to take the issue to a new level. On 4th January, 1993 – a day set a side every year worldwide, to celebrate indigenous peoples – the Ogoni people mobilized about 300,000 of its people to stage a non-violent protest against the multinational companies for the devastation of their lands, a protest regarded as the largest against an oil company anywhere in the world.[8]

Shell, in collaboration with the Nigerian military government denied every wrong doing, in a bid to end this shameful protest that tarnished its image. In a press release, the managing director of shell, Brian Anderson noted:

> …we totally reject accusation of devastating Ogoniland or the Niger Delta. This has been dramatized out of all proportion. The total land we have acquired for operation to build our facilities, flow stations pipelines and roads comes to just 0.3 percent of the Niger Delta, in Ogoniland we have acquired just 0.7 percent of the land area. These are very small figures that put the scale of our Niger Delta operations firmly in perspective.[9]

The entire issues of environmental degradation in Ogoniland were further attributed, according to shell, to "rapidly expanding population, over farming, deforestation and industry".[10] The company however, promised to clean up Ogoniland. This promise was never fulfilled, instead the company sponsored military clampdowns which resulted in the death of many and unlawful arrest and imprisonments. The company equally sponsored tribal wars between the Ogoni and its neighbours; Andoni, etc.[11] To finally put an end to these protests on environmental devastation, the Abacha Government commissioned Lieutenant Colonel Dauda Musa Komo (Government of Rivers State) and Major Paul Okontimo (Head of the Rivers State Internal Security Task Force) on a mission to "restore law and order in Ogoniland". In spite of the atrocities committed by major Paul and his men in the area, the people were resolute in their commitment to stamp out oil exploration in their land to this day.

The cleanup of Ogoniland has commenced, though it received condemnation by many critics as unsatisfactory, even before conclusion.

A Summary on the United Nations Environment Programme (UNEP) Findings in Ogoniland.

The report of UNEP is the most reliable account of what has happened to the Ogoni environment. The study involves desk review, field work and laboratory analysis and constitute one of the most complex on-the-ground assessment ever undertaken by UNEP. Professionals were recruited in fields like forestry and public health, contaminated lands, air and water, etc, studied under the supervision and guidance of UNEP senior managers. They worked in synergy

with local experts, academics and support teams which include logistics, community liaison and security officials.

The UNEP project team surveyed 122kms of pipeline rights of way and equally visited sites of oil spills, oil wells, commissioned and abandoned facilities.

In addition to direct findings on the ground, information provided by government regulators, SPDC Nigeria Ltd, and Members of several local communities were relied upon. Sixty-nine sites were initially identified for a comprehensive soil and underground water enquires. Samples were collected from sources of drinking water, sediments from creeks, rain water, surface water, fish and air.

At last, a total of 4,000 samples were collected. These includes, water drawn from 142 underground water monitoring wells drilled specifically for the study, soil taken from 780 boreholes. Meetings, number 264 were also arranged with Ogoni communities and attended by 23,000 people. More than 5,000 medical records were also examined by UNEP investigating team. International standards were followed in the collection of these samples. The analysis was done in special laboratories in Europe and the intent was to find specific group of hydrocarbons known for its adverse effects. It is usually studied separately in oil spill assessment and cleanup project. Some of these include BTEX (benzene, toluene, ethylbenzene, and xylems); PAHs (polycyclic aromatic hydrocarbons) and volatile organic compounds (VOCs) for air quality investigations.

When the field work ended, an extensive remote sensing analysis conducted. This was followed by a review of legislations, institutions, oil industry practices and available remediation technologies. At last, the findings were published.

The first obvious revelation was that oil pollution in Ogoniland was massive and had affected many aspects of the environment. The report also added that despite an end to exploration activities since 1993, incidences of oil spillages had been regular and the people lived with the situation every day.

The report also vividly captured contamination of soil and underground water as noted here:

> …pollution of soil by petroleum hydrocarbons in Ogoniland is extensive in land areas, sediments and swampland. Most of the contaminations are from crude oil although contamination by refined products was found at three locations. The assessment found there is no continuous clay layer across Ogoniland (and beyond) to hydrocarbons spilled on the surface. In 49 cases, UNEP observes hydrocarbons in soil at depths of at least 5m. These findings have major implications on the type of remediation required. At two thirds of the contaminate land sites close to oil industry facilities which were assessed in details the oil contamination exceeds Nigerian national standard as set out in the Environmental Guidelines and Standard for the Petroleum Industry (EGASPIN). The most serious case of ground water contamination is at Nsisioken Ogale, in Eleme local government area, close to a Nigerian National Petroleum Company pipeline where an 8cm layer of refined oil was observed floating on the ground water which serves the community wells.[12]

The findings also shows that the years of oil pollution in Ogoniland equally affected the vegetation, health etc. On health for instance, the report found that benzene filled the air within Ogoni at Concentration ranging from 0.155 to 48.2 $\mu g/m^3$. This substance was also present in underground water. The Ogoni environment was to be comprehensively cleaned. This was to be done by an established body to be set up by the Federal Government:

> An Ogoniland Environmental Restoration Authority to oversee implementation of this studies recommendations. With a fixed initial life span of ten years, the authority will have separate budget which will accrue from an Ogoniland environmental restoration fund and its staff will largely be seconded from relevant national and state institutions. The overall cost of the cleanup should not be an obstacle to its implementation. Therefore, an environmental restoration fund for Ogoniland should be set up with an initial capital

> injection of USD 1 billion contributed by the oil industry and the government to be managed by the authority, the fund should be used only for activities concerning the environmental restoration of Ogoniland, including capacity building, skills transfer and conflict resolution.[13]

The extent to which the recommendations of the UNEP report on Ogoniland had so far been carried out, especially the cleanup of polluted sites will be investigated.

The Hydrocarbon Pollution Remediation Project and Cleanup of Ogoniland

On 2nd June 2016, about four years after the UNEP report on Ogoniland was first published, the Hydrocarbon Pollution Remediation Project was flagged off by the Federal Government and charged with the responsibility of cleaning up the Ogoni environment and restore the peoples' livelihood. Charged with different responsibilities, the commission's three main offices: Project Coordination, Board of Trustee, and Governing Council worked in synergy to drive the cleanup exercise. Other unite units are: environment remediation (operations), livelihood and sustainable development, communication and community engagement, security, procurement, finance and administration, legal services and monitoring and evaluation.

The Board of Trustee consist of a chairman, to be appointed by the President on the recommendation of the Minister (environment). Other board members are: the Minister of State for Environment, Minister of Finance, Minister of State for Petroleum Resources and chairman of the board of the Nigerian National Petroleum Corporation, two representatives from Ogoniland, three participating international/contributing oil companies (Shell, Agip, Total), a representative of the Non-Government Organizations (NGOs) active in environmental programmes, etc. Its main function is to carry out financial oversight and prudent utilization of funds in accordance with established financial policies related to HYPREP, among other duties.

The Governing Council is made up of the Minister of Environment (Chairman), the Minister of Petroleum Resources/Group Managing Director of NNPC, two representatives of the Ogoni communities, among several others. This council

superintend the policies of HYPREP and provide the general policy guidelines relating to the funtions of commission, among others.

On 7 June, 2016, President Muhammadu Buhari commissioned his Vice, Yemi Osibanjo to flag-off the Ogoni cleanup.[14] In line with UNEP recommendations, work had commenced on the emergency areas quite earlier. Local contractors were mostly engaged in line with the local content act. Also, as part of capacity building for local communities, youths of diverse academic background, mainly in the sciences were trained in Geneva, Switzerland and the United Kingdom in Management of Contaminated Site Assessment, Clean up Assessment, Cleanup of Contaminated Sites and Field Work techniques. Also, to implement emergencies pointed out in the UNEP report, medical outreach was carried out across the four local government area in Ogoni during which free healthcare services were provided to over 20,000 patients including 4,000 surgeries.

HYPREP has also trained some Ogoni youths in the fabrication of cassava processing machines under the Sustainable Livelihood Programme which lasted for three months. This programme was a product of a tripartite agreement between HYPREP, Stakeholders Democracy Network (SDN) and the International Institute of Tropical Agriculture (IITA) Onne.

The cleanup exercise is still ongoing and all sites to be cleaned well handed over to their respective contractors. Those in Eleme local government area and Tai in Alode and Obolo-Ebubu, Buemene-Korokoro were done by Suleman Hassan Zarma, former Minister of Environment. Those in Khana and Gokana were handed over by Dr. Marvin Dekil, Former Project Coordinator. So, at the moment all 21 sites earn-marked for cleanup by UNEP have been given out to different contractors, accordingly.

So many issues have emerged as a result of the exercise. Put differently, there are lots of impediments to the effective cleanup of Ogoniland. First, there is the issue of quality of companies involved in the process. The argument from most critics is that most of the companies given the job are not qualify since they are not internationally and locally recognized for remediation and cleanup of oil impacted sites. For instance, an initial 172 indigenous companies and 11 foreign companies

involved in the bidding shows that more indigenous companies that may not be qualified applied. This idea is not based on the fact that they are indigenous but due to perceived lack of experience in cleanup jobs.

Professor Ben Nanen, a pioneer member of the Governing Council of the HYPREP and a former interim president of MOSOP had this to say:

> You cannot stop people from making criticisms, in fact, that is part of the logic of progress. There were allegations that the companies were registered for something else and not remediation and so on. Those who have done business know that sometimes, it is not what you registered for that you end up doing. You can register for something and find yourself also involved in other activities that you can also gain expertise and transmit expertise. So that has been the allegation but for me that is not the most important thing. If they are doing registration sometimes you say, and any other business as part of the business entity that you are registering. Even Shell is registered as a trading company and yet is one of the world's best hydrocarbon companies. So that is it, the cleanup is ongoing and they are delivering. You can't rule out occasional lapses here and there but those lapses could be corrected. We have set in motion monitoring and evaluation, when some of these things are found, the contractors correct them before they are paid and so it is not as if you just go there and do anything and go away with it, no. The process of correcting lapses is fully registered in the implemental process. Even the best of contractors can also make technical errors. So, I do believe that HYPREP will deliver.[16]

Legbosi Piagbara, the immediate past MOSOP President and also pioneer member of HYPREP Governing Council, also expressed similar view:

> The truth is that the whole thing borders on expectation management… when finally Shell and the Federal Government agreed that they were going to do cleanup, there was the mentality that the entire Ogoniland would be cleaned

> which is not correct… the truth is that there were high expectations that the cleanup was going to take place in the entire Ogoniland. Our people did not know one thing, UNEP is not cleaning where they did not assess. UNEP had over 200 sites they were given to assess but because of the resistance of our own people when the exercise was going on, they only assess 66… in the whole of Khana, there are only one or two locations because of resistance of our people. UNEP didn't have access to K Dere. This is why communities like K Dere with the highest number of polluted sites will not benefit from the process… In terms of standard, there was no such thing in the UNEP report, UNEP did not give any standard to be followed. They only recommended structures, techniques, Integrated Management Centres to be built, or Centre for Excellence, and emergency measures. But some of these things have been overtaken by time… People should not rush to make conclusions, the companies are not done with their work, so on what bases do you say that what they have done is not correct? The only agency that can tell if what they have done is correct or not is NOSDRA. This is the company equipped by the government to access those sites. So, if you, on your own say they have not done well, how would you access it?[17]

However, convincing the position of the above two stakeholders looks, it remains a fact that the process of awarding contracts in Nigeria is most times surrounded by several other factors other than competences.

Finance is also an impediment to the cleanup exercise. The UNEP report had recommended an initial capital injection of not less than 1billion dollars to be contributed by the oil industry and the Federal Government to make for the cost of the first five years. An agreement was reached between the Federal Government and the oil companies who agreed to participate. A 200 million dollars was expected as HYPREP budget annually within the next five years. The multinational companies and their joint venture partner, the Nigeria National

Petroleum Cooperation (NNPC) succeeded in paying their funding, estimated at 177 million dollars, but the remaining 23 million to be remitted by the Port Harcourt refinery on behalf of the Federal Government was not remitted.[18]

Many observers, including Ledum Mitee attributed this reluctance to release fund to Federal Government disillusionment in persuading the Ogoni people to allow resumption of oil exploration activities in their area.[19] Artisanal refining of crude oil is a more potent problem than even finding as many observers found. As clearly noted in the UNEP report, the Federal, State and Ogoni Communities would contribute in various capacities and work in synergy for the clean up to be successful. In a weekly life radio programme, "CLEAN UP" hosted by Rhythm 93.7, the former MOSOP president out rightly said, the Ogoni youths has failed in keeping up to their own responsibility which is simply ending illegal bunkering. Legbosi Piagbara added that:

> Funds budgeted for alternative livelihood for people engaged in artisanal refining will be duly expended but that the people carrying out illegal refining must be ready to come out of the business to enable the collection of the required baseline data for the programme. As a Council, we also thought it wise to develop a robust livelihood action programme that will involve not just those individuals who are into artisanal refining, but also accommodate youths who do not have anything doing.[20]

Whatever be the case, the cleanup exercise has commenced and will definitely come to an end. Stakeholders should work together at all levels; Federal, State and Ogoni Communities to achieve the desired aim of a pollution-free environment.

Conclusion

Many years of struggle by the Ogoni people for environmental justice and for a share in the abundance of God given resources in their land eventually attracted local and international attention. An aspect of their request, the cleaning up of their environment has been achieved in the ongoing UNEP cleanup. The second aspect of the struggle, to benefit from their resources, seems a mirage at the moment.

What the people need most is unity and cooperation to be able to achieve their dreams.

There is also the need to begin considering resumption of oil exploration in the area. This will provide the much-needed jobs for its people. It will also ensure that the environment, after been cleaned, is sustained since the people will not venture into illegal activities especially bunkering any longer. Also, with the commencement of oil exploration, the infrastructures previously neglected, will be checked and repaired to avoid further spills.

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