

## CHAPTER 25

## TAXONOMY OF INSTITUTIONAL AND LEGAL FRAMEWORK FOR ENVIRONMENTAL CONTROL IN OIL AND GAS INDUSTRY IN NIGERIA

I. R. Udotong\*

Department Of Botany &amp; Microbiology

University Of Uyo P. M. B. 1017, Uyo, Akwa Ibom State, Nigeria

Aniedi J. Ikpang

Faculty of Law University of Uyo P. M. B. 1017, Uyo, Akwa Ibom State, Nigeria

## Abstract

The Local, State and Federal Government laws and International Conventions/agreements to which Nigeria is a signatory, as well as individual Oil company HSE<sup>1</sup> Policies guide/regulate oil and gas exploration and production (E&P) activities in Nigeria. The Local Government Councils, in the Fourth Schedule of the Nigerian Constitution<sup>2</sup>, is to ensure the provision and maintenance of public conveniences, sewage and refuse disposal, and participation in the development of agriculture and natural resources. Sewage and wastes generated from oil and gas E&P<sup>3</sup> activities and locations/facilities should be disposed of at sites maintained by the Local Government Councils. To oversee these functions and to liaise with the State and Federal Government counterparts, Local Environmental Protection Committees (LEPCs) are set up at Local Government Councils. Sections 20 of the Constitution of the Federal Republic of Nigeria (1999)<sup>4</sup> empowers the States to protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria. To effectively carry out these responsibilities and in compliance with Decree 58 of 1988<sup>5</sup>, some States have begun the process of preparing the State Environmental Guidelines and Standards taking into consideration existing local conditions. Decree 58 of 1988 established Federal Environmental Protection Agency (FEPA) (now Federal Ministry of Environment, FMENV) as the apex organization for the overall protection of the environment and conservation of natural resources in Nigeria with the National Council on Environment (NCE) as the apex policy maker. In furtherance to this mandate, FMENV has developed interim guidelines for pollution abatement, solid wastes and Hazardous wastes management in Nigeria.

\*Present Address: Environmental Quality Control (EQC) Unit, Safety & Environment Dept., Nigerian Agip Oil Company (NAOC) Ltd., P. O. Box 933, Port Harcourt, Nigeria.

However, the Department of Petroleum Resources (DPR) regulates pollution control in oil and gas operations in Nigeria pursuant to section 8 (i) b (iii) of the Petroleum Act of 1969<sup>6</sup>. Apart from the Environmental Impact Assessment (EIA) Decree, the Federal Government has promulgated and enacted several decrees, Acts, Regulations, etc to ensure environmental sustainability. Over sixty national and thirty international regulations/ agreements governing the oil and gas operations in Nigeria are herein reviewed

## 1.0 Introduction

The oil and gas production activities involve a complex combination of interdependent operations, including aerial and seismic surveys, exploratory drilling and well appraisal, development drilling and production, crude oil transportation and marketing and eventual abandonment/decommissioning. Each of these operations and the provision of ancillary facilities generate environmental problems that can be devastating if not properly controlled/managed.

With the discovery of crude oil on a commercial scale in Oloibiri<sup>7</sup>, Bayelsa State, Nigeria in 1956 and following the near complete dependence on it as the mainstay of the Nigerian economy resulting in both increased exploration and production (E&P) activities, there have been increased environmental pollution, particularly in oil producing areas (Antai and Mgbomo, 1989; 1993; Udotong<sup>8</sup>, 1995; 1999). To ensure sustainable development, effective institutional and legal framework must be put in place to control environmental pollution arising from oil and gas activities in Nigeria.

In view of frequent and devastating environmental emergencies from the oil and gas industries in recent times in Nigeria, several Decrees, legislation and Acts<sup>9</sup> as well as international conventions/agreements have been promulgated/reached to ensure environmental sustainability. These regulations may not have been collated together in one readable volume but are scattered all over. Moreover, there is a growing public interest in environmental matters arising from oil and gas E&P activities. This has consequently spurred up a concomitant response in environmental legislation and proliferation of institutions concerned with environmental matters in Nigeria.

And any pollution or negligence against the environment will be seriously frowned against by our courts<sup>9a</sup>.

Key words: Legal framework, Pollution control, Environmental regulations, FMENV, DPR, International Convention and Agreements

1 HSE means Health, Safety and Environment

2 Which came into effect on may 29, 1999

3 E&P activities means exploration and production activities

4 Already cited above

5 Now Cap. 131 Laws of the Federation of Nigeria (LFN) 1990

6 Cap. 350 LFN 1990



This chapter provides an introduction to institutional and legal structures already put in place for environmental pollution control in the oil and gas industry in Nigeria. Moreover, this chapter predicts the trend and a way forward towards environmental regulations in the oil and gas industry in Nigeria.

## 2.0 Institutional Framework for Environmental Pollution Control in Nigeria

### 2.1 General

There are four levels of control of environmental pollution in Nigeria. These are:

- (ii) Local Government
- (iii) State Government
- (iv) Federal Government, and
- (v) International Conventions/Organizations.

In addition, the oil and gas companies have policies on Health, Safety and Environment (HSE) which guide/regulate exploration and production (E&P) activities in the country. One of the most significant occurrences in the operation of petroleum industry has been the need to minimize environmental impact. This change is driven by an increase in the number of regulations governing oil and gas E&P activities. Most of these regulations impose economic fines and possibly criminal penalties for violations. Moreover they have significantly increased the cost of industry operations.

These include regulations for Oil pollution prevention, requirements for Drilling Rigs and Platforms, Regulation for wastes and effluent disposal to the sea, Limits and specifications for disposing of certain substances in the marine environment, permissible limits of noise and safe exposure period, maximum limits of air pollutants etc.

### 2.2 Local Government

The Constitution of the Federal Republic of Nigeria (1999)<sup>10</sup> has listed the functions of the Local Government Council in the Fourth Schedule to include:

- Provision and maintenance of Public Conveniences, sewage and refuse disposal; and
- Participation of Local Government in the development of agriculture and natural resources, other than the exploitation of minerals.

7. The first community in which crude oil was first discovered or struck in Nigeria

8. All of them being renowned scholars

9. As articulated in this work

10. See the cases of *Allfar Iron V. Shell BP Dev. Co. Ltd* (Ur) Suit No. 10/87/71. IIC Warn of Nov. 26, 1973 and *Shell Pet. Dev. Co. Ltd V Farah* (1995) 3NWLR (Pt 352) P. 148

Sewage and refuse/wastes generated from oil E&P location/facility should be disposed of at disposal sites maintained by the Local Government Councils. To participate in the development of agriculture and natural resources, the Local Government Councils are to ensure conservation of natural resources within their domain.

Moreover, the law establishing the Federal Environmental Protection Agency (FEPA) (Decree 58 of 1988)<sup>11</sup> also mandated the establishment of the Local Government Counterpart (Local Environmental Protection Committees, LEPCs) to liaise with the state and Federal bodies on all Environmental matters at the Local Government level. By these environmental responsibilities, the Local Government Councils are expected to:

- (i) Establish policies/guidelines for environmental quality control at the Local Government level, taking into consideration existing local conditions and planned monitoring programmes.
- (ii) Regulate the activities of the resident (corporate or individuals) regards sewage and refuse disposal development.
- (iii) Ensure development and conservation of natural resources at the Local Government Level.

There is hardly any Local Government council in Nigeria that has fulfilled their constitutional functions in relation to addressing environmental issues arising from oil and gas E&P activities.

### 2.3 State Government

The Constitution of the Federal Republic of Nigeria (1999) in section 20 mandates the states to protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria.

By this constitutional provision, many states have created the Ministry of Environment to oversee these environmental responsibilities. Some others have passed into law, the establishment of agencies/parastatals that are saddled with these responsibilities in compliance with Decree 58 of 1988 empowering the establishment of State Environmental Protection Agency (SEPA) as a counterpart to the Federal Environmental Protection Agency (FEPA) of the Federal Government.

10. *Supra* at P. 2 of this chapter

11. See again Cap. 131 LFN 1990



Some States, like Akwa Ibom, Rivers and Lagos States have begun the process of preparing Environmental Standards and Guidelines taking into consideration existing local conditions, while others are planning to put into force state Environmental Policies to guide the enforcement of the state environmental responsibilities/objectives.

#### 2.4 Federal (National) Government

The Federal Ministry of Environment (FMENV) assumes the responsibility of overall protection of the environment in Nigeria with the National Council on Environment (NCE) as the apex body for National Environmental Policy formulation in the country.

##### (a) Federal Environmental Protection Agency (FEPA)

Decree 58 of 1988 was promulgated to establish FEPA (now Federal Ministry of Environment) as the apex Institution for the overall protection of the environment and conservation of natural resources in Nigeria. In furtherance to this mandate, FEPA (now FMENV) has developed Interim Guidelines for Pollution Abatement, Solid Wastes and Hazardous Wastes Management in Nigeria (1991).

Moreover, the Federal Republic of Nigeria has a National Policy on the Environment<sup>12</sup>. The main aim of the Policy is to achieve sustainable development in Nigeria. In addition, the Policy particularly aims at:

- securing for all Nigerians, a clean environment for their health and well – being;
- conserving the environment and natural resources for the benefit of both the present and future generations;
- restoring, maintaining and enhancing preservation of biological diversity and sustainable exploitation of Nigeria's natural resources;
- raising public awareness and promoting understanding of the essential linkages between environment and development and to encourage individual and community participation in environmental improvement efforts; and
- enhancing goodwill with other countries and international organizations / agencies, in order to achieve optimal use of regional resources and effective prevention of environmental pollution at the regional level.

##### (b) Department of Petroleum Resources (DPR)

Section 191 of Nigerian National Petroleum Corporation Act<sup>13</sup>, 1979, set up the Department of Petroleum Resources (DPR) in the Federal Ministry of Petroleum Resources. This Decree empowers DPR to ensure that Petroleum industries operators in Nigeria do not degrade the environment in the course of their operations. DPR also enforces the restoration and clean-up of oil spills and 'impacted' environment to an

acceptable level, as well as control new projects that may adversely impact the environment. Thus the power of supervision over all oil industry operations is vested on DPR. It must, however, be noted that before Decree 58 of 1988, DPR had made efforts to integrate some sort of environmental management systems into the operations of the Nigerian industry.

The principal decrees and regulations that mandate DPR to issue licenses/permits, and establish guidelines, standards and procedures for environmental control include the Petroleum Act of 1969, section 8 (i) b (iii) which empowers the Minister of Petroleum Resources to make regulations for the conservation of petroleum resources, prevention of pollution of watercourses and atmosphere.

Consequently, DPR requires by regulation that holders of exploration, prospecting, exploitation, refining, transportation, marketing, etc., of petroleum resources licenses take/adopt practical precautions and/or all steps practicable to prevent pollution, cause as little damage as possible to the surface of relevant area of operation. Pursuant to the mandate above, DPR has developed Environmental Guidelines and Standards for Petroleum Industries in Nigeria (1991).

##### (c) Other Institutions Concerned with Environmental Issues in Nigeria

There are other institutions in Nigeria that are concerned with environmental issues. Some of these institutions include:

- (i) Ministry of Agriculture and Natural Resources
- (ii) Ministry of Works and Housing
- (iii) Ministry of Transport
- (iv) Nigerian Maritime Academy
- (v) Nigerian Inland Waterways Authority

### 3.0 Legal Framework for Environmental Pollution Control in Nigeria

#### 3.1 General

A number of Decrees, legislation and Acts as well as international conventions/agreements have been promulgated and enacted/reached to ensure that there is adequate legal framework for environmental protection in Nigeria. These regulations empower certain bodies/institutions in Nigeria to assume the environmental responsibilities. The question is whether the responsible institutions have effectively enforced these regulations. Some of these regulations include:

<sup>12</sup> A comprehensive legal framework on the protection of the environment  
<sup>13</sup> See Cap. 320 LFN 1990



### 3.2 The Petroleum Act of 1969

The Petroleum Act of 1969, section S (i) b (iii) which empowers the Minister of Petroleum Resources to make regulations for the conservation of petroleum resources, prevention of pollution of watercourses and atmosphere. The cases of Shell Pet. Dev. Co. Nigeria Ltd V. His Highness, Pere Cole & ors<sup>14</sup> and Elf Nigeria Ltd V. Opere Sillo & Anon<sup>15</sup> (Kodilinye and Aluko, 1999) are examples.

### 3.3 Environmental Impact Assessment (EIA) Decree

To ensure environmental sustainability, the Federal Government promulgated the Environmental Impact Assessment (EIA) Decree (Decree 86 of 1992) making it mandatory to certain projects. Oil and gas E&P activities fall within the categories of projects, which requires an EIA. Although the basic framework for the EIA requirements is similar, there are slight variation in the EIA process supervised by FMENV and DPR. The EIA processes for FMENV and DPR are presented in Figures 1.0 and 2.0 respectively.

### 3.4 Other National Regulations on Environmental Issues in Nigeria

In order not to make this chapter unwieldy, specific national legislations and regulations that governed and are governing environmental issues in Nigeria are listed in chronological order below.

Ordinance of 31 December 1914: Minerals Oil Ordinance

Ordinance of 1 January 1918: Ordinance Concerning the Regulation of Importation, Conveying and Storage of Petroleum and Other Inflammable Oils and Liquids.

Ordinance of 1937: Forest Ordinance—North Region (as amended 1960).

Above were pre-colonial ordinances.

Act No. 31 of 4 October 1956: Oil Pipelines Act. Cap. 338 LFN 1990

Regulations of 1 June 1958: Mineral Oils (Safety) Regulations.

Ordinance of 1 June 1958: Ordinance Concerning the Regulation of Importation, Conveying and Storage of Petroleum and other Inflammable Oils and Liquids.

Act No. 37 of 16 August 1958: Factories Act. Cap. 126 LFN 1990

Regulations of 11 April 1963: Mineral Oils (Safety) Regulations)

Act No. 17 of 11 January 1965: Oil Terminal Dues Act. Cap. 339 LFN 1990

Act No. 9 of 1 June 1965: Hydrocarbon Oil Refineries Act. Cap. 170 LFN 1990

Act No. 24 of 1965: Oil Pipelines Act (Amendment).

Act No.1 of 1 January 1967: Explosives Act. Cap. 117 LFN 1990

Regulations of 1 January 1967: Explosive Regulations.

Act No. 28 of 13 July 1967: Petroleum Control Act. Cap. 351 LFN 1990

Regulations of 13 July 1967: Petroleum Regulations.

Act No. 34 of 22 April 1968: Oil In Navigable Waters Act. Cap. 337 LFN 1990

Regulations of 22 April 1968: Oil in Navigable Waters Regulations (Issued by Legal Notice 101 of 1968)

Decree No. 51 of 14 November 1969: Petroleum Drilling and Production Decree.

Regulations of 27 November 1969: Petroleum (Drilling and Production) Regulations 1969 (Regulation 25).

Act No. 31 of 10 June 1971: Sea Fisheries Act. Cap. 404 LFN 1990

Act No. 38 of 26 August 1971: Territorial Waters (Amendment) Act.

Act of 24 October 1972: Nigerian Mining Corporation Act. Cap. 317 LFN 1990

Regulations of 31 March 1973: Petroleum (Drilling and Production) (Amendment) Regulations.

Act No. 25 of 4 June 1973: Petroleum Technology Development Fund Act. Cap. 355 LFN 1990

Decree No. 16 of 1 April 1973: Petroleum (Amendment) Decree.

Act No. 33 of 14 August 1973: Sokoto-Rima Basin Development Authority Act.

Decree No. 11 of 14 February 1974: Endangered Species (Control of International Traffic and Trade) Act.

Act No. 35 of 7 November 1975: Petroleum Production and Distribution (Anti-Sabotage) Act. Cap. 353 LFN 1990

Act No. 25 of 15 June 1976: River Basins Development Authorities Act. Cap. 396 LFN 1990

Decree No. 49 of 22 September 1976: Petroleum (Amendment) Decree.

Decree No. 37 of 3 May 1977: Petroleum (Amendment) Decree.

Act No. 33 of 1 April 1977: Nigerian National Petroleum Corporation Act. Cap. 320 LFN 1990

Act No. 6 of 29 March 1978: Land Use Act. Cap. 202 LFN 1990

Act No. 46 of 30 July 1979: Kanji Lake National Park Act. Cap. 197 LFN 1990

Act No. 99 of 28 September 1979: Associated Gas Re-injection Act. Cap. 26 LFN 1990

Act No. 20 of 31 December 1983: Special Tribunal (Miscellaneous Offences) Act. Cap. 410 LFN 1990

Regulations of 1 January 1985: Associated Gas Re-injection (Continued Flaring of Gas) Regulations (Issued by Statutory Instrument No. 43 of 1984).

<sup>14</sup> (1978) 3 SC 153

<sup>15</sup> (1994) 7-8 SCNJ (Part I) P. 119



- Act No. 25 of 20th April 1985: Endangered Species (Control of International Trade and Traffic) Act. Cap. 108 LFN 1990
- Act No. 35 of 1 October 1986: River Basins Development Authorities Act. Cap. 396 LFN 1990
- Regulations of 23 February 1988: Petroleum (Drilling and Production) (Amendment) Regulations.
- Decree No. 11 of 3 March 1988: Arbitration and Conciliation Act. Cap. 19 LFN 1990
- Decree No. 58 of 30 December 1988: Federal Environmental Protection Agency Act. Cap. 131 LFN 1990
- Decree No. 42 of 25 November 1988: Harmful Wastes (Special Criminal Provisions etc.) Act. Cap. 165 LFN 1990
- Regulations of 6 December 1989: Petroleum (Drilling and Production) (Amendment) Regulations.
- Decree No. 50 of 29 December 1989: Natural Resources Conservation Council Act. Cap. 286 LFN 1990
- Regulations of 15 August 1991: National Environmental Protection (Effluent Limitation) Regulations.
- Regulations of 15 August 1991: National Environmental Protection (Pollution Abatement in Industries and Facilities Producing Waste) Regulations.
- Decree No. 36 of 22 August 1991: Federal National Parks Decree.
- Environmental Guidelines and Standards for the Petroleum Industry in Nigeria 1991
- Decree No. 23 of 9 July 1992: Decree Establishing the Objectives Etc. of the Oil Minerals Producing Areas Development Commission, now overtaken by the NDDC Act.
- Decree No. 59 of 2 August 1992: Federal Environmental Protection Agency (Amendment) Decree.
- Decree No. 86 of 10 December 1992: National Environmental Protection (Management Procedure on Environmental Impact Assessment) Regulations.
- Decree No. 94 of 23 August 1993: Nigerian National Petroleum Corporation (Projects) Decree.
- Decree No. 101 of 23 August 1993: Water Resources Decree.
- Regulations of 1 April 1995: Petroleum (Drilling and Production) (Amendment) Regulations
- Environmental Impact Assessment, Sectoral Guidelines 1995: Procedural Guidelines.
- Environmental Impact Assessment, Sectoral Guidelines 1995: Oil and gas industry projects.

- Regulations of 12 February 1996: Petroleum (Drilling and production) (Amendment) Regulations.
- Regulations of 12 February 1996: Petroleum Refining (Amendment) Regulations.
- Decree No. 8 of 29 March 1996: Oil and Gas Free Export Zone Decree.
- Decree No. 91 of 23 March 1999: Decree Concerning Deep Offshore and Inland Basin Production Sharing Contracts.

**3.5 International Legislations, Conventions And Agreements**  
 The following list summarizes some of the international environmental conventions, treaties and bilateral agreements, relevant to the oil and gas sector in Nigeria. The status of Nigeria in each of the regulations has been indicated. In some cases, international conventions and treaties are implemented through internal laws in Nigeria.

**1954 International Convention for the Prevention of Pollution of the Sea by Oil (OILPOL)**

Date of adoption: 12 May 1951  
 Place of adoption: London  
 Entry into force: 26 July 1958  
 Ratification: 22 January 1968

Note: Entered into force for Nigeria on 22 April 1968. Superseded on 2 October 1983 by the MARPOL Treaty 1973/178.

**-1958 Convention on the High Seas**

Date of adoption: 29 April 1958  
 Place of adoption: Geneva  
 Entry into force: 30 September 1962  
 Ratification: 26 June 1962

**1958 Convention on the Territorial Sea and Contiguous Zone**

Date of adoption: 29 April 1958  
 Place of adoption: Geneva  
 Entry into force: 10 September 1964  
 Ratification: 18 June 1962

**1958 Convention on the Continental Shelf (CSC)**

Date of adoption: 29 April 1958  
 Place of adoption: Geneva  
 Entry into force: 28 April 1971

Ratification: 11 September 1970  
 Note: Entered into force for Nigeria on 28 May 1971.

1968 African Convention on the Conservation of Nature and Natural Resources  
 Date of adoption: 15 September 1968  
 Place of adoption: Algiers  
 Entry into force: 16 June 1969  
 Ratification: 18 May 1974

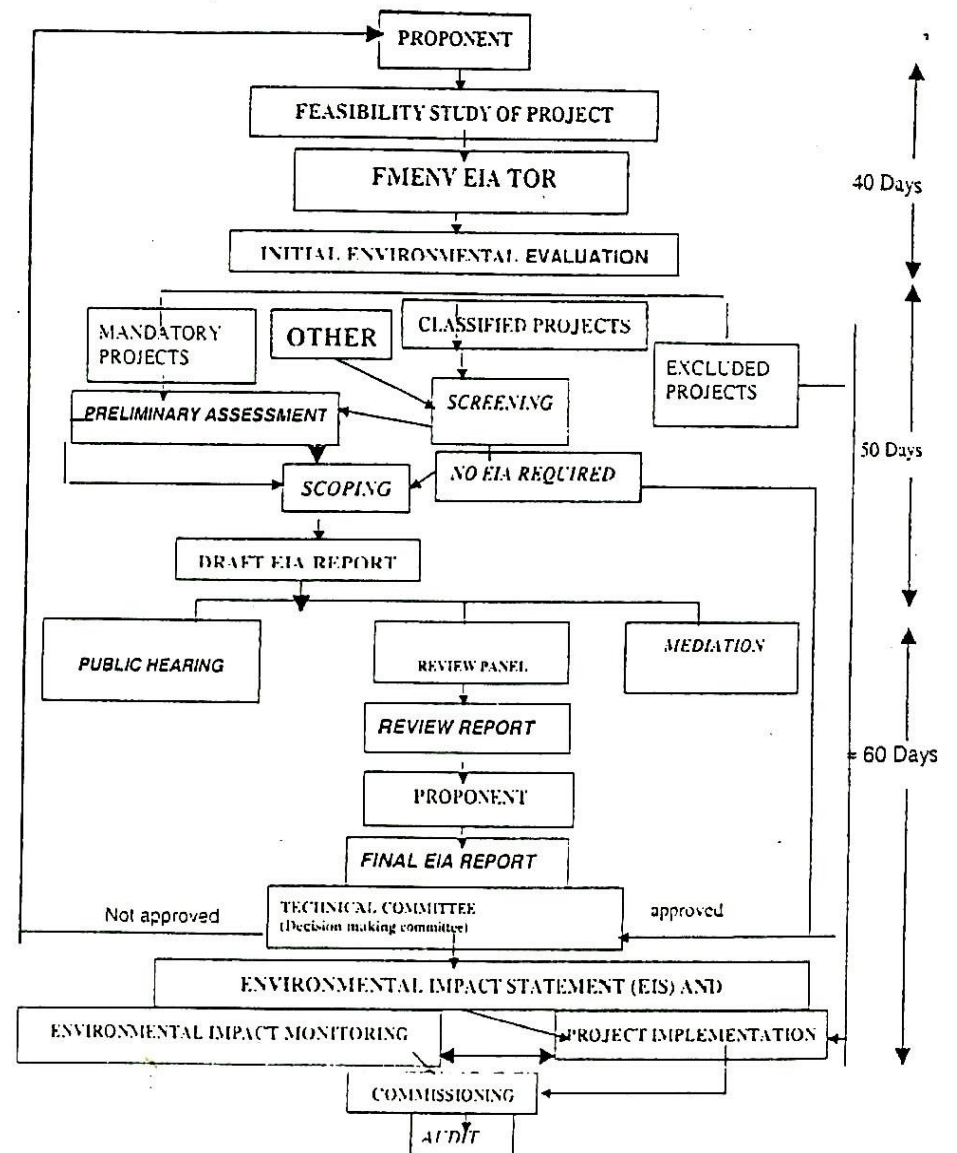


Figure 1.1: FMENV EIA Management Procedure  
 (Source: FEPA, 1995)

SCREENING  
SCOPING

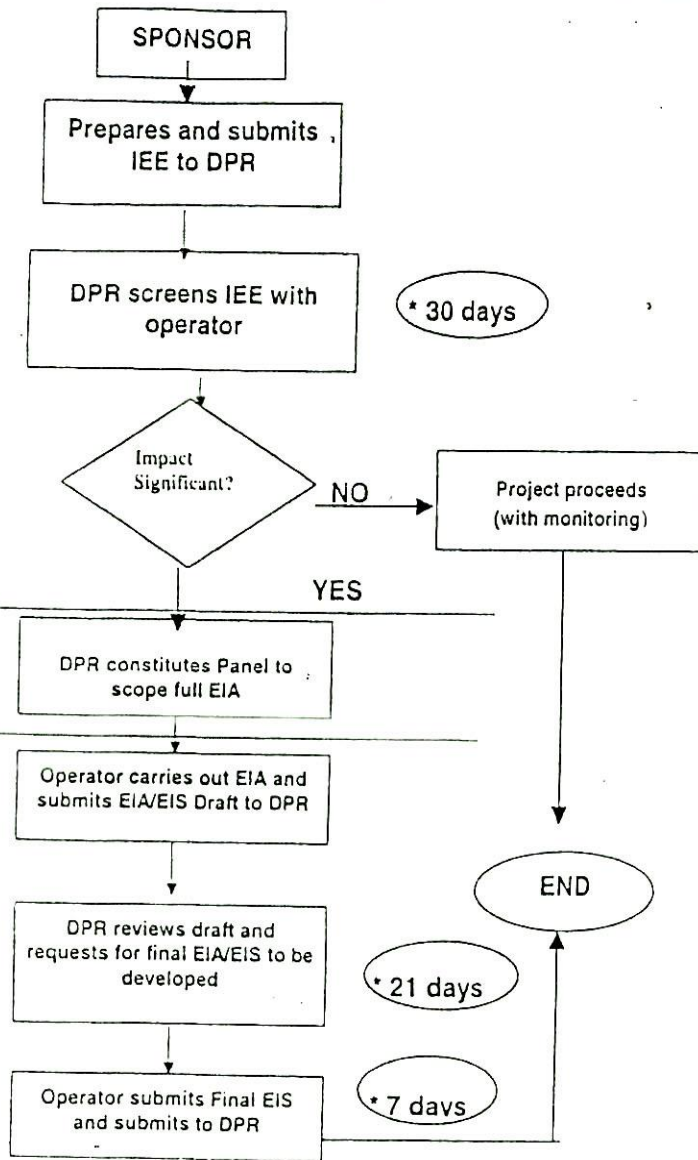


Figure 1.2: DPR Flowchart for the EIA Process (Source: DPR, 1991)

**1969 International Convention on Civil Liability for Oil Pollution Damage (CLC)**

Date of adoption: 29 November 1969  
 Place of adoption: Brussels  
 Entry into force: 19 June 1975  
 Accession: 7 May 1981  
 Note: Entered into force for Nigeria on 5 August 1981.

**1971 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND)**

Date of adoption: 18 December 1971  
 Place of adoption: Brussels  
 Entry into force: 16 October 1978  
 Accession: 11 September 1987  
 Note: Entered into force for Nigeria on 10 December 1987.

**1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREG)**

Date of adoption: 20 October 1972  
 Place of adoption: London  
 Entry into force: 15 July 1977  
 Accession: 17 January 1974

**1972 Convention Concerning the Protection of the World Cultural and National Heritage (World Heritage Convention)**

Date of adoption: 16 November 1972  
 Place of adoption: Paris  
 Entry into force: 17 December 1975  
 Accession: 23 October 1974  
 Note: Entered into force for Nigeria on 18 April 1976. The Convention was amended in 1992.

**1972 Convention on the Prevention of Marine Pollution By Dumping of Wastes and Other Matter**

Date of adoption: 29 December 1972  
 Place of adoption: London  
 Entry into force: 30 August 1975  
 Accession: 19 March 1976



Note: Entered into force for Nigeria on 18 April 1976. The Convention was amended in 1992.

**1973 Convention on International Trade in Endangered Species of Wild and Fauna (CITES)**

Date of adoption: 3 March 1973  
Place of adoption: Washington D.C.  
Entry into force: 1 July 1975  
Ratification: 9 May 1974

**1973 International Convention for the Prevention of Pollution from Ships (NURPOL)**

Date of adoption: 2 November 1973  
Place of adoption: London  
Entry into force: Not intended to enter into force (the Convention is incorporated into the MARPOL Protocol 1978).  
Signature: Nigeria is not party to the convention

**1974 International Convention for the Safety of Life at Sea (SOLAS)**

Date of adoption: 1 November 1974  
Place of adoption: London  
Entry into force: 25 May 1980  
Accession: 7 May 1981

Note: Entered into force for Nigeria on 7 August 1981.

**1978 Protocol Relating to the International Convention for the Safety of Life at Sea (SOLASROT)**

Date of adoption: 17 February 1978  
Place of adoption: London  
Entry into force: 1 May 1981  
Accession: 13 November 1984

Note: Entered into force for Nigeria on 13 February 1985.

**1978 Protocol relating to the International Convention for the Prevention of Pollution from Ships (MARPOL PROT)**

Date of adoption: 17 February 1978  
Place of adoption: London

Entry into force: Annex I (Prevention of Pollution by Oil) – 2 October 1983.  
Annex II Control of Pollution by Noxious Liquid Substances in Bulk) – 6 April 1987.  
Annex III (Prevention of Pollution by Harmful Substances Carried by Sea in Package Forms or in Freight Containers, Portable Tanks or Road and Rail Tank Wagons) – 1 July 1992.  
Annex IV (Regulations for the Prevention of Pollution by Sewage from Ships) – Not yet in force.  
Annex V (Prevention of Pollution by Garbage from Ships) – 31 December 1988.  
Signature: Nigeria is not party to the MARPOL Protocol.

**1981 Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region**

Date of adoption: 23 March 1981  
Place of adoption: Abidjan  
Entry into force: 5 August 1984  
Ratification: 6 June 1984

**1981 Protocol Concerning Co-operation in Combating Pollution in Cases of Emergency in the West and Central African Region.**

Date of adoption: 23 March 1981  
Place of adoption: Abidjan  
Entry into force: 5 August 1984  
Ratification: 6 June 1984

**1982 UN Convention on the Law of the Sea**

Date of adoption: 30 April 1982  
Place of adoption: Montego Bay  
Entry into force: 16 November 1994  
Ratification: 14 August 1986

**1985 Convention for the Protection of the Ozone Layer**

Date of adoption: 22 March 1985  
Place of adoption: Vienna  
Entry into force: 22 September 1988  
Accession: 31 October 1988

Note: Entered into force for Nigeria on 29 January 1989.



• 1987 Protocol on Substances that Deplete the Ozone Layer

Date of adoption: 16 September 1987

Place of adoption: Montreal

Entry into force: 1 January 1989

Ratification: 31 October 1988

*Note: The Protocol was amended for the first time on 29 June 1990 in London. A second set of amendments was adopted in Copenhagen in November 1992; these entered into force on 1 January 1994.*

• 1989 Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal of 1989 (Basel Convention)

Date of adoption: 22 March 1989

Place of adoption: Basel

Entry into force: 5 May 1992

Accession: 13 March 1991

*Note: Entered into force for Nigeria on 5 May 1992.*

1990 International Convention on Oil Pollution Preparedness, Response and Co-operation

Date of adoption: 30 November 1990

Place of adoption: London

Entry into force: 13 May 1995

Accession: 25 May 1993

1991 African Economic community Treaty

Date of adoption: 3 June 1991

Place of adoption: Abuja, Nigeria

Entry into force: Not yet in force

Signature: 3 June 1991

• 1992 Framework Convention on climate Change

Date of adoption: 9 May 1992

Place of adoption: New York

Entry into force: 21 March 1994

Accession: 29 August 1994

*Note: Entered into force for Nigeria on 27 November 1994.*

• 1992 Convention on Biological Diversity

Date of adoption: 22 May 1992

Place of adoption: Nairobi

Entry into force: 29 December 1993

Accession: 27 August 1994

*Note: Entered into force for Nigeria on 27 November 1994*

1994 Convention to Combat Desertification in those countries Experiencing Serious Drought and or Desertification, Particularly in Africa

Date of adoption: 14 October 1994

Place of adoption: Paris

Entry into force: 26 December 1996

Signature: 31 October 1994

1997 OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

Date of adoption: 21 November 1997

Place of adoption: Paris

Entry into force: 15 January 1999

• 1997 Protocol to the UN Framework Convention on Climate Change

Date of adoption: 10 December 1997

Place of adoption: Kyoto

Entry into force: Not yet in force

1998 Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Date of adoption: 11 September 1998

Place of adoption: Rotterdam

Entry into force: Not yet in force

*Note: The Convention enters into force on the ninetieth day after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession.*

1999 West and Central African Memorandum of Understanding (MOU) on Port State Control

Date of adoption: 22 October 1999

Place of adoption: Abuja

Entry into force: Not yet in Force

#### 4.0 Environmental Pollution Control In The Oil And Gas Industry In Nigeria: The Way Forward

There is a multiplicity of institutions concerned with environmental matters in the oil and gas industry in Nigeria today. The consequent negative effect of this may include role conflict and subsequently non-implementation of environmental pollution control in the oil and gas industry. This should be checked and effective institutional framework for environmental pollution control in the oil and gas industry with clearly defined responsibilities (without any role conflict) put in place for environmental sustainability. However, concern for the environment and support for environmental protection as well as vigorous public support for incorporating environmental concerns into decision making process, as embodied in the EIA Decree which will result in sustainable development will continue.

Today, the multiplicity of Environmental law and legislation has resulted in a regulatory driven industry, but this may change as increasing experience in the pollution control technology areas and regulatory controls will result in built-in economic incentives. Environmental conservation and pollution control will become a way of life. Emphasis will be placed on new concepts such as pollution prevention and sustainable development.

Environmental legislation is continually evolving. The level of regulatory compliance to environmental legislation in the oil and gas industry in Nigeria in future is also expected to increase. Implementation of an environmental management system that conforms to ISO 14001<sup>16</sup> may become mandatory in the oil and gas sector in Nigeria. The cost of environmental pollution control in the sector is therefore expected to increase in future.

In view of the foregoing, education and training of environmental practitioners will need to be expanded to cope with the trend in the oil and gas sector in future.

#### 5.0 Conclusion

Environmental legislation in the oil and gas industry has become increasingly restrictive due to growing public awareness on environmental matters coupled with recent incessant and devastating environmental emergencies arising from the oil and gas industry in Nigeria. The multiplicity of institutions charged with environmental responsibilities should be streamlined with clearly defined functions to ensure effective environmental pollution control in the oil and gas sector of the Nigerian economy.

<sup>16</sup> ISO 14001 is the Environmental Management Systems standard

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