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## **Chapter VIII:**

### **The Crisis of Environmental Degradation in the Niger Delta Region: How Effective is the Law and its Enforcements**

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#### **Introduction**

In consonance with the principles of environmental conservation and sustainable development and in order to realize the individual's right to a healthy environment, June 5 of every year is celebrated as world environment day by the United Nations [UN]. To this end series of global efforts have been made in the past towards ensuring a healthy environment for mankind. For instance, in recognition of the dangers posed by the continued depletion of the ozone layer, countries of the world came together in 1985 in Vienna to establish a Convention for the protection of the ozone layer. There was also the adoption of the protocol on substances that deplete the ozone layer in Montréal, Canada in 1987. The protocol, which is a legally binding instruments defined measures that parties have to take to limit the production and consumption of ozone depleting substance (ODS). (Mande, 2005).

Nigeria signed the Montréal Protocol Amendment on 23<sup>rd</sup> July 2001 and as a signatory to the protocol, it is obligatory for Nigeria to

fully comply with the provisions of the protocol Nigeria has also subscribed to the Charter of the Earth summit at Rio De Janeiro, Brazil in 1992, whose outcome is the Rio Declaration on Environment and Development. Against this background, it is expected that the Nigerian state should adopt a more pragmatic and people oriented approach towards the preservation of the environment and the entire ecosystem especially as far as oil exploration in the Niger Delta is concerned.

The issue of the environment and its impact on mankind did not attract genuine concern in Nigeria until 1988 when some Toxic wastes were deposited in Koko, a coastal town in Delta State. This development intriguingly, did not arouse enough commitment on the part of the Nigerian government to ensure the protection of the environment. Government's non-committal disposition to environmental protection has persistently led to the destruction of the wonderful ecosystem that have sustained mankind.

In the Niger Delta region, a major incidence of the age long oil exploration is environmental degradation which by the day threaten the socio-economic lives of the inhabitants of the region. This is largely due to lack of government's concern for a healthy environment for its citizenry. Government's lukewarm attitude towards environmental protection is a reflection of government prevarication to protect the lives of the citizenry. Ironically, government constantly finds itself making great strides in recognizing that development must

co-exist with the environment, yet the same government is constantly entangled in the contradiction of searching for economic progress in ways that erode the ecological foundation of our existence.

Interestingly, the bogus urgency by government to fast track economic development has not been met with similar zeal in the areas of environmental protection. What then could be responsible for these lapses?

Against this background, this section therefore seeks to examine the activities of oil exploration in the Niger Delta, the impact of oil exploration on the environment, the adequacy of existing laws and the enforcement of same in ensuring a healthy environment for the people of Niger Delta.

### **The Nature and crisis of Environmental Degradation in the Niger Delta Region**

The environment consist mainly of the lands, waters and air. All of these make up the ecosystem and are directly affected by the exploration of oil in the Niger Delta. No doubt, the act of oil exploration in the Niger Delta amounts to contributing to the economic development of the country. However, in the process of making such contributions, the industries involved in the exploration of oil may by act of commission or omission cause damage to the environment from pollution emanating from industries by way of effluents, noxious fumes, wastes, interference with leisure activities,

offensive smell or noise etc. (Okukpon, 2000/2001). Most of the industries whose activities cause environmental degradation are owned by Transactional Corporations (TCNs). These include the Shell Petroleum, Exxon Mobil, Chevron Texaco, Agip, and Elf. Of these, the Shell Petroleum Development Company (SPDC) is primarily responsible for most of the oil exploration activities which have caused the greatest environmental degradation in the Niger Delta region. (Idowu, 1999).

Much of the damage to the environment is caused through gas flaring and oil spillages. Oil spillages degrade both water and land. The impact of oil exploration on water in the Niger Delta is considered to be very massive because the Niger Delta region is the largest wetlands in Africa and the third largest in the world. It covers an area of about 70,000 square kilometers and consist of distinct ecological zones which are characteristic of a large river delta in a tropical region, coastal ridge barriers, mangroves and freshwater swamp forests, and lowland forests whose boundaries vary according to the patterns of seasonal flooding. The impact of oil exploration on water has also been accentuated by the fact that oil is concentrated in on-shore and off-shore deposits in the Niger Delta, in the far south which is one of the worlds largest wetlands and mangrove forest. (Stewart, 2006).

There are two main ways oil exploration impacts on water environment – disturbance of marine life and pollution to the marine

environment. Disturbance of marine life is usually caused during the process of seismic exploration; and this occurs when a ship or boat tows a sound source, usually an “air gun” to detect the presence of hydrocarbons. The noise created impacts negatively on fish schools, causing them to disperse. The noise also affects calls between fishes as they may not hear one another. Larva or eggs may be destroyed if the air gun passes very close to them (Emeseh, 2003).

According to Emeseh (2003), the oil industry also directly affects the quantity of both surface and underground water as a result of the release of pollutants into the water at various stages of its operation either through the discharge of produced water and other effluents or through oil spills and or blowouts. These are the most highlighted problems of the impact of the oil industry in Nigeria and there exist a plethora of cases on the issue. In the exploration stages, the industry uses drilling mud. Though it is alleged that the drilling mud is not particularly toxic, it is however agreed that in very high quantities this could be harmful to the marine environment if it is introduced into it.

Oil spills and blowouts are another major source of water pollution in the Niger Delta. In its over 45 years of operation, the sheer volume of spills into the Niger Delta environment including its waters has been quite enormous. Oil forms a film over the water and prevents aeration, leading to death of fish and other marine life. Also when fish ingest these pollutants, it becomes poisoned and could

become dangerous for human consumption. All these have significant impact on human health particularly because of the reliance of people on these waters for their domestic needs and also as a source of subsistence. (Emeseh, 2003).

The consequences of environmental pollution resulting from oil exploration is also considered to be very severe because crude oil contains thousands of different chemicals, many of them toxic and some known to be carcinogenic with no determined safe threshold for human exposure. In many villages near oil installations, even when there has been no recent spill, an oily sheen can be seen on the water, which in fresh water areas is usually the same water that the people living there use for drinking, bathing and other domestic needs. (Stewart, 2006).

In the oil producing states of Nigeria, an average of one oil spill occurs every week. In the delicate ecosystem of the Niger Delta, these oil related accidents cause grave damages to the environment and all that it harbours. Protected by the might of the federal government the oil companies accuse the impoverished victims of being the cause of their tragedy. Over 1000 youths, women and children perished in the Jesse inferno. The figure of the dead in the Odi invasion has been estimated to be about 2000. In all the cases of major calamities associated with oil, the Nigerian government has not taken the pains to calculate the casualty figures nor has it bothered to rebuild the devastated communities.

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One of the most disturbing ironies of the Niger Delta is that crude oil for export is transported to Bonny and Forcados through a network of pipelines covering 6000 kilometers. The pipelines are laid across farms, waterways and fishing quarters. Not enough care is given to the technical integrity of the pipes and so they corrode, burst and cause a deluge of oil spills and fires that consume plant and human life.

In the Niger Delta , there is overwhelming evidence of environmental pollution through gas flaring. The average rate of gas flaring in the world is 4%. In Nigeria over 70% of associated gas are flared. Nigeria has the notorious record of 25% of all gas flared in the world, and the main victims of this ecological genocide are the people of the Niger Delta. As far as the power brokers in the country are concerned, the resources blessed people of the Niger Delta are fair game, they do not deserve the protection of their national government. The deadline for an end to gas flaring was fixed for 1985. A policy of gas re-injection was put in place. Pressure from oil companies forced the government to abandon the policy. Shell canvassed 2008 as another deadline; this deadline could not also be realized. What is more, non of the gas flaring sites has been discontinued. (<http://www.nigerdeltaawareness.com>, 2008).

The exploration of oil in the Niger Delta has no doubt resulted in the growth of many industrial concerns which produce harmful wastes and effluents. These wastes and emission are usually toxic in

nature and have devastating effects on life forms when inhaled. Acid rains have also become nightmare to those who live in the vicinity of industries that generate toxic emission. It has been reported that more than 11million hectares of forest are destroyed every year by acid rain. The discharge of industrial waste effluents into streams have been known to kill marine life and damage crops irrigated with water from such streams. (Newswatch, 1988).

Oil producing areas in Nigeria have been identified as danger zones of pollution arising from toxic waste. Higher incidents of birth defects and cancer are becoming more rampant in such areas as a result of gas pollution from the gas flaring activities of oil companies. The incident of oil pollution in the oil producing areas of Nigeria has its effects on agricultural land and streams thereby making them unsuitable for biotic life. On January 17, 1980, there was the Texaco Finima 5 oil blowout in the Niger Delta. It was curtailed after 30 days at which time it had caught fire and emitted poisonous gases into the air. About 200,000 barrels of oil was lost. Four villages including marine life in the town of Finima and Sangama River were polluted, leaving 350 hectares of mangrove dead. In November 1982, there was also a major oil spillage at Abudu. The oil flowed into the nearby villages withered the crops, got the soil dried up and render marine life lifeless. (Kalu, 2006).

The crisis generated by oil exploration and the concomitant environmental degradation in the Niger Delta is very palpable. In the

Niger Delta there has been a growing economic crisis accentuated by increasing exploitation of oil and gas resources occasioned by the state's search for greater revenues and the multinational oil companies bid for higher profits. The consequence has been disastrous as the region has suffered massive pollution of land, water, flora and fauna, which has decimated the resources on which the region survives. The local economy of the region has been totally decimated and destroyed, and this has aggravated poverty, unemployment and hunger, and has fuelled a regime of anger, bitterness and frustration. (Ikelegbe, 2005).

### **ENVIRONMENTAL POLLUTION IN THE NIGER DELTA AND THE POTENCY OF THE LAW**

This segment shall examine the laws and all the legal instruments that regulate the activities of oil exploration as they relate to environmental pollution and degradation especially in the Niger Delta. We shall also look at the effectiveness of such laws and other socio-economic circumstances that may have vitiated environmental laws in Nigeria.

No doubt, there abounds both local and international laws that regulate activities that constitute threat to the environment. However, all of such laws appear to be hinged on the United Nations (UN) charter of Human Rights which stipulates man's right to life. Moreover, the Stockholm Declaration declares "man has the

fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and well being, and he bears a solemn responsibility to protect and improve the environment for present and future generation...” Since the Stockholm declaration the interdependence of the right to a healthy environment and other Human Rights has been repeatedly acknowledged. (Rockefeller, 1996). Based on this the UN Charter also mandates member countries to comply with all relevant international environmental laws. Articles 17 and 35 for example provides that “states shall take individually or jointly as appropriate, all measures necessary to prevent, reduce and control pollution, giving special attention to the disposal in an environmentally safe manner of radioactive, toxic and other hazardous wastes that cannot be refused or recycled.

In Nigeria various legal instruments have been put in place to regulate the activities of Multinational Oil Companies and also to check environmental degradation that has ravaged the Niger Delta without respite. Among the statutes that regulate environmental pollution with particular reference to oil spillage, include the Federal Environmental Protection Agency Act 1988, which was revised in 1992, the Harmful Waste (special criminal provision) Act, cap 165, Laws of the federation of Nigeria, 1990, the Minerals and Mining Act, 1990; the Oil in Navigable Waters Act 1968, cap. 337 Laws of the Federation of Nigeria 1990, the Oil Pipelines Act, 1956, Cap 338 Laws

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of the Federation of Nigeria, 1990, Petroleum Act, 1968, Cap 350, Laws of the Federation of Nigeria 1990, the Petroleum (Drilling and production) regulations, 1969, and the Preventive of Pollution of Water Courses Act 1969.

With the commercial discovery of oil in Nigeria, the Petroleum Decree (now Petroleum Act) 1969 was promulgated to regulate the exploration and exploitation of oil resources with particular reference to the grant concession licences and leases to the oil companies. The Act also empowers the minister of petroleum resources to make regulations geared towards the prevention of water pollution, atmospheric pollution and other environmental damage associated with oil exploitation activities. In pursuance to this power, the minister of petroleum resources made the petroleum (Drilling and production) regulations, 1969.

Regulation 25 of that 1969 statute makes it mandatory for a license or lessee to adopt the best of procedures in their operation. The provision states as follows:

The license or lessee shall adopt all precautions, including the provision of up-to-date equipment approved by the Head Petroleum Inspectorate to prevent the pollution of inland waters, rivers, water courses, the territorial water of Nigeria or the high seas by oil, mud or other fluids or

substances which cause harm or destruction to fresh water or marine life and where any such pollution occurs or has occurred shall take prompt steps to control and if possible end it.

Unfortunately, the punishment and penalty prescribed by this Act seems to have led to disenchantment. The imposition of a mild fine of one hundred naira or imprisonment for a term of six months on defaulters is considered too insignificant, since the oil companies would be swayed to opt for the payment of fines rather invest heavily on pollution prevention measures. (Ojukwu, Ogba, 2005).

The oil pipelines Act, 1956, provides for licenses to be granted for the establishment and maintenance of pipelines incidental and supplementary to oil fields and oil mining and for purpose ancillary to such pipelines. The holder of a permit is required to take all reasonable steps to avoid unnecessary damage to any land entered upon and any buildings, crops or profitable trees thereon, and shall pay compensation to the owners or occupiers for any damage. (Oil pipelines Act, 1956).

However, the language of the Act as it relates to taking steps to prevent destruction of vegetation and economy property appears rather subjective. For example, it does not specifically state who determines the reasonableness of the steps to be taken or the extent

of destruction that would qualify as “ unnecessary damage” hence worthy of being compensated. To that extent, the communities of the Niger Delta have had to abandon their fate to the whims of the oil companies to determine when damage resulting from construction of oil pipelines merits compensation (Ojukwu-Ogbe, 2005).

The oil in Navigable Water Act, 1968 is perhaps one of the most detailed environmental friendly legislation, made to prevent the pollution of Nigeria’s waters. The Act which adopts the terms of the international convention for the prevention of pollution of the seas by oil, 1954 and 1962, criminalizes the discharge of oil into the waters specified in the Act. Essentially, the Act relates to prevention of pollution of water by marine vessels (Nigerian or foreign) (Ojukwu-Ogbe, 2005; Emeseh, 2003).

However, one of the perceived shortcomings of the Act is in the inadequacies of its penalties, limitation of prosecution (which is subject to the consent of the Attorney General of the Federation), the numerous defenses available to violators and inadequate enforcement. Section 3 of the Act provides as follows:

- (1) if any oil or mixture containing oil is discharged into waters to which this section applies from any vessel, or from any apparatus used for transferring oil from or to any vessel (whether to or from a place on land or to or from another vessel), then

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subject to provisions of this Act... shall be guilty of an offence under this section (2) This section applies to the following waters, that is to say (a) the whole of the sea within the seaward limits of the territorial waters of Nigeria, and (b) all other waters (including inland waters) which are within those limits and are navigable by sea-going ships.

By virtue of the provisions only waters navigable by sea going-ships are covered. Also only pollution occurring in the process of loading on or transferring of oil to the ships or pollution arising from discharged in the course of water transportation is covered. Meanwhile quite a lot of the area where the oil industry operates in the creeks and floodplains of the Niger Delta is not navigable by sea going ships. Furthermore, most of the spills in the region arise from rupture of pipelines and from effluents and not necessarily in the process of transportation as on the high seas. The act also grants jurisdiction only to Magistrate Court which is a court of summary jurisdiction and hence is not well equipped to grasp the intricacies of oil pollution matters.

Perhaps what would have been one of the most laudable environmental legal instruments ever put in place is the Federal Environmental Protection Agency (FEPA) Act 1988 (now Cap. 131,

laws of the federation of Nigeria 1990). This legislation was described by Atsegbua et al, (2004) as a great step towards improving other laws governing pollution and other forms of environmental degradation in the country. The FEPA Act was enacted following the public concern and new awareness created by the infamous Koko waste dump incident. The Act which has been amended by the Federal Environmental Protection Agency (Amendment) Act of 1992 is charged with the responsibility of protecting and managing the environment. The Act prohibits the discharge of hazardous substances in harmful quantities into the nations air, land and waters. Sections 15 and 16 empower the agency to make recommendations to the president establishing water quality standards and effluents limitations for both new point and existing point sources. (Emeseh, 2003).

A part from the exemption clause contained in the provision of the Act the persecution will be required to prove not just that the substance is harmful but also that it is in harmful quantities. This however, does not undermine the fact that the Act is a comprehensive piece of environmental protection statute in Nigeria. Under the Act, unlike the other environmental statutes, this legislation provides for both criminal sanction and civil liability for its breach and consequent damage. The influence of the Act is instructive in the recent decision of the Nigeria Supreme Court in the case of *Shell Petroleum Development Company V. chief G. B. A. Tiebo VII & 4 others*, where the polluter was held liable for the resultant damage to the environment.

The Environmental Impact Assessment Act 1992 is another legislation made to regulate the operation of activities which may directly or indirectly impact on the environment. It places restrictions on the commencement of public or private projects without prior consideration of the likely effect on the environment. The requirement of the Act for an environmental impact assessment is a structured process for gathering information about the potential impacts on the environment of a proposed project and using the information, alongside other considerations to decide whether such project should proceed either as proposed or with modifications or otherwise. The controversy about this Act is whether the Agency may carryout its function without input or opportunity given to interested personal or groups to comment on the environmental impact assessment. *In Oronto Douglas V. Shell Petroleum Development Co. and others*, the court held that the right to comment does not carry with it the competence or standing to seek a judicial review of a decision of the agency on an environmental impact assessment.

A part from the legislations mentioned above, there are a lot of others which pertain to ensuring a healthy environment for citizens of Nigeria and especially those of the Niger Delta region. As laudable as these legislations appear to be, they also have visible shortcomings which infact make their real objectives appear very hazy.

In addition to all the enactments discussed above, there are the received English Common Law, equity and statutory law which also

dealt with the problem of pollution of which industrial pollution is one. But of more paramount importance to this study are the torts of nuisance, negligence, the rule in *Rylands V Fletcher* and trespass. Although these torts deal with general problems, their elasticity, resilience and versatility have made them as veritable instrument in the hands of individuals whose rights have been violated as a result of industrial pollution.

But the pertinent question that arises is whether the common law remedies of nuisance, negligence, and trespass have fared better in protecting the right of the individual against industrial pollution.

Nuisance is a condition or activity which unduly intefers with the use and enjoyment of land. Trespass is a direct interference with possession of land, while nuisance takes the form of indirect interference with the owner's convenience (Odigie, 2003). There are two major types of nuisance-public nuisance, which is an act which intefers with the convenience or inflicts damage to the public or a section of a public which comes within its sphere of operation and private nuisance, which consist of continuous, unlawfull and indirect interference with a person's use or enjoyment of land, or of some right over or in connection with the use or enjoyment of land, or of some right over or in connection with it. Under the tort of private nuisance, any industry in Nigeria which causes any form of industrial pollution will be held liable if it proved that the pollution has substantially ad unreasonably interfered with the use and enjoyment

of the land which is in the possession of an individual. Despite this rule, it is not all forms of private nuisance that are actionable as minor inconvenience is not sufficient to justify a cause of action (Okukpon, 2000).

Negligence according to Lord Wright, means more than heedless conduct, whether in omission or commission, it properly connotes the complex duty, breach and damage thereby suffered by the person to whom the duty was owing. In order for the plaintiff to succeed in action for negligence against a company which caused industrial pollution, the plaintiff must prove that the defendant company owed him a duty of care, that the duty has been breached and that the damaged of which he complained was caused by that breach of duty.

## **MATTER ARISING**

Attempts have been made to explain some salient environmental laws and their shortcomings. From the preceding analysis, it has become obvious that there exist extensive legislation on the impact of the oil industry on the environment. There is however, no comprehensive legislation on the issues as the relevant provisions are scattered in various laws.

We can also see that the problem of regulation of the environment in Nigeria is not that of the absence of legislation on the subject but has more to do with enforcement constraint. Regulatory authorities in Nigeria have, over time, been inclined to exhibit

indolence and disinterest in the performance of their functions. This attitude is also manifested in issues of the environment (Emeseh, 2003; Ojukwu-Ogba, 2005).

Complementary to constraint of enforcement is the constraint of non-compliance. There is overwhelming evidence indicating that oil companies do not comply with environmental regulations such as the effluent limit set by law or deadline set for gas flaring. This high rate of non-compliance is reinforced by the increasing inability of regulatory organs to enforce environmental laws and sanctions.

Political, social and economic factors have also been identified as major constraints to the regulations of the environment in Nigeria. With reference to Nigeria's federalism the charter of state and society, the relationship between various institutions charged with the management of the environment, the economic weaknesses and narrow technological bases of Nigeria, extensive poverty and the environmental crisis of the urban centres are key suspects in our enforcement problems. Nigeria is a federation and based on its structure, the responsibilities for managing the environment are dispersed amongst the three tiers. (Atsegbua et al, 2004). This no doubt is capable of causing conflict of compliance. For instance, the Lagos state government Environmental Protection Agency recently accused nine industries of violating environmental laws. (The Punch, 2009, 11).

Other social factors identified by Atsegbua et al (2004) are corruption and lack of environmental consciousness. According to them, environmental issues are perceived differently by the ordinary man in both developed and developing countries. In developed countries, “everything” is biodegradable and “everyone” is conscious of endangered species and the “greenhouse effect”. In the averaged developing countries especially in Africa, these are all matters largely unknown, not just because of government indifference or a lack of the basic education necessary to comprehend such concepts. It is simply that the average man does not have that luxury. He cannot afford the time, effort and expense that environmental concerns entails. His immediate concerns are how to survive; how to exist on his meager salary ..., how to sleep in his dirty airless room and so on.

Economic factor is also responsible for constraint to regulation on environmental issues. With no regular source of income, the people of Niger Delta region have been rendered abjectly poor as their farmlands are rendered sterile by persistent oil spillage and gas flaring. Therefore being thus impoverished, they are incapable of bringing civil action or sustaining same whenever they suffer injury from oil spillage. This is coupled with the fact that the pursuit of litigation in Nigeria can be quite expensive especially in environmental claims.

Above all, the administration of justice in Nigeria in respect of environmental matters really gives serious cause for concern. In most

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cases when the claimant succeeds, the fruit of his success is somewhat a travesty of justice. In *Mon V Shell BP Petroleum Development Co.* the trial court found as a fact that the oil spill from the defendant's oil pipelines caused devastating damage to the plaintiff's fish pond and farm crops but awarded an incredibly low sum of N200 as damages for the plaintiff loss. In contrast, in the American case of *In re Exxon Valdez* the court awarded a whopping 5 billion dollars in punitive damages against the defendant, the Exxon Oil Corporation.

The overall effect of the foregoing is that communities and individuals who suffer environmental damage are now more disposed to negotiating for compensation rather than go the tortuous journey of getting justice at the law court.

Attempts to get redress under the common law remedies of nuisance, negligence, the rule of *Ryland V Fletcher* and trespass have not brought any succor to individuals who suffer industrial pollution. For instance there is often the problem of the lack of standing to sue in cases of nuisance. This is brought about by the problem of distinction between private and public nuisance. Nigerian courts often insist that before a person can bring an action under public nuisance against a company which caused industrial pollution, such a person must prove that he sustained specific or special damage which was distinct from the damage suffered by other members of the public. The courts are too eager to hold that any act which affects more than one person amounts to public nuisance. (Okukpon, 2000).

Although the tort of negligence is a useful tool for protecting the right of the individuals against industrial pollution it is bedeviled with the problem of proof. The courts in Nigeria often insist that the plaintiff must prove the defendant's lack of reasonable care. This burden is a Herculean task to discharge as the individuals who live in areas where industries are located may not be knowledgeable enough about manufacturing processes as to determine the actual operation which caused the discharge of the fumes, effluents or wastes from such industries. This was demonstrated in the case of *Chinda and Ors. V. Shell BP Petroleum Company of Nigeria*. The plaintiff sued the defendant company for heat, noise and vibration resulting from the negligent management and control of the flare set used during gas flaring operations which resulted in a lot of damage to the plaintiff's property. The court held that the plaintiff could not prove any negligence on the part of the defendant in the management and control of the flare set.

## **Conclusion**

From what has been said so far, the point has been made clear that the environment is very crucial to the existence of mankind. So much so that the right to a healthy environment is equated to the fundamental right to life, and this right has been acknowledged and recognized by international conventions and charters, the same way it is recognized by domestic law.

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It is also true that the Niger Delta region has suffered unimaginable environmental degradation arising from the exploration and exploitation of oil in the region. Unfortunately, the magnitude of environmental degradation and the injustice suffered by the victims of environmental pollution has not been adequately addressed. Both the legal and institutional framework put in place to ameliorate the incidence of environmental degradation have been reluctant to address the environmental genocide in the Niger Delta.

What has become very evident is that, although laws have been promulgated to address environmental pollution in Nigeria and in the Niger Delta in particular, such laws are to say that least are “Barking” not “Biting”.

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