



SUSTAINABLE DEVELOPMENT POLICIES AND OIL SPILL MANAGEMENT: A THEORETICAL DISCOURSE OF NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA), IN NIGERIA

¹Michael Nwagbo Obiora and ²Steve Afoma Wordu

¹Department of Sociology, University of Port Harcourt, Rivers State

²Department of Sociology, University of Port Harcourt, Rivers State

Abstract: The history of oil spill in Nigeria dates back to its discovery in 1957; since then several attempts have been made to put together legislation and institution to ensure the safety of the environment. However, most of the laws dealt mainly with the issue of alienation, disempowerment and access to petroleum resources. The advent of oil sector and the associated spills brought along with it associated decline in the traditional economic activities, consequently depriving oil host communities of their means of livelihood. The Nigeria State however, has strived to ensure that its environmental policies and programs encourage sustainable development through its environmental ministries and agencies; it has put in place ministry, such as the Federal Ministry of Environment (FME), and agencies such as the National Oil Spill Detection and Response Agency (NOSDRA). Utilizing the qualitative research approach and within the political ecology theory, the paper examined the Sustainable environmental development policies and Oil Spill Management. A theoretical discourse of National Oil Spill Detection and Response Agency (NOSDRA), in Nigeria. NOSDRA like some other environmental protection agencies, have Problems confronting her in the implementation and achieving the objectives of sustainable development. They include; lack of Government will power to sanction and enforce environmental policies, non-adherence to best international standard environmental policy, corruption, bureaucratic bottle-neck, rouge oil multinational agencies. Reviewing the mentioned problems, checking and implementing them will go a long way in achieving the desired objectives of NOSDRA.

Keywords: *Sustainable Development, Environment, Political ecology, NOSDRA, Niger Delta*

Introduction

Prior to the emergence of extractive activities in the Niger Delta Region, farming and fishing were the traditional occupation of the people. However, these traditional occupations have declined with the emergence of oil and gas exploitation in the region.

The advent of oil sector brought along with it associated decline in the traditional economic activities, consequently depriving the people of their means of livelihood thus, causing poverty. This paradox of poverty in the mist of plenty can be referred to as “the resource curse” whereby countries

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with an abundance of natural resources such as fossil fuel will tend to have less economic growth and worsen development outcomes than countries with fewer natural resources, In other words the paradox is referred to as a “Dutch disease” which occurs when good news, as the discovery of large oil reserves, becomes anathema to the country’s economy such as it is in Nigeria.

Oil wells, flow stations, pipelines and oilfields are the common features in our environment; these facilities have caused oil spills in areas like K-dere and Bodo communities of Ogoniland, Egbu in Eleme, Rivers state. In Delta State, Ten Ijaw communities along the Escravos River in Warri South West Local Government Area of Delta State have been affected by a crude oil spill from a Nigerian National Petroleum Corporation (NNPC) facility. The spill occurred on August 17th 2016, and it was traced to a crude oil trunk line from the Pipelines and Products Marketing Company (PPMC), the products marketing and distribution subsidiary of the NNPC. The communities that were affected were the Tebujur/Okpele-Ama, Ikpokpo, Okerenkoko-Gbene, Opuedebubor, Opuede, Opuendezion, Atanba, Oto-Gbene, Meke-Ama Communities in Gbaramatu Kingdom, along the Escravos River in Warri South West Local Government Area of the state. Amnesty Int’l. (2016). The environment of the Niger Delta region is commonly scattered with oil wells, flow stations, pipelines and oilfields. Significantly, these features are creating negative impact on human beings and the environment. Adeyemo (2008) enumerates that there are 5,284 oil wells, 257 flow stations, over 7,000kms pipelines traversing the Niger Delta area

and 30 marginal oil fields such that have reduced farmland, forestry and fish productivity resulting to environmental degradation of various dimensions, health challenges and debilitating livelihood and poverty challenges. touching on the above and the need to protection the environment from harmful impact and occasioned by International conventions and Protocol for safe environment the oil exploration activities especially in the Niger Delta region actually set the stage for the establishment of a National Oil Spill Detection and Response Agency (NOSDRA); the Federal Government of Nigeria, establish an institutional frame work to implement the National Oil Spill Contingency Plan.

However the establishment of NOSDRA and the attendant mandate given to her have come with its challenges in the course of executing their mandates. Though NOSDRA has achieve quite much in the detection and management of oil spills, this paper however looks at the prospects and challenges of NOSDRA policies in Sustainable environmental development. The thematic areas; Dilemma of Sustainable Development in Nigeria, Challenges to Policy Enforcement & Sustainable Development in Nigeria, Problems confronting NOSDRA in implementation and achieving the objectives of sustainable environmental policies were reviewed in the paper.

Conceptual and Theoretical Insights

The term “Sustainable development”, stresses the need for simultaneous achievement of development and environmental goals when viewed from the purpose of this research; however, one of the major rootage for development within the discuss for sustainable development is what is to be “sustained”.



To some it is the natural environment that need to be sustained and that the commitment of sustaining the natural environment has to be committed with sincerity to ensuring that people's needs are met. This view highlight the existence of a harmonious relation between environmental capital and development resource but where such harmonious relation is lacking as is the case in the Niger Delta, sustainable development is hindered.

Pugh (2002), argued that the term “sustainable” is most widely used in reference to ecological sustainability; but during preparations for the Earth summit (held in 1992) and ever since , writers and international organization began to include such concepts as social sustainability, economic sustainability, community sustainability and even cultural sustainability as part of sustainable development. It is discernable therefore that sustainable development is multidimensional (economic, political, social and cultural), and seeks to maximize the benefit and contributions of the environment by promoting the enduring exploitation of natural resources (Ibaba, 2009). WCED therefore emphasized that the conservation and enhancement of the earth's resource base must be the condition to meet needs on a sustainable basis.

To illustrate further how sustainable development can be achieved world over as a policy statement the Millennium Development Goals (MDG's) and the Sustainable Development Goals (SDG's) came out with 8 and 17 points development concept respectively for achievable development. First, it was the MDG's with a time-bound and quantifiable target for addressing extreme poverty in its many dimensions. The 8 points goal initiative was planned

to eradicate extreme poverty and hunger among others by the year 2015, however this was not realizable. While the SDG's 17 points though on-going had almost similar goals aimed at sustainable development by 2023. In other to ensure the realization of these lofty goals, it is suggested that more capacity building and financial empowerment is urgently needed in order for SDG to prosecute their goals effectively.

Empirical Review

A careful examination of existing empirical literature on the subject matter of environmental policies revealed a convergence of research outcome on the degree of stakeholders' involvement in the process especially in the Niger Delta region. In this league of studies are those conducted by Ikelegbe (2006); Jude (2010) and Fagbemi (2015). The study by Ikelegbe (2006) focused on the involvement of traditional rulers in the conception and implementation of environmental policies in the Niger Delta region. In the course of carrying this study, Ikelegbe sampled over 50 chiefs and royal fathers in the Niger Delta using the purposive sampling technique. This is in addition to a sample of 100 Ministry of Environment top officials working across the nine states of the Niger Delta region selected using simple random sampling technique. After analyzing qualitative and quantitative data from his survey, Ikelegbe found that 80% of the traditional rulers in his study do not even know how environmental policies that concern their region are formulated or even implemented. He also found the over 85% of the Ministry of Environment top staff agreed to the fact that widespread consultation of traditional rulers is usually not carried out before environmental policies



are conceived and implemented. Ikelegbe therefore submitted that the lack of consultation of royal fathers is a major shortcoming of environmental policy decision making in the Niger Delta region. He proceeded to recommend the integration of traditional rulers in major policy decisions that concern the Niger Delta region especially those that have to do with the environment of the people. This is perhaps why Okodudu (2008) also points out that consultations of local people are usually neglected when major development policies are decided on.

The second study conducted by Jude (2010) used a larger sample and covered a wider scope in terms of stakeholders' opinion than that of Ikelegbe (2006). For instance, Jude was concerned about how the general public or cross sections of direct and indirect stakeholders are carried along when environmental policies are made. Jude's study covered women, youth organizations, people living with disabilities, chiefs among others. The study was conducted in the core oil producing states of the Niger Delta region, namely Bayelsa, Delta and Rivers State using multi-stage sampling technique. A sample of 1,200 respondents cutting across the different stakeholders outlined above responded to the study through interviews and questionnaire. After analyzing the data gathered in the course of his study, Jude (2016) reported his findings which showed that 83 per cent of his respondents had no knowledge of environmental policy formulation in the Niger Delta. Those who knew were either Ministry of Environment staff or top politicians in the study area. Based on these findings, Jude concluded that stakeholders' involvement in environmental policy formulation is particularly very low in the Niger

Delta region. He argued further that this may be the reason why some of the environmental policies especially those focused on addressing environmental degradation issues are usually difficult to implement.

Overview of NOSDRA and SDG alignment.

NOSDRA was established with the sole responsibility for preparedness, detection, and response to all oil spillages in Nigeria, the operational modus of the agency in the event of major or disastrous oil spill takes into account the multi-sectoral demand of environmental protection in the oil and gas. The Act establishing NOSDRA is divided into eight operational segments which are: Part I- Establishment of the National Oil Spill Response and Detection Agency, Part II – National Oil Spill Response Governing Board, Part iii – Objectives of the Agency, Part IV – Director General and other staff of the Agency, Part V- Financial provisions, Par VI –Establishment of National Control and Response Centre, Part VII – Federal Government intervention, Part VIII- Legal Proceedings. Obilor, (2019)

The Act is vest with a corporate identity with perpetual succession with powers to sue and be sued in its name. thus, if this power given to them are any to go by the Agency can compel multinational companies to comply with stipulated standards contained in the their Act 2006 and its Regulation. We can also look at the main objective of NOSDRA to understand the operational mechanism; the Agency is mandated to carry out fourteen other activities.

The special function of NOSDRA though partially embed in the gamut of the objectives of NOSDRA



Act, specifies that the agency is to be responsible for surveillance and ensuring compliance with all existing environmental legislation and detection of oil spill in the petroleum sector. It is the researcher's view that this provision that allows NOSDRA to keep surveillance on oil pipeline should not have been sublet to the ex- militant for surveillance. Other function are to receive reports of oil spillages and co-ordinate the implementation of the plan as may be formulated, from time to time, by the federal government; co-ordinate the implementation of the plan for the removal of hazardous substance as may be issued by the federal government. (NOSDRA Act section 6).

Sustainable development goals 1, 11, and 15 draw attention to environmental protection and economic development; it seeks to eradicate poverty, balance economic prosperity and environmental management. Without adequate environmental management, sustainable development goals will be subverted and without sustaining development to make available resources needed for enhancement of production, environmental protection will fail and poverty will suffice. Adeyemo (2008) cited in Wosu (2009), opined that economic growth depends to a great extent on the maintenance of the well-being of the people. This will guarantee fundamental rights to the people as an essential component for Sustainable development; whereas good governance will enable social order and promotes development.

Wordu (2015), draw attention to the interconnection between ecosystems, social system, governance and environmental leadership as a response to the new environmentalism. This paradigm captures the concerns of environmental issues and problem as an

interventionist policy towards promoting public good, social justice and protection of common resources. Therefore, strategies for the implementation of the National policy on environment towards sustainable development should centre on; human population and environmental capital; through which environmental protection, the creation of wealth and poverty reduction can be achieved through the sustainability of the SDG's goals.

The NOSDRA and SDG's goal 15 aligns to creating environmental protection, restoring and promoting sustainable use of terrestrial ecosystem.

Challenges of Sustainable Development in Nigeria

The issue of sustainable development has attracted a number of theoretical narratives from within and outside Nigeria. While several theories have been deployed to the understanding of the concept and practice of sustainable development, the interpretation of sustainable development itself has become some kind of a distinctive theory in its own right (Brudge, 2011). In trying to explain the theoretical dimension of sustainability, scholars from the social sciences have argued that sustainable development is purely linked to the regeneration of the numerous ecological travails associated with economic development. For instance, applying the political ecology perspective, Simpson (2014) maintains that the global capitalist system which in itself defines the political character of most societies of the world, reached an unviable height leading to the destruction of the ecological balance of the world. Hence, it is in response to this tragedy of capital, that sustainable development was conceived as a new theoretical and practical remedy to



traditional capitalist development. Similarly, discussing the dilemma of sustainable development globally, Simpson argued that the concept and practice of sustainable development is fundamentally flawed in the sense that it was conceived under a rogue economic process and as such cannot be a solution to the problem of the world. It is easy to see that Simpson's theoretical position on the dilemma of sustainable development is founded on some kind of Marxist heritage even though he assumes a political ecology perspective.

From Marxist standpoint, Kadafa (2012) blamed the problem of sustainable development on the class orientation in human society. Pointing to the global class structure, Davidson opines that core capitalist societies connived to introduce the sustainability framework as a decoy to allow the persistence of capitalist penetration. In fact, Davidson is of the view that sustainable development is a theoretical conspiracy by developed nations to continue their capitalist exploitation of less developed countries. Taking this further, Davidson (2015) described the situation as capitalism under a green rug. This narrative draws attention to the fact that sustainable development is caught in a dark cloud of operation problems and bedevilled by the evils of capitalism. The point is simply that sustainable development as present by its advocates does not in any way represent sustainable practices when truly scrutinized.

To a large extent, some section of the literature suggests that sustainable development is a theory of its own. Those who hold this view, argue that sustainable development and its basic assumptions constitute a distinctive theory of development in its

own right. Amongst the proponents of this perspective are two leading sustainability scholars Jeffery Sachs and Moritz Remig who have consistently theorized sustainable development. For instance, Moritz (2006) resting on the four cardinal indicators of sustainability (Financial, Social, Environmental, and Economic) has argued that sustainable development represents a viable theoretical guide as well as an alternative option to economic growth potentials globally. Sachs (2015) on the other hand, presents a more robust understanding of the theory of sustainable development by pointing out that the theory is not just an alternative for economic growth, but a holistic theory of social life in general akin to the theory of everything as postulated by Hawkins (2011). Sachs maintained that sustainable development more than just its indicators represents the new pillar of development and must be followed in all phases or sectors of society. He sees sustainable development as a way of life that must be accepted otherwise the world is set to perish.

Within the context of Nigeria, the debate on sustainable development is also intense in so many regards. The literature is also polarized along the lines of optimists and skeptics. The skeptics led mostly by neo-Marxist thinkers argue that sustainable development just like everything under the dictate of capitalism is a hoax and a deliberate creation of capitalist nations to continually subjugate third world nations like Nigeria (Fagade, 2016 and Makinde, 2016). For instance, Fagade (2016) opines that as a theory, sustainable development is a western ideology and solely based on the need to sustain nothing more than the evils of capitalism. He



went on to argue that even though the planet is facing significant environmental challenges, the notion of sustainability within the current capitalist mode of production is nonsensical. Accordingly, unless capitalism is jettisoned, sustainable development would simply be as it claims a theory that can never be realized in practice. In support of the above position, Makinde (2016) further argued that sustainable development is a western imposition on the rest of the world in the sense that it represents a development decoy where first world capitalist nations who have made remarkable progress in the development of their societies without recourse to its effect on the environment, now want less developed societies to halt their growth process seemingly for the purpose of saving the world. On this note, Makinde believes that sustainable development is a theory that sustains the character of domination that is typical of capitalism.

Other theoretical works on sustainable development outside the Marxist tradition are optimistic about the subject matter. The optimists see sustainable development as a globally accepted template to get society out of the development quagmire that has undermined the environment especially global warming. Jaiola (2015) for instance, providing a functionalist understanding of sustainable development has argued that the introduction of sustainability into the development equation shows that the world has evolved significantly. For him, sustainable development is functional in the sense that if well pursued both in theory and practice; it will contribute to the survival of the planet. Similarly, Shonekon (2016) is of the view that given the nature of degradation in the Niger Delta region of

Nigeria, the theory of sustainable development is important to address associated production challenges.

Challenges to Policy Enforcement & Sustainable Development in Nigeria

Both theoretical and empirical literatures reviewed have it that environmental policy and sustainable development implementation faces significant setbacks in Nigeria. Existing empirical literature reveal that topmost amongst these challenges are corruption and insufficient government will to enforce existing state policies on environment. However, by far the most pressing challenge to environmental policy implementation in Nigeria has been the issue of corruption. Several studies highlighted above point to corruption as the major problem bedeviling the implementation of environmental policies in the Niger Delta and the country at large.

The studies by Adeyemi (2012) and Brown (2014) all confirm that there is a significant relationship between corruption and poor environmental policy implementation in Nigeria. Adeyemi's (2012) study of over 20 projects by IOCs such as Shell Petroleum Development Company (SPDC) and Nigerian Agip Oil Corporation (NAOC) operating in the Niger Delta revealed that corruption within bodies or agencies meant to regulate environmental behaviours in the oil and gas sector is a major reason for poor implementation. Using content analysis, as his method in the study, Adeyemi found that the inability of regulating agencies to properly penalize erring oil companies with regard to absence of a valid EIA for some of their major projects was mostly due to corruption since most of the officers of



the agencies were often bribed to overlook such violations. Adeyemi went on to argue that the problem of corruption makes it really difficult for environmental policies and laws to be effectively implemented in the Niger Delta region and elsewhere in the country. In the same vein, the study by Brown (2014) also corroborated that of Adeyemi (2012) when it found that corruption of public officers especially as it relates to those responsible for environmental policy enforcement is a major setback for implementation in the Niger Delta region.

Several other public opinion studies have linked corruption of state officials to the poor outcome of environmental regulation and sustainable development in the country. For instance, studies by Jaiola (2015) and Idowu (2016) are united in their findings that corruption by public officers undermines every target of achieving sustainable environmental development. Jaiola (2015) in his study of the functionality of state parastatals in the Niger Delta and their deliverables using three states namely; Rivers, Bayelsa and Delta States, showed that 67 percent of the respondents in his sample of 3000 were of the opinion the major reason for the failure of government interventions in environment and sustainable development is corruption. Accordingly, Jaiola (2015) concluded that the rate of corruption in state parastatals that have to do with environment and development is a major disincentive for sustainable environmental development. Idowu's (2016) study also provided similar results in other states in the Western part of Nigeria by showing that high rate of kickbacks

(bribe) is a major impediment to policy enforcement and implementation.

On the other hand, other studies have focused on the will of government in the country as a critical factor in the poor implementation of sustainable environmental development. In this regard, Musa (2016) undertook a study of governance and sustainable development in Nigeria using selected states in the North Western part of Nigeria. In this study, a sample of 2000 household heads selected through multi-stage sampling technique were questioned to get their opinion on how they feel about their various governments' will to achieve sustainable development. After analyzing data generated from the survey, Musa (2016) found that 78 percent of the respondents were of the opinion that government will to achieve sustainable development is low. This translates to the fact that the governments in the states that were sampled show weak commitment towards the realization of the sustainable development goals. This study was also corroborated by another conducted by Musliu (2017) in Ilorin. While Musa's sampled states, Musliu focused on local governments' commitment to sustainable development especially poverty eradication in rural areas. The study sampled 580 households using cluster, stratified and systematic random sampling methods. Out of the total number of household heads that took part in the study, Musliu discovered that 90 percent of them held that the local government authorities pay very little attention to poverty reduction. Hence, the researcher concluded that the local government authorities do not exhibit the necessary political will to invest in



poverty reduction and by extension sustainable development.

Political ecology framework

The paper is anchored on the political ecology framework to review empirically the dialectical interface between the Nigeria state and the OMC's as a major player in the oil industry, its responsibility of protecting the life and environment of the host communities and bringing about sustainable development through the intervention of NOSDRA environmental policy implementation. The political ecology theoretical places emphasis on the dialectical relationship between the economic, political and social structure of society and the other institutions in the society especially on the issue of corruption and lack of political will or government's inability to strongly ensure the realization of sustainable environmental development in Nigeria which has continued to remain a problem. This is perhaps why Fagade (2016) opine that the government of Nigeria has continually shown very lukewarm attitude towards the issue of development and environmental management over the years. He pointed out that this is strongly reflected in the inconsistency in terms of sustaining the deadline for reduction in gas emission for international oil corporations operating in the country. Fagade argued that while corruption and lack of government will are major setbacks towards the realization of the sustainable development goals in the country, the dependent nature of Nigeria continue to serve as critical setback. In the same vein, Makinde (2016) has also argued that the lack of political will to provide enabling environment and conditions for the implementation of sustainable environmental

practices and policies is a major setback in terms of realizing the sustainable development goals in Nigeria.

According to him, successive governments in Nigeria have only succeeded in paying lip service to the issue of sustainability especially because policy instruments are not translated into actions by the relevant authorities. It is in the light of this that he argues that sustainable development is almost unrealizable in a country like Nigeria where corruption is an endemic part of the institutions that are designated to implement policies and actions meant for the realization of the various sustainable development goals.

Conclusion

Problems confronting NOSDRA in implementation and achieving the objectives of sustainable environmental policies are identifiable. Although some of the goals of sustainable development as identified by Kattumuri (2015) includes economic and social security, Physical and personal security and environmental security and low carbon green growth and environmental protection, however in achieving these goals, the strong will and the enabling environment is ideal to implementing and achieving the desired goals of sustainable development especially in the area of sustainable environmental policies. In the case of NOSDRA like some other environmental protection agencies, some of the Problems confronting her in the implementation and achieving the objectives of sustainable environmental policies are identifiable. They include; lack of Government will power to sanction and enforce environmental policies, non-adherence to best international standard



environmental policy, corruption, bureaucratic bottle-neck, rouge oil multinational agencies. Reviewing the mentioned problems, checking and implementing them will go a long way in achieving the desired objectives of NOSDRA.

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