

***A CRITICAL APPRAISAL OF THE LEGAL FRAMEWORKFOR
THE PROTECTION OF THE ENVIRONMENT AGAINST OIL
AND GAS POLLUTION IN NIGERIA***

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ABSTRACT

This study examined the history, development and legal framework for oil and gas exploration and exploitation. It also analysed the national legislation and international conventions on oil and gas pollution and evaluated the adequacy of the laws as they related to the oil and gas industry. This was with a view to formulating legal strategies for effective protection of the environment against the hazards of the operations of oil and gas companies in Nigeria.

The study relied on primary and secondary sources of information. The primary sources included local legislation on the environment and regulations made there-under such as the Petroleum Act, the Petroleum (Drilling and Production) Regulations, 1969, the Oil and Gas Pipeline Regulations, 1995, Environmental Guidelines and Standards for the Petroleum Industry in Nigeria and International Conventions such as United Nations Convention on Civil Liability for Oil Pollution Damage, Convention on the Prevention of Marine Pollution by Dumping Wastes and other Matters. The secondary sources of information were books, journal articles and newspapers. Information obtained from these sources were subjected to content analysis.

The results revealed that the oil and gas industry played a vital role in the economy of Nigeria, but that its exploratory and production effects still remained major problem for the country, particularly to the inhabitants of the oil producing communities. The most vital legislation — the Petroleum Act of 1969 and its regulations — Petroleum (Drilling and Production) Regulations of 1969 did not provide detailed environmental protection measures. For example, Regulation 25 provided that licensee or lessee shall adopt all practicable precautions including the provision of up-to-date equipment to prevent pollution. What amounted to up-to-date equipment remained vague as far as this provision was concerned. There were, however, other several statutory provisions for the regulation

of activities such as Federal Environmental Protection Agency Act (FEPA), Environmental Impact Assessment Act (EIA), but still there was the need for a holistic legislation for the oil and gas industry, just like the Oil Pollution Act in America, which made detailed provisions for oil related environmental problems in terms of effective management and control of environmental impact of oil pollution. The result further showed that inadequate funding was a problem faced by the agency authorised to enforce the existing regulations. The result also showed policies articulated in international documents such as the Stockholm Declarations, the United Nations Conventions on the Law of the Seas, the Rio Declaration and Agenda 21 now form binding legal regimes providing appropriate muscle to encourage compliance.

It was concluded that in spite of relevant legislation and international conventions, there was large scale environmental degradation resulting from the operations of oil and gas companies in Nigeria.