

Ogoniland's Path to Sustainability

*Achieving long-term
sustainability for Ogoniland
will require coordinated
and collaborative action
from all stakeholders
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Ogoniland's Path to Sustainability

Treating the problem of environmental contamination within Ogoniland merely as a technical clean-up exercise would ultimately lead to failure. While the technical recommendations made in this report are essentially aimed at securing environmental improvements throughout Ogoniland, ensuring long-term sustainability is a much bigger challenge – one that will require coordinated and collaborative action from all stakeholders. This can only be achieved when there is sufficient dialogue, confidence and trust between all the parties involved. Clearly, this is not the case at present. Consequently, it is to be hoped that the environmental clean-up of Ogoniland will have multiple effects:

- that it will bring all those involved in the project together in a single concerted cause
- that in doing so it will build confidence and skills within the participating institutions
- that it will involve and provide new opportunities for the Ogoni people and ultimately
- that it will create decent living conditions and secure livelihoods within a clean and healthy environment for the entire Ogoniland community

The recommendations given below address the three key stakeholders in Ogoniland: the three tiers of Government in Nigeria (federal, state and local), the oil companies that have an operational interest in Ogoniland (or may have so in future) and the Ogoniland community (with all the elements therein).

7.1 Recommendations for Government

In this section the term 'Government' represents all three tiers: federal, state and local. Where specific actions are directed towards one tier of government, this is stated explicitly.

Creation of an Ogoniland Environmental Restoration Authority

The sustainable environmental restoration of Ogoniland will take up to 20 years to achieve and will need coordinated efforts on the part of government agencies at all levels. Among the many challenges are inadequate institutional capacity (both technical and financial) and overlapping institutional mandates, procedures and structures which, collectively, prevent effective coordination. Resolving these issues will be a process which itself could take years. Hence, the expectation that effective environmental restoration can be achieved in Ogoniland with the current institutional capacity and framework is simply not realistic. However, stalling the commencement of the clean-up phase until such time that all of these institutional issues are addressed is also not a realistic option due to the seriousness of the environmental situation.

UNEP therefore recommends that the Federal Government of Nigeria establishes an 'Ogoniland Environmental Restoration Authority'. The new authority should have a number of important features, including but not limited to the following:

1. The mandate to follow up and oversee implementation of the recommendations made in this report, as well as any other matters that the Federal Government may wish to assign to the Authority
2. The Authority will have a fixed lifespan, initially of ten years. Within this time the key elements of the restoration should be in place and overall institutional strengthening achieved. After ten years the Federal Government, on reviewing the status of the environmental restoration and the overall institutional capacity, may either extend the Authority's mandate for another term or redistribute the tasks to the other, strengthened, agencies
3. The Authority will work under the Federal Ministry of Environment
4. The Authority's staff will largely be seconded from relevant national and state institutions



Garri (cassava) at an Ogoniland market. It is hoped the environmental clean-up of Ogoniland will secure livelihoods

5. The Authority will have a separate budget which will accrue from the Ogoniland Environmental Restoration Fund (see next section)
6. The Authority, in addition to dealing with matters of environmental restoration, will have a full team of communication experts to ensure ongoing engagement and dialogue with the Ogoni community and continue the educational initiatives aimed at raising awareness of the issues arising from oil spills, whether they result from operational failure or illegal activities
7. The Authority will have an oversight mechanism which could be equivalent to the current Presidential Implementation Committee (PIC).

Creating an Environmental Restoration Fund for Ogoniland

A detailed costing of the various recommendations made in this report was not within the scope of the work and was therefore not attempted. However, it is clear that major investments will be needed to undertake the report's recommendations. A preliminary estimate of the initial investments needed to rehabilitate and restore the environment is presented in Table 54.

It must be noted that the estimates given above are preliminary only, and are provided so that there is sufficient funding to initiate follow-up actions. The final clean-up costs are likely to be different, indeed much higher, for the following reasons:

1. Full environmental restoration of Ogoniland will be a project which will take around 25-30 years to complete, after the ongoing pollution has been brought to an end. The current cost estimates are operational costs of the new institutions over the first five years.
2. The clean-up costs for contaminated soil, a key component of the overall costs, will depend substantially on the remediation standards set. A more stringent standard will lead to higher clean-up costs.
3. The cost of clean-up of groundwater is not included in this costing (except for Nsisioken

Ogale). The clean-up objectives, standards and target will first need to be decided before a volume estimate and associated costing can be attempted.

4. No estimate is given for the clean-up of surface water. It is assumed that once the ongoing input of oil into the surface water is stopped, natural process will flush the floating oil. However, in locations where there is not enough water exchange, intervention will be needed for the clean-up.
5. The response and clean-up costs for any new spills, or newly discovered spills, simply cannot be estimated
6. Land will need to be leased to establish the Integrated Contaminated Soil Treatment Centre and mini treatment centres in situ. The cost of land acquisition is not included.
7. The report recommends a set of asset integrity actions for the oil industry, which include better securing of the facilities and proper decommissioning of abandoned facilities. These costs also are not included above.
8. A major cost item will be the restoration of mangroves and forests within the creeks around Ogoniland. The current estimates are limited to a pilot area of impacted mangroves and forests around the Bodo West oil field facilities.

The creation of an 'Environmental Restoration Fund for Ogoniland', with initial capital of USD 1 billion, is therefore recommended:

1. The Fund should be established with financial inputs from the oil industry operators with prevailing interests in Ogoniland (currently SPDC and NNPC) and the Federal Government of Nigeria as a major shareholder in both these entities
2. The Fund should be used only for activities dealing specifically with the environmental restoration of Ogoniland, including capacity building, skills transfer and conflict resolution
3. Management of the Fund should be the responsibility of the Ogoniland Environmental Restoration Authority.

Table 53. Preliminary cost estimate for the first five years of restoration

SI #	Item	Estimated cost (USD)
1	Emergency Measures (80 % for providing alternative drinking water to communities with contaminated water supply)	63,750,000
2	Clean up of Land contamination	611,466,100
3	Clean up of Benzene and MTBE Contamination and Nsisioken Ogale	50,000,000
4	Clean up of Sediments	20,000,000
5	Restoration of Artisanal Refining Sites	99,452,700
6	Mangrove restoration and rehabilitation	25,500,000
7	Surveillance and Monitoring	21,468,000
8	Ogoniland Restoration Authority	44,000,000
9	Center for Excellence in Restoration	18,600,000
10	Alternative Employment to those in Artisanal Refining	10,000,000
Sub total		964,236,800
	Thirdparty Verification and International Expert Support to implementation recommendations @ 5 %	48,211,840
Total		1,012,448,640

Creating a Centre of Excellence for Environmental Restoration

The environmental restoration activities in Ogoniland will be extensive, extend over a long time period and involve thousands of the Ogoni people. However, the problems currently affecting Ogoniland are also being experienced, and on a bigger scale, throughout the Niger Delta, as well as in many other parts of the world. The experience gained from the restoration work in Ogoniland will provide an excellent basis for establishing a Centre of Excellence for Environmental Restoration in Ogoniland. Offering a range of activities and services, the Centre could:

- run training courses in environmental monitoring and restoration
- enhance the capacity and skills of the Ogoni community, with opportunities for employment
- promote learning, both in the region and more widely, including abroad
- become a model for environmental restoration, attracting visiting experts, students and visitors from overseas
- assist with business development, offering training on all aspects of setting up and running a successful company (legal, financial, technical, health and safety, etc.)

- open its enrolment to people outside Ogoniland and the wider Niger Delta (including from other countries)

Declare the intent to make the wetlands around Ogoniland a Ramsar site

The Convention on Wetlands (Ramsar, Iran, 1971) – more familiarly called the Ramsar Convention – is an intergovernmental treaty that embodies the commitments of its 160 member countries to maintain the ecological character of their Wetlands of International Importance and to plan for the 'wise' or sustainable use of all of the wetlands in their territories. Nigeria became a Contracting Party to the Convention on 2 February 2001 and it now has 11 Ramsar sites covering a total area of 1,076,728 ha.

The wetlands around Ogoniland are highly degraded and facing disintegration. However, it is still technically feasible to restore effective ecosystem functioning, although this will only be possible if a series of technical and political initiatives are undertaken. In order to demonstrate the Federal Government's resolve for effective action and its sustained interest in this issue, it may be appropriate to declare the intent to designate the wetlands around Ogoniland as a Ramsar site in due course. This would provide

the Government with a roadmap for restoration and sustainable management of the wetland. This would also bring the site onto the international spotlight, which will act as a peer pressure to make the agencies focus on the task.

Mount a campaign against environmental degradation

Since oil industry infrastructure and related environmental damage are an integral part of people's day-to-day life in Ogoniland, a concerted effort needs to be made to improve the community's understanding of the health and environmental consequences of oil contamination. This should be done at three levels:

1. Mount a community-wide campaign to inform people of the environmental and health impacts arising from hydrocarbon contamination in Ogoniland
2. Include environmental and health issues associated with the oil industry in academic curricula in the Niger Delta
3. Run a specialized campaign aimed at Ogoni youth engaged in illegal bunkering and artisanal oil refining to create awareness of the disproportionate environmental impacts of their actions and the potential for severe damage to their health

7.2 Recommendations for oil industry operators

Oilfield facilities throughout Ogoniland are currently in various states of repair and it appears unlikely that any have been maintained or decommissioned to the industry's own standards. If and when a future decision on re-commissioning the oilfield is taken, the integrity of the existing infrastructure will have to be examined with the utmost attention to detail in order to avoid creating new environmental damage and health risks. Based on its review of the environmental and social sensitivities in Ogoniland, UNEP recommends that in the event that a decision be made to restart oil exploration and production activities in Ogoniland, the region be treated as a greenfield site of high environmental and social sensitivity.

This would mean applying the latest technologies and environmental guidelines, including:

1. Undertaking an environmental impact assessment of oil operations in Ogoniland, to include social and health dimensions, as well as a public consultation process as is the current industry standard
2. Re-evaluate the location of the existing oil wells within the context of the latest technology for horizontal and directional drilling
3. Complete drainage and groundwater management for any new oil wells, as for example the state-of-the-art and sensitive well sites in Europe where liquid and solid wastes can also be properly contained and treated off site
4. Re-evaluate pipeline routes to minimize environmental damage. This may, for example, lead to decommissioning of the existing pipeline from Bodo West, which cuts across the mangrove swamps, and relaying it along the creek
5. Treating operations in Ogoniland, and ultimately within the Niger Delta as a whole, as an offshore operation in determining safety standards and operational footprint
6. Improved regimes for both inspections of facilities and preventive maintenance programmes
7. Enhanced facilities, using modern technologies, for faster oil spill detection, in conjunction with more locally accessible resources for faster spill response
8. Allocating a percentage of all project costs for environmental and sustainable development initiatives in Ogoniland
9. Regular public consultation and reporting on environmental and social performance of industry activities
10. Encourage new investors by creating a licensing and environmental due diligence culture



Pupils in Ebubu, Eleme LGA, planted trees with the UNEP project team to mark World Environment Day 2011. The involvement of the entire Ogoni community will be crucial to achieve sustainable environmental improvement for future generations

7.3 Recommendations for the Ogoniland community

Sustainable environmental improvement in Ogoniland can only be achieved with the involvement and cooperation of the entire Ogoni community. In this respect the following elements are of critical importance:

1. The proposals outlined in this report have the potential to bring in substantial new investment, employment opportunities and a new culture of cooperation into Ogoniland. The Ogoni community should take full advantage of the opportunities that will be created by these developments. These projects potentially offer the community an unprecedented opportunity to be at the forefront of a world-class environmental restoration project that will improve their living conditions and livelihoods and provide them with skills that can be exported nationally, regionally and internationally. This is a transformative moment and the Ogoni community should endeavour to seize it in a positive manner.
2. Presently, some community members prevent access to oil spills using protest and the threat of violence. Protracted negotiations over access with oil spill response teams means that responses to spills are delayed, often by weeks, resulting in a far greater environmental impact, the negative consequences of which are borne by the wider community.
3. The community should take a proactive and public stand against individuals or groups who engage in illegal activities such as bunkering and artisanal refining. These activities result in a huge environmental footprint, seriously impacting public health and livelihood activities, particularly fishing and agriculture.

7.4 Interim actions to move forward

In order to implement the technical and strategic recommendations in UNEP's report, it is necessary to initiate a series of practical actions, as detailed on the following pages.



Chief Gilbert Warine speaking during a Community Consultation Committee meeting at the UNEP project office, Port Harcourt. New multiple stakeholder working groups are recommended

1. **New and enhanced mandate for the Presidential Implementation Committee (PIC):** The PIC was established with a broad mandate to oversee the implementation of the assessment project. With the successful completion of the assessment, this mandate is coming to an end. However, in order for the assessment phase to lead to clean-up and restoration of the environment in Ogoniland, it is important that continuity is maintained and a logical approach will be to give a new and enhanced mandate to the PIC. Such a mandate could include oversight of the recommended Ogoniland

Environmental Restoration Authority (OERA). The membership of the PIC should be expanded to include representatives from stakeholders with an interest in the restoration project.

2. **Technical Working Groups:** The formation of various working groups will enable this report's recommendations to be initiated and actioned in parallel. Due to the scale and diverse technical nature of the follow-up actions, the working groups should comprise experts with broad-ranging skills and knowledge from the following sectors:

- Government of Nigeria (Federal Ministries and Agencies)
- Government of Rivers State (State Ministries and Agencies)
- academicians
- oil industry
- the community

The following working groups are recommended:

1. **Technical Working Group on Environmental Restoration (TWG-ER):** This working group will focus on the strategies and approaches for environmental restoration in Ogoniland, as outlined in the report. This will be the forum where prioritizing areas and sites for clean-up will be discussed and finalized. This will also be the forum to consider the appropriate technical approaches for each of the restoration actions (land, sediment, water and mangroves).
2. **Technical Working Group on Surveillance and Monitoring (TWG-SM):** The TWG-SM will focus on designing and providing guidance for surveillance and monitoring of the environmental situation in Ogoniland. This group will further discuss the surveillance and monitoring actions recommended in the report and finalize detailed plans in terms of locations, methodologies and frequency.
3. **Technical Working Group on Water Supply (TWG-WS):** This working group will focus on prioritizing the communities which need to be provided with alternative drinking water supplies and other actions needed for the community to be protected from unsafe water.
4. **Technical Working Group on Legislation and Standards (TWG-LS):** The focus of this working group will be the review of existing legislation and standards and institutional roles and responsibilities as applying to environmental contamination, monitoring and management in Nigeria. The group will discuss the required changes and make further detailed recommendations to the Government of Nigeria.
5. **Technical Working Group on Community and Communication (TWG-CC):** This group will have the important task of communicating

with, and gaining the approval of, Ogoni communities regarding the contents of UNEP's report, including the key recommendations and follow-up actions.

7.5 Transition Phase

With the submission of this report, the Environmental Assessment of Ogoniland project comes to an end. If the Government of Nigeria accepts the various recommendations in this report, a new institution, the Ogoniland Environmental Restoration Authority (OERA), will be established to carry forward the work towards the clean-up and environmental restoration.

However, in the period between when the report is published and the new authority is in place, there needs to be an interim arrangement to maintain the existing positive momentum, keep the issues active and continue to move towards environmental restoration.

It is therefore proposed that a Transition Phase is initiated as a priority, which would help ensure a seamless transition from UNEP's environmental assessment to the clean-up of oil contamination. The key objectives of the Transition Phase will be:

- developing terms of reference for the technical working groups
- detailed design for, and establishment of, the OERA
- identifying members for the various technical working groups
- providing a secretariat for the working groups
- providing capacity building, such as training, to support the working groups
- identifying the preferred site for setting up the Integrated Contaminated Soil Management Centre
- gathering commercial and technical information for detailed design of the clean-up plans
- initiating the ambient environmental monitoring of various environmental sectors, and
- preparing a socio-economic study for the development of a livelihoods strategy for Ogoniland.

