

PERSPECTIVE

Mainstreaming Oil Spill Management into National Security Plan

By Ronald Emeh

It is an unassailable fact that oil spill is one of the major pollutants of the natural environment. This is regardless of the sources – be it equipment failure or maintenance error of oil companies, pipeline corrosion, accidental damage to pipeline, pipeline vandalism, crude oil theft, illegal refining (also known as artisanal refining) or what have you. In Nigeria, particularly in the oil-rich Niger Delta region, the common occurrence of oil spillage has been a matter of concern in many quarters due to the corresponding disastrous consequences. These include contamination or destruction of flora and fauna, indiscriminate burning during artisanal refining (and the associated atmospheric pollution, global warming, acid rain and respiratory and skin diseases), loss of aesthetic appeals of recreational areas, endangering of human health, scuttling of means of livelihood (especially those of farmers and fishermen) and instigation of communal tension and violence.

Evidently, such unfortunate consequences of oil pollution – apart from the restiveness being generated by sense of socio-economic deprivation and exclusion – are at the heart of the factors making some of the ethnic nationalities and cultures in the Niger Delta to be incandescent with anger and grievances. It is regrettable that this kind of communal discontent has metamorphosed into agitation that often finds outlet in militancy and guerrilla uprising. And these have contributed substantially to one of the key factors threatening to undermine and dismantle our internal security. Additionally, in this uncertain and fearful era of climate change and the accompanying global warming, terrible environmental challenges like oil pollution, deforestation,

desert encroachment, drought and dwindling water resources (particularly the River Nile and Lake Chad Basin) have presented daunting prospects of armed conflicts in or between countries. In fact, such challenges are not atypical to Nigeria considering the on and off agitation being aroused by oil pollution in the Niger Delta. This is not to ignore the emergent violent and bloody farmers-herders' clashes, cattle rustling and armed banditry in different parts of the country, which are partly attributable to drought and desertification that have severely depleted both farmlands and grazing zones, especially in the north.

Also egregious in representing a credible security challenge to the Nigerian state are somewhat intractable criminal activities in our critical oil sector like pipeline vandalism, crude oil theft and illegal refining. Besides the harmful effects of oil pollution that arise from these activities, there are fears and apprehension in certain quarters that proceeds from such are often laundered into bankrolling of militancy, insurgency and cultism or acquisition of small arms and light weapons (SAs & LWs) that are blamed for fuelling crime and violence and the attendant bloodshed and destruction in the country today.

Considering the present and clear danger from the causative factors of oil pollution in Nigeria, especially pipeline vandalism, crude oil theft and artisanal refining, the imperative of mainstreaming oil spill management into our national security plan cannot be underscored. Conceptually, national security connotes deliberate policies and programmes that are evolved and pursued with a view to securing or safeguarding a nation-state and its citizens from both internal and external threats that could undermine their survival and viability. Furthermore, the term can be extrapolated, corporate wise, to mean national defence and foreign relations of a political society (country) or the requirements to ensure its survival or sustenance by means like political

stability, internal cohesion, economic strength, technology and diplomacy. For one researcher, security is the sum total of actions and measures, including legislative and operational procedures, adopted to ensure peace, stability and the general well-being of a nation and its citizens.

From the foregoing, national security can be construed as a set of meticulous, robust and comprehensive policies and programmes for maintaining the survival or safety of any given polity. Emphatically, without capable nation-state, political, economic and social development and the implicit security and welfare of the citizenry would be virtually impossible. As regards Nigeria's security architecture, it is made up of the armed forces (Nigerian Army, Nigerian Airforce and Nigerian Navy), paramilitary organisations (Nigerian Police Force, Nigerian Customs Service, Nigerian Prisons Service, Nigerian Immigration Service, National Drug Law Enforcement Agency, Nigerian Security and Civil Defence Corps, Aviation Security (AVSEC), Federal Road Safety Corps and Federal Fire Service) and intelligence community (Department of State Services, National Intelligence Agency and Defence Intelligence Agency). Essentially, such bodies have statutory functions geared towards implementing the security plan of the country in order to protect the state and its enlightened interests, as well as safeguard the lives and property of the populace.

That civil unrest sparked by oil pollution in Nigeria is fraught with danger for our national security is not to cry wolf. For one thing, such a situation is part of the unfolding inimical environmental factors – including rapidly decreasing natural resources like forest, farmland, grazing zone and water that are currently fanning tension and violent confrontations in many fragile countries around the world. Against a backdrop of this troubling development, Admiral (Sir) Julian Oswald, a British defence policy expert, has advised that:

“... a broader strategy regarding security needs to be developed, which considers, *inter alia*, environmental threats as a possible source of conflict” (see: Oswald, J. (1993). “Defence and Environmental Security”. In Prins, G. (ed.), *Threats Without Enemies*. London: Earthscan).

Without digressing into the incipient threats in Nigeria – such as Boko Haram’s violence in the Northeast, armed banditry and cattle rustling in the Northwest and farmers-herders’ disturbances in the North-central and other parts of the country, which are partly climate change induced considering the fast shrinkage of the Lake Chad Basin (which provides means of earnings for millions of people in the coterminous countries of Chad, Nigeria, Niger Republic and Cameroon like fishermen, farmers, artisans, boat operators and many others) and ravaging drought and desertification – it can be surmised, as earlier emphasised, that oil pollution is one of them. This is mindful that it is a major factor at the root of the resurgence of communal revolt in some radical quarters in the Niger Delta. Casting light on the sheer scale of ecological damage caused by petroleum exploration and exploitation in that unstable region, Okey Ibeanu and Robin Luckham reveal that: “Pollution from oil spills has destroyed marine life and crops, made water unsuitable for fishing and rendered large areas of farmland unusable. Oil pipelines form a mesh across farmlands conducive to acid rain, deforestation and destruction of wildlife. Metals like cadmium, chromium, mercury and lead, which at high concentration can cause metabolic malfunctions among humans, have been discharged as refinery effluents into fresh water and farmland” (see: Ibeanu, Okey and Luckham, Robin (2006). **Niger Delta: Political Violence, Governance and Corporate Responsibility in a Petro-State**. Abuja: Centre for Democracy and Development (CDD)).

Notably, the occurrence of such huge environmental despoliation caused by incessant oil spills in the Niger Delta was before the existence of the National Oil Spill Detection and Response Agency (NOSDRA), which was created by the Federal Government in 2006 in order to address such incidents that are partly attributed to international oil companies (IOCs) and mainly to third party interferences or acts of sabotage like pipeline vandalism, crude oil theft and illegal refining. Although NOSDRA has recorded considerable feats in discharging its statutory functions, Ejeviome Eloho Otobo and Oseloka H. Obaze, two public affairs analysts, are of the opinion that the desultory management of the environmental impact of oil exploration in the Niger Delta is one of the sources of dissonance or disagreement in our oil economy (see: Otobo, Ejeviome Eloho and Obaze, Oseloka H. (August 1, 2019). "Nigeria's oil economy is hobbled by dissonance". The Guardian. Lagos: Guardian Newspapers Ltd). In their contention, among the several reasons that have been adduced to explain the broad and persistent pattern of poor compliance and enforcement of environmental regulations in Nigeria's oil and gas sector are lack of adequate funding for monitoring and enforcement activities, lack of technical expertise on a range of environmental policy and management issues, lack of adequate information on the environmental impact of the oil companies, overlapping regulatory responsibility for the oil industry and the weak regulatory regime. They, however, pin the blame for lack of vigorous enforcement of oil-related environmental degradation on the structural limitation arising from the nature of the oil industry in the country – i.e. the situation where the main foreign oil companies are operated as joint ventures with the Federal Government, with the NNPC (a federal public enterprise) holding an average of 50 – 60 per cent in all the major foreign oil companies operating in Nigeria. In the words of Otobo and Obaze (ibid): "As an owner, the government seemingly has more interest in the revenue stream from the

oil production than environmental protection ...”. This assertion may not hold water considering that the Nigerian government, as the embodiment of the environmental conscience of the country, established NOSDRA as the institutional framework to ensure timely, effective and appropriate response to oil impacted sites based on the global best practices. Notably, the agency had sanctioned quite a number of international oil companies (IOCs) and even the 100% Petroleum Products Marketing Company (PPMC), now known as Nigerian Pipeline and Storage Company (NPSC), for non-compliance with environmental regulations. This is not to mention the laudable role of the Federal Government in the clean up of the petroleum-devastated Ogoni land, under the auspices of the United Nations Environment (UNE).

In any case, this is not to overlook a little-known fact that criminal crude oil enterprise, pipeline vandalism and illegal refining are tantamount to stealing part of our national wealth that is meant to be invested in providing basic infrastructure and social services for the citizens and accelerating the pace of national development. On this account, a heartrending estimate by Oil Price Reports indicates that Nigeria lost over \$25 billion to crude oil thieves between 2011 and 2014 – not to mention about 400,000 barrels reportedly lost per day during peak theft periods. Not comforting also was a commissioned report by Nigeria Natural Resource that a whopping sum of N3.8 trillion was lost through criminal crude oil venture, sabotage and illegal refining in 2016. Equally disturbing was the calculation by the United States Institute of Peace (USIP) in 2009 that a staggering amount of US\$100 billion was lost from illegal bunkering between 2003 and 2008.

Taken together, the triad of crude oil theft (or illegal bunkering), pipeline vandalism and artisanal refining in Nigeria could be said to be equal to economic sabotage – a serious offence adjudged in certain countries like

China, South Korea and Saudi Arabia as high treason with harsh or severe punishments like the death penalty and longer imprisonment. Obviously, this is because such offences could dwarf the economic and development prospects of a nation-state, particularly the revenue base of a country like Nigeria, which oil export is the dynamo of her economy. Alas, crude oil theft, pipeline vandalism and illegal refining not only pollute the environment, harm human health, jeopardise means of income and generate communal upheavals but also portend a grave threat to national security in terms of the survival of the state as a viable entity and that of its population owing to their inevitable consequences. This is especially glaring in the destruction of billions of Naira worth of critical national infrastructure like oil pipelines that are part of hard-earned tax payers' money, which should have been injected into provision of basic public amenities, are used to replace, plus billions of Naira in lost revenues from the barrels of stolen crude oil. Suffice it to say that such huge financial losses to government are symmetrical to acts of impropriety like the official or institutional corruption that give vent to socio-economic deprivation in the form of lack of essential infrastructure and social services and the precipitate mass poverty, misery, frustration, crime, violence and insecurity.

Remarkably, as a dominant player in enforcing necessary environmental legislation, guidelines and standards in Nigeria's oil and gas industry, NOSDRA has been at the forefront of the efforts to cobble together a multi-institutional partnership to wrestle down the seemingly intractable problems of crude oil theft, pipeline vandalism and illegal refining. Expectedly, this is due to the curious fact that such criminal exploits account for over 60 per cent of reported causative factors of oil spill incidents in the country from January 2006 to June 2019 – besides the ones eventuated by equipment failure and

operational or maintenance error of oil industry operators, undetermined cause and mystery spill.

Reassuringly enough, during the “Stakeholders’ Engagement Seminar Against Crude Oil Theft”, which was conducted by New Nigeria Foundation (NNF) in Abuja on July 9, 2019, the new Director-General/Chief Executive Officer of NOSDRA, Mr. Idris O. Musa, made a lucid exposition of the environmental, economic and security repercussions of crude oil theft and related criminal activities. Among the proximate causes Mr. Musa highlighted as being behind the rapid escalation of such activities are high number of unemployed youths and armed ethnic militias in the Niger Delta, ineffective and corrupt law enforcement, low conviction rates for those caught for such crimes, ease of threatening or corrupting oil industry staff to assist in illegal bunkering, involvement of sacked or retrenched oil workers with considerable knowledge of pipeline operations and international networks (including West African linkages) that facilitate market access and financial transactions. To surmount the challenging problems of crude oil theft, pipelines vandalism and artisanal refining, which have come with wider security implications, the DG/CEO of NOSDRA, in the aforesaid round-table on such crimes, had recommended, among other things, increased surveillance of oil facilities by security operatives, provision of adequate resources and tools for such operatives to secure facilities, proper orientation for security agents to shun bribery and corruption, deployment of real-life satellite monitoring and surveillance programmes for oil facilities, reversal of slow and ineffective prosecution of oil thieves and effective use of the recently passed Anti-Piracy Bill for timely prosecution of such offenders. Other recommendations by Mr. Musa are public exposure of illegal supply networks of crude oil thieves, greater levels of transparency within the petroleum industry on oil theft-related

information, provision of basic amenities and poverty reduction/capacity building programmes for oil communities in order to dissuade their members from pipeline vandalism and allied crimes, enlistment of host communities of petroleum pipelines in monitoring and surveillance of the facilities, discouraging encroachment on pipeline right of ways (ROWs), adequate funding of relevant government agencies tasked with pipeline security and strengthening their legal framework, collaboration with international security bodies like International Police (INTERPOL) to track stolen oil and crack down hard on the perpetrators and other sponsors, certification of Nigerian crude oil going into the international market so as to enable the Federal Government block such a market for stolen crude (thereby serving as a disincentive to the enterprise) and collaboration with the National Orientation Agency (NOA) to increase awareness campaigns towards inculcating attitudinal and behavioural change in Nigerians, especially the youth, on the need to protect our national assets that worth a fortune. Consequent upon this and judging by the fact that NOSDRA is a viable national operational platform that is charged with superintending over a safe, timely and effective response to oil pollution in Nigeria, some of these security and law enforcement institutions are required to have their units attached to the oil spill management body, just like in the National Emergency Management Authority (NEMA), for ease of coherence and collaborative efforts in combating larger oil spill in the country. From a consensus of opinion reached by different stakeholders during the ground-breaking activation of NOSCP in 2011, the DG/CEO of NOSDRA would assume the apex position of National Commander in the occurrence of such spills, thereby enabling him to coordinate the complementary role of other relevant stakeholders without any encumbrance.

It is heartwarming that with the emergence of Mr Musa as the DG/CEO of NOSDRA in April this year, some of the aforementioned security institutions, plus governmental bodies and civil society organisations (CSOs), have seen a reason why they should be receptive to multi-stakeholders' partnership in oil spill response in Nigeria. So far, apart from embarking on a series of consultations towards fostering closer engagement with relevant stakeholders in such response activities since his assumption of office, some of the stakeholders have also paid him a working visit aimed at smoothening areas of cooperation and collaboration with NOSDRA. Not long ago, the Nigerian bureau of INTERPOL invited Mr Musa to a brainstorming meeting on how to tackle the trans-border syndicate groups involved in the theft of our crude oil. Interestingly, such a new working relationship is in tune with the persistent calls by the DG/CEO of NOSDRA for not only synergy with international security bodies to track down oil thieves and their sponsors but also certification of our crude oil going into the international market with a view to identifying stolen ones. For him, as an oil spill expert, marking Nigerian crude with covert molecular fuel makers that are virtually impossible for oil thieves to detect, as successfully applied in Ghana, would enable regulators to determine if crude oil sold at such markets are from illegal sources or not.

In view of a well-known fact that pipeline vandalism is a common cause of oil spillage in Nigeria, especially in the Niger Delta, the DG/CEO of NOSDRA has, time without number, employed *mora suasion* or moral persuasion to urge those involving in such an illegal act to desist from it. In making a public appeal for exuding of patriotism, which is a true mark of citizenship, he is of the view that it is unheard-of in other oil-producing climes that people, no matter the extenuating circumstances, break the pipelines as a means of registering their grievances or scooping fuel in a bid to become rich

overnight. Of course, such an enlightened opinion ought to make pipeline vandalism decidedly anathema or a moral disgrace in Nigeria.

Granted that the major causative factors of oil pollution in the country like crude oil theft, pipeline vandalism and illegal refining are economic sabotage in nature because of their negative impact on our national revenue profile – apart from the associated social deprivation and misery that stoke the furnace of discontent, defiance, crime and violence in some quarters – the overriding necessity of mainstreaming oil spill management into our national security plan cannot be swept under the rug. This is not to mention the adverse environmental angle of oil spillage, which, along with the undesirable economic effects, has posed a serious threat to Nigeria’s survival and viability. During the recent courtesy visit by the executive body of the Independent Petroleum Marketers’ Association of Nigeria (IPMAN), one of the officials bemoaned the rising tide of crude oil theft in the country. Blaming certain unscrupulous security agents for aiding and abetting those in this hideous business that usually supply the refined products to some dishonest operators of dispensing stations, the official put forward a case for establishment of a kind of an eagle-eye security initiative by NOSDRA and IPMAN to bust such an unholy alliance. By extension, such an opinion is in line with a suggestion in certain knowledgeable quarters that the anti-pipeline vandal units of various security agencies in Nigeria should be brought under the supervision of the oil spill management agency, in the manner the rejigged and now firearm-bearing AVSEC is placed under the control of the Federal Aviation Authority of Nigeria (FAAN).

Fully aware that oil infrastructure are part of our critical national assets that should be jealously guarded, NOSDRA has created a department known as Assets Safety Management (ASM) to ensure inviolability and “integrity” of

basic facilities in the upstream, mid-stream and downstream sectors of our petroleum industry, including oil fields, refineries, pipelines, tank farms, flow stations and Floating, Production, Storage and Offloading (FPSO). In the quest for environmental conservation or sustainability in Nigeria's oil industry by ensuring best oil exploration, exploitation, storage, transmission and dispensing standards in the country, it is hoped that the Federal Government would be well-disposed to give careful consideration to mainstreaming oil spill management into our national security plan. As a step in the right direction, the government should take a percipient look at the need to amend NOSDRA's (Establishment) Act, which has made it somewhat to paint a pathetic picture of a toothless bull-dog in enforcing relevant environmental laws in our oil industry. This is coupled with addressing the nagging problem of paucity of fund that has heavily encumbered the agency in discharging its statutory functions. In the meantime, NOSDRA is in desperate need of proper funding for upskilling of its staff and acquisition of oil spill response logistics like monitoring and surveillance unmanned aerial vehicle or UAV (having procured a spill recovery POLCAT boat, christened "Recovery I", several years ago), fire-fighting vehicles and ambulance.