

OPINION/COMMENT

NOSDRA'S DEFINING MOMENT

BY RONALD O. EMEH

The leading role of public institutions in delivering the common good on the basis of their statutory functions cannot be underscored. For one reason, such institutions are the conveyor belt for implementation of government policies and program for the full benefit of their populace. In Nigeria, the National Oil Spill Detection and Response Agency (NOSDRA), a parastatal under the Federal Ministry of Environment, was established in 2006 with the primary goal of implementing the National Oil Spill Contingency Plan (NOSCP). Instructively, NOSCP, or the Plan as it is simply called, is a derivative of the International Convention on Oil Pollution Preparedness, Response and Cooperation of 1990 (OPRC'90), which the country is one of the signatories. The comprehensive Plan is outlined and pursued with a view to ensuring preparedness and quick response to oil spill incidents in Nigeria. NOSCP is also a blueprint or manual for combating such incidents through containment, recovery and remediation/restoration in order to forestall loss of lives, assets and natural resources.

As the lead agency in oil spill management in Nigeria, NOSDRA has a **mélange** of specific statutory functions it performs in the oil industry, which reflect its vision and mission. These include providing necessary procedure and actions for monitoring, preventing and controlling oil spillage, coordinating and supervising clean up and remediation of all impacted sites in the country in accordance with the best global practices, enforcing compliance with environmental laws in the petroleum sector and ensuring a program of actions, training and drill exercises aimed at promoting readiness to oil pollution preparedness and management. Other functions of the agency include monitoring oil facilities, providing support for research and development (R & D) in the local development of methods, materials and equipment for oil spill detection and response, partnership with national, regional and international bodies in exchange of results of research and development program relating to the advancement of the state-of- art technologies and techniques in oil pollution management, encouraging regional cooperation among member states of West Africa and the Gulf of Guinea for safe,

timely and effective response to oil spills and the associated pollution in our contiguous waters.

Despite several factors militating against the sustainable progress of NOSDRA, such as the weak and effete nature of the Act establishing it, inadequate funding and deficiency in cooperation by certain stakeholders in oil spill matters, the agency has recorded a number of modest achievements. These could be viewed through different illuminating angles, including:

- Building capacity in timely and effective coordination and supervision of the cleanup and remediation of oil impacted sites in Nigeria, as exemplified in the environmentally devastating spills in Escravos, Bonga and Ibeno.
- Superintending over the cleanup of past and present oil impacted sites numbering over 1000 in the country, which some of them have been certified as being restored to their natural state.
- Conducting Joint Investigation Visits (JIV_s) to oil spill sites, in collaboration with relevant stakeholders like Department of Petroleum Resources (DPR), state ministries of environment, oil industry operators and Non-governmental organizations (NGO_s), with the aim of determining cause of spills, inspecting clean up and remediation of impacted sites for certification, responding to public complaints, amongst others.
- Activation of NOSCP after the finalization of the review of the document with input from key stakeholders.
- Completion of the Environmental Sensitivity Index (ESI) mapping of the Nigerian coastline, stretching 50 kilometer inland, to guide and ensure appropriate response mechanisms required for different environmental sensitive areas in the event of oil spillage.
- Establishment of the National Command and Control Centre at its headquarters in Abuja for the purpose of detecting and managing oil spill incidents through Geographical Information System (GIS) technology.
- Development and Gazetting of the Environmental Guidelines and Regulations in our oil industry, in concert with the United Nations Development Program (UNDP).
- Articulation of action plan for decommissioning abandoned well-heads and oil production facilities in host communities, in conjunction with oil firms.
- Construction of a modern laboratory in Port Harcourt to collect and analyze samples taken from spill sites to determine level of impact, as well as a

standard warehouse to serve as its oil spill response equipment stock pile center.

- Completion of the inventory of the existing oil spill contaminated pits abandoned by oil companies in the Niger Delta region so as to convert them to arable land for economically viable activities like farming.
- Regular inspection of tank farms of companies (including petrol stations and construction firms) in order to check underground oil pollution.
- Formulating acceptable compensatory damages for oil spill impacted sites, in collaboration with relevant stakeholders, plus mooted a great idea of setting up Oil Spill Compensation Fund (as reflected in its Amendment Bill).
- Procurement of a 19-meter Poll Cat oil spill response vessel (tagged “MV Recovery 1”) to facilitate effective clean up and mitigation of oil impacted sites in the marine environment.
- Floating reliable websites for monitoring oil spill and tracking gas flare.
- Adoption of long-term strategies for development of regulations for effective and unfettered monitoring of oil spillage in the mid and downstream sectors, having successfully managed the one of upstream.
- Conducting periodic capacity building training for its technical staff in various areas of oil spill management, with the assistance of renowned international bodies like the United States Environmental Protection Agency (USEPA), International Maritime Organisation (IMO) and International Petroleum Industry Environmental Conservation Association (IPIECA).
- Working in synergy with relevant stakeholders in oil spill response at national, regional and international levels, including the Federal Ministry of Transport (particularly in implementing NOSCP and IMO conventions on marine pollution relating to oil tanker accidents), IMO/IPIECA and Global Initiative for West and Central Africa or GI-WACAF (which under the auspices of the Federal Government, it has severally hosted the initiative’s bi-annual conference).
- Outlining reporting procedures on oil spill incidents in order to facilitate prompt response based on the high principle of effective and uncompromised service delivery.

Reassuringly enough, with the recent appointment of Mr. Idris O. Musa as the Director General/Chief Executive Officer of NOSDRA by the Federal Government, the coast has appeared clear for the agency to take a quantum leap

in terms of transformation and consolidation. This is considering Mr. Musa's reputable track record as a cerebral and finely honed technocrat of great acclaim in the arcane field of oil spill detection and response. Looking back, he was one of the architects of NOSDRA where he retired in 2017 as a director with both the brains and brawn. This is not to gloss over his vital role in the takeoff of the Ogoniland cleanup project - a spectacular feat that inevitably earned him second-in-command as the Director of Operations in Hydrocarbon Pollution Remediation Project (HYREP) until his latest position at the helm in NOSDRA where, by divine providence, he has returned with new fire in his belly to take the agency to the enviable heights. Notably, such impressive accomplishments - coupled with his sterling qualities like transparent honesty, discipline, due diligence, total commitment, meritocracy, selfless service and common touch - have made many observers to be ablaze with hope and optimism that Mr. Musa would leverage on his wealth of experience as an environmental expert to address the vexed issue of incessant oil spills NOSDRA is mandated to tackle headlong in Nigeria. This is particularly in the Niger Delta region, where the incidence has had adverse effects on the environment/ecosystem, human health, means of livelihood (especially of farmers and fishermen) and social peace.

Already, the new DG has rolled up his sleeves for the gargantuan task of strengthening NOSDRA. To this end, he has unfurled plans for reskilling the staff with a view to boosting productivity, morale and career advancement. As part of his bound and determined efforts to cement relations with a constellation of stakeholders in oil spill management in Nigeria, Mr. Musa has had fruitful consultations and brainstorming sessions with several bodies like National Environment Standards and Regulations Agency (NESREA), Pipelines and Products Marketing Company (PPMC), Nigerian Maritime Administration and Safety Agency (NIMASA), Nigerian Navy, Senate Committee on Environment, Major Oil Marketers Association of Nigeria (MOMAN), Depots and Petroleum Marketers Association of Nigeria (DAPMAN) and Independent Petroleum Marketers Association of Nigeria (IPMAN). Such moves by the DG are laudable mindful that clearly spelt out in the mandate of NOSDRA is forging closer cooperation and collaboration with other stakeholders to address the subsisting and clear danger of oil spills. Recently, he has sought the co-operation of the National Orientation Agency (NOA) to carry out awareness campaigns on the need to desist from the vandalisation of oil facilities and oil theft, both of which are detrimental to our nation's economy and the health of the citizens.

Notably, with the conscientious, no-nonsense and strong-willed attitudes of the DG of NOSDRA who means business, those IOCs that are disdainful of the agency by violating its principle of zero tolerance for oil spillage are besought to have a dramatic change of heart. This is not to mention such companies that seek to circumscribe the mandate of this oil spill response institutional framework in Nigeria in order to dictate its **modus operandi**. Without question, NOSDRA, under the keen watch of Mr. Musa, would no longer show any vacillation, lethargy and complacency in meting out necessary penalties for any industrial spill offenders considering that a new sheriff is in town or the proverbial Daniel has come to judgment with regard to enforcing the environmental legislation in our oil sector.

What a new dawn for NOSDRA! Hopefully, Mr. Musa's appointment to be in the saddle in the agency would stand out as its defining moment, a positive one of reactiveness, innovative approach, dynamism, credibility and respectability in salvaging our natural environment from recurrent oil spills. Both the staff of NOSDRA and critical stakeholders in spill response are enjoined to give their all in support of the DG to enable him achieve his set objectives.

Finally, well aware that the Buhari Administration has commendably read the riot act to oil companies polluting the environment in Nigeria, a direct appeal is being made to the administration to revisit the unresolved issue of not signing the all-important NOSDRA Amendment Bill the 8th National Assembly, in its wisdom, passed to the President for assent in 2018. It is arguable that certain provisions of the Act establishing the agency are flawed, as, for example, they are deficient in giving it strong legal teeth to bite in terms of sanctioning oil firms that are habitual to spilling oil in the environment with ease and impunity. However, such a legislative lacuna that makes NOSDRA to appear as a toothless bull dog would be reversed if its Amendment Bill is graciously reconsidered and signed into law by Mr. President. For one, such a bold move would empower the agency to enforce necessary environmental standards and guidelines in our oil industry without any let or hindrance. For another, the bill would be a boon to the host communities in terms of securing them reasonable compensations when oil companies pollute their environment, as well as to companies by exculpating them from spills resulting from third party interference or sabotage like illegal

bunkering, pipeline vandalism and artisanal refineries. Again, NOSDRA Amendment Bill, if signed into law, would be bankable to the Federal Government by generating for it massive revenue through fines on companies that despoil or degrade the environment with oil. Thus, the bill could be described as a win-win situation to all stakeholders in oil spill matters in Nigeria given that it is a surefire way for effectively rolling back the frontiers of cyclical incidents of oil spillage in the country that often find vent in disastrous consequences that could present another Chernobyl.

- Emeh, a social researcher/public affairs analyst, sent this piece from Abuja.