

The Scorecard

...Measuring the progress of the UNEP report implementation in Ogoniland!

Table of Contents

Executive Summary	3
1. Introduction	4
2. Methodology	6
3. The Scorecard	7
3.1 The Emergency Measures	9
3.2 Remediation and Accessories	10
4. Conclusion	13
5. Recommendations	14
5.1 HYPREP	14
5.2 Government	15
5.3 Communities	15
5.4 Civil Society Organizations	16

Executive Summary

The Nigerian Government in response to the agitations of the Niger Delta region, commissioned the United Nations Environment Programme (UNEP), to undertake the environmental assessment of Ogoniland. UNEP released its seminal report in 2011 and suggested the Government to take certain emergency measures and also undertake the remediation of polluted sites in Ogoniland and the wider Niger Delta region. In response to the report, the Nigeria Government re-established the Hydrocarbon Pollution Remediation Project (HYPREP) to implement the recommendations of the UNEP report in Ogoniland. However, different perceptions exist on the progress and success of the Ogoni remediation since its inception. The research adopted a mixed methodology including workshops, meetings, key informant interviews, review of literature, reports, year book, databases and Tweeter handles, to collect data. Derived results were used to develop a scorecard with which to assess the progress of the broadly dual activities HYPREP is implementing in Ogoniland – emergency measures and environmental remediation. Results indicated that the emergency measures are implemented in an adhoc manner which undermines the overall benefit to the communities. Similarly, the environmental remediation aspect of the project and associated critical infrastructure required for effective contaminated land remediation are at critical edges, and thus pose significant risk to the achievement of the goal of the project. The research will be useful to civil society organizations, environmental remediation monitors, regulators and industry practitioners and other stakeholders in the Ogoni remediation project.

1. Introduction

Environmental pollution including the air, water and soil contamination has long been recognized as one of the major environmental challenges faced by various countries across the globe. It is only until recently that new environmental regulations were passed which lead to remedial actions on the historically and newly polluted sites. For example, between 1958 when commercial oil production began in Nigeria to 1968 when the Petroleum Act was enacted, the oil industry in Nigeria was operated without environmental management legislation¹. Despite the enactment of few weak and poorly enforced legislations, oil spill still happens to be a major concern due to the substantial number of contaminated sites that still anticipate remediation.²

Nigeria remains Africa's biggest producer of petroleum and the sixth largest producer globally. Nigeria's crude oil production capacity, mainly in the Niger Delta and adjoining offshore wells stands at 2.3 million barrels per day (as at 2018). There is at least 38.2 billion barrels of crude oil reserves in Nigeria. Thus, Nigeria's reliance on crude oil is expected to linger, while the consequential impact of oil exploration and exploitation on both the environment and the public health in the Niger Delta, would likely continue.

The commercial operationalization of the oil and gas industry in Nigeria has span over six decades. The oil hub in the country, the Niger Delta region, has in no small measure hosted these oil mining operations. During these six decades, local communities that host oil infrastructures such as pipelines, oil wells, manifolds and oil blocks have experienced extensive oil spills and associated socio-economic, cultural and environmental impacts. For example, many host communities have lost livelihood structures (e.g. farmlands)³ which have destroyed local economies. Other host communities have lost ancestral artefacts and heritage to oil spills (e.g. place of worship), while in virtually all oil impacted communities varying species of plants and animals have gone into extinction and biodiversity significantly degraded.

¹ Sam, K., Coulon, F., Prpich, G., 2017. Management of petroleum hydrocarbon contaminated sites in Nigeria: Current challenges and future direction. *Land use policy* 64, 133–144. <https://doi.org/10.1016/j.landusepol.2017.01.051>

² Sam, K., Prpich, G., Coulon, F., 2015. Environmental and Societal Management of contaminated land in Nigeria: the need for policy and guidance changes, in: 4th International Contaminated Site Remediation Conference: Program and Proceedings. Melbourne, Australia, pp. 427–428.

³ Sam, K., Zabbey, N., 2018. Contaminated land and wetland remediation in Nigeria: Opportunities for sustainable livelihood creation, *Science of the Total Environment*. Elsevier B.V. <https://doi.org/10.1016/j.scitotenv.2018.05.266>

Following the different levels of impacts in host communities⁴, agitations for environmental remediation in the Niger Delta heightened in the mid 1990s and 2000s. These agitations led by civil society organizations, environmentalists, academics, and activists within and outside the Niger Delta region earned government attention in 2009. The Nigerian Government commissioned the United Nations Environment Programme (UNEP) to undertake a comprehensive environmental assessment of Ogoniland to ascertain the extent of environmental pollution by crude oil and provide a scientific evidence to the agitations. In 2011, UNEP released the seminal report detailing the extensive pollution of Ogoniland. The UNEP report was broadly divided into two main action areas, the emergency measures and remediation of polluted sites.

In 2012, the President Goodluck Jonathan administration established the Hydrocarbon Pollution Restoration Project (HYPREP) to undertake the implementation of the recommendations proffered in the UNEP report. For various reasons including lack of funding and sustainable structure, the defunct HYPREP was unable to implement the recommendations as specified in the UNEP report. In 2016, precisely June 2, the President Muhammadu Buhari administration flagged-off the clean-up of Ogoniland. In April 2017, the Federal Government established the Hydrocarbon Pollution Remediation Project (HYPREP) with the Federal Government gazette No. 176, Vol. 103 of December, 2016, to implement the recommendations of the UNEP report on Ogoniland and appointed a Coordinator for the project⁵. The current HYPREP has since developed structures including the governing council, board of trustees, and project coordination office. In addition, to ensure sustainability of the project, a trust fund has been initiated.

Over a two-year period, activities at HYPREP have delivered in parts on the two broad areas of implementation. For example, HYPREP has undertaken an assessment of water reticulation in Ogoniland, with a view to providing potable drinking water to households whose source of water has been and remained contaminated for decades. HYPREP has also undertaken demonstrations or pilots of different remediation technologies/approaches in efforts to identify appropriate and suitable mechanisms for soils and other receptors in Ogoniland. Amongst others, HYPREP has undertaken health outreaches in communities (both impacted and not impacted)⁴, delineated sites

⁴ UNEP, 2011. Environmental Assessment of Ogoniland. UNEP, Switzerland.

⁵ HYPREP, 2018. Status Report.

into lots, mobilized contractors to 21 lots, and initiated pilot programmes for the restoration of livelihoods in local communities.

As a multi-stakeholder project, different parties are interested in the Ogoni environmental remediation and what HYPREP is doing. These stakeholders are willing to contribute to the success of the project⁶. One of the approaches to determining whether or not the project has succeeded would be to measure progress over time. Different tools exist for this purpose. For example, scorecards, success indicators and progress matrices. This research intends to provide a scorecard with which existing activities bothering on the two broad areas of the project could be measured.

A scorecard is a performance management tool that can be used by stakeholders or interested parties to keep track of the execution of activities by the project manager and to monitor the consequences arising from these actions. A scorecard could be in different forms, for example, graphical representation of the progress of a project over time. The integral concepts of scorecards are targets and key performance indicators (KPIs). While KPIs are metrics used to evaluate factors that are crucial to the success of the project, targets are specific goals for the indicators. This implies scorecards integrate KPIs and Targets to indicate the overall position (i.e. in terms of progress) of the project at a particular time. It is intended that the scorecard developed in this research would be a veritable tool for environmental monitors, CSOs, environmental technical working groups and other stakeholders working on the Ogoni environmental remediation, in the process of monitoring the success of the project and in many ways bring many stakeholders to the realization of project goals and how different roles have fared.

2. Methodology

The research adopted a mixed methodology (Figure 1). Primarily, the research involved review of relevant literature including grey literature, reports (HYPREP Year Book, Status Report, Tweeter handle and Website), peer reviewed articles and scientific databases (including Google Scholar, Science Direct, and Google). Phrases and mix of words used in the search included “HYPREP and the Ogoni clean-up”, HYPREP and UNEP report” and “Ogoni clean-up”. Data were also

⁶ Zeeuw, J. de, Sam, K., Siakpere-Ekine, R., 2018. Communities’ Perceptions of the Ogoni Clean-up Project. <https://doi.org/10.15713/ins.mmj.3>

abstracted/mined from workshops/meetings with key stakeholders (including CSOs, HYPREP, Federal Ministry of Environment, National Oil Spill Detection and Response Agency (NOSDRA)) implementing/managing the clean-up of Ogoniland. In addition, key informant interviews (KII) were also conducted. Content analysis approach was used to analyse collected data.

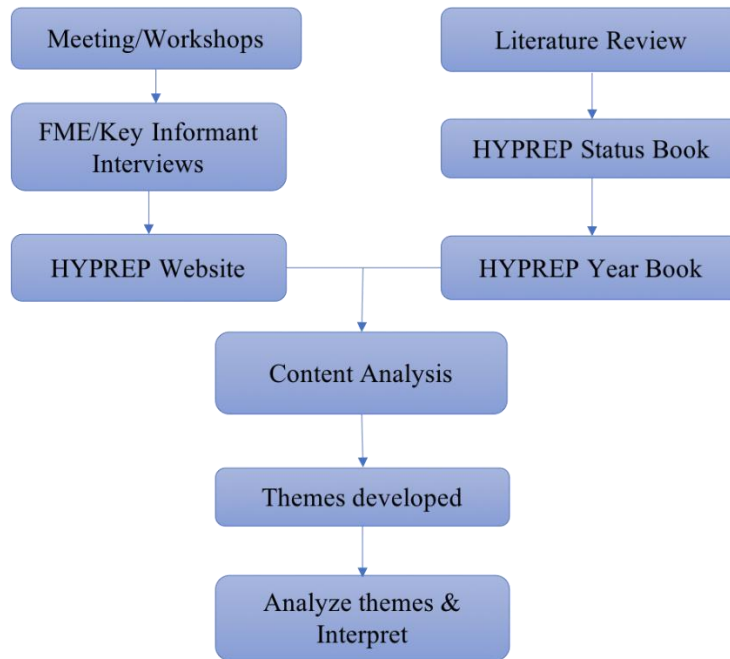


Figure 1: Research methodology

3. The Scorecard

The scorecard is a universal approach used to measure in very relative terms, the progress of a project or activity. It is a strategic tool used to identify and improve various aspects of a project to maximize benefits to stakeholders and the society. It is a potent tool to measure and provide feedback to organizations implementing projects from stakeholders. The ultimate aim is to inform Project implementers to make better decisions for the overall benefit of stakeholders and the society.

The scorecard could be used for three cardinal purposes. First, in the context of the Ogoni remediation project, it could be used to project feedback to HYPREP. Situations could exist where HYPREP’s self-assessment of implemented activities could be parallel to that of stakeholders. On the other hand, the likelihood could also exist where HYPREP could overrate the impact of its

activities. The scorecard in such scenarios provide a feedback mechanism for HYPREP to understand the stakeholders rating of their activities in terms of progress, quality, and satisfaction, and seek opportunities to improve the project. Second, the scorecard provides an avenue to examine the appropriateness of the processes engaged in project implementation. Project implementation processes could be measured to evaluate or track gaps, delays, bottlenecks or bureaucracies that potentially impact on the progress of the project. Third, the scorecard provides an opportunity for self-reflection to identify aspects of the project that would require capacity development in order to achieve project overall goal. This implies that the scorecard could potentially identify learning and growth opportunities as these are analyzed through the investigation of training and knowledge resources on the project.

The scorecard therefore aids better strategic planning to achieve overall project goal and ensure stakeholders vis-à-vis the society are the ultimate beneficiaries of project implementation. It will also ensure improved strategy communication and execution – as HYPREP would respond to assessment provided by stakeholders. As communication improves, adjustments and re-alignments of projects and initiatives would be made to incorporate stakeholder views into decision making process. Ultimately, the scorecard would improve performance reporting and transparency of the project.

The research adopted a three-level graphic mechanism (Figure 2) to measure the progress of the Ogoni environmental remediation project. The justification for using this approach is the relativity with which different project aspects are measured. Figure 2 presents the description of the mechanism and how stakeholders could use the tool to measure project progress.

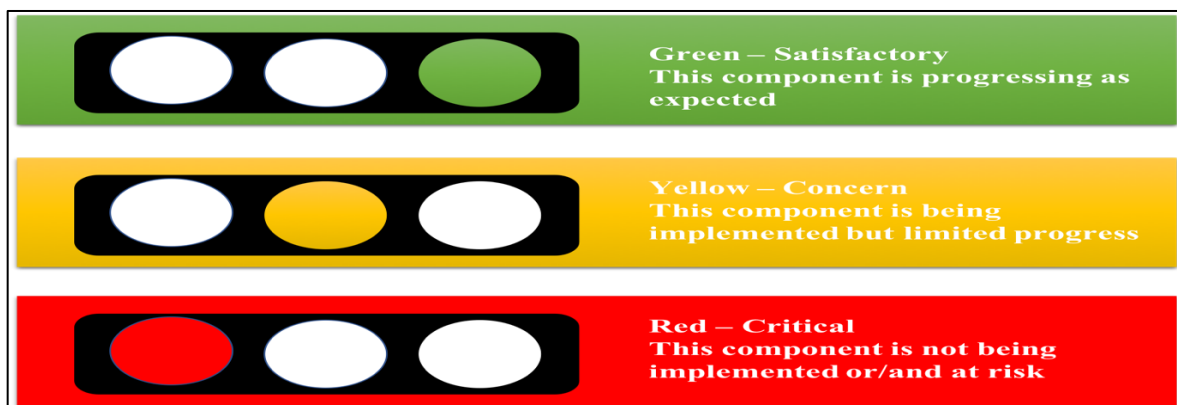


Figure 2: graphics for measuring progress. Green (Satisfactory) – indicates a component of the project that is progressing as expected. Yellow (Concerns) – indicates a component of the project that is being

implemented but either made no progress or implemented differently from what UNEP implemented. Red (Critical) – indicates where no action is being taken and the lack of action could impact the success of the project.

The adopted mechanism is also flexible and allow for adjustment as comments and stakeholders' views are taken onboard and actions effected to address identified gaps.

3.1 The Emergency Measures

The Ogoni environmental remediation project as outlined in the UNEP recommendations should be implemented in phases – the emergency measures and the full-scale remediation of polluted sites. There are eight emergency measures highlighted in the UNEP report. As the name implies, UNEP considered these recommendations as 'emergency' and thus required fast-tracked implementation. Currently, the implementation of the emergency measures is adhoc and only a few measures had been partially attempted while many others are yet to be conceived. Figure 3 highlights the score of the eight emergency measures.

The UNEP report stipulated as urgent the marking of drinking water wells where hydrocarbons were detected are marked and that people are informed of the danger. While signpost can be sighted in few communities (e.g. Agbi and Ekpangbala), it is not clear if communities understand the dangers of consuming such water given that the community still uses same water sources as there are no alternatives – this measure remains a concern to stakeholders. Another emergency measure focused on provision of potable drinking water to households whose drinking water is contaminated. This has been a prioritized emergency by virtually all stakeholders. HYPREP has undertaken water reticulation of the Ogoni area, however, potable drinking water is yet to be provided in the community. This emergency measure is at a critical stage and underscores the achievement of HYPREP and the overall attainment of the project goal.

The report was very clear on opening a medical registry for the people of Nsisioken/Ogale given that they consume water 900 times greater than the World Health Organization (WHO) threshold. This emergency measure remains critical and its non-implementation poses a significant risk to the progress vis-a-viz the success of the project.









Emergency Measure	Status
Ensure that all drinking water wells where hydrocarbons were detected are marked and that people are informed of the danger	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Provide adequate sources of drinking water to those households whose drinking water supply is impacted	 <p>Red – Critical This component is not being implemented or/and at risk</p>
People in Nsisioken/Ogale who have been consuming water with benzene over 900 times the WHO guideline are recorded on a medical registry and their health status assessed and followed up	 <p>Red – Critical This component is not being implemented or/and at risk</p>
Initiate a survey of all drinking water wells around those wells where hydrocarbons were observed and arrange measures (1-3) as appropriate based on the results	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Post signs around all the sites identified as having contamination exceeding intervention values warning the community not to walk through or engage in any other activities at these sites	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Post signs in areas where hydrocarbons were observed on surface water warning people not to fish, swim, or, bathe in these areas	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Inform all families whose rainwater samples tested positive for hydrocarbons and advise them not to consume the water	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Mount a public awareness campaign to warn the individuals who are undertaking artisanal refining that such activities are damaging their health	 <p>Green – Satisfactory This component is progressing as expected</p>

Figure 3: Scorecard for the Emergency Measures

While investigations reveal that HYPREP has undertaken survey of water wells, no alternatives to local communities consuming contaminated water has been provided, as recommended by the UNEP report. Thus, it remains a concern. In addition, few signs have been posted in selected communities (e.g. Bodo and Ekpangbala), however, there are communities with extensive pollution (e.g. Gio and Kporghor) with a signage. HYPREP has increasingly improved on the sensitization of local communities to the satisfaction of the majority of stakeholders.

3.2 Remediation and Accessories

HYPREP has set up administrative structures for the smooth take-up of remediation works in Ogoniland. Most importantly, a first step to financial commitment has been made following the establishment of the Trust Fund. Agreed, some preliminary processes including scoping and

delineation of polluted sites, health outreaches, training of technical assistants, and the handover of sites to contractors have been achieved. HYPREP has further mobilized contractors and undertaken local government-based sensitizations to inform communities of the current phase of work. These initial preparatory activities notwithstanding, there are several concerns and uncertainty on the efficacy and capacity of HYPREP to effectively and efficiently supervise contaminated soil and groundwater remediation in Ogoniland (Figure 4). HYPREP's forgoing activities seems to largely deviate from the recommendations of UNEP. In the following paragraphs, this report highlights such areas.

Contractors were given a maximum contract term of six months. While there are concerns over the quality of work that could be delivered within this time scale considering the legacy nature of the spills in Ogoniland, the snail-pace nature of decision within HYPREP is a concern. For instance, certain contractors have been on site since January 2019, and are only counting down to site close-out (by July 2019). The monitoring tool (key performance indicators (KPIs)) that would be supposedly used by stakeholders to assess the quality of work done is not yet released to stakeholders by HYPREP. This implies, contractors that would soon be closing out from site have not been monitored, not once, fifth month into a six months project.

Most worrisome, the Integrated Contaminated Soil Management Centre (ICSMC) and the Centre of Excellence for Environmental Restoration is yet to be built. These centres were expected to play key roles in the remediation of recalcitrant hydrocarbons, management of toxic and hazardous waste, and development of capacity for the remediation project. These aspects of the project currently pose significant to the realization of the project goal.










Environmental Remediation and Accessories	Status
Remediation of polluted sites	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Integrated Contaminated Land Management Centre	 <p>Red – Critical This component is not being implemented or/and at risk</p>
Centre of excellence for Environmental Restoration	 <p>Red – Critical This component is not being implemented or/and at risk</p>
Economic empowerment/livelihood packages	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Institutional governance frameworks	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Work plan	 <p>Red – Critical This component is not being implemented or/and at risk</p>
Key Performance Indicators	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Project sustainability	 <p>Yellow – Concern This component is being implemented but limited progress</p>
Waste management	 <p>Red – Critical This component is not being implemented or/and at risk</p>

Figure 4: Scorecard for Environmental Remediation and associated accessories

The approach to livelihood restoration is adhoc. Stakeholders expected a robust and comprehensive livelihood restoration framework designed based on a Needs Assessment in Ogoniland. It is expected that a Needs Assessment should have provided a background and scope as to the skills and livelihood packages locals are interested in. Such consideration would have considered the current income level of the locals and their desired livelihood structure. While this is ignored, pockets of youths (a little over 30) seem to have been trained. Such adhoc approach is also applied to the development of KPIs, work plan and the sustainability of the project which is expected to span between 25-30 years in Ogoniland alone.

A concern with the current HYPREP governance structure is decision making. Investigations suggest that only the project coordinate has the authority to make pronouncements on behalf of

HYPREP. While this approach slows down decision making, it contributes to bottlenecks and bureaucracy surrounding project implementation. A level of freedom for Heads of Departments or Units to address stakeholders when the need arises and take certain decisions on behalf of HYPREP could strengthen stakeholder confidence in the capacity of HYPREP. What is currently missing and worth highlighting is the toxic waste management plan in the different communities where remediation would be conducted. It is general knowledge that hazardous waste will be generated as the remediation begins, however, it is not clear how contractors intend to address issues related to effective hazardous waste management. This is critical to the success of the remediation works, even as the likelihood of dumping such waste in the general community dumpsites is very high. This has implications for re-contamination.

4. Conclusion

Despite minimal progress in the implementation of the UNEP recommendations for Ogoniland, significant work remains in tackling the land contamination legacy and its public health, socioeconomic, cultural and environmental impacts in Ogoniland. This report presents a seminal investigation of the operationalization of the emergency measures and clean-up exercise in Ogoniland. Almost two years after the establishment of HYPREP, certain recommendations UNEP considered urgent and tagged ‘Emergency Measures’ are yet to be implemented while the status of the remediation exercise is far from stakeholders’ expectations. While some of the emergency measures seem to be misunderstood by the implementing agency (HYPREP) the status of others is still incomplete (e.g. HYPREP advertised for health impact assessment for over a year now – no result yet). Specifically, oil polluted communities in Eleme local council continue to consume benzene polluted water despite UNEP’s recommendation for the provision of potable drinking water to such impacted communities. There is no short-, mid- or long-term plan to provide potable water in the impacted communities.

With regards to the clean-up exercise, there are indications that the remediation of polluted sites would begin in October 2018. However, there are no plans for the management of waste that would be generated during the process. Stakeholders have expressed concerns over the likelihood of digging and dumping clean-up waste on clean sites. While stakeholders appreciate the political

will expressed by the current government so far, there are also concerns about the financial commitment of the Federal Government and oil industry operators, and the sustainability of such, during the 25 to 30 years lifecycle of the remediation and restoration exercise in Ogoniland. This research recommended amongst others a sustainable funding regime, an independent HYPPREP, simultaneous implementation of the emergency measures and clean-up exercise, and an economic empowerment/livelihood package to ensure the local population in Ogoniland acquired life skills for a better future. The report will be of significant benefit to civil society organizations, contaminated land researchers, contaminated land regulators, scientist, and the media.

5. Recommendations

The scorecard indicate there is more work to be done. However, given that the Ogoni clean-up is a multi-stakeholder project, there are clear roles for different parties. The different recommendations for different stakeholders are therefore identified below:

5.1 HYPREP

- As a matter of urgency highlight a short-term measure for providing potable drinking water to communities drinking polluted water in Eleme local council
- Provide signage for all contaminated water wells and polluted sites in Ogoniland. This should follow a comprehensive assessment/survey of all water wells in the area as recommended by the UNEP report.
- Develop a robust economic empowerment package/program for local community members involved in artisanal crude oil refinery and non-refiners so that potential recruits for artisanal refining would be dissuaded; make the venture less attractive.
- Develop a 'fit for purpose' communication and engagement strategy for Ogoniland. This framework should consider the peculiarities of Ogoniland and what works for the people
- Massively engage impacted communities (not with community heads) to discuss criteria for selection of sites, particularly for the first phase of the clean-up
- Engage experts with local technical knowledge of Ogoniland to develop a region-specific Target value for the Ogoni clean-up
- Engage leadership/governance structures in impacted communities to develop an expectation management strategy for Ogoniland.

- Collaborate with private organizations and state governments where necessary to develop Ogoniland. This can bring about non-monetary compensatory developmental projects
- Jettison the unsustainable \$200 million per year strategy for funding the Ogoni clean-up exercise and develop a robust funding mechanism
- Develop a work plan that indicates short, mid, and long-term goals of the project lifecycle
- Urgently commence the development of the Centre for Excellence and ICSMC
- Ensure adequate planning to suit available procurement legislations in the country
- Initiate a quarterly transparency and accountability meeting open to all stakeholders –use such platforms to gain trust and confidence and validate the integrity of HYPREP
- Set up a database for the information on the remediation process.

5.2 Government

- Consider the independence of HYPREP as a necessity
- Demonstrate financial and scientific commitment to remediate polluted areas
- Developed and establish ‘fit for purpose’ intervention and target values
- Develop a sustainable funding framework for the Trust Fund
- Enforce the independence of HYPREP to undertake its roles and responsibilities
- Enact adequate policies and legislation to prevent new spills
- Facilitate the delineation of government agencies undertaking overlapping roles and responsibilities in the environment sector
- Government at different levels to collaborate to ensure the provision of basic amenities in local communities
- Partner international bodies and donor organizations to secure support for the remediation process

5.3 Communities

- To discourage all artisanal refining activities in their communities
- Paramount rulers to take affirmative action on their subjects involved in artisanal refining and pipeline interference
- Build a cordial relationship with remediation contractors in their communities
- Cooperate with HYPREP officials during further delineation actions on impacted sites
- Provide all necessary supports to HYPREP, oil industry operators and the government to implement the UNEP report recommendations

- Develop internal communal mechanisms for supporting the clean-up process
- Use different communal platforms to create awareness and sensitize the local population on the deliverables of the remediation exercise
- Engineer and partner community-based organizations and faith-based organizations to sensitize deviant youths in the communities

5.4 Civil Society Organizations

- Lobby relevant stakeholders to demonstrate commitment to the remediation exercise
- Lead advocacy visits to relevant government agencies to ensure the remediation of polluted sites in Ogoniland and beyond
- Facilitate peace building processes between relevant stakeholders particularly impacted communities and the oil industry operators
- Propagate early warning signals for conflict related issues that could impede the Ogoni cleanup
- Embark on massive awareness and sensitization campaigns in the impacted communities
- Develop platforms for reconciliation of aggrieved stakeholders
- Develop mechanisms for building trust and confidence amongst stakeholders
- Focus substantial international aid on the education of stakeholders to increase the socio-economic output of the remediation exercise
- Design researches for post clean-up impact assessment.