



Environmental Rights Action/  
Friends of the Earth Nigeria  
214 Uselu Lagos Road, Ugbowo  
P.O. Box 10577, Benin City  
Edo State, Nigeria  
Email: [eraction@eraction.org](mailto:eraction@eraction.org)  
Website: [www.eraction.org](http://www.eraction.org)

November 2008

## FACT SHEET: HARMFUL GAS FLARING IN NIGERIA

### Background: a valuable resource goes up in smoke

Routine gas flaring has been illegal since 1984 pursuant to section 3 of Nigeria's Associated Gas Reinjection Act, 1979. This section only allows flaring if companies have field-specific, lawfully issued, ministerial certificates.

When crude oil is extracted it often comes with associated gas which must be separated from the crude to produce fine, export quality oil. In Nigeria this is mostly done by the burning of associated gas, otherwise referred to as gas flaring.

Oil companies have been burning this gas for years and polluting the atmosphere. The growing impact on people and the environment necessitated a World Bank joint public/private global partnership in 2002 to find ways to reduce gas flaring.

According to satellite research, worldwide 168 billion cubic meters of natural gas is flared yearly. Nigeria accounted for 23 billion cubic meters, biggest after Russia. About 13 per cent of global flaring originates from Nigeria.

The greenhouse gas emissions through gas flaring are put at 400 million tons of carbon dioxide equivalents yearly. The amount of flared gas is equivalent to 25 per cent of US gas consumption and 30 per cent of EU gas consumption.

Among the oil producing countries Nigeria boasts the tenth largest proven natural gas reserves, produces over two million barrels of crude oil per day, and has been earning, over the years, about \$20 billion from oil revenues annually.

In Nigeria flares have been on since the early 1960s in the Niger Delta and offshore. At present, over 100 flare sites still emit the toxic cocktail. It is estimated that through gas flaring about \$2.5 billion in government revenues is lost annually and \$72 billion for the period 1970-2006.

By using the gas for energy, instead of flaring, much of the acute power needs in Nigeria and surrounding countries could be fulfilled.

### Environmental and health impacts

Next to greenhouse gases, the toxic cocktail resulting from gas flaring includes particulate matter, sulfur dioxide, nitrogen dioxide and carcinogenic substances such as benz[a]pyrene, dioxin, benzene and toluene.

Gas flaring is a major contributor to the stock of greenhouse gases in the atmosphere thus adding to the climate change chaos. Power generation by coal in South Africa and gas flaring in the Niger Delta are by far the main sources of carbon dioxide emissions in Sub-Saharan Africa (south of the Sahara). Continuation of gas flaring is a direct negation of the determined stand taken by nations of the world to fight climate change in practical terms.

For communities next to gas flares, the toxic cocktail may have serious health impacts in the form of respiratory illnesses, asthma, blood disorders, cancer, painful breathing and chronic bronchitis, among others.

Flared gas has also been identified as a cause of acid rains that pollute creeks and streams, damage vegetation and corrode roofs of homes. The acid rain results when sulphur and nitrogen oxides mix with moisture in the atmosphere.



Gas flares near the communities of Ebocha and Mgbede. © Friends of the Earth, April 2005.

## Culprits in the flare game

All oil prospecting companies in Nigeria are guilty of gas flaring. The biggest culprits however are Shell Petroleum Development Company (SPDC), ExxonMobil and Chevron. These three companies are the operators of most of Nigerian oil production, while Total and Agip fill in some extra of the persistent gas flares.

The listed companies recently cited insecurity in the Niger Delta and poor funding, among others as factors militating against achieving zero-flares in the Niger Delta. This argument reveals the urgent need for the Federal Government to renegotiate the so-called Joint Venture agreements by which the corporations rip off the Nigerian state and the people.

Shell had previously said it would end flares in all its production facilities by 2007 but did not have any concrete plan of action to this effect except the expansion of its Liquefied Natural Gas project – the principal avenue to be used to monetize the associated gas currently being flared.

ExxonMobil had said it would end flares in 2004 and earmarked the East Area Gas Project (EAGP) as the principal project to achieve this. Like Shell, nothing concrete has come out of this.

Chevron said it would achieve zero flares in its facilities by 2006, hinging its attainment on the Escravos Gas Project Phase 2 and 3. Like its partners in crime, it has also come up with the lame excuse of insecurity for failing to meet this target.

## Flare-out deadlines: a moving target

The first attempt at forcing oil corporations operating in the Niger Delta to end flares was in **1969** when the administration of General Yakubu Gowon ordered them to put in place facilities that will utilize associated gas within five years of their commencement of operations. But five years after, the oil companies still had nothing on ground for gas gathering. The goal post was then shifted to **1979** by the same government.

Inability of the oil companies to meet the new date necessitated the fixing of 1984 as the zero flare date. This time there was a fine to be paid by defaulters.

In addition, an Associated Gas Re-Injection Act of 1979 No 99 was introduced, demanding that oil corporations operating in Nigeria should produce detailed plans for gas utilization as well as guarantee zero flares by **January 1, 1984**, unless they had a case by case exemption obtainable from the minister.

By 1983 the oil multinationals again raised reasons why 1984 would not be feasible in meeting the deadline. The deadlines thereafter were shifted at the pleasure of the government in response to the pressure of the multinational corporations. These shifts were executive orders and not backed by law.

In response to local and international pressure, the Federal Government again pledged to halt gas flares in Nigeria and set **January 1, 2008** as zero flare date. It also dangled punitive action for any breach.

Again, on December 17, 2007 yet another shift was announced, this time, with a deadline fixed for **December 31, 2008**. This is one shift too many, especially coming from a government that believes in the rule of law!

## What the court says

Delivering a judgment brought against Shell by the Iwhrekan Community of Delta State, on the company's continued flaring in the community, a Federal High court sitting in Benin and presided over by Justice V. C Nwokorie, had on November 14th 2005 ordered the oil multinational to stop gas flaring in Iwhrekan, saying it violates the people's fundamental right to life and dignity of human person. The judge ruled that gas flaring is a "gross violation" of the constitutionally-guaranteed rights to life and dignity, which include the right to a "clean poison-free, pollution-free healthy environment".



A woman from Iwhrekan drying cassava near the gas flare. © Kadir van Lohuizen | NOOR, January 2008.

## Further reading

[Report](#) 'Gas flaring in Nigeria: a human rights, environmental and economic monstrosity' by Environmental Rights Action/Friends of the Earth Nigeria and the Climate Justice Programme, June 2005.

[Satellite research](#) 'A twelve year record of national and global gas flaring volumes estimated using satellite data, final report to the World Bank' by US National Geophysical Data Center, May 2007.

[Issue brief](#) 'Global Gas Flaring Reduction Partnership', World Bank, December 2006.

[Article](#) Vanguard 'Nigeria loses \$150 bn to gas flare in 36 yrs', July 2008.