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Petroleum Industry Act 2021 and Development of Green Economy in Niger-Delta Nigeria

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Abstract
This study examines the role of the Petroleum Industry Act (PIA) 2021 in development of a green economy in the Niger Delta, Nigeria. It situates the PIA within the broader relationship between law and development, emphasizing how legal frameworks regulate human and corporate behavior to achieve sustainable outcomes. Using a mixed-methods approach that combines doctrinal and non-doctrinal research, the study draws on statutes, case law, policy reports, and socio-economic data to provide a comprehensive analysis. Anchored in the Theory of Regulatory Compliance, the research highlights how enforcement mechanisms, community participation, and fairness considerations shape the effectiveness of the PIA. Key provisions such as the prohibition of gas flaring, establishment of Host Community Development Trusts, and requirements for environmental impact assessments are assessed for their potential to foster sustainability, inclusiveness, and environmental protection. The study finds that while the PIA introduces significant reforms aimed at accountability, host community development, and ecological preservation, challenges persist in terms of political interference, weak enforcement, and limited gender inclusion. It concludes that effective implementation, transparency, and strict compliance with regulatory provisions are crucial for the PIA to contribute meaningfully to sustainable development and a green economy in the Niger Delta.

Introduction
The nexus between law and development stems from the fact that law is an instrument of compliance and regulation of both individual and organizational behavior within a given polite[1].

[1] Levi, Tyler, and Sacks, 'The Reasons for Compliance with the Law' *United States Study Center at University of Syndey,* (2009)Accessed at

It therefore subsists to postulate that law regulates development by societal needs. This is done through regulation, acts, case laws, and administrative policies designed to ensure that developments are tailored to achieve specific goals and mechanisms put in place to ensure compliance in the event of a violation[2]. Development is a multi-disciplinary concept that denotes the transition from a complex to a sophisticated state. It encompasses various dimensions like economic, social, cultural, technological, and personal growth[3]

This study looks at development from the perspective of the green economy. A green economy refers to an economy that has low carbon emissions, is resource-efficient, is socially inclusive, and innovative. It is an economy that results in improving well-being and social equity while significantly reducing environmental risks and ecological scarcities[4]. The role of the law in promoting green economy can be classified into three; the role of law in determining the choice or approaches to green economy, the role of the law in regulating green economy, and the role of the law in ensuring compliance.

This study seeks to investigate the Petroleum Industry Act 2021 contribution to the development Green economy via sustainable development in the Niger-delta region. The study will be built around the Nigeria Petroleum Industry's Act 2021 (PIA) as a legal framework enacted in Nigeria to change the course of development in the oil-rich Niger-delta region in Nigeria. The study will draw inferences on how the PIA impacted the development of the green economy in the Niger-delta region. The study is divided into the following parts; introduction, the relationship between law and development, PIA, Sustainable Development, and Green Economy in Niger-Delta.

Methodology and Theoretical Framework

The study adopted a mixed methods research design. Doctrinal and non-doctrinal research design were adopted in this study. Doctrinal research is a legal research methodology that primarily involves the study of existing legal materials, such as statutes, case law, regulations, and legal commentaries. It focuses on analyzing, interpreting, and synthesizing these sources to answer legal questions or develop legal theories[5]. Doctrinal research is commonly associated with traditional legal methods and serves as a foundation for understanding, interpreting, and applying the law. In contrast, non-doctrinal research involves the use of materials beyond strictly legal documents, such

https://www.researchgate.net/publication/242092772_The_ReASONS_FOR_COMPLIANCe_WITh_The_LAW Accessed on May 2, 2024

[2] A, Aderonke, 'Evaluating Law as an Instrument of Social Control in Nigeria '(2023). Available at < https://ssrn.com/abstract=4333579> Accessed on May 2, 2024

[3] A Reem, 'Traditional Development Theories have failed to Address the Needs of the majority of people at Grassroots Levels concerning GAD' (2018) International Journal of Business and Social *Science* < The Development Definition (ijbssnet.com) >

[4] UNEP, 'Advancing an Inclusive Green Economy: Rationale and Context' (2011) Available at https://unitar.org/sites/default/files/uploads/egp/Section1/PDFs/1.3%20Definitions%20for%20Green%20Economy.pdf Accessed on May 2, 2024

[5] S Priya, Doctrinal Research Design (2023) https://lawcolloquy.com/publications/blog/doctrinal-and-non-doctrinal-research-/269

as empirical data, policy reports, and socio-economic studies[6]. The essence of combining both approaches is to draw on diverse sources of information in order to enrich the depth and validity of the research. In this study, both doctrinal and non-doctrinal data were employed for triangulation, thereby providing a comprehensive basis for assessing the role of the Petroleum Industry Act (PIA) in promoting development in the Niger Delta.

The study adopted Theory of Regulatory Compliance. Regulatory compliance theory examines why and how individuals and firms follow laws and regulations, emphasizing the design and enforcement of rules. This theory holds that mere existence of regulations does not guarantee positive outcomes; rather, the nature of rules, enforcement strategies, and the motivations of regulated actors all influence compliance[7]. **:** Regulatory compliance theory assumes that (a) rules vary in impact and must be selected carefully, (b) enforcement resources are limited so regulators should target high-risk activities, (c) compliance is driven by a combination of deterrence, normative and voluntary motives, and (d) fairness and legitimacy of the regulatory framework influence voluntary compliance.

In the context of Nigeria's new Petroleum Industry Act (PIA) of 2021, regulatory compliance theory helps analyze whether the law's provisions will be obeyed in practice and how they might foster a greener economy in the Niger Delta. The PIA aims to modernize petroleum governance, address long-standing environmental harms in oil-producing areas, and include host communities in oil revenues[8]. Applying compliance theory to the PIA can illuminate how legal and institutional features such as stricter penalties for gas flaring and mandatory community trust funds may promote or hinder sustainable development in the Niger Delta's oil fields. Compliance theory's fairness model is also relevant: if oil companies and government are perceived as unfair to the

[6] S Ibrahim, Z Yusoff & A Ayub, "Legal Research of Doctrinal and Non-Doctrinal (2021) https://www.ijtrd.com/papers/IJTRD6653.pdf

[7] R Fiene, "Theory of Regulatory Compliance" (2016) https://rikinstitute.com/wp-content/uploads/2018/05/1atrc-technical-research-notes2.pdf#:~:text=The%20Theory%20of%20Regulatory%20Compliance,What%20is

[8] **K Nwuke**, Nigeria's Petroleum Industry Act: Addressing old problems, creating new ones (2021) https://www.brookings.edu/articles/nigerias-petroleum-industry-act-addressing-old-problems-creating-new-ones/#:~:text=If%20properly%20and%20vigorously%20implemented%2C,results%20are%20conditional%20on%20Nigeria's

Delta, voluntary environmental compliance may suffer. For example, if communities see that flaring fines are never paid for their benefit, they may view the entire regime as illegitimate. Conversely, a genuine investment in cleanup (as hinted by the PIA's environmental remediation fund) could build trust. To maximize compliance, regulators could transparently use fine proceeds for tangible projects demonstrating the rules' positive impact. This would appeal to moral and citizenship motivations – people obey laws they trust. The PIA's silence on health impacts of flaring, noted by one policy brief, suggests a missed opportunity to fully address community concerns[9]; filling such gaps might strengthen normative support for compliance.

Relationship between Law and Development

Development is a multi-disciplinary concept, "at the level of an individual implies increased skill and capacity, greater freedom, creativity, self-discipline, responsibility, and material well-being. At the level of social groups, implies an increasing capacity to regulate both internal and external relationships"[10] Rodney's conception of development centers on man and sees man as a by-product of human development. The other definition of development adopted in this study is the Brundtland Commission definition noted; 'development that meets the needs of the present, without compromising the ability of future generations to meet their own needs[11]'. The idea of sustainable development springs from this particular definition. It means that development should be sustainable in such a way that the present quest for development should not undermine the future developmental needs of emerging generations. The question remains, how can development happen without endangering the future of emerging generations in a capitalist society? The answer to this question lies in the extent of the relationship between law and development. In society, law and development almost have the same objectives; "to make lives worth living" Why does development improve the standard of life, the reason is that the law is there to regulate the means[12].

Law and Sustainable Development

Certain factors point to the interrelationship between law and sustainable development. The first factor that links development and law is the issue of human rights.

Human rights and development are interconnected concepts and are fundamental to the well-being and progress of societies[13]. Human rights refer to the basic rights and freedoms that all individuals

[9] Mnenga & Ode, "Addressing Gas Flaring in Nigeria: Strengthening Regulatory Frameworks and Enforcement" (2022). https://nigeria.accountabilitylab.org/wp-content/uploads/2025/06/Policy-Brief-Addressing-Gas-Flaring-in-Nigeria-Strengthening-Regulatory-Frameworks-Enforcement-.pdf.pdf#:~:text=Frameworks%20%26%20Enforcement%2011

[10] W Rodney, 'How Europe Underdeveloped Africa' (1972) Tanzanian Publishing House, Dar-Es-Salaam

[11] United Nations Brundtland Commission

[12] M Tyler, 'The Reasons for Compliance with the Law' (2008) <10.1093/prof:oso/9780195371895.003.0004> Accessed on 1st May 2024

[13] I Ivankiv, 'Right To Sustainable Development As One Of The Rights Of Humanity' (2019) < https://www.luc.edu/media > Accessed on 1st May 2024

are entitled to, regardless of their nationality, ethnicity, religion, or any other status. These rights are inherent to all human beings and are often enshrined in international documents such as the Universal Declaration of Human Rights[14].Human rights and sustainable development are closely linked because promoting human rights is essential for achieving sustainable development especially as it relates to climate change and environmental rights[15]. Conversely, development efforts that ignore or violate human rights can perpetuate inequalities, marginalize vulnerable groups, and undermine the long-term sustainability of development outcomes[16].

Secondly, Development is protected by the rule of law which refers to the idea that all individuals and institutions, including the government, are subject to and accountable under the law. The rule of law ensures that laws are applied fairly and consistently and that justice is accessible to all even in our approaches to development.

The Petroleum Industry's Act 2021

The new Petroleum Industry Act 2021 was enacted in 2021. The acts repeal the Extant Petroleum Act of 2004. The Act embodies 5 Chapters, 319 Sections, and 8 Schedules. According to the act, ownership of NNPC Limited is vested in the Federal Government at incorporation and held by the Minister of Finance and the Ministry of Petroleum incorporated[17] . The NNPC is also required to declare dividends to its shareholders and retain 20% of profit as retained earnings to grow its business like any other incorporated entity incorporated under the Companies and Allied Matters Act[18].

Chapter 3 of the Act provides for another for the Petroleum Host Community Development (PHCD)[19]. The provision of the acts here is essential to discuss SDG 10. The objectives of the PHCD include fostering sustainable prosperity within host communities; providing direct social and economic benefits from petroleum operations to host communities; creating a framework to support the development of host communities, etc.

The Act establishes the Hydrocarbon Tax[20], which will be applied to and due during each accounting period on the profits of businesses involved in upstream petroleum operations in the onshore, shallow water, and deep offshore regions. The value of any chargeable oil is adjusted to

[14] Aalborg Charter (Charter of European Cities & Towns towards Sustainability, Aalborg, Denmark); May 1994, http://www.urv.cat/media/upload/arxius/catedra-desenvolupament-sostenible/Declaracions%20VIP/1994_-_aalborg_charter.pdf (accessed: 1st May, 2024).

[15] International Planned Parenthood Federation (IPPF), 'Sustainable Development Goals and human rights' (2020) < SDG+HR_facts.pdf (ippf.org) > accessed: 1st May, 2024).

[16] United Nations. Economic Commission for Africa (2011-01). Sustainable Development Report on Africa I: managing land-based resources for sustainable development. Addis Ababa, p. 1, http://hdl.handle.net/10855/14946

[17] Section 53(3), PIA Act 2021

[18] Section 53(7), PIA Act 2021.

[19] Section 234, PIA Act 2021.

[20] Section 262 PIA Act 2021.

the measuring points based on the proceeds of the chargeable oil sold by the company[21]. The act is criticized because gender inclusion is limited

Legal Frame for Development In Niger-Delta Before Pia

Oil exploration and regulation in the Niger-delta before the advent of the PIA did not provide for sustainable development and a green economy. Some laws like NOSDRA acts that were enacted to protect the environment were not implemented[22]. The type of exploration activity in the region impeded bio-diversity, environmental degradation, and massive climate change issues[23]. The oil extraction activities that have been going on for decades have left the oil-rich Niger Delta region of Nigeria with several environmental challenges. The following are a few of the major environmental issues facing the Niger Delta. Due to old infrastructure, and pipeline vandalism, the area frequently witnesses oil leaks. These spills damage farms, forests, and waterways, which reduces biodiversity and threatens livelihoods. Flaring of related gas is a common practice in oil extraction, which releases contaminants and greenhouse gases into the atmosphere and exacerbates local community health issues as well as climate change[24]. Significant pollution of rivers, creeks, and groundwater has resulted from the disposal of generated water from oil extraction as well as chemical pollutants from oil operations, affecting aquatic life and community health.

The region's soil fertility and agricultural productivity have been negatively impacted by increased erosion and land degradation brought on by the construction of pipelines and access roads, as well as by unsustainable land use practices[25]. Conflicts over land, resources, and compensation for environmental damage have arisen between oil firms, the government, and local populations as a result of social tensions heightened by environmental degradation in the Niger Delta.

On the legal framework, the Constitution of the Federal Republic of Nigeria 1999, confers the rights for mineral exploration on the Federal Government[26]. By this provision above, most laws regulating oil exploration are made by the federal government of Nigeria. In respect to this, the Federal government enacted the National Environmental Standards and Regulations Enforcement Agency (NESREA). The NESREA Act empowers the Agency to be responsible for enforcing all environmental laws, guidelines, policies, standards, and regulations in Nigeria, as well as enforcing compliance with provisions of international agreements, and protocols. A similar body was also created known as the National Oil Spill Detection and Response Agency (NOSDRA) empowers

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[21] Section 262, PIA Act 2021

[22] B Manby, 'Shell in Nigeria: Corporate Social Responsibility and the Ogoni Crisis' (Carnegie Council on Ethics and International Affairs, New York) 1-2

[23] G Frynas 'Corporate and State Responses to Anti-oil Protests in the Niger Delta' (2001) 100/398 African Affairs 27, 29 cited in C Nwapi 'A Legislative Proposal for Public Participation in Oil and Gas Decision-Making in Nigeria' (2010) 54/2 Journal of African Law 184 at 189

[24] RL Sandor, EC Bettelheim, and IR Swingland 'An Overview of a Free-Market Approach to Climate Change and Conservation Philosophical Transactions' (2002) 360/1797 Mathematical, Physical and Engineering Sciences 1607

[25] T Hardjono and P de Klein, 'Introduction on the European Corporate Sustainability Framework' (2004) 55/2 Journal of Business Ethics 99 accessed 4 November 2009

[26] Section 4 Second Schedule of the CFRN 1999 (as amended)

the agency to ensure compliance and report any oil spillage within twenty-four hours or pay the sum of N500,000 per day for failure to report[27]. Gas flaring contributed more to environmental disasters before the emergence of the PIA[28]. The development of host communities was not captured in other laws. The host communities were taken care of through corporate social responsibilities from the companies.

The Petroleum Industry's Act, Green Economy and Sustainable Development

The green economy is an economy characterized by low carbon, resource efficiency, and social inclusiveness. Growth in employment and income in a green economy is fueled by public and private investment in these economic endeavors, as well as by the acquisition of assets and infrastructure that permit lower carbon emissions and pollution, improved energy and resource efficiency, and the preservation of biodiversity and ecosystem services. Changes in taxation and regulation, along with targeted public spending and policy reforms, are necessary to facilitate and promote these green investments. The green economy has promoted sustainable development or even been linked to it. A green economy promotes sustainable development by fostering economic growth while ensuring environmental protection and social inclusivity. It emphasizes the efficient use of resources, reduction of carbon emissions, and promotion of renewable energy and sustainable agriculture.

Green economy practices aim to reduce environmental impact and promote the sustainable use of natural resources. This includes efforts to reduce pollution, conserve biodiversity, and mitigate climate change, all of which are crucial for sustainable development. A green economy can lead to economic prosperity by creating new industries and jobs in renewable energy, sustainable agriculture, and eco-friendly technologies. This can contribute to poverty reduction and improved livelihoods, key components of sustainable development.

Petroleum Industry's Act and Ecological-Friendly Environment

From section 103 to section 105 of the Petroleum Industrial Act 2021, the act provided for an environmental impact plan and approval before engaging in any oil exploration and other related business in the region[29]. The environmental impact assessment is vital to ensure that all businesses that have negative impacts on the environment are not approved. This section promotes sustainable development goals 12 (climate action) and 7 (decent work and economic growth). Likewise, section 105 of the PIA Acts 2021 criminalized gas flaring and other forms of environmental pollution[30].

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[27] Section 6(2), 7 National Oil Spill Detection Response Agency Act, 2006
[28] G Eweje, 'Environmental Costs and Responsibilities Resulting from Oil Exploitation in Developing Countries: The Case of the Niger Delta of Nigeria' (2006) 69/1 Journal of Business Ethics 29, accessed 6 May, 2024.
[29] Section 103, PIA Acts 2021
[30] Section 105, PIA Acts 2021

The PIA Act 2022 has promoted a green economy and sustainable development regulating gas flaring. The purpose of this section is to lessen the occurrence of gas flaring. It stipulates severe penalties for doing so. The rule gives the Nigerian Federal Government the authority to accept any gas flare without charging a fee or paying a royalty. The act provided that through a competitive bid process, the Ministry of Petroleum is authorized to choose candidates to accept gas flare on behalf of the government and use it for commercial purposes. The reservation of the climate through legislation against gas flaring is key for sustainable agriculture in the region. Gas flaring has been destructive to climate and has impacted against use of arable land for agricultural development in the region.

Petroleum Industry's Act and Sustainable Cities and Communities

Furthermore, one of the keys to a green economy is to provide for community development through renewable and clean energy. The SDG 10 deals with Sustainable cities and communities. The PIA, unlike other legislation, did not provide for host communities' development. The lack of such provision has not only endangered the environment and ecosystem of the host communities but has also led to consistent conflicts between the oil companies and the host communities.

The PIA provided that "settlors that is the exploration and production companies shall set up Host Communities Development Trust (HCDT), by contributing 3% of their annual operating expenditure the immediately preceding financial year to the host communities[31]. Requests detailing the proposed host community, proposed Board of Trustee (BOT), proposed region of operation, and draft HCDT constitution must be submitted by each settlor to the NUPRC. The Companies and Allied Matters Act requires the designated BOT to be registered. Within a year of the granting of a lease or license, or a year of the first yearly contribution under an existing lease, the communities must undergo a need assessment. The need evaluation will serve as the foundation for creating the development strategy. Last but not least, there is a clause requiring the HCDT to provide an annual report to NUPRC that includes an audited account for the previous year, a list of suggested projects for the following year, the status of ongoing projects, and the cost of each project.

The community development fund will promote SDG-sustainable cities and communities in various aspects. The first is that it will make provision for pipe-bole water in the area. Access to drinkable water and water for agricultural purposes has been limited because of oil spillage into water sources in the region[32]. So, the provision of host community funds will be useful in providing necessities for the host communities.

[31] Section 235, PIA ACTS, 2021

[32] D Howden, 'Environmental Racism: The Gas Flares that Bing Death and Destruction to Nigeria', accessed 5 May 2024

Petroleum Industry's Acts and Reduced Inequalities

The PIA is the foremost legislation in Nigeria that considers gender inequalities in society. This is in line with the sustainable development nine (9) that called for "Reduced inequalities". PIA provided for gender inclusion in most of the trustee committees and also provided for consultation of women and children in conflict resolutions[33]. Since the enactment of this law, more than 30% of women have been employed and appointed to different boards of oil and gas companies in Nigeria[34]. The law has promoted inclusion in administration and sustainable development in the region.

Challenges of PIA and Green Economy in the Niger-Delta

There are several likely setbacks on the PIA. The first challenge is the problem of political intervention in the implementation of the PIA. The implementation of similar laws has been hindered by corruption and the political process. In the past, the NOSDRA acts that are designed to address oil spillage have been manipulated to shield companies that endanger the environment in the region[35]. In the implementation of the green economy in the region, this is not the first time funds have been dedicated to the development of the Niger-delta region. The federal government has in the past established a ministry dedicated to the development of the Niger-delta region and also rolled out an amnesty program for the youths. The funds were diverted by greedy politicians for personal use.

Despite these challenges identified, the recommendation or the solution lies within the intersection between law and development; compliance and regulation. The law should take its full course for maximum utility of PIA for green economy in the Niger-delta.

Conclusion

The PIA if effectively implemented will play an active role in the promotion of green economy in the Niger Delta region through several ways; the tax provided for the host communities will enable community trustees to develop the community based on the needs of the people. Conflicts between host communities and settlers will be easily addressed. The protection of the environment through sanctioning of all actions that will endanger the ecosystem will help reclaim community land for sustainable projects like agriculture and other ecologically friendly enterprises.

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[33] Section 251 (3)b, PIA Acts 2021

[34] S Asogwa, 'FEATURE: Why women inclusion is key to Nigeria's oil and gas industry' (2021)< Https://www.premiumtimesng.com/features-and-intervi> Accessed on 7th May, 2021

[35] Kumor, 'The Paradox of NOSDRA to Prevent and Quickly Respond To Oil Spills In Nigeria' (2022) American Journal of Humanities and Social Sciences Research (AJHSSR) e-ISSN:2378-703X < Online Journal Publication | Publish Your Research Paper (ajhssr.com) >Accessed on 6th May, 2024

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Section 103, PIA Acts 2021

Section 105, PIA Acts 2021

Section 234, PIA Act 2021.

Section 235, PIA ACTS, 2021

Section 251 (3)b, PIA Acts 2021

Section 262 PIA Act 2021.

Section 262, PIA Act 2021

Section 4 Second Schedule of the CFRN 1999 (as amended)

Section 53(3), PIA Act 2021

Section 53(7), PIA Act 2021.

Section 6(2), 7 National Oil Spill Detection Response Agency Act, 2006

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