

**Communique Issued at the end of the 1st Two-Day International
Anti-Corruption and Climate Change Conference organised by HEDA
Resource Centre In partnership with Hawkmoth and with the
Support of the MacArthur Foundation held in Abuja on Tuesday 2nd
and Wednesday 3rd September 2024**

PREAMBLE

Oil discovered in 1958 is Nigeria's economic mainstay. Nigeria has vast crude oil and gas reserve being 37b barrels of crude oil and 206.53 trillion cubic feet (tcf) of gas, the second largest in Africa after Libya.

Years of oil exploration has led to economic growth figures, yet associated with exploitation, devastation of biodiversity, pollution and corruption in management of revenue from oil.

The oil and gas industry in Nigeria is one of the opaquest, characterised by poor regulation and monitoring, oil theft, spill, pipeline vandalization, and illegal refineries operations with devastating impact on the ecosystem;

Conscious of the current energy transition efforts in Nigeria, amidst fears of asset management flaws and debt dumping towards good governance and sustainable livelihood, and the need to address legislative initiatives to fight climate change and corruption;

Aware of local and international conventions and treaties on Corruption and Climate change to which Nigeria is a signatory which includes but not limited to United Nations Framework Convention on Climate Change (UNFCCC), adopted in 1992, the 1997 Kyoto Protocol and the 2015 Paris Agreement, the Convention on Biological Diversity (CBD), the African Union Agenda 2063 and the ILO Convention 165 on the rights of indigenous people;

Dealing with these challenges require legal reforms, institutional strengthening, public awareness, and international cooperation which informed this all-important International Conference, knowing HEDA Resource Centre leads campaign for accountability locally and internationally;

The focal point is to address issues of climate change, corruption, illicit asset recovery, transparency in acquisition procedures, create interactive forum, make policy recommendations and enhance sustainable development in Nigeria and West Africa.

At the conference were the Minister of Environment, Dr Ishaq Salako represented by Director of Climate Change at the Ministry of Environment, Mrs. Iniobong Abiola-Awe, Mr Femi Falana (SAN), Chairman, House of Representative Committee on Information, Hon Akin Rotimi, Chairman of House Committee on Public Affairs, Chairman of the Economic and Financial Crimes Commission, (EFCC), Ola Olukoyede, Political Affairs Officers, US Embassy, Abrahamian Andray and Mike Berentson, panellists including Director NHRI, Mrs. Agharese Arase, Faith Nwadishi (Executive Director, CTA), Isaac Botti (Social Action), Founder/Publisher, *Premium Times*, Mr Dapo Olorunyomi. Others are NEITI Executive Secretary, Dr. Orji Ogbonnaya Orji, Country Director, Stakeholders Development Network (SDN) Ms Florence Kayemba, Mr Gbenga Komolafe, Commission Chief Executive, NUPRC, Executive Director Kebetkache, Ms Emem Okon, Director CDD, Dr. Dauda Garba, Deputy Chairman, House of Representatives Committee on Environment, Hon Terser Ugbor, Rev. Nimmo Bassey, Member HYPREP, Mr Celestine AkpoBari, CEO, Nigeria Climate Innovation Centre, Bankole Oloruntoba, MD/CEO Rural Electrification Agency, Mr Abba Aliyu, Senior Officer Natural Resource Governance Institute, Tengi George Ikoli, Co-founder, Cornerhouse, Mr Nicholas Hildyard, Kano State Public Complaint and Anti-Corruption Commission, Barr Muhyi Magaji, CEO, CODE, Hamzat Lawal, ED, ACEP Ghana, Mr Benjamin Boakye, Hon. Kayode Oladele, Mr Ashley Emenike, ED, ANEEJ, Rev David Ugolor, ED African Centre for Governance Asset Recovery and Sustainable Development, Juliet Ibekaku-Nwagwu, Transparency International, USA, Ms Annalise Burkhart, Recommon, Antonio Tricarico, Hawkmoth co-Founder, Simon Taylor, Deputy Director, MacArthur Foundation, Dr Amina Salihu, Dr. Adebukola Adebayo, ED CITAD, Comrade Yunusa Yau, Centre for Women's Rights and Leadership, Ms Fatou Jagne, Dr. Tunde Akanni, the media, labour, Civil Society Organisations from Nigeria and Africa among many others.

DELIBERATIONS

- Participants commended the efforts of HEDA Resource Centre at leading the campaign for transparency in the oil and gas sector with solidarity messages from local and international organisations;
- Conference noted HEDA has brought hope in place of despair, notable is its rare courage in local and global campaigns expressing solidarity for it in the face of threats to its officials;
- Participants admitted the conference is timely and critical to addressing fundamental oil, gas, climate, and accountability issues in Nigeria;

- Climate change declared as a cross-cutting issue of environment, economic growth, and development all of which are related to oil and gas production, mining, forest and land resources management;
- The sharing formula between oil companies and the IOCs under the Profit Sharing contract Act remains at ratio 70:30 in favour of the IOCs with a clause that it would be reviewed when oil prices goes up. This agreement has been consistently violated to the disadvantage of Nigeria, made worse by the removal of clause 16(1) in 2019 which puts the IOCs at advantage leading to the loss of over \$50b to the country since 2019 while huge public funds are stashed abroad with less than significant retrieval efforts;
- Half of Shell's global gas flaring occur in Nigeria while pollution remains a major problem with far reaching consequences on biodiversity, reproductive and mental health and the wellbeing of forest dependent indigenous oil producing communities especially women and children knowing that environmental havoc is not just by big companies but also by locals in some cases prompted by traditional rulers;
- Nigeria lost 619m barrels of oil in 12 years to oil theft resulting in deficit of \$46b apart from loss arising from over 200m barrel oil spill running into billions of dollars while poor monitoring of oil production and tracking of ships remain a major challenge;
- The mismanagement of oil resources is not just technical, it is also a political problem;
- The Nigerian Extractive Industries Transparency Initiative, NEITTI has not been as active as it used to be in holding industry operators accountable;
- Rather than the huge revenue from oil translating into prosperity, it has become a curse resulting in environmental pollution, food insecurity, depletion of maritime and forest resources, corruption, mismanagement, poverty, weak institutions, endless fuel price hike, spurring hunger and violence across the country and also in the Niger-Delta. Oil producing communities remain at the end of the stick, impoverished, marginalised, bruised and their land figuratively raped;
- Associated revenues from oil in the form of derivation given to oil communities, the NDDC, 13% derivation to states and ecological funds are riddled with poor management and corruption;
- Oil and gas are not renewable sources of energy which means Nigeria needs to diversify into green energy and other sectors like agriculture for economic rebirth; Participants acknowledge the responsibilities of public institutions like the National Orientation Agency (NOA) campaigns and its setting up of the Climate Change Department;

- Conference acknowledged the **Economic and Financial Crimes Commission, (EFCC) Task Force** on Mining and efforts of the ***National Assembly*** in terms of related Bills to strengthen the Code of Conduct Bureau, Whistle blowers Bill, Agenda 8 on climate change and environmental sustainability to address flooding, forest decapitation, waste management and loss of biodiversity;
- Delegates regretted the dearth of Environmental Impact Assessment, (EIA) by state and non-state actors in project execution like the Calabar-Lagos highway;
- Nigeria is recognised as not deficient in adequate laws, but absence of political will, good conscience combined with civil, administrative and legal enforcement deficit;
- Participants raised concerns on the IOC divestment process, the transparency content and the liabilities left behind with concerns about the capacity of successor companies to deal with the mess;
- Intelligence agencies often see security service as the survival of politically exposed persons instead of the safety of the people and their communities by exposing politically driven threats like corruption and environment hazards;
- The National Assembly has organised many probes without positive outcomes. Hundreds of probes have been handled by the NA since 1999;
- The Freedom of Information Act offers an advantage for anti-corruption campaign but Government stiff-neck attitude to FOI requests remains an obstacle which can be overcome as demonstrated by striking success of some CSOs; The Petroleum Industry Act (PIA) provides necessary intervention mechanism but requires review for greater inclusion;
- The Petroleum Industry Act, PIA should offer recipe for communities but there are instances of interference by external interests for personal gains; and
- Delegates observed with interest recent court decisions that favour agitation for accountability in the oil sector like the *locus standi* granted to Civil Society Organisations to institute public interest litigation including cases on environment pollution.

Recommendations

- The energy transition and divestment proposal by IOCs in Nigeria should be people driven with utilitarian public good as the focal point, and Nigeria should address the paradox of prosperity;

- Climate change and energy consumption in Nigeria should be of global standards knowing that climate change is critical to building communities;
- Shell and other oil companies should not be allowed to divest without accountability to communities and to Nigeria;
- Local and international groups in the oil and gas sector should operate within the legal framework and human rights, while public and private institutions should strengthen administrative, legal and civil enforcement;
- The widespread damage caused by oil and gas exploration in the Niger-Delta should be addressed with a strong call for corporate accountability;
- The Global South should put the framework in place for climate change innovations, transparency, and accountability which are the bedrock of sustainable future;
- Nigeria should intensify efforts by exploiting international anti-corruption instruments to retrieve stolen public funds stashed at home and abroad;
- EFFCC *Task Force* on illegal mining which relates to climate change should work with CSOs and media;
- The National Assembly should send requests for probes to relevant institutions like the EFCC and the ICPC for diligence, transparency and a non-partisan approach while strengthening anti-corruption agencies and the rule of law for optimum performance;
- The National Assembly and other Government agencies should prioritise cutting the cost of governance, fight corruption and stop the wastage of public funds;
- The review of the Petroleum Industry Act should lead to greater community empowerment and inclusion of people with disability;
- Nigerian leaders need the political will to address climate change and corruption, and governance issues being about responsibility while the media and CSOs need to partner to expose corruption at the Federal and local levels;
- Development of data-driven and evidence-based research on management, allocation and disbursement of oil and gas resources;
- Corruption is not only at the Federal level, it occurs also at local levels and such includes mismanagement of the 13% derivation, ecological funds, 3% community allocation and NDDC funding all of which should draw keen attention of Nigerians;
- The 13% derivation to oil producing states should ensure the oil producing communities receive the mandatory 40% of the 13 percent while the 20 percent investment in renewable energy by local communities be enforced;

- The Federal Government should release the result of the probe panel on the over 7000 abandoned projects in the Niger-Delta;
- NEITI should be re-energised to meet local, national, and International obligations while the country needs efficient metering and monitoring mechanism to deter oil theft and ensure factual information on oil production, spillage, and pollution;
- There is the need for alternative dispute resolution in dealing with hurdles associated with marginalisation of oil producing communities;
- EFCC and CSOs to collaborate, while CSOs are encouraged to make effective use of the FOI for public enlightenment, public mobilisation and public interest litigation;
- The Government should foster model means of transportation like railways for effective distribution and greater public access to oil and gas resources;
- Nigeria needs to build a new national spirit of patriotism, loyalty to justice, and equity irrespective of creed, faith or ethnicity towards collective fight against corruption and human misery caused by bad leadership for peace, prosperity and dignity of Nigeria in the comity of nations; and
- Participants express profound gratitude to HEDA Resource centre and its international partners for the historic conference.