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NATURE OF STATUTES FOR COMPENSATION FOR OIL POLLUTION DAMAGE IN NIGERIA: APPLICATION OF MARXIAN THEORY OF DIALECTICAL MATERIALISM

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Abstract

Oil production, development and exploitation are activities arguably sustained and regulated by statute laws in Nigeria. Huge proceed continually derived from oil production and exploitation now makes oil resources to be the mainstay of the country's economy. Regrettably, the oil business alliance formed by the Nigerian state and the capitalist Multinational Oil Companies (MOCs) is aggressively after material profits. The demands by individuals and local oil communities in the oil bearing areas in Nigeria for compensation are not adequately addressed by the oil business alliance. Hence, there are grievances, conflicts and litigations associated with oil exploitation as a result of inadequate or non-payment of compensation for oil pollution damage. Conflicting economic interests, little or no payment of compensation for oil pollution arising between the oil business alliance and the oil bearing communities in Nigeria are perhaps, characteristics of the law regulating oil production and exploitation in the country. This paper therefore, looks at the nature of statutes for regulation of compensation for oil pollution damage in Nigeria, adopting the Marxian theory of dialectical materialism in its analysis. The paper uses doctrinal approach to analyze concepts, principles and rules from statutes and academic journals gathered to develop its thematic scheme. In findings, the paper states that oil pollution compensation laws split in statutes are pro-state and the capitalist Multinational Oil Companies' interests; and not oil pollution victims focused. Thus, the paper

recommends that specific and clear statute be made to address the demands for compensation for oil pollution damage in Nigeria.

Keywords: *Nature, Statutes, Compensation, Oil Pollution, Nigeria, Dialectical Materialism.*

INTRODUCTION

It is a common knowledge that oil mineral was discovered in commercial quantity in Nigeria in 1956. Since oil discovery in 1956, the country have engaged in oil production, development and exploitation in partnership with the Multinational Oil Companies (MNCs) which oil business drive is propelled by capitalist spirit. This sprit enthrones the primacy of material profits against compensation for environmentally polluting consequences of oil exploitation. Hence, the worrisome fact about activities of oil exploration and exploitation in Nigeria is neglect of the plight of oil pollution damage victims. Indeed, individuals and communities within the oil bearing areas in Nigeria suffer excruciating oil pollution damage and their demands for compensation for such damage are not adequately addressed. In fact, little or no payment of compensation is their lot after a long and frustrating litigation for compensation. What is partly responsible for little or no payment of compensation for oil pollution damage is arguably the law regulating liability and compensation for oil pollution in Nigeria. This paper therefore, looks at the nature of sampled statutes for compensation for oil pollution damage in Nigeria with a view to analyzing the propriety or otherwise of the law for compensation for oil pollution. In doing this analysis, the paper applies the Marxian theory of dialectical materialism to explain the nature of statute laws regulating the conflicts, struggle and litigations for compensation for oil pollution arising between the oil business alliance and oil pollution victims in Nigeria.

OBJECTIVE OF THE PAPER

The objective of this work is to explain the nature of statutes for compensation for oil pollution damage in Nigeria from the prism of Marxian theory of dialectical materialism. This explanation would afford some analysis aimed at determining whether the statutory framework for

compensation for oil pollution is pro-oil business alliance formed by the state and multinational oil companies; or oil pollution victims focused.

METHODOLOGY

This paper adopts doctrinal approach in analysis of statutory principles, rules and concepts considered. The paper taps into materials drawn from legal texts, journals and internet in the discussion of its topical issues. To this end, doctrinal approach becomes a suitable method of analysis for this paper because of its analytical interest in deploying non-numerical data in terms of provisions of statutes, legal texts, academic journals and court opinions as building blocks of the paper. The theoretical framework of Marxian dialectical materialism is also adopted to explain the nature of statute laws regulating conflicts and struggle for compensation for oil pollution damage in Nigeria.

CONCEPTUAL CLARIFICATIONS

(i). Statutes

Statutes are laws passed by a legislative body. (Garner, 2004). They are pieces of written law enacted by the legislature either of the federation, state or local government area. Thus, statutes involved in this paper are those laws in writing made by the legislature for the regulation of liability and compensation for oil pollution damage.

(ii) Compensation

It is also important to clarify the meaning of the term, compensation. The Law Dictionary gives a broader view of compensation as it states that:

compensation is indemnification; payment of damages; making amends; that which is necessary to restore an injured party to his former position. An act which a court orders to be done, or money which a court orders to lie paid, by a person whose acts or omissions have caused loss or injury to another, in order that thereby the person damnified may receive equal value for his loss, or be made whole in respect of his injury. (https://www.dictionary.thelaw.com).

Garner (2004) also defines compensation as "payment of damages or any other act a court orders to be done by any person who has caused injury to another." To this end, Nwazi posits that compensation entails damages,

reparation, restitution or restoration which serves as adequate recompense for the victims and the damaged areas of their environment. (https://www.nigerianlawguru.com/.../environmental%20law/compensation%20for%20...).It needs to be added that compensation is a broad term which embraces monetary and non- monetary materials agreed by parties or ordered by the court in pollution compensation cases.

(iii) Oil Pollution Damage

Oil pollution damage as a concept is not expressly defined by any existing law in Nigeria. However, the definition of pollution under section 37 of National Environmental Standards and Regulations Agency (Establishment) Act, (NESREA) throws some light on the meaning of oil pollution damage in this paper. Section 37 of NESREA defines pollution as: man-made or man aided alteration of chemical, physical or biological quality of the environment beyond acceptable limits and pollutants shall be constructed accordingly.

From the implication of section 37 of NESREA, oil pollution damage is an unnatural harm to the environment arising as a result of the activities of oil exploration and exploitation, including allied activities involved in the production, development and transportation of oil and gas for economic enhancement of the country. In section 1 of Appendix 1 to the National Oil Spill Detection Response Act, (NOSDRA), 2004 it is admittedly stated that virtually all the activities in the oil sector are not only prone to pollution of the host environment but have also readily provoked social discord. As observed by Ighodalo (2006) in the words of Olojede et al:

oil pollution is known to cause unsavoury development on human life and the environment people live in, such as skin irritation, small pox and chicken pox, extinction of aquifers, destruction of farm lands and farming, death of fish tribes and fishing as a major occupation of the riverine people. According to United Nations Environment Programme (UNEP) (2011) in its Assessment Report enormous environmental damage has been caused by oil spills arising from the operations of multinational oil companies in Nigeria. The UNEP (2011) further maintains that clean up operations could take up to 30 years at the approximated initial cost of $1 billion dollars at Ogoni land which is arguably the centre of oil pollution in Nigeria.

HISTORICAL BACKGROUND OF STATUTORY FRAMEWORK FOR COMPENSATION FOR OIL POLLUTION DAMAGE

The statutory framework for regulation of oil sector in Nigeria became formalized, coded and feasible during the colonial days with the promulgation of the Mineral Oil Ordinance of 1914 which vested ownership and control of oil resources in Nigeria in the British Crown. Section 6 (1) of the 1914 Ordinance specifically permitted the grant of lease or license to search for, win and work mineral oils to be made exclusively to British subject or British company. Given the fact that operation of the oil lease or license to be granted would involved acquisition of land and adversely affected proprietary rights of persons, compensation clause was then inserted into the Mineral Ordinance of 1916, an amended version of the Mineral Oil Ordinance, 1914. As a matter of fact, section 34 (1) of the Mineral Ordinance, 1916 a piece of colonial legislation stipulated as follows of compensation regarding the operator of an oil mining lease:

The mining lease shall pay compensation to the owner of any building, or of any economic trees, or crops removed, destroyed or damaged by the lessee, his agents, workmen; provided that compensation shall not be payable in respect of any building erected or trees or crops planted on land in respect of which surface rent is paid by the lessee under section 32 after the date of which such rent commences to be payable.

Raji and Abejide (2014) comment of the provisions of the defunct Mineral Oil Ordinance, 1916 cited above as being "clear manifestations of the British colonial government's consideration for the local land owners as well as protection of their own companies in the British Colony in Nigeria" The authors' view above notwithstanding, it is very clear to observe that the provisions of the colonial statute cited above were incomprehensive in scope, as they covered only compensation for land acquisition, building or economic trees or crops damaged on the land. More clearer is the fact that compensation for extensive oil pollution damaging fish ponds, contaminating drinking water sources (streams) and raising human health concerns were not addressed in the statute herein cited as a historical precedent. Hence, the need for specific statutes regulating oil mining and its attendant issues of pollution and compensation warranted the

enactments of Oil Pipelines Act, 1956; Oil in Navigable Waters Act, 1968 and Petroleum Act, 1969 respectively. These Acts form part of the existing statutory framework which according to Bello and Olukolajo (2016) is unclear and contradictory regarding compensation for oil pollution.

At independence, the Constitution of Nigeria, 1960 stood as the grund norm and provided the fundamental legal basis for right to compensation. Section 30 (1) (a) of the Constitution guaranteed payment of adequate compensation for compulsory acquisition of property. Similarly, section 31 (1)(a) of the Constitution of the Federal Republic of Nigeria, 1963 (the Republican Constitution) which replaced the Constitution of Nigeria, 1960 (Independence Constitution) equally provided for payment of compensation. Both constitutions of 1960 and 1963, however did not expressly made provisions for compensation for oil pollution damage, save compensation for acquisition of land. Compensation for acquisition of land particularly became a major issue covered and regulated under section 29 of the Land Use Act, 1978. As can be clearly observed, the compensation provided for under the Land Use Act, 1978 cited above does not cover compensation for oil pollution damage but is basically meant for land acquisition which may be for oil mining or other purposes of public concern.

The defunct Constitution of the Federal Republic of Nigeria, 1979 sustained the provisions of the Land Use Act 1978 on compensation. The Constitution however, added in section 40 (1) (a) that payment of compensation was to be made promptly. In section 40 (1) (m), the Constitution provided that the prompt payment of compensation was to be made for:

damage to buildings, economic trees, or crops, providing any authority or person to enter, survey or dig any land, or lay, install or erect poles, cables, wires, pipes or other conductors or structures on any land, in order to provide or maintain the supply or distribution of energy, fuel, water, sewage, telecommunication services or other public facilities or public utilities.

Like the preceding Independence and Republican Constitutions of Nigeria, 1960 and 1963, the Constitution of Nigeria, 1979 made clear provisions for compensation for compulsory acquisition of land. It did not make direct provisions for compensation for oil pollution damage. The Constitution

however provided in section 40 an implied general basis for a claimant to seek compensation even in cases of oil pollution damage. The Constitution of the Federal Republic of Nigeria, 1979 has been repealed and replaced with the Constitution of the Federal Republic of Nigeria, 1999 as amended. This Constitution is now the highest existing law on right to compensation. The provisions of this Constitution in section 44 (1) (a) and (2) (m) are in *pari materia* with the provisions of section 40 (1) (a) (m) of the defunct Constitution of Nigeria, 1979 on compensation; save minor distinction in nomenclature with respect to arrangement of sections as can be noticed in this discourse. There is also absence of direct provisions for right to compensation for oil pollution damage in the existing Constitution.

It needs to be added that the inadequacy of unambiguous statutes for regulation of environmental pollution and compensation was uniquely exposed by the incident of dumping of toxic waste at Koko, a coastal village in Delta State. (Okonkwo, 2003). The incident engendered the making of two statutes to wit: the Harmful Waste (Special Criminal Provisions, etc) Act, 2004 and Federal Environmental Protection Agency Act (FEPA), 1990. Specifically, FEPA provided for spiller's liability and compensation for damage caused by hazardous substances in section 21 (1) (a) (b) thereof. Derri and Abila (2009) comment that section 21 of FEPA enshrined the "polluter pays principle" in the Nigerian legal framework. The principle which is of international law dimension maintains that "it is the polluter that is to meet the cost of pollution control, prevention measures and compensation for damage done." (Derri and Abila, 2009). Incidentally, FEPA has been repealed and replaced with the National Environmental Standards and Regulations Enforcement (Establishment) Agency Act, 2007 (NESREA). Again, the duo of Derri and Abila (2009) write that key and landmark provisions were wiped away with the repeal of the FEPA as the new NESREA is clearly deficient in so many respects, especially in relation to the oil and gas industry. This is true because the "polluter pays principle" enshrined in FEPA has been wiped away in the succeeding NESREA which is held to be the principal statute of environmental regulation. There is no statute now in Nigeria clearly enshrining the "polluter pays principle" as FEPA did. There is also no specific and clear statute for oil pollution compensation in Nigeria as obtainable in the United States of America

which operates Oil Pollution Act, 1990 (OPA) in that regard. As can be seen, the background of the statutory framework for regulation of compensation for oil pollution is colonial. This means that the statutory framework needs be updated to meet modern demands for compensatory justice in oil pollution cases.

Some statutes for compensation for oil pollution damage

Statutes such as Oil Pipelines Act, 1956, Petroleum Act, 1969 including the Constitution of the Federal Republic, 1999 exist among others, with respect to the matter of compensation in Nigeria.

(i) Constitution of the Federal Republic of Nigeria, 1999

The constitutional basis for compensation is provided for in section 44 (1) (a) of the Constitution of the Federal Republic of Nigeria, 1999 as amended. The section provides that:

No moveable property or any interest in an immoveable property shall be taken possession of compulsorily and no right over or interest in any such property shall be acquired compulsorily in any part of Nigeria except in the manner and for the purposes prescribed by a law that, among other things- requires compensation therefor.

From the section of the Constitution cited above, it is clear that right to compensation for oil pollution damage is not expressly provided for. What has been expressly provided for is compensation for compulsory acquisition of land.

(ii) Oil Pipelines Act, 1956

This Act provides in sections 11 (5) that: The holder of a license shall pay compensation to:

(a) Any person whose land or interest in land (whether or not it is land in respect of which the license has been granted) is injuriously affected by the exercise of the rights conferred by the license, for any such injurious affection not otherwise made good;

(b) Any person suffering damage by reason of any neglect on the part of the holder or his agents, servants or workmen to protect, maintain or repair

any work, structure or thing executed under the license, for any such damage not otherwise made good;

(c) Any person suffering damage (other than an account of his own default or on account of the malicious act of a third person) as a consequence of any breakage of or leakage from the pipelines or an ancillary installation, for any such damage not otherwise made good.

If the amount of such compensation is not agreed between any such person and the holder, it shall be fixed by a court in accordance with part iv of this Act.

The section of Oil Pipelines Act, 2004 cited above provides for negotiation as alternative procedure for settlement of compensation for oil pollution damage. Omoruyi and Achi (2013) however, state that giving the relative positions of the parties in oil pollution cases; it is easy to imagine that the injured person who opts for alternative dispute resolution will in most cases be short-changed. Notably, the provision for negotiation for settlement of compensation is laudable.

(iii) Petroleum Act, 1969

Paragraph 36 of the First Schedule to the Petroleum Act borders on compensation and it provides as follows:

The holder of an oil exploration license, oil prospecting license or oil mining lease shall in addition to any liability for compensation to which he may be subject under any other provision of this Act, be liable to pay fair and adequate compensation for the disturbance of surface or other right to any person which owns or is in lawful occupation of the license or leased land.

The paragraph of the schedule to the Petroleum Act cited above, fails to define fair and adequate compensation which it has provided for. It states no procedure for assessment and payment of compensation.

To this end, it is apparent that the constitution and the statutes cited above contain no definition of compensation that may be

payable in oil pollution cases. The statutes are unclear, incomprehensive and technical in nature. To that extent, they provide no ready vehicle in the drive towards realization of adequate compensation for oil pollution damage in Nigeria.

STATUTES FOR COMPENSATION FOR OIL POLLUTION IN NIGERIA: APPLICATION OF MARXIAN LEGAL THEORY OF DIALECTICAL MATERIALISM

The method of regulation and management of exploration and exploitation of oil resource with its attendant environmentally polluting consequences has become a source of unceasing conflicts, disputations and litigations in Nigeria. To emphasise the point being made above, the method adopted by the Nigerian State and multinational oil companies in their oil business alliance deprives human victims of compensation for oil pollution, including remediation of the damaged natural environment. In this era, it appears that oil exploration and mining have turned into negative exploitation and abuse of rights of the people in Nigeria, due to inadequate compensation for oil pollution for adversely impacted individuals and communities. To this end, apt is the remark pointedly made by Ereibi that "the era of oil exploitation has turned the Nigerian oil region into a reckless region of human and environmental rights abuses and other forms of social injustice and atrocities chiefly perpetrated by the state and oil companies." (https://www.unn.edu.ng>publications>files>images). From this remark, it is simple to note that oil exploitation has thrown up conflicts upon conflicts in the oil-rich region of Nigeria. Ekhator (2016) adding his voice, points out that "payment of adequate compensation to victims of the activities of oil MNCs in the oil and gas industry in Nigeria has been at the centre of many conflicts in the Niger Delta." On one side of these conflicts are the Nigerian government and multinational oil companies, and on the other side are the oil pollution impacted individuals and communities in the oil bearing region of Nigeria.

In the midst of these environmental conflicts, Ereibi further opines that "municipal environmental protection laws and statutes particularly those concerning compensations, reparation and remediation are not respected in the country". (https://www.unn.edu.ng>publications>files>images).

To be drawn from Ereibi's view above is the fact that lack of respect for, or non-compliance with environmental protection laws is responsible for inadequate compensation or non-compensation for oil pollution damage in Nigeria. With this, oil exploitation continues with oil companies pursuing their profits, environmental pollution damage exists in various forms; conflicts, struggles and litigations for compensation for oil pollution damage also become problems existing unabated. Hence, this study finds it fitting to adopt the Marxian theory of dialectical materialism in the evaluation of the nature of reality regarding the legal regime regulating oil exploitation and the ensuing oil pollution and compensation conflicts in Nigeria.

Karl Marx is respected as the proponent of the theory of dialectical materialism. This respect is shared with Lenin because of his support for the theory, thus making the theory to be referred to as "the Marxist-Leninist theory." (https://www. newworlden cylopedia. org/entry/dialectical materialism). Dialectical materialism is the world-view of the Marxist-Leninist party. (https://www.newworldencylopedia.org/entry/dialectical materialism). It suffices to state that it is a generalized philosophical approach to analysis of reality derived from the teachings of Karl Marx. (Britannica.com.https:/ /www.britannica. com>topic). For Marx, materialism, meant that the material world, perceptible to senses, has objective reality independent of mind or spirit;" (https://www.newworldencylopedia. org/entry/dialectical materialism)and dialectics meant that art of argumentation aimed at disclosing, resolving and overcoming inherent contradictions between opposing ideas about reality of stages of societal development.

The theoretical model is therefore called dialectical materialism because its approach to phenomena of nature, its method of studying and apprehending them, is dialectical (argumentative), while its interpretation of the phenomena of nature is materialistic (https://www. marxists. org>works) (not spiritualistic). Marx arguably poured "new content into dialectics with his materialist interpretation of history, which asserted that the development of the forces of production was the source of conflicts or contradictions that would demolish each stage of society and lead to its

replacement with a higher stage." (The Gale Group Inc. https:// www. encyclopedia. com/philosophy- and-religion). To Marx, the history of the society is the history of class struggles between the bourgeoisie and proletariat along economic lines. Economic production is therefore the primal factor determining the socio-political and legal super-structures of the society which passes through its various stages of development with its inherent conflicts. Reasoning from the Marxian dialectics, it seems that who owns and controls oil resource, the product that yields the greatest economic financial power in Nigeria determines the socio-political and legal super-structures of the society. Thus, in the Marxian spirit, "law is only a super structure, a phenomenon which depends on the determining forces emanating from the economic basis of the society for its form and contents."(Zimmermann, semanticscholar.org), This statement fosters a belief that Nigerian oil and gas laws are essentially influenced by the mode of economic production in the state.

To this end, it is stated that adoption and application of dialectical materialism, *mutatis mutandis* would afford this study a distinct approach in analyzing the stages of historical reality regarding the legal regulation of economic exploitation of oil resources with attendant disputes and struggles for compensation for oil pollution damage by affected individuals and communities in Nigeria. Marx's concern with history of the nature of economic production in the society led to the development of historical materialism, another theory considered as an extension of dialectical materialism which studies the economic and social-legal dynamics of society and its history. This is also a theoretical paradigm suitable for this study which is interested in the analysis of the contradictions that have manifested from different historical epochs ranging from the pre-oil era to the post-oil era within economic and socio legal relations in Nigeria.

In enunciating dialectics, Hegel maintained that the history of development of society is a process which moves through the stages of thesis, antithesis and synthesis The thesis is the underlying rationale of human perception of the world (Nmom, 2013) ; antithesis is the negation of thesis arising when people begin to realize that the thesis is falling short of what is used to be (Nmom, 2013). Thus, the synthesis is the outcome of the combination of thesis and antithesis in the dialectical process which produces a new

thesis; a new order; David remarks that "the starting point is a thesis, an antithesis is a reaction to the thesis and a synthesis is the outcome." (https://www.socratic.org>questions>wh...) To this end, this theoretical framework fits into the Nigerian situation in view of this study. Beginning with what could be perceived as the 'thesis', it is stated that originally, Nigeria experienced primitive stage of economic production involving fishing, hunting and farming to cash-crop agriculture which was the advanced stage before the stage of industrialization marked by exploration and discovery of oil. (Nmom, 2013). At the agrarian stage of Nigeria's economy, the legal framework was made to regulate practice of agriculture in its ramifications as the main-stay of the economy and resolution of communal agricultural land conflicts between locals.

The oil era witnessed the emergence of capitalist investments by multinational oil companies in the new found oil sector and huge accumulation of petro-dollars, leading to oil boom in the 1970s. The oil boom soon translated into oil doom, with massive oil pollution devastating the environment, thus heralding the beginning of fresh conflicts and contradictions (antithesis) in Nigeria, and more particularly in the oil bearing region of the Niger Delta of Nigeria. These conflicts moved from mere pre-oil era ephemeral communal clashes to post-oil era persistent and devastating conflicts. (Nmom, 2013). It is stated that the conflicts have also moved from demonstrations, organized seminars for more revenue allocation for provision of social amenities to stoppages of oil companies from operation; vandalization of oil installations to hostage taking of expatriate oil workers as well as kidnapping of children, parents and relatives of expatriate workers; indigenous political office holders and traditional rulers. (Nmom, 2013) Drawing conclusion from the stand-point of dialectical materialism, Abila (2009) also assertively added that the crisis in the Niger Delta region of Nigeria, most affected by oil pollution:

have graduated from being mere agitations/demonstrations/protests to sea piracy/kidnapping/ hostage-taking based on the fast growing awareness of reality as a result of struggle to survive the prevailing material conditions and the attendant violent responses of the Nigerian government to maintain law and order in protecting its economic interests with the force of arms with the backing of an unjust legal regime.

It can be deduced from the Abila's position that the Government of Nigeria, a major stakeholder in oil business on its part is using military forces to enforce repressive criminal laws against vandals, kidnappers, militants and illegal oil bunkerers. This is the clash. Now, there is a state of conflictual flux between the opposing classes which sometimes brings down oil production and causes low revenue yield to the state's coffer. These conflicts exist and persist due to factors which include oil mining and pollution without adequate compensation for individual victims and affected oil communities. In view of the above, Osimiri cited by Bello and Olukolajo (2016) affirmatively observed that:

> *inadequate or meager compensation for oil spill damage is the major cause of conflict in the oil producing communities and some of the fallouts of this, are destruction of oil and gas installations, income loss, loss of man hours, loss of peaceful coexistence and abduction of expatriates and indigenous oil workers.*

These conflicts are now coupled with militancy and agitations for oil resource control by indigenous communities in oil areas of Nigeria. Exacerbating these conflicts is the legal framework which affords not a fair and adequate compensation for life exterminating oil pollution damage occasioned by oil mining activities in the country. Ighodalo (2006) asserts that oil pollution and its environmental hazards have become an issue of conflict because Nigeria has demonstrated incapability in regulating the oil industry through legal and institutional framework at its disposal. On the legal framework, Nmom (2013) states that:

The churning out of different types of …Acts and establishment of intervention agencies (example NOSDRA,NESREA, OMPADEC, NDDC etc) though token and disguised… attest to the fact of state disguised instruments of oppression and control of the oil resources in Nigeria.

The statement above aligns with the fact that laws and agencies created by the state in this post-oil era work in the way paved by the state to sustain its economic interest within the framework of its business alliance with multinational oil companies against the yearnings of individuals and oil communities under the brunt of oil pollution damage. The court as part of

the tripartite organ of government of the state in promoting the state economic interest and that of the multinational oil companies held in Allan Irou v. Shell BP Development Company Ltd. (1991) that an injunction would not be granted to restrain the defendants from polluting the plaintiff's land, creek and fish pond. The court further held that such an injunction would tamper with operations of the company and have a negative impact on the revenue accruing to the Federal Government. This judicial decision reflects the law as an instrument of protection of state's and oil companies' business interests in the oil and gas sector of the economy.

Marx, it was that said, "…laws are so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests."(Marxist Law**,** https://www.allabout=worldview .org/marxistlaw.htm). On this note, he defined the "state and all its laws as mere instruments of class oppression which would have to disappear when the final stage of human evolution is finally accomplished. **(**Zimmermann, semanticscholar.org). For Marx, the final stage of human evolution is communism **(**Zimmermann, semanticscholar.org), an economic and socio-political system in which factors of production are owned and controlled by the state without any private capitalist involvement. In further localizing the theory of dialectical materialism within the context of this paper, it is submitted that conflicts ubiquitous in the oil producing area of Nigeria are material conflicts arising a result of the struggle for economic survival between individuals, local communities, and oil multinationals and the state along lines of oil exploitation amidst oil pollution damage. In this paper, the Marxian dialectical model is helpful in disclosing and analyzing the conflicts and contradictions arising within the economic and socio-legal relations as regards corporate profits-driven oil mining; environmental pollution and struggles for compensation for oil pollution damage in Nigeria; but not for its advocacy for secular communistic utopia achievable through revolution. As stated, "unfortunately, more than 5,000 years of recorded history disproves the probability of such a utopian plan working." ."(Marxist Law**,**https://www.allabout=worldview.org/marxistlaw.htm). To that extent, Marx's recommendation for abolition of state, its agencies and laws

is not adopted; such total abolition of law may lead to anarchic condition undesired within the economic and socio-legal system.

FINDINGS

The paper finds as follows:

- Oil pollution compensation related statutes in Nigeria are not holistic in nature. They are not also definitive of compensation payable in oil pollution cases.
- The statutes contain no clear procedure for assessment and payment of compensation to victims of oil pollution damage.
- There is no specific statute for compensation for oil pollution damage which is a huge problem in the country.
- The statute law takes care of the oil business interest of the state and multinational oil companies more than the demands for compensation by oil pollution victims. Thus, the law is pro-state and the oil cartel's interest.
- Judicial decisions tend to protect the oil cartel's interest as seen in the case Irou v. Shell Petroleum Development Co. Ltd. (1991)

RECOMMENDATIONS

It is recommended that:

- Oil pollution compensation related statutes should be holistic in nature, so as to define compensation; state procedure for assessment and payment of compensation to oil pollution victims.
- Specific and clear statute with provisions for creation of a standing fund should be promulgated and devoted to the regulation of liability and compensation for oil pollution damage in Nigeria,
- A balance should be struck in statute for the protection of interest of the oil cartel in profit making and the interest of the oil pollution victims in compensation cases.
- Court should be liberal in the interpretation of inexplicit and technical oil pollution related statutes, so as to meet the demand for compensatory justice in oil pollution damage cases.

CONCLUSION

It is therefore concluded that selective repeal, amendment, clarification and harmonization of oil pollution and compensation laws be effected in

order to make the legal framework responsive and oil pollution victim-focused. This would signal the beginning of the synthesis, a new economic and socio-legal order which would be the consequence of the resolution of the conflicts and contradictions generated by the present legal order in the area of oil exploitation, pollution and compensation for oil pollution damage.

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