

REMEDIATION BEFORE DIVESTMENT AND JUST TRANSITION: BILLE AS A CASE STUDY

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ABSTRACT: In the Niger Delta, multinational oil companies are divesting onshore assets amid climate and regulatory pressure, often exiting without fully remediating environmental damage in host communities. Bille Kingdom in Rivers State, Nigeria, presents a critical example where decades of oil operations have left land and water pollution, yet divestment discussions have proceeded with limited accountability for remediation and no structured plan for a just transition of livelihoods. This study adopts a doctrinal research methodology, analyzing relevant statutes, regulations, case law, and policy instruments including CAMA 2020, PIA 2021, NOSDRA Act, and international frameworks on business and human rights and just transition. It is supplemented by reviewing corporate reports, regulatory filings, and community documentation relating to Bille.

The research finds a governance gap: current law permits divestment without mandatory prior remediation, and there is no enforceable mechanism linking asset transfer to environmental cleanup or to social safeguards for affected workers and communities. In

Bille, this has resulted in legacy pollution remaining unaddressed while economic dependency on oil persists with no alternative pathways. Divestment without prior remediation violates the polluter-pays principle and undermines a just transition. The study concludes that Nigerian law and regulatory practice must mandate remediation, decommissioning, and stakeholder engagement as preconditions to asset sale. It recommends statutory linkage of divestment approvals to certified remediation; establishment of a Just Transition Fund for Bille; binding community benefit agreements; and enhanced oversight by NOSDRA, NUPRC, and state government to ensure environmental liability is not transferred with assets.

Introduction

The Niger Delta has borne the environmental and socio-economic costs of oil exploration for over six decades. In host communities like Bille Kingdom in Rivers State, oil operations have resulted in persistent land and water pollution, loss of livelihoods, and a deep dependency on the petroleum sector. As global climate policy and investor pressure accelerate, International Oil Companies are now divesting onshore assets to Nigerian independents. However, these divestments are occurring against a backdrop of incomplete remediation and weak accountability for historical environmental damage, raising urgent questions about who bears liability when the original polluter exits.

The concept of "Remediation before Divestment" seeks to address this accountability gap by making environmental cleanup a legal precondition to any asset transfer. Closely linked is the principle of "Just Transition," which demands that workers and communities dependent on fossil fuels are not abandoned, but are supported with alternative livelihoods, skills, and infrastructure as the economy shifts. In Nigeria, the Petroleum Industry Act 2021, NOSDRA Act, and constitutional environmental rights provide a framework, yet there remains no clear statutory mandate that ties regulatory approval of divestment to verified remediation and social safeguards. Bille Kingdom therefore serves as a relevant case study to test how existing law and practice respond to legacy pollution at the point of exit.

This paper examines the intersection of environmental liability, corporate exit, and community justice in Bille. Using doctrinal research methodology, it analyzes relevant

Nigerian statutes, regulations, case law, and international soft law to assess whether the current legal regime ensures that divestment does not become a means of evading responsibility. The study argues that without mandatory pre-divestment remediation and a structured just transition plan, communities like Bille risk inheriting both polluted environments and economic decline. It concludes by proposing legal and policy reforms to ensure that asset transfer, environmental restoration, and community welfare are treated as inseparable components of responsible corporate exit.

Conceptual Clarifications

Polluter Pays Principle

The Polluter Pays Principle is a foundational concept of environmental law which holds that the party responsible for producing pollution should bear the costs of managing it to prevent damage to human health or the environment. The core idea is to internalize environmental costs, so that pollution is not treated as a free externality passed to the public, government, or host community. Under PPP, the polluter is responsible for prevention, control, and remediation, including the costs of restoring the environment to its baseline state.

In the context of oil and gas divestment in Nigeria, PPP becomes critical because it challenges the practice of transferring assets with legacy liabilities. The principle requires that an IOC cannot exit a community like Bille without first addressing contamination caused during its operations. It therefore supports the argument for "Remediation before Divestment" as a legal and ethical precondition, not a voluntary gesture.

Internationally, PPP has been adopted in the Rio Declaration 1992 and the OECD framework, and it underpins Nigeria's own environmental statutes such as the NESREA Act and NOSDRA Act which impose clean-up and compensation obligations on polluters. Its application ensures that divestment does not become a mechanism for liability avoidance, and that a Just Transition includes environmental restoration as a first step.

Due Diligence and Decommissioning

Due Diligence in the context of oil and gas divestment refers to the process by which a buyer, seller, and regulator investigate the legal, financial, technical, and environmental

condition of an asset prior to transfer. For host communities like Bille, environmental due diligence is critical because it determines the extent of legacy contamination, outstanding liabilities, and the adequacy of remediation plans before a new operator assumes control. Without rigorous due diligence, environmental obligations are often undervalued or transferred, leaving communities with unremediated sites.

Decommissioning refers to the permanent cessation of oil and gas operations and the systematic removal of facilities, plugging of wells, and restoration of the environment to an acceptable state. Under the Petroleum Industry Act 2021 and international best practice, decommissioning is not optional; it is a lifecycle obligation. It must include site assessment, waste management, and post-decommissioning monitoring to ensure that land and water are safe for community use.

Linking both concepts, effective due diligence must verify that adequate decommissioning plans are funded and approved before divestment is completed. This prevents "orphan assets" and ensures the polluter, not the community or new buyer, bears the cost of closure. In Bille, failure to enforce pre-divestment due diligence and binding decommissioning obligations risks perpetuating environmental harm under new ownership.

Host Communities Development Trust

The Host Communities Development Trust is a statutory vehicle created under the Petroleum Industry Act 2021 to ensure that communities impacted by petroleum operations benefit directly from upstream activities. The core purpose of the HCDT is to manage and administer funds contributed by operators for the development of infrastructure, education, health, and sustainable livelihoods in host communities. It replaces the earlier MOU/GMoU model with a legally enforceable structure governed by a Board of Trustees that must include community representatives, women, and youth.

For communities like Bille in the Niger Delta, the HCDT is intended to provide a formal channel for benefit-sharing and to address the historical grievance that oil wealth left little development on the ground. The trust is funded by an annual contribution of 3% of the operator's actual annual operating expenditure of the preceding year in upstream petroleum operations, and its use is guided by a Community Development Plan developed in consultation with the host communities.

However, the effectiveness of HCDDT depends on transparency, accountability, and its linkage to environmental obligations. The PIA requires that the trust operate separately from remediation and decommissioning liabilities, meaning it cannot be used as a substitute for clean-up costs. In a Just Transition context, the HCDDT should therefore complement, not replace, mandatory remediation and should prioritize alternative livelihood projects as IOCs divest.

Just Transition

Just Transition refers to a framework for shifting economies away from carbon-intensive industries in a manner that is fair, inclusive, and protects workers and communities whose livelihoods depend on those industries. The concept originated in labour movements and was later adopted in climate policy to ensure that decarbonization does not create new forms of poverty, inequality, or social disruption. A Just Transition requires deliberate planning for job creation, skills retraining, social protection, and alternative economic pathways alongside environmental action.

In the Nigerian oil and gas context, Just Transition is particularly relevant at the point of divestment. As International Oil Companies exit onshore assets in the Niger Delta, communities like Bille risk losing income, infrastructure support, and facing legacy pollution without corresponding investments in alternative livelihoods. A Just Transition therefore demands that divestment be tied to remediation, stakeholder engagement, and funded development programs so that host communities are not bearing both environmental costs and economic loss.

Internationally, Just Transition is recognized in the Paris Agreement Preamble and ILO Guidelines, which call for social dialogue and respect for labour rights in climate responses. Domestically, while the PIA 2021 establishes the Host Communities Development Trust, Nigeria currently lacks a comprehensive national Just Transition policy that mandates transition planning as a condition for asset transfer. Closing this gap is essential to ensure that climate action and corporate exit do not occur at the expense of affected communities.

Just Transition Lens for Bille

Applying a Just Transition lens to Bille Kingdom means assessing corporate divestment not only as a commercial transaction, but as a social and environmental process that must protect livelihoods, restore ecosystems, and secure community participation. Bille has hosted oil operations for decades, with attendant oil spills, gas flaring, and loss of fishing and farming grounds. A Just Transition approach requires that exit by IOCs be conditioned on prior remediation, so that environmental liabilities are not transferred, and on the co-creation of alternative economic pathways for youth, women, and fisherfolk who remain dependent on the degraded environment.

Under the Petroleum Industry Act 2021, the Host Communities Development Trust provides a statutory mechanism for benefit-sharing, but it does not automatically guarantee transition planning. From a Just Transition perspective, the HCDT for Bille must be used to fund skills acquisition, aquaculture, renewable energy, and enterprise development, rather than short-term palliatives. This aligns with the ILO's principle that transition must include social protection, decent work, and social dialogue with affected communities.

The gap in Bille is the absence of a binding framework that links divestment approval to verified remediation and a transition plan. International guidance under the Paris Agreement and UNFCCC emphasizes that climate action must be "country-driven" and leave no one behind. For Bille, this means regulators NUPRC and NOSDRA, state government, and the incoming operator must jointly adopt a Bille Just Transition Roadmap: with funded remediation, decommissioning, and livelihood diversification completed before final asset transfer.

Remediation Before Divestment: Bille as a Case Study

Bille Kingdom in Degema LGA, Rivers State, has hosted onshore oil operations for over five decades. Like many Niger Delta communities, Bille's economy and ecology have been shaped by crude oil exploration, with documented impacts including oil spills, pipeline corrosion, and loss of fishing and farmland. As International Oil Companies pursue portfolio rationalization and energy transition, onshore assets in Rivers State are being divested to Nigerian independents. This exit raises a critical question: who bears responsibility for legacy environmental damage when the original operator leaves.

The principle of "Remediation Before Divestment" insists that environmental cleanup must be completed and certified prior to the transfer of assets. This is rooted in the polluter-pays principle, which requires that the party that caused pollution bears the cost of prevention, control, and restoration. In Bille, decades of operations have left unremediated sites. Without a pre-condition of remediation, divestment risks transferring both assets and liabilities to new operators with less capacity, effectively externalizing costs to the community and state.

Nigeria's legal framework provides relevant tools but contains gaps. The Petroleum Industry Act 2021 imposes decommissioning and abandonment obligations and establishes a fund for that purpose. The NOSDRA Act mandates oil spill detection, response, and remediation, and empowers NOSDRA to ensure polluters clean up. NESREA and the 1999 Constitution also recognize the right to a healthy environment. However, none of these laws expressly make regulatory approval of asset transfer contingent on verified remediation of all legacy sites in a community like Bille.

Doctrinal analysis of case law and regulatory practice shows that liability often follows the asset, but enforcement is weak at the point of exit. In practice, divestment approvals by NUPRC have proceeded with remediation plans outstanding, and post-sale disputes arise over who pays for clean-up. For Bille, this creates a governance vacuum: the community continues to experience contamination while the divesting company reduces its footprint without closure.

A Just Transition lens strengthens the case for "Remediation Before Divestment." The ILO Guidelines and Paris Agreement require that climate and energy transitions protect workers and communities through social dialogue, job creation, and environmental restoration. In Bille, this means remediation must be paired with livelihood support through the Host Communities Development Trust under PIA s.234-257, so that the community is not left with pollution and no economic alternative.

The findings from Bille reveal three key problems: first, absence of a statutory linkage between divestment approval and certified remediation; second, inadequate funding and oversight of decommissioning; and third, weak community participation in deciding clean-

up standards and post-remediation land use. These gaps allow environmental liabilities to persist across corporate changes.

Remediation must be treated as a precondition to divestment, not an afterthought. For Bille, Nigerian law should be amended to require NUPRC and NOSDRA to withhold final consent to asset transfer until an independent audit confirms remediation to regulatory standards. A Bille-specific Just Transition Roadmap should be mandated, funded by the divesting company, and implemented through the HCDDT, covering clean-up, decommissioning, and alternative livelihoods. Only then can divestment be consistent with the polluter-pays principle and with Nigeria's obligations to ensure environmental justice for host communities.

Just Transition Lessons for Bille: A Case Study

Bille Kingdom in Rivers State exemplifies the human dimension of Nigeria's energy transition. For over 50 years, the community's economy has been tied to oil and gas through fishing, farming, and artisanal work around IOC facilities. As International Oil Companies divest onshore assets, Bille faces the dual challenge of legacy pollution and potential loss of economic activity. A Just Transition lens requires that this shift does not reproduce poverty or environmental injustice, but instead creates new opportunities while repairing past harm.

Remediation must precede transition.

The polluter-pays principle demands that environmental liabilities be addressed by the original operator before exit. In Bille, unremediated oil spills continue to affect water and land, yet divestment discussions have not been formally tied to certified clean-up. The NOSDRA Act and PIA 2021 provide remediation and decommissioning frameworks, but lack an explicit "no remediation, no transfer" rule. Without this, transition becomes a transfer of risk to the community and new operator.

Livelihood diversification cannot be an afterthought.

Just Transition, as defined by the ILO, requires planning for decent work and alternative livelihoods alongside decarbonization. Bille's dependence on fishing and farming has been eroded by contamination. The Host Communities Development Trust under PIA s.234-257

can fund skills, aquaculture, and renewable energy projects, but only if transition planning is built into the trust's Community Development Plan. Otherwise, the HCDT risks funding short-term palliatives rather than structural economic change.

Social dialogue and community agency are non-negotiable.

International guidance under the Paris Agreement and UNFCCC emphasizes that transitions must be participatory and “leave no one behind”. In Bille, women, youth, and fisherfolk must be represented on the HCDT Board and in the design of remediation and livelihood programs. Top-down divestment without community consent reproduces the grievances that fueled conflict in the Niger Delta.

Finance and accountability must be ring-fenced.

Decommissioning and abandonment funds under PIA s.232-237 must be fully funded and independently audited before asset sale. Similarly, HCDT contributions cannot be used to substitute for clean-up costs. Bille's case shows that without ring-fencing, transition finance is diluted and environmental obligations are deferred.

Regulatory coordination is critical.

NUPRC, NOSDRA, and the Rivers State Government must jointly approve divestment only after verifying remediation, decommissioning plans, and a Bille Just Transition Roadmap. Fragmented oversight allows companies to exit while obligations remain outstanding.

Data and monitoring enable justice.

Baseline environmental and socio-economic data for Bille are weak. A Just Transition requires public, verifiable monitoring of pollution levels, health impacts, and livelihood outcomes before and after divestment to ensure promises are kept.

Policy must codify the link between climate action and community rights.

Nigeria currently lacks a national Just Transition policy. Bille demonstrates the need for law that makes asset transfer conditional on remediation, social protection, and community

benefit agreements, aligning corporate exit with constitutional environmental rights and international commitments.

In sum, Bille teaches that a Just Transition in the Niger Delta is not automatic. It requires law, money, participation, and sequencing: clean first, plan livelihoods second, and transfer assets last. Without this, divestment will deepen inequality rather than deliver a fair energy future.

Remediation Before Divestment and Just Transition in Bille: A Case Study

Lessons Learnt

Bille Kingdom in Degema LGA, Rivers State, has hosted onshore oil operations for over five decades. The community's creeks, farmlands, and fishing grounds have been impacted by spills, pipeline corrosion, and gas flaring. As IOCs pursue divestment of onshore assets, Bille illustrates the risks of corporate exit without closing environmental and social accounts first. The case shows that divestment cannot be treated as a purely commercial transaction.

Lesson 1: Environmental liability must be settled before asset transfer.

The polluter-pays principle requires the party that caused pollution to bear the cost of prevention, control, and restoration. In Bille, legacy contamination remains unremediated while divestment processes advance. Nigerian law under NOSDRA Act and PIA 2021 imposes clean-up and decommissioning duties, but does not expressly make regulatory approval contingent on certified remediation. Without this linkage, liability is effectively transferred to communities and new operators with weaker capacity.

Lesson 2: Divestment without remediation deepens injustice.

When companies exit without cleaning up, host communities inherit both pollution and economic loss. In Bille, loss of fishing and farming livelihoods has not been matched by alternative opportunities. This violates the core idea of a Just Transition, which demands that workers and communities are not left behind in the shift away from carbon-intensive industries.

Lesson 3: The Host Communities Development Trust must fund transition, not substitute for remediation.

PIA 2021 establishes the HCDDT to deliver development through 3% of operating expenditure. For Bille, the trust should finance skills, aquaculture, and renewable energy as part of a transition plan. However, regulations make clear that HCDDT funds cannot be used for remediation or decommissioning. Treating the trust as a clean-up substitute undermines both environmental justice and development.

Lesson 4: Social dialogue is essential to legitimacy.

International frameworks under the Paris Agreement and ILO Guidelines require participatory planning with affected communities. In Bille, women, youth, and fisherfolk must co-design the Community Development Plan and remediation standards. Top-down exit decisions without community consent reproduce distrust and conflict seen elsewhere in the Niger Delta.

Lesson 5: Finance and monitoring must be ring-fenced and verifiable.

Decommissioning and Abandonment Funds under PIA sections 232-237 must be fully funded and independently audited before final asset transfer. Bille needs baseline environmental data and public monitoring of clean-up outcomes to ensure accountability after the original operator leaves.

Lesson 6: Regulatory coordination must be mandatory.

NUPRC, NOSDRA, and Rivers State Government should jointly withhold consent to divestment until three conditions are met: certified remediation, approved decommissioning plan, and a Bille Just Transition Roadmap. Fragmented approvals allow obligations to fall through the cracks.

Lesson 7: Policy reform should codify “Remediation before Divestment.”

Nigeria lacks a national Just Transition policy. Bille’s experience shows the need to amend PIA and NUPRC guidelines to make asset transfer conditional on environmental closure and social safeguards. Only then can divestment align with constitutional environmental rights and Nigeria’s climate commitments.

In conclusion, Bille teaches that a just exit requires sequencing: remediate first, plan livelihoods second, and transfer assets last. Without this, divestment risks becoming liability dumping rather than responsible transition.

Conclusion

Bille Kingdom demonstrates that corporate divestment in the Niger Delta cannot be separated from environmental and social responsibility. Decades of oil operations have left the community with degraded ecosystems, loss of livelihoods, and unresolved grievances. Allowing asset transfer without first addressing legacy pollution shifts the burden of clean-up and poverty to the host community and to new operators with limited capacity. This approach undermines both environmental justice and the credibility of Nigeria's energy transition.

A Just Transition for Bille must therefore be built on three pillars: remediation, participation, and alternative livelihoods. Remediation must be completed and independently verified before any divestment is approved, so that environmental liabilities are not inherited by the community. The Host Communities Development Trust and other transition funds must be used to create decent jobs, skills, and sustainable economic activities that replace what is lost to pollution and to the exit of IOCs. Crucially, women, youth, and fisherfolk in Bille must lead the design and oversight of these processes to ensure solutions are locally relevant and trusted.

Ultimately, Nigeria needs clear policy that makes "Remediation Before Divestment" a legal precondition and embeds Just Transition principles into regulatory approvals. For Bille, this means linking asset sale to certified clean-up, funded decommissioning, and a community-driven transition roadmap. Only by sequencing action in this way can divestment deliver a fair outcome: a healthier environment, protected livelihoods, and a pathway for Bille to thrive beyond oil.

Recommendations

First, Nigerian law and regulatory guidelines should be amended to make certified remediation a legal precondition for asset transfer. NUPRC and NOSDRA must withhold final consent to divestment in Bille until an independent audit confirms that all legacy oil spills, contaminated sites, and decommissioning obligations have been addressed to

regulatory standards. This closes the loophole that allows environmental liability to be transferred with the asset and ensures the polluter-pays principle is enforced in practice.

Second, a Bille Just Transition Roadmap should be developed and funded by the divesting company before exit. The roadmap must include skills retraining, support for aquaculture and agriculture, investment in renewable energy and small enterprises, and social protection for workers and households affected by the transition. This plan should be co-designed with community representatives and implemented through the Host Communities Development Trust, so that economic alternatives are in place before oil-related income declines.

Third, community participation and governance must be institutionalized. The HCDDT Board for Bille should have meaningful representation of women, youth, fisherfolk, and traditional leadership, with clear powers to approve projects, monitor spending, and track outcomes. Regular town halls and transparent reporting will build trust and ensure that transition programs respond to actual needs rather than top-down assumptions.

Fourth, finance and monitoring must be ring-fenced and transparent. Decommissioning and Abandonment Funds should be fully capitalized and independently audited prior to divestment. A public baseline and post-remediation monitoring system for water, soil, and health indicators should be established for Bille, with results published and used to trigger corrective action. HCDDT funds must not be diverted to cover clean-up costs.

Fifth, the federal and Rivers State governments should adopt a national Just Transition policy for the oil and gas sector. This policy should set minimum standards for divestment, mandate social dialogue, and align corporate exit with Nigeria's climate commitments and constitutional right to a healthy environment. For Bille, adopting this framework will turn divestment from a risk of abandonment into an opportunity for environmental restoration and sustainable development.

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