

Chapter 3: THE MAIN ACTORS IN THE NIGER DELTA CRISIS

INTRODUCTION

In addressing the primary concern of this study, it is pertinent to point out at the outset that the internationalisation of the Niger Delta crisis has been facilitated by certain actors within the context of globalisation in which case events in any one country are not only seen in farthest regions of the world but also elicit international reactions. The actions or inactions of the Nigerian state, the oil multinationals, social movements in the Niger Delta as well as those of international non-governmental organizations have pushed the Niger Delta crisis to the forefront of international environmental discourse. This chapter focuses on the role of the different actors (in consciously or inadvertently) placing the Niger Delta on the front burner of international environment and human rights advocacy. It is instructive to note here that an examination of the activities of the main actors in the Niger Delta is germane to unpacking the internationalisation of an otherwise local crisis.

The recession of *realpolitik* after the end of the Cold War in the late 1980s threw up new issues hitherto regarded as ‘low’ areas in international politics. One of such new issues is the emergence of environmental issues in world politics and its implications for global security. This concern about security has expanded to include issues like migration, poverty, wars, environmental degradation and drug trafficking.⁶⁶ It is within this context that one can conveniently locate the global attention which the Niger Delta has received in recent times. The Niger Delta crisis in Nigeria arose out of the impact of oil exploration and production on the environment and eco-system with its resultant effect of retrogression rather than development of the local people in the areas. Thus, the crisis is borne out of the attempt by its inhabitants to, “draw government’s attention as well as

⁶⁶ This position was fervently asserted in academic and policy circles and for more details on this see, L. Brock, “Peace through Parks: The Environment on the peace research agenda”, *Journal of Peace Research*, 28, 1991; L. Brown, “World Interests and the Changing Dimensions of Security” in Klare & Thomas (eds), *World Security: Challenges for a new century*, New York, 1994; and series of works by Obi some which are, C.I. Obi, “Oil, Environmental Conflict and National Security in Nigeria: Ramifications of Ecology-Security Nexus for Sub-Regional Peace”, University of Illinois at Urbana-Champaign: *ACCIDS Occasional Paper*, January, 1997, “Environmental Security in Africa: Some Theoretical Concerns and Emerging Issues”, *Africa Insight*, Vol. 28, No. 1/2 1998, “The Environmental-Security Nexus: Is it Real?”, *CODESRIA Bulletin*, No. 2, 1999.

that of the international community to the devastation of the landscape of the Niger Delta as a result of ceaseless mining activities in the region.”⁶⁷ Culturally, land in the region is viewed as an abode of ancestors, and the onus is on the people to protect these sacred places. The president of MOSOP, Ledum Mitee, rightly confirmed that the struggle in the region was “part of our sacred and bidding duty to protect the abode our ancestors, our sacred places and the roots of our very existence.”⁶⁸

The crisis in the Niger Delta involves the Nigerian state and oil companies on the one hand, and an estimated six million people of the oil bearing communities concentrated in the seventy thousand square kilometers comprising the Niger Delta communities on the other. Equally of note are the conflicts between communities in the region. The arrogance and ignoble destruction of the economic mainstay of the communities and the suppressive actions of the government in the protection of income from multinational oil companies rather than the people have drawn the attention of both local and international NGOs to repressive forces intent on wiping out these communities. The NGOs out of their respect for the right of existence of these communities have been acting as the people’s voice and this has brought them in direct conflict with this monogenic status of the government and their corporate allies. In order to properly understand the nature and dynamics of the crisis this chapter will briefly examine the interests of the major actors involved – the Nigerian state, multinational oil companies, the local people and both the local NGOS and INGOS.

The activities of these actors in promoting or resolving the issues responsible for the crisis will be dealt with in subsequent chapters of the thesis. These issues can as well be located in economic, political and social factors.

⁶⁷ C.I. Obi, “Oil Environment and Conflict in the Niger Delta”, *The Quarterly Journal of Administration* Volume XXX (3&4), September 1998/ January 1999, p. 433

⁶⁸ This information was obtained through interview with five elders of Ogoni communities on anonymous condition in June 20, 2003.

THE NIGERIAN STATE

The colonial trade structure in Nigeria before independence was characterized by unequal and exploitative terms of trade, which was controlled largely by British multinational corporations. However, Britain was the beneficiary of trade relations with Nigeria, controlling about fifty percent to eighty percent of all exports and imports. Foreign trade was the first strong hold of multinational operations in Nigeria and their operations came before the colonization of the Nigerian state. One of such notable private companies was the Royal Niger Company, the forerunner of the United African Company (UAC), John Holts, and Lever Brothers.

The operation of MNOCs in Nigeria was motivated and sustained by the need for cheap foreign sources of raw materials and outlet for mass production in Britain. Multinational companies' operations in Nigeria have traditionally sought to dominate every vital sector of the economy since their motives is largely driven by profit. This fundamentally explains the shift of attention and investment from trading and agriculture to oil and other mineral products. The lack of technological know-how and the absent of solid financial muscle were the bane of the Nigerian economic sector. In oil trade the effect of knowledge and technical know how was very visible as colonial powers and their trade allies dominated the trade. Instead of being operational in the tide they were reduced to a transit point position where they only have to depend on levies and royalties.

Moreover, the involvement of the Nigerian state in oil production is as a result of its unwholesome dependence on oil as a major source of foreign exchange earning. The first initiative of the government was in 1972, when it established its own Nigeria Mining Corporation as a joint venture with the British multinational corporation – Amalgamated Tin Mines. There were also various joint ventures for the exploration of limestone for cement production as well as other minerals. The Nigerian government's initial interest in oil exploration was restricted to the regulating of the industry through collection of taxes and royalties. However, the country became a member of the Organization of Petroleum Exporting Countries (OPEC) in 1971, and it implemented the resolution of the

organization. The implementation of this resolution led to the establishment of the National Oil Corporation (NNOC) through Act No. 18 of 1971, and NNOC later became Nigerian National Petroleum Corporation (NNPC) established in 1977 by Act No. 33 (now referred to as Cap 320 Laws of the Federation of Nigeria, 1990).⁶⁹ The establishment of Nigerian National Petroleum Corporation did not swing the benefit pendulum in Nigeria's favor but even gave the multinationals more power than the Federal Government since the government's benefit was dependent on the fortunes of foreign multinationals. The government had to act in sacrificing the interest of the communities to protect the foreign oil companies.

This development laid the foundation for joint venture between the Nigerian government and the foreign oil multinationals that operate in the Niger Delta. It is argued that the joint venture arrangement was aimed at attracting funds and technology for the production of oil but the impact of this oil production was never considered. For instance, it has been asserted that "... the existing joint ventures arrangements between Nigeria and the multinational oil companies have proved beneficial to the country in terms of: attracting funds from international capital markets...transferring technological know-how to Nigerians and in sustaining the commitment of the JV partners."⁷⁰

Despite the involvement of the state in oil production the interest of the host communities of the Niger Delta have not been properly addressed and this has been responsible for the persistent violence in the region. It is on this note that this section will examine the interest of the Nigerian state by looking at series of laws that were passed in order to maintain government/MNOCs' dominance in the oil industry. Nigerian laws gave the state power to control or dominate the ownership of oil in the country and it was in this direction that the Land Use Act of 1978 was promulgated to fulfill the requirement of the Petroleum Act of 1969 which is at variance with the interests of the local people of the

⁶⁹ A.O. Popoola, "Legal Framework for Appropriate Funding of the Oil and Gas Industry" in Sanda and Owoeye (eds) *Alternative Sources of Funding for the Oil and Gas Industry in Nigeria*, Evans Brothers, Nigeria, 2002. pp. 195-196.

⁷⁰ M.A. Olorunfemi "Oil and Gas Joint Venture management: A case for reforms" in V. Eremosele (ed) *Nigeria Petroleum Business: A Handbook*, Advent Communication Ltd, Lagos, Nigeria, 1997, p. 68

Niger Delta who aspire to control the resources in their domain. The table below highlighted some of these laws:

Environmental laws	Provisions	Implications for environment/local people
Oil pipelines Act Cap 145, 1956 , 1958 and 1965	Granted the rights and obligations of licence holders to payment of compensation for economic crops and property damaged	People's right and authority over their land were denied
Petroleum Act 1969	Ownership and control of oil and gas is vested in the Federal Republic of Nigeria.	Individuals and communities were deprived opportunity to lay claims to oil and gas in their land
Land Use Act of 1978(formerly Decree No.6 of 1978)	All land in Nigeria is vested in the governor and must be held for common interest of all Nigerians	The people have limited control over their land
The environmental Impact Assessment Act (Decree No.86 of 1992)	Determines the assessment or the impact of oil spillage on the environment	Since it is controlled by FEPA and Department of Petroleum Resources, there is little that people can do to change the policy of the oil companies in that regard
Federal environmental Protection Agency Act (decree No.58 of 1988)	Gave FEPA authority to issue standards for water, air and land quality	The power to determine standard is beyond the control of individuals and communities.

Source: Compiled by the researcher.

As could be seen from above, the framework for oil production that was set by the Petroleum Act of 1969, coupled with other relevant laws, which include the Oil in Navigable Waters Act (Decree No. 34 of 1968), and the Federal Environmental Protection Agency Act (Decree No. 58 of 1988), provide that all minerals in the country belong to the Federal Government.⁷¹ But of particular interest is the Land Use Act of 1978. Needless to trace the origins of the Land Use Act, but is instructive to note that

⁷¹ Human Rights Watch, *The Price of Oil: Corporate responsibility and Human Rights Violations in Nigeria's oil producing Communities*, USA, 1999. This position can be found in Nigeria's Constitution especially Article 40(3) and Article 42(3) of the 1979 and 1989 Constitutions respectively. The foundation for this Act was laid by section 3(1) of the Minerals Ordinance of 1946. It stipulated that "the entire property in and control of all mineral oils, on under or upon any lands in Nigeria, and of all rivers, streams and water courses throughout Nigeria, is and shall be vested in the crown." It was on this note that similar provisions continued to be inserted in successive constitutions of the state.

there is nowhere in Nigeria that the Act has had a devastating impact as the Niger Delta region. Section 28 of the Decree provides for the revocation of the right of occupancy, while section 29 provides for compensation payable on revocation of right of occupancy. It must be stated that section 28(2) gives overriding public interest as a condition under which rights of occupancy can be revoked. The Act also “re-defined the legal position on land ownership in Nigeria by vesting the ownership of all land within a state in the state governor.”⁷² By virtue of this Act, “a community no longer has the right to question the entry of an oil company onto his communal land; the governor can acquire any land on behalf of private or public oil companies...compensation for land must be paid to the governor and to the community.”⁷³ The Land Use Act reduced the oil producing communities into observers in whatever situation they are being subjected to by the government and oil multinationals.

Therefore these Acts and policies of the government were purposely enacted to prevent local communities from controlling the wealth from oil production. This could be explain from the state over reliance or dependence on crude oil as a major source of foreign exchange, the politics of the dominant ethnic groups and the protection of the oil multinationals’ interests in the region by the Nigerian state. This also became necessary because of the symbiotic relationship between the Nigerian state and the oil companies will guarantee the required foreign exchange for the state while these companies support state repression because of their profit motive. The ‘unholy alliance’ of these two bodies creates devastating tendencies and woes on the economic and development life of the oil producing region.

It is on record that the Nigerian state has not been disposed towards protecting the interest(s) of the people of the Niger Delta. This scenario derives from a number of factors that can be located in the historical and current socio-political dynamics within the national and global contexts. The facts that oil companies came to the Niger Delta with a colonial attitude and that successive Nigerian governments have continued in like

⁷² J.G. Frynas, “Corporate and state responses to anti-oil protests in the Niger Delta”, *African Affairs* (2001), 100, pp. 27-54

⁷³ *Ibid*

manner derogate from the protection of the rights of the people of the region. In addition, the attitude of consumers around the world is one that does not lend itself to the protection of rights at the expense of the satisfaction of their economic wants. Thus, oil consumers are not necessarily perturbed by the unfortunate scenarios in regions where oil is extracted. The failure of consumers to probe the circumstances of oil production in the Niger Delta for instance, with possible subsequent commodity boycott, gives the government the impression that it is business as usual. There is little incentive from the consumers which will warrant a change in government attitude towards the people of the Niger Delta.

Besides, it is important to note that the oil issue has sharpened the contradictions in majority-minority ethnic relations since the Nigerian state's interests could be assumed to be synonymous with the ethnic majority's interest in Nigeria. The hidden truth is that the conflict is not for the protection of the rest majority but the oligarchy of the small ruling class of the Hausa/Fulani who are bent on silencing other ethnic groups in Nigeria. What this implies is that, there is a location of complexity within the state, between the "oil minorities whose region produces the bulk of the oil (and suffer oil pollution) and the (non-oil) ethnic majorities (who dominate the federal state) that control, and appropriate the oil wealth."⁷⁴ This internal contradiction underscores the oil minorities' agitation for resource control and the call for a sovereign national conference (SNC) as a means to restructure the present federation that works against the interests and aspirations of the ethnic minorities.

From the foregoing, the transformation of Nigeria to a rentier oil economy has thrown up violent confrontation in the Niger Delta. The interest of the state has forced it to align with foreign capital. Hence, the underdevelopment of the Niger Delta and the adoption of repressive methods by the state against the persistent struggles by the oil producing communities for access to oil wealth in their region. Consequently, the role of oil in the

⁷⁴ C.I. Obi, "Ropes of Oil: Ethnic minority agitation and the spectre of national disintegration in Nigeria". A paper presented at the conference on Nigeria in the Twentieth century, Flawn Academic Centre, The University of Texas at Austin, March 29-31, 2002.

state and the relationship between the state and foreign capital has caused the oil-bearing communities protest against the state.

THE INTERNATIONAL OIL MULTINATIONALS IN THE NIGER DELTA

As Robert Gilpin has commented, since the end of the Second World War, no aspect of international political economy has generated more controversy than the global expansion of multinational corporations.⁷⁵ This is so because the impact of their activities on host states are given different interpretations and in most cases their operations in less developing countries are linked to perennial crisis of underdevelopment. While some view them as “boon to mankind... diffusing technology and economic growth to developing countries, and interlocking national economies into an expanding and beneficial interdependence”⁷⁶ others view them negatively for they do not always engage in best practices in their areas of operations as the case of the Niger Delta shows.

Notwithstanding these divergent views of MNOCs in less developed countries (LDCs), it is quite clear that LDCs have actually welcome the idea of Foreign Direct Investment (FDI) partly as an extension of their psychological orientation and partly because they see in such investment by foreign MNOCs the hope of achieving the modernization and economic growth of their countries. In short, in the initial post independence years, the enthusiasm of the leaders of most LDCs was basically oriented towards the interest of the western world.

Nigeria was not an exception, as the head of government in Nigeria at independence extended an open invitation for economic relations to firms of the colonial overlords. He said: “I sometimes doubt whether your business men here in England are fully alive to the extent of possibilities available to them in Nigeria and whether they would take full advantage of the potential enormous market waiting to be overtaken by other more

⁷⁵ R. Gilpin, *The Political Economy of International Relations*, Princeton University Press, USA, 1987, p. 231

⁷⁶ R. Gilpin, *op. cit* P.231

enterprising of the western world.”⁷⁷ Without much hesitation foreign investors responded in order to gain, extend or protect their access to Nigeria market.

However, the involvement of oil multinationals in the Nigerian economy predates independence with the granting of mineral oil concession to the Shell-d’Arcy Petroleum Development Company by the colonial government in 1938. The discovery of oil in commercial quantity by this company evoked the interests of other oil companies in the late 1950s including Mobil Exploration Nigeria Limited, an affiliate of the American Socony-Mobil Oil Company. Others were to join with the independence of the country in 1960, and some of these were Tennessee Nigeria Inc. (1960), an affiliate of the American Tennessee Gas Transmission, Nigerian Gulf Oil Company (1962), an affiliate of American Gulf Oil Company, Nigerian AGIP Oil Co (1962), an affiliate of the Italian government-owned ENI.⁷⁸

The Nigerian oil industry is dominated by the major oil multinationals operating a joint venture with the state through Nigerian National Petroleum Corporation (NNPC). These multinational companies are Shell Petroleum Development Company (SPDC), Chevron Nigeria Limited (CNL), Mobil Producing Nigeria Unlimited (MPNU), Nigerian Agip Oil Company Limited (NAOC), Elf Petroleum Nigeria Limited (EPNL), and Texaco Overseas Petroleum company of Nigeria Unlimited (TOPCON), Apart from these oil companies that operate joint ventures with NNPC there are others that also operate in Nigeria and these are Pan Ocean Oil, British Gas, Tenneco, Deminex, Sun Oil, Total, Statoil and numerous other local firms.⁷⁹

Although, the joint venture between the six oil multinationals and the Federal Government operates under a Memorandum of Understanding (MOU) which stipulates that “the operating company in a joint venture receives a fixed sum per barrel provided

⁷⁷ This position was expressed by the first prime minister of Nigeria, Sir Tafawa Balewa on his state visit to United Kingdom. Apart from him other subsequent government have adopted series of policies that would encourage foreign investors to invest in the country.

⁷⁸ L.H. Schatzl ‘Petroleum in Nigeria’, NISER, Nigeria, 1969, pp. 3-4

⁷⁹ The author got this information from the library of NNPC (the organisation’s newsletter) in Lagos in May 2003. For further details see Human Rights Watch/Africa 1995 and 1999 (www.hrw.org)

the price of oil per barrel remains within certain margins.”⁸⁰ It is pertinent to clarify the general wrong perception about the oil industry. It is assumed that the oil industry is a single industry but this notion is wrong, as evidence has shown that it is made up of many industries. According to Popoola, “the more important of the industries are exploration and production, transportation, processing, marketing and distribution”⁸¹ but for the purpose of this research emphasis will be placed on exploration and production because of its impact on the host communities of the Niger Delta and secondly, it impacts so much on our subject matter.

Given this background, the operations of the oil companies have produced a militant resistance from the host communities as a result of their policies in the region. First and foremost, the Nigerian law has stripped the local people of the necessary benefits they would have derived from these oil companies in the event of environmental damage emanating from oil production. But with the enactment of the Land Use Act of 1978, the oil companies have shifted the responsibility to the state government.

According to Frynas, there are indications to suggest that there was a sort of cooperative relationship between the oil companies and the local people before the sudden upsurge of violence struggle in the area. He further asserts that this new twist to their relationship might not be unconnected with the issue of “compulsory land acquisition and subsequent low compensation payments.” For instance, in the court case between *Nzekwu v. Attorney-General East-Central State*, this point was clearly demonstrated.⁸² It was noted that:

The Ogbo family sued the government over the compulsory acquisition of 397 Acres of their land near Onitsha in the then Eastern Region of Nigeria. From the beginning the family had cooperated with the oil companies. In 1957, they leased 3.2 acres of land to Total Oil for ninety-nine years at a rent of 945 pounds per annum. In the same year,

⁸⁰ Human Rights Watch, *op. cit.*

⁸¹ A.O. Popoola, *op. cit.*

⁸² J.D. Frynas, “Corporate and state responses to anti-oil protests in the Niger Delta”, *African Affairs* (2001), 100, pp. 27-54

they let out land to Shell-BP for a ferry ramp at a rent of 200 pounds.⁸³

Given this agreement between the family and the oil companies, the Nigeria government in 1960 gave intention to acquire about 800 acres of land in that area including the 397 acres at 10 pounds per annum for twenty years. The government offer was considerably lower than what the oil companies initially offered the family. This was the basis of the court case and the Supreme Court awarded the family the sum of 252,600 pounds for the land and houses thereon.⁸⁴ Therefore this case pointed out how government intervention was responsible for the breakdown of peaceful relationship between the oil companies and the local people of the area.

The successful intervention of government in oil production through NNPC and with the promulgation of Decrees the oil companies have been left with no option but to deal directly with the government. More importantly the oil multinationals are more interested in profit as they are accountable to their headquarters in Europe and America and not the Nigerian state.

With the eruption of persistent violence that translate to disruption of oil production these companies have had to support state repression at one level and at another level they are involved in community development program by building international image to show corporate responsibility. All of this was aimed at maintaining their production level in the area. For instance it was argued that: "Given the Federal Government's position on oil and other minerals, the oil companies have in most cases agreed that it is the responsibility of the state to meet the demands of the local people in view of their agreements in regard to oil production."⁸⁵

⁸³ *Ibid*

⁸⁴ *Ibid*

⁸⁵ Strategies for Transnational Civil Society Business: Target or Partner in Promoting Positive Economic Political Change Presented by Jennifer Davis, Africa Fund, Director at the Council on Foreign Relations Conference on Nigeria, January 30, 1998

Despite the initial agreement it is also very pertinent for the oil companies to uplift the development of their areas of operations, and it is on this note that it was said that “all the oil companies are deeply and structurally connected to the repressive apparatus of the state.”⁸⁶ All oil companies are required to pay the salaries and expenses of a special armed and uniformed national police force tasked with guarding oil industry facilities. These are not company security guards but national security forces answerable to the Nigerian government. In addition, after years of public denials, Shell was finally forced to admit that it purchased thousands of guns and millions of rounds of ammunition for its police contingent, known among the people as the "Shell Police". The company's "Mobile Police" is equally well known in the region.⁸⁷

Further, there are those who believe that the responsibility to develop the Niger Delta rests with the Federal Government. This position was strongly canvassed by individuals and scholars in the oil producing region and it was on a similar note that the British High Commissioner to Nigeria argued that the Federal Government, rather than multinational oil companies, was responsible for the marginalization of Niger Delta and its indigenes. He also contended that dialogue and use of "democratic instruments" should be adopted in resolving the Niger Delta lingering crisis, and that the Nigerian government should live up to its responsibilities to indigenes of the region since it receives the bulk of earnings from oil business.⁸⁸ He substantiated his position when he pointed out that “Shell Petroleum Development Company - the ubiquitous whipping outfit for Niger Delta crisis -for instance, earned only 75 cents per barrel of oil when the price was \$20, against \$15.37 being credited to Government through the Nigerian National Petroleum Corporation (NNPC).”⁸⁹

⁸⁶ *Ibid*

⁸⁷ *Ibid*

⁸⁸ *The Guardian*, 17 November 1999. The position was strongly expressed by the people of the region and some Non governmental organisations that championed the cause of the people in the author's field work to the Ijaw and Ogoni communities in the Niger Delta.

⁸⁹ *Ibid*

It should however be pointed out that it is the responsibility of the oil companies to protect the environment where they operate. For instance, one of the impacts of oil production on the people of the region is the devastating effect of oil spillage and in most cases these companies do not live up to their responsibility to the environment and the people. The impact of this will be discussed exhaustively in another section of the thesis. What is beyond contention however is that most of the places that are affected with oil spillage have witnessed violent agitation in recent times. The table below reflects the incidence of oil spillage in Rivers State in 1990

OIL SPILLAGE IN RIVERS STATE OF NIGERIA (1990)

Total number of Cases	5
Sabotage, Total	21
Non-Sabotage, Total	54
Quantity Spilled	10,375.55 Barrels
Quantity recovered	1,163.3 Barrels

Sources: Ministry of Petroleum Resources, Rivers State (But adopted from Osita Agbu).

What can be inferred from the above table is that the struggle by the Ogoni and Ijaw is understandable given the impacts of oil spillage on the people. For instance:

Rivers state of Nigeria which is most affected by incidences of oil spillages has in recent times recorded the highest number of agitation for the equitable distribution of oil wealth and demands for self determination, as witnessed with the activities of the Ogoni movement.⁹⁰

Therefore it is the responsibility of these oil companies to take measures in reducing the negative impact of oil spillage on the people. And

⁹⁰ O. Agbu, "Oil and the National Question in Nigeria: the External Dimensions", *Nigerian Journal of International Affairs* Vol. 26, No. 1, 2000, pp. 105-106

Given the overwhelming role of oil in the Nigerian national economy, the policies and practices of the oil companies are important factors in the decision making of the Nigerian government. Because the oil companies are operating joint ventures with the government they have constant opportunities to influence government policy...⁹¹

In view of the above the British High Commissioner to Nigeria admitted that, multi-national oil companies are expected to contribute to the socio-economic development of their host communities, advising that the saying 'from (sic) whom much is given, much is expected', should be upheld in resolving the Niger Delta crisis. "Multi-national companies certainly have a developmental role within the community, but other partners too must face up to their responsibilities."⁹²

In any debate about the operations of the oil multinationals in the Nigerian state and the Niger Delta in particular, one issue repeatedly comes up – the question of the degree of collusion between these companies and the domestic power brokers. Such collusion is not restricted to local elites alone who might perceive and/or receive some benefits in colluding with foreign oil companies but it lies more especially with the successive governments that have been accused of encouraging the penetration of Nigeria by foreign capital. It might never be known the extent of such collusion due to a degree of ignorance or the inability of the state to protect its citizens since there is a variation on how these companies operate elsewhere. The operations of Shell elsewhere ensure that it does not degrade the environment but it does not take such precautions in Nigeria. The following observation is therefore apposite here:

For instance, for Shell's pipeline from Stanlow in Cheshire to Mossmoran in Scotland, 17 different environmental surveys were commissioned before a single turf was cut ...A detailed Environmental Assessment impact covered every measure of the (pipeline) route ...Elaborate measures were taken to avoid lasting disfiguring and the route was diverted in several places to accommodate environmental concerns...the Ogoni have never seen, let alone been consulted over, an environmental impact assessment.⁹³

⁹¹ Human Rights Watch.

⁹² *The Guardian* (Lagos) 17 November 1999.

⁹³ TED Cases, Ogoni Vs the Nigerian government

Another incident that portrays the destructive nature of oil spillage and the compensation paid to inhabitants of the area also comes in handy:

The citizens of Alaska, U.S.A., are still experiencing the negative effects of the Exxon Valdez oil spillage that occurred on March 24, 1989. More than 25 species were destroyed by the accident, which also severely affected the livelihood of the residents who depend on the fish, and animals. About 11 million gallons of crude oil were spilled by the Exxon Valdez, and it is estimated that Exxon has paid "anything from US\$4 billion to over US\$9 billion" in clean up and liability fees.⁹⁴

Notwithstanding the agreement between the oil multinationals and the Nigerian state over the provision of necessary infrastructural facilities it is the duty of the oil companies to exhibit corporate responsibility to their host communities. This will enhance their operations and promote a peaceful relationship in the course of their operations in these areas.

Corporate social responsibility has received international support but there is no universally or generally acceptable definition of the concept. However, it implies the demonstration of certain responsible behavior on the part of governments and the business sector towards society and the environment. The importance of this concept has made international institutions to support the idea. As Natufe notes

Three important international institutions have underlined the need for governments and companies to adhere to the principles of corporate social responsibility. These are the World Business Council for Sustainable Development (WBCSD), the Organization for Economic Cooperation and Development (OECD), and the Dow Jones Sustainability Indexes (DJSI).⁹⁵

⁹⁴ O.I. Natufe, "The problematic of sustainable development and corporate social responsibility: policy implications for the Niger Delta". A conference paper by Urhobo Historical Society, Second Annual Conference and General Meeting November 2 – 4, 2001 Rockaway River Country Club Denville, New Jersey, USA

⁹⁵ O.I. Natufe, *op. cit*

The concept of Corporate Social Responsibility (CSR) has been promoted through the initiatives of two international organizations as a measure of drawing global attention towards the necessity by governments and business to demonstrate a degree of responsibility toward society (including the Niger Delta of Nigeria). These institutions, the Business Council for Sustainable Development (BCSD) and the World Industry Council for the Environment (WBCE) later formed WBCSD (which comprises about 140 international companies) in 1995, as a driving force behind CSR globally.⁹⁶ Given the background to the idea of CRS by the WBCSD, it defined “*corporate social responsibility* as the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large.” So WBCSD focuses essentially on some major issues of Human Rights, Employee Rights, Environmental Protection, Community Development, Supplier Relations, and Monitoring.⁹⁷

Therefore, thesis will use Shell Petroleum Development Company (SPDC) or Shell for short, as a case study to assess how its activities have generated conflict in the Niger Delta. It must also be pointed out that Shell is the only oil company engaged in Nigeria that is a member of the WBCSD. Furthermore, the company's former Chief Executive in Nigeria (1991-1994) and Managing Director of Royal Dutch/Shell Group, Mr. Phil Watts, is an executive member of the WBCSD and co-chair of the Working Group that produced the Corporate Social Responsibility Report for the WBCSD.⁹⁸

Aside the fact that Shell Petroleum Development Company (SPDC) is a prominent member of WBCSD and given the environmental guidelines established by the Nigerian State through Department of Petroleum Resources (DPR) and the Federal Environmental Protection Agency (FEPA), the company has witnessed more protests than other oil companies that operate in the region. This might not be unconnected with the inability of the Nigerian government to implement the environmental laws as they are established. It

⁹⁶ *Ibid*

⁹⁷ *Ibid*

⁹⁸ O.I Natufe, *op. cit*

is also interesting to note that the Nigerian environmental regulations and standards through DPR and FEPA compare favorably with those of advanced western countries such as Canada and the United States but the issues of implementation as mentioned before remains a challenge. Given this limitation, the oil companies have not always addressed in a satisfactory manner the impact of oil production on the environment and the local people. And in some cases these companies have shifted their deficiency on the host communities' youths by claiming sabotage. For instance,

Shell admitted that there were 815 oil spills between 1997 and 1999, out of which 170, an alarming 20.85%, were caused by its corrosive pipelines. It should be stressed that, Shell did not include the volume spilled at Ekakpmre, Delta State, in its calculation of the 1999 volume. It blamed that oil spill on "sabotage", just as it has always done in cases of massive oil spills caused by its corrosive pipelines.⁹⁹

Below is a tabular presentation of Shell's oil spills between 1997 and 1999.

SHELL'S OIL SPILLS

Year	Number of Spills	Volume (in barrels)	Caused by Corrosion	Volume
1997	254	76,000 barrels	63	11,533
1998	242	50,200	59	21,548
1999	319	23,377	48	NA

From the above table, Shell has in most cases used the opportunity of the Nigerian state's negligence to the detriment of the local people of the region. Therefore, the policies of oil multinationals in the Niger Delta have been a major source of prevailing violence in the region.

Generally, transnational oil companies have shown rhetorical commitment to the Niger Delta, they have at different times restated/defended their "commitment" to the Niger

⁹⁹ *Ibid*

Delta and the principle of “corporate/social responsibility.” The former Managing Director of Chevron Texaco Nigeria Limited, Mr. Jay Pryor, said that the company was committed to corporate responsibility in the country, noting that the multinational had a set of values guiding its operations. He explained that “the events of the past 25 years including political democratization in many countries, economic liberalization and information technology revolution, have changed people’s perception about the roles of business.”¹⁰⁰ He listed the expected roles of business as:

- sustenance of the business enterprise; and
- sustenance of people and the society and sustenance of the environment.

Pryor also stressed that “the six pillars of corporate responsibility are:

- business ethics
- employee welfare
- local business development
- community engagement
- human rights and safety and environmental stewardship.”¹⁰¹

What is clear from the foregoing is that issues of human rights, protection of the environment come last in the operational calculus of ChevronTexaco, and by extension, all oil multinationals operating in the Niger Delta. Given this scenario, the resolution of the conflicts between the oil multinationals and the host communities is one yet for the future, at least not until there is a convergence of interests between and among the actors in the Niger Delta.

However, it is pertinent to note that in the context of globalization, state intervention in the ‘oil industry has become minimal, thus paving the way for oil multinationals to act with greater impunity, engage in corruption, and harass those who oppose its corporate interests, particularly in the third world’.¹⁰² Given this scenario, it is apposite to conclude

¹⁰⁰ Daily Independent (Lagos) 3 September 2004, p. B1

¹⁰¹ *Ibid*

¹⁰² Obi, C.I, The Oil paradox: Reflections on the Violent Dynamics of Petro-Politics and (Mis) Governance in Nigeria’s Niger Delta. Africa Institute of South Africa, P.8. See also Oil Watch Website, http://www.thirdworldtraveller.com/Oil_watch/Oil_watch.html.

that multinationals will wield more influence, strengthen their domination and deepen the willingness of the state to provide conditions for exploitation of oil because of its dependence on it for survival. Prior to this time, oil multinationals have on different occasions claimed to be purely business organizations that do not intervene in the domestic affairs of host states but evidence has shown that they collude in some instances with state and top political officials in order to further their corporate interests as illustrated during military rule in Nigeria. In 2003 for instance, it was reported that Halliburton, “a US-based oil service company, had paid about \$180 million from slush funds to a number of public officials in Nigeria, but the investigations have thus far remained inconclusive.”¹⁰³

The dependence of the Nigerian state on oil and its partnership with oil multinationals in oil production vividly illustrate the notion that they share common interests in ensuring that oil flows uninterruptedly and that profits rise. To maintain or promote this interest, the state protects and provides security for the oil multinationals, an arrangement which cements the symbiotic relation between them in the long run. In this regard, the interests of the local people that bear the brunt of oil production and the negative effects of environmental degradation are hardly considered by the state officials¹⁰⁴ most especially under the military. Therefore, the relationship between the Nigerian state and the oil multinationals is asymmetrical as the oil companies focus on profit maximization and continual flow of oil while the state has to contend with diverse forms of resistance from the local people even as it bears the burden of financial commitment to her joint ventures with the oil multinationals

¹⁰³ Obi, C.I, *The Oil paradox: Reflections on the Violent Dynamics of Petro-Politics and (Mis) Governance in Nigeria's Niger Delta*. Africa Institute of South Africa, P.9

¹⁰⁴ Ibid, P.15

NON-GOVERNMENTAL ORGANISATIONS (NGOs) AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS (INGOs)

The international system has witnessed a significant marked increase in the activities of non-governmental organizations both at the local and international levels. This development is not unconnected with the dismantling of communism at the global level. The resurgence of NGOs has further strengthened the voice of local people against issues like environment, human rights violations, women's issue and grass root development. The establishment of NGOs reflects a trend i.e. they "are emerging as a special set of organizations that are private in their form but public in their purpose."¹⁰⁵ Another vital reason for the rise in NGOs is the challenges posed by globalization, most especially the effect of its negative impact on the state and society at large. It is widely argued that globalization and privatization in less developed countries has condemned the vast majority of the population to poverty and it has further strengthened the dependency syndrome between the LDCs and the Western powers. This is reinforced by the realization that the goal of privatization and structural adjustment is to promote economic adjustment that is beneficial to multinational corporations under a globalized regime of managed capitalism and not to ensure social justice as was propounded by pro-globalizationists.

Moreover, globalization has subjugated governments of the less developed countries to domestic and foreign capital, which remains a fundamental objective of globalization. In order to challenge the proposal of the International Financial Institutions, the emerging NGOs have to play a dominant role to reduce the impact of these shortcomings on society. For instance, Multilateral Agreement Investment (MAI) was aborted in the instance of several NGO protests against investment of globalization, the WTO and IMF (e.g. the protests at Seattle 1999, Washington DC 2000, Prague 2000 and Devos 2001).¹⁰⁶ The foregoing realizations explain the sudden emergence of NGOs at the local and global

¹⁰⁵ L. Gordenker and T. Weiss, "Pluralizing Global Governance: Analytical Approaches and Dimensions" in Weiss and Gordenker (eds) *NGOs, The UN, & Global Governance* Lynne Rienner, USA, 1996, p. 24

¹⁰⁶ O.I. Natufe, "Resistance Politics: An Essay on the future of Nigeria". A paper presented at the International Conference on the Challenges and Opportunities of Globalisation at the Dawn of the Millennium. Organised by the African Studies Programme, Howard University, Washington DC, USA, April 11- 14, 2001

levels agitating against environmental degradation. Environmental issues remain one of the principal focus areas of NGOs in the 1990s and fact lends credence to why “more than 1,400 environmental NGOs were officially accredited with the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in 1992 and a total of about 7,000 NGOs took part, in one way or the other”¹⁰⁷ in the conference.

The need for justice which underscores the formation of NGOs was at play in the Durban Conference, South Africa where about fifty Nigerian non-governmental organizations worked with others from around the world to address the drastic consequences of Shell oil’s toxic waste on the people of the Niger Delta in Nigeria. This is a graphic example of what the Conference’s NGO Forum refers to as environmental racism: the disproportionate impacts of pollution borne by communities of color around the world. The Forum strongly demands that corporations be held accountable for their abuses. Some NGOs even insist that corporations including the many foreign oil companies operating in the Niger Delta pay restitution to communities that have been devastated by their operations.¹⁰⁸

In addition the NGOs operate as voices and agents of civil society vis-à-vis governments, state bureaucracies, and transnational corporations as they seek to come to grips with the threats to the human environment at the local, national and global levels.”¹⁰⁹ However, there is no general consensus as regards the definition of civil society, but they can be seen as autonomous bodies from the states that interact in order to influence the policy of the government in power and uplift the development of the society. These relationships can be viewed in different dimensions as civil society criticizes the state with the hope of changing government policies; it may be cooperative or businesslike. The traditional definition of civil society is that comprises all organizations and institutions upwards of

¹⁰⁷ H. Breitmeier and Rittberger, “Environmental NGOs in an emerging global Civil Society” in P.S. Chasek (ed) *The global environment in the twenty-first century: Prospects for international cooperation*, United Nations University Press 2000, p. 130

¹⁰⁸ <http://www.corpwatch.org/issues/PID.jsp?articleid=18>

¹⁰⁹ H. Breintmeier and Rittberger, *op. cit*

the family and up to the state (national, provincial and local).¹¹⁰ The activities of NGOs and CBOs in the Niger Delta of Nigeria against the policies of the Nigerian government and the foreign oil multinationals in the 1990s arose out of their impacts on the environment and the people.

A plethora of NGOs in emerged in the region in an attempt by the local people to draw the attention of the national and international community to the plight of the people including economic, social political and environmental injustices. The crisis in the region has drawn the attentions of both local and foreign organizations, and civil groups like Pan Niger Delta Resistance Movement, CHIKOKO, the Environmental Rights Action, Movement for Reparation to Ogba (MORETO), and the Movement for the Survival of the Ijo in the Niger Delta (MOSIEND), the Unrepresented Nations and Peoples Organization (UNPO) in The Hague, The Netherlands, United Nations Human Rights bodies, Greenpeace, Sierra Club, religious organizations, Amnesty International, and a host of others. It is instructive to note that the involvement of these NGOs both at local and global levels further internationalized the Niger Delta crisis. The roles of these organizations in assisting the social movements will be dealt with elsewhere in the thesis.

CIVIL GROUPS/ SOCIAL MOVEMENTS IN THE NIGER DELTA

Civil society is recognized as an agent of transformation in Africa in the post- Cold War era. Over the years however, they have been suppressed by authoritarian civilian regimes and military dictatorships but the global wave of democratisation has allowed them to emerge as an important actor in politics and governance. Given that the ascendance of civil society was met with antagonism from the state, the central hypothesis of the civil society is that “it is the force for societal resistance to state excesses and the centerpiece organizationally, materially and ideologically of the social movements and protests for reforms and change.”¹¹¹ It must be pointed out that it is not only the state that opposed the

¹¹⁰ C. Govender: “Trends in Civil Society in South Africa today”, www.anc.org.za/ancdocs/pubs/umbrabulo/umbrabulo13m.html

¹¹¹ Ikelegbe, A. Encounters of insurgent Youth associations with the state in the oil rich Niger Delta region of Nigeria. *Journal of Third World Studies*, Spring 2005

civil society but private corporations also constrained civil society.”¹¹² Therefore, in Third World countries like Nigeria “where powerful multinational corporations hold rein, collaboration between them and the state may constitute a situation of double jeopardy in terms of repression of civil society”¹¹³. The situation in the Niger Delta lends credence to this thesis as the alliance between the state and the oil multinationals have sought to contain the activism by key actors in civil society namely social movements. Such activism, it should be noted, has been conducted more often than not (but not primarily) through violent means. Of course, violent struggles predate the independence of Nigeria “with the agitation for separate states in the 1950s and 1960s that eventually led to the establishment of the Minorities Commission in 1956, right through to attempts by minority group politicians in the Second Republic to organize and wrest political power from the majority.”¹¹⁴ The Niger Delta people through the formation of social movements in the 1990s have strongly drawn the world’s attention to their plight and to their quest for self-determination.

The emergence of social movements in the Niger Delta (as elsewhere) can be contextualized within theoretical constructs which explicate the basis for their existence as well as their *modus operandi*. Expressed differently, social mobilization theories attempt to explain the emergence, objectives, methods and tactics of groups opposed to either the government or transnational forces. Often, these social groupings forge relationships across national frontiers with a view to internationalizing their activities and/or the issues they are seek to address. Given that social movement activity transcends national boundaries, Tarrow¹¹⁵ identifies four modes of action that define these social networks’ overall character. These are: *movement diffusion* (i.e. temporary interactions that generate similar movement in another state); *transnational issue networks* (enduring information exchange between main actors within the social movement circle); *political exchange* (the networking of social groupings in a number of societies); and

¹¹² Ibid, P.6

¹¹³ Ibid, P.6

¹¹⁴ *Conflict Trends* – Publish by ACCORD in Durban South Africa, No. 3/2000

¹¹⁵ S. Tarrow, “Fishnets, Internets and Catnets: Globalization and Transnational Collective Action” Working Paper, No. 78. Madrid: Center for Advanced Study in the Social Sciences, Instituto Juan March de Estudios e Investigaciones.

transnational social movements (interactions between groups with shared visions and ideals). Tarrow's typology approximates the character of social movement activity in the Niger Delta as will be seen later in this study.

Generally, the emergence of social movements and the internationalization of their activities stem from a number of factors. These include but not limited to the global wave of democracy and democratization, the ascendance of liberal ideological issues pertaining to the environment, human rights and minority rights, and the revolution in information and communications technology with its attendant integration of the world economies.¹¹⁶ These variables, which also underscore civil society action, combined with local factors to engender the formation and continued existence as well as the transnationalization of social movements in Nigeria. At the level of national politics, the Babangida democratic transition provided the context for growing political opportunities which the civil society explored. In addition, widespread ad-hoc protests among groups at the grassroots level engendered the formation of cohesive platforms through which local agitation for social service was conducted. With regard to the Niger Delta, the grievances of the oil communities against the government and the multinational oil companies provided the impetus for social mobilization often (but not always) along ethnic lines. The foregoing found expression in increase in minority political activity at the elite level, lobbies, the formation of coalitions, and local community agitation for more revenues derived from oil wealth¹¹⁷ at one end and for resource control at the other.

The local people's determination to pursue these issues arose from "[the] increasing denationalization of the state on a global scale [which] has seen the rise of sub-state identities being the fulcrum of group rights and citizenship claims. These groups in the quest for their collective, but particularistic interests adopt all techniques including the

¹¹⁶ S. Batliwala, "Grassroots Movements as Transnational Actors: Implications for Global Civil Society" in R. Taylor (ed.) *Creating a Better World: Interpreting Global Civil Society*, Kumarin Press, Bloomfield, CT, 2004, p.

¹¹⁷ A. Esajere, "Southern Minorities Plan Strategies for Third Republic", *The Guardian* (Lagos) 26 March 1992, p. 1; P. Ishaka, "The Minorities' Agenda: A New Minorities' Consensus Sets High Stakes for the Presidential Election", *Tell* (Lagos) 27 April 1992, pp. 12-5.

use of violence.”¹¹⁸ The social movements in the Niger Delta emerged as a result of environmental degradation and political insensitivity of the Nigerian state and most of these movements targeted Shell as a means of forcing the Nigerian state to change her policies in the region.

These movements’ positions were underpinned by the fact that Shell was the biggest and the most visible foreign oil multinational onshore. Once they could wrestle Shell, other oil companies operating in the region would follow and this underlined the activities of Movement for the Survival of Ogoni People (MOSOP) and Ijaw Youth Council (IYC) in the early 1990s. There were numerous social movements that emerged in this period of study apart from our case study MOSOP and IYC, and some of these are the Urhobo Progressive Union (UPU), Isoko Development Union (IDU), Egbesu¹¹⁹ Boys of Africa (EBA), and Council for Ikwerre Nationality among others.

Therefore, in order to capture the attention of the international community, MOSOP, one of the early social movements in the region had to use the language of “rights” and built in the international fora the image of the Nigerian state and Shell as violators of human rights. The movement also established offices in Europe and America, facilitated visits by researchers and journalists to Ogoni, and its propaganda outfit was well run to achieve its targets. All this will be discussed exhaustively in another section of this work.

Apart from the people of the Niger Delta, there are other segments of the Nigerian populace that aligned with the Federal Government to argue that there are no bases for (the occurrence of) conflicts in the region. However, an in-depth analysis has shown that these oil-bearing communities have been crucial in holding the fragile unity of Nigeria as nation for over four decades. They have sacrificed in terms of resources, rights, environmental and ecological hazards. Their involvement in this conflict was to force the Federal Government and the multinational oil companies to accord priority to their plight. The frustration arising from the forceful attitude of the Federal Government and oil

¹¹⁸ S. Adejumobi, *Ethnic Militia groups and the National Question in Nigeria*, Social Science Research Council, USA, March 2003.

¹¹⁹ It is an Ijaw cult which they believe gives them supernatural powers that protect them against gunshots or other harms.

companies to bring them to submission underlines their quest for self-determination and autonomy. All they were interested in originally was to be part of the Nigerian state where their rights of existence including opportunities would be guaranteed.

The government's perception of these struggles has been and it has not responded appropriately to the issues at stake. These conflicts are very sensitive issues that demand a diplomatic approach towards settlement. Unfortunately, the government had been only forthcoming in making sure that its hegemonic status is forcefully imposed and maintained in order to sustain the profit interest. These factors are exposed by the authoritarian manner that the state promulgated decrees stripping communities of any right over the land and resources. At another level the multinational oil companies do not accommodate the interests of the oil-bearing communities as they (MNOCs) are products of capitalism. They are more concerned about how to use the least opportunity that guarantees the security of their capital and interest. They have in most cases rendered ineffective government institutions charged with responsibilities of environmental protection thereby giving them almost unrestrained access to the resources of the region.

This chapter makes clear that the main actors in the Niger Delta, their dispositions towards the crisis and their activities in the region have not gone unnoticed by the international community. Although the internationalisation of the crisis *per se* is dealt with in chapter seven, the significance of this chapter (or its relevance to this study) is premised on the fact that the internationalisation of the Niger Delta crisis would not have been possible without some activities on the part of the main actors in the region. An examination or simply put, profiles of the Nigerian state, oil multinationals, social movements and international non-governmental organizations vis-à-vis their engagement with oil politics and environmental issues indubitably illuminate the discourse on internationalisation of the crisis in the region.