

CHAPTER FOUR

THE IMPACT OF OIL EXPLORATION AND PRODUCTION ON THE PEOPLE OF THE NIGER DELTA

"Shell has promised us several things, but has not done any. Apart from that, there is issue of environmental devastation that is still threatening us. Two major spills have occurred between 1991 and 1999 and Shell refuses to clean spills from our lands and rivers and pay compensation to us".

Mr. Louis Nwanchukwu, Chairman, Umusia Community Development Committee (CDC).

INTRODUCTION

This chapter examines the multifaceted implications of oil exploration in the Niger Delta. Perhaps no other phenomenon has launched the region to the forefront of international environmental discourse as the impact of oil politics on the people of the Niger Delta. As will be shown in this chapter, oil exploration by multinational corporations has brought with it a number of economic, social and environmental consequences, mostly negative. More often than not, social movements as well as local and international environmental rights activists have predicated their advocacy on the deleterious effects of oil multinationals' activity in the Niger Delta. The internationalisation of the crisis in the region has therefore drawn from the consequences of oil exploration. In fact, the negative effects of oil activities have been at the heart of the campaign for addressing the environmental problems in the region. It is also trite to say that the consequences of oil exploration have evoked international reactions in a manner that typifies the internationalisation of the issues pertaining to the Niger Delta. This chapter furnishes illuminating insights into the different situations consequent to oil exploration in the region.

This chapter proceeds with the understanding that the historical development of man's interaction with his environment could be explained from its usefulness in terms of basic needs like shelter, clothing and food. This interaction has equally posed a serious challenge to human security in recent years with the decline in quality of the environment. This occurs from destruction of lakes, forests, and extraction of mineral resources by mining industries. However, this phenomenon is not peculiar to developing countries alone as European lakes and forests continue to be destroyed by the phenomenon of acid rain and nitrate contamination of water. This has also become a major problem in the USA.”¹²⁰ Therefore, different attempts by states to address the different needs of their citizens through industrialization and agriculture have increasingly posed a great threat to physical environment, human health and economic

¹²⁰ M.B.K. Darkoh & A. Rwomire, “Introduction: Ideas on Human Impact on Environment and Prospects for a sustainable future in Africa” in Darkoh & Rwomire (eds) *Human Impact on Environment and Sustainable Development in Africa. Contemporary Perspectives on Developing Societies*. Ashgate Publishing Ltd, England, 2003, pp. 1-25

well being of their societies. Notwithstanding, the impact of mining on the environment and people within societies, it is assumed that the possession of crude oil by states in the international system would automatically translate to wealth for such societies. This occurs when oil companies pay millions of dollars for the extraction and production of this vital commodity.

However, the negative impact of such human interaction with the environment was not given the required attention until in the 1970s when it became a major concern for many disciplines in academic circle; this accounted for the focus on global environment change and the need to address its consequences.¹²¹ In the case of Africa, all the states that are naturally endowed with mineral resources are contending with one crisis or another that emanate from environmental damage due to mineral extraction and internal politics. The exploration of oil has particularly inflicted considerable negative impact on the environment and this deserves serious attention. These conditions have invariably led to organized protest by social movements in different parts of the continent where the impact of mining activities are not properly addressed by the state and corporate bodies involved. Moreover, the response of African states and such companies underlies the intractable violence in different parts of the continent where mineral resources are extracted.

Internal instability or violence in Sub-Saharan Africa is then a function of mineral extraction as noted above, most especially the production of oil in Nigeria and other countries like Angola and Sudan amongst others. For instance, oil extraction could only be carried out with huge capital and advanced technology that could only be afforded by foreign oil companies. It is in this sense that states require the cooperation of such foreign companies that possess the capital and technological know-how. Since the discovery of crude oil in the Niger Delta, it has remained the country's major source of foreign

¹²¹ Some of the major works that focus on this global environmental changes are Ahmed & Doeleman (eds) *Beyond Rio: The Environmental Crisis and sustainable Livelihoods in the Third World*, Macmillan, London, 1995, Barrow, *Land Degradation: Development and Breakdown of Terrestrial Environments*, Cambridge University Press, London, 1991; *Developing the Environment: Problems and Management*, Longman, Harlow Essex; Goudie, *The Human Impact on Natural Environment*, Blackwell Publishers, Oxford, London 1981; Mannion & Bowly (eds), *Environmental Issues in the 1990s*, Wiley and Sons, Chichester, 1992.

exchange. Despite the huge revenue generated from oil, most of the areas from where this natural resource is drilled, suffer mean neglect. More importantly, it is right to assert that the operating standard of these oil companies and corporate responsibility have virtually been seen to be below acceptable international standards. It is confirmed that the region is the only “oil province in the entire world where the inhabitants are compelled to cope with a spill after spill situation.” While in most cases the local people are not within the framework of the oil companies in addressing some cases of oil spillage.¹²²

This development has accounted for endless crises in these areas. Aggrieved natives have been campaigning against deprivation by both the government and the multi-national oil companies operating in the region. There have been efforts by the state to contain the Niger Delta crisis for over three decades now. These efforts have not succeeded in addressing the growing concern of the local people due to the complex nature of issues in the relationship between the state/oil multinationals and the people. It was on this note that Nnimmo Bassey, the Executive Director Environmental Rights Action (ERA)/Friends of the Earth Nigeria (FoEN) noted that,

Oil extraction has directly fuelled violence and related crises. Our reading is that the instability of resource rich areas keep the people divided and as long as this is so operators in the industry as well as the government embedded beneficiaries can carry on business as usual, destroy the environment, keep the people impoverished and reap huge profits.¹²³

Given this scenario, the misuse of oil revenues and the denial of the oil-bearing communities’ access to the oil wealth are some issues that have exacerbated political discontent and provoked internal political violence in Africa especially in countries like Angola, Sudan, Congo Brazzaville, Chad and Nigeria.¹²⁴ Oil was noted as one of the central factors in the civil war that engulfed Angola for almost three decades. The huge

¹²² <http://www.nddconline.org/The Niger Delta>

¹²³ For details see www.petroleumworld.com/suF122803.htm

¹²⁴ D. Volman, Oil, Arms, and Violence in Africa. A report prepared by African Security Research Project, Washington, D.C, February, 2003

wealth from oil and the diamond trade accounted for both the MPLA and UNITA continuing devastating civil war for so long without serious commitment to reach a political resolution of the crisis until the death of Jonas Savimbi of UNITA. Non-commitment was partly as a result of oil and diamonds revenues used by both parties to finance the purchase of sophisticated military hardware for the prosecution of the war.

Therefore, access to power is a means of acquiring mineral resources wealth in Africa. *Global Witness*, an advocacy group, says that \$770 million in tax revenue is missing, citing a discrepancy in what the Angolan Ministry of Petroleum reportedly paid in 2000 and what the Finance Ministry reported received. US officials estimate that Angolan officials siphoned as much as \$1 billion oil revenues each year.¹²⁵ This trend runs across African oil producing states with the possible exception of Gabon where the government has been able to manage political competition over access to oil wealth. The government has restrained itself from excessive spending on arms. The scenario in Sao Tome and Principe is different. The urge to control oil wealth accounted for the *coup d'etat* in Sao Tome and Principe as noted by President Fradique de Menezes. He confirmed that Major Pereira bloodless putsch was influenced by “the smell of oil.”¹²⁶

Similarly, the case with Sudan is rather worrisome. The civil war, which began in the country since 1983, was linked to the domination of the oil-producing region of the South by influential politicians in the North. It has been said that competition over the control of oil resources is one of the reasons for the rebellion led by the SPLA.¹²⁷ The persistence of the conflict arose from government’s decision to concentrate its weapons in the oil-producing areas and the use of force to protect oil production, which has invariably forced the local people to flee the region. The issues of control over oil fields and the refusal of the central government to share oil revenues with the South have been major obstacles to peace and development in the country.

¹²⁵ *Ibid*

¹²⁶ S. Romero: Coup on Tiny African Islands Felt in Texas Oil Offices, *New York Times*, July 18, 2003. Also see *This Day* (Lagos) 18 August 2003.

¹²⁷ C.I. Obi, “Resources, Population and Conflicts: Two African Case Studies”, *Africa Development* Vol. XXIV, No. 3 & 4, 1999, CODESRIA, Dakar, Senegal, pp. 62-64. See Daniel Volman *op. cit.*

Another example in Africa is the war that engulfed Congo Brazzaville around 1993-1994. This conflict was also connected to oil. The character of the crisis reflected a proxy war between the United States and French oil companies. It was asserted that TotalFinaElf, a French oil company, established a longstanding relationship with the former military head of government, General Denis Sassou-Nguesso by enriching the General, in creating and funding his private army. However, when President Pascal Lissouba came to power after a military coup he established new relations in the country's oil business with the US-oil company, Occidental Petroleum in order to fund and equip his troops. This change of policy led to rivalry between the forces loyal to President Lissouba and forces loyal to the former head of state.

This is the situation in most of the African states that possess oil resources. The possession and exploitation of oil generates abundant wealth. Paradoxically, it inflicts hardship and misery on host communities as could be seen above. Given that the central concern of this thesis is Nigeria; our focus will now shift to oil activities in the Niger Delta.

OIL PRODUCTION IN THE NIGER DELTA

The extraction of oil has two basic characteristics, profit maximization and its negative impact on the environment.¹²⁸ As noted earlier, mineral extraction in the developing world is associated with exploitation, environmental degradation and pollution. The Niger Delta is not an exception in this regard. It was in this direction that Godwin Ojo contends that “mineral resource extraction across the world, particularly, developing economies, shows that the history of resource extraction is the history of resource appropriation, reckless exploitation with serious threat to the people, environment and livelihoods.”¹²⁹ The Niger Delta has witnessed a heavy disregard for environment by the oil multinationals for over four decades. This has translated to severe oil pollution, which has affected the atmosphere, soil fertility, waterway sand mangroves, wildlife, plant life and human health in general. The consequences for human in forms of diseases (resulting

¹²⁸ O.Olatunbosun. *Nigeria's neglected rural majority*, Ibadan: Oxford University Press 1975; Falola, T. *Britain and Nigeria: Exploitation or development*. London: Zed books Ltd. 1987

¹²⁹ See www.petroleumworld.com/Suf122803.htm

from gas flaring), water diseases, and the spread of HIV/AIDS. Oil pollution also impacts on the physiology of plants. Worthy of note is its effect on transpiration and photosynthetic activities of these plants.¹³⁰

The unfulfilled expectations which prompted widespread indignation and unprecedented restiveness over the environmental/social effects of oil extraction in the Niger Delta attracted the attention of the international community in the early 1990s. The heightened tension in the region and subsequent violence that followed have compelled the state and oil multinationals to revisit their policies towards the local people especially in the areas of corporate social responsibility and human rights. Notwithstanding the changes that occurred in the late 1990s, the local people have directed their protest against Shell Petroleum Development Company (SPDC), the largest oil producer and the oldest oil company operating in many communities in the Niger Delta region.

Nigeria is the largest oil producer in Africa and the fifth largest in the Organization of Petroleum Exporting Countries (OPEC).¹³¹ The huge oil wealth the state derives from the sale of petroleum has not turned it into one of the most developed and prosperous on the African continent. This commodity has benefited only a few while the people of the region where oil is extracted have become increasingly impoverished. The country is also ranked among the poorest nations of the world due to mismanagement of petrodollars by those in power.¹³² There is no gainsaying the fact that oil-related activities have done much damage to the fragile Niger Delta environment as well as the health of its people. This stems from the continued unbridled exploitation of crude oil and natural gas, which has led to numerous oil spills, and gas flaring.¹³³ Massive oil spills have not only polluted the sources of drinking water available to the people, but have also denied them access to

¹³⁰ The *African Guardian*, October 1993; Sule R.A.O, "The socio-Economic impact of petroleum production in Nigeria". A paper presented at the Seminar on Environmental Pollution in NISER, Ibadan Nigeria, July 1986.

¹³¹ B. Manby, "The Role and Responsibility of Oil Multinationals in Nigeria", *Journal of International Affairs*, Fall 1999 Vol. 53, No. 1, New York, pp. 283-301

¹³² *Ibid.* This position was strongly expressed through interview with the local people of Yenagoa and Ogoni communities and Afiesere/Oleh when the author visited Rivers, Bayelsa and Delta states between 20-28 May 2003 for fieldwork.

¹³³ See *Vanguard* (Lagos) 7 September 2004 p. 38

safe water for domestic use. Other deprivations the people suffer are in the form of displacements, and strangulation of the means to livelihood in a predominantly fishing and agrarian population. The consideration of a few instances for the purpose of illuminating our analysis here will suffice.

Exxon Mobil, the dominant transnational oil company operating in Eket, Akwa Ibom State in the Niger Delta has often been accused of flagrant disregard for the environment in the course of its operations. Apart from Mobil, Addax and Elf are also located in the area. Regrettably, the activities of these transnational companies have resulted in pollution, environmental degradation, and terminal diseases such as cancer, birth defects etc. Their operations have had negative impact on forests, marine life as well as the lives of people of the Niger Delta, including even the future generations. However, in terms of causing ecological horrors to the Niger Delta environment, Mobil is not the worst offender. Shell has equally been criticized for its activities in the area. For instance, “Shell has callously left uncapped wells in which three young children have so far drowned. Elf, with its deep offshore platform and Floating, Production, Storage and Off-loading Vessels (FPSOs), continue to treat the Akwa Ibom government and people with ignominy.”¹³⁴

The manner in which oil multinationals respond to reported cases of oil spillage seem to confirm this “ignominy”. For instance, in July 2000, a major oil spill occurred at the Batan flow station, an oil facility owned by Shell. The spill reportedly caused extensive ecological damage in the community and led to loss of the means of livelihood of the local people. Since then, a line of enmity (exacerbated by mutual suspicion) seems to have been drawn between the community and Shell. With the outcry over the Batan flow station crisis yet to abate, another major spill occurred at the oil company’s Batan delivery line on 20 October 2002. The actual cause of the spill going by divers’ claims was a “slack” in two bolts and nuts used in the 8-inch tie-in manifold locked under water at the delivery line. The communities have not only lamented the economic hardship they have been plunged into by the spill, they have also alleged recession in their fishing

¹³⁴ See *Vanguard* (Lagos) 7 September 2004 p. 38

business, lack of “good” drinking water in the affected areas and the refusal of the oil company to provide relief materials to cushion the effect of the spill.¹³⁵

Despite this ugly incidence Shell was not eager to accept responsibility for the spill. The Western Division of the oil giants claimed that the Ijaw community subjected its staff to “gruesome ordeal, duress and manhandling.” Shell also alleged that the oil spill was an act of third party interference. This in the language of the oil company means an act of sabotage. According to the oil multinational, “the inspection report of the diver who inspected the leak point leaves no reasonable person in doubt that the leakage occurred due to unauthorized tempering by unknown persons with two bolts and nuts on the flange of the manifold.”¹³⁶ On the contrary, the people insist that the oil company owes the Batan community an obligation of providing relief materials and replacement of ageing oil facilities in the community, and stopping the alleged use of military personnel to harass the local people. Mr. Alex Ebi, a community leader, alleged that Shell was using armed security operatives to repress them, insisting that the community was not responsible for the spillage. Although the cause of the major spill in the area has been in dispute, what however appears clear is the fact that there has been an extensive ecological damage in the community¹³⁷.

This development has generated a barraged of criticism against Shell’s nonchalant or lethargic response to such environmental crisis in its operational procedure in Nigeria. For example, a university lecturer, Dr Uwem Ite, recently blamed the environmental hazards in the Niger Delta on the years of oil exploration by Shell in the region. He described the period when the company first set foot in the Niger Delta region as a rip-off. He maintained that the Shell’s business approach has led to a high “dependent culture”, resulting in confrontation between oil producing communities and the multinational, stating that this “dependent culture” was adversely affecting its operations. He further argued that when Shell realized that it was responsible for community

¹³⁵ See *Daily Independent* (Lagos) 27 August 2004, p. A7

¹³⁶ See *Daily Independent* (Lagos) 27 August 2004, p. A7

¹³⁷ See *Daily Independent* (Lagos) 27 August 2004, p. A7

restiveness due to failed promises, it opted for *community development*, launched in February 2004 in Warri, Delta State, as opposed to *community assistance* which it had consistently practiced.¹³⁸

What is most worrisome is the failure of government to muster the needed political will to ensure that oil companies honor their commitments towards the host communities whenever environmental crises and ecological disasters occur. Environmental degradation continues in spite of Nigeria's accession to many international environmental agreements. Some of these international legal instruments (to which Nigeria is signatory) include the Vienna Convention for the Protection of the Ozone Layer, the Montreal Protocol and the London Amendment, Convention on Biological Diversity and the International Convention on Oil Pollution Preparedness, Response and Coordination.¹³⁹

Today Nigeria is grappling with the recurrence of violent protests by the youth of the Niger Delta as result of the negative impact of oil production on the people of the region. The grievances of the local people over oil production in their region will be categorized into environmental damage, economic deprivation, political exclusion and social factors.

ENVIRONMENTAL FACTORS

By virtue of the Land Use Act of 1978 (see Chapter Three) authority over all land was vested in the state. The law provides that occupancy can be revoked if the land is required for mining or oil sector activities. This position of the Nigerian state officially and legally excludes the local people from the ownership of minerals and the land where such were found¹⁴⁰ thereby creating a conflict aura. The foundation for this Act was laid with the Nigerian Mineral Ordinance Act of 1946 which stipulates 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 through Nigeria, is and shall be vested in the crown." These

¹³⁸ See Daily Independent (Lagos) 27 August 2004, p. A9

¹³⁹ See *Vanguard* (Lagos) 7 September 2004 p. 38

¹⁴⁰ C.I. Obi, "Globalisation in Nigeria's oil industry: Implications for the local politics." Paper prepared for the XVIIIth International Political Science Association (IPSA) Congress, Quebec, August 1-6, 2000.

acts or laws have eventually deprived the local people of the oil-bearing communities the legal bases of challenging oil multinationals over their operations in the region.

Given this background the people of the Niger Delta have had to contend with environmental degradation that has arisen from oil production in their communities since they could neither make any input nor effect repairs of any kind without approval from the state. The impacts of oil extraction on the environment have been severe and known to be a crucial factor in the eruption of violent conflicts since the 1990s. It was on this note that the Inspectorate Division of the NNPC drew the attention of the oil companies and the state to the impact of oil exploitation on the Niger Delta environment. But the situation received a serious attention from the NGOs and international community. For instance, Rivers States chiefs to the World Conference of Indigenous Peoples on Environment and Development at the Rio's Earth Summit in 1992 affirmed that: "we have widespread water pollution and soil/land pollution that respectively result in the death of most aquatic eggs and juvenile stages of life of fin-fish and Shell-fish and sensible animals..."¹⁴¹

The consequences of oil exploration on the environment could be said to be far reaching, extending as much as possible to water, air, land and chemical hazards. One of the major impacts of oil extraction has been the loss of biodiversity; oil pollution has resulted in the contamination, degradation and destruction of mangrove forests in the region. It is severe on the people because the major occupation of the local people had been farming and fishing but with the devastating effects of oil spillage on the mangrove forests, the environment could no longer sustain local communities. In many respects, oil extraction deprives them of the benefit associated with the forest such as soil stability, natural medicines, healthy fisheries, wood for fuel and shelter, tanning and dyes.¹⁴² Apart from this it also has severe consequences for species like Delta elephants, the white-crested

¹⁴¹ Greenpeace International, *Shell-Shocked-The environmental and social costs of living with Shell in Nigeria*, Greenpeace Report, Amsterdam, July 1994, pp.11-13

¹⁴² L. Esparza (Global Exchange) and M. Wilson (Essential Action, *Multinational Corporations, Environmental Destruction, Death and Impunity in the Niger Delta*. A US Nongovernmental delegation trip report, September 6-20, 1999, p. 8

monkey, the river hippopotamus, crocodiles and varieties of fishes.¹⁴³ Similarly, construction of canals has resulted in transportation of materials into creeks and rivers leading to the death of plants as well as denying the people drinkable water. These canalizations have also caused severe flood both in the villages and farmlands.

Another important impact of oil spillage resulting from pipeline leaks was the risk of death associated with it. The irony of this is that “under Nigerian law, companies are not obliged to clean up or compensate for the effects of spills caused by sabotage.”¹⁴⁴ For instance there are numerous examples of pipeline leakage that resulted in loss of lives and property in the region. A case in point was the Jesse fire disaster of 17 October 1998 caused by a ferocious fire from a burst of oil pipeline that was surrounded by a multitude of illegal fuel drawers. This incident led to the death of about one thousand persons.¹⁴⁵ A litany of woes for the oil-bearing communities of the Niger Delta as subsequent evidence will show.

On 10 April 1999, about ten people were burnt to death when a Shell Petroleum Development Company (SPDC) pipeline got ruptured at Bayana, in one of the Ijaw communities of Delta State. In August, Mosogar witnessed another fire disaster that led to the death of at least two people. The cause of this tragedy was linked to the Jesse pipeline disaster that was not properly rectified by the Shell. Perhaps the worst case in recent years was the disaster that occurred in the author’s local government in 1999 in Ekakpamre, Ughelli South Local Government of Delta State and eventually spread to other communities in the region especially Ekrejegbe, Iwhrekeka, Ughevwighe, Otor-Edo and Edjophe. This led to loss of several lives (especially those of women and

¹⁴³ *Ibid.* Fishing in the region is considered as a vital source of employment, as about forty percent of the total population of the region are engaged in fishing as a source of income. This was the position of the opinion leaders in the author interview with people of Uzere and Afiesere in Delta State. It was even considered as the major source of income by the Ijaws since they reside in the riverine areas of the Niger Delta. Indeed the bulk of the population accept this economic activity as the only option for survival.

¹⁴⁴ *Ibid.* See Human Rights Watch, *The Price of Oil*, *op. cit.*, p. 7

¹⁴⁵ *The Guardian* (Lagos) 15 July, 2000

children) and to the destruction of farmlands. In a similar experience, Gana community of the Ughelli North council area lost about 12 of its natives to pipeline explosion.¹⁴⁶

At different times the oil companies laid claim to sabotage rather than addressing the issue of pipeline ageing. They fail to accept the fact that most of these pipelines are due for replacement as some of them have spent over forty years while others criss-cross villages and land without due regard to the health of the local people. In short most of these pipelines are rusty and need urgent repairs to avoid further disaster for the people of the region. The defunct Nigerian Ministry of Petroleum Resources have confirmed that between 1976 and 1990 about 2,676 cases of oil spillage occurred while Shell records showed that from 1982 to 1992 about 1,626,000 gallons of oil was loss to oil spillage from the company's operations in twenty seven different cases.¹⁴⁷

The critical issue is that the oil companies in most cases claim sabotage but available evidence shows clearly that these oil companies are liable for most of these oil spills that have had severe impact on the environment and the people. This position was strongly asserted when the World Bank confirmed that the companies themselves generally cause oil spills, with corrosion being the most frequent cause.¹⁴⁸ It was confirmed in the 1990s that "tests in the Delta ...showed that total petroleum hydrocarbons in a stream was 18 parts per million (PPM), which was 360 times higher than levels allowed in the European Community"¹⁴⁹

Due to deficiency in Nigerian Environmental law and the oil companies' claim to sabotage, Shell has in most cases avoided the payment of compensation to local communities. This has, for example, accounted for the series of litigation between Shell and Enoch (Mumaija community in Rivers state) which sued Shell for damages in

¹⁴⁶ The author's personal experience and interview with the youth leaders of the communities mentioned between 1-10 July 2003. See also *The Guardian* (Lagos) 15 July 2000.

¹⁴⁷ Civil Liberties Organisation, *Ogoni Trials and Travails*, Lagos, Nigeria, 1996, p.4

¹⁴⁸ This World Bank position was adapted from Frynas (1998) "Political Instability and business: focus on Shell in Nigeria" *Third World Quarterly*, Vol. 19, No. 3, pp. 464

¹⁴⁹ M. Kall, *Oil –Exploitation in Nigeria-Procedures Addressing Human Rights Abuses*, Graduate Thesis of the Faculty of Law, University of Lund, p. 8

compensation for oil spills in the community. As usual, Shell claimed that the spillage was due to the malicious act of third persons. In his judgment the trial judge stated:

It is clear here that the plaintiffs had shown that there was an explosion at the defendant's manifold and that there was crude oil spillage, which was extensive as a result of that explosion. There were extensive damages to economic crops, farmlands, yams, cocoyams, and so on. There was evidence that no third party caused the explosion and that no one in the community did it.¹⁵⁰

Further evidence from the on-the-spot assessment compiled by a Non Governmental Organization has shown that many of these oil companies operating in the region hide under the cloak of sabotage to avoid remediation in the occurrence of environmental spills. This was made possible as mentioned earlier on because, "there is no comprehensive legislation on compensation payments to communities in Nigeria. If a company claims sabotage in court, it can possibly escape legal liability for damages."¹⁵¹ Coupled with the foregoing is government's over-reliance on oil wealth. This is responsible for her policy of attracting foreign investors with attendant serious disregard for the environment. There has been the lowering of environmental standards for the sake of foreign exchange earning and the parochial interests of the rulers. Oil companies that are more concerned with their profit capitalize on this loophole to use substandard equipments which often result in oil pollution.

The inhabitants of the communities visited by the author in 2003 further confirmed that oil spills have devastating effects on the health of the local people. The long effects of pollution are in form of respiratory problems, cough (including TB), skin rashes, tumors, gastrointestinal problems, different forms of cancer, and malnourishment among children

¹⁵⁰ *Ibid.* p. 465

¹⁵¹ *Ibid*

linked to lack of protein.¹⁵² In addition, gas flaring and acid rain has impacted on the people of the oil –producing region. The adverse socio-economic and environmental impact of gas flaring on the Niger Delta could be summarized as follows:

- atmospheric pollution by combustion contaminants
- thermal pollution of air, water and land, destruction of vegetations.
- destruction of wildlife and damage to buildings and other structures by acid rain.
- damage to soil, loss of sources of livelihood.¹⁵³

A visit to the region in the night will confirm the fact that most of the gas flares occur twenty-four hours every day. It has been observed that in developed countries, such gas is reinjected into the subsoil or stored for use as a source of energy by local communities. In lesser developed economies, the MNOCs opt for gas flaring since it presents a cheaper option when compared with other options. Shell has argued that most communities have benefited immensely from gas flaring because it serves as a means of drying foodstuff. This lame excuse does not take into consideration the impact of CO₂ and methane gases, released into the environment, on the people's health. In an interview with Udo Mercy of Uzere she confirmed that air pollution through gas flaring causes sickness and reduces the life span of the corrugated iron sheets of their houses as a result of acid rain.

The impact of gas flaring was vividly captured by Ken Saro-Wiwa in his poem:

The flares of Shell are flames of hell
We bake beneath their light
Nought for us save the blight
Of cursed neglect and cursed Shell.¹⁵⁴

¹⁵² This was confirmed in the course of the author's visit to Shell Clinic in Oleh, where he had an interview with a nurse in charge of the clinic (Miss Theresa Edefa). See also, N. Ashton-Jones, *The Ecosystems of the Niger Delta: An ERA handbook*: Kraftbooks, Ibadan 1998

¹⁵³ Nigeria's Threatened Environment: A National profile, Nigerian Environmental study/Action Team, 1991, p.3

¹⁵⁴ Ken Saro-Wiwa, *A Month and a Day: A Detention Diary*, Spectrum Books, Ibadan Nigeria, 1995, p. 79

As noted earlier, another significant impact of oil exploration on the people of the Niger Delta is the frequent outbreak of fire from ageing pipelines that has claimed thousands of life and destroyed property worth millions of Naira. In the halcyon years of the 1970s the Nigerian government in an attempt to develop the whole nation with the oil wealth from the Niger Delta, laid pipes from the south to North. This was to serve the Kaduna refinery. These pipes run through farmlands and homes of the local people with little maintenance. The non-replacement of ageing pipelines and nonchalant attitude of government and MNOCs for over twenty years has resulted in series of fire outbreaks from these pipelines. Under normal circumstances these pipelines ought to have been replaced long time before and the oil companies in collaboration with NNPC should put in place adequate protective facilities. This scenario was confirmed by ERA in its report: the NNPC fuel pipe from Warri refinery passing through many communities in Idjerhe clan and others such as Amukpe, Jesse, Okpe, and Mossogar through Ologbo down to Lokoja was laid in the early 70s.¹⁵⁵

According to an ERA report, a survivor of the incident, Mr. Onoriode Efenaya, confirmed to ERA officials that “the leak from the Nigerian National Petroleum Corporation's (NNPC) high pressure pipeline conveying fuel from the Warri Refinery ...was first noticed on Friday, October 16, 1998 by a farmer returning from the day's work. On getting home in Jesse, he broke the news to his kinsmen, many of whom spread the story and trooped to Atiegwo, site of the 16 inch pipeline.”¹⁵⁶

This ugly incident would have been averted if the local people were not engulfed by poverty in the midst of wealth. It was in an attempt by the local people to siphon fuel from the pipe that clashing iron buckets ignited the spark which engulfed the whole community with its devastating effect on the people, farmland and water. In a similar incident, the Ekakpamre fire outbreak was as a result of oil spill that occurred on the

¹⁵⁵ Wasting lives. Official Negligence results in grave tragedy at Idjerhe, Niger Delta of Nigeria. Reports by D. Ola & D. Eighemhemhenrio. Dateline: Idjerhe, 20 October 1998. See also Urhobo Historical Society Websites, <http://www.waado.org/>

¹⁵⁶ Wasting lives. Official Negligence results in grave tragedy at Idjerhe, Niger Delta of Nigeria. Reports by D. Ola & D. Eighemhemhenrio. Dateline: Idjerhe, 20 October 1998. See also Urhobo Historical Society Websites, <http://www.waado.org/>

Ughelli Quality Control Centre, Sapele Oil pipeline owned by Shell. The fire incident affected several kilometers from the area of outbreak and it devastated the farmlands and environment of the Ughievwen communities of Ekakpamre, Ighwrekreka, Ughevuwughe, Ekrejegbe and Otor-Edo¹⁵⁷. The Urhobo National Assembly confirms that,

this is one of the worst environmental disasters to happen in Urhobo country in 40 years of oil exploration. It occurred exactly eleven (11) months after the Jesse fire that killed 1063 people in October 1998. The entire people of the Urhobo nation have taken up this latest disaster as a challenge, which must be responded to vigorously and relentlessly.¹⁵⁸

In response to this tragedy the Urhobo National Assembly demanded among other things for:

- (i) Independent investigation of the tragedy with experts from China, Iraq, Iran, Syria, South Africa and North Korea.
- (ii) Emergency clean-up of all polluted lands and water courses.
- (iii) Payment of N100 Billion for the September 17 disaster.
- (iv) Provision of humanitarian relief to the victims until socio-economic life is restored to pre-disaster level.
- (v) Stoppage of oil exploration works in the area until all demands are met.¹⁵⁹

Apart from these two incidents the region has seen other fire outbreaks like the Egborode fire disaster of 29 November 2000 that rendered villagers homeless, water polluted, disruption of navigation on Omugba River, and economic activities paralyzed. A major consequence of this is that poverty becomes further entrenched and deep-seated. Similar consequences befell the people of Amukpe on 12 February 2000 when fire outbreak

¹⁵⁷ The author is from one of these communities affected by the inferno and he witnessed the tragedy that drew the attention of our union both national and abroad (Urhobo Progressive Union Association)

¹⁵⁸ The Urhobo National Assembly organised a world press conference at Ekakpamre on the oil spillage and fire disaster in four Urhobo communities on September, 17-18, 1999, in Ughelli South Local government Area of Delta State of Nigeria.

¹⁵⁹ For details on the conference and recommendations, see Urhobo Historical Society website, <http://www.waado.org>

occurred. In Onicha Amiyi-Uhu, Isuikwuato Local Government Area of Abia State on 19 June 2003, hundreds of people were consumed by the inferno while trying to eke out a living through scooping fuel from a burst petroleum pipeline.¹⁶⁰ It should be clearly noted in this part that the resultant effect of oil exploration on the environment – oil spills, blow outs, seismic blasts, gas flaring, discharge of effluents directly into bodies of water only ensure that the people are exposed to life-long environmental hazards. It was noted that the annual average for major oil spills in Bayelsa, Delta and Rivers States was 300.

ECONOMIC FACTORS

The Niger Delta struggle for self-determination is as old as the state itself but the discovery of oil further added a potentially explosive dimension to it. One among other issues included in this struggle is the access to and control of oil wealth. This became imperative since the region that produced the bulk of the state wealth is not benefiting from the wealth. The denial of the people access to oil revenues was perceived as internal colonialism and this explained the twelve-day revolution that took place in the region in 1966 by Adaka Boro, the current impasse between the state and social movements as well as the emergence of present day militants like Asari Dokubo and Tom Ateke.

Apart from the environmental degradation of the Niger Delta, there are other sources of conflict in the region with economic connotation. At the heart of this conflict is the perception of the oil minorities that they have been cheated, neglected, marginalized and alienated in the distribution of the wealth of the oil produced from their lands and waters.¹⁶¹ The oil minorities have complained of lack of good health care, poor infrastructure, unemployment and endangered livelihood. In addition, they have argued that the wealth from their lands and waters is being used in developing big cities and areas in other parts of the country where oil is not produced. Therefore, the frustration arising from this development has forced the people of the Niger Delta to take up arms against the oil companies and the government.

¹⁶⁰ *Daily Champion* (Lagos) 26 June 2003.

¹⁶¹ C. I Obi, "Oil Minority Rights Versus the Nigeria State; Conflict and Transcendence", *Politics and Economics*, No, 53, University of Leipzig Papers on Africa.

The recourse to politics and nationalism by the local people has generated a series of conflicts underpinned by economic factors. A case in point is the creation of local government areas or the location of the headquarters of certain council areas. In 1997 when General Sani Abacha created additional new local government areas, trouble broke out in Warri and its environs. The relocation of the headquarters of the newly created Warri South Local Government from Ogbe-Ijoh to Ogidigben stirred a protracted war between the Ijaws and the Itsekiris. This development persists till today. The perception was that creation of local government would ease the tension in the region as it will create more job opportunities and both material and fiscal benefits. Generally, the economic gain from local government location could not trickle down to the masses as was expected but the elite significantly benefited from such projects.

Coupled with this is the hyper nationalist tendency of the Ijaw ethnic group. General Abacha and the previous governments in Nigeria continued to use 'divide and rule' tactics in the exploitation of the region. It should be noted that the use of local government politics is not confined to the Niger Delta alone. The same scenario could be seen in other parts of the country, most especially in the southern part of Nigeria. This issue has been a source of instability in the country but it has remained a political and economic gain for the few ruling elite in Nigeria. The Ijaws have waged a number of wars on their neighboring ethnic groups over land ownership and other related issues. Thus, they have clashed in recent years with the Ilajes, the Itsekiris and the Urhobos to mention a few.

Aside from the above, the phenomenon of neglect rings hollow in the Niger Delta. For instance, Akinima, an oil-producing community in Ahoada Local Government area of Rivers State, has bemoaned its alleged prolonged neglect. The community is up in arms against the Nigerian Agip Oil Company (NAOC), the Niger Delta Basin Development Authority (NDBDA), the Niger Delta Development Commission (NDDC) and the Rivers State Government as well as the local council. The community, through its spokesman, Mr. Humphrey Abiobio, vowed not to accept the "uncompromising attitude of these corporate organizations' anymore. The community alleged that the defunct OMPADEC

and the NDBDA embarked on water projects but these were abandoned, likewise the shore protection/sand filling project at the Akinima historical site. NAOOC is also accused of 'usual non-challance to community demands.'¹⁶² Beyond the reported non-challant attitude of NAOOC, the community alleged that each time the youths protested against the alleged criminal neglect of the community, NAOOC "[brought] in mobile policemen, who visit[ed] all manner of intimidation on [the] people."¹⁶³ It was a similar situation in Yorla, an oil-bearing community in Khana Local Government area of Rivers state complains of criminal neglect. Its misfortunes are that of regular crude oil spillage, with devastating effect on its economic crops and means of livelihood of the indigenes. Shell has repeatedly ignored the community's incessant outcry for a standard clean-up exercise of their environment.¹⁶⁴ However, Shell has argued in recent times that its different standards in its operation depend on where the operations take place. Shell argues that "countries may aim for similar environmental standards, but at any time they will be at different stages of development. Companies operating in such a setting will be similarly affected."¹⁶⁵

It has been stated time and again that "oil companies rake in huge profit through their exploration activities, leaving in its wake environmental hazards and degradation."¹⁶⁶ For instance, the Nigerian National Petroleum Corporation (NNPC) confirmed in 2002 that "the total revenue realized from both export and domestic sales for Eleme Petrochemical Company Limited, a subsidiary of NNPC, was N5,565.29 million as against the planned revenue of N11 718.54 million..." Despite the huge income, Oloibiri (the community where oil was first discovered in commercial quantities) is indeed a metaphor of the state of sorrow and pain in oil-bearing communities in the Niger Delta region, resulting from years of neglect by the different tiers of government and Shell, the company which holds the enviable record of the first oil company to drill oil in commercial quantity in Nigeria.

¹⁶² See Daily Independent 8 September 2004, p. A7

¹⁶³ *Daily Independent* (Lagos) 8 September 2004, p. A7

¹⁶⁴ *Daily Independent* (Lagos) 6 September 2004, p. A7

¹⁶⁵ Shell International, London, Final Draft for discussion with the World Council of Churches, Comments by Shell to the WCC Report "Ogoni -- the struggle continues", p.23

¹⁶⁶ *Daily Independent* (Lagos) 24 August 2004, p. A7

Indigenes remember with nostalgia the day Shell began operations in the village, and the initial thought that it would mark the end of their poverty. Although this has remained a dream, the people have been neglected and depressed in their tattered environment. Besides the absence of good road linking it to the outside world, there is no potable water for the villagers.

Given this scenario, a senior civil servant from the community lamented what he described as “the antics of Shell” towards Oloibiri. According to the government official, endless promises have been made by government and the oil firm, which, he said, they have failed to redeem. He appealed to Shell to have a change of attitude. In response, an official of Shell, defended the oil multinational’s policy in the oil-rich Niger Delta region, saying

What we have is not a selective development policy. We have equal responsibility to all Niger Delta communities. Moreover, we can only support the government in the provision of facilities. It is not our primary responsibility to develop the host communities.

He further argued that:

96 percent of revenue the company derives from oil exploration goes into the coffers Federal Government. We cannot supplant government, we can only support. We are spread all over the Niger Delta area, and we cannot single out Oloibiri. Besides the Federal Government, there is also the State and Local Councils. What have they done for Oloibiri and other oil communities?... the different levels of government have responsibility to the people and not the oil companies.¹⁶⁷

State Governments and several environmental rights groups in the region had drawn the attention of Shell to this environmental catastrophe but without success. In recent years, environmental rights activists and organizations have given tremendous attention to environmental factors in the development calculus. It has been noted that in the quest for development, oil industry activities have greatly impaired the natural eco-system by

¹⁶⁷ *Daily Independent* (Lagos) 24 August 2004, p. A7

undermining its viability. The effects of such activities lead to discomfort, illness and misery as well as poverty among the generality of the people.¹⁶⁸ In view of the preceding and other considerations, the Rivers State Government recently frowned at the “discriminatory policies” of the transnational oil companies in the treatment of their host communities. The state’s Commissioner for Environment, Dr. Roseline Konya expressed dismay that oil spills which occurred as far back as 1967 in Ejama-Ebubu in the Eleme Council area and other reported spill cases in Obelle Ibaa, Egbema West, Isimiri Obiakpu, Umuechem Nkpoku, Bomu and the recent spill in Rukpokwu were yet to be attended to by Shell.¹⁶⁹

The local communities have also taken up these issues with Shell. For example, the Ijaw communities see the tough stance of Shell vis-à-vis sundry issues affecting the Niger Delta as another proof of the level of disrespect with which transnational corporations, particularly those in the petroleum industry, hold Nigeria’s democratic institutions and the people. Discordant voices are beginning to emerge from communities across the Niger Delta region, especially among the Ijaw, over the negative stance of Shell to the recent directive of the Senate (Nigeria’s upper legislative Chamber) that the company should pay \$1.5billion(=N=210 billion) compensation to the Ijaw Aborigines of Bayelsa State for “gross environmental and social abuse” since 1956 when the oil giants began operations in Oloibiri, an Ijaw community in Ogbia Local Government Area of Bayelsa State. As a matter of fact, Shell has bluntly refused to obey the directive.

At another level, youths and leaders of some Ijaw oil producing communities flayed not only Shell, but also other oil companies, claiming that they have not lived up to their corporate social responsibility obligations to the peoples of the region. Some of them faulted the companies’ frequent claims over provision of pipe-borne water, healthcare services and other amenities, arguing that what they (the oil companies) provide was “negligible and a tiny drop in the ocean” compared with the minimum requirement for

¹⁶⁸ See *Vanguard* (Lagos) 7 September 2004 p. 38

¹⁶⁹ See *Daily Independent* (Lagos) 6 September 2004, p. A7

decent existence in their communities. The oil communities want the companies to embrace urgent remediation to clean up their environment in accordance with international standards, especially against the backdrop of the profound environmental crisis in the region.¹⁷⁰

It should be noted that the recent directive by the Nigerian Senate has had one profound implication for activism in the Niger Delta. It has given impetus to the agitation by the minorities for a fairer deal from the oil companies. The Senate (the upper house of Nigeria's parliament) had ordered that Shell should pay US\$1.5 billion in compensation to Ijaw communities for the company's decades of damage to the health, environment, and economy of the people. However, Shell rejected the order, claiming that the Senate did not follow "due process" in handing down the order.¹⁷¹ Foremost environmental rights pressure group in the region, Environmental Rights Action (ERA), the local wing of the international non-governmental group, Friends of the Earth (FoE), has decried Shell's stance on the \$1.5 billion compensation issue, with the latter maintaining that the Senate directive did not follow due process and is therefore illegal.

As if pressured by the wave of agitations within and outside the country, Shell has expressed a new commitment to "good/best" practices in the Niger Delta. Shell's new Managing Director, Basil Omiyi (the first Nigerian to occupy this position in the history of the company's operations in Nigeria) stated recently that "we [Shell] will make move on new ways of development in the host communities".¹⁷² The impact of this 'new' attitude remains to be seen given that the oil-bearing communities are at disadvantage in terms of their economic wellbeing as the operations of these companies have negatively affected their means of livelihood.

¹⁷⁰ *Daily Independent* (Lagos) 3 September 2004, p. B1

¹⁷¹ *Ibid*

¹⁷² See *Daily Independent* (Lagos) 6 September 2004, p. A10

SOCIAL FACTORS

Given the harsh economic circumstances that arose from oil exploration in the Niger Delta region, the need to escape from this undesirable state of affairs has made women to turn to prostitution as a means of survival. The lure of materialism thus informed the movement of women and young ladies to 'hot spot' of oil companies' activities. It is not uncommon for women and ladies to be seen flocking around expatriates or constantly lurking around their camps. These women's appetite for hard currency is always figured to be responsible for women migration in the Niger Delta. Such materialistic consideration on the part of women have generated in its wake, a tale of woes for oil producing communities. In fact, when oil companies shift bases, there is tremendous demand for the sexual services of women in the area.¹⁷³ This development has provoked a general interest among the adolescent ladies in the region for commercial sex as a means of livelihood and there have been profound changes to the whole existence of family and unity as well as coherence within same.

Women migration in the region in question has generated a lot of problems, posing a fundamental threat to families and to communal peace. It is therefore not surprising that the youth of Orogun had to "warn the oil workers to stay clear of the wives and girls of local communities" if oil exploration were to be allowed.¹⁷⁴ Additionally, the activities of these ladies have increased the spread of dreaded sexual transmitted diseases such as HIV/AIDS in the region and have given rise to the number of fatherless children that are now abandoned in the region.

HUMAN RIGHTS VIOLATIONS

The centrality of oil to Nigerian survival in terms of revenue generation is responsible for gross violation of human rights in the region by both the Nigerian government and the oil multinationals. The people of the region were forcefully denied their rights with the enactment of series of laws by the state and physical assault of the people as available evidence has shown. For instance, the most serious case was that of Umuechem in 1990,

¹⁷³ This position was made known by an aggrieved youth leader(O.J) of Afiesere community on the 30 June 2003 when he severed his courtship with his fiancée over her secret affair with an oil worker in 2002.

¹⁷⁴ *The Guardian*, (Lagos) 20 July 1997

where a Shell manager made a written request for a detachment of mobile police to protect their facilities in the course of the local people's protest against their plight. The request of the manager and the subsequent deployment of mobile policemen led to the loss of about eighty lives and destruction of about one hundred homes. There is another well-known case: between January and December 1993, Ken Saro-Wiwa and other prominent Ogoni leaders were arrested and detained several times, with criminal charges brought against them.¹⁷⁵

The other dimension to this crisis needs to be given attention here. This is government's method of 'divide and rule' which was intended to break the Ogoni struggle in a number of ways. First, it encouraged violent conflicts between the Ogoni and their neighbors, which resulted in ethnic and communal clashes. The attempt was to dub the clashes as purely ethnic, indicting the MOSOP leadership in the process. The use of sophisticated weapons and standard military tactics in all these ethnic clashes is evidently enough to prove the involvement of military.¹⁷⁶ For instance, Human Rights Africa (HRA) reported that soldiers were recruited from Liberia to fight and kill Ogoni people under the pretext that they were going to fight in the Cameroon.¹⁷⁷ Second, the Giokoo Accord of March 1994, which called for the Gokana people to pull out of MOSOP, is another case in point. Government had allegedly induced some conservative Gokana chiefs to sign this accord. However, Gokana people demonstrated spontaneously against this accord on May 19, 1994 in many Gokana villages. Gokana is one of the kingdoms that comprise the Ogoni kingdom.

Following the shooting and killing of about eleven Ogoni people by security agents at Bara, old Rivers State in April 1993, the Babangida military government came out with a decree, which stipulated death penalty for all acts of treason. The Ogoni responded with increased mobilization and media campaign, with a possible option of violent

¹⁷⁵ Human Rights Watch, "Nigeria: The Ogoni crisis A case study of Military Repression in South Eastern Nigeria", Human Rights Watch/Africa, 7 (5), 1995

¹⁷⁶ R. A Sha'aba, "MOSOP and the Ogoni Struggle", in Omotoye Olorode *et al*, *Ken Saro-Wiwa and the Crises of the Nigerian State* (Lagos: CDHR, 1998), p. 82. Also see MOSOP, *Ogoni Bill of Rights* (Port Harcourt: Saros International Publishers, 1992)

¹⁷⁷ *The Punch* (Lagos), 9 November 1997

demonstration strategy. However, this strategy later became a divisive factor in the rank and file of MOSOP and its leadership. After the controversial MOSOP boycott of the June 12, 1993 presidential election it became clear that there had been a division of its leadership into two – the moderates led by Dr Leton, and the militants led by Ken Saro-Wiwa. Apart from accusing Saro-Wiwa of being too confrontational, militant and authoritarian, the moderates also alleged that he was planning to kill thirteen Ogoni leaders, among whom four were eventually killed in May 1994.

As part of his environmental activism, Ken Saro-Wiwa had campaigned from village to village on the need for redress by the government, based on the marginalization of the Ogoni nation in the national scheme of affairs. This campaign took him to Giokoo village on May 21, 1994, where some conservative chiefs (allegedly being sponsored by government) were meeting. Hell was let loose when security men and soldiers tried to turn him back. The youths in the village later killed four chiefs. This incident led to the immediate arrest and detention of Ken Saro-Wiwa and many other Ogoni activists. They were later arraigned before a special military tribunal, which sentenced Saro-Wiwa and eight others to death by hanging. Eventually, the execution was carried out in November 1995 against all entreaties both from within and outside the country. This development sounded the death knell for the Ogoni struggle. However, this is not to say that the struggle completely fizzled out, but it lost the vibrancy and militancy associated with it in its early stages due to leadership bickering and state repression.

Having lost the vanguard position in the struggle, the Ogoni people have given way to the Ijaw, who have increasingly taken the centre stage. Since 1997, when Ijaw youths called for an end to Shell activities in the Niger Delta, Ijaw people have resolved to fight to the last man until the Niger Delta is liberated from perceived exploitation, neglect, and marginalization.¹⁷⁸ Bayelsa State, which is wholly inhabited by the Ijaw people, was a hot bed of Ijaw militancy between 1998 and 1999. The militant and *invincible* Egbesu Boys came into limelight in 1998 when they were able to set free their detained leader from government House in Yenagoa, having disarmed the guards. The emergence of the

¹⁷⁸ See *The Guardian* on Sunday (Lagos), 5 November 2000, pp. 38-39

Egbesu warriors since then has demonstrated the militarisation of local conflict in which sophisticated arms are freely employed by militant youths.

After the death of General Abacha in 1998, the new political climate made it possible for Ijaw youths to be more vigorous in their demands. To drive home their grouses, they started hijacking oil installations. In December 11, 1998, the youths convened at Kaiama town, where they made a landmark declaration, now made popular and known as the *Kaiama Declaration*. In the document, they requested for more local control of oil revenues and better environmental policies. More importantly, the statement gave a December 30th ultimatum to both the government and the oil companies to respond positively to their demands. It added that if the deadline was not met, all multinational oil corporations operating in Ijaw lands and territorial waters, and indeed in the larger Niger Delta, should pack and leave.¹⁷⁹

To actualize their threat, Ijaw youths and other people who joined them marched in peaceful demonstration towards government House in Yenagoa the state capital in traditional Ijaw dancing steps, chanting songs. Their main purpose was to convey their grievances through the state governor, Lt Colonel Paul Obi to the Federal Government. However, hell was let lose when fire was opened on the protesters, leaving some of them dead and many others injured in the pandemonium that followed. This marked the beginning of hostilities between Ijaw youths and the security forces.

The Ijaw communities of Warri North Local government area (Apia and Kenyan) also experienced state repression on the 4 January 1999 when about hundred armed soldiers from the military base next to Chevron's Scarves terminal attacked them. At the end of their operation virtually all the houses in the two communities were destroyed, canoes were sunk and dozens of people lost their lives.¹⁸⁰ There are other numerous examples of state repression against the local people but in most cases these oil companies collaborated with the Nigerian state in perpetuating this dastardly act. For instance, Shell

¹⁷⁹ Ima Niboro, "Bloodbath", *Tell* (Lagos), No. 3, 1997.

¹⁸⁰ B. Manby, *op. cit.*

has been accused of maintaining its own police and the company is also responsible for the importation of arms

...Shell importing firearms on their behalf.... Shell admits to purchasing 107 handguns for the supernumerary police more than 15 years ago. Shell argues that it does not own these guns, which remain the property of the Nigerian police force, the body that regulates the conditions for their use and storage.¹⁸¹

Apart from this, it was argued that in 1995 the company negotiated to purchase upgraded weapons worth almost a million dollars for its own police.

At another level, Shell has given assistance to the Nigerian Police in brutalizing the local people of the Niger Delta. Shell helicopters and boats have transported members of the Nigerian security forces during these operations against the local people. In 1987, for example, the company transported members of the Mobile Police Force (MPF) to a demonstration at Icon in Akwa Ibom State.”¹⁸² The MPF killed two people and destroyed about forty houses in this operation and in most cases the company accepted the use of its equipment by MPF while at the same time refuting the allegation that the company used the MPF to suppress dissent. There are several other instances of the company cooperation with the Nigerian government and its security forces to suppress the local people struggle for justice in the Niger Delta.

Given the political, economic and social dynamics of the Niger Delta crisis, the people of the region have had to engage the oil companies and the Nigerian government in a fierce battle to gain access to oil wealth. This has informed the recent struggle by the Governors of the Niger Delta states to control the resources in the region. The Governors seem to be finding a support base in the communities. A catalogue of oil-bearing community versus MNOCs relationship shows a tenuous affair. Due to the frustration of these communities, which stem from MNOCs indiscriminate activities and state insensitivity to their plight,

¹⁸¹ S. Pegg, “The Cost of Doing Business: Transnational Corporations and Violence in Nigeria”, *Security Dialogue*, Vol. 30 (4), 1999, pp. 473-484

¹⁸² *Ibid*

they have often had to press home their point through protests and shut downs. The table below illustrates how oil communities have disrupted Shell's operations because of the company's insensitivity to the plight of the local people.

Alleged community disruptions to Shell's Niger Delta operations

	1989	1990	1991	1992	1993	1994	1995
Number of incidents	34	95	102	85	169	84	77
Total project days lost	28	28	243	407	1432	1316	na

Source: J. G. Frynas, See Shell at <http://www.Shell.com/>

A look at the activities of MNOCs in Africa shows how oil exploration has engendered underdevelopment as well as instability. The use of divide and rule tactics by different governments from the 1960s in Nigeria is equally a pointer that no government in Nigeria is ready to address the plights of the oil producing areas in the country. Therefore the only option (though not to be interpreted as being justified by this author) open to the people is to be confrontational and virulent in their approach.

Looking at the activities of the Nigerian state, oil multinationals and different communities in the Niger Delta region one can tentatively conclude that the crisis and politics inherent in oil production are a complex one. As argued above, oil politics continue to attract international attention. The internationalization of same has brought into focus the need for the Nigerian state to redress the perceived contradictions arising from the provisions of the Land Use Act of 1978 as a prelude to promoting sustainable development in the region.

From what the author noticed during his fieldwork, it is very clear that the MNOCs hardly have the interests of the local people at heart. They should be seen to be more responsible to their host communities. This would surely work both ways, if not in three ways – for the Federal Government that is hell-bent on oil wealth, the MNOCs

themselves and the locals who want a 'hand in the pie'. In the long run the attitudes of the oil companies in not addressing the effects of pollution and other associated problems of oil exploration will continue to affect their operations; the same will equally perpetuate increase in government spending on security at the local level.

Successive regimes of the Nigerian state had realized the explosive nature of the Niger Delta issue but had not taken a decisive proactive step to avert violence in the region. True, some parastatals were established to address these issues, but fulfilling their mandate has remained a bane to the development of these communities. For instance, the Oil Mineral Producing Areas Development Commission (OMPADEC) was established by Decree No. 23 of 1992 with the charge to handle ecological and environmental problems, and to rehabilitate the devastated areas of the region that needs urgent development. Despite the lofty ideas of the body it could not achieve the stated objectives as a result of corruption among its members, and government's reluctance to release required funds for the smooth operation of the Commission.

THE MILITARY AND HUMAN RIGHTS IN THE NIGER DELTA

Since the days of Plato, every society has realized the need to be protected against external enemies or aggressors. This realization follows the logic of the first law of nature, which in the Hobbesian thesis, is self-preservation. It is therefore not surprising that all nation-states have incorporated into their fundamental documents or constitutions, the security and protection of their territorial integrity and independence. Hence it is evident that the military is an indispensable part of any collectivity (which needs protection) and by extension, nation states. Nigeria had, for several years, been under the heavy rule of the military. Indeed, from January 1966 to May 1999, not less than eight military heads of state ruled Nigeria. The road to long period of military rule began on January 15, 1966 when a group of young army officers toppled the first democratically elected government. Since then, it had been one coup after another and Nigeria became infested with what was later known as the "Nzeogwu Virus."¹⁸³

¹⁸³ The January coup 1966 was said to be a counter-reaction from the core Northern military cadre to put a permanent stop to the political challenges to Prime Minister Tafawa Balewa's government from the

Aside, the fact that the military in Nigerian setting have not kept faith with its traditional role, it has acted as an aggressor to the people, especially in the Niger Delta. At different times military forces in collaboration with oil companies have handled the civil society with disdain, contempt and untold arrogance. Beyond this, the local people have been subjected to military jackboot, an unpleasant reality that has further impoverished the locals. The Egbema operation of July 11 and 12, 2004 was one of the many instances of military invasion of Niger Delta communities. Men of Operation Restore Hope, the military task force in charge of security in the Niger Delta, on the said dates raided Ijaw communities in the Warri North Local Government Area of Delta State under the guise of fishing out killers of two American expatriates and other oil workers killed in the area.¹⁸⁴

Messrs Tari-Emiyen Benson and Momotimi Gule, in a petition they wrote under the aegis of Concerned Egbema Citizens, alleged that 13 communities were razed during the operation. Some of these communities are Ogbudugbudu, Idebagbene, Ifelegbene, Arantigbene, Kirigbologhagbene, Oboribigbene, Zenijeregbene and Beka Zion.¹⁸⁵ The military, it was reported, used eight gunboats and military aircraft during the operation, shooting indiscriminately from land, sea and air. Benson and Gule also corroborated this: “this use of military aircraft, war boats and heavy weapons such as bombs on fellow citizens is barbaric and need to be condemned.”¹⁸⁶ The Egbema United Front, also speaking through Sunny Jero and Israel Tiemo, said:

On Sunday, July 11 and Monday 12, those men in military uniform attacked our village with all the paraphernalia of an invading army, shooting indiscriminately, killing innocent people and destroying villages. The people came in gunboats and heavy weaponry as early as 9 am and started shooting at anything.¹⁸⁷

Southern part of Nigeria. In order to check this, Nzeogwu/Ifeajuna's *Operation Damisa* was stage-managed by Five Majors in the Nigerian Army. For more analyses on this, See M. Chris Alli, *The Federal Republic of Nigerian Army: The Siege of A Nation*. (Lagos: Malthouse Press Limited, 2001), pp 211-215.

¹⁸⁴ See Daily Independent (Lagos) 19 August 2004; p. A7

¹⁸⁵ *Ibid*

¹⁸⁶ See Daily Independent 19 August 2004; p. A7

¹⁸⁷ *Ibid*

Chiefs Layema Kuruma and Jackson Lawuru, community leaders from the area, put the number of buildings destroyed during the operation at 500. They added that no fewer than 200 persons, mostly women and children, who escaped into the forest in the wake of the military invasion are feared missing as their whereabouts were yet to be ascertained.

However, the military authorities disagreed with the claim that they killed and destroyed communities during the operation. The taskforce commander, Brigadier General Elias Zamani, maintained that his men were innocent of all the allegations. Zamani, speaking through the military outfit's Public Relations Officer, Major Said Hammed, maintained that the aim of the operation was to fish out criminals in the area and persons believed to have killed two American expatriates and some oil workers around the area. His defense:

The taskforce is not an invading army. The outfit is appropriately positioned to restore hope and peace to the Niger Delta. In line with our operations in July 11, the taskforce deployed men on cordon-and-search operations to recover arms and ammunition; to apprehend pirates operating along the Benin River to Sapele as well as criminals operating under the banner of militant youths; and to re-open the water-ways to ensure the return of economic activities along the creeks.¹⁸⁸

A villager alleged that the operation was actually ordered by the presidency, as it did in Odi, with the aim of fishing out persons with arms. Says the source, "if the only option available to arrest criminals in Ijaw territory is by use of military artillery, aircraft, warboats, bombs and weapons of mass destruction, then we are afraid of the kind of democracy we operate as a nation."¹⁸⁹

In another incident, Friends of the Environment (FoE) recently accused NAOC of culpability in the killing of 16 youths from Olugbobiri and Ikebiri communities in the southern Ijaw Local Government Area of Bayelsa state by security operatives manning Agip's facilities for merely agitating for a sense of belonging. FoE argues that such a measure is genocidal and constitutes a systematic cleansing of the human resources of the

¹⁸⁸ See *Daily Independent* 19 August 2004, p. A7

¹⁸⁹ Ibid

region needed for development.¹⁹⁰ Friends of the Environment (FoE) also condemned the insensitivity of the oil companies to the plight of their host communities. Among others, FoE accused the transnational oil companies of manipulating the people of the oil and gas rich region.

Various regimes and administrations in Nigeria are known to have supervised ignominious looting of state treasury and fraudulence, human rights abuses and retarding the developmental process of the country, the Niger Delta inclusive. The Niger Delta, for over three decades, has been a battleground between the local people and the Nigerian security forces. The state has since then adopted military approach repression as a means of silencing opposition from the youths of the areas and this has resulted in extra judicial executions and violation of the rights of the people to association, freedom of expression and other rights. The use of armed forces by the state and oil companies in the region to protect oil production has been responsible for the death of thousands of people, arbitrary detention, torture and villages being razed by soldiers.

However, there is a general assumption that the transition to democracy in May 29, 1999 would automatically improve the lots of the people of the Niger Delta. However, government continues to use the military method, as confirmed in the cases in Odi, Warri, Ilaje and other areas in the region. From all indications, the Nigerian military is yet to come to terms with the principles and practice of democracy. It is therefore true that the years of military in politics have given the leaders a feeling of power and misplaced priorities in their relations with the public without due consideration for peoples opinion and rights.

The general outcry against military operations in Odi and Zaki Biam could in reality have served as opportunity to restructure relations between Nigerian soldier and the public. But the reverse is the case as military operation in Uwheru, where over twenty persons were killed and eleven houses burnt down in the name of “Operation Restore Hope” on 15th January, 2004, has shown. Their reasons for such action stem from Brigadier

¹⁹⁰ See *Vanguard* (Lagos) 6 August 2004, p. 7

General Elias Zamani team's search for arms, while others argued that the soldiers came to the community to plunder the local people's property and lives after a clash between Uwheru people and some Fulani cattlemen.¹⁹¹ The region has witnessed such brutality in the days of military regimes but it is quite problematic for these communities to undergo similar experiences from leaders that got their mandate to govern from the populace. The Ijaw leaders in Warri confirmed that gun battle between Joint Security Task Force, Operation Restore Hope, in Warri has led to sudden disappearances of about eighty people and many houses burnt. The Publicity Secretary of the Egbema United Front (an Ijaw Pressure group), Prince Gandy Soroaye, was of the view that the soldiers were upset by unknown youths, "the actions taken was to the extreme and damage done colossal."¹⁹²

The militarisation of the region has been responsible for the proliferation of arms in the region. The repeated clash between the youths and security forces is responsible for the free use of semi-automatic rifles, shotguns, machine guns, shoulder-fired rockets, and traditional weapons like fishing spears and cutlasses. These weapons are easy to come by in Warri at prices that local militants can afford, ranging from US\$570 to US\$2,150.¹⁹³ In many cases militants engaged in hostage taking of oil workers as a means of raising money for these weapons.

¹⁹¹ H. Eghagha, "Vandalism by the Nigerian Army at Uwheru", Urhubowaado@urhubowaado.info, 22 February, 2004

¹⁹² Vanguard Online, http://www.vanguardngr.com/articles/2002/niger_delta/nd412032004.html

¹⁹³ <http://www.hrw.org/reports/2003/nigeria1103/7.htm>

Selected Cases of Youth Actions in Respect of Oil Based Resource Benefits (2000–2003)

S/N	Incidents/ Time	MNC	Community/ Youth Group/ Ethnic Group/State	Demands
1	Invasion of Qua Iboe Terminal, Seizure of 3 Vessels, Production Disruption/April 2000	Exxon Mobil	Community Youths/Ibomo Community/Aqua Ibomo State	Electricity
2	Occupation of Shell Rigs at Tunu & Opukulli, 165 staff held hostage/July–August 2000	Shell	Militant Youths of Egbema, Agalabiri & Agbichiana Communities/ Bayelsa State	Jobs
3	Stoppage of work on Gas Project, Shut down of 5 flow stations/ January 2001	Shell	Youths of Odidi/ Delta State	Facilities, registration of indigenous contractors
4	Seizure of Shell Housing Estate, Kolo Creek Camp/February 2001	Shell	Youths of Otuasega/ Bayelsa State	Employment, scholarships and environmental compensation
5	Sealing off of Off shore Oil rig, Hostage of 88 workers/April 2002	Chevron/ Texaco	Ilaje Youths/ Ondo State	Employment
6	Occupation of Etobele Flow stations/ May 2002	Shell	Ogboloma Youth Federation, Ijaw/ Bayelsa State	Employment, scholarships
7	Abduction of staff/ July 2003	Chevron Texaco	Egbema National Front, Youth/ Delta State	Development and empowerment
8	Invasion of premises/ August 2003	Oil Servicing co.	Itsekiri Community Youths/Delta State	Employment

Source: Augustine Ikelegbe, 2005, “The Economy of conflict in the Oil Rich Niger Delta Region of Nigeria”, *Nordic Journal of African Studies* 14(2):208-234

The proliferation of these small arms in the Niger Delta has resulted in politicians’ procurement of arms to attack and intimidate opponents during elections recruiting youths to fight on their behalf in the process. The origin of these small arms is still unclear but there is a consensus that they were recycled from other trouble spots in Africa. For instance, “in 2002, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than N4.3 billion (US \$30 million) at border posts during the first six months of the year”¹⁹⁴ According to Human Rights

¹⁹⁴ <http://www.hrw.org/reports/2003/nigeria1103/7.htm>

Watch investigation at the wake of the crisis in Warri, members of one of the security forces appear to be arms dealers themselves and small arms are made in Nigeria itself, especially in the industrial zones of the South-east, including Aba and Awka.”¹⁹⁵ So there is a general insecurity in the region and this would have informed government’s decision to raise a panel that would check the lingering Niger Delta crisis. The President, Olusegun Obasanjo, has raised a committee on the conflict between the Niger Delta communities and the multinational oil companies. According to the Secretary to the Government of the Federation, Chief Ufot Ekaette, the committee “would focus on the strategies for containing vandalization, illegal bunkering, violence and avoidable political agitation in the Niger Delta.”¹⁹⁶

The committee is assigned the responsibility to “design an effective strategy that would eliminate all forms of violence and stealing of Nigeria’s crude oil in the Niger Delta and allow government to deal with the situation firmly and permanently.” It was also empowered to reconcile the differences among the oil producing communities of the region. The committee is headed by the Delta State Governor, James Ibori, while other members are the Chief of Defense Staff, the Special Adviser to the President on Petroleum Matters, the Group Managing Director of NNPC, the Director General of the State Security Services (SSS), the Chairman of the NDDC, the Attorney General of the Federation and Minister of Justice, and others¹⁹⁷

This position is substantiated when the researcher conducted on the spot assessment visit to Warri between April and July 2003, it is easy to get gun than a loaf of bread in Warri main city as the crisis has forced most of the oil companies to relocate their headquarters to Port Harcourt and Lagos. This also responsible for sudden rise in the number of people in Ughelli, Aladja and Agbarho as people were in search of peace.

¹⁹⁵ This report was based on Human Rights Watch finding in Warri in September 2003 and it can be found in <http://www.hrw.org/reports/2003/nigeria1103/7.htm>

¹⁹⁶ J. Ezereonwu, “Government raises panel on Niger Delta crisis”, posted from <http://www.waado.org>, 09 March 2004

¹⁹⁷ *Ibid*

The committee which has the following terms of reference was given the mandate to report directly to the president:

- Look into all cases of vandalism and recommend actions to be taken by Mr. President.
- Recommend measures to be taken toward skill acquisition, particularly among youths;
- Invite communities to submit skill acquisition projects for consideration and execution;
- Look into all aspect of security and adequate provision of police stations at strategic locations to enforce law and order;
- Look into ethnic disputes and clashes between communities and oil companies with a view to resolving them; and
- Arrest and deal with all acts of criminality.¹⁹⁸

The terms of reference of the committee are lofty. Looking at the members of the body it is doubtful whether the committee will be able to achieve its desired results. The outcome of previous panels instituted by the state to tackle Niger Delta crisis was a total failure in addressing the difficulties of the region. The upward spiral of violence in the Niger Delta must have been responsible for the decision of the Senate to probe into the contributions of oil producing firms to the Niger Delta Development Commission (NDDC). In their reactions, they outline their contributions towards the body since the formation of NDDC, for instance Mobil Director reeled out figures to show that the MNOC released \$101 million to NDDC between 2001 and 2003 in the following order, \$26 million in 2001 \$34 million in 2002 and \$41 million in 2003 respectively.¹⁹⁹

¹⁹⁸ J. Ezereonwu, "Government raises panel on Niger Delta crisis", posted from <http://www.waado.org>, 09 March 2004

¹⁹⁹ A. Daniel, "Oil firms at Senate, Defend input in NDDC", posted from [http:// www.waado.org](http://www.waado.org) 15 March 2004

However, the problem lies with the management of the NDDC as other firms have a similar mandate to contribute about 2% of their annual budgets towards the Commission. If this issue is properly handled and every actor involved in the region plays their own part, the level of violence in the region would have been minimized. Hostage taking by the youths of the Niger Delta, a disturbing phenomenon that disrupts oil production, would also be a thing of the past. The battle to save the Niger Delta is equal to the battle to save the Nigerian nation from collapse and extinction. There is little doubt that the survival of the state lies with the survival of this vital region.

In its depiction of the consequences of oil exploration in the Niger Delta, it can be deduced from this chapter that the issues arising from the dynamics of oil politics in the region have been pushed to the forefront of international discourse owing to the importance attached to these realities in the era of globalisation. These issues, which constitute “soft politics”, have attained phenomenal importance in the aftermath of the end of the Cold War with greater emphasis on human security. Against this backdrop, this study contends that the negative consequences of oil exploration have thrust the plight of the people of the Niger Delta into global arena where environmental issues are debated. Logically therefore, the internationalisation of the Niger Delta crisis derives partly from the need to deal effectively with the negative effects of oil activities in the region.

PART THREE: THE INTERNATIONAL DIMENSIONS OF THE NIGER DELTA STRUGGLE.

The inclusion of the Ogoni resistance into the global rights agenda, its success in waging one of the most sophisticated environmental rights struggles in the 1990s was predicated not merely on the co-optation of the global rights discourse on the universalisation of human rights and freedom, but also a solid project of local popular empowerment under a conscious leadership. The social force of the Ogoni, empowered the case through, and in the global rights discourses, and won the attention and support of significant sections of global civil society to the cause of local resistance (C.I. Obi, 1998).