

CHAPTER 7: THE INVOLVEMENT OF THE INTERNATIONAL CIVIL SOCIETY IN THE NIGER DELTA STRUGGLE

INTRODUCTION

The sudden upsurge of Non-Governmental Organizations' operations in Nigeria in the early 1990s to challenge the paradoxical context of the Nigerian federation is not unconnected with the financial assistance they got from International Non-Governmental Organizations that were sympathetic with the cause of such NGOs. Such intervention in the region coincided with the rise of formidable social movements like MOSOP and IYC among others. The Niger Delta, between 1994 and 2000 witnessed several oil spillage and explosions that resulted in great human and material losses to the local people. It was confirmed that this incident led to the loss of about 5000 people. The major ones were the Jesse incident (1998), Ekhebomeh (1999), Ekakpamre (1999), Oviru Court (2000), and Ekuvo (2000) among other areas. However, one singular incident that sharply focused world attention on international oil companies' human and economic rights violations in the Niger Delta was the judicial murder of Ken Saro-Wiwa (the personification of the Ogoni/Niger Delta struggle) and 8 others who make up the "Ogoni 9" by the Nigerian state. In fact, the conflict in the region took an international dimension in the 1990s when youths in the region opted for militant ways of attracting attention to their insupportable conditions after many years of exploring non-violent options of expressing their plights.

This thesis has shown many examples of the response of the oil-bearing communities to their plight. The militarist response of the government and Shell on the other hand has accounted for the death of over 80 people and 500 houses razed to ashes. This was the beginning of global focus on the crisis in the region. The internationalization of the conflict by the local people under the aegis of MOSOP with their connections to NGOs in the Western world as well as the Commonwealth, and UN agencies underscores the repressive nature of the state and oil companies against the local people. The attitude of the state and oil companies got the attention of two filmmakers in England, Glen Ellis,

and Kay Bishop who eventually visited the Niger Delta for an on the spot assessment of the activities of Shell in the Third World.³⁰⁶

It is remarkable that Ken Saro-Wiwa himself was instrumental to the internationalization of the Niger Delta crisis. His efforts in this regard have been underscored by certain factors as attested to in his personal reminiscences. According to Saro-Wiwa:

Three events ... encouraged [him] to ... place the issue before the world: the end of the Cold War, the increasing attention being paid to the global environment, and the insistence of the European Community that minority rights be respected, albeit in the successor states to the Soviet Union and in Yugoslavia. What remain[ed] to be seen [was] whether Europe and America [would] apply in Nigeria the same standards which they have applied in Eastern Europe.³⁰⁷

At another level, Ken Saro-Wiwa alluded to the documentary evidence of environmental realities in the Niger Delta. For instance, he acknowledged the role of the documentary film – “Heat of the Moment” which was shown on Channel 4 in the United Kingdom in October of 1992³⁰⁸ – in bringing the problems of the Niger Delta to the fore front of international agenda. It is interesting to note that the arrival of these filmmakers afforded the then Ogoni leader opportunity to echo the frustrations of the Niger Delta people especially the Ogoni. This also marked the beginning of a relationship between Ogoni and the Friends of the Earth, Survival International, Bodyshop, Amnesty International, Greenpeace, and other notable international Non-Governmental Organizations. In the efforts of the social movements in the region to attract global attention, it is very important to note that globalization played an important role in internationalizing local conflicts as far as the Niger Delta crisis is concerned. The impact of globalization designated a form of alliance among the actors in the struggles. “With the exception of the MNOCs and, to a lesser extent, the INGOs, these actors, particularly the state and

³⁰⁶ K. Saro-Wiwa, *A Month and a Day. A detention Diary*, Spectrum Books, Nigeria, 1995, p. 92.

³⁰⁷ K. Saro-Wiwa, *Genocide in Nigeria: The Ogoni Tragedy*, Saros, Port Harcourt, 1992.

³⁰⁸ K. Saro-Wiwa, *A Month and a Day. A detention Diary*, *op. cit.*, p. 93.

local leaders and movements are fractionated, and form alliances...”³⁰⁹ This is as a result of the long history of constant struggle for access to power and resources among the elites in Nigeria.

At this juncture, it is apposite to highlight the specifics of the assistance of two foremost INGOs towards social movements that are active in the Niger Delta. It is on record that Sierra Club and Amnesty International have been of assistance (mainly in the form of logistical support, training and collaboration) to environmental and human rights groups in the region in particular and Nigeria in general. INGOs have been involved in the conduct of on-the-spot assessment of environmental and human rights realities on ground in the Niger Delta. Representatives of these INGOs have also interviewed oil company officials and leaders of social movements with a view to obtaining information intended to assist them in informing the international community about the realities in the Niger Delta. The two organizations i.e. Amnesty International and Sierra Club wrote joint reports reflecting their findings in Niger Delta as part of their campaign and activism. One of such reports – “Defending those who give the Earth a Voice” – was published in January 2000. Specifically, Sierra Club has been actively involved in local issues through grassroots activism, public education, lobbying and litigation.³¹⁰

It is instructive to note that the element of financial support from INGOs to social movements in the Niger Delta could not be established during the interviews conducted with all the leaders of the movements, especially MOSOP and IYC. However, it was established by oral evidence from MOSOP leaders that some representatives of the INGOs (notably Greenpeace and Rainforest Action) were physically present in 1993 when the Ogoni protest march took place in Ogoniland. The presence of Greenpeace and Rainforest Action representatives in the Niger Delta and their findings informed the compilation of the report entitled “Shell Shocked” in 1994. Other specific actions

³⁰⁹ C.I. Obi, “Global, State, and Local Intersections: Power, Authority, and Conflict in the Niger Delta Oil Communities” in Callaghy, *et al* (ed) *Intervention and Transnationalism in Africa*, Cambridge University Press, London, 2001, p. 173

³¹⁰ Author’s interviews with (T.B) (O.J) (C.D) and (V.G) prominent members of MOSOP and IYC in July 12, 2003. However, respondents demanded anonymity in order to guarantee their safety

undertaken by INGOs as part of their support for social movements and their leaders include but not limited to:

- Sierra Club's call for worldwide membership boycott of Shell after 1995.
- Body Shop International's logistical support to Ken Saro-Wiwa in his attempt at synergizing with international pressure groups.
- Body Shop International's public awareness campaign on the Niger Delta using such media forums as TV, radio, the Internet, as well as meetings.
- Body Shop International's facilitation of the exit of Ken Saro-Wiwa's brother and family from Nigeria in the aftermath of his brother's death.
- Body Shop International also flew Ken Saro-Wiwa's son out of Nigeria to Auckland, New Zealand to convince the Commonwealth Heads of Government during their meeting on the imperative of prevailing on the Abacha regime to halt the execution of Ken Saro-Wiwa.³¹¹

Globalization underscored the participation of international Non-Governmental Organizations in the 4 January 1993 Ogoni march that involved over 300,000 peaceful protests against Shell operations in Nigeria. This particular scene brought together dignitaries from all walks of life including Shelley Braithwaite, an Australian lady of the London Based Rain forest Action Group. With the increasing pressure by the local actors to draw the attention and sympathy of the international community, the oil companies on the other hand ignored the demands of the people and focused on employing huge resources to neutralize the forces of the local resistances as well as launder their image abroad. By this measure the oil companies that operate in the region, particularly Shell, aims at ensuring continuity in its oil production and protecting its corporate reputation in the Western world.³¹² In regard to this dual objective, Shell at different times has insisted that the persistent violence in the region was as a result of the Nigerian government failure to meet the needs of the local people. But the internationalization of the Niger Delta crisis has discredited this position of Shell in Nigeria. The death of Ken Saro-Wiwa

³¹¹ N. Cater, "Public Affairs. The Body Shop Wages Eco War", *PR Week*, December 8, 1995.

³¹² *Ibid*, p. 177. The issue was extensively pointed out by a local staff of Shell under anonymity when the author visited Niger Delta and the Nigerian office of Shell in Lagos and Port Harcourt in June and July 2003.

and other Ogoni '8' did a serious damage on the image of Shell locally and internationally. Therefore, "the company has begun to restructure its community development program to allow for a measure of community participation, working directly or with development agencies, INGOs, NGOs, and some local community based cooperatives."³¹³

Notwithstanding these minimal changes in Shell policies, the company still sanctions state repression³¹⁴ in the Niger Delta. A good instance is its marriage with the dreadful rivers state internal Security task Force, an outfit specifically put in place to crush local opposition to Shell operations in the region, especially in Ogoniland.

THE INTERNATIONAL COMMUNITY AND THE NIGER DELTA CRISIS

The connection between natural resources and political violence in post-cold war West and Central Africa has drawn increased attention in view of private sector participation. Scott Pegg strongly argued this position when he asserted that:

One of the factors that make natural-resource conflicts especially noteworthy is the alleged role played in them by leading private-sector actors. The sovereign governments of Angola and Sierra Leone both hired the services of Executive Outcomes, a private military company. De Beers has faced mounting pressure over its purchase of diamonds from these war-torn areas. Oil companies in Burma, Colombia, Nigeria, and the Sudan have been directly linked to state violence against local host communities.³¹⁵

Therefore, the Niger Delta case is a culmination of government insensitivity to the grievances of the local people, and the oil companies' policies that failed to address environmental degradation. The response of the state in forms of the establishments of the Niger Delta Development Authority in the 1960s, Ecological Fund, 13% Derivation,

³¹³ *Ibid*, p. 178.

³¹⁴ This idea underlines the works of scholars like Cyril Obi, Rowell, Boele, Daniel Omoweh and others. However, the central issue in this position lies on the motive of Shell to minimize oil production without giving due consideration to environmental pollution. While the government on the other hand depends on the revenue from such oil production for its survival.

S. Pegg, Globalisation, and Natural Resources Conflicts.
<http://www.nwc.navy.mil/press/Review/2003/Autumn>

OMPADEC and NDDC, could not resolve the grievances of the local people. The weakness of the Nigerian government to address violence in the region afforded the people the opportunity in the early 1990s to globalize their struggle. The oil minorities of the Delta at this point in time capitalized on the changes at the global level to expose the oil giants and the Nigerian state.³¹⁶

The recognition by MOSOP leaders in the early 1990s that the struggle could be sustained at both the local and international levels ushered in a new awareness and commitment by the affected communities. Therefore, the efforts of Ogoni in globalizing this struggle must be commended and this was born out of:

the recognition ...that as function of capitalist (oil) accumulation, and as a repressive force, the unequal partnership between the Nigerian state and oil multinationals is mutually reinforcing....it must be exposed in its own backyard in Europe and North America, and global for a, as a violator of human rights in, and reckless polluter of the Niger Delta....for the struggle to be more effective, it had to transcend the localized terrain by appealing to and, connecting to sympathetic global forces.”³¹⁷

To effectively tap into the global platform MOSOP adopted some strategies and put in place some modalities to expose the policies of the Nigerian government and Shell operations in the region. One of its strategies was to focus on Shell as a major target being one of the oldest, biggest and richest oil multinationals in the world and that Shell is domesticated within the Niger Delta itself with implication for social life in the area. Shell with a record of over fifty five years of operation in the region has become a major player in the domestic politics of the region, apart from its role in oil, land and waters of the region it also “intervened through the standard divide and rule tactics in local

³¹⁶ Ollor-Obari, J, MOSOP faults Niger Delta Panel's Proposals, *The Guardian*, 27 April 1999
MOSOP Criticises Commonwealth team's decision on Nigeria, *The Guardian*, 5 May 1999
MOSOP Demonstrates, Shell, Ogoni Leaders meet, *The Guardian*, 8 May 1999

³¹⁷ C.I. Obi, The Changing forms of Identity Politics in Nigeria under economic Adjustment. The case of the Oil Minorities Movement of the Niger Delta. Nordiska Afrikainstitutet Research report no. 119, Uppsala, 2001

governance as: benefactor, extractor and tormentor.”³¹⁸ Most importantly, there is a form of informal understanding between the Nigerian state and Shell because some Shell officials also become state officials and this might have informed the appointment of Omene as the head of NDCC by President Olusegun Obasanjo in 2003³¹⁹.

MOSOP targeting Shell is due to the fact that “Shell was a source of good profits to share holders in the industrial North, provided lots of jobs, and most important of all, was a critical supplier of the cheap energy needs of the G-7 countries”³²⁰. It becomes obvious that any confrontation with this oil giant would attract the necessary attention globally as was planned by the Ogonis. While at the local level there was a swift response from the state since Shell contributes almost fifty percent of the state’s revenue and the company has a lot of leverage with the state.

Therefore, for Ogoni to globalize their struggle it established a perfect “networking with western environmentalists and rights NGOs to form a global front against the extractive and repressive activities of Shell and the Nigerian state”³²¹. However, these organizations encountered a myriad of problems because the Nigerian state is not accountable to the people due to the absence of democracy before 1999, and in view of this set-back, these INGOs were forced to dialogue with the then military junta. Despite the changes that took place in the Niger Delta following the internationalization of the crisis there was a limit to what international support could do in internal crisis as the lessons that flow from the death of Ken Saro-Wiwa show. For instance, the internal divisions following the death of Ken Saro-Wiwa did much to confuse the international community which tried to support local resistance.

The internationalization of the Niger Delta crisis in the early 1990s was met with failure as was narrated by ken Saro-Wiwa in 1991: “I telephoned Greenpeace. ‘We don’t work

³¹⁸ C.I. Obi, *op .cit.* p. 88

³¹⁹ The researcher got this information from the Department of Petroleum resources in Abuja and most of the officials interviewed prefer to remain anonymous because of their position in the ministry and its likely effect on their job if their names are mentioned.

³²⁰ C.I. Obi, *op. cit.* p. 88

³²¹ *Ibid.*

in Africa', was the chilling reply I got. And when I called up Amnesty, I was asked, 'Is anyone dead?' 'Is anyone in gaol?' And when I replied in the negative, I was told nothing could be done."³²² The initial obstacles encountered by MOSOP did not deter the Ogoni from their cause as events that came up in January 1993 and 1996 have shown. The internationalization of the local struggle has created two camps among the competing actors. There is an alliance between the state and the operating oil multinationals, while at another level the local forces established a transboundary alliance with the INGOs. The INGOs relations with the local forces were central to the need to strengthen the grievances of the latter so that they can "earn legitimacy within the international community."³²³ Despite these alliances, the oil multinationals at different levels forged a marriage of convenience with collaborating local elites as a way of penetrating the local people and to extract oil from the region. These oil companies established a formidable security force with the Nigerian state to contain reprisals from the militant youths of the region.

The Niger Delta region has been militarized by the Nigerian government to create access for Shell and other oil companies to produce oil unrestricted and to keep their cost down and to suppress resistances. Shell has in most cases been linked to the Rivers State Internal Security Task Force, which was established by the state to pacify and promote an atmosphere that would facilitate oil production.³²⁴ Given this scenario in the Niger Delta for almost four decades, the trial and eventual execution of the Ogoni 9, including Ken Saro-Wiwa, on the 10 November 1995 drew world attention than it was before 1995. The execution was strongly criticized by the international community, which noted that, "the verdicts resulted from a tribunal that fell short of internationally recognized standards of a fair trial."³²⁵ The legal basis of this extra judicial killing was rooted in the

³²² Ken Saro-Wiwa, *A Month and a Day: A Detention Diary*. Spectrum Books, Ibadan, Nigeria, 1995.

³²³ C.I. Obi, *op. cit*

³²⁴ A. Rowell 'A Shell Shocked Land' in Rowell and Andrew, *Green Backlash: Global Subversion of the Environmental Movement*, London and New York: Routledge, 1996, pp. 282-451.
A. Rowell, *Shell Shocked: The environmental and social costs of living with Shell in Nigeria*, Amsterdam: Greenpeace International, 1994; D. Robinson, Ogoni: *The Struggle Continues*. Geneva and Nairobi: World Council of Churches and All African Council of Churches.

³²⁵ C.I. Obi, *op. cit*. See also M. Birnbaum, Nigeria, Fundamental Rights Denied: Report of the trial of Ken Saro-Wiwa and Others, Article 19, London, 1995.

civil disturbances decree of which was imposed during the military junta of Babangida, which stipulated death penalty for all acts of treason and branded ethnic minority cause for self-determination an offence punishable by death. Coupled with this was the “River State 1994 Special Tribunal (offences relating to Civil Disturbances) Edict, under the civil Disturbances (Special Tribunal) Decree of 1987, which ousted the jurisdiction of normal courts and granted power of appeal to the Provisional Ruling Council (PRC)”³²⁶ It was under these two decrees that the Ogoni 9 were tried, found guilty and later executed by the state.

This development sounded the death knell for the Ogoni struggle. However, this is not to say that the struggle was completely dead, but lost the vibrancy and militancy associated with it in its early stage due to leadership bickering and state repression.

This singular act of the state accounted for the rise in the number of local groups and organizations whose effectiveness was influenced or determined by INGOs support. Cyril Obi noted that the relevance of INGOs includes the fact that they “...provided a platform for internationalization and legitimization of the struggle of the Niger Delta ethnic minorities”³²⁷ The activities of these INGOs were aimed at promoting and universalizing the values of democracy with emphasis on human, environmental and group rights. They have in most cases imposed their agenda on local protest, provided the necessary funds that cannot be easily generated locally, with an overall focus of facilitating resistance, as was the case in the Niger Delta.³²⁸ The activities of INGOs offered the social movements in the Niger Delta an opportunity to strengthen their agitations across borders without being censored by the state or Shell. In achieving this goal INGOs “have supported the campaign of oppressed groups, providing them with platforms and resources to lobby,

³²⁶ C.I. Obi, *op. cit.*

³²⁷ C.I. Obi, *op. cit.* pp. 180-181

³²⁸ Interview with some local NGOs (ANPEZ, ALF,) in the Niger Delta by the author confirmed this position in 2003. However; they quickly recalled that in most cases the funds provided by these INGOs have also been the bases of internal struggles and divisions within some NGOs. A good example of this position was the division among a community group in Ughelli North Local Government Area over the grants they got from foreign NGO. It is also an established fact among the local people and academics that the establishment of NGOs is an easy way to foreign cash.

protest, and bring their plight to the attention of the people and parliaments of the industrially advanced states.”³²⁹

In order to properly understand the internationalization of the Niger Delta crisis in the 1990s, the next section examines the strategies of MOSOP and IYC in networking with transnational organizations. These social movements assumed at the beginning of their struggles that the use of global platform would exert pressure on the Nigerian state and Shell to change their policies in the region. The extent to which this premise is true will be located in the concessions of these actors to the local forces between 1995 and 2003.

MOSOP AND IYC STRATEGIES FOR ENTERING INTERNATIONAL PLATFORM

MOSOP was one of the earliest social movements to publicise the plight of the oil-bearing communities in Nigeria. A watershed in this regard was the presentation of the Ogoni Bill of Rights (OBR) to the Nigerian state through Ken Saro-Wiwa under the auspices of Ogoni Central Union in 1990.³³⁰ As contained in the OBR, the Ogoni people demanded:

- political control of Ogoni affairs;
- the right to control and use of a fair proportion of Ogoni economic resources for Ogoni development;
- the right to protect the Ogoni environment and ecology from further degradation; and
- to have adequate and direct representation as of right in all Nigerian national institutions.³³¹

Addendum to the OBR in August 1991 authorized MOSOP to internationalize the Ogoni struggle, even as it affirmed MOSOP’s methods and commitment to non-violence. In

³²⁹ C.I. Obi, *op. cit.*, p. 181

³³⁰ The Ogoni Bill of Rights

³³¹ Rekiya Agnes 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. 79. Also see MOSOP, *Ogoni Bill of Rights* (Port Harcourt: Saros International Publishers, 1992)

December 1992, the Ogoni people presented to the oil companies operating in Ogoniland (including Shell and Chevron) and the Nigerian National Petroleum Corporation (NNPC) an ultimatum to pay back royalties and compensation within 30 days or quit Ogoniland³³². In furtherance of Ogoni struggle, MOSOP took its case to the Unrepresented Nations and Peoples Organization (UNPO) at The Hague in 1992.

MOSOP targeted Shell as one of its concerns to expose the oil multinationals excesses in Nigeria. The decision of the social movement to target Shell and expose it as a violator of human rights was because of it being the oldest oil company as well as the largest onshore operator in the area. In addition, the company has enormous wealth among abject poverty in the oil-bearing communities and it is extremely difficult to demarcate state officials from SHELL high-ranking officials. The presentation of Ogoni case at The Hague by Ken Saro-Wiwa was an avenue for MOSOP to attract sympathy and established links with INGOs whose mandates pertain to environment rights and human rights. The exhibition of photographic materials on environmental degradation of the Ogoniland in Vienna at the Conference of the United Nations Human Rights brought to the fore the plight of the communities in the Niger Delta. The conference was useful for the Ogoni because it gave Ledum Mitee (Ogoni representative at the conference) the opportunity to discuss problems plaguing the region with Anita Roddick, a representative of Bodyshop in Vienna.

The declaration of 1993 as an International year of the world's Indigenous People by the General Assembly of the United Nations, Resolution of 10 December 1992 gave impetus to the struggle by the Ogoni. To further add strength to that was the International Human Rights Day sponsored by the Center for Human Rights, the International Labor Office, United Nations Development Programme, United Nations Environmental Programme, United Nations Children's Fund and UNESCO.³³³ However, the Ogoni demonstration that brought together about 300,000 Ogoni people on the 4 January 1993 was a historic occasion for the international community to witness the negative impact of Shell

³³² *Ibid*

³³³ Ken Saro-Wiwa, *A Month and a Day: A Detention Diary*. Spectrum Books Nigeria 1995, pp. 130-136

operations in Ogoniland. This particular incident strengthened the movement and bolstered its members in their determination to conduct their advocacy at the global level while taking advantage of international events and the news media.

MOSOP employed languages that would attract the international community's attention. It employed the language of 'rights' and built the image of the Nigerian state and Shell as violators of human rights. Most importantly, their leaders, including Ken Saro-Wiwa, used the language of 'genocide' to describe the likely impact of the Nigerian state and Shell's actions in the region. The arrest and subsequent execution of Ken Saro-Wiwa forced MOSOP activists to move almost exclusively to the international sphere. The remaining leaders of MOSOP carried on the struggle as they campaigned on the Internet, at international conferences, through media events and through protest actions in major cities in Europe and North America including vigils at Nigerian embassies and High Commissions. The protest also included the boycott of Shell service stations in North America and Europe. Remarkably, activists from indigenous and international human rights as well as environmental networks joined MOSOP during these protestations. This "working alliance" between MOSOP and international actors also engendered its acceptance amongst the Ogoni in the Niger Delta. The social movement's international contacts in the early 1990s helped to convince reluctant Ogoni elite and quiescent Ogoni masses there cause was legitimate in the judgment of the international community and that the movement was a veritable rallying point for the ethnic group, even though dissensions were not uncommon.

The globalization of the international system and the access to modern information and communication technologies were critical in advancing the Ogoni struggle at the global level. The availability of computers, telephones fax machines, Internet and establishment of physical offices in America and Europe afforded MOSOP the opportunity to articulate its demands and highlight the plight of the Niger Delta people before the international audiences. It should be added that the role of the media in globalizing the Niger Delta crisis cannot be overemphasized as they played a significant role in exposing the impact of oil exploration on the people of the Niger Delta. For instance, it was asserted that,

“[t]elevision stations and networks beamed the ‘ecological violations’ against the Ogoni to shocked audiences across the world.... In one program, Bop Van Dessel, Shell’s former head of environmental studies in Nigeria, confirmed Shell’s complicity in damaging the Niger Delta’s fragile ecosystem.”³³⁴ He went further to confirm that “they were not meeting their own standards; they were not meeting international standards. Any Shell site I saw was polluted. It is clear to me that Shell was devastating the area.”³³⁵

The use of propaganda by MOSOP and modern communication system influenced and facilitated the capacity of INGO missions to visit Ogoniland and other parts of Niger Delta for on-the-spot assessment. The establishment of offices in the major cities of the world enhanced the MOSOP activists’ ability to attend workshops and to give lectures on the deplorable situation in the Niger Delta. It also afforded them the opportunity to “address politicians, parliaments, and pressure groups in order to win them over to the side of the forces of local protest”.³³⁶ Whilst MOSOP was carrying out its advocacy, a number of human and environmental rights INGOs became more interested in the Ogoni cause. MOSOP became a beneficiary of foreign grants which enabled it to intensify its struggle and to ‘turn the heat’ on the Nigeria state and Shell to change their attitude towards the Niger Delta. Indeed, it may be said that in as much as the Ogoni presented an image of a victimized minority ethnic group globally, organizations such as the Human Rights Watch, Amnesty International, Greenpeace, Friends of the Earth and other bodies became increasingly committed to the Ogoni struggles, and series of fact-finding missions were sent to the Niger Delta as part of their international environmental rights advocacy efforts. Other institutions that identified with MOSOP included the Africa Policy Information Centre, Book Aid International, Both Ends, Delta, World Council Churches, and Trocaire.

³³⁴ C.I. Obi, “Global, State and Local intersections: power, authority, and conflict in the Niger Delta oil communities” in Callaghy, Kassamir & Lathan (eds) *Intervention and Transnationalism in Africa*, Cambridge University Press, United Kingdom 2001 pp. 173-193.

³³⁵ quoted in Obi 2001

³³⁶ *Ibid*

DWINDLING FORTUNES OF INTERNATIONALIZATION THROUGH MOSOP AND THE RISE OF IYC

The death of Ken Saro-Wiwa and the intransigence of the military regime are two main factors that scaled down the international community's support for local activism in the Niger Delta. There was a limit to what international support could do to sway the then military government into doing things differently. The balance of forces was also skewed in favor of Shell. This point could be explained in part with reference to the importance of oil and Shell to its foreign shareholders and the Western world. Shell Shareholders in Europe and America were ostensibly more concerned with profit maximization rather than corporate social responsibility of best (environmental) practices. The operation of Shell in the Niger Delta provides employment for nationals from home government that is Europe and America. Besides, Shell was able to put in place its own campaign and a formidable propaganda on the Internet to debunk the accusations leveled against it by the people of the region and environmental activists alike. However, it must also be pointed out that despite Shell's propaganda the death of Ken Saro-Wiwa changed the political equation in the region.

Although the groundwork for the internationalization of the Niger Delta crisis had been laid by MOSOP, it could not harness the benefits of the international community's engagement in that the emergence of different factions within the organisation after the death of Ken Saro-Wiwa left the international actors in the lurch as to which faction to support. International support for local environmental resistance thus waned. However, other social movements came to fore to broaden and to continue the struggle, practically breathing new life into the processes set in motion by MOSOP. For the purpose of this study, emphasis will be focused on the Ijaw Youth Council. Having lost the steam in the struggle for the Niger Delta people, the Ogoni people have given way to the Ijaw, who have increasingly taken the centre stage. Since 1997 when their youths called for an end to Shell activities in the region, the Ijaw people have resolved to fight to the last man until the Niger Delta is liberated from the pangs of exploitation, neglect, and marginalization³³⁷. Bayelsa State, inhabited by the Ijaw people, was a hot bed for Ijaw

³³⁷ *The Guardian* (Lagos) 5 November 2000

militancy in the years 1998 and 1999. The militant and *invincible* Egbesu Boys came into limelight in 1998 when they successfully freed their detained leader from government House in Yenagoa, having disarmed the guards. The exploits of the Egbesu warriors has since transformed a local conflict to one in which sophisticated weapons are freely employed and used by the militant youths.

The death of General Abacha in 1998 and the new political climate, which it ushered in, made it possible for Ijaw youths to be more vigorous in their demands. To drive home their points, they demanded the immediate withdrawal from Ijawland all military forces and any oil company that employs the services of the Nigerian Armed forces will be viewed as enemy of Ijaw people. In December 11, 1998, the youths convened at Kaiama town, where they made a landmark declaration, now known as the *Kaiama Declaration*. In the document, they requested for more local control of oil revenues and better environmental policies. For instance, the declaration focused on:

1. All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.
2. We cease to recognise all undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Use Decree and The Petroleum Decree etc.
3. We demand the immediate withdrawal from Ijawland of all military forces of occupation and repression by the Nigerian State. Any oil company that employs the services of the armed forces of the Nigerian State to "protect" its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijawland should appeal to their people to leave the Ijaw area alone.³³⁸

³³⁸ The Jaw Youth Council Bill of Right, See *The Guardian*, Lagos Nigeria 30 December 1998, 14 December 1998.

The declaration gave a December 30 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 multilateral oil corporations operating in Ijaw lands and territorial waters, and indeed in the larger Niger Delta, should leave³³⁹ Ijaw youths followed up on these demands with a protest march to government house in Yenagoa, the main purpose of which was to convey their grievances through the state governor, Lt Colonel Paul Obi to the Federal Government. But the security operatives opened fire on the protesters leaving some dead and many others injured in the pandemonium that followed. This marked the beginning of hostilities between Ijaw youths and the security forces.³⁴⁰

Following this ugly, the Egbesu Boys regrouped, apparently in preparation for war, having been in possession of sophisticated weapons. They engaged both the navy and the army in fierce battles with heavy casualties on both sides. In some cases, the rampaging youths ransacked military formations, terrorized fleeing soldiers and policemen and became warlords in strategic locations. The towns of Kaiama, Odi, Ekeki and others became battlefields where the Egbesu Boys and military forces engaged in heavy crossfire. Apart from this, the militant youths were able to close down oil installations in the Niger Delta, thereby grounding oil production.

The Ijaw Youth council employed strategies similar to those of MOSOP by opening up offices in Europe. It equally used modern information and communication technologies facilities to reach target audience locally and abroad. The IYC worked with other groups like ERA, ND-HERO and Chikoko Movement in collaboration with INGOs to undertake community assistance projects in the Niger Delta. These organizations were involved in community resource development projects in Anyama, Sangama and Okoroba.³⁴¹ The

Ollor-Obari, Ijaw seek control of oil resources, *The Guardian*, Lagos Nigeria, 14 December 1998

----Oil workers, military get ultimatum to leave Ijaw area, *The Guardian* 16 December 1998

----State of emergency in Bayelsa, Ijaw youth protest, *The Guardian* 31 December 1998

<http://www.nigerianscholars.africanqueen.com/docum/Ijawyouth.htm>

³³⁹ *Tell Magazine* Lagos Nigeria, See I. Niboro, "Blood bath"

³⁴⁰ Local information on Ijaw youth council was based on the interview the researcher conducted between April and July 2003 under condition of anonymity with some Ijaw leaders in the Niger Delta.

³⁴¹ C.I. Obi, *op. cit.*

participatory development models introduced in Niger Delta were³⁴² a new trend that “is a departure from the technical, wasteful, top-down community development programs of the MNOCs”.

The Ijaw Youth Council was a more militant movement than the MOSOP although IYC was actively involved in the dissemination of information on the activities of oil multinationals and policies of the Nigerian state in the region. The IYC maintained close contacts with the aforementioned INGOs in defending environmental rights. As would be expected, the IYC just like any other social movements has come under repression from the state and oil multinationals. One incident is instructive: the Federal Government’s sacking of Odi- a town in Bayelsa state in the Niger Delta. The government reaction generated a worldwide condemnation. It all started in November 1999 when President Olusegun Obasanjo ordered a military invasion of Odi in retaliation to the killing of law enforcement agents, who had been drafted to the area to quell some riots. IYC militants reportedly ambushed a police convoy and killed eleven policemen. What the incident brought to the fore was the use of ambush as one of the tactics in the expression resistance by Ijaw militant groups.

The destruction of Odi was so enormous that the Bayelsa state Governor, Diepriye Alamiyeseigha, once stated that it would require about twenty-five billion naira (#25 billion) to reconstruct the town³⁴³. Having said that, what is germane to this thesis is the international community’s reaction to the Odi invasion: the Federal Government was condemned for the use of excessive force and for violating the rights of innocent civilians. But that was not the first instance of the international community’s engagement with issues of egregious human rights violations in the Niger Delta.

³⁴² *Ibid*

³⁴³ *The Guardian* 24 November 2000

THE INTERNATIONAL COMMUNITY'S REACTION

Global focus on the Niger Delta crisis has become sharper since the hanging of the Ogoni '9' by the General Sani Abacha military regime in November 1995. The international community's reaction to this incident was a remarkable demonstration of the internationalisation of the crisis. The responses of the Commonwealth of Nations and the United Nations and other bodies are a fascinating case study.

THE COMMONWEALTH

The Commonwealth was the first international body to swiftly react to the execution because it took place at a time when the body was meeting in Auckland, New Zealand in 1995. The organization reaction was based on the Harare Declaration of 20 October 1991. The declaration mandates all members of the body to abide by certain fundamental principles like freedom of the individual, equal right for all citizens and "the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives"³⁴⁴

Given the incident the organization took measures to check the persistent violations of the Harare Declaration, an eight-member Commonwealth Ministerial Action Group (CMAG) was set up to look into this gross violation with Nigeria on top of its agenda. Since 1995 the CMAG group has been meeting periodically to monitor human rights violations. Nigeria was suspended from the body and given two years to comply with the terms of Harare Declaration. At the next meeting of CMAG in 23 April 1996, the organization recommended measures to force the Nigerian state to change.

However, these recommendations were never adopted by the organization and they include:

visa restrictions on and denial of educational facilities to members of the Nigerian regime and their families, withdrawal of military attachés and cessation of military training, an embargo on the export of arms, a visa-based

³⁴⁴ <http://www.hrw.org/reports/1999/nigeria/Nigew991-12.htm>

ban on sporting contacts, and the downgrading of diplomatic and cultural links.³⁴⁵

Apart from the above, there were other measures taken by the body all in the bid to force Nigeria to conform. For instance,

It was also recommended that a ban on air links and additional economic measures, including freezing the financial assets and bank accounts in foreign countries of members of the regime and their families, should be considered in consultation with the E.U., U.S. and other members of the international community.³⁴⁶

The body gave Nigeria time to engage in dialogue with CMAG about its human rights records before sanction will be imposed but at the meeting of 24-25 June, 1996 the imposition of sanction was postponed while Nigeria's suspension was still in force.

The death of General Abacha in 1998 gave the country opportunity to bounce back into the organization and it is pertinent to point out that the country was never expelled from the body despite its maximum ruler's refusal to adhere to the principles of the Harare Declaration between 1995 and 1998. The change of government and positive steps taken by the incumbent leader brought back Nigeria into the organization, as members of CMAG (Zimbabwe, New Zealand, United Kingdom, Canada, Ghana, Malaysia, Barbados and Botswana) recommended that members should lift bilateral and trade sanctions against Nigeria.

THE UNITED NATIONS

The United Nations General Assembly adopted Resolution 50/199 on the precarious situation of human rights records in Nigeria on 22 December 1995. The international body strongly condemned the Nigerian government violation of human rights with the execution of the Ogoni 9 and it recommended members of the body to impose individual sanctions on Nigeria.³⁴⁷ The United Nations Secretary General sent a fact-finding mission

³⁴⁵ The Price of Oil, Corporate Responsibility, and Human Rights Violations in Nigeria's oil producing communities, Human Rights Watch Publication, 1999.

³⁴⁶ *Ibid*

³⁴⁷ The United Nations General Assembly Resolution Document on Nigeria Human Rights Record on 22 December 1995

to Nigeria in April 1996 for an on-the-spot investigation and it recommended among other things that the Nigerian government establish

a panel of eminent jurists” to consider financial compensation for the relatives of those hanged, and that a committee chaired by a retired judge and including representatives of the Ogoni and other minority communities make recommendations in connection with the economic and social conditions in those communities.³⁴⁸

Apart from the fact-finding mission, the United Nations Commission on Human Rights appointed a Special Rapporteur Commission – headed by Indian Attorney-General Soli Jehangir Sorabjee — to assess the situation of human rights in Nigeria. However, the Nigerian government vehemently opposed the commission’s activities in Nigeria but they were able to submit their reports based on the facts they gathered outside Nigeria.

The commission confirmed that widespread violation of human rights occurs in Nigeria, that “the Nigerian legal system does not currently provide effective protection of human rights,” and that “the rule of law does not prevail in Nigeria,” as well as detailing a range of specific abuses.³⁴⁹ The reports went further to confirm that:

- “The Government has failed to address the plight of the Ogoni people and to protect their human rights.
- The recommendation of the Secretary-General’s fact-finding mission concerning the appointment of a committee for introducing improvement in the socio-economic conditions of minority communities has been ignored.”³⁵⁰

In conclusion, the reports confirmed that environmental degradation caused by Shell has not received the necessary attention and that the Nigerian government has not shown satisfactory attention towards development and environmental issues.

³⁴⁸ <http://www.hrw.org/reports/1999/Nigeria/Nigew991-12.htm>, see also Annex I to UN Document A/50/960

³⁴⁹ *Ibid*

³⁵⁰ *Ibid*. See also the report submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Soli Jehangir Sorabjee. U.N. Document E/CN.4/1998/62

In a similar dimension the United Nations Committee on Economic, Social and Cultural Rights reported in May 1998 that, the committee “note[d] with alarm the extent of the devastation that oil exploration has done to the environment and quality of life in the areas such as Ogoniland where oil has been discovered and extracted without due regard to the health and well-being of the people and their environment,”³⁵¹ The reports went further to assert that “[t]he rights of minority and ethnic communities—including the Ogoni people—should be respected and full redress should be provided for the violations of the rights set forth in the Covenant that they have suffered.”³⁵²

The ILO also responded to the situation of things in Nigeria when it established a commission of inquiry to investigate the continued incarcerations of labor leaders in the oil sector. However, this commission was short-lived due to the decision of the body to put in place a direct contacts mission with the Nigerian government. This accounted for the mission’s visit to Nigeria from 17-21 August 1998.

THE EUROPEAN UNION AND ITS MEMBERS

The execution of the Ogoni 9 further aggravated the sanctions imposed on Nigeria by the European Union in 1993 following the annulment of 12 June election by the military leaders. The annulment of June 12 presidential elections truncated the transition program that was initiated by the General Babangida regime when he came into power through a coup in 1985 that ousted General Muhamadu Buhari. There was a worldwide reaction from the international community and series of sanctions were imposed on Nigeria by the European Union.

These sanctions included visa restrictions on members of the Nigerian Provisional Ruling Council, the Federal Executive Council and civilians who are members of these bodies including their families. In addition, all military personnel attached to Nigerian

³⁵¹ Adopted from Human Rights Watch Report on Nigeria in 1999. This reports can also be found in the “Concluding Observations of the Committee on Economic, Social and Cultural Rights: Nigeria, “U.N. Document E/C.12/Add.23, May 13, 1998

³⁵² *Ibid*

diplomatic missions in the European Union member states were expelled and such personnel in EU states missions in Nigeria were recalled. The EU introduced a prospective embargo on arms, ammunition and military equipment on Nigeria; series of developmental cooperation ventures were suspended. However, the EU members excluded oil embargo that was proposed by European Parliament, as was the case in ACP-EU Joint Assembly. Despite these joint sanctions by the European states, individual states within the Union took a hard stance against Nigeria with the exception of oil embargo given the importance of Nigeria's Brent Crude Oil and the effectiveness of Shell propaganda in Europe. Shell propaganda in this regard overemphasized development projects in the Niger Delta. But a critical look at these projects shows that substantial amount of the resources allocated for such projects went into consultancy services and the few elites that collaborated with Shell officials³⁵³.

This partly explains the Labor Party's stand against Nigeria in 1995 but in retaliation, the Nigerian government relocated her European office of NNPC from London to Paris. It is interesting to note that with the death of General Abacha the office has since been reopened in London. However, the paradox of the United Kingdom's position against Nigeria in that period was that the United Kingdom department of Trade and Industry consistently sponsored trade missions to Nigeria against the position of the Foreign and Commonwealth Office on the situation in Nigeria.

At another level, some members of the European Union took a softer stand against Nigeria and they violated most of the resolutions of the European Union to protect their interest especially 'commercial interests'. For instance, "In the case of France, former petroleum minister Dan Etete visited on several occasions, presumably for discussions about the French role in the oil industry. Elf and Total were prominent in lobbying for increased business with Nigeria, and were rewarded with contracts from the Nigerian government"³⁵⁴. Apart from this, the French government got a diplomatic maneuvering

³⁵³ This position was strongly pushed forward by the youths of Afiesere and Uzere communities when the author visited these communities to ascertain the cause of frequent conflict between the youths and some leaders/elites of their communities in 2003 over Shell's development projects in their localities.

³⁵⁴ The Human Rights Watch publication on Nigeria: The Price of Oil. 1999.

over E.U visa restrictions to Nigeria that gave the Nigerian football team, Super Eagles the opportunity to participate in world cup in France in 1998 but this could not hold when South Africa hosted the African Cup of Nations in 1996.

THE UNITED STATES

The United States position against Nigeria following the hanging of Ken Saro-Wiwa could be viewed from two levels. At one level, the country imposed further sanctions on Nigeria especially in the area of military cooperation. All military assistance and training was terminated in July 1993 and the country went further to ban the sale and repairs of military goods to Nigeria.³⁵⁵ Human Rights Watch noted that USA “extended a pre-existing ban on the issue of visas to senior military officers and senior government officials and their families to cover “all military officers and civilians who actively formulate, implement or benefit from policies that impede Nigeria's transition to democracy”³⁵⁶. This position was later modified that any “Nigerian government officials visiting the U.N. or international financial institutions in the U.S. remain within twenty-five miles of those organizations. It also stated it would begin consultations immediately on appropriate U.N. measures.”³⁵⁷

Moreover, individual members and various committees of the Senate and House of Representatives in the United States played significant role to strengthen the United States stand against Nigeria .At several parley of the Senate and House of Representatives on US policy towards Nigeria significant member of Nigerian and US human rights groups strongly favored a unilateral oil embargo. However, the representatives of the administration, the Corporate Council on Africa, and Representative William Jefferson and former Senator Carol Moseley-Braun, opposed this position that was taken by the Nigerians and US human rights. Couple with this was Senator Nancy Kassebaum and Congressman Donald Payne and Ben Gilman bills that were aimed at codifying the existing sanctions level against Nigeria by the United States. In addition, the bills were aimed at prohibiting new investment in Nigeria including the

³⁵⁵ *Ibid*

³⁵⁶ *Ibid*

³⁵⁷ *Ibid*

oil sector; ban on air links and to freeze the accounts of the Nigerian government officials **(S1419, HR 2697, HR 3890)**.³⁵⁸

Several counties and cities in USA like Alameda, California; Berkeley, California; Oakland, California; St Louis, Missouri; Amherst, Massachusetts; Cambridge, Massachusetts, New Orleans and Louisiana, adopted resolution forbidding municipal authorities from purchasing products from Nigeria or from companies that do business in Nigeria³⁵⁹. However, a similar bill was defeated in Maryland Legislature in March 1998, and it is also interesting to note that most of the oil giants were constructively engaged in lobbying to nullify the introduction of unilateral oil embargo against Nigeria. For example, “U.S.-based oil companies, including Mobil, Chevron, Texaco, and the others invested in lobbying campaigns against unilateral sanctions by the United States government institutions through Corporate Council on Africa, a coalition of U.S. corporations known as USA Engage, and bilaterally.”³⁶⁰

At the other level, the commitment of the USA to changes in Nigeria was questionable given the fact that the country was an active promoter of democracy. At various levels the Clinton Administration was associated with pronouncements that supported ex-military rulers coming to power in 1998 including the most dreaded General Abacha. In March 1998, Assistant Secretary of State for African Affairs, Susan Rice, stated “electoral victory by any military candidate in the forthcoming presidential election in Nigeria would be unacceptable.” In South Africa, however, Clinton himself stated only “if Abacha stands, we hope he will stand as a civilian.”³⁶¹ This partly explains why Deputy Assistant secretary David Marchick opposed a bill in Maryland that was aimed at prohibiting the importation of Nigerian products.

³⁵⁸<http://www.hrw.org/reports/1999/Nigeria/Nigew991-12.htm>

³⁵⁹ *Ibid*

³⁶⁰ *Ibid*

³⁶¹ Adopted from Human Rights Watch Reports on Nigeria in 1999.

IMPACT OF INTERNATIONALISATION ON THE ACTORS IN THE CRISIS

The globalization of the Niger Delta crisis which came to a head with the Ogoni 9 killings and the swift response of the international community which followed have strongly influenced the operations of the oil multinationals and the Nigerian government policy towards the local people. This will be examined from two dimensions-Shell and the oil communities, and the Nigerian state policies towards the communities.

THE NIGERIAN STATE AND OIL COMMUNITIES

The Nigerian state has to contend with the impact of series of sanctions directed against the state in the wake of local forces globalizing their struggle for justices in the Niger Delta. Despite these sanctions that almost threw Nigeria into pariah status in mid 1990s, the state continue to employ repression as a measure to safeguard production of oil in the region. However changes in government policy towards the local people started in the 1990s but it was truncated when General Abacha came into power. The death of General Abacha in 1998 created a new opportunity for the Nigerian state to address the plight of the people.

Given this background, it is pertinent to x-ray the measures by the states to address the impact of oil production on the local people in the 1990s. Prior to the trial of Ken Saro-Wiwa the Nigerian Government inaugurated series of committees and commissions to investigate the socio-economic and environmental problems in the Niger Delta. This accounted for the establishment of the Justice Alfa Belgore Commission of Inquiry in 1992, Don Etiebet (then Oil Minister) Ministerial finding team 1994, and the Niger Delta Development panel with Major-General Oladayo Popoola as the head in 1999³⁶².

When General Abdulsalami Abubakar took over the reins of power in 1998, he set up a 22-member committee headed by Major-General Oladayo Popoola. This committee was to appraise the various recommendations made to the government on how to tackle the festering crisis in the Niger Delta and equally produce practical plans for their

³⁶² *The Guardian*, Lagos 28 April 1999, *Newswatch Magazine*, Lagos, 25 May 1999. See also J.G. Frynas, "Corporate and State responses to anti-oil protests in the Niger Delta", *African Affairs* (2001), 100, pp. 27-54

implementation. In its report the committee recommended a total financial outlay of about fifteen billion naira. 15 billion is to be devoted to the establishment of basic infrastructure such as marine transportation, telecommunications and electricity supply.³⁶³

Every successive government in Nigeria in the 1990s made several attempts to neutralize the impact of oil production on the host communities with the increase in government's contributions to the oil-producing areas and some measures to satisfy the aspirations of the local people. With the death of General Abacha, the international community openly welcomed the changes brought about by General Abubakar. With changes in the state policy, series of sanctions that were leveled against the state were lifted to make room for development in the region.

As a measure to satisfy the aspirations of the local people, the Federal Government in October 1996, created Bayelsa state as means to pacify the Ijaw whose youths showed early signs of their militancy in response to the demand of the Ijaw leaders for a state of their own. This militancy pacifist consideration earlier informed the creation of Rivers state by Gowon administration to nullify the aspiration of the secessionist group from that region to control oil production. Similarly, Delta state was created from Bendel state in 1991, and many local governments in the region were created to mitigate the agitation of the youths and leaders of the region³⁶⁴.

However, these measures taken by the Nigerian state have led to intra and inter ethnic conflict in the region over the location of headquarters of local government or state capital and asset sharing. For example, the ethnic clashes between the Ijaws, Itsekiris and Urhobos in Warri for over three years were as a result of the creation of local governments. In 1997, when General Sani Abacha's military junta created more local government areas in the country, the Ijaws made a paid advertisement in dailies, which

³⁶³ *The Guardian* (Lagos) 23 March 1999.

³⁶⁴ *The Guardian* (Lagos) 19 February 1998.

they complained severely about the injustice they had suffered from the Olu of Warri and the Itsekiris in general³⁶⁵.

They narrated the various ways in which the Itsekiri had prevented them from having their own local government that would incorporate all Ijaws. Their grouses were borne out of the spirited attempts by the Olu of Warri and the Itsekiris to relocate the headquarters of the newly created Warri South Local Government from Ogbe-Ijoh (an Ijaw town) to another place of Itsekiri origin. True to their suspicion, the headquarters was eventually relocated to Ogidigben, an Itsekiri town. This unstatesmanship act by then military governor of Delta state, Colonel John Dungs, was the last straw that broke the camel's back. A confrontation ensued between the Ijaws, who were on the offensive, and the Itsekiri. Many lives were lost and property worth several millions of naira destroyed. The feud between the two ethnic groups still persists till today. At present the Ijaws are still embroiled in armed confrontation with the Itsekiris over land issues.

As the war between the Ijaws and their neighbor rages, government is not relenting in its efforts to bring sanity into the oil-rich region. Government troops have been deployed to the areas with sophisticated combat weapons. Since most of the fighting is on water, the navy brought in sub-marine artilleries. However, all these militarist responses by the state have not achieved desired the results. The armed confrontations between government forces and Ijaw militant youths have continued to turn the Niger Delta into a battleground. Casualties are being recorded on both sides, and it seems government forces are not yet capable of overcoming the Ijaw military prowess. For instance, the dexterity with which the Ijaw fighters confront the navy and mount blockades on waters against naval forces shows that they are die-hard warriors whose will cannot be broken through force.

At the Agency level, the Babangida government established the Oil Mineral Producing Areas Development Commission (OMPADEC) in 1992 to allocate resources and address the developmental needs of the local people in the Niger Delta. This body was

³⁶⁵ *The Guardian* (Lagos) 13 May 1997

established by Decree No. 22 with lofty ideas but the implementation of its ideas denied the people of the region the benefits it was established to give in the long term. Like other bodies (for instance the Niger Delta Development Board) established by the state to address the needs of the local people, it failed to reduce the plight of the people. The failure of this body arose from the inefficiency and corruption prevalent in the Nigerian system.

It is interesting to note that a significant proportion of the resources allocated to OMPADEC were misappropriated but a lot of communities benefited from developmental projects like electricity, schools and pipe borne water executed by the body. The OMPADEC financed the construction of the Eleme Gas Turbine in Port Harcourt at a cost of US\$20.7 million in 1993³⁶⁶. At its inception the decree that established the body gave room for mismanagement, for instance there was lack of supervisory role and the chairman of the body was responsible to the Head of State and not to the local people. “Okonta and Douglas observed that Horsfall and the other commissioners were empowered to undertake any projects they liked anywhere they liked, including setting up banks and manufacturing companies and awarding substantial public contracts”³⁶⁷.

The failure of OMPADEC was also partly due to government’s insincerity, as it failed on its part to disburse the required funds (3% of the federation Account) for its smooth operations. The government withheld payment from the organization to the tune of about forty one billion naira between 1992 and 1998, assumed to have been deposited in the Stabilization Account. For instance the Federal Government in 1997 paid the OMPADEC 3,525 billion naira at 3% of the Federation account but the ironic dimension is that the ecological funds calculated at 2% of the Federation Account was paid 4,188 billion Naira.³⁶⁸ It therefore became glaring that the Federal Government was not committed to

³⁶⁶ This information was got from the interview the author had with some communities under anonymous in Rivers states of Nigeria on the 10 July 2003 and a similar point was raised by Ike Okonta and Oronto Douglas in “Where Vulture feast.

³⁶⁷ J.G. Frynas, *op. cit.*

³⁶⁸ P. Fregene, *How Nigeria Plundered and Underdeveloped the Itsekiri people in Boiling Point, A CDHR Publication on the crises in the Oil producing communities in Nigeria, 2000, pp. 127.*

the resolution of the Niger Delta crisis. The question is, how could 2% be greater than 3% from the amount disbursed by the state above?

These and some other contradictions within OMPADEC led to the dismissal of its chairman, Albert K. Horsfall, in December 1996 and the appointment of Professor Eric Apia as the sole administrator of OMPADEC. Despite these swift changes in the organization to improve its efficiency, the OMPADEC could not meet the required target as the incumbent chairman was charged with the embezzlement of 6.7% billion naira in 1998, which he allegedly received on behalf of the body. The organization was restructured under a new administration again with Vice Admiral Preston Omatsola.³⁶⁹ Apart from these problems it would have been difficult for the body to succeed as the allocated 3% is far from the target in putting the region in the developmental path. This underscored the recommendation from leaders of this during the 1994/95 constitutional conferences that the federation allocation to this region should be increased to 13% on the basis of derivation. This position by the oil minorities was subsequently inserted into 1999 constitution of the state as a measure to ease the violence in the region³⁷⁰.

Given all the difficulties and government efforts to develop the region OMPADEC was replaced with the Niger Delta Development Commission (NDDC), when the National Assembly in June 2000 passed a bill to this effect³⁷¹. The functions of NDDC include, the formulation of policies and guidelines for the development of the region, to generate plans that will develop and implement such policies according to laid down rules and regulations in the areas of transportation (roads, jetties and water ways), health, education, industrialization, agriculture, fisheries, housing and urban development, water supply, electricity and telecommunication. The Commission will also identified factors inhibiting the development of the Niger Delta as well as assisting member states in the formulation and implementation of policies to ensure sound and effective management of the resources of the Niger Delta. The body was charged to tackle ecological problems in

³⁶⁹ The appointment of the new Chairman was done to please the militant Ijaw Youths because Omatsola is an Itsekiri man from the Niger Delta. *The Guardian* 2 October 1998.

³⁷⁰ *The Guardian* (Lagos) 7 May 1999. See also the Constitution of the Federal Republic of Nigeria 1999.

³⁷¹ *The Guardian* (Lagos) 16 July 2000

the Niger Delta and to advise the Nigerian state and member states of the region on the likely ways to prevent and control oil spillages and environmental pollution.³⁷²

The formation of the NDCC, which was considered as another vista of hope, encountered series of difficulties in its early stage over the composition of the governing council and other issues. There was a general consensus among the elites and youths in the region that the NDCC was programmed to fail just like as other commissions such as OMPADEC that only succeeded in enriching the officials and collaborators of the body who abandoned after huge mobilization fees were paid. The kernel of their argument was the involvement of state governors from the region as Trustees of the Niger Delta Development Commission. That also meant the commission would be linked to their party as a way of appointing party members who could not get position within the state cabinet. In a similar view, the chairman of the Southern Minority Movement (SMM) and one time petroleum Minister, Dr. Mofia Akobo, asserted, “the Commission should be independent of the bureaucracies either at the federal or state level”³⁷³. On the composition of commission, Orono Douglas of the Chikoko movement noted that “the issue is that it will be politicized. Rather than allow the Commission address the issue of development, there will be politicking.... The Commission will not address the fundamental issues of resources control, self-determination and environmental protection in a proactive way.”³⁷⁴

Other groups in the regions like MORETO, Niger Delta Consultative Assembly (NDCA), and the Niger Delta Youth Front (NDYF) reacted were in similar manner. They strongly criticized the functions of the governors as was explicitly stated:

“There is hereby established for the Commission a governing board which shall consists of

- a chairman who shall be a serving governor a member;
- the governors of the member states of the Commission.³⁷⁵

³⁷² *The Guardian* (Lagos) 11 July 1999

³⁷³ *The Guardian* (Lagos) 11 July 1999

³⁷⁴ *Ibid*

³⁷⁵ The Bill establishing the NDCC, See also *The Guardian* (Lagos) 11 July 1999

Section 7 of the bill provides that “the chairman of the Governing Board shall be appointed for a period of one year and shall not be reappointed until other governors of member states of the commission have served their turn as chairman of the board pursuant to the provision of such section 2 of this section; and the office of the chairman of the governing board shall rotate annually amongst the serving Governors of member states of the commission in alphabetical order (Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, Ondo and Rivers States)³⁷⁶. Therefore the prevalent opinion among youths and leaders of the region was against the inclusion of the state governors and of what states should benefit from the Commission’s development program. However, for over five years of its operation the fears of these bodies and people of the region have been justified, given the present crisis the body is passing through in terms of funding, politicking in execution of projects and appointment in the commission.³⁷⁷

In an effort to avoid the shortcomings of OMPADEC, the Bill that established NDDC made provision for supervisory roles to check the activities of the body. These were included in Sections 2,3,4,9, 10, 11 and 19 of the bill; it made provision for the establishment of committees that comprise “8 directors and a managing director; a Governing Council to give general direction to the management committee; an advisory committee made up of governors of the member states of the commission to advise the council and monitor its activities; and a monitoring committee”³⁷⁸.

Aside the establishment of these bodies in the Niger Delta, the Nigerian state has taken other measures to address the demands of the local people but the state was strongly against the idea of resources control as was agitated for by the people. Not only that, the general consensus that a Sovereign National Conference will satisfy the demands of the local people has been rejected by the state too.

³⁷⁶ *Ibid*

³⁷⁷ The author confirmed this position in his interview with youths of Yenegoa on my first visit to Odioma and Yenagoa on the 24 May 2003.

³⁷⁸ J.D. Frynas, *op. cit*

THE OIL MULTINATIONALS (SHELL) AND THEIR HOST COMMUNITIES

The oil companies on their part have witnessed series of pressures from the local social movement and the international civil society arising from the ineffectiveness of the state to channel the needed resources to their host communities. Shell has been a major target as this research indicates. The persistence violence in the region underlies the forceful withdrawal of Shell from Ogoniland since mid 1990s. It is important to note that Shell has played significant roles in terms of employment, scholarships and community assisted projects to communities in the Niger Delta. In a memorandum presented by Shell to the Commission of Inquiry on the Warri Crisis, it explicitly showed that the company has aspired to address some of the demands of the people. Find below the breakdown of Shell's social responsibility/community development efforts:

Employment

Ethnic group	Western division	Company wide
Ijaw	86	410
Isoko	165	196
Itsekiri	90	121
Urhobo	371	440

Scholarship awards (1988-1997)

Communities	Secondary school scholarship awards	University scholarship awards
Ijaw	1289 beneficiaries	119 beneficiaries
Itsekiri	818 "	103 "
Isoko	563 "	51 "
Urhobo	2025 "	159 "
Others (Delta/Edo)		24 "
Total	4795	456

Community assisted projects

Type of assistance	Ijaw	Warri	Itsekiri	Urhobo	Isoko	Others
Science equipment	6	-	2	26	7	7
Potable water	27	5	9	29	17	9
Classroom blocks	14	5	8	11	4	-
6 Js classroom blocks	49	21	11	82	22	19
Market stalls	13	-	5	14	5	1
Roads	2	3	1	15	7	2
Radio houses/town halls	8	-	-	-	-	-
Others	34	22	12	81	27	5
Total	152	56	48	263	89	43

Sources: All the tables were based on the memorandum presented by Shell to the Commission of Inquiry on the Warri crisis and adapted from Patrick Fregene (2000).

Despite all these contributions Shell's Corporate External Relations manager, Mr. Precious Omuku, confirmed that most of these benefits were found in the municipal cities like Warri, Ughelli, Port Harcourt, Aba, Owerri and Bonny while the more remote swap areas remained unchanged and untouched by the relative boom in the cities mentioned.³⁷⁹

He went further to agree that Shell's contribution towards social services and infrastructures in the region's development is just like drops in the Ocean when compared with the needs of the local people with what it makes out of the region. And that Shell's expenditure on community relations skyrocketed with increase in demand from about \$2 million in 1960 to about \$32 million in 1997 and to over \$48 million in 1998.³⁸⁰

The globalization of the Niger Delta struggle was responsible for Shell's change of heart in its social investment approach to Community Development. This new approach affords the oil-bearing communities to take active participation in planning, implementation and monitoring of community projects. Most of the oil companies operating in the region

³⁷⁹ P. Omuku, *A Representative perspective of Oil Corporations in Boiling Point*, A CDHR Publication on the crises in the oil producing communities in Nigeria, 2000, pp. 197-205.

³⁸⁰ *Ibid*

have adopted moves to increase compensation rates for damages in the process of oil extraction that are above the prescribed rates by the government. However, company officials in most cases capitalized on such incidents of compensation payments to inflate claims when oil spillage occurs leading to environmental damage. While at another level such fraudulent officials settle vocal chiefs and belligerents' youths to the detriments of the total community.

A significant factor in the change of Shell's attitude in the Niger Delta is shareholders' initiative. Two incidents in 1995 – the hanging of Ken Saro-Wiwa and Shell's attempt to sink the Brent Star Oil barge in the North Sea – with their attendant consequences on the company's investment informed the initiatives by shareholders to alter the company's policies and attitude in the region. A momentous step in this regard is the resolution by Shell's shareholders at the 1997 AGM as follows:

In recognition of the importance of environmental and corporate responsibility policies, (including those policies relating to human rights), to the company's operations, corporate profile and performance, the directors are requested to

- designate responsibility for the implementation of environmental and corporate responsibility policies to a named member of the Committee of Managing Directors
- establish effective internal procedures for the implementation and monitoring of such policies
- establish an independent external review and audit procedure for such policies
- report to shareholder regularly on the implementation of such policies
- publish a report to shareholders on the implementation of such policies in relation to the company's operations in Nigeria by the end of 1997.³⁸¹

Unfortunately, internal squabbles within the Shell Group thwarted the implementation of the resolution as passed by the shareholders. The company's Board of Directors insisted that Shell was already doing enough in the areas highlighted by the shareholders. In

³⁸¹ "Shell and Nigeria", <http://www.pirc.co.uk/shelldec2.htm>

addition, the board argued that the implementation of the resolution, without due cognizance of the subsisting policy of the company would adversely affect the fortunes of the company. Although shareholder initiative was aimed at changing the policy of Shell positively, those saddled with the day-to-day administration of the company saw things differently. However, it should be stated here that a number of Shell staff endorsed the shareholder initiative.³⁸² At least one staff, Bopp Van Dessel (ex-head of Environmental Studies) reportedly resigned due to the company's lack of response to his suggestion for environmental improvement which is in consonance with the shareholders' suggestions.³⁸³ The unfortunate developments notwithstanding, shareholder initiative resulted in a noteworthy investment program involving flow line replacement and upgrading of other installations in the Niger Delta except in Ogoniland.³⁸⁴ Logically therefore, it can be said that shareholder initiative had partial success in bringing about a change in company policy in the region. This presupposes that the pressure from social movements and INGOs counted more in engendering change in company policy than did shareholder enterprise.

From the interviews with the local people there was a general ignorance of the required amount due for the destruction of their land and crops, but their demands centered on the provision of social amenities and provision of employment for their children. It is assumed that the companies relied on compensation rates recommended by a sub-committee of the Oil Producers Trade Section (OPTS) of the Lagos Chamber of Commerce. For example, "the OPTS rate for rice was 15,860 naira per hectare, while the 1995 official rate was a mere 1,375 Naira. Even if adjusted for inflation in 1996 and 1997, the official rate would amount to only 1,924 Naira, roughly one-eighth of the OPTS rate".³⁸⁵

Shell initiated other measures to alleviate the suffering of the local people by giving assistance to states in the region towards the completion of their development blueprints as well as paying its annual contributions in forms of quota to NDDC. For instance Shell

³⁸² Interview with a Shell staff in Port Harcourt on the 10 July 2003 who preferred anonymity.

³⁸³ "Shell and Nigeria", *op. cit.*

³⁸⁴ *Ibid*

³⁸⁵ J.D. Frynas, *op. cit*

paid \$10 million in 2001 and \$14.4 million in 2002 and spent about \$67 million on the community development program in 2003.³⁸⁶ In order to overcome problems of unemployment, Shell has taken a bold step in awarding contracts to the indigenous people, and in its annual reports of 2003, it was made clear that out of the 4000 contracts awarded by Shell annually about 80% (3200) was to indigenous contractors, of which most of them come from host states in the Niger Delta. Similarly, a youth empowering program was designed to train, provide business support and facilitate access to credit. It was under the company's Youth Training Scheme that about 850 youths were trained in different skills in 2002 ranging from welding, sewing, auto mechanics, electrical, hair dressing and computer applications in five centers (Bori, Soku, Sagbama, Kokori and Osubi). Shell also implemented some policies in the health sector to alleviate the impact of oil exploration on the people.³⁸⁷

In 2002 the company also implemented the Royal Dutch/Shell groups' new millennium Health management standards-Health Risk Assessment (HRA), Health Impact Assessment (HIA) and local health facilities and medical emergency response. However, the function of HRA is to assess the health risks in the areas where Shell operates while HIA looks into health risk outside the vicinity of Shell's areas of operations and it also assesses the health status and hazard to the host communities surrounding Shell's projects. It was on this basis that HIA have carried out an environmental impact assessment of the Otumara integrated oil and gas project in the Oroni-Uzere and Otapate projects³⁸⁸.

Generally, since 1995 when Shell came under international scrutiny it undertook a serious review of its attitude to the local people with internal and external consultations about the group's statement of General Business Principles. No wonder in 1997 the company adopted business principles that focused on five major areas of responsibility to

³⁸⁶ Shell petroleum Development Company Annual Reports of 2003 and this can also be found in <http://www.Shellnigeria.com>

³⁸⁷ *Ibid*

³⁸⁸ *Ibid*

shareholders, customers, employees, business partners and the society (the host communities). The principles on responsibility to the society state the commitment:

To conduct business as responsible corporate members of society, to observe the laws of the countries in which they operate, to express support for fundamental human rights in line with the legitimate role of business and to give proper regard to health, safety and the environment consistent with their commitment to contribute to sustainable development.³⁸⁹

Given the above commitment, it means that for over three decades of Shell operations in Nigeria the company never considered the development and human rights of the region as a priority in its agenda. The pressure from the INGOs played a significant role in changing Shell's policy towards the local people of the Niger Delta. Shell, as part of its review towards the local people organized "stakeholder workshops" on environment, which brought together people from NGOs, government regulatory bodies, academics and community members to address the plight of the local people.

Therefore, the globalization of the Niger Delta struggle by MOSOP, the IYC and the Environmental Rights Action with other NGOs has brought about an alliance between local and foreign with a strong base in the region. This has turned out to be embarrassing to the state, especially how the MOSOP bypassed the state to connect global scene. The involvement of the international community has been a major concern of the oil companies and the state, as these oil companies have accused the state of its inefficiency to control the activities of MOSOP. This accusation by the oil multinationals made the state to increase its violence against the local people especially the Ogoni in order to demonstrate its authority within the state³⁹⁰. On the other side, Internationalization has also moved the state to use the agency approach to address the developmental needs of the region.

What is clear from the internationalization of the Niger Delta crisis is that the Nigerian state has failed woefully to mediate in these struggles and alliances that came up in the

³⁸⁹ The price of Oil, The Human Rights Watch publication

³⁹⁰ C.I. Obi, The changing forms of Identity Politics in Nigeria under economic Adjustment: The case of the Oil minorities' movement of the Niger Delta. Nordiska Afrikainstitutet research report no. 119. Uppsala 2001.

region. This is so because of its position of supporting oil multinationals that guarantees the state foreign exchange and its pretence to commitment in the development of the Niger Delta as a way of easing the tension in the region. Given the position of the state in the age long crisis in the region, the forces of resistance would not relent in their struggle for self-determination. This struggle and the eventual globalization of the Niger Delta crisis by MOSOP have made them “the first indigenous people in the history of our planet to force a transnational oil company to leave our land by peaceful means”³⁹¹.

The foregoing suggests that multinational oil corporations and their activities are a direct threat to security of the oil minorities and the indigenous people of the Niger Delta. This threat is responsible for the resistance in the region and to some extent is also responsible for “the spirited opposition to new oil exploration raised by the U’wa people in Colombia.”³⁹² But the involvement of the international society has forced these oil companies to accept the principle of human rights in their operations. For instance, Shell in 1997 became the first among the oil multinationals to declare publicly its support for the Universal Declaration of Human Rights and the company has in recent years addressed this issue in its report on the company’s financial, social and environmental duties.³⁹³

However, the implementation of such declaration in the company’s operation in the Niger Delta of Nigeria is questionable. When one considers the records of the company in the Niger Delta since 1997 in the areas of human rights, the statement is a mere policy declaration as far as the region is concerned. Shell has at various times been involved in series of security forces attacking on the local people of the Niger Delta. The company is also linked with weapon purchase and the maintenance of its own police in Nigeria known as ‘Shell Police’. These police are used for the protection of Shell’s office, equipment, and residence and as escorts in areas of high risks. The company has been

³⁹¹ This was a claim made by the MOSOP at the third anniversary of the murder of Ken Saro-Wiwa and 8 other Ogoni in their press release of 10 November 1998. This position can also be found in S. Pegg, “The cost of doing business: Transnational corporations and violence in Nigeria”, *Security Dialogue* Vol. 30, No. 4 December 1999.

³⁹² S. Pegg, “The cost of doing business: Transnational corporations and violence in Nigeria”, *Security Dialogue* Vol. 30, No. 4 December 1999.

³⁹³ *Ibid*, pp. 474-475

accused at different forums in the use of these security forces in perpetrating human rights violations in Nigeria. In response to this, Shell argued that, “it is normal practice in Nigeria among leading commercial businesses for supernumerary police...to be assigned to protect staff and facilities”.³⁹⁴

This is not only unique in Nigeria, as British Petroleum has been accused of corporate weapons purchases and security forces in regards to their operations in Colombia. But the response of the company to this allegation was swift when it sacked its chief security officer in Colombia. It was confirmed that the equipment bought was for a Colombian army brigade responsible for protecting its Ocesa oil pipeline, which had been implicated in two massacres by paramilitary death squads.³⁹⁵

The author’s findings also suggest that the internationalization of the crises has afforded some leaders of the social movements the opportunity to discover that the experiences as well as problems of the Niger Delta were not unique to the region. Indeed, the deleterious effects of oil activities are common to oil-bearing communities in other parts of the world. The process of internationalization thus served as an eye opener in the foregoing respect. In addition, the internationalization of the crisis created opportunities for synergizing with other actors with similar mandates. In other words, leaders of Niger Delta-based social movements were able to establish connections with mobilization actors in other parts of the world thereby building consensus against oil multinationals towards globalizing their struggle against injustice and oppression.

It can be said that the internationalization of the Niger Delta crisis has forced the major key players in the crisis- the Nigerian state and the MNOCS- to review their attitudes towards the people’s plight. However, their response has been two-folds; both hard and soft. On the soft side, there have been some efforts on the part of the state to address the developmental needs of the people through agencies like NDDC, while some of the oil companies like Shell has increased its direct intervention efforts in community

³⁹⁴ *Ibid*, p. 475

³⁹⁵ S. Pegg, *op. cit*

development and social responsibility. All of which though appreciable compared to the pre-internationalization period, are still not enough when viewed against the backdrop of what they both take out of these regions in economic and environmental terms, and the massive poverty that still persist. On the other side, both the state and the oil multinationals have overtly and covertly continued their militarization of the region under the guise of security, thus inflicting more violence on the people. There is need to be a renewal of sustained efforts to further internationalize the Niger Delta crisis by exposing the imperial exploitation and environmental despoliation of not only Ogoniland in the region but other similar communities which suffer the same if not worse plight than the Ogoni people. This is called for when one views the fact that the internationalization of the crisis through the Ogoni exposition in the early 1990s has brought its own advantages which has improved the lot of the people, no matter how marginal.