

IMPLEMENTATION OF OIL-RELATED ENVIRONMENTAL POLICY IN  
NIGERIA: GOVERNMENT INERTIA AND CONFLICT IN THE NIGER  
DELTA

by

FIDELIS ALLEN

Submitted in accordance with the requirements for the degree of

DOCTOR OF PHILOSOPHY

in the subject of

POLITICAL SCIENCE

at the

UNIVERSITY OF KWAZULU-NATAL

SUPERVISOR: PROFESSOR UFO OKEKE-UZODIKE

March 2010

## **DECLARATION**

This dissertation titled, “Implementation of Oil-Related Environmental Policy in Nigeria: Government Inertia and Conflict in the Niger Delta”, is submitted in fulfilment of the requirements for the degree of Doctor of Philosophy, in the School of Politics, University of KwaZulu-Natal, Pietermaritzburg, South Africa.

I declare that this dissertation is my own unaided work. All citations, references and borrowed ideas have been duly acknowledged. It is being submitted for the degree of Doctor of Philosophy in the Faculty of Humanities, Development and Social Sciences, University of KwaZulu-Natal, Pietermaritzburg, South Africa. None of the present work has been submitted previously for any degree or examination in any other university.

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Student name

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Signature and date

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## **DEDICATION**

To God

## ACKNOWLEDGEMENTS

First, I am grateful to God for his help. As the Bible says, His mercies endure forever. I am also thankful to my supervisor, Professor Ufo Okeke Uzodike for the painful task of supervising this work. His patience and benevolence provided the required atmosphere for my success.

I am deeply grateful to my wife, Grace, and my kids, Onisobuana and Bileoniso, for sharing, in a way, the cost of my studying for a PhD by their support and understanding regarding key family matters that would have affected the pace of this work. I thank my elder brother, Daniel Allen, for his advice and moral support.

I am profoundly grateful to the University of KwaZulu-Natal for its support; and the University for Peace (UPEACE) and International Development Research Centre, Canada, for giving me a doctoral research award which facilitated the completion of this work. I am also grateful to the Graduate Institute of Development and International Studies in Geneva where I presented preliminary findings of my doctoral research to the *Global-South Workshop* on October 19-24, 2009.

Finally, I thank my friend, Pastor Lysias Gilbert and his dear wife for being so kind.

## LIST OF ACRONYMS

AR	Annual Report
DPR	Department of Petroleum Resources
CD	Computerised Database
EIA	Environmental Impact Assessment
JEMOs	Justice and Environmental Movement Organisations
ERA/FoEN	Environmental Rights Action/Friends of the Earth Nigeria
FEPA	Federal Environmental Protection Agency
FGD	Focus Group Discussion
FME	Federal Ministry of Environment
IN	Interviews
IOD	International Oil Company Documents
LGs	Local Governments
MEND	Movement for the Emancipation of the Niger Delta
MOSOP	Movement for the Survival of the Ogoni People
MS	Mission Statement
NNPC	Nigerian National Petroleum Corporation
NPE	National Policy on Environment
NOSDRA	National Oil Spill Detection and Response Agency
OMPADEC	Oil Mineral Producing Areas Development Commission
OQ	Open-ended Questions
SJ	Scholarly Journals
SCT	Structural Conflict Theory
TRT	Transcribed Recorded Tapes



SPDC	Shell Petroleum Development Company
UNDP	United Nations Development Programme

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## **ABSTRACT**

This study investigates the role of the Nigerian government in the implementation of the state's oil-related environmental policy in the Niger Delta region of Nigeria. This work specifically examines the pattern of relationship between oil companies and the government on the one hand and local justice and environmental groups on the other hand in the implementation of national environmental policy. The key finding of this research is that oil and environment-related conflicts in the Niger Delta are reflections of the failure of various Nigerian governments to implement effectively pertinent environmental policies meant to ensure sustainable development. This failure is premised on the notion that the goal of sustainable development as clearly outlined in Nigeria's national environmental policy can be pursued through the activities of government, individuals and business organisations that are capable of engendering economic and social progress for communities that depend on the environment for their survival. In fact, available evidence shows that government and oil company activities (or failures to act) actually contribute to the despoliation of the environment in the Niger Delta. Despite existing environmental legislations and guidelines, unsafe waste disposal, flaring of gas and oil spillage remain key features of oil industry operations in the Niger Delta. Not surprisingly, findings of this research show a lack of synergy between government and oil company activities and the attainment of sustainable development as a key goal of the environmental policy of the government. In other words, the activities of the government and oil companies do not sufficiently promote sustainable development. The net consequence is reflected in the frustrations of local justice and environmental movement groups about the political processes which deter (rather than enable) their agitation for improvements in local living conditions and development in the Niger Delta. Over time, those frustrations begin to manifest at different levels including

aggressive and violent behaviours against oil companies and government security agencies for their contributory roles.

# **CHAPTER 1**

## **Introduction**

### **1.1. Historical Background**

My interest in the topic of this research was stirred during a field-work I conducted in 2006 on “Irregular Forces and Security in the Niger Delta” for the Security and Development Group at King’s College, London. The Focus Group discussions during the research gave me new insights into some of the critical issues of the crisis in the region. This shaped my thinking on how the issue of violence could be explained and explored through a better understanding of the Nigerian national environmental policy process in relation to oil company practice.

There is also a major gap in the literature concerning the lack of systematic assessments of the implementation of the Nigerian government’s environmental policies and the associated pattern of political action by justice and environmental groups. This work explores how frustrations with the political context of the environmental policy process influence patterns of collective action in the Niger Delta.

A strong need exists for more systematic research for understanding the dynamics of conflict in the Niger Delta. It is expected that the findings of this research would be useful in different ways, namely:

1. For environmental policy makers interested in finding workable solutions to the oil related environmental problems and conflicts in the Niger Delta;
2. For enhancing current understanding of specific issues pertaining to the dynamics of environmental politics in the region; and
3. As a contribution from the field of political science to the subject of Environmental Politics.

## 1.2. Background to the Study

In recent years, oil companies in the Niger Delta<sup>1</sup> have come under violent attacks from local Justice and Environmental Movement Organizations (JEMOs), (see Omeje, 2006; Ikelegbe, 2001: 208; Mickwitz, 2003: 85; Frynas, 2001: 473; Obi, 2001; Babawale, 2002: 7; Ibeanu, 2000: 19-22; Pegg, 1999; 473). Indeed, these groups have threatened to terminate the operations of the oil companies in the region. The situation has worsened since the beginning of the 1990s with foreign and local oil company workers being taken hostage with regularity. For instance, in April 2002, an Ijaw armed gang in Ekeremor took ten expatriates working for Shell hostage. On the 11<sup>th</sup> of November, 2003, nine crew members working for Shell and four military escorts of oil barges were kidnapped by armed members of JEMOs in Bomadi, Bayelsa State. In November 2003, fourteen persons working for Chevron Texaco were kidnapped by Ijaw armed youths in Bayelsa State. In April 2004, seven expatriate staff of Chevron Texaco were murdered by armed groups along Benin River in Delta State. In essence, between April 2005 and May 2007, over two hundred expatriate workers have been taken hostage in the Niger Delta. It is thus not surprising that since 2002 an average of over sixty expatriate workers are kidnapped and taken hostage annually in the Niger Delta region.

Many of the groups claim, among other things, environmental destruction by oil companies as the basis for their violent activities (Ojakorotu and Okeke Uzodike, 2006: 85-106; Ibeanu,

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<sup>1</sup> The Niger Delta currently refers to Nigeria's nine states with deposits of oil, namely Akwa-Ibom, Bayelsa, Delta, Rivers, Ondo, Edo, Cross Rivers, Imo and Abia states. Incidentally, this is the political meaning attached to the Niger Delta which some have traced to the Niger Delta Development Commission. See Isoun, T.T. (2001). "Environmental Challenges of the Niger Delta," Ozo-Eson, P.I. and Ukiwo, U. (eds.) *Challenges of the Niger Delta*, Port Harcourt: CASS pp. 7-8; Omeje, K. (2006). "Petrobusiness and Security Threats in the Niger Delta," *Current Sociology*, May, Vol. 54, No. 3, pp. 477-499; Mickwitz, P. (2003). "A Framework for Evaluating Environmental Policy Instruments" *Evaluation*, Vol. 9, No. 4, pp. 415-436

2000:119; Ibeanu, 1999: 4; Obi, 1999:5; Obi, 1996: 1-22; 85).<sup>2</sup> It is widely known and accepted that oil companies operating in the Niger Delta pollute the environment by way of gas flaring and regular incidents of oil spills (Ajao and Anurigwo, 2002:441-445; Moffat and Linden, 1995: 527-529). In short, oil pollution from spills, oil well blow-outs, oil ballast discharges and improper disposal of drilling mud from petroleum prospecting have resulted in a wide array of problems: damage to marine wildlife; modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession; and decrease in both fishery resources and farm yields (Ojakorotu and Okeke Uzodike, 2006: 96-97; Obi, 1999: 436; Obi, 1997: 13-18; Moffat and Linden, 1995: 527-529).

Already, there exists a wide assortment of intervention instruments meant to protect the environment in Nigeria. They include:

- Oil Pipelines Act Cap 145, 1956, 1958 and 1965;
- Petroleum Act 1969;
- Federal Environmental Protection Agency Act (Decree No.58 of 1988), the National Guidelines and Standards for Environmental Pollution Control in Nigeria (published in March, 1991);
- National Effluent Limitation Regulation, of 1991;
- Pollution Abatement in Industries and Facilities Generating Wastes Regulations of 1991;
- Waste Management Regulations of 1991;
- Environmental Impact Assessment Act (Decree No.86 of 1992)
- National Policy on Environment (first published in 1989 with a revised edition produced in 1999);

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<sup>2</sup> Ibeanu, O. (1999). "Bringing the Local People Back In: Community-Based Environmental Conflict Management in the Niger Delta, Nigeria." Paper presented at the Open Meeting of the Human Dimensions of Global Environmental Change Research Community, Shonan Village, Kanagawa, Japan, 24-26 June



- National Agenda 21 of 1999, which touches on the various cross-sectoral areas of environmental concern and maps out strategies on how to address them;
- Procedural and Sectoral Guidelines for EIA of 1999;
- Natural Resources Conservation Action Plan;
- National Fuel Wood Substitution Programme;
- National Guidelines on Waste Disposal Through Underground Injection, 1999;
- National Guidelines & Standards for Water Quality in Nigeria;
- National Guidelines for Environmental Audit in Nigeria, 1999;
- National Guidelines on Environmental Management Systems in Nigeria, 1999;
- National Guidelines for Spilled Oil Fingerprinting, 1999;
- National Guidelines on Registration of Environment Friendly Products and Eco-labelling, 1999.

By 1998, each of the 36 states and the Federal Capital Territory had established their own environmental protection agencies. The Federal Ministry of Environment was created in June 1999. The Federal Environmental Protection Agency was then absorbed and its functions taken over by the new Federal Ministry of Environment. The states have also created ministries of environment to replace moribund environmental protection agencies.

Nigeria's national environmental policy is embedded in the National Policy on the Environment (NPE), which states as follows: "Nigeria is committed to a national policy that ensures sustainable development based on proper management of the environment in order to meet the needs of the present and future generations" (FEPA 1989: 5). The goals of the NPE as formally stated are specifically and unambiguously to:

... secure for all Nigerians a quality of environment adequate for their health and well-being; conserve and use the environment and natural resources for the benefit of present and future generations; restore,

maintain and enhance the ecosystems and ecological processes essential for the functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources and ecosystems, raise public awareness and promote understanding of essential linkages between environment and development and to encourage individual and community participation in environmental improvement efforts; and to cooperate in good faith with other countries, international organisations and agencies to achieve optimal use of transboundary natural resources and effective prevention or abatement of transboundary environmental pollution (FEPA 1989: 5-6).

Although the NPE has well-defined goals (FEPA 1989: 5), there are several other Acts that are meant to protect various aspects of the environment in Nigeria. Examples are: the Environmental Impact Assessment Act of 1992 (EIA), and the others listed above. The EIA is a framework that provides a process for prior assessment of potential impact of development activity on the environment. It affords opportunity for the public or affected groups to make recommendations to public policy makers over the proposed human activity. Clearly, the goal of sustainable development is central to both policy documents (NPE and EIA). Logically, their full implementation should result in improved living conditions for all Nigerians.

Policies<sup>3</sup> relevant to the oil industry in the Niger Delta and whose implementation might have implications for the protection of the environment in the region include:

- Mineral Oils (Safety) Regulations, 1963;
- Oil in Navigable Waters Regulations 1968;
- Oil in Navigable Waters Act No. 34 of 1968;
- Petroleum Regulations 1967;
- Petroleum Decree (Act) 1969;

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<sup>3</sup> For the purpose of this study, relevant laws as stated above and environmental policies meant to achieve sustainable development fall into the same regulatory framework for management of the environment in Nigeria. They will therefore be referred to as policies.

- Petroleum (Drilling & Production) Regulations 1969;
- Petroleum (Drilling & Production Amendment) Regulations 1973;
- Petroleum Refining Regulation 1974;

These policies give specific authority to relevant governmental agencies to ensure the protection of the environment. In the case of the oil industry, the Department of Petroleum Resources (DPR) administers oil laws and regulations (UNDP, 2006:188). These laws are meant to ensure that oil companies drill for oil in ways that protect the environment. The natural resources of the environment had long (before the beginning of oil exploration) been the principal source of livelihood for local communities in the Niger Delta. Gas flares and oil spills destroy farmlands and aquatic resources. The laws are meant to ensure sustainable development by, among other things, checking gas flares and oil spills, and controlling the disposal of hazardous wastes by oil companies.

Unfortunately, despite the putative environmental policy framework, successive Nigerian governments have not done much in reality to implement either the NPE or any of the supporting environmental policy Acts (UNDP, 2006:188). The net result in the Niger Delta has been not only the neglect of environmental resources but also their decay and systematic abuse in the hands of oil companies whose activities have imposed huge burdens on both the environment and the host communities. It will be argued that, unable to gain meaningful hearing due to their political marginalization (Obi, 2006:1-53; Omeje, 2006: 477-499; Uzodike and Allen, 2005: 1-42) and lacking adequate means of extracting curative responses to achieve redress, host communities have responded through violence.<sup>4</sup>

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<sup>4</sup> The United Nations Development Programme report on the Niger Delta of 2006 reveals that local communities in the Niger Delta are faced with problems of livelihood due to damage to the environment by oil companies. Unable to secure justice in the form of adequate compensation for the loss of their livelihoods, many have resorted to confrontations with the oil companies.

It may appear necessary in this study to categorise government environmental policies that are being implemented and those that are not. This is difficult to achieve, given that none of these policies is being fully or effectively implemented by the government. Indeed, government officials at the DPR and the Federal Ministry of Environment claim substantial progress in the implementation of these legislations. In reality, however, these policies are marked by failures at the level of implementation. In visits by the researcher to some oil-producing communities in the Niger Delta during the field data collection, there were ample evidence that gas is still being flared by oil companies in the communities where oil is extracted. This suggests clearly that despite the reputed goal of ensuring an end to gas flaring, the effective implementation of relevant government environmental policies remains elusive. This is despite the fact that some of the relevant regulatory frameworks are already in place. For instance, if fully implemented, the Environmental Impact Assessment decree alone is sufficient to regulate effectively gas flaring and oil spillage. Clearly, much depends on oil company compliance and the enforcement of the provisions of the enacted policy by Nigerian government officials.<sup>5</sup> The consequence of the persistent non-implementation or enforcement of the laws is in part seen in the continuous massive flaring of gas in the Niger Delta as in the case of Rumuekpe, Adibawa, Obirikom and Erema in Rivers State. Indeed, several regulatory frameworks or regimes fall into this category of policies that are not being effectively implemented. They include: Environmental Impact Assessment Act (Decree No.86 of 1992); Mineral Oils (Safety) Regulations, 1963; Petroleum (Drilling & Production Amendment) Regulations 1973; Procedural and Sectoral Guidelines

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<sup>5</sup> Some participants from JEMOs interviewed by the researcher insist that environmental impact assessment by oil companies and officials of the government at the DPR is not transparent. They argue that, contrary to the provisions of the policy, communities where oil is produced are neglected in the process. For example, environmental impact assessment statement or report, usually an initial outcome of an environment impact assessment of a development project, must be displayed for the public to review for a period of two weeks. This procedure is often not followed religiously by oil companies. In any case, government officials at the DPR claim that much of the problems of poor implementation of the policy emanate from insecurity created by youth unrest and cult activities in these communities. As a result government officials who are expected to monitor the process are often scared away by likely troublesome youths.

for EIA of 1999; Natural Resources Conservation Action Plan; National Fuel Wood Substitution Programme; National Guidelines on Waste Disposal through Underground Injection, 1999. A key aspect of these policies is the lack of synergy between the activities of government officials and oil companies with the aim of protecting the environment on which local populations in the Niger Delta depend for their survival. An example of such synergy is in the use of adequate technology for the purpose of the cleanup or prevention of oil pollution.<sup>6</sup> It is against this background that this study focuses on the implementation of government environmental policies in relation to oil company practices and likely consequences of continued conflict in the Niger Delta. As such, the problem is not just about the insufficient enforcement of these policies; it is also that the government has not implemented its environmental policies. Oil-related legislations on the environment are hardly implemented or enforced in Nigeria.<sup>7</sup> In addition to the delay by the government in formulating a comprehensive national policy on the environment, existing legislations are ineffectively implemented due to many social, economic and political factors including differential perceptions of security<sup>8</sup> by the government on the one hand and local oil bearing communities on the other hand. In many ways, this conflict of perceptions with respect to security seems to be paramount in explaining delayed responses to environmental problems

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<sup>6</sup> See recorded tape of focus group discussion held on 24 April, 2008 at Social Action, 33 Orominike Layout, D-line, Port Harcourt.

<sup>7</sup> Participants in both the focus group discussions and key informant interviews agree, not surprisingly, that the government does not implement or enforce effectively existing legislations meant to protect the environment from oil exploration and production activities in the Niger Delta. Local justice and environmental groups accuse the government of neglect of the environment by its failure to enforce adequately policies such as the Environmental Impact Assessment Decree No. 86 of 1992.

<sup>8</sup> Since the emergence of oil as the main economic stay of Nigeria, the Federal Government has seen threats to sustained exploration and production of the oil as a threat to national security. It is this perception that has informed security decisions of the government regarding its response to the oil and environmental conflict in the Niger Delta. The failure of the government to implement or enforce relevant environmental policies related to the oil business has also been attributed in part to this understanding of national security. See Ibeanu's various works (for example, Ibeanu, 2008; 2006; 2005 and 2002) on the Niger Delta for details of this thesis. Field data also reveals that the thesis has empirical backing.

from oil production activities on the part of government through the formulation and implementation of relevant policies. The research found substantial evidence of the influence of oil on national economic growth and politics. For example, between 2003 and 2008, the Nigerian economy lost more than \$100 billion to conflict and illegal bunkering of oil in the Niger Delta. (Asuni, 2009: 1). In fact, the estimated value of shut-ins due to attack by armed members of justice and environmental movement organisations in 2008 alone stood at \$33.8 billion.<sup>9</sup> Not surprisingly, threat to oil exploitation is seen by government officials to constitute a serious threat to national security. Nevertheless, peaceful protests through letters and public speeches by leaders of the affected oil producing communities (from the 1980s to the end of the 1990s) did not provoke government to look sufficiently at the development of the oil economy and sustainable development in the Niger Delta.

This section explains in part what has happened to environmental legislations related to the oil business in the Niger Delta and draws a causal pathway with environmental conditions that influence the livelihood (socio-economic conditions)<sup>10</sup> of local communities. This is done against the background of the state's putative overall goal of achieving sustainable development through proper management of the environment. Assessment of "goal compliance"<sup>11</sup> becomes a relevant component of this effort. To do this, the researcher makes sense out of the responses to questions he asked participants in the questionnaire, focus groups and key informant interviews about their goals, strategies and activities to determine

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<sup>9</sup> Coventry Cathedral quoted in Asuni, 2009. P.6

<sup>10</sup> Livelihood consists of assets and capabilities required to make a living. Sustainable livelihood seeks to utilise the resources of the environment for the benefit of the present generation without endangering such benefits for future generations. Traditional sources of livelihood for the people of the Niger Delta include: agriculture, hunting, farming, fishing, animal husbandry and boat building. All these have come to be severely affected by the development of the oil industry and its effects on the environment in Nigeria.

<sup>11</sup> "Goal Compliance" is the extent to which environmental legislation achieves its goals by the actions of implementing organisations and officials whether as target populations or government officials.

how they (goals, strategies and activities) comply with the overarching state goal of sustainable development.

Two time-related periods are discernable in looking at environmental regimes in Nigeria,<sup>12</sup> namely: the era before 1988 and the post-1988 environmental regime. The former consists of environmental policies related to oil business from the colonial era to 1988, while the latter consists of definite legislations, rules, standards, and regulations that emerged after the creation of the Federal Environmental Protection Agency (FEPA) in 1989. One of the key features of the pre-1988 era is the absence of a national policy on the environment. Environmental awareness and integrating environmental concerns with development were hardly part of the dominant public discourse of the period. More specifically, issues of conservation, effluent limitations and pollution abatement and sustainable development were not part of the agenda of government until 1988; hence, the accusation of lack of enforcement of environmental policies related to the oil business. Although environmental problems have been with human beings since creation in the case of the Niger Delta prior to 1988, government had neglected the environmental challenges associated with the oil business. Environmental laws or legislations were relegated to the background. They appeared to have been no more than appendages to other substantive legislations for the regulation of the oil industry.

Nigeria's environmental legislations take the form of Acts, Decrees, Laws and Edicts. It is worth noting however that there is no single national environmental law. Instead, there are various pieces of environmental laws, policies, guidelines and rules that do not in any way stand on their own but are embedded in other laws, such as oil laws. For instance, the Oil Pipelines Act Cap 145, 156, 1958, 1965 and 1990 provided for granting licenses for the

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<sup>12</sup>See Ebomhe, S. (2006) "Environmental Legislation Changes in Nigeria: What Impact on Foreign Investment?" [www.geplaw.com/environmental\\_law.htm](http://www.geplaw.com/environmental_law.htm) (Accessed on the 3rd of August, 2008).

creation and ‘maintenance of pipelines, incidental supplementary to oil fields and oil mining, and for the purpose ancillary to such pipelines.’ It also made provisions as a matter of right and obligation to compensate victims of environmental pollution from activities of holders of licenses. Though formulated by the colonial government at the time, the Minerals Act (CAP 121) of 1958 contains specific measures that must be taken to prevent and control pollution of the environment. This is laudable for a colonial government, traditionally criticised for lack of interest in the development of the colonised (there must have been some form of enlightened self-interest involved). It is however worth noting that there was no enforcement of these provisions in cases of violation that affected local oil bearing communities.

For both the Minerals Act of 1958 and the Petroleum Act of 1969, the federal government claims to have done fairly well in the area of implementation, mostly in the area of control and monitoring of effluent discharges, including drilling mud and cuttings; oil spill contingency planning; oil spill records; certification of oil spill clean-up of chemicals; establishment of standard oil industry practices; gathering of environmental baseline data and engaging in special research projects; and environmental awareness and education. In implementing the above programmes, the government claims to have had the objectives: of ensuring that petroleum industry activities do not degrade the environment; that oil companies operated according to good practice; that oil companies developed capacity for adequate response to oil spill and other hazardous substances and that the public became aware and conscious of environmental issues. As an official of the National Oil Spill Response Agency remarked on the 6<sup>th</sup> of August, 2008, in response to questions the researcher asked concerning activities of his agency during an interview: “The government has done fairly well in achieving objectives it set for protection of the environment.” A similar remark was made several years earlier by ex-Petroleum Minister (also current



Minister for Petroleum) Lukman as follows: “We believe that most of these objectives have been achieved through the programmes we initiated but there is still room for improvement.”

In reality, oil companies still conduct business activities in ways that damage the environment. For example, there are regular cases of leakage at various pipelines as a result of failure of equipment and sometimes sabotage from third parties. The consequence can only be imagined in most cases as crops, farmlands and other economic resources are damaged, with huge health and livelihood implications. Oil companies have responsibility for the proper maintenance of pipelines. But they hardly do. Officials at the National Oil Spill Detection and Response Agency claim that it is the responsibility of oil companies to ensure that their pipes do not leak irrespective of how they leak or who caused the leakage. Failure to adequately and regularly maintain pipelines speaks volume of both oil companies and government’s inability to enforce the relevant sections of the Acts. Participants are unanimous in their perception that oil companies do not maintain these pipelines.<sup>13</sup> Oil companies however blame pollution resulting from leakages from pipelines mainly on sabotage.<sup>14</sup> Huge acres of land are regularly acquired without adequate compensation by oil companies for oil exploration and production activities.<sup>15</sup> The Oil in Navigable Waters Act of 1968 was enacted to prevent pollution in the navigable waters of Nigeria. This followed Nigeria’s adoption of the International Convention for the prevention of pollution of the sea

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<sup>13</sup> Dr. Orike is an environmentalist who works for one of the oil companies (name withheld) in the Niger Delta and has experience in drilling. He spoke in the focus group meeting in Port Harcourt and laments the level of pollution released through regular discharge of associated water during drilling and the leakages of pipelines, due to, first, government weakness to enforce relevant environmental laws and secondly, unwillingness of oil companies to comply fully with oil regulations.

<sup>14</sup> A senior staff of the Health Safety and Environment unit of the Department of Petroleum Resources stated that pipeline vandalisation is the major cause of pollution from pipelines. She indicated that leakages due to ruptures of pipelines are minimal.

<sup>15</sup> Participants from oil bearing communities insist that compensation for the type of land space which the oil companies usually acquire is meagre.

by oil of 1954 (amended in 1962). Specifically, the Act prohibits discharge of certain oils into the sea areas.

The Petroleum Act of 1969 is the principal Act. It has been amended by Decrees No. 16 of 1973, No. 49 of 1976 and No. 37 of 1977. The Decree vests ownership of all petroleum in the state and also specifies obligation on holders of licences to:

prevent the pollution of inland waters, rivers, water courses, the territorial waters of Nigeria or the high seas by oil, mud or other fluids or substances which might contaminate the water, banks or shore line or which might cause harm or destruction to fish, water or marine life and where any such pollution occurs or has occurred, shall take prompt steps to control and if possible, end it.<sup>16</sup>

Oil-related environmental laws for the pre-1988 era are not restricted to the above. However, the laws contain sections that have implications for protection of the environment from the activities of oil companies (holders of licences) if enforced. Although the Petroleum Act of 1969 is not an environmental Act, provisions have been made in it for protecting the environment. As Lukman (1991:78) notes:

Neither the Petroleum Decree 1969 nor the Minerals Act of 1958 is an Environmental Act per se, but each contains statutory provisions that require those who operate under licences and/or leases granted by these Acts to take precautionary measures that would ensure that their actions do not degrade the quality of the human and ecological environment.<sup>17</sup>

Specifically, the Decree empowers the Minister of Petroleum Resources to make regulations pertaining to licences and leases granted operators which includes “the prevention of pollution of water courses and the atmosphere.”<sup>18</sup> There are other sections of the 1969 Petroleum Regulation Act that prescribe expected manner of conduct of operators (oil companies) that conform to “good oil field practice.” Specifically, Regulation 36 states that:

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<sup>16</sup> Omorogbe, Y. (2001). *Oil and Gas Law in Nigeria*, Lagos: Malthous Press Limited, p. 24; Oremade, T. (1986) *Petroleum Operations in Nigeria*, Lagos: West African Book Publishers Limited, p.33.

<sup>17</sup> Lukman, R. (1991). “The Petroleum Decree and the Mineral Act as they Relate to the Environment,” proceedings of the International Workshop on Goals and Guidelines of the National Environmental Policy 12-16 September, 1988, pp.78-87. Rilwanu Lukman was then Minister of Petroleum Resources in Nigeria.

<sup>18</sup> Cited in R. Lukman *ibid*.

The licensee or lessee shall maintain all apparatuses and appliances in use in his operations, and all boreholes and wells capable of producing petroleum, in good repair and condition, and shall carry out all his operations in a proper and work-man-like manner in accordance with these and other relevant regulations and methods and practices accepted by the Director, Petroleum Resources as good oil field practices, and without prejudice to the generalities of the foregoing, he shall in accordance with those practices, take all steps practicable:

- a) to control the flow and to prevent the escape or avoidable waste of petroleum discovered in or obtained from the relevant area;
- b) to prevent damage to adjoining petroleum bearing data;
- c) except for the purpose of secondary recovery as authorised by the Director, Petroleum Resources, to prevent the entrance of water through boreholes and wells to petroleum-bearing strata;
- d) to prevent escape of petroleum into any water, well, spring, stream, river, lake, reservoir, estuary or harbour, and
- e) to cause as little damage as possible to the surface of the relevant area and to the trees, crops, buildings, structures and other property thereon.

Other Regulations in the Act relating to the environment are numbers 40 and 45 that refer to expected practice in drainage of waste brine, sludge or refuse to avoid pollution of land and water and expected post-operation activities to ensure satisfactory condition of the environment after operator's activities.

In reality, oil drilling companies still discharge associated water into the seas in Nigeria unchecked by government officials at the Department of Petroleum Resources. According to one participant, 'government officials only come here to be fed with food and money and do nothing to check these companies. Wastes are discharged into the sea recklessly. It is really amazing these things are happening in the face of laws prohibiting them.'<sup>19</sup>

Corruption, weakness of institutional framework, lack of expertise and necessary equipment and personnel are some of the most significant explanations for the ineffectiveness of government officials at the DPR, FME and NOSDRIA to adequately enforce these laws. The Harmful Waste Decree No. 42 of 1988 was promulgated by the Federal Government to prohibit the "carrying, depositing and dumping of harmful wastes on any land, territorial

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<sup>19</sup> Key informant interview. See recorded tape.

waters, contagious zone, exclusive economic zone of Nigeria or its inland water ways.” It prescribes severe penalties for any person or organisation found guilty.<sup>20</sup>

Between 12 and 16 of September 1988, an international workshop on the goals and objectives of the National Policy on the Environment was held in Lagos.<sup>21</sup> In the address of the Special Guest of Honour, Vice –Admiral Augustus Aikhomu, then Chief of General Staff, read by his representative, Brigadier Ishaya Bakut, the Federal Government declared its recognition and acceptance of the concept of sustainable development as valid for national progress. In the same vein, then president of the Federal Republic of Nigeria, General Ibrahim Badamosi Babangida stated as follows: “We recognise the relationship between environment and development...we accept the concept of sustainable development as a valid approach for managing our national efforts towards progress”.<sup>22</sup> What this implies is that, for the first time, the government of Nigeria would make a comprehensive effort to formulate fundamental goals and guidelines of a national policy on the environment through a stakeholder workshop that included all state governments in the federation.

The workshop was a precursor to the formulation of the National Policy on Environmental (NPE) which was hitherto missing in the public policy. The workshop opened a discourse that led to the formulation of the NPE in 1989. The policy provided for the creation of a viable institutional framework for coordinating the management, protection and enforcement

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<sup>20</sup> See Ebomhe, S. (2006). “Environmental Legislation Changes in Nigeria: What Impact on Foreign Investment.?” [www.geplaw.com/environmental\\_law.htm](http://www.geplaw.com/environmental_law.htm) (Accessed on the 4th of August, 2008).

<sup>21</sup> It was organised by the Environmental Planning and Protection Division (EPPD) of the Federal Ministry of Works and Housing and the United Nations Programme on the Environment (UNEP) with participants drawn from key stakeholders. At the time, the Federal Ministry of Works and Housing oversaw Nigeria’s environmental concerns and had the responsibility of ensuring implementation of environmental programmes through its division of Environmental Planning and Protection.

<sup>22</sup> See babangida, I.B. (1991). “Environmental Issues as Top Priority,” opening remarks, proceedings of the International Workshop on the Goals and Guidelines of the National Environmental Policy 12-16 September, 1988; Aina, E.O.A. (1991). “Introduction,” proceedings of the International Workshop on the Goals and Guidelines of the National Environmental Policy 12-16 September, 1988.

of existing laws.<sup>23</sup> It provided for the creation of a Federal Ministry of Environment and Environment Committees at the various states. FEPA was established by Decree No. 58 of 1988. The goal of the NPE is to achieve sustainable development in Nigeria. Specifically, the goals are to:

- a) Secure for all Nigerians a quality of environment adequate for their health and well-being;
- b) Conserve and use the environment and natural resources for the benefit of present and future generations;
- c) Restore, maintain and enhance the ecosystems and ecological processes essential for the functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources and ecosystems;
- d) Raise public awareness and promote understanding of essential linkages between environment and development and to encourage individual and community participation in environmental improvement efforts; and
- e) Cooperate in good faith with other countries, international organisations/agencies and effective prevention or abatement of transboundary environmental pollution.<sup>24</sup>

Enforcement or implementation of the NPE depends on specific actions of relevant agencies or ministries towards certain sectors or areas of environmental concern such as the oil industry. The policy adopts the approach that is holistic and comprehensive in environmental issues, such that actions envisaged will create or strengthen legal, institutional, regulatory, research, monitoring, evaluation, public information, and other relevant mechanisms for ensuring the achievement of sustainable development in the country. Furthermore, three areas in which results are expected from the above strategies for the enforcement of the policy are: 'establishment of adequate environmental standards as well as the monitoring and evaluation of changes in the environment; the publication and dissemination of relevant environmental data; prior environmental assessment of proposed activities which may affect the environment or the use of a natural resource.' Public participation is an important component

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<sup>23</sup> Prior to the creation of the Federal Environmental Protection Agency (FEPA) at least five Federal Ministries were involved in the coordination of environmental concerns of Nigeria. They are: Federal Ministries of Works and Housing; Agriculture and Water Resources; Transport; Health; Industries and Budget and Planning.

<sup>24</sup> See Federal Republic of Nigeria (1989) *National Policy on the Environment*

of the NPE. Being a strategy, the policy recognises the role that individuals and communities may play in the formulation and implementation of environmental laws.

It is important to note that the environment is currently not a substantive subject in the 1999 Constitution of the Federal Republic of Nigeria irrespective of its rise on the issues agenda of the country and its subsequent inclusion in the policy document of the government. This is significant for understanding the capacity and willingness on the part of government officials at the federal, state and local government legislative houses required to give NPE the desired legal framework for legitimacy.

Nigerian law<sup>25</sup> on oil spills stipulates that oil companies should “begin immediate clean-up operations following the best available clean-up practice and removal methods” in cases of oil spill. The Oil Pipeline Act of 1990 orders oil companies to pay compensation to any one suffering damage resulting from any breakage or leakage from the pipeline or associated installation. The law does not stipulate compensation in cases of spills caused by third party. A recent trend for SPDC is refusal to even contain effects of spills caused by third party by remediation.<sup>26</sup> The Nigerian Petroleum Act of 1969 stipulates that oil and gas exploration and production should conform to good oilfield practice.

In practice, oil companies fail to translate internal policies into reduction of gas flared or number of oil spills in the Niger Delta.<sup>27</sup> This failure is linked to three oil and environment related conflicts that now characterise the Niger Delta: Resource Curse Conflict (RCC); local resource scarcity; and Complex Conflict. Resource Curse Conflict refers to how trade in oil and its abundance has underdeveloped local populations in many respects such as loss of land

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<sup>25</sup> Federal Environmental Protection Act 1988.

<sup>26</sup> This was disclosed by a senior field environmental scientist at NOSDRA but denied by a staff of SPDC contacted for confirmation in this study.

<sup>27</sup> Gas flaring and oil spills are the key causes of damage to the environment in the Niger Delta. They result in massive loss of means of livelihood for local populations and have defined illegal and destructive livelihood patterns that complicate problems of the environment.

and resources from the environment that previously sustained the local economy. Local Resource Scarcity (LRS) captures the loss of land as the key instrument of production in the case of the Niger Delta. Complex Conflict (CC) portrays the qualities of LRS and CC in the context of socio-economic and political conditions and interests of stakeholders.<sup>28</sup>

Being an integrated approach to addressing the problem of the environment occasioned by oil exploration and production activities in the Niger Delta, sustainable development requires the utilisation of political institutions and systems, economy, involvement of corporate organisations and cooperation of citizens to be realised. This is as yet lacking in Nigeria. It is therefore not surprising that struggles for access to the resources of the environment without regard for their sustainability continue to create conditions for mutual violent activities among key stakeholders in the Niger Delta.

### **1.3. Research problems and hypothesis**

The violence in the Niger Delta is caused by the failure of the Nigerian government to implement effectively its national environmental policy. There is a relationship between the failure of the government to implement its relevant national oil related environmental policy and the choice of violence by justice and environmental groups in the Niger Delta.

### **1.4. Research Objectives**

The major objectives of this study are as follows:

1. To identify and explain the pattern of relationship between the Nigerian government and the oil companies on the one hand and justice and environmental movement organisations on the other hand in the implementation of environmental public policy in the Niger Delta;

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<sup>28</sup> For more information on the theory, see CSS and Swisspeace (2008). Report on “Linking Environment and Conflict Prevention, The Role of the United Nations.” pp.1-117

2. To determine the extent to which oil and environmental policy related conflicts between justice and environmental movement organisations (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.
3. To identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and justice and environmental non-governmental organisations and oil companies in the implementation of environmental public policy in the Niger Delta.

### **1.5. Research questions**

The critical questions of this study are:

1. What has government done to implement key environmental policies related to the oil business in the Niger Delta?
2. What is the state of compliance of oil companies to government environmental policy in the Niger Delta?
3. What political opportunity structures exist for local justice and environmental groups to influence policy implementation in the Niger Delta?
4. What is the relationship between oil companies and local justice and environmental groups over the implementation of government environmental policy?
5. What is the relationship between government and local justice and environmental groups over the implementation of government environmental policy?



## CHAPTER 2

### Theoretical Framework and Methodology

#### 2.1. Introduction

This section discusses the theoretical framework and methodology. The choice of *Frustration-Aggression* theory by the researcher is based on two key considerations: first, on the insights it provides through its key assumptions for explaining issues addressed in this work; second, for its synergy with the methodology -- Relational Content Analysis (RCA) in tackling or pursuing the objectives and questions posed in this research. This relationship is demonstrated and explained in terms of how both the theoretical framework and the methodology relate in this work

#### 2.2. Theoretical Framework

There are competing explanations in the discourse of both environmental public policy implementation and violent conflicts. They include *Frustration-Aggression*, Structural Conflict, Realist and Political Process theories. Others are Economic, Systemic, Relational, and Resource Mobilisation theories (Ademola, 2006: 50-55; Collier, 2000: 2; Ross, 1993:4; Anifowose, 1982: 6; Morrison, 1978: 41; Morgenthau, 1973: 4; Gurr, 1970: 24; Davies, 1962: 6). Most of these theories are useful but generally inadequate for this study for various reasons. For example, the Political Process theory refers to the impact of political context on social movement organisations' choice of strategies in the public policy process (Alonso, Costa and Maciel, 2005: 56; Haynes, 1999: 222; Heijden: 1999: 201; McAdam, 1996: 35). It stresses the importance of political institutions -- political opportunity structures -- in predicting patterns of collective actions (Dalton, Rechia and Rohrschneider, 2003: 743-754). As noted by Dalton, Rechia and Rohrschneider (2003: 760), "if conventional lobbying represents a real opportunity for influence, the sensible organisation will use this method; if protest or violence appears to be more effective, this mode will be preferred." The choice of

strategies of confrontation by groups seeking to influence public policy might depend on whether or not the political process is open or closed. Often, democracy is credited with the ability to provide opportunities for access to the public policy process. From this theory, assumptions would be that groups seeking to influence public policy are less likely to be confrontational or violent in a democracy.

Ironically, the era of military regimes in Nigeria (1966-1979 and 1984-1998) were marked by substantial levels of popular resistance by local groups against the state and oil companies in the Niger Delta. Degradation of the environment and associated problems were cited as reasons for the resistance. One problem with the theory is that it takes political opportunity structures as neutral and rational in providing access and in responding to demands by groups in a society. The experience is usually different, especially with emerging democracies in Africa, where it seems that the interests of the political elite frequently dominate the democratic political process. It appears that those interests are often different from those shared by the mass of citizens and are more deeply reflected in institutions and the public policy processes. The rationality and neutrality of such democratic institutions are therefore uncertain. This might be a problem for the state regarding the perception of fairness and justice on the part of local community groups. In essence, concerning this study, sustained violence in the Niger Delta in a supposed democracy such as Nigeria's is thus a call for a theoretical tool that probes the integrity of democratic institutions by incorporating predisposing psycho-cultural factors of frustration that may actually account for current violence in the region. Besides, the theory gives the impression that violence has only military connotation and on these issues does emerge only from social movements. Apparently, both the state and non-state actors are capable of using violence in pursuit of their goals in nearly all societies today.

Following from a careful review of theoretical literature on conflict and the environmental public policy process, Frustration-Aggression theory (Anifowose, 1982: 6; Gurr, 1970: 2; Davies, 1962: 6) provides valuable insights for this study in explaining the collective actions of armed local populations seeking justice and the implementation of government environmental policy in the Niger Delta. Assumptions of this theory will be deployed to explain how frustration with the inability of political structures (Alonso, Costa and Maciel, 2005: 18; Van der Heijden, 1999: 199-221) to provide legitimate opportunities for the channelling of grievances of local populations through conventional modes might lead them to adopt violent strategies. For instance, the judiciary, legislature and executive arms of government and their necessary agencies (such as specialised development commissions) should provide opportunities for legitimate channelling of grievances for groups in a democracy. Again, political opportunity structures refer to the degree of access to the political system and its institutions on the part of citizens or groups. This theory will help to explain the incidence of frustration with the attainment of national environmental policy goals and how that frustration might be followed with aggressive behaviours.

Etymologically, the Frustration-Aggression theory is credited to John Dollard (Ademola, 2006; Yates, 1962: 23; Berkowitz, 1962: 34). Its central thesis is that violent behaviours stem from unfulfilled needs. Violent behaviour is the outcome of frustration, a condition or situation where legitimate desires of people (or an individual) are denied directly or indirectly as a result of the structure of the society or the political system. The consequence is a feeling of frustration that can lead to violence. Such violence may be directed at the persons or institutions perceived to be directly or indirectly responsible for the frustration.

This theory has the potential to explain how socio-economic, environmental and political conditions of the oil-bearing communities of the Niger Delta might lead to a sense of frustration, with implications for violent reaction. The concern here is not just about

explaining meaningless access to environmental policy implementation process but how such access or its denial might shape behaviours towards the implementation of environmental public policy. Frustration-Aggression theory incorporates aspects of the political process theory in terms of the political context in which unfulfilled needs of groups come to define their pattern of action. It will help answer the basic questions of this study.

There are enormous methodological challenges in the use of this theory in terms of measurement of necessary variables. This is because of the psycho-cultural nature of frustration. While it may be easier to deal operationally with aggression, it is far more complex with frustration. However, to address this problem, within the scope of this study, the independent variable of violence in this study will refer to the following: physical attacks on oil companies; hostage taking of oil company staff; violent protests; killing of government security and oil company staff; inter-communal killings; killing of local community members by government security operatives; and government policies that might deny groups their perceived rights to a fair share of resources derived from their region. Frustration will be measured in terms of perception of local communities on pertinent issues of environmental policy and degradation of the environment including related issues that can possibly explain the violence in the region.

### **2.3. Methodology**

This study utilises the content analysis<sup>29</sup> mode of data collection. In using this methodological approach, the assumption is that words, phrases, statements or concepts

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<sup>29</sup>Content analysis is a method of gathering and organising non-structured data into a standardised format in order to be able to make inferences about motives or intentions and relationships between variables. See BJA Center for Programme Evaluation Glossary at: [www.ojp.usdoj.gov/BJA/evaluation/glossary/glossary\\_c.htm](http://www.ojp.usdoj.gov/BJA/evaluation/glossary/glossary_c.htm) (Accessed on the 24th of December, 2007). See also Jonowitz, M. (1969). "Harold D. Laswell's Contribution to Content Analysis," *The Public Opinion Quarterly*, Vol. 32. No .4 pp. 646-653; Yeh, C.J. and Inman, A.G. (2007). "Qualitative Data Analysis and Interpretation in Counselling Psychology: Strategies for Best Practices," *The Counselling Psychologist*, Vol.35. No.3

mentioned most recurrently in both verbal and written communication on key questions of the work would be those suggestive of relevant concerns,<sup>30</sup> and would represent indirect indicators of the relevant variables in the objectives of the study. The approach yields both qualitative and quantitative analyses. It queries views, opinions, experiences and interpretations of social phenomena through systematic and well directed research instruments of primary and secondary sources of data. An important advantage of content analysis<sup>31</sup> for this study is the flexibility it allows and the fact that it is useful in qualitative and quantitative research (Yeh and Inman, 2007: 369-403; Janowitz, 1969: 646-653).

Primary sources of data for this study include a questionnaire, focus group discussions and key informant interviews. For the secondary sources, the study relies on the extensive use of library materials such as books, academic journals, relevant periodicals, magazines and newspapers related to the study objectives. Other secondary sources include original documents, official government publications, gazettes, archival materials, oil company annual reports/newsletters, press releases, seminar papers, unpublished theses and the Internet. These means of data collection have specific advantages for this study. For example, the questionnaire is appropriate because the target groups for data collection could be easily reached. Furthermore, the focus group discussion is flexible in application as well as interactive in the sense that it affords the researcher the opportunity to draw detailed information from participants through the interactive process. Besides, the researcher is able to frame and reframe questions on the spot to help the understanding of participants. The key informant interview, which involves one-on-one interviews with key informants, is useful in sourcing data from local armed groups who were not willing to be part of the focus group

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<sup>30</sup>See Krippendorff, K.(1980) cited inWikipedia encyclopedia at [http://www.en.wikipedia.org/wiki/content\\_analysis](http://www.en.wikipedia.org/wiki/content_analysis) (Accessed on the 24<sup>th</sup> of December, 2007).

<sup>31</sup> The approach is useful for this study, especially in the sense of being both historical and empirical in nature.

discussions due to fears of being identified and arrested by state security operatives. Its strongest advantage for this study is the opportunity it gave for access to first-hand and detailed information from those informants with experience and knowledge of the issues addressed in the research. The use of each (or a combination) of these methods, however, is anchored on the objectives of the study, the relevant variables, and the nature or needs of the groups being targeted for data collection.

Regarding objective one of the study, which is to identify and explain the pattern of relationship between the Nigerian government and the oil companies on the one hand, and environmental local groups on the other hand in the implementation of environmental public policy in the Niger Delta, two relevant variables will be assessed. They are: the pattern of relationships between various stakeholders and the factors that shape or impede the implementation of environmental public policy. Indicators of the pattern of relationships between the various stakeholders in the implementation of environmental public policy include: government policies perceived to be injurious to the development of the Niger Delta; protests and disruption of oil production activities by local armed groups; hostage taking of local and foreign oil workers by local armed groups and funding of government security operatives by oil companies; killing of state security operatives by local armed groups; killing of local environmental groups by state security operatives and physical attacks on oil company facilities by local armed groups.

Implementation of environmental public policy includes the following indicators: achievement of policy goals such as the end to gas flaring; use of adequate and appropriate technology for cleanup purposes and prevention of pollution due to oil spills; measurable improvements in the social, political and economic conditions of people from oil bearing communities in the Niger Delta; degree to which actions of implementing officials at the

Federal Ministry of the Environment, Department of Petroleum Resources (DPR) and oil companies conform with the goals embodied in environmental policy related to oil business in the Niger Delta. Other operational meanings of implementation of environmental public policy are: executive orders from the presidency and court decisions concerning operations of oil companies and protection of the environment; government and oil companies' implementation plans, structures and actions in response to environmental public policy related to the oil business in the Niger Delta; existence of mechanisms for gaining compliance from oil companies such as mutually held (shared values) goals, coercion in the form of threat of sanctions for failing to comply, and reparation arrangements or incentives to make compliance with environmental rules and measures meant to protect the environment in the Niger Delta an attractive option.

The targets for data collection include government officials at the Federal Ministry of Environment and the Federal Ministry of Petroleum Resources, oil company workers, and local environmental movement organisations. Instruments of data collection will include primary sources of data such as questionnaire and key informant interviews, and secondary sources of data such as library materials, including newspaper reports, journal articles, special reports, and the Internet. Relational content analysis shall be done on each of the variables in this objective.<sup>32</sup> Fifty copies of questionnaire were distributed on the basis of quota sampling<sup>33</sup> in order to ensure that all targeted groups for data collection are selected.

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<sup>32</sup> There are two categories of content analysis: conceptual and relational content analyses. Conceptual content analysis refers to a process of determining the existence and frequency of concepts, often represented as words, phrases or statements in a text or recorded communication. Relational content analysis involves a step further on conceptual analysis to examine the relationship between concepts (variables) in a text or recorded communication in order to be able to make inferences about the characteristics of concerned variables.

<sup>33</sup> This involves obtaining the desired number of elements by selecting those most accessible and those that have the experience and knowledge of the issues under investigation in the research. The word quota implies a predetermined number that is desired. This is to ensure significant inclusion of

Copies of questionnaire (containing open-ended questions) meant to generate data for testing relationships of relevant variables in objective two of the study were administered to the various groups.

Relational content analysis of data from the questionnaire, secondary sources of data and recorded key informant interviews involve first, the conversion of words, phrases, statements or concepts associated with the relevant variables of objective one of the study to categories or codes. Frequency counts and determination of the mode mean and percentage are then calculated to help in establishing and explaining relationships among categorised or coded variables that are specific to this objective. It is crucial to note that in using relational content analysis, the researcher sought to specify links between evidence (verbal and written materials) and inferences (regarding motivations and intentions) which, for this study, pertains to how failure of the government to implement environmental public policy shapes the pattern of relationships between the various stakeholders in the Niger Delta. Establishing this link between evidence and inference is the aim of content analysed data in this study.<sup>34</sup> In addition, and for the purpose of clarity and explanation, coded themes (variables) are presented in tables and graphs.

There are two basic variables in objective two of the study. They are: oil and environmental policy related conflicts between the various stakeholders and political opportunity structures. Indicators of conflicts in this study between local justice and environmental movement organisations (on the one hand) and oil companies and the government (on the other hand)

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all targeted populations for the study. See Obasi, I.N. (1999). *Research Methodology in Political Science*, Enugu: Academic Publishing House

<sup>34</sup>See Mitchell, R.E. (1967). "The Use of Content Analysis for Explanatory Studies," *The Public Opinion Quarterly*, Vol. 31 No. 2 pp. 230-241. The second stated objective of this study is to determine the extent to which oil and environmental policy-related conflicts between environmental movement organizations (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.



include: demand for resource control by local environmental groups; killing of state security operatives; hostage taking of foreign and local oil company workers by local justice and environmental movement organisations; attacks and seizures of oil company facilities by local justice and environmental movement groups; and arrest, detention and killing of members of local justice and environmental movement groups by state security operatives. Specifically, oil and environmental policies refer to the various Acts of the government meant to regulate the activities of oil companies in the interest of the environment; measures taken by the government and oil companies to implement government policies meant to protect the environment in the Niger Delta and oil policies that vest control of oil business in the hands of the government. Political opportunity structures refer to various legal institutional mechanisms<sup>35</sup> that provide access to various stakeholders to participate in the implementation of environmental public policy in the Niger Delta. An example is access to the courts by local environmental groups seeking redress against the state for policy implementation lapses or failures, and oil companies for violating environmental laws. Other indicators of political opportunity structures include the existence of various formal and informal groups or agencies that provide platforms for the involvement of local communities in the implementation of environmental public policy in the Niger Delta.

The target groups for data collection include: local environmental groups, oil companies, government officials at the Federal Ministry of the Environment and Federal Ministry of Petroleum Resources, and local public opinion leaders in the Niger Delta. For this objective (#2) and the identified variables, instruments of data collection comprise: a questionnaire, key

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<sup>35</sup> Institutions can be social, cultural, economic, political and formal or informal. However, the fields of political science and economics tend to highlight formal institutions. Political opportunity structures refer to formal political institutions of the state and state-related institutions such as the bureaucracy, interest groups, rules, party systems, political actors, groupings and agency. See Sangmpam, S.M. (2007). "Politics Rules: The False Primacy of Institutions in Developing Countries," *Political Studies*, Vol.55, pp. 201-224.

informant interviews and focus group discussions. In respect of relational content analysis of data generated from the use of a questionnaire, key informant interviews and focus groups discussions were undertaken. This involves initial coding of responses to open-ended questions in copies of the questionnaire on the basis of categorised themes (variables or concepts) of the objective of study and is presented in tables and graphs showing frequency counts and calculated mode, mean and per cent of coded variables. Establishing the relationships among the variables through this process facilitates inferences.

Two key variables in objective three of this study, namely, to identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and oil companies (on the one hand) and local justice and environmental non-governmental organisations (on the other hand) in the implementation environmental public policy in the Niger Delta, -- are: the varied socio-economic and political interests (of local justice and environmental groups in the Niger Delta, the Federal government, and the oil companies in Nigeria), and their impact on the implementation of environmental public policy. Socio-economic and political interests consist of socio-economic and political factors that impede or shape the pattern of relationships between the various stakeholders in the implementation of environmental public policy in the Niger Delta. Indicators of socio-economic interests include but are not restricted to various political representational and general issues of livelihoods (on the part of local justice and environmental groups) and corporate and national issues of economic development (on the part of government and oil companies). Indicators of implementation of environmental public policy are as already defined above (See objective 1).

The targets for data collection regarding variables for objective three of this study include: government officials at the Federal Ministry of Environment and the Federal Ministry of

Petroleum Resources; oil company officials; local environmental groups and local opinion leaders. The means of data collection comprise: key informant interviews and a questionnaire. A relational content analysis of data generated from the various targeted groups for data collection was undertaken for each of the two variables in this objective. As defined earlier, relational content analysis for this objective shall also involve utilisation of frequency counts of the mode,<sup>36</sup> mean and percentage to aid inferences and explanation of coded relationships of variables. In short, frequent recurrence of relevant coded words, statements or concepts in verbal and written texts (data) suggest relevant relationships among variables. Since content analysis is both a technique for data collection and a tool for analysis of data, it serves this dual purpose for this study.

A 29-page open-ended questionnaire in three sets of questions meant for officials of oil companies, government officials at the Federal Ministry of Environment (FME) and Department of Petroleum Resources (DPR), and members of local justice and environmental movement organisations covered several themes: the pattern of relationship between the Nigerian government and the oil companies on the one hand and environmental local groups on the other in the implementation of environmental public policy in the Niger Delta; what and why socio-economic and political interests shape the relationships; and the extent to which oil and environment related conflicts depend on political opportunity structures.<sup>37</sup>

Section one of the questionnaire was meant to generate data on socio-demographic details and background of participants. Section two was meant to generate data from the local

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<sup>36</sup> The mode is a measure of central tendency that tells which score or value in a distribution that is observed most frequently. The mode is also known as the average which will be presented with the aid of graphs for this study. The choice of analytical techniques of the mode is due to its potential to give the researcher a better idea of the most popular variable in a frequency distribution, whereas the mean is chosen because it is least affected by extreme values in any frequency distribution. Content analysis typically uses frequency counts or similar measures as the basis for making inferences, for which the mode, mean and percentage statistics will be useful.

<sup>37</sup> The research stresses the importance of how conflicts related to oil exploration and exploitation and environmental consequences are dependent on political institutions or political opportunity structures.

environmental groups whereas sections three and four were intended to generate data from oil companies and government officials respectively.

Two focus group sessions were conducted, although only one was originally designed to generate data from members of the local justice and environmental groups. Attempts to reach top members of these local groups became complex. It took the intervention (support) of some organisations in Port Harcourt -- Social Action and Ogoni Solidarity Forum -- for us to organise the focus groups. In short, because members of the armed sections of local justice and environmental groups would not join with any other group for discussions, the researcher organised a separate discussion with them and conducted a second focus group with a mixture of target populations. The criteria for selecting participants from local justice and environmental groups included: organisations with broad political interest; active participation in national politics; armed groups who emphasize environmental, socio-economic and political issues in the oil politics of Nigeria. International professional environmental non-governmental organisations were excluded in the first focus group but included those amongst them involved in mobilising local groups on justice and environmental issues in the second focus group.

Regarding the use of library materials, a two-stage strategy was utilised to draw samples of articles or scholarly papers on the conflict in the Niger Delta. First, the researcher searched the major academic journals in the Proquest and Ebsco databases, using key words such as violence in the Niger Delta; government environmental policy implementation in the Niger Delta; conflict between oil companies and local communities in the Niger Delta; and oil and environmental policy in the Niger Delta between January 1999 and April 2008. This time period was selected because oil and environment related conflicts in the Niger Delta began to

assume its violent bent from the 1990s.<sup>38</sup> Second, the researcher checked the reference list of the articles obtained through the process to see more works that had already been done in the area. On the whole, this search yielded 120 articles.

As earlier noted, the researcher then utilised relational content analytical mode to analyse data obtained from journal articles and books, and transcribed texts from taped interviews and discussions. It also included analysis of data generated from newspapers. The process began with specifying pertinent themes based on key objectives of the study.

**Table 2.1. Data, target population, themes and samples**

Type of data	Author /Target population	Themes/Focus of data/Variables	Sample
01	01	01; 02; 03; 04; 05; 06	120
02	02 03	01; 02; 03; 04; 05; 06	45
03	04	01; 01; 03; 04; 05; 06	20
04		01; 02; 03; 04; 05; 06	
05	05	01; 02; 03; 04; 05; 06	8
06		03	

**Keys:**

**Type of data:**

- 01=Scholarly articles in journals
- 02= Open-ended questions in questionnaires
- 03= Field notes
- 04= Newspapers
- 05= Focus group
- 06=Government documents

**Author/Target population:**

- 01=Scholarly articles
- 02= Oil company officials
- 03= Government officials
- 04= Justice and Environmental Movement Organisations
- 05= Local opinion leaders

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<sup>38</sup> This does not in any way downplay the *12 Day Revolution* of Isaac Borro and his Ijaw colleagues in the 1960s. It was indeed a violent confrontation of an armed group against government forces.

**Themes/Focus of data/Variables<sup>39</sup>:**

01= Implementation of environmental public policy

02= Conflict/violence

03=Political opportunity structures

04= Socio-economic and political interests

05=Frustration

06=Others

The researcher conducted 15 key informant interviews among the staff of oil companies and members of local justice and environmental groups (7 from oil companies and 8 from local justice and environmental groups). One focus group discussion of 8 persons drawn from local opinion leaders, oil companies, and local justice and environmental groups was conducted at Social Action conference hall at the D-line area of Port Harcourt in Rivers State. The other focus group discussion was conducted in Yenagoa, Bayelsa State. The key areas on which data were tested include: government and implementation of environmental policies; compliance of oil companies; political opportunity structures; oil companies and justice and environmental movement organisations: and government and justice and environmental movement organisations.

**2.4. Conclusion**

For this study, assumptions of the *Frustration-Aggression* theory will be effectively deployed to explain the violent behaviour of local justice and environmental movement organisations in the Niger Delta. The study will seek to demonstrate that the violence in the Niger Delta is primarily a direct consequence of the failure of government to implement effectively relevant oil-related national environmental policy frameworks. Although other factors -- whether economic, political, social or cultural – are sometimes contributory to the problems, the key feature that underscores and provides the *raison d'être* for the violence is the environmental devastation that oil company activities have imposed on the lives of millions of Niger Deltans

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<sup>39</sup> See Table 2.1 for indicators of variables in each of the objectives.

with the tacit consent of successive Nigerian governments through their non-implementation or enforcement of enacted national policies.

Frustration-*Aggression* theory is also relevant for operationalising the key variables as contained in the objectives of this research. In fact, the choice of Relational Content Analysis by the researcher for data collection and analyses has been largely informed by a goal of linking evidence and inference of content analysed data which is often associated with the method; hence, making the theoretical framework and methodology mutually reinforcing in achieving the objectives of this work. This chapter has sought to explain how this is approached in this study.

## CHAPTER 3

### Literature Review

#### 3.1. Introduction

This section of the study discusses existing literature under three thematic areas, namely: sustainable development, implementation of environmental policy and conflict in the Niger Delta. The aim is to determine whether there are gaps in and around the existing body of thought and to point out specific gaps that inform how this research contributes to existing research in the area of study. It is instructive that Nigeria's oil related environmental legislations and regulations aim to achieve sustainable development.<sup>40</sup> For instance, Nigeria's National Policy on Environment specifies sustainable development as its key goal. This imposes a need to understand whether or not this goal is being achieved in relation to oil-related conflict. There is substantial literature on the issues of oil company operations, environment and conflict in the Niger Delta region. However, such studies do not link violence in the region to failure by government to implement oil related environmental legislations to promote sustainable development. In fact, a critical element in the implementation of these legislations is the extent of compliance by oil companies, and this can be assessed by examining the oil companies' environmental policies and practices as well as studying the actions of implementing officials to ascertain whether such practices or actions conform to the goal of achieving sustainable development. A review of the literature shows that this has not been sufficiently studied, especially in relation to understanding the motivation for violent conflict in the Niger Delta where certain local environmental groups

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<sup>40</sup> Although, for environmental legislations enacted before 1989, the concept of sustainable development is not stated clearly, provisions of those legislations seem to seek the goal of sustainable development at different degrees depending on the level of compliance by target groups. For example the Petroleum (Drilling and Production) Regulation Act of 1969 does not express the concept in the policy document but contains in many ways principles and objectives of sustainable development.



and oil companies and the Nigerian government are involved in waging “violent wars” against each other.

### **3.2. Sustainable development**

Though understood differently by scholars, the most widely accepted definition of sustainable development<sup>41</sup> is the one given by the Brundland Report, which defines it as development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs (Schaltegger, Burritt and Peterson 2003: 21-27; WCED 1987). Its key feature is embedded in the notion that it is possible to have economic development while also protecting the environment (Neil, 2001: 195).

Often, sustainable development is contrasted with traditional policy paradigms. Both have shaped the ways governments address problems of the environment (Neil, 2001: 161-164; Meadowcroft, 1999: 220). The former emerged in the 1970s and policy makers influenced by it often use regulatory policy instruments. The traditional paradigm plays down the interdependence among economic, political, and social systems and the environment, and regards the degradation of the environment as one of the unfortunate undesired effects of economic activities. Though often criticised for being reactive, tactical and piecemeal, the traditional paradigm seems to have dominated environmental policy making among policy elites who many scholars believe have given more consideration to economic growth than to what actually happens to the environment (Weale, 1992: 17; Haque, 1999: 455). Perhaps, this is why Haque (1999: 456) argues that policy orientation in neo-liberal regimes in

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<sup>41</sup> The terminology Sustainable development was popularised by what is today referred to as the Brundland Report of 1987. The United Nations General Assembly created the World Commission on Environment and Development in 1983 as a global institutional response to the growing concerns about degradation of the environment and economic crisis. Gro Harlem Brundland, then Prime Minister of Norway, chaired the Commission and made wide consultations for four years. The Commission finally produced its report in 1987, *Our Common Future*, now commonly referred to as the Brundland Report.

developing countries is a challenge to sustainable development. Indeed, a few scholars have linked this dominance of the traditional paradigm with the structural power of producers and their lack of interest in issues pertaining to the protection of the environment. However, even if one accepts that, producers do wield tremendous power to shape environmental policy agenda, it must also be noted that they are effective to the extent that (because) most governments also appear to be uninterested in protecting the environment. Consequently, such, governments normally do not need to be lobbied by producers on issues of effective environmental policy (Neil, 2001: 165).

Literature on sustainable development, presents three threads, namely: attempts by scholars to explain or interpret the concept; discursive research on the approach and strategies for its realisation; problems of implementing sustainable development policies and conflict in the developing countries (See for example, Haque and Mudacumura, 2006; Constantinos, 2006; Mudacumura, 2006; Barclay, 2006; Obi, 2004: 25; Livesay, 2002: 316; Meadowcroft, 1999: 315; Hajer, 1997: 37; Moffat and Linden, 1995: 312).

For example, the meaning, approaches, strategies and problems of implementing sustainable development in developing countries have been reported in research carried out by Haque and Mudacumura (2006). According to them, the idea of sustainable development has been promoted to the point of “ideology” in both developed and developing countries during the course of the past three decades. This is due to the global awareness created through seminars, conferences, books, journals, and reports, multilateral institutions like the United Nations, conventions and protocols. At the multilateral institutional level, heads of state and their representatives have been part of the debate on sustainable development and the ways to actualise it. Obviously, this has been reflected through their role in multilateral initiatives, protocols and conventions on protection of the environment. In their findings and,

regrettably, Haque and Maducumura report that in spite of the current state of awareness on the importance of sustainable development and the efforts so far made towards addressing environmental degradation, not much has been achieved. Some countries that have formulated sustainable development policies have done so in response to pressure from domestic or global environmental regimes. This speaks volumes about the attitude of the state and corporate organisations towards sustainable development and its implications for the global environment. Haque and Maducumura claim that economic development based on rapid industrialisation, patterns of consumption, urban expansion and so on, by governments of countries continue to worsen global environmental conditions. These concerns by Haque and Maducumura raise critical questions of conceptualisation, approaches, strategies and mode of implementing sustainable development.

First, they identify two approaches to sustainable development, namely, *utilitarian* and *ethical* approaches. The former (utilitarian) recommends trade-off in welfare benefits from environmental protection between generations. It also contends that there is no need to change existing mode of economic activities that generate greenhouse gases if the environmental cost for future generations in terms of global warming is greater than that of existing generation. On the other hand, the ethical approach prescribes welfare inequality between existing and future generations. It recommends, as a matter of moral obligation, that the current generation should ensure that future generations have an equal opportunity to benefit from environmental quality and resources. By this approach, future generations are **entitled** to equal levels of environmental quality and resources with current generations. In addition, the poor and the deprived are implicitly **entitled** to rights of enjoying the same quality of environment and resources with the upper class in society.

Narrow welfare issues in terms of economic benefits render the *utilitarian* approach less

useful for the realisation of sustainable development goals. The approach is insensitive to environmental implications of both present and future generations. As Haque and Maducumura note about the ethical approach:

On the other hand, although the ethical approach does address the question of intergenerational equality in welfare, it remains human-centred in terms of its emphasis on the maintenance of environmental resources for human species without much concern for the environmental sustainability as an end in itself, which can be observed in various traditional cultures or belief systems. Thus in studying sustainable development, it is necessary to emphasize environmental sustainability not only for the current and future generations (including all classes and group in each generation) but also for the environment itself.<sup>42</sup>

From these arguments or findings in Haque and Maducumura's research, it seems that there are three dimensions to sustainable development. The three are required to be integrated in whatever approach adopted by governments for ensuring sustainable development. They are the economic, environmental and social dimensions of sustainable development. Environmental sustainability refers to development practice that is sensitive to biodiversity as well as limits to resources. Economic sustainability refers to environmental cost of development activities. Social sustainability suggests involvement of citizens in the management of development and the environment. On these issues, Haque and Maducumura argue that:

These major economic, social and environmental dimensions of sustainable development are mutually complementary rather than exclusive. For instance, in pursuing development, one needs to consider its environmental costs, make sure that it does not put excessive pressure on environmental capacity, and ensure its implementation based on people's participation...Thus in both theory and practice of sustainable development, it is multi-dimensional in nature (Haque and Maducumura, 2006: 6).

The problem with both the utilitarian and ethical approaches lies in their lack of integration of

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<sup>42</sup> See Haque, M.S. and Maducumura, G.D.M. (2006). "Rethinking Sustainable Development Policy and Administration," G.D.M. Mudacumura et al (eds.) *Sustainable Development Policy and Administration*, New York: Tailor and Francis, pp.4-30.

the above three dimensions to sustainable development as reported in Haque and Maducumura's research. Studying the implementation of sustainable development as embedded in Nigeria's national environmental policy in the Niger Delta region presents a specific and unique challenge in respect of looking at these three dimensions and the approaches that have characterized the Nigerian case. Furthermore, it poses the need to interrogate claims of sustainable development goals in Nigeria's national policy on environment with those of economic growth. These challenges have yet to receive adequate research attention in the case of Nigeria.

Following from the review of relevant literature an area that needs to be further studied in the case of the Niger Delta pertains to how integration of the social dimensions of implementing sustainable development policy relates to conflict. This is due to arguments made in some recent research reports by scholars that realisation of the goal of sustainable development in countries depends largely on the support and participation of citizens, especially by groups that are directly affected. To be sure, Hyden (1997: 4) argues that "most development analysts now maintain that developmental wisdom is lodged not in government bureaucracies but in local communities and institutions." Such an approach suggests active involvement of *stakeholders* in the implementation of sustainable development policies. It also implies the integration of wide assortment of regulatory and non-regulatory mechanisms. A key finding in Hyden's research is that development and environmental management approaches that promote citizen participation is a condition for avoiding development failures and conflict that usually follow. This conclusion spells a need in this study to question sustainable development practice of the government and oil companies, as well as those of local communities in the Niger Delta in order to understand how development failure correlates with their specific approaches to management of the environment and development. The present study makes important contributions to the existing body of knowledge in the case of

the Niger Delta, specifically in terms of understanding how environmental practice by government and oil companies promote social conditions that might lead to violent conflict among key policy actors.

Most works reviewed on the subject express serious doubt about possibilities of sustainable development in Africa. For example, Odukoya (2006: 253)<sup>43</sup> argues that Nigeria's variant of capitalist development is rooted in colonial imperialism and lacks the capacity to engender sustainable development in the Niger Delta. He asserts that colonialism was basically exploitative. According to him, the colonial style or mode of governance is yet to change in Nigeria. Instead, the domestic ruling class that took over from the colonial leaders is now working in alliance with foreign *oil capital* in a manner that alienates citizens. In fact, Odukoya examines the extent to which politics, policies and programmes of the government and operations and practices of oil companies doing business in the Niger Delta are designed to ensure the realisation of sustainable development in Nigeria. His conclusion is that the Nigerian state is incapable of this role. This type of conclusion, which is common with the neo-radical school, throws up a challenge of questioning the character of the Nigerian state, its traditional role of providing good governance of the environment and addressing questions of violent conflict in the Niger Delta. Although the literature highlights the environmental consequences of oil company operations in the region, it is not well understood how these environmental problems relate specifically to the broader concept of sustainable development as a key environmental policy goal in Nigeria. This research contributes to filling the gap.

Good governance has been identified by Constantinos (2006: 50) as key to successful formulation and implementation of sustainable development policies in developing countries. He asserts that the civil society is an indispensable institutional component of governance

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<sup>43</sup> See Odukoya, A.O. (2006). "Oil and Sustainable Development in Nigeria: A Case Study of the Niger Delta," *Journal of Human Ecology*, Vol.20. No. 4, pp. 249-258.

processes even as its role in policy formulation and implementation is perceived as necessary. Often, the lack of good governance is blamed for sustainable development policy failures. Similar arguments have been made in other studies. Most have illuminated the role that the state may play relative to the civil society. Constantinos (2006: 52) identifies and explains various factors -- economic, social, political and cultural -- that hinder the civil society from playing roles that promote sustainable development in society. He alludes to the importance of good governance in addressing these problems.

Constantinos (2006: 52) argues that the institutional character of long-term political exclusion of citizens or affected communities by state and civil society institutions have partly frustrated the realisation of sustainable development. To explain how this happens, he points to the harm that political exclusion of relevant groups with knowledge and capacity for contribution to policy formulation and implementation causes. As he notes:

In the creation of the nation-state, independent governments have tended to impose authority on local people. This has resulted in the support for nationalisation of natural resources and policies that take little account of local needs and interests. In the forestry sector, this has too often been reflected in the approach to forest management that excludes local people and emphasizes forest utilisation for commercial purposes only. This approach has resulted in the undermining of local capacities to manage natural resources sustainably and led to a situation in which people are forced to cope as best they can even if this threatens their long-term survival. This has stifled local initiatives, broken down indigenous systems, and created an attitude of resignation among communities which in turn present a challenge to efforts for revival of local control. Conflict arises because central authority attempts to retain control by imposing official structures and co-opting local leaders (Constantinos, 2006: 52)<sup>44</sup>

Three areas of analyses found in Constantinos' work that add value to the debate on sustainable development debate are:

- *Recontextualisation* of the interfaces among economic efficiency, ecological stability, political, and social equitability aspects of citizen participation in the context of

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<sup>44</sup> See Constantinos, B. T. (2006). "Sustainable Development and Governance Policy Nexus: Bridging the Ecological and Human Dimensions" G. M.D. Mudacumura et al (eds.) *Sustainable Development Policy and Administration*, New York: Tailor and Francis, p.52.

sustainable development;

- Definition of the process and strategy of sustainable development in the context of policy and role of the policy community (organisations and their vested interests) as well as their implications for policy outcome and management of the process;
- Formulation of a broad way of understanding the policy process as characterised by a multi stakeholder approach to formulation and implementation of sustainable development policies.

Sustainable development seems to represent a middle ground between dominant socio-economic paradigm whose fundamental principles derive from neo-classical economics and radical environmentalism (Livesey, 2002: 316). This may be truer with countries often described as the *First World*, where the concept appears to have received wider acceptability both in principle and in practice. For instance, issues of protection of the environment in the US, Canada and the UK have come to occupy an important place in the development plans and economic activities of industries. This contrast with a view in literature that sees sustainable development as representing “the space of dissention and socio-political struggle”<sup>45</sup> in the competing discourses of economic and environmental issues (see for example, Hajer, 1996: 246).<sup>46</sup> This might well be the situation in developing countries given the fact that many environmental groups articulate their demands for protection of the environment along with demands for development.

Apparently, since the emergence of the concept of sustainable development, the debate on its realisation in developing countries has been at split levels. One section is actually sceptical about the capacity of developing countries to realise this dream in the face of globalisation of

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<sup>45</sup> Foucault is cited in Livesey, S.M. (2002). “The Discourse of the Middle Ground,” *Management Quarterly*, Vol.15, No. 3 February, p.318.

<sup>46</sup> See Hajer, M. (1996). “Ecological Modernisation and Cultural Politics,” in S. Lash, B. Szerszynski and B. Wynne (eds.), *Risk, Environment and Modernity: Towards a new Ecology*, London: Sage, pp.246-68.



market forces (Haque, 1999: 197-218). This section of the literature does not only condemn pro-market policies associated with neo-liberalism as inappropriate for protecting the environment but argue that they are indeed the main cause of environmental destruction. This is often demonstrated, for example, by the minimalist role of the state towards the welfare of citizens as reflected in the reduction of various forms of subsidies and anti-poverty programmes in these countries.

Although sustainable development is said to be a paradigmatic shift from theories of development and growth, sceptics insist that with the intensification of market-oriented policies in Europe and North America and increasingly in developing countries, a serious challenge to the realisation of sustainable development has been thrown up. Haque (1999:198), for instance, argues that prospects of sustainable development for countries in the Third World have been seriously undermined by pro-market reforms. Following this argument is the inference that sustainable development is more likely to be realised in developed countries than in developing countries. It does appear then that the contour of the process of industrialisation or pro-market forces and institutions in developed countries is different from that of developing countries.

In some specific sense, empirical analyses in literature on the Niger Delta with regard to the paradigmatic shift shows that the goal and priority of the Nigerian government between 1957 and 2009 has been that of gradual deepening of the free market system such as privatisation and deregulation of key sectors of the economy in order to expand market forces, facilitate open competition, reduce government expenditure and involvement in business, attract foreign investments and maximise production. This arrangement was the net outcome of the externally-driven policy framework put in place during the 1980s in direct response to

pervasive economic stagnation and decline (Ebeku, 2008: 414-417; Akinrele, 2002: 2-3).<sup>47</sup>

Although the environmental consequences of such massive *marketisation* of the economy has been a subject of debate among scholars and environmentalists, government response through public policy formulation and implementation in the case of the oil business in the Niger Delta has received insufficient systematic research attention. In fact, some aspects of the literature actually implicate the government in failing to handle adequately the environmental fallout from the expansion of market forces and, in consequence, not committing itself to the realisation of sustainable development in Nigeria (Obi, 2004: 25; Meadowcroft, 1999: 315; Moffat and Linden, 1995: 312).

As a result, oil related environmental problems in the Niger Delta continue to assume different dimensions. As Moffat and Linden note, there seem to be three dimensions of environmental problems associated with sustainable development, namely, biochemical contamination of the air, water and soil; destruction of biodiversity; and environmental problems related to consumption. Certainly, these three aspects have not received adequate attention from scholars in the case of the Niger Delta. In nearly all cases in the literature, the aspect of consumption values of external and internal populations is *under-highlighted* when researchers explain sustainability crises and how that might affect conflict in the Niger Delta. This study identifies in the empirical analyses, the interface between consumption-values (external linkages), environmental problems and conflict in the Niger Delta. For instance, 22 percent of the world's population in the developed countries consume about 70 per cent of the world's energy (Haque, 1999: 202). This type of level of consumption by developed countries may have damaging implications for the environment and depletion of natural resources.

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<sup>47</sup> See Akinrele, A. (2002). "Privatisation and Deregulation in Nigeria." Paper presented at the workshop organised on the occasion of the visit of Canadian Minister of International Trade and his delegation in Lagos, 21 November.

An illuminating issue of concern in the debate on sustainable development is the argument that sustainable development has been more successful within the neo-liberal order in developed countries than in the Third World (Van der Heijden, 1997: 200). It is important then to understand why sustainable development is easier to implement in the developed countries when compared with the developing countries like Nigeria. Even supposing neo-liberal policies have been pursued by the government for more than 30 years in Nigeria, it seems there is no guarantee that the implementation of sustainable development will be as successful as those in the developed countries.

Neil (2001: 206) has identified some core features of sustainable development to include equity, democracy, precautionary principle, policy integration and planning. Most scholars interested in environmental politics and policy and who advocate sustainable development agree on these five basic features of sustainable development but are diverse in their interpretations and emphases. Given the centrality of the idea of sustainable development to this study, I will examine briefly each of those features with an eye (ultimately) on their fit to the Niger Delta context.

Equity means that governments should consider the distributional implications of measures taken by them to prevent environmental problems. It is significant, at least in principle that economic and social issues are now at the forefront of environmental concerns for governments. However, the literature lacks unity as issues are not linked in clear and precise manner in the case of Nigeria's Niger Delta region.

Some argue that attainment of sustainable development goals by governments depends substantially on democratic inclusion of citizens (Pellegrini and Gerlagh, 2006: 332; Neil, 2001:205; WCED, 1987:65; Sabatier, 1986:21). Pellegrini and Gerlagh argue that democracy influences the outcome of sustainable development policies. In a similar vein, WCED notes

that, “sustainable development requires a political system that secures effective citizen participation in decision-making...” Neil insists that the attainment of the objectives of sustainable development in terms of environmental policy decisions and their implementation depends on the nature of the political system. As he puts it, “sustainable development emphasises the importance of democracy in solving environmental problems.” Indeed, generally, the role of democracy in the implementation of public policies has been lauded in the literature. For example, the framing of approaches to successful policy implementation in terms of “Top-down” and “Bottom-up” approaches with preference for the later clearly signals citizen participation in the process. It also suggests some kind of available alternative approach to determining what exactly to study in public policy implementation strategies by researchers. For Backstrand (2006:467), democracy is a dependable model for global governance of the environment. He argues for a *stakeholder democracy* model for the pursuit of sustainable development goals at the multilateral level. In his article, “Democratising Global Environmental Governance? Stakeholder Democracy after the World Summit on Sustainable Development,” Backstrand posed the question, “how can global governance, multilateral institutions and intergovernmental negotiations be designed to function in more representative, accountable and effective way?”<sup>48</sup> He further argues that the question of democracy in governance of the environment has become necessary for overcoming existing shortcomings in governance, democratic practice and public policy implementation by national governments of countries. In fact, as he puts it, “sustainable development rhetoric has put a strong emphasis on grass-root and civil society engagement, representation and transparency in policy process.”<sup>49</sup> The problem with this argument is that there is no model of democracy anywhere in the world that is perfect. Most of the so-called advanced

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<sup>48</sup> See Backstrand, K. (2006). “Democratising Global Environmental Governance? Stakeholder Democracy after the World Summit on Sustainable Development,” *European Journal of International Relations*, Vol. 12, No.4, P. 467-468.

<sup>49</sup> See Backstrand, (2006). p. 469.

democracies have also had it very rough when it comes to protecting the environment. All the same, the nature of institutions of politics, whether they are open or closed has implications for the choice of political actions by local groups in the Niger Delta. Relevant research questions have been posed in this study in order to make contributions towards filling the knowledge gap in this area.

Precautionary principle means that governments will not use excuses of lack of scientific knowledge to withdraw from taking measures to prevent the degradation of the environment. Again, it is difficult for public policy to achieve its objectives without commensurate or corresponding emphasis on research. It is clear that only sufficient information about a particular social problem can guarantee an informed decision.

Policy integration implies integration of environmental issues in development in all sectors. For instance, hitherto agriculture, industry and other sectors stood independently without adequate environmental content in their policies in the developing world. Policy integration as a principle of sustainable development means integrating environmental concerns into policies in all the sectors of the national life of a country.

Planning is integral to sustainable development. Scholars of market-based instruments to environmental policy suggest that market forces should not be planned. Again, it is important to understand the dynamics of sustainable development in ways that clearly show what and how planning fits in to help understand environmental policy within wider issues of politics, economy and development in the case of Nigeria's Niger Delta. This requires understanding the effectiveness of the institutions saddled with the responsibility for planning sustainable development, what socio-economic and political processes affect the system, and its outcome.

It appears that a number of political, social, economic and cultural factors hinder the realisation of sustainable development in many countries. As Okoko (2002: 124) notes in the

case of the Niger Delta, the politics of extraction of the oil and distribution of its revenues among federating units in Nigeria have had negative implications for the sustainable development of the region. He argues that all definitions given of sustainable development have underlying elements of equity. Specifically, he reasons that lack of equity in the sharing of revenues accruing from production of oil is an important factor of failure to achieve sustainable development in the Niger Delta, where the oil is produced. According to him:

The exploitation of oil in the Niger Delta has severe consequences for the people. It results in oil spillage, the destruction of farmlands, and the degradation of the ecosystem and the disempowerment of the people. Yet, the income generated from the proceeds of these activities are siphoned to develop other areas other than those which produce the oil.<sup>50</sup>

Similarly, Borofice (2008: 15) argues that for an area in conflict such as the Niger Delta, a sustainable development approach to resolving the conflict would entail addressing a range of issues: the problem of food security; shelter for displaced people; expansion of health and education services; repair and construction of roads, rail and communication; and establishment of emergency response systems. As he notes, “these key areas are fundamental to the sustainable development of the society’s cultural practices and the natural environment in pre-and post conflict.”<sup>51</sup> So far, several other works by scholars and special reports by non-profit organisations highlight the issue of sustainable development and its interface with conflict in the Niger Delta but without signal of harmony of the ideas. The linking of all issues in the Niger Delta to the need for sustainable development rather mystifies the concept and compounds interpretation which ought to inform actions and practices of key actors in policy and conflict in the region (see for example Oyefusi, 2007; Jike, 2002; Ukeje, 2001: 338; Okonmah, 1997: 43)). Indeed, Jike argues that youth restiveness and general social

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<sup>50</sup> See Okoko, K.A.B. (2002). “The Politics of Resource Extraction, Distribution and Sustainable Development,” *Nigerian Journal of Oil and Politics* (Special Edition), Volume 2, No. 1, pp. 118-128.

<sup>51</sup> For details see Borofice, R.A. (2008) “The Role of Space Technology in Conflict Management,” Proceedings of International Conference on The Nigerian State, the Oil Industry and the Niger Delta, held at the Niger Delta University, Bayelsa State, March 11-13, pp. 12-20.

unrest in the Niger Delta cannot be understood outside government and oil company environmental practices that undermine sustainable development. For Okonmah (1997: 43), sustainable development provides the basis for citizens' claim to the right to a clean environment in the Niger Delta where oil companies pollute the environment by regular oil spills and gas flares. Being a key point of campaign against the government and oil companies, it may well offer some impetus for reduction of violence in the region if laws and the court of law in Nigeria recognize citizens' rights to a clean environment. In analysing the motivation for violent activities of youths in Ogoni against oil companies and the government, Ukeje (2001: 399) highlights the issue of sustainable development in the midst of abundant oil resource in the Niger Delta. In the words of Ebeku (2008: 403) "the people of the Niger Delta have continued to complain bitterly about mass poverty, hunger, disease, environmental degradation and loss of their traditional means of livelihood," pointing directly to the issue of sustainable development and conflict in the region.

In spite of these efforts at exploring the concept of sustainable development and its related issues in developing countries, there is still much confusion about its meaning. Besides, systematic and adequate attention has not been given to the causal relationship between issues of sustainable development and conflict in the specific context of the Niger Delta. This work attempts to contribute towards conceptualising the subject as part of effort to understand how its related issues of environmental policy implementation relate with violent conflict in the Niger Delta region. Besides, some scholars who have addressed the issue of sustainable development have done so without exploring how local environmental groups' understanding of the concept influences their political action. This study attempts to reverse the trend. To address the conflict in the region, more research efforts are needed in understanding what sustainable development means to the various parties in the conflict. At least, this study makes some contributions in that direction.

The goal of national environmental legislations, including the National Policy on Environment in Nigeria (1989) is to achieve sustainable development (FEPA, 1989: 5). A key goal of this study was to assess and understand what went wrong with the implementation of these policies in the Niger Delta and how that may have contributed to the emergence of violence in the relationship between the people of the region on the one hand and the Nigerian state and oil companies on the other. The literature points to social, economic, political, environmental, technical and bureaucratic factors for the poor implementation of these legislations but shows that scholars have paid less attention to understanding how policy and conflict actors in the region interpret the concept. Much less is how their conceptualisation of sustainable development is related to their choice of political actions and motivation for violence in the Niger Delta. This study fills those gaps.

### **3.3. Implementation of oil-related environmental policy in Nigeria**

First, environmental policy is defined on the basis of function, institution and purpose (Mickwitz, 2003: 45; Lundqvist, 1996: 16; Egonmwan, 1990: 1; Uppenbrink, 1988: 224; Aina, 1988: 17). Defined functionally, it means those policies that affect the environment (Lundqvist, 1996: 17). Institutionally, it refers to policies made by institutions such as the Ministries and Agencies of Environment (Uppenbrink, 1988: 225). Defined in terms of purpose, environmental policy is the “course of action which is intended to affect society in terms of values and beliefs, actions and organizations in such a way as to improve or to prevent the deterioration of the quality of the natural environment” (Lundqvist, 1996: 16). Accordingly, government environmental policy refers to the course of action of government intended to protect the environment through various policy instruments. According to Cochran and Malone (2005: 1), public policy is the study of ‘government decisions and actions undertaken to address problems of public concern.’ As Van Meter argues, the process



of implementing public policies “encompasses those actions by public, private individuals, groups of people and organizations that are directed towards achievement of objectives set out in prior policy decisions” (cited in Hill, 2002: 46) In fact, in much of the literature, public policy implementation is understood as the execution and delivery of public policies. Government may use institutions such as government agencies, companies, non-profit organisations and other levels of government to implement its programmes.

Generally, enormous research on implementation of public policy has been done in the past three and half decades (between 1969 and 2009) (see for example, Henry, 2007; Lasswell and Sabatier, 1986; Hjern, 1982; Hanf, 1982).<sup>52</sup> According to Ikelegbe (2006: 92), implementation is the “process of translating policy mandates into action, prescriptions into results and goals into reality.” Unfortunately, there is paucity of research that seeks to contribute to the conceptualisation of environmental policy and establish a link between its failure at the level of implementation and social conditions that might fuel anger and frustration among groups from the oil-bearing communities of the Niger Delta. This study attempts to fill the gap by exploring the process of implementing national environmental policy and its role in defining the pattern of relationship between local environmental groups on the one hand and government and oil companies on the other hand.

Initial works (Widasvsky, 1973)<sup>53</sup> on the subject of implementation of public policy were inspired by perceived failure of government programmes. Indeed, pioneer American scholars came to very pessimistic conclusions about the ability of government to effectively

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<sup>52</sup> See Kenneth, H. (1982). “The Implementation of Regulatory Policy: Enforcement as Bargaining,” *European Journal of Political Research*, Vol. 10, June, 159-72; Robert, A. (1982) “Implementation: Does a Literature Add Up to a Theory?” *Journal of the American Planning Association*, Winter, pp. 132-55; Benny, H. (1982). “Implementation Research -- The Link Gone Missing,” *Journal of Public Policy*, Vol. 2. No. 3, pp.301-8

<sup>53</sup> Eugene, B. (1974). *The Implementation Game*, Cambridge: MIT Press, p.22; Donald, V. and Carl, V. (1975). “The Policy Implementation Process: A Conceptual Framework,” *Administration and Society* 6, February. pp. 445-88

implement public policies. Subsequent generations of work were more analytical and comparative. Even so, most of these scholars -- mainly European scholars -- made the same pessimistic conclusions about the ability of government to implement public policies successfully, especially in developing countries. (Sabatier, 2007: 21). Generally, focus on Nigeria has been limited, which is why this work makes a justifiable contribution towards reversing the trend.

A review of what scholars have written on environmental policies shows substantial documentation of environmental regulations, laws or policies associated with oil company operations in the Niger Delta (Ibidapo-Obe, 1990; Omotola, 1990; Fekumo, 1990; Imevbore, 1988; Adeniyi, 1988; Aca, 1986; Etikenrentse, 1985; Olisa, 1987). In fact, a body of literature that emerged in the 1980s on environmental policy framework had a section that merely compiled pertinent oil related laws. For example, according to Ibidapo-Obe (1990: 232) the most “comprehensive legislation on oil related environmental problems or pollution is the Oil in Navigable Waters Act, 1968.” His analysis of this law in respect to government response to environmental consequences of oil exploration and production shows that government intervention through policy takes mainly forms of legal regulation and control through civil and criminal laws. Ibidapo-Obe (1990: 234) identifies nine criminal liabilities under the Oil in Navigable Waters Decree of 1968 which include: 1. discharge of oil into prohibited sea areas; 2. discharge of oil into Nigerian waters; 3. failure to install oil pollution prevention equipment on ships; 4. failure to keep records of oil matters; 5. harbour authority failing to provide oil reception facilities; 6. failure to report presence of oil in harbour waters. Violations of these criminal liabilities under the decree attract various levels of fines. In spite of the importance which Ibidapo-Obe accords this law for protecting the environment from environmental degradation, he notes that the problem usually with the law is non-compliance or “disregard of these operating guidelines that results in many pollution incidents.” Ibidapo-

Obe then blames this non-compliance on the alliance of interest of the oil majors whom he refers to as the *Seven Sisters*-Mobil, Shell, Esso, Texaco, Gulf, Chevron and B.P. in the early 1980s. The answer, according to him, lies in forcing these companies whom he argues are more concerned with making profits than any social responsibility, to comply with provisions of the law by the government of Nigeria.

Ibidapo-Obe further examines criminal liability of environmental degradation caused by oil companies under other related environmental laws such as state environmental laws, Federal Environmental Protection Decree No. 58 of 1988 (FEPA), Harmful Waste Decree of 1988, and Criminal and Penal Codes. Although some of these environmental laws do not directly relate to oil related degradation of the environment, their provisions are such that can be used to address general issues of environmental degradation. Specifically, Ibidapo-Obe notes that the case of the FEPA Decree is designed to

Cover all aspects of environmental protection. With particular reference to oil pollution, the decree is a great improvement on the other laws governing the matter: there is a comprehensive criminalisation of discharge of hazardous substances into the air, water, and oil land (Ibidapo-Obe, 1990: 248).

The Federal Environmental Protection Agency (FEPA) was created by the Nigerian Federal Government in 1988 with a clear mandate to deal with issues of environmental protection in Nigeria. It was to deal with problems of standard, water, air and atmospheric quality, along with effluents limitation and advice the federal government on key national environmental policy issues. Directly following the establishment of FEPA was the formal launch of Federal Republic of Nigerian National Policy on the Environment. It was the first time that a comprehensive environmental policy framework was created with clear goals to achieve sustainable development through proper management of the environment in Nigeria. Specifically, the goals of the policy are to:

- secure for all Nigerians a quality of environment adequate for their health and well-being;

- conserve and use the environment and natural resources for the benefit of present and future generations;
- restore, maintain and enhance the ecosystems and ecological processes essential for the functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources and ecosystems;
- raise public awareness and promote understanding of essential linkages between environment and development and to encourage individual and community participation in environmental improvement efforts; and
- cooperate in good faith with other countries, international organisations/agencies to achieve optimal use of transboundary natural resources and effective prevention or abatement of transboundary environmental pollution (Okonmah, 1997: 43-67).

Section 2 of the Petroleum Act of 1969 empowers the Minister of Petroleum Resources (defunct or fused with the presidency between 1999 and 2008)<sup>54</sup> to grant oil exploration licence, oil prospecting licence or oil mining lease. In exercising these rights conferred by the licence or lease in a manner that unreasonably interferes with fishing rights of local communities, the licensee or lessee shall pay adequate compensation to any person whose rights have been violated <sup>55</sup> (Olisa, 1987: 15-17; Etikerentse, 1985: 24: 21). The Act vests ownership<sup>56</sup> of all petroleum in Nigeria in the state. All petroleum “under the territorial waters of Nigeria or forming part of the continental shelf, as defined by the Convention on the Continental Shelf signed in Geneva in April 1958 to which Nigeria is a party” belong to the state. “The Offshore Oil Revenue Act No. 9 of 1971 specifically vests all offshore revenues and the ownership of the territorial waters and the continental shelf in the Federal Government” (Aca, 1986: 33). In any case, legal framework for exploration of oil in Nigeria rested on the Mineral Oil Ordinance of 1914 which vested rights to exploration of oil in British companies (Okonmah, 1997: 44).

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<sup>54</sup> Between 1999 and 2007 the president of the Federal Republic of Nigeria has served as the Minister of Petroleum Resources. Former President Olusegun Obasanjo started it and the current government of President Umar Musa Yar’ Adua has followed suit until 2008 when he appointed a Minister of Petroleum Resources.

<sup>55</sup> See Section 8 of the Act.

<sup>56</sup> See Section 1 of the Act.

The Oil in Navigable Waters Act of 1968 was made to prevent pollution in the navigable waters of Nigeria as a direct consequence of Nigeria's position as a signatory to the International Convention for the Prevention of the Sea by Oil 1954, amended in 1962. Under the Act, the owner of a Nigerian ship shall be guilty of an offence if certain oils are discharged into prohibited sea areas.

The Associated Gas Re-Injection Act of 1979, among others, provides for mandatory submission of programme for gas re-injection by oil companies to the federal minister for Petroleum Resources not later than 1<sup>st</sup> of April 1980. It also demanded that oil companies must submit detailed plans not later than 1<sup>st</sup> October, 1980 for the implementation of gas-reinjection. Specifically, oil companies were by the Act not to flare associated gas in Nigeria without written permission from the Federal Minister of Petroleum Resources after 1<sup>st</sup> January, 1984.

Almost all of these laws came out of the legal foundation of colonialism. That is, given the nature of the colonial state, indigenous peoples of the Niger Delta were not involved in the processes leading to the formulation of the laws. For instance, the 1959 Petroleum Profit Tax Ordinance initiated a half-and-half sharing formula between the government and oil companies without considerations for the oil-producing communities of the Niger Delta (*Human Rights Watch*, 1997: 20-46; Pearson, 1970: 24-26).

The second body of literature of the period was critical of the *old order*<sup>57</sup> of environmental laws and practice in the Niger Delta. Spurred by the sensitisation activities of environmental (non-governmental) organisations on the environmental problems in the delta area, some of the scholars began to present commissioned papers at workshops that were either organised by university or government departments leaning towards policy

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<sup>57</sup> Old order environmental laws were colonial in nature. Oil prospecting in Nigeria began in 1937 in Owerri. As such the laws and guidelines for oil exploration activities were initially colonial in nature.

formulation. For instance, Lukman argues that the Petroleum Act of 1969 is not primarily an environmental Act although it contains provisions on protection of the environment. Besides, the Act was silent on issues of land pollution caused by oil operations. Lukman also observed that the Act has no provision to compel oil companies to be socially responsible for oil spills not directly traceable to their operations. On the whole, the Act was too general on the issue of protection of the environment from oil damage. Dabholker (1988:153) has also highlighted the fact that environmental protection in Nigeria is not a constitutional matter<sup>58</sup> (Lukman, 1988; Adedipe, 1988; Imevbore and Fubara, 1988; Akanle, 1988).

The Environmental Impact Assessment (EIA) Decree No. 86 was promulgated in 1992. The Decree as stated in section 1 has the following goals:

- to establish that before any public or private activity that may likely have significant environmental effects, is undertaken, such effects shall first be taken into account;
- to promote the implementation of appropriate policy throughout the country through which the goal and objectives in paragraph (a) above may be realized.
- to encourage the development of procedures for information exchange, notification and consultation between organs and persons when proposed activities are likely to have significant environmental impacts across state boundaries or on the environment of towns and villages (Umeh and Uchegbu, 1997:17-28)

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<sup>58</sup> Environmental policies may take the form of provisions of individual rights to a clean environment whose implementation would involve citizen action against any violation of the rights. Algeria, China, Chile, Cuba, Ghana, Ecuador, India, Iran, Korea, Sri Lanka, Malaysia, Panama among others are examples of nations with national constitutions providing for individual rights to clean environment. The other form is by general authority of government to take action on matters of the environment, usually implemented through legislative actions. Mandated government action may also take three dimensions: anti-pollution law; codification of environmental and natural resources law and, environmental framework law. While anti-pollution law and codification of environment and natural resource laws refer to the response of the legislature as an arm of government towards systematic revision of all environmental laws, environmental framework laws refer to the broad or “umbrella” national policy that gives basic legal principles without attempting to spell out details in terms of codification of all statutory provisions. Usually, it begins with a declaration of national environmental goals and policies and then institutional arrangements. See for example, Dabholker, U. (1988). “Environmental Management in Developing Countries,” paper presented at the international workshop on the goals and guidelines of the national environmental policy for Nigeria, 12-16<sup>th</sup> September.

The effectiveness of these laws is doubted by Ibidapo-Obe. For instance, he argues that prosecution of offenders under the Oil in Navigable Waters Decree requires approval of the Attorney-General of Nigeria. This means that where there are political interests, the Attorney-General may be required to give approval to a person or group seeking to bring an action under the Act. As Ibidapo-Obe observes, this is in part the reason for the ineffectiveness of these laws to adequately regulate oil companies against pollution of the environment in their areas of operations -- the Niger Delta. He concludes by saying that:

Government must not be seen as being hand in glove with foreign oil interests to the detriment of the welfare of her citizens. The existing regime of criminal liability for oil pollution is inadequate, haphazard, and ineffective. One can justifiably conclude that there is indeed no coherent philosophy of criminalisation of pollution offences (Ibidapo-Obe, 1990: 252).

In a similar vein, Omotola (1990:285) explains the relevance and performance of statutory regime for oil pollution compensation as a mechanism for checking environmental pollution caused by oil companies in their areas of operation in Nigeria. These statutes include: The Oil Pipelines Act of 1956 Cap. 145; the Petroleum Act of 1969 and Petroleum (Drilling and Production) Regulations, 1969. These oil statutes have implications for protection of the environment from oil pollution through provisions for payment of compensation by organisations for exploring and production of oil to those who suffer environmental damages from their activities. Unfortunately, as inferred by Omotola, adequate enforcement of these laws is problematic. Enforcement of laws requires specifying roles that affected groups or individual citizens might play. In this case, communities so affected are to contend with economic and political interference of local elites who frequently present themselves as leaders in their communities, but in reality work to quell community resistance in exchange for financial rewards extended by oil companies. Besides, government sets the tone for all negotiations between oil companies and affected local communities in a way that what is often offered in compensation for environmental degradation is the result of amounts fixed by

relevant government ministries. In any case, the laws are too weak to check oil pollution in the Niger Delta.

Writing on civil liability for damages caused by oil pollution, Fekumo (1990: 254) argues that ineffectiveness of environmental laws is partly due to the imposition of burden of proof on the claimant seeking compensation. As he notes, since victims lack the technical knowledge to offer such proof they should therefore be spared of details of how oil pollution has caused damages to them. Instead, offenders such as oil companies should be left to prove their innocence of wrong-doing concerning pollution of the environment in the court of law. The idea is that the problem of proof at the level of implementation of these laws in the context of common laws of Trespass to Land, Nuisance, Private Nuisance and Public Nuisance has proved difficult to check environmental degradation caused by oil companies.

The other group, which emerged during the period penultimate 1990, also adopted a critical perspective to issues of environmental laws related to oil exploration but lamented the absence of a national environmental policy framework in Nigeria at the time.<sup>59</sup> (See for example, Adedipe, 1991: 126; Dabolker, 1991: 156; Imevbore and Fubara, 1988: 35-37) A number of papers presented at an international workshop on the goals and guidelines of the National Environmental Policy for Nigeria (held on 12-16 September, 1988) suggested oil related environmental laws were not at the time strange in Nigeria. The problem is that since then these laws are yet to be integrated into a single national policy document on the environment. Aside issues of inadequate environmental policies or laws, the papers point to the issue of weakness of many of these laws in respect of protecting the environment from damages caused by oil company activities. Imevbore (1991: 35) argues that “existing laws governing the environment in Nigeria are more international than national in content. There

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<sup>59</sup> Aca's work represents this class of literature. See Aca, T.O. (1986). *Petroleum Operations in Nigeria*, Lagos: West African Book Publishers Limited.



is no comprehensive national environmental law or policy which secures the wholesomeness of the environment...” He claims that this was in spite of Nigeria’s awareness of the global campaign for environmental protection in which it has been part of through various multilateral treaties. It would seem that it took Nigeria a rather long time to show interest in the development of a national environmental policy. Part of the insinuations would be that political leaders (whose focus seems to have been on the need to engender economic growth through development of the oil sector against any environmental considerations) might have lacked sufficient will to do so or constrained by economic interests. Although, up to 1988, Nigeria had no “articulate comprehensive policy on the environment,” Imevbore and Fubara (1988: 37) reason that there were various sectoral laws with environmental protection components that could have facilitated the emergence of a national policy on the environment. They continue that although the constitution of the Federal Republic of Nigeria 1979 had no direct provision for protection of the environment from damages caused by oil exploration and production activities, it had elements of environmental policy as specified in some sections of the constitution. However, he regrets that by virtue of the ownership structure of land and natural resources in Nigeria, the Federal Government has no rival in the claiming of rights for a clean environment. Power is concentrated at the federal government level over these matters to the detriment of individual freedom or rights to a protected environment from oil pollution.

Imevbore and Fubara further identify Nigeria’s National Development Plan of 1981-85 as containing some elements of environmental policy by its recognition of the necessity to integrate issues of economic growth with environmental concerns. While some scholars (for example, Ferrari, 1988: 75; Emovon, 1988: 74; Williams, 1988: 89) have actually reasoned that Nigeria lacks adequate laws or comprehensive national policy to protect its environment from damages caused by oil company activities, Imevbore believes that there are various

existing laws or policies that if sufficiently enforced would substantially impact the environment in a positive way. The rest of such laws or policies as identified by Imevbore and Fubara include: National Policy on Science and Technology 1986; The Criminal Code; Petroleum Decree 1969; Nigerian Atomic Energy Commission Decree, 1976; Queries Decree 1969; Territorial Waters Decree, 1967; Oil in Navigable Waters Decree, 1969; Forestry Act, 1958; and Land Use Decree, 1978. Imevbore emphasizes that adequate enforcement of these national laws as well as various international laws with provisions for the protection of the environment would result in better protection of the environment in Nigeria. As he notes the Land Use Decree:

We believe that if the provisions of the Land Use Decree were strictly observed it would not only ensure the realisation of the laudable objectives set out in the preamble to the Decree but would also aid a sound development of our environmental landscape from ecological and aesthetic perspectives (Imevbore, 1991:43).

The above statement suggests that the Land Use Decree has the potential to protect the environment from damages caused by human activities such as oil companies. Second, the provisions of the decree are not strictly observed or enforced. Imevbore and other scholars however, fail to ask further questions on the consequences of failure by government to enforce these laws in the Niger Delta. This gap has been noted in this study as a point for intervention, especially in our attempt to understand what and how lack of enforcement of these laws by the government created social, economic, environmental and political conditions for people in the oil-rich Niger Delta leading to violent conflict in the region.

Imevbore and Fubara also note that apart from national laws or policies, several international environmental laws have the potential for protecting the environment from damages caused by oil companies- if properly enforced or domesticated in Nigerian laws or policies. For example, Phyto-Sanitary Convention for Africa South of the Sahara of 1954, to which Nigeria became a signatory on 8<sup>th</sup> of November in 1961, has the potential for protecting the

environment if domesticated and enforced at the national level. The aim of the treaty is to prevent the initiation and spread of diseases and other adversities to plants into any part of the continent of Africa, south of the Sahara. Signatories (countries) are expected to domesticate the provisions of this treaty and ensure their full implementation. Given the role that agriculture played in the traditional rural economy of the Niger Delta people, adequate enforcement of provisions of this treaty would have probably helped in preserving local agricultural practice which many now claim has been lost to damage caused by oil company activities.

Nigeria is also a signatory to the International Convention for the Prevention of Pollution of the Sea and by Oil, 1954. It acceded to this treaty on 22<sup>nd</sup> April 1968. The treaty outlaws discharge of oil and related substances in specified zones. This treaty is intended to stem pollution of the sea but it has largely been ineffective owing to failure by national governments who are expected to domesticate it. The same is true of the Convention on Continental Shelf 1958; Convention on Prevention of Marine Pollution by Dumping of Wastes and other Matters 1972; Convention on Fishing and Conservation of the Living Resources of the High Seas 1958 and United Nations' Convention on the law of the Sea 1982. For example, Nigeria became a signatory to the treaty on Convention on the Continental Shelf and Convention on Prevention of Marine Pollution by Dumping of Wastes and other Matters with specific provisions aimed at preventing damage to the environment by persons or organizations on 28<sup>th</sup> May 1971. In any case, some of these conventions have been domesticated already, but adequate enforcement has been noted as key obstacle to the realisation of their stated objectives.

A report on environmental policies in developing countries conducted by Gour-Tanguay in

1977 and cited by Adedipe (1991: 126)<sup>60</sup> notes that key features of environmental policies of developing countries, including Nigeria at the time were: the multiple administrative bodies of environmental management such as the different ministries and departments of Agriculture, Forestry, urban planning, Health, Works, and so on; diffused nature of environmental policies; and lastly, difficulty in enforcing limited environmental laws or policies due mainly to diffusion and confusion concerning these laws. As such, Dabholker (1991: 150) suggests that effectiveness of government policies on the environment depends substantially on translating such policies into legislative and administrative action.<sup>61</sup> Dabholker argues that though the idea of comprehensive environmental policies and administration is recent, at least in comparative terms, this should be understood in the context of historical evolution that puts different countries at different stages, identified as (a) “primary protection against environmental risks; (b) natural resource use and conservation; (c) and ecological planning and management.” According to him, institutionally, environmental policy administration in developing countries like Nigeria should play three critical roles. They are: (a) “strategy- including policy making and coordination; (b) operations-including sectoral standard-setting and implementation; (c) intelligence-including information gathering, monitoring and assessment.” Dabholker thus suggests that the environmental policy and strategy in Nigeria should not be left with some single environmental ministry or agencies but should be given broad political base for defining environmental goals through the establishment of a national commission or boards. On the other hand, regulatory functions in environmental policy or management involving enforcement of policies and laws require collaboration with other levels of government or

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<sup>60</sup> See Adedipe, A.O. (1991). “A Workable Structure for the Proposed Federal Environmental Protection Agency,” Proceedings of international workshop on the goals and guidelines of the National Environmental Policy for Nigeria, 12-16 September 1988, pp. 126-142.

<sup>61</sup> Dabholker, U. (1991). “Environmental Management in Developing Countries,” Proceedings of international workshop on the goals and guidelines of the National Environmental Policy for Nigeria, 12-16 September 1988, pp. 155-164.

agencies. Concerning environmental monitoring and assessment, Dabholker asserts that

the formulation and implementation of environmental policies must be based on a reliable information base and continuous assessment of new information, including monitoring and assessment of the effectiveness of actions taken. Environmental intelligence thus provides constant feedback for strategies and operational functions and institutions. (Dabholker, 1991:157)

It appears that whether centralised at the level of federal government or decentralized to the levels of individual states, local governments or oil companies play the role of environmental policy administration in protecting the environment from damage caused by oil companies. The case of Nigeria deserves more research attention. This study then certainly makes a modest contribution towards filling the lacuna.

Environmental policies may take the form of legal or normative languages at different levels as in the case of provisions in a country's constitution. As can be seen from the foregoing, environmental policy may also take the shape of anti-pollution laws, codification of environment and natural resource laws, environmental framework law as well as environmental implementation and enforcement tools (Dabholker, 1991: 156).<sup>62</sup>

The literature shows that initially Nigeria's environmental policy took the form of anti-pollution laws and later -- in the 1990s -- the form of environmental policy framework. Little effort has been made to understand Nigeria's environmental policy from the angle of implementation failure and its consequences for conflict. This gap in the literature, especially in relation to questions pertaining to conflict between local groups and oil companies over degradation of the environment has not been given substantial attention by scholars. Our study helps to fill this gap.

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<sup>62</sup> Environmental policy implementation and enforcement tools may be voluntary on the part of individuals and organizations or may require strict surveillance by the government. The choice of approach depends on prevailing social, economic, cultural and political conditions. It may even take the form of a combination of different approaches. See Dabholker, (1991), p. 156.

In 2005, the National Assembly of the Federal Republic of Nigeria enacted the National Oil Spill Detection and Response Agency Act whose objectives include, to:

establish a viable national operational organization that ensures a safe, timely, effective and appropriate response to major or disastrous oil pollution; to establish the mechanism to monitor and assist or where expedient direct the response, including the capability to mobilize the necessary resources to save lives, protect threatened environment, and clean up impacted sites by best practice; maximize the effective use of the available facilities and resources of corporate bodies, their international connections and oil spill cooperatives i.e Clean up Nigerian Associates(CNA) in implementing appropriate spill response; ensure funding and appropriate and sufficient pre-positioned pollution combating equipment and materials, as well as functional communication network system required for effective response to major oil pollution; cooperate and provide advisory services, technical support and equipment for purposes of responding to major oil pollution incident in the West African sub-region upon request by any neighbouring country, particularly where a part of the Nigerian territory may be threatened (NOSDRA, 2005:1-17).

Section 6(1) of the Act states that the functions of the agency shall include:

- be responsible for surveillance and ensure compliance with all existing environmental legislation and the detection of all spills in the petroleum sector;
- receive reports of all spillages and coordinate oil spill response activities throughout Nigeria;
- coordinate the implementation of the plan for the removal of hazardous substances as may be issued by the Federal Government (NOSDRA, 2005:1-7).

Section 6(11) of the Act states that:

an oil spiller by this Act to report an oil spill to the Agency in writing not later than 24 hours after the occurrence of an oil spill in default of which the failure to report shall attract a penalty in the sum of five Hundred Thousand Naira (N500,000.00) for each day of failure to report the occurrence. Failure to clean up the impacted site to all practical extent including remediation shall attract a further fine of one million naira (NOSDRA, 2005: 1-17).

The Department of Petroleum Resources, Federal Ministry of Environment and the National Oil Spill Detection and Response Agency are expected to cooperate in the management of the environment in Nigeria. However, critical perspectives to the various regulations and laws related to oil exploration in Nigeria argue that the regulations and laws provide little or no protection for victims of oil pollution in the Niger Delta (Okonmah, 1997: 43). Since the right to a clean environment is yet to be a constitutional matter, Okonmah, for example,

argues that the common law regime in Nigeria cannot guarantee safety or protection of the environment given the problems of burden of proof. Ideally, pursuit of protection of the environment whether by individuals or corporate bodies, should be done through human rights law. As he comments, the difficulty of the common law guaranteeing protection of the environment in Nigeria shows that:

The right to a clean environment currently is regarded as 'soft' law at the international level, and can only be realized in public law, against the backdrop of sustainable development. This right was aptly made in 1981 by a party, but has incorporated into her corpus juris by the African Charter (Ratification and Enforcement) Act, 1983 (Okonmah 1997: 43).

A section of the literature insists that national environmental laws related to oil business are rarely implemented or, if at all, ineffectively done in the Niger Delta (Orubu, 2004: 203; Ojo, 2002: 11; Anago, 2002: 1-3; Ifeka, 2001: 99; Human Rights Watch, 1999: 54). For example, *Human Rights Watch* notes that "regulatory framework for managing protection of the environment in the Niger Delta lacks enforcement." Many reasons for this lack of enforcement of environmental laws have also been identified by various writers. They include: lack of funding, trained staff, technical expertise or adequate information. Others are lack of analytical capability of and other skills needed for implementation of policies and programmes and; broad political and economic factors which scholars associate with the nature of federalism and ethnicity in the Nigerian state. Apart from clear indication from the literature that adequate attention has not been paid to exploring issues of environmental policy implementation and conflict, there is also an aspect which this study now addresses that requires serious probing whether issues of environmental degradation and social and economic conditions in the Niger Delta reflect failure of the government to effectively enforce pertinent environmental laws. To be sure, there exist research gaps on issues of relevant environmental policies and level of compliance by oil companies in Nigeria. At best, the subject has only been captured substantially by way of over 20 documented national

environmental regulations, laws and policies. The causal link between the failure of these laws and violence in the Niger Delta is yet to be properly addressed. This is one gap that this work also seeks to fill.

In fact, a section of the literature insists that Nigeria lacks adequate environmental laws to address various environmental, social, economic and political challenges associated with oil business in the Niger Delta but fails to explore the extent to which some of these laws, in spite of their shortcoming, may partly explain the dynamics of conflict in the region. The logic is that the realm of policy failure due to poor implementation may have several effects (such as violence) that might have been basically overlooked or which lack sufficient systematic attention by scholars. This work has provided us with ample opportunity to attempt to understand the linkage of failure of government to implement its national environmental policies and violence in the Niger Delta.

Adelegan (2004: 1) asserts that “so far there are no clear formulated policies in Nigeria aimed at coordinating and monitoring the relationship between environmental policy and sustainable development.”<sup>63</sup> As already observed, this thinking reflects the position of a good number of scholars on the Niger Delta who see environmental policy in the Niger Delta as inadequate for managing the environment by oil companies and the government.

Adelegan (2004: 1) admits that Nigeria has long established laws and institutions to tackle environmental problems but suggests that these laws and institutions have not been quite successful in achieving their aims. He notes that regulations, standards, bans, permits and quotas are preferred environmental policy instruments by policy makers in developing countries because of the less costly outcome and enforcement that they promise.

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<sup>63</sup> Adelegan, J.A. (2004). “The History of Environmental Policy and Pollution of Water Resources in Nigeria (1960-2004): The Way Forward,” unpublished article.



Nevertheless, according to him these promises are hardly achieved in such developing countries. As he asserts concerning the case of Nigeria, “experience from the Nigerian environmental policies and implementation has shown that the traditional command-and-control system to pollution abatement has not produced the desired result both economic and environmental wise” (Adelegan, 2004: 3). This reinforces the argument that these policies are hardly enforced to produce desired objectives. Furthermore, Adelegan’s reflection on the history of environmental policy and pollution control measures in Nigeria between 1900-2003 shows that though environmental policy specific to the oil sector were basically limited even up to the 1970s, existing laws with environmental contents were poorly implemented. This means that because environmental laws or policies were inadequate does not mean that if they were fully enforced environmental conditions would not improve. In fact, over the years since the colonial days, several laws have been formulated and institutions with powers to initiate environmental policies established by the federal and state governments of Nigeria. As Adelegan asserts the Federal Environmental Agency (FEPA) (now Federal Ministry of Environment) was established by the federal government of Nigeria to protect, restore and preserve the environment in Nigeria. By the provisions of the decree establishing it, FEPA was given the power to initiate environmental policies or regulations as well as power to formulate and implement environmental management. FEPA was given additional powers of enforcement and inspection of facilities and arrests of persons who violate environmental laws, standards or guidelines for prosecution. It is difficult to consider environmental policy in Nigeria without reference to FEPA. However, Adelegan suggests like many others that FEPA did not do sufficiently well in carrying out its responsibilities.

It would appear that the use of market-based instruments of environmental policy such as pollution tax and charges to complement traditional *command-and-control* approach in Nigeria discussed so far would bring substantial progress in protecting the environment from

damage caused by oil business. Adelegan asserts that lack of adequate enforcement, corruption, shortage of funds, administrative or managerial capacities have made such policies ineffective in Nigeria.

Nineteen years after the formulation of the National Policy on the Environment (NPE), several other laws meant to address environmental pollution caused by oil companies have been enacted by the National Assembly in Nigeria. A body of the literature mirroring the perspective of the federal government insists that the government has done fairly well in protecting the environment in the Niger Delta. For example, Okediran (2005: 3)<sup>64</sup> explains that the passing of a bill by the Nigerian parliament in 2004 to provide for the establishment of the National Oil Spill Detection and Response Agency charged with the responsibility of cleaning up any oil in the country and other related matters is commendable. Similarly, he commends attempts by the parliament to permanently address the problem of gas flaring in the Niger Delta by amending the Associated Gas-Reinjection Act, Cap 26, to ensure the phasing out of all gas flares by 2008. Ironically, by 2009, gas is still being flared in Nigeria, which means that these efforts by the Nigerian parliament have not yielded much progress. It also signals the need to understand why the efforts are yet to cause an end to gas flaring, or explain violence in the Niger Delta. Already, the environment and lack of development are presented in the literature as serious grievance issues causing violence in the Niger Delta. Although this is commendable, these findings are not based on sufficient and systematic research that specifically highlights the relationship between implementation of government environmental policy and conflict in the region. This study helps to fill the gap.

Again, although most of the aforementioned laws have been analyzed in the literature, their

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<sup>64</sup> Okediran is current member of the Federal House of Representatives, National Assembly in Abuja, Nigeria. See paper entitled "Parliamentary Initiatives in Energy Legislation and Sustainable Development-Nigerian Perspective," in a conference on Parliamentary Initiatives in Energy Legislation and Sustainable Development in South Africa in 2005.

analyses are inadequate. They do not pay sufficient attention to possible link between how implementation of the laws may fuel violence between local environmental groups on the one hand and oil companies and the government on the other hand. Instead, most of the laws are condemned for being unable to protect the environment and bring development or provide opportunities for socio-economic advancement to the Niger Delta. The review of literature shows that scholars are yet to fully address the implementation process of oil laws with environmental policy contents. The same goes for the National Policies on the Environment and other environmental laws that have emerged since 1991.<sup>65</sup> The researcher hopes to reverse this trend by making attempt in this study to see how understanding implementation of government policy on the environment in the oil sector may partly explain violence in the Niger Delta.

Besides, although, the principle of sustainable development and proper management of the environment and its resources under many of these laws have been examined, the literature does not adequately capture how specifically failure of these laws to achieve their sustainable development goals relate with conflict in the Niger Delta. For example, Umeh and Uchegbu (1997: 3)<sup>66</sup> suggest that existing oil and environmental laws in Nigeria are fairly adequate to ensure sustainable development in the Niger Delta, they however fail to explain how this may help in understanding the conflict there. Specifically, Umeh and Uchegbu (1997: 20) argue that the Environmental Impact Assessment Act (EIA) of 1992 in Nigeria has the potential of ensuring sustainable development in Nigeria. In fact, as they argue further, the fundamental requirement of public participation should facilitate the process of attaining sustainable development in the implementation of the EIA Act.

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<sup>65</sup> This was the year that the federal government of Nigeria came up with a national policy on the environment. It is significant for being the first time ever for the country to have a policy on the environment that is considered to be comprehensive by some scholars.

<sup>66</sup> See Umeh, L.C. and Uchegbu, S.N. (1997). *Principles and Procedures of Environmental Impact Assessment (EIA)*, Lagos: Computer Edge Publishers, p3.

As can be gleaned, most of the works on environmental policy or degradation of the environment are of the position that the constitution of the Federal Republic of Nigeria does not make adequate provision for the protection of the environment by oil companies in the Niger Delta. Makinde and Ayanbule add credence to arguments made by Umeh and Uchegbu. In fact, they assert that:

the basis of environmental policy in Nigeria can be found in Section 20 of the 1999 Constitution of the Federal Republic of Nigeria which contains provisions for the protection and improvement of the environment and safeguarding of water, air and land, forest and wildlife of Nigeria (Makinde and Ayanbule, 2008: 281).<sup>67</sup>

They maintain that environmental laws and regulations enacted by the federal government are adequate to protect and safeguard the environment in Nigeria. Makinde and Ayanbule pay specific attention to:

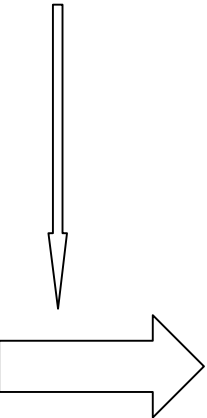
1. The Federal Environmental Protection Agency Act of 1988 (FEPA Act now moribund). In pursuant of this Act, the following regulations were made: National Environmental Protection (Effluent Limitation) Regulations; National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations; and National Environmental Protection (Management of Solid and Hazardous Wastes) Regulations.
2. Environmental Impact Assessment Act (EIA Act) of 1992;
3. Harmful Wastes (Special Criminal Provisions and so on) Act of 1988 (Harmful Wastes Act);
4. The Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) 2002, published by the Department of Petroleum Resources (DPR).

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<sup>67</sup> See Makinde, O. and Ayanbule, B. (2008). "Environmental Law 2006," *Global Legal Group* [www.iclg.co.uk](http://www.iclg.co.uk) (Accessed on 27<sup>th</sup> March, 2009).

**Table 3.1. Relevant environmental laws and regulations in Nigeria**

The data in Table 3.1 shows some national environmental policies widely acknowledged in the literature as relevant for the protection of the environment in Nigeria.

<p>Environmental laws and regulations in Nigeria</p>	<p>Constitution of Nigeria, 1999</p> 	<ol style="list-style-type: none"> <li>1. Federal Environmental Protection Agency Act of 1988</li> <li>2. Environmental Impact Assessment of 1992</li> <li>3. Harmful Wastes (Special Criminal Provisions and so on) Act of 1988 (Harmful Wastes Act);</li> <li>4. The Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) 2002, published by the Department of Petroleum Resources (DPR).</li> </ol>
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Makinde and Ayanbule maintain that both the Nigerian Constitution of 1999 and various environmental laws and regulations (See Table 3.1) enacted by the federal government are capable of protecting the environment in Nigeria. For Ebeku (2003: 204) the Petroleum (Drilling and Production) Regulations of 1969, FEPA Act of 1988 and the African Charter on Human and Peoples Rights are the most important environmental protection laws in Nigeria. The reason, according to him, first, is that oil companies contribute the greatest amount of damage to the environment in Nigeria. Second, the FEPA Act is the most comprehensive environmental Act that cuts across virtually all sectors in Nigeria. Third, The African Charter on Human and Peoples' Rights has already been incorporated into Nigeria's legal regime, which means that its provisions can be invoked in Nigerian courts by those seeking justice for violation of their rights (including rights to environmental protection).<sup>68</sup> Specifically, Ebeku argues that the Petroleum (Drilling and Production) Regulation of 1969 is sufficient to ensure that the environment in the Niger Delta is protected from damages caused by oil companies. To him, Regulation 23, 25 and 36 of that Act provide adequately for what is expected from oil companies to protect the environment from destruction. Regarding the FEPA Act, Ebeku asserts that two dimensions of redress for damage to the environment are provided, namely, remediation of the affected environment and payment of compensation to victims of the damage. Specifically, Sections 20 and 21 of the Act prohibit the discharge of certain amount of harmful substances upon the waters, air and land in Nigeria except on permission by relevant authorities. Concerning the African Charter on Human and Peoples' Rights, Ebeku asserts that it is now part of the domestic law of Nigeria. The Act provides for the right to healthy and satisfactory environment. Section 16 of the Act reads that "every individual shall have the right to enjoy the best attainable physical and mental health."<sup>69</sup> Whereas Section 24

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<sup>68</sup> See Ebeku, K.S.A. (2003). "Judicial Attitudes to Redress for Oil-Related Environmental Damage in Nigeria," *Reciel* Volume 12, No. 2. pp.199-208.

<sup>69</sup> See document on African Charter on Human and Peoples' Right (ACHPR) Section 16(1)

reads, “all peoples shall have the right to a general satisfactory environment favourable to their development.”<sup>70</sup> Since the Act is already domesticated in Nigeria, it is expected that its effective enforcement would ensure adequate compensation for environmental damages caused by oil companies in the Niger Delta. At the moment the literature predominantly portrays these laws as poorly implemented.

In the same vein, Fryna (2000: 216) concludes in her research that the role of the judiciary in the implementation of environmental regulations through litigations has improved in favour of victims of environmental damage caused by oil operations in Nigeria. She points out that in the past the Nigerian judiciary did not attach much importance to the substance of the law in matters of environmental damage by oil companies. Instead, it viewed itself as part of the political and economic elite of Nigeria. She argues that Nigerian judges are now pro-environmental protection. Her conclusion suggests that environmental laws in Nigeria are adequate to tackle environmental problems created by oil companies. The impression is also given that victims of environmental damage by oil companies now have access to substantial justice in Nigeria courts.<sup>71</sup> This type of impression throws up the question of political opportunity structures associated with the Political Process Theory whose basic elements and assumptions this study integrates with the assumptions of the Frustration-Aggression theory in order to provide the map for this work. It then calls for interrogation in this study, of access and on whether these assumptions (see section on theoretical framework) can be applied to understanding the motivation for violence in the Niger Delta in relation to how

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<sup>70</sup> See Section 24 of the same document

<sup>71</sup> Individuals and groups from the oil bearing communities have sued oil companies for various oil related pollution and violation of human rights and received favourable judgements in Nigeria and abroad. For instance, on the 14<sup>th</sup> of November 2005, a Federal High Court under Justice C.V. Nwokerie, ordered all oil companies in the region to stop flaring gas. On June 8, 2009, a District Court in New York gave judgement against Shell Nigeria for the violation of fundamental human rights of the Ogoni people. The court ordered Shell to pay the sum of USD15.5 million to the families of the late Ken Saro Wiwa and the eight others that were executed by the government of General Sani Abacha on November 10, 1995. See Environmental News Service (ENS) (2009) <http://www.ens-newswire.com/ens/jun2009/2009-06-08-02.asp> (Accessed on 9 November, 2009)

open or closed basic institutions of politics or governance are on matters of environmental regimes and their violation.<sup>72</sup> It is thus worthwhile to seek to understand how access to environmental justice through open and closed political opportunity structures prevent or promote violence. This is an area of scholastic enquiry that this study is also interested in but has not received satisfactory research attention by scholars. In fact, scholars are yet to give systematic and sufficient attention to how failure of the government to effectively implement its national environmental policies relate to violence in Nigeria's delta region. This study is a serious attempt to fill the gap.

Clearly, the inference from the works which believe that oil related environmental laws are either inadequate or poorly implemented in the Niger Delta is that these laws affect management of the environment by oil companies and the government. As Okotoni (2004: 3) asserts, "legislation ...affects environmental management."<sup>73</sup> This has to do with law making prescriptions and/or prohibitions on certain actions on the use of the environment." As a result, there is a rich documentation of the impact of oil companies on the environment in the Niger Delta (see for example, Dalby, 2009; Collier and Hoeffler, 2005; Ikelegbe, 2005: 171; Okotoni, 2004).<sup>74</sup> Okotoni argues in this respect that conflict in the Niger Delta is predominantly caused by what oil-producing communities see as negligence of environmental management or poor approach to its management. Although much of this is

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<sup>72</sup> The literature is scanty on the complex relationship between political opportunity structures, frustration and choice of political actions by local environmental groups over matters of environmental policy and damage caused by oil companies in the Niger Delta.

<sup>73</sup> Management of the environment is a reflection of the nature and performance of existing laws. Formulation and implementation of relevant policies or laws are therefore important in understanding how individuals and organisations manage their environment. Proper response to the environment by oil companies in the case of the Niger Delta may depend to a large extent on the performance of existing environmental policies.

<sup>74</sup> Some of these studies are further discussed in the next segment of the literature review under the resource curse thesis of conflict in the Niger Delta.



not based on any independent scientific scrutiny of such impacts on the environment, the literature insists that violent conflict in the region is in part caused by damage to the environment by the oil industry. The researcher notes that there is a need to go a step further in this study to explore the relationship (of environmental change and conflict) from the angle of implementation of government environmental policies, something that the literature seems to fail to admit or even attempt to integrate in explaining environmental practice of oil companies and their relationship to conflict in the Niger Delta. The *Toronto School* led by Homer-Dixon (1991) insists that environmental changes cause acute conflicts in most natural resource endowed countries. The content of this argument requires expansion. This study provides a good opportunity to widen the scope of how environmental issues lead to violent conflict in oil resource endowed regions of the world. The logic is that if environmental change leads to acute conflict, there is need to explore the various ramifications in which it might occur by critically and systematically examining the implementation of pertinent oil related environmental policies which at the moment remain under-studied. In fact, it is not wrong to say that though there is a rich body of literature that reflect the social, economic, environment and political origins of environmental change from extraction of natural resources, the surprisingly thin focus on the nature of environmental policy implementation and conflict deserves more attention.

A remarkable feature of the discourse on the environment, since 1960, is its rising profile as a subject of importance to politics and policy both at the national and international levels (see for example, Paterson, 2007: 545; Carter, 2001: 1; Van der Heijden, 1997: 205). This attraction is well demonstrated in the text written by Carter (2001:1) whose objectives were to expand core areas of study of “political theories and ideas relating to the environment; examination of political parties and environmental movements and the analysis of public policy-making and implementation at international, national and local levels” associated with

environmental politics.” Paterson (2007: 545) even argues that the environment has gone far beyond a mere attempt to establish itself as a political and policy problem. In the same vein, Van der Heijden (1997: 199) argues that the environment has now been entrenched on the political agenda of many nations. As Carter (2001: 2) notes, the rise to prominence by the environment in political discourse “reflects a widespread public concern about the state of the environment.” As such, it is no surprise that literature has captured the trend. It follows that the environment has become both a political and policy problem given its interconnectedness with economic and social systems and practice. In any case, it also implies that the environment faces political and economic forces with entrenched interests struggling to shape politics and policy. This explains why both state and non-state actors have become integral to understanding the politics of environmental degradation or implementation. The case of the Niger Delta has been highlighted (also see, for example, various works by Ibeanu) in the literature but there exists a gap in the systematic examination of the link between the politics of environmental degradation, implementation and violence in the Niger Delta. This study contributes immensely to filling the gap.

Already, a section of the literature has expressed doubt about the willingness of the government to implement pertinent environmental policy because of the fundamental interest of the state which depends on oil for over 90% of foreign exchange earnings and 90 % of its national revenue. Oil exploration and production is paradoxically responsible for the bulk of environmental degradation in the region. But this has not received sufficient attention from scholars in terms of the specific ways it causes violence. Besides, traditionally, scholars seem to have explained conflict in the region in terms of direct result of oil damage to the environment but fail to see this from the point of view of failure or reluctance of the government to implement environmental policies related to oil company operations. For example, Carter (2001:2) argues that “governments frequently talk ‘green’ but, in practice,

usually give priority to economic growth over environmental protection. It seems that the sustainable society is still a distant dream.” It follows that politics is a major determinant of how the environment is degraded and how environmental policy is implemented. Of course, all that is not to suggest that economic growth and environmental protection are mutually exclusive. It is not the case. This is despite not only some arguments that sustainable development is a middle-ground position that gives consideration to economic growth but also the seemingly endemic tendency among proponents of sustainable development to blame many environmental challenges on economic initiatives. This explains why the environmental movement, though acknowledged to have been responsible for placing environmental issues on the political agenda at international and national levels, is said, in the case of the third world, to have often articulated its demands for protection of the environment with demands for development. The case of the Niger Delta has not been given sufficient attention from researchers, especially in the assessment of the socio-economic and political conditions that environmental degradation from oil operations generate and which policy implementation is expected to reverse. In any case, it is commendable that a substantial body of work has addressed broader political issues of minority agitations in the Niger Delta over what is now seen as the neglect of the goose that lays the golden egg (Lubeck, Watts and Lipshutz, 2007: 1; Alapiki and Allen, 2006: 1; Douglas et al, 2003: 1-8; Fayemi, 2003: 122; Ibeanu, 2002: 2; Adejumobi, 2000: 59; International IDEA, 2000: 5; Egwu, 1998, 2; Nnoli, 1994: 555). This study complements these efforts but also addresses how failure to implement policy related to oil exploration might explain the tempo of violence now being experienced in the Niger Delta.

An interesting aspect of the discourse on degradation of the environment by oil companies and conflict in the Niger Delta is the incorporation of the idea of *environmental security* (Lubeck, Watts and Lipshutz, 2007; Douglas et al, 2003; Fayemi, 2003: 122; Ibeanu, 2002:

5). Buzan (1991: 19) defines security as “the pursuit of freedom from threat.”<sup>75</sup> Environmental security should then logically refer to the pursuit of freedom from threats associated with destructive human activities to the environment and its resources. A number of studies have been done from this perspective on the Niger Delta. (Ibeanu, 2002:6). The environment, as a human security issue derives essentially from its development role as a life supporting system for humanity and supplier of basic material resources needed for socio-economic advancement. As such, threats to the sustainable realisation of this objective and utilisation of what resource the environment offers can be logically viewed as threat to security. For instance, it is a widely held notion in academic and policy circles that the oil industry generates environmental conditions that threaten livelihoods for local population who hitherto depended on the resources in the environment such as fish resource, livestock, crops, and forest in the Niger Delta region of Nigeria

In essence then, despite deepening concerns for the environment, there are insufficient systematic studies on these issues in the case of the Niger Delta. It is also evident in the literature that perceived differences among key stakeholders in the region for the most part also help to define the structure of conflict in the Niger Delta. This study fills that gap by linking conflict in the Niger Delta to the pervasive failure by government to either implement or enforce pertinent measures to protect the environment in the region.

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<sup>75</sup> Classical notions of security dwelt on security of the state, which is claimed to be attainable through ‘realist power’ and ‘idealist peace.’ It was far less concerned about security of individual citizens since the logic was that the interest of the state was superior to that of the individual. Changing discourse on security now incorporates human security or security of the individual in all ramifications. Embedded in this new discourse is the concept of ‘environmental security,’ which by way of blend of Buzan’s definition of security means, the pursuit of freedom from environmental threat caused by human or non-human activities. See Buzan, B. (1991). *People, States and Fear: An Agenda for International Security Studies in the Post-Cold War Era*, Harlow: Pearson Education Limited.

### 3.4. Conflict in the Niger Delta

The post-Cold War era is marked by an increase in the number and severity of violent conflicts in different parts of the world (Bannon, 2005: ix). In fact, as Collier (2005: xiii)<sup>76</sup> notes, civil wars have killed roughly 20 million people and displaced at least 67 million since 1945. It is therefore no surprise that scholars have done extensive research in attempts to explain or understand the causes, nature and impact of these conflicts. Whether in Europe, Africa Central Asia or other regions of the world, the subject of violent conflict has attracted the interest of scholars. For example, Kalyvas and Sambanis (2005:191)<sup>77</sup> explain the origins and violence dynamics of the Bosnia's civil war which started in 1980. Following from their analysis of the war, ethnicity played a significant role in the conflict. The case of Northern Ireland, a fairly developed country in Europe, might have been least expected by peace and conflict researchers. As Woodwell (2005: 161)<sup>78</sup> puts it "during the period from 1969 until 1994, Northern Ireland became the scene of the worst political violence in Western Europe. Woodwell's analysis of the war identifies political dominance of Protestants against the Catholics as key cause and major factor for the duration of the war -- 1969-1994. Since the 1970s Africa has become notorious for frequent and long-lasting violent conflicts. In fact, the continent is seen by many scholars and expert observers as a region prone to wars. Degila (2008: 1)<sup>79</sup> describes the case of West Africa as a *system of wars*, suggesting that the scale of violent conflicts in certain countries of the region is massive. Violence erupted in Liberia in

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<sup>76</sup> Collier, P. (2005). "Preface" Collier, P. and Sambanis, N. (eds) *Understanding Civil War*, Washington DC: World Bank, p. xiii

<sup>77</sup> Kalyvas, S.N. and Sambanis, N. (2005). "Bosnia's Civil War, Origins and Violence Dynamics" *Understanding Civil War*, Washington DC: World Bank, p.191

<sup>78</sup> Woodwell, D. (2005). "The Troubles of Northern Ireland, Civil Conflict in an Economically Well-Developed State" *Understanding Civil War*, Washington DC: World Bank, p.161.

<sup>79</sup> Degila, E.D. (2008). "Armed Conflicts in the Sub-Saharan Africa since the end of the cold war: An Analysis of New Conflictuality in West Africa," paper presented at the Second World International Studies Conference (WISC), University of Ljubljana, 23-26 July.

1989. Two years later (1991), Sierra Leone was also engulfed by war. Malecjacq (2007: 43) refers to the wars in Liberia, Sierra Leone and Guinea as a set of conflicts and explains them from a human security perspective by focusing on their causes and impacts on individuals. As Malecjacq<sup>80</sup> puts it “violence in West Africa has later been analysed as systemic.” In any case, violent conflict in Africa assumes different forms. For example, *wars of independence* (as in the case of Namibia and Angola), *secessionist wars* (such as the civil war in Nigeria-Biafra 1967), *rebellions* (such as the war in Ethiopia) and *interstate conflicts* (Chad and Libya over Aozou Strip between 1973 and 1994) (Michaiof et al, 2002: 3)<sup>81</sup> In fact, on a general note, various theories have been proposed for explaining and understanding violent conflicts. These theories are based on the following perspectives: economic (Atakpu, 2007: 1-6; Collier, 2003: 4; Collier and Hoefllier, 2002: 1; Berdal and Malone, 2000: 1<sup>82</sup>) psycho-cultural (Lake and Rothchild, 1996: 51; Ross, 1993: 18; Crighton, 1991: 127; Northrup, 1989: 65),<sup>83</sup> greed-grievance (Collier, 2003: 4; Collier and Hoefllier, 2002: 1-44), frustration-

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<sup>80</sup> Malecjacq, R. (2007). “Looking at the Individual in Liberia and Sierra Leone: From a Regional Conflict to a ‘Human Insecurity Complex’” *Human Security Journal*, Issue 3, February, p.43.

<sup>81</sup> See Michailof, S., Krosker, M. and Devictor, X. (2002). “Post-Conflict Recovery in Africa: An Agenda for the Africa Region” *Africa Region Working Paper Series No. 30*, April, pp.1-30.

<sup>82</sup> See Collier, P. (2000) “Policy for Post-Conflict Societies: Reducing the Risks of Renewed Conflict,” paper prepared for The Economics of Political Violence conference, March 18-19, at the Princeton University Centre of International Studies, Princeton University and the Development Research Group, World Bank; Collier, P. et al (2003). “Breaking the Conflict Trap: Civil War and Development Policy, Washington: The World Bank; Berdal, M. and David, M. (2000) *Greed or Grievance: Economic Agendas in Civil Wars*, Boulder: Lynne Rienner.

<sup>83</sup> See Lake, D. and Rothchild, D. (1996). “Containing Fear: The Origins and Management of Ethnic Conflict,” *International Security*, Vol. 21, No. 2; Berdal, M. and Malone, D.M. (2000). *Greed or Grievance: Economic Agendas in Civil Wars*, Boulder: Lynne Rienner; Northrup, T.A. (1989). “Dynamics of Identity in Personal and Social Conflict” in Kresber et al eds. (1989). *Intractable Conflicts and their Transformation*, Syracuse University Press; Ross, M. (1993). *The Management of Conflict: Interpretations and Interests in Comparative Perspective*, New Haven: Yale University Press.

aggression (Anifowose, 1982: 6; Davis, 1962: 6),<sup>84</sup> and physiological and human needs theories of conflict (Burton, 1990: 72).<sup>85</sup> Efforts to explain conflicts with environmental problems by researchers have also become popular. As a result, the use of the concept, *environmental conflict*, to describe the connection between violent conflict and environmental change appears also to have informed empirical research in many conflict zones where resources scarcity or abundance matter in the eruption of violence among groups endowed with natural resources. Specifically, each emphasises definite cause or causes of conflicts along with implications for other assumptions.

Because theories should normally have explanatory, predictive and problem-solving values and not just mere intellectual exercise, many of the already existing theories are not useful for explanation, prediction or problem-solving. Only a handful appears to accommodate the three qualities. Although argument is rife that each researcher writing from a unique background and conflict situation would find at least one of those features analytically useful and, as such, have some level of particularism (Faleti, 2005: 37), the case of the Niger Delta is yet to be given substantial theory-based analyses. As noted by Cohen (1968: 2), the aim of any theory is to explain an occurrence or phenomenon with an underlying objective of addressing the problem leading to that crisis. There exists an obvious hiatus in reaching this theoretical goal in the case of the Niger Delta just as non-governmental organisations seem to have been at the forefront of explaining the crisis. This study attempts to fill the lacuna.

For instance, Structural Conflict Theory (SCT) is analysed in the literature as an explanatory variable of conflicts. Its two aspects of radical and liberal orientations have not received

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<sup>84</sup> See Anifowose, R. (1982). *Violence and Politics in Nigeria: The Yoruba and Tiv Experience*, New York: Nok Publishers; Davies, C.J. (1962). "Towards a Theory of Revolution" in *American Sociology Review*, xxviii, February.

<sup>85</sup> See Burton, J. (1990). *Conflict: Human Needs Theory*, London: Macmillan.

adequate or balanced utilisation by scholars in the case of oil and environment related conflict in the Niger Delta. Both strands of structural explanations to conflicts identify structural factors in society in terms of how the society is organised. They locate social problems and conflicts on economic and political exclusion, inequality, injustice, poverty, sicknesses or disease, exploitation, and so on. Specifically, the Marxist extraction of the theory locates conflicts in societies within the framework of exploitation, injustice and class domination.

The liberal *structuralist theory* held by Galtung (1990: 240) argues that structural factors in society that cause conflict can be fixed by a process of policy reforms. In contrast, *Marxist structuralists* envision violent strategies for fixing structural problems that lead to conflict in society.

Jennings (2007: 7) and Honwana (2005: 31-52) refer to countries prone to conflict as conflict zones. Judging from the literature, these conflict zones are portrayed as social spaces where the actions and reactions of key actors are shaped by existing socio-economic and political forces. These forces, often, are complex and interconnect with one another to explain violent conflicts in regions of the world such as Africa, Latin America and the Middle East. The social space of conflict has both governmental and non-governmental actors. Incidentally, there are well documented studies on rival rebellions, criminal violence and warlike societies (Jennings, 2007: 8; Clapham, 1998: 1). What is common to these studies of violent conflicts is the attempt to explain their cause or causes. Why do groups arm themselves and fight? An influential point of view in response to this question seems to have been the “greed and grievance” debate.<sup>86</sup> Indeed, in recent years, the research agenda on causes of war, (especially in Africa) has been dominated by this debate. It is essentially a perspective towards

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<sup>86</sup> These words are associated with Paul Collier and his colleagues at the World Bank. See Collier, P. (2000). “Doing Well out of War: An Economic Perspective,” in M. Berdal and D.M. Malone (eds) *Greed and Grievance: Economic Agendas in Civil Wars*, Boulder: Lynne Rienner, pp.91-112.



explaining violent conflicts or motivations in terms of economic calculations. As Jennings (2007:12) notes, such economic considerations may influence “how violence is used in conflict.” “Greed and grievance” is now commonly used to refer to any argument that puts economic considerations at explaining the causes of conflicts. This is logical, but the subject itself has been under-studied, especially for Africa, let alone Nigeria’s Niger Delta, where problems of degradation of the environment and response of the government and oil companies appear to have been perceived in broader analyses of issues that are economic, social and political in nature.

While it is difficult to tell whether or not the case of the Niger Delta fits neatly with the description of “greed” as a motivation for current violence in the region, Ibeanu and Luckham (2006: 5-7) warn of the emergence of a conflict economy where struggle for the illegal sale of oil and adulterated fuel, colloquially called *condescent*<sup>87</sup> tapped illegally from oil pipelines seems to have become a major motivation or outcome for most of the violent activities of armed groups. However, related to the aspect of “grievance” is the *frustration aggression* theory? Although the grievances that motivated the initial violence might now seem to be disconnected from broader economic and political issues, an aspect of literature continues to insist on unsatisfactory policy response from the government and oil companies to the loss of livelihoods for local communities due to damage to their environments by oil companies.

It should be noted that the usefulness of the *greed and grievance* argumentation has been

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<sup>87</sup> The streets of Nigeria’s cities, especially in the southern and eastern parts, are often littered with young people selling *condescent fuel* in rubber/plastic containers. They are often very popular with motorists because of the higher prices for fuel sold at the government approved petrol *filling stations*. Sometimes, some operators of the *filling stations* have been known to buy from these young people to re-stock their reservoirs at the filling stations for sale to the public.

seriously questioned by both non-African and African scholars such as Bray<sup>88</sup> and Regan.<sup>89</sup> When indicators of grievances such as access to education, poverty and unemployment are used, the *grievance* argument remains a useful explanation to most of the conflicts in Africa. This is where the *frustration aggression* argumentation comes out clearly in similarity with the *grievance* argument. To that extent, this study makes a modest contribution to the consolidation of the *greed and grievance* debate, although to some degree, this has been determined by the nature of this work's research questions.

The greed argument runs the risk of being dismissed for frivolous claims if restricted to armed groups, or seen from the point of view of groups and their members fighting because they want some physical or material security. This is because in some regimes, governmental leaders and their bureaucracies may also have economic motives that are reflected in policies whose consequences may include the starting or prolonging of violent conflicts (Jennings, 2007: 13). This means that one should not consider the question of greed only with one party to a conflict. Although, as Jennings has noted, this is more of a function of research questions, greed (in the case of violence in the Niger Delta) might well be explored within the multi-layer-actors that include the government, oil companies and local armed groups in the light of violence in the region.

These theories, laudable as they are in their limited usefulness (since many of the researchers worked in parts of the world where violent conflicts have lasted), do not adequately explain the case of the Niger Delta. This clarification is necessary for understanding the imperative

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<sup>88</sup> See Bray, J. Leiv, L. and Murshed, M. S. (2003). "Nepal: Economic Drivers of the Maoist Insurgency," in K. Ballentine and J. Sherman (eds) *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, Boulder: Lynne Rienner, pp. 107-132.

<sup>89</sup> See Regan, A. J. (2003). "The Bougailville Conflict: Political and Economic Agendas," in K. Ballentine and J. Sherman (eds.) *The Political Economy of Armed Conflict: Beyond Greed and Grievance*, Boulder: Lynne Rienner, pp.133-136

of a theory that enjoys all the three identified features, and importantly for problem-solving of protracted violent conflict in the Niger Delta. The *Frustration-Aggression* theory utilised in this study thus helps to fill this gap in literature. Specifically, the *Frustration-Aggression* (F-A) theory is superior to the other theories of conflict for this study on the grounds that the theory provides a near commonsense and practical way of understanding and explaining what it means to be actually frustrated. Although this might be seen as too simplistic for explaining the choice of political actions among actors in the Niger Delta conflict, the theory provides the needed insight into the motivators or instigators of choice of political action on the part of local environmental groups regarding their circumstances-economic, political, environmental and socio-cultural in relation to government policies meant to achieve sustainable development. For example, being frustrated in this context (Niger Delta) on the part of the local environmental groups might mean that peaceful access to benefits accruing from the oil, as well as to the political system in order to influence decisions about management of the environment and its resources is blocked or at least limited. Annoyance or anger (another important aspect of frustration) in reaction, as a form of aggression may manifest in oral, written and physical expression. The researcher notes the seeming weakness of the theory in giving the impression that frustration will always lead to aggressive behaviours. In any case, such behaviours do not necessarily mean physical violence as can be expressed through show of annoyance or anger can be an instigator or motivator of aggressive behaviours including physical forms of violence. For the local environmental groups, their frustration with their circumstances of lack of development, poverty, perceived political marginalisation and so on, along with other factors or sources of frustration might constitute sufficient motivators for aggression. These issues in the context of the assumption of the F-A theory have not been given adequate attention by scholars in studying conflict in the case of the Niger Delta conflict.

A review of the literature shows that although crisis in the Niger Delta has attracted the attention of the international community, national politicians, non-governmental organizations and scholars, systematic study of the conflict is still inadequate. Although the structure of the conflict (protests against oil companies, attacks on oil company facilities, hostage taking, killing of oil company staff, killing of government security personnel, intra and inter community hostilities, attacks on government security personnel by local groups, attacks on local environmental groups by government security personnel and so on) has been highlighted in literature, theory building on complex causal relationships between issues of environmental policy implementation and violence in the region is yet to be given sufficient attention by scholars. However, this does not in any way discount efforts so far made by the academic community to explain the conflict.

Production of oil is of immense importance to the Nigerian state, oil companies, and international community of buyers, investors and Niger *Deltans*. This importance has altered the structure of the conflict and added an important element in analyses (of the conflict) by scholars. Worse, since the beginning of the 1990s, armed groups have emerged, focusing their attacks on oil companies and government security personnel. Kidnapping of oil company workers, hostage taking and killing of some of the victims are now routinely carried out by these armed groups. Of these forms of conflict, armed attacks against oil companies and government personnel appears to have the most devastating effect on the Nigerian state.

Against this background, in reviewing the literature on conflict in the Niger Delta, the researcher considered questions around issues of oil, environmental degradation, character of the Nigerian state and development. The review shows that though these issues have been highlighted in existing studies, the literature fails to adequately capture alternative explanations that incorporate environmental policy implementation by the government and

oil companies in relation to violence in the region. For example, O'Hara's (2001:301-308) summary of the issues concerning violent conflict in the region since the beginning of the 1990s include: oil, environmental destruction, development, character of the Nigerian state, human rights violation, and struggle for livelihood. He is not alone on these issues (see for example, Ikelegbe, 2008: 107; Watts, 2007: 40), although a few scholars would like to argue that conflict in the Niger Delta is driven more by greed than grievance (for example, Collier, 2000: 95). Clearly, a complex and interconnected set of issues and practices are presented to explain the conflict. At the centre is the impact of oil company activities on host communities in relation to the character of the Nigerian state. From a detailed reading of O'Hara's work, there is an underlying explanation of the issues from the angle of the popular thesis that oil is more of a curse than a blessing to countries that have it. This is deduced from the way oil companies and the government relate to the environment in the Niger Delta. In order to address the conflict, government and oil companies are expected to be guided by the importance of listening to communities that have risen in protest against them. Simply, they ask for development and respect for their environment. This view may sound somewhat prescriptive and simplistic. All the same, it shows that scholars are worried about resolving the crisis by suggesting the path of peace -- via conflict resolution and sustainable development. As O'Hara notes:

The social impact of the oil industry on these communities has brought great frustration and anger to their lives. Many of them feel that it is a curse on them. Essentially, the focus of their frustration and anger is due to the actual and perceived inability of the multinational corporations and the Nigerian government to carry out agreed reforms and measures to alleviate the deprivation experienced in their areas. It seems, too, that the expectations and demands of the host communities are at an extremely high level, such that the oil companies and government agencies regard them as unreasonable and almost unjust (O'Hara, 2001: 302).

O'Hara reports that although oil companies in the Niger Delta claim to have various sustainable development programmes, especially for the protection of the environment and

its resources, in reality some of the oil facilities belonging to the companies have been left to rot (deteriorate) without repairs or replacements. In the case of SPDC, according to him, such oil facilities constructed in the 1960s, 70s and 80s have hardly been upgraded. The result is frequent leakages that regularly destroy the environment and livelihood of the Niger Delta people. O'Hara specifically mentions SPDC as being habitually insensitive to oxidized pipelines conveying oil to their various locations or terminals. Worse, gas flaring is a regular occurrence. O'Hara suggests an explanation to this gap between intention and practice on the part of oil companies by pointing to the influence of broader socio-economic and political context of interests of the government and other stakeholders. He notes, regrettably, that SPDC has a tendency to see just about every case of oil spillage as caused by a third party (sabotage). Although, it cleans up such spills, compensations are never made on grounds of sabotage. In any case, matters of compensation are predetermined by relevant laws in terms of procedures for making claims and actual amount paid to affected communities. In these matters, O'Hara argues that the affected communities remain on the losing side. For example, amounts payable by oil companies as compensation for crops destroyed by oil spillage were determined over three decades ago and are yet to be updated to tally with changing social, economic and political realities. Ultimately, affected individuals, families and communities receive meagre amounts in compensation for crops destroyed by oil spillages whenever they occur. Even though unacceptably meagre they grudgingly accept, knowing that the government is behind the oil companies.

In fact, Ikelegbe (2008: 107), Ibeanu (2008: 96) and Agagu (2008: 238-245) argue independently in their researches that social, environmental, economic and political implications of extraction of the oil have to a large extent defined the structure of conflict in the Niger Delta. They blame crisis in the region on the insensitivity of oil companies and the government to issues of justice and human rights. As Ikelegbe notes:

The Niger Delta crisis is essentially but among others, a governance crisis. It is a crisis of state and corporate governance... While the nature of relations of the Nigerian state with oil and the multinational oil companies (MNOCs) is at the root of the problems of the Niger Delta; its under-development, poverty, marginalization, oppression, inequitable and unjust treatment, repression and violence, the nature of MNOC governance in the Niger Delta region is also abundantly indicated. State and corporate governance are intricately linked in the three levels of conflict in the region; communities versus federal government, communities versus oil companies and communities versus communities. The specific nature and character of the Nigerian state is indicated in the nature of relations it has foisted and has been foisted with it by the MNOCs. Furthermore, the nature and forms of oil exploitation and the practices and behaviour of the MNOCs underpinned the politics of oil, the policies that flow from it and the nature of collaboration, regulation and control that exist between the Nigerian state and the MNOCs.<sup>90</sup>

In the same vein, Ibeanu<sup>91</sup> argues that discourse on human rights in the Niger Delta has shifted from traditional human rights issues to what he refers to as *rhetoric of rights* -- understanding of human rights in terms of resource allocation rights or rights to development. According to him,

the first way to link resource monitoring and human rights in the Niger Delta is by posing questions of environmental justice... A major dimension of environmental injustice that has become muted under the regime of rhetoric of two rights in the Niger Delta is the impact on human rights of the indiscriminate discharge and dumping of toxic, non-biodegradable waste from the petroleum industry into very fragile environment... the people of the Niger Delta seem helpless in these situations... and are unable as a consequence to participate in decisions concerning the discharge of such waste (Ibeanu, 2008: 104).

Finally, O'Hara argues that scholars have responded to these issues in the Niger Delta from three perspectives, namely, World Bank, Government and Human Rights. While a good number of them blame the Nigerian federal government and oil companies for the way conflict in the Niger Delta has transformed into a 'war' situation, others *sound the tone* of condemnation of recent activities of armed groups.<sup>92</sup> Oil companies and the government are

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<sup>90</sup> See Ikelegbe, 2008, p.107.

<sup>91</sup> Ibeanu, 2008, p.96

<sup>92</sup> From a greed argument perspective, some politicians see these armed groups as bands of criminals who are motivated merely by a desire to achieve quick wealth. As a result, many of them are involved in theft of oil. Initially, many of them played the role of *thugs* who were hired by politicians to rig elections and eliminate political opponents in the pre-1999 and subsequent election periods. However, some of them use language of grievance touching upon environmental

blamed for being insensitive to the social, economic, political and environmental implications of the *oil-driven* economy of Nigeria. Psychologists<sup>93</sup> who explain the causes and prevention of violence among youths in society would maintain that it was important at a certain stage in the development of violence in the region (through some *social learning perspectives* in combination with the *Frustration-Aggression* theory) for oil company and government authorities to pause for a moment and reassess their approaches to development in order to understand the frustration being experienced by oil company host communities. Scholars who argue from the point of view of *stakeholder democracy* (for example, Runhaar, Dieperink and Driessen, 2006) would argue as follows:

The multi-actor policy context implies that strategies for sustainable development usually have to relate to a form of “governance”: a non-hierarchical form of steering, where state and non-state actors participate in the formulation and implementation of public policy.

O’Hara joins these scholars to locate violent crisis in the region within this context. In *Niger- Delta: Political Violence, Governance and Corporate Responsibility in a Petro-State*, written by Ibeanu and Luckham (2006: 1-87), a serious attempt is made to explain violent conflict in the Niger Delta in the context of the *oil-driven* economy and its social, political, economic and environmental implications. In fact, Ibeanu and Luckham address the complex connection between oil and violent conflict in the Niger Delta. They find that the Nigerian state is vulnerable to forces outside its control. Thus it lacks capacity to address

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degradation, injustice, development and so on as cover for their nefarious activities. See Daily Trust (2009) “How do we see the militant/JTF conflict” May 26

<sup>93</sup> There are several theories developed by psychologists (including *Frustration-Aggression* Theory) used for explaining how violence and aggressive behaviours develop; and to know when to intervene. Knowing when to intervene is enhanced by the application of the Social Learning theory. The theory posits that aggressive behaviour is learned and not inborn. Intervention by social, economic, educational and other means implies knowing what to do to discourage such aggressive behaviours. Social Learning and *Frustration-Aggression* theories complement each other rather than stand in competition. Scholars agree that intervention can occur at any time in the development of aggressive behaviours, but should the authorities wait until violence becomes full-blown as it is in the Niger Delta? See Amodei and Scott, 2002, pp.511-526



pertinent issues of turning the oil into a blessing as it is meant to be<sup>94</sup>, in terms of its usefulness for development and improvement of living conditions of Nigerians, especially people from the Niger Delta. Although this is not a predicament limited to the Niger Delta (researchers believe that most Nigerians complain of insufficient benefits from the oil economy), the case of the region has become a global issue as violence there, too often, influences global oil prices and volume of supply. As Fayemi notes in the Preface of Ibeanu and Luckham's book:

Oil has become the most powerful, and yet most volatile resource in the contemporary world by virtue of being the life blood of the modern economy. The fact that the lives of people and the destinies of nations are shaped by the results of the operations of the industry is not unconnected with the sort of politics and violence that regulate this resource all over the world, including Nigeria. While some oil-producing states have been able to counter the powerful economic forces compelling the violence in our oil-driven world, the Nigerian situation has remained particularly complex and it is still determined by the relationships between the state and multinational oil companies. The feature, if anything, makes the Nigerian state increasingly powerless as it continues to be susceptible to the vagaries that make it difficult for it to be alive to its responsibilities of preserving and defending the rights of oil minorities. This equally makes it challenging to create an enabling environment for the latter's easy access to substantial flow of corporate social responsibility opportunities, which has spawned conflicts that have the capacity to whittle down the viability of democratic governance in Nigeria (Fayemi, 2006: vi)

Ibeanu and Luckham argue that politics and violence regulate the oil industry in Nigeria. Resort to violence by the government has been a common approach. With the passage of time, armed groups have emerged with capacity to challenge the state and its coercive powers. The authors highlight the inability of the Nigerian state to counter various forces that compel the violence (state and non-state sectors) as well as the danger it spells for a fledgling democracy like Nigeria. As they note concerning some of the forces propelled by economic interests,

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<sup>94</sup> Economists in the early years of discovery of oil in Africa and other parts of the world predicted prosperity for countries that have it. Unfortunately, many decades later, this prediction has been proved wrong by the mode of governance by a majority of leaders of countries with huge oil deposits and revenues from it. In the case of Nigeria, the political class is more noted for its role in lining up individual pockets with public funds, mainly generated from oil production.

Shell and other oil majors have forged close alliance with Nigeria's ruling classes, including its military dictatorships. Little of the oil revenue has been invested in the communities in the Niger Delta, where most oil is produced. These communities have borne the brunt of the extensive environmental damage from oil extraction, and have become increasingly alienated from the oil companies and from the federal government (Ibeanu and Luckham, 2006: 3).

They cite evidence of a repressive and violent Nigerian state propelled by economic motives in the way it responded to peaceful protests by the Movement for the Survival of the Ogoni People (MOSOP) against degradation of their environment by SPDC and lack of development in the Ogoni area. Members of the group were killed and repressed by government security personnel. Finally, their leaders (nine), including the founding spokesman for MOSOP, the late Kenule Saro-Wiwa, were tried and executed by the military government under the now late General Sani Abacha on the charge of murder of four prominent Ogoni men who were killed by angry Ogoni youths. The youths accused the four men of treachery in the course of the struggle of the Ogoni people against oil companies and the federal government. To explain the character of the Nigerian state in relation to violence in the Niger Delta and the oil economy, Ibeanu and Luckham sought to understand how both violent conflict and its absence have been shaped by what they refer to as 'shifting and troubled relationships between the Nigerian post-colonial state and the oil sector.' What's more, they sought to understand how oil and violence have transformed and shaped Nigeria's social formations, gradually creating a political economy and culture of violence in the Niger Delta and in other parts of Nigeria. The vital aspect of their findings is seen in their explanation of the evolution and peculiar nature of the *rentier state* of Nigeria. They argue that emergence of the political economy of oil and the abundance of revenues from it forms the fundamental basis. What followed, according to them, have been various tendencies such as corruption, lack of accountability in governance and weakness of the political system to contain budding culture of violence among forces competing for the economic and political

space provided by the oil economy. It is therefore no surprise that these scholars (Ibeanu and Luckham) describe Nigeria as a *vampire state*<sup>95</sup> with leaders who lack visions of development for the country. The state is characterised by ‘prebendal politics’ of accumulation of wealth generated from oil. Furthermore, it has little regard for delivery of public services. Instead, competition among the political classes for state resources has deepened, weakening prospects for democratic consolidation. According to them, various mechanisms are created by the political class for misappropriation of oil rents, including ‘diversion into ‘special funds’ controlled by the President...bribes or tax paid on oil contracts, smuggling of petroleum products across Nigeria’s borders; illegal sale of oil and so on’ (Ibeanu and Luckham, 2006: 19). For Omotola (2006: 5), the character of the Nigerian state has spelt trouble for the Niger Delta where Nigeria’s oil is mined. This is seen in the reaction of the political class to threats posed by victims of environmental damage in the region. Omotola argues that the response pattern reveals the pattern of relationship between the Nigerian state and other key stakeholders in the oil business in Nigeria. As he puts it:

The colonial legacy bequeathed the Nigerian state certain characteristics. First, the post-colonial Nigerian state, like its colonial progenitor and other African states, remain a law and order state based upon the use of force...in these perverse relations, the state lacked autonomy because its apparatuses were not only underdeveloped, but also captured by the governing elite to advance their parochial interests...the attendant privatisation of the state, defined as the appropriation of the state to service private interests by the dominant faction of the elite became deeply engrained in the political system so as to thwart any attempt to reverse the trend.<sup>96</sup>

An important feature of the Nigerian variant of the *rentier state* identified by the authors is its failed development approach and politics of socio-economic exclusion of groups from benefiting reasonably from the oil economy. As a result, conflict in the Niger Delta has sharpened (Omotola, 2006: 6). Poverty level in the oil-producing communities has risen. In fact, since 2000, average per capita income has remained less than a dollar per day. As

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<sup>95</sup> The state and leaders are parasitic. They depend on rent from oil and lack any productive base.

<sup>96</sup> Omotola, S. (2006). “The Next Gulf? Oil Politics, Environmental Apocalypse and Rising Tension in the Niger Delta,” *ACCORD Occasional Paper Series*, Volume 1, Number 3, pp.5-8.

Ibeanu and Luckham note:

Far from bringing prosperity to the Niger Delta, oil exploration, production caused large scale environmental degradation, destroyed rural livelihoods and aggravated poverty. It was all the more destructive because it occurred in densely settled forest, agricultural and creek areas. State neglect of the concerns of Delta communities was compounded by the skewed distribution of oil revenues, diverted into 'development' (or in practice elite accumulation) elsewhere in Nigeria...Nigeria's emergence as a major petroleum producer has done little for the welfare of the people of the Niger Delta. There has been glaring immiseration according to all social indicators (Ibeanu and Luckham, 2006: 37).

Against this background, Obi (1997: 1-34) argues that oil and environment related conflicts in the Niger Delta pose severe threat to security on the domestic and external fronts. No doubt, this argument has been reinforced by subsequent research findings by some scholars. Interestingly, this threat, as conceived and predicted by Obi, is more real today than it was then. Indeed, it would be remembered that Ken Saro Wiwa's comments at his trial before his death regarding the future security situation of the Niger Delta and indeed Nigeria has been captured in analytical literature with interpretations that clearly portray the roles that oil and the character of the Nigerian state play in the conflict. At the domestic front, in another study, Obi (2004: 1-4) alludes to the *rentier* character of the Nigerian state as a threat to democracy and security in Nigeria. He prefers a topic for that research that clearly shows Nigeria as merely being in a process of experimentation of democracy.

Explanations of how oil and environment related conflicts pose threats to national and global security are at various levels. For instance, Obi (2004: 4) argues that Nigeria's oil political economy creates space for contests among groups. At the centre of this contest are the state and its opposing forces. Obi reports that unfortunately national perception of security does not include environmental issues. This, to a large extent, is the result of external-domestic linkages around issues of political economy of oil. According to him, this is why the oil is dominated by the alliance of the state and oil companies. As he notes, "from the foregoing, it is clear conceptually, within the state's view of national security, bereft of environmental

considerations, lies a source of conflict” (Obi, 1997: 14). The options available for protecting the environment and the people in the Niger Delta would include “broadening the notion of national security beyond militarist and elitist perspectives, integrating environmental concerns into national security and promoting sustainable development.”(Obi, 1997: 15)

Obi (1997: 14-16) provides some economic explanations to oil and environmental conflict in Nigeria in order to expose the extent of their domestic and external linkages. It shows that dependence on oil revenues, control of the oil industry by multinational corporations, worsening economic conditions since the 1980s and adoption of IMF and World Bank prescribed structural adjustment programmes are some of the economic dimensions. Others include, lack of synergy between the oil industry and other economic sectors (*Dutch disease*).

As he notes:

Oil and environmental conflict are rooted in the inequitable social relations that undergird the production and distribution of profits from oil, and its adverse impact on the fragile ecosystem of the Niger Delta. It involves the Nigerian state and oil companies on one side, and the six million people of the estimated eight hundred oil producing communities concentrated in the seventy thousand square kilometre Niger Delta. In contention is the oil-rich environment, the manner of distributing its wealth, and the survival of its inhabitants who depend on the ecosystem for their basic needs and livelihood. The host communities contend that because the oil is mined in their land, and they suffer from the pollution and environmental degradation attendant to oil production, they have a right to adequate compensation, a clean environment, and a fair share of oil rents, while the state and its partners, the oil multinationals, insist on the optimization of rents and profits on the basis of modalities defined exclusively by the patronage (Obi, 1997: 16)

Obi’s study also explains how oil shapes social, economic and political structures of Nigeria. Specifically, it shows how the federal system and its structures have been shaped by it. He argues that even the Nigerian Civil War was influenced by *oil politics*. The federal government contested the attempt by the eastern regional government to control the oil industry. This contest fired the resentment of ethnic minorities in the east and southern part of Nigeria in favour of the federal government because they wanted to prevent the then eastern regional government from gaining control and ownership of the oil in their territory.

Therefore, they fought in that war on the side of the federal government. No sooner than the war was won on the side of the federal government, than the ethnic minorities discovered that control of the oil had been transferred to the Federal Government. On the external front, Obi explains how the global economic down-turn, reflected in the fall of global oil price, coupled with acceptance of the *pill* of structural economic adjustment programmes from the IMF and World Bank have influenced violent pressures from groups in the Niger Delta against the Nigerian state and oil companies.

So far, oil remains a high-profile issue in explaining conflict in the Niger Delta (Actionaid, 2008; Omotola, 2006; Omeje, 2006; Ejobowah, 2000). The thesis that the oil has been more of a curse than a blessing in the case of Nigeria is quite extensive in the literature. A number of works by scholars further buttress this issue.<sup>97</sup> For example, in a special report by researchers at Actionaid Nigeria (2008: 1-5), they found linkages between oil and conflict in the case of the Niger Delta. It is argued in that document that conflict in the region owes much to the inadequate utilisation of revenues generated from oil production for the benefit of the people. Of course, with \$54 million and \$20 billion dollars generated daily and annually respectively, the report regrets that the welfare of people in the Niger Delta, let alone other Nigerians, have not improved in any substantial way. Instead, their socio-economic conditions have worsened even as oil production expanded in the Niger Delta and became key to the national development efforts of Nigerian governments. In fact, *United Nations Human Development Report on the Niger Delta* (2005: 33) pre-empted these findings by stating that living standard in the region is at a low level of 0.564 per cent. Unemployment in Port Harcourt – the traditional informal headquarters or centre of the oil business -- stands at 30 per cent. Poverty is still highly visible in the region. Potable

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<sup>97</sup> From the foregoing, it is clear that since the beginning of the 1990s a great deal of scholarly effort has gone into exploring the relationship between oil and conflict in the Niger Delta, with many explaining the specific ways in which the two relate.

drinking water is basically absent. As a result, water-borne diseases are common. According to *Actionaid Nigeria* (2005: 5), this socio-economic state is partly caused by the neglect of the Nigerian state in alliance with oil companies. As the report notes:

The way SPDC exploits this preeminent position and the general conduct of other global oil companies not in relation to the Nigerian state, but more especially the communities and the environment of the Niger Delta are largely responsible for the unique problem of development and underdevelopment of Nigeria's Niger Delta (Actionaid Nigeria, 2008: 5)<sup>98</sup>

Oil pollution, has adverse effects on fishing and farming in the rural communities of the Niger Delta; unemployment and lack of basic infrastructure provide credible reasons for the emergence of armed groups in the region (Ukiwo 2009: 1-4). An open coding of Ukiwo's work on "Causes and Cures of Oil-related Niger Conflicts" reveals the use of concepts such as "tense," "military deployment," "internal colonialism," "Hobbessian state of nature," "war zone," in analyses of the pattern of relationship between oil companies and the government (on the one hand) and local environmental movement organizations (on the other hand). In fact, Ukiwo dismisses the "new political economy" perspectives to analyses of the crisis which some scholars have adopted by arguing that violent conflict in the Niger Delta is motivated by greed and not grievance. Such an argument, according to Ukiwo, is 'characterised by too much of *economism*, too little politics and is ahistorical.'<sup>99</sup> The conflict owes much to the sense of exploitation on the part of the people of the Niger Delta. Their clamour for resource control is based on the competitive federal system in which control of natural resources has gradually moved from regions to the federal government. At first (1953-1960), regions retained 100 per cent of revenues based on the principle of derivation. Ukiwo argues that the slashing of what regions could retain as revenue to 50 per cent in 1960 was due to the beginning of commercial exploitation of oil. He claims that even the states

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<sup>98</sup> Actionaid Nigeria (2008). *Ablaze for Oil*, Abuja, pp.1-79.

<sup>99</sup> See Ukiwo, U. (2009). "Causes and Cures of Oil-related Niger Delta Conflicts," Policy Notes of Nordiska Afrikainstitutet, pp.1-2.

and local governments in the Niger Delta are distant from their rural communities. He reiterates that this neglect is the cause of social crisis in the region. As convincing as these issues are, very limited efforts have been made by scholars to understand the tension in the Niger Delta by specifically and creatively relating the issues to failure of government and oil company officials to implement government oil-related environmental policy.

By and large, the Nigerian state is seriously implicated over the mode of exploration of the oil and utilisation of its revenues for the improvement of citizens' well-being (Iyayi, 2008: 3-4). As Iyayi notes,

The assumptions of the Nigerian state about development derive from the nature and character of the state. The roots and character of the modern Nigerian state were planted in the colonial state, which related to the indigenous peoples as natives, subjects and a conquered people to be civilised. Civilising the natives meant of course exploiting them and treating them with disdain, disgust and distrust; in short, as inferiors. Resource exploitation activities were conducted on the basis that the resources belonged to the colonial power and that, in any case left with or to the natives, they would not be able to use such resources for productive purposes. The managers of the modern Nigerian state not only inherited and internalized these attitudes; over time, they deepened and expanded them. These characteristics of the Nigerian state have been reproduced in a set of assumptions that it deploys in relating with the Niger Delta (Iyayi, 2008: 5)

Iyayi argues that the character of the Nigerian state in relation to extraction of crude oil is based on a number of assumptions, including the following: that crude "oil is a national resource that belongs to the Nigerian state rather than the Nigerian people in general or oil – owning communities in particular;" "agitations for resource control or change in the derivation formula are either politically motivated, lack merit or orchestrated by trouble makers and criminals;" as well as the one that promotes the use of force or military solutions to deal with the demands of the Niger Delta communities.<sup>100</sup>

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<sup>100</sup> See Iyayi, F. (2008). "Niger Delta Crisis: Development and Socio-Cultural Implications," Paper presented at the Forum organised by PENGASSAN at Gateway Hotel, Ijebu Ode on 17th June.



Boele, Fabig and Wheeler (2001: 76) earlier noted that “...cooperation between the oil companies and the military dictatorship was an issue that the Ogoni felt strongly about. From this point of view, two malign forces were combining to pursue their own interests,” and quoted Ken Saro Wiwa as saying that since the Nigerian state (then military dictators) “depended for survival on the availability of oil money, its violence is directed at oil-producing areas such as Ogoni...”<sup>101</sup> From the foregoing, it appears that violent conflict associated with oil in the Niger Delta is partly the result of struggle for control and ownership of the oil. For example, Ikelegbe (2001: 437) argues that the involvement of various groups in the Niger Delta conflict is driven by quest for control of the oil resource. According to him, the quest by local groups from the region is the result of deep-seated anger and frustration over the contradiction of wealth amidst poverty in the Niger Delta. In fact, Ikelegbe argues that existing and frequent outburst of violent confrontation, ‘disruption of oil production, seizures of oil platforms, installations and equipment, kidnapping of MNOC staff and militarisation of the region,’ is the result of frustration and anger over social, economic and political conditions of youths in the region. He then clearly shows how the conflict is about struggle for benefits from oil. As he notes:

Oil based state-community, state-civil society, civil society/community-MNOC conflicts have emerged as the most serious threat to Nigeria and its new democracy. But more importantly, the conflict is a major contestation at two levels. First, it is a challenge by civil groups and communities in the ND over the control and the distribution of its benefits among the constituent units of the nation. Second it is a challenge to the state and its multinational partners of policies and practices that disadvantage the region, destroy its environment and impoverish its people (Ikelegbe 2001: 438)

From the review of Ikelegbe’s work, the key element in explaining the conflict is the oil, particularly its mode of exploitation, distribution and revenues. The perception by Niger Deltans that they are denied access to power and control of the oil by the dominant ethnic

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<sup>101</sup> See Boele, R. Fabig, H. and Wheeler, D. (2001). “Shell, Nigeria and the Ogoni. A study in unsustainable development: the story of Shell, Nigerian and the Ogoni people-environment, economy, relationships, conflict and prospects for resolution,” *Sustainable Development*, Vol. 9, 74-86.

groups in Nigeria is the core grievance in the conflict. It would then appear that frustration resulting from these issues plays a substantial role in defining the response pattern of the people from the region. This, according to Ikelegbe, is in spite of the fact that the initial response of communities from the Niger Delta was basically non-violent (writing of petitions) led by traditional rulers, and opinion leaders. These strategies were ineffective. The struggle was also compromised by some of the opinion leaders, while the government used force and intimidation against protesting communities.

In a manner akin to the above arguments, Ejiboweh (2000: 30-31) frames his response to the conflict by simply asking the question, “who owns the oil... in the Niger Delta of Nigeria?” Here again, the crisis in the region is portrayed as a mere struggle for control of the oil. Furthermore, he argues that the conflict is the result of conflicting claims of ownership of the oil resource by the Nigerian state and ethnic minorities of the Niger Delta. Ejiboweh (2000: 30)<sup>102</sup> evaluates the grounds for these conflicting claims and rejects the sovereignty argument that since Nigeria belongs to all, resources found in it should also belong to all. This also forms the basis of the Niger Delta Question.<sup>103</sup> Indeed, claims of sovereignty rights to the oil resource by the Nigerian state dates back to the pre-independence era. To frame the present conflict in the region in terms of struggle to control the oil as of right on the part of the Nigerian state is understandable, given the type and character of state inherited from colonialism. However, the researcher reasons that though extensively reflected in the literature, the logic of the argument of conflicting claims to the oil resource is limited to the period when oil became an important national commodity for development in Nigeria.

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<sup>102</sup> See Ejiboweh, J.B. (2000). “Who Owns the Oil? The Politics of Ethnicity in the Niger Delta of Nigeria” *Africa Today* Vol. 47, No.1, Winter, p.31.

<sup>103</sup> The Niger Delta Question is prominent in the literature. It means conflict in the Niger Delta, being the result of federal government’s control of the oil resource and distribution of its revenues among the three levels of government -- federal, state and local governments. It is the challenge of this structure where ethnic minorities in the Niger Delta are constitutionally excluded from control of the oil resource and distribution of its revenues (Ejiboweh, 2000:30).

Besides, it is difficult to properly analyse conflict in the Niger Delta by reducing the conflict to mere struggle for the oil resource. If at all, oil plays such extensive role, it needs to be situated within the context of politics or political economy of its extraction. In any case, single factor of need to control the oil does not seem to be sufficient motivation for the level of violence among the parties in conflict in the region.

As can be seen from the foregoing, oil is highlighted in the literature on conflict in the Niger Delta, its contribution especially to the resource-war argument. This does not in any way undermine a number of issues outside oil such as the struggle for control of farmlands and chieftaincy stool in explaining some inter-community or intra-community conflicts in the region as in the case of Okrika after the death of S.P.U Ogan in 2000.<sup>104</sup> However, the researcher notes that the subject of oil deserves more systematic investigation. In fact, scholars have paid limited attention to the need to explore emerging related issues of whether or not implementation of objectives of national environmental policy might influence violence in the Niger Delta. This work attempts to fill that gap.

Ejoboweh notes that claims of ownership of the oil by ethnic minorities in the Niger Delta is in part the result of abandonment of the *derivation principle*<sup>105</sup> which Nigeria practiced when oil became important for foreign exchange earning and income for the federal government. A second reason, according to Ejoboweh, is the creation of more local and state governments in the northern part of Nigeria. By having more of these states and local governments, these

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<sup>104</sup> Ogan was the Amayanabo of Okrika -- traditional stool of the Okrika people of Rivers State.

<sup>105</sup> This principle as explained elsewhere in this study means the practice of distribution of national revenues based on their states of derivation. This means that states received shares of the revenues based on their contribution to the national purse. Nevertheless, the emergence of oil as an important commodity for national development in Nigeria changed the practice. Derivation was eventually abandoned even as more states and local governments were created in the country with the result that the Niger Delta has numbers numerically inferior to any of the other regions -- north, east and west. Since revenues generated from the oil are distributed on the basis of states and local governments, regions with more of these states and local governments eventually receive more of the revenue. In all, the Niger Delta people claim to be at a disadvantage.

ethnic groups have had more shares of revenues accruing from oil production. Poverty, unemployment and fear of depletion of the oil are some of the reasons offered in Ejiboweh's work in justification of claims to control of the oil resource by ethnic minorities in the Niger Delta. In fact, reference is often made to Oloibiri where oil was first discovered in 1956. Today, that village<sup>106</sup> is without electricity, drinking water, roads, hospitals, or good primary or secondary schools. The village has been abandoned without development after many years of oil extraction. This experience and similar cases in the region such as that in the Ogoni communities seem to have prompted more scholars to tow the same line of argument in their attempt to explain the conflict in the region. In fact, Watts (2003: 5089-5099) advances a similar argument by presenting the quest for benefits from oil as the basis of claims to its ownership by competing groups in the Niger Delta, including the Nigerian state. As he notes, "petroleum in the Nigerian context has produced a combustible politics marked by violence" (Watts, 2003: 5089). It is suggested in the literature that the story of oil is the story of regular "chronicle of naked aggression, genocide and violent law of the corporate frontier" (Watts, 2003: 5089). Again, Watts argues that with over \$400 billion revenues generated from production of oil over a period of four decades, social and economic conditions of people from the Niger Delta ought to be better. Corruption plays a vital role in widening the gap between poor Nigerians who are increasingly unable to meet their basic needs of food, security and shelter and the political class. Worse, as Watts notes, is the deteriorating living conditions of people from the Niger Delta due basically to environmental degradation caused by oil companies and poor utilisation of oil revenues for the welfare of citizens. This paradox -- linkage of oil wealth and poverty -- has remained a key element of the foregoing discussion regarding the role of oil in the conflict. What is less understood is how compliance or failure to comply with national oil related environmental policies by oil

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<sup>106</sup> Now in Bayelsa state.

companies engender these socio-economic and environmental conditions of poverty and damage to the environment in the Niger Delta. This study recognizes this gap and attempts to fill it by relating it to violent conflict in the region.

Watts<sup>107</sup> adds credence to the *resource curse* thesis regarding the case of the Niger Delta (also see Collier and Hoeffler, 2005; Ross, 2001: 357; Leite and Weidemann, 1999: 29; Homer-Dixon, 1999: 11).<sup>108</sup> Between the 11<sup>th</sup> and 13<sup>th</sup> of March, 2008, the first ever international conference on the Nigerian state, oil industry and the Niger Delta was held in the Department of Political Science, Niger Delta University, Bayelsa State. All ninety-six papers presented at the conference by scholars emphasized the role of the oil sector in the conflict in the Niger Delta. More than half of the papers also highlighted the character of the Nigerian state in relation to oil and environment-related conflict in the region. The clear message is that oil is a curse in Nigeria. The danger in this type of deterministic posture among scholars is the risk of promoting some sort of cause/effect relationship between oil and conflict and neglecting any intervening variables or expansion of the scope of alternative explanations generated through scientific and systematic research. For example, concerning the Nigerian state, Okaba (2008: 21-39)<sup>109</sup> argues that the state is not neutral even as it is often perceived to be an instrument of domination by dominant groups in the country. Instead, the Nigerian state's dependence on the oil sector for its economic and political survival has made the state rather violent on issues of oil and environmental conflicts with

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<sup>107</sup> See Watts, M. (2003). "Economics of Violence: More Oil More Blood" *Economic and Political Weekly*, Vol.38, No.48, November 29-December 5, pp.5089-5099.

<sup>108</sup> For details see Leite, C. and Weidmann, D. (1999). "Does Mother Nature Corrupt?" IMF Working Paper, IMF, Washington DC; Homer-Dixon, T. (1999). *Environment, Scarcity and Violence*, Princeton University Press, Princeton; Collier, P. and Hoeffler, A. (2005). "Resource Rents, Governance, and Conflict," *The Journal of Conflict Resolution*, Vol.49. No.4, pp. 625-633.

<sup>109</sup> See Okaba, B. (2008). "Petrodollar, The Nigerian State and the Crisis of Development in the Niger Delta Region: Trends, Challenges and the Way Forward" proceedings of conference on The Nigerian State , Oil Industry and the Niger Delta, Department of Political Science, Niger Delta University, Bayelsa State, March 11-13

oil-producing communities in the Niger Delta. According to him ‘generally the trend and pattern of the *petrodollar* state of Nigeria is that it stifles development and struggles to maintain control of the flow of the *petrodollar*.’ Edeogu (2008: 64-80) supports this argument by insisting that conflict in the Niger Delta is the result of contest for control of the oil in which the Nigerian state is an interested party.<sup>110</sup> For Okowa (2008: 81-106)<sup>111</sup> anger against the Nigerian state by local groups in the Niger Delta is legitimate and is due to frustration and poverty resulting from unethical management of the oil resource by the state and oil companies. According to him, although the Nigerian state is supposed to be developmental, forces associated with interest in the oil business in Nigeria have made the state unable to perform that role. Such interests have in essence captured the state, making it less autonomous to play any significant development role. As he notes “the state in post-colonial Africa, including Nigeria, has limited autonomy.” Concerning the Nigerian state, oil sector and conflict in the Niger Delta, Ikelegbe (2008: 109) emphasizes that the Nigerian state and oil companies are to blame, to a large extent, for the current instability, insecurity, conflict, violence, crime, social tension and poverty in the region. As he notes:

The oil economy has disinherited and dislocated the local people who are dependent on the primary economies of farming, fishing and hunting. Besides, the region has been laid prostrate by massive oil based environmental degradation as a regime of massive oil spillages and gas flares have destroyed or devastated enormous land and water which has led to soil fertility loss, agricultural decline, forest loss, fisheries decline and biodiversity depletion...The Niger Delta region is today enmeshed in violent conflicts over oil.<sup>112</sup>

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<sup>110</sup> See Edeogu, C.F.O. (2008). “Peacebuilding Strategies for Peace in the Niger Delta: A Comprehensive Four Phased Peace Model,” Proceedings of conference on The Nigerian State , Oil Industry and the Niger Delta, Department of Political Science, Niger Delta University, Bayelsa State, March 11-13, pp.64-79.

<sup>111</sup> Okowa, W.J. (2008). “Oil, the Nigerian State and the Development Possibilities of the Niger Delta,” Proceedings of conference on The Nigerian State , Oil Industry and the Niger Delta, Department of Political Science, Niger Delta University, Bayelsa State, March 11-13, pp.81-91.

<sup>112</sup> See Ikelegbe, A.O. (2008: 110).

In a similar vein, Thomas (2008: 275)<sup>113</sup> focuses on how decay of the Nigerian state caused by external forces in search of oil is responsible for the current state of insecurity and conflict in the Niger Delta. According to him, oil and environment related violent conflicts in the region are reflections of failure of the Nigerian state regarding the performance of its traditional responsibilities towards citizens, especially, from the Niger Delta where Nigeria's oil is mined. As he notes:

State failure connotes the lack or loss of capacity of the state to establish, execute and sustain its fundamental inherent and constitutional responsibilities of ensuring a secured people and its territory for sustainable development within a regulated society. Capacity is used to mean the outputs of the state and the extent to which the state can affect the rest of society and economy. It is thus related with governmental performances, particularly the magnitude, scope, and scale of political and governmental performances and the conditions that affect such performance<sup>114</sup>

As can be seen, the *resource curse* argument is highlighted in literature.<sup>115</sup> But the effort is not satisfactory. The literature shows insufficient attention by scholars to the critical elements that account for failure of government to implement environmental policy as an important factor in understanding conflict in the Niger Delta. It fails to pose questions that creatively capture some of the questions posed in this research. Certainly, this study makes an important effort at filling this gap.

Nevertheless, from the foregoing, impressive arguments have been made concerning conflict in the Niger Delta from the point of view of the *natural resource curse* thesis. Clearly, in this

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<sup>113</sup> See Thomas, A.N. (2008). "State Failure and Insecurity in the Niger Delta Region of Nigeria," Proceedings of conference on The Nigerian State , Oil Industry and the Niger Delta, Department of Political Science, Niger Delta University, Bayelsa State, March 11-13, pp.275.

<sup>114</sup> Ibid.p.276

<sup>115</sup> Besides scholars who have written on the subject, some politicians also believe that the oil resource is a curse and blessing to Nigerians. For example, Rilwan Lukwan (former and present Minister for Petroleum in Nigeria) once described the oil as a "curse and a blessing." (Cited by Agagu and Adu 2008: 238). See Agagu, A.A. and Adu, F. (2008) Problems and Effects of Oil Industry on the Niger Delta: Matters Arising," proceedings of conference on The Nigerian State , Oil Industry and the Niger Delta, Department of Political Science, Niger Delta University, Bayelsa State, March 11-13, pp.238-246.

case (Niger Delta), resource abundance (oil), is said to have: *rentier effects* (discouragement of taxation, pressure for democracy and good governance); *conflict effects* (social, economic and political conditions that lead to violent conflicts); and *repression effects* (repressive tendencies of the Nigerian state). These effects have been well highlighted in the literature reviewed. Unfortunately, most of the analyses fail to adequately pose questions that include the what, how and extent of relationship between failure of the Nigerian state to implement its national policy on the environment and conflict in the region. Our study attempts to fill this gap.

At any rate, our assumption that violence in the Niger Delta is caused by failure of the government to implement its national environmental policy is partly driven by the need to understand the conflict, by exploring the specific linkages between oil production and environmental policy implementation by the government. This is something missing in most of the works on conflict in the Niger Delta as well as generally from the perspective of the *resource curse* thesis. For example, Watts notes in the case of Nembe in Bayelsa State, that the structure of oil related conflict is that of struggle among various factions for control of benefits from the oil. This struggle plays out at different levels even as it is seen in the conflict between youths and chiefs in Nembe (see for example, Watts, 2003:5093; Kemedi, 2002: 5)<sup>116</sup>

Given the near general impression in the literature that oil companies cause damages to the environment in the Niger Delta, and for the fact that there are existing national environmental policies meant to achieve sustainable oil exploration, the effort made by scholars in explaining conflict in the Niger Delta, cannot be said to meet expectation. Many of these works fail to adequately and systematically capture specifically how failure of the

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<sup>116</sup> See Kemedi, V. (2002). "Oil on Troubled Waters," *Environmental Politics Working Paper*, Berkeley, pp.1-3



government to implement its environmental policy might contribute to the violence in the Niger Delta. This study attempts to make that contribution.

*The Price of Oil: Corporate Responsibility and Human Rights Violation in Nigeria's Oil Producing Communities*, published by Human Rights Watch in 1999<sup>117</sup> extensively addresses the oil *resource curse* thesis from various socio-economic, political, cultural and human rights perspectives. For example, the document focuses on the ways in which the oil business violates the human rights of the people from the Niger Delta. These rights, which include social, economic, cultural, environmental and political rights, form the basis of agitations and protest and eventual emergence of violent resistance of groups in the region. The document remains one of the most comprehensive in addressing the issue of human rights violation in relation to the oil sector. In fact, the document contains research report on how oil has shaped politics and policy in Nigeria. For instance, oil is noted to have shaped the structure of federalism in Nigeria. As it argues "conflict in the Niger Delta is directly related to the debates, ongoing since independence, about the structure of the Nigerian polity." So far, the problem with these and related arguments around the subject of oil and conflict in the Niger Delta is their tendency to be drawn into every analysis of conflict in the region. As it stands, nearly all conflicts in the region are seen as oil and environment related. This is a dangerous trend which promotes bias in research. The truth is that oil has already assumed an important factor in explaining conflict in the region but caution is required to give room for a sustained and more systematic exploration of related variables such as the ones examined in this study. This is also to enable us understand and draw the needed distinction between trigger factors and root causes of the conflict. In fact, dwelling on oil and related issues in explaining the conflict points to questions of socio-economic factors raised in this

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<sup>117</sup> See Human Rights Watch (1999). *The Price of Oil: Corporate Responsibility and Human Rights Violation in Nigeria's Oil Producing Communities*, Washington DC: HRW, pp3-5.

study; in order to help our understanding of the dynamics of the conflict, these questions are not clearly interfaced with ones related to implementation of environmental policy by oil companies and the government. Even when efforts made by scholars such as Omeje (2005: 321); Omotola (2006:1-4) and Ibeanu (2002:1-6) come very close to these questions in fairly comprehensive ways, it remains to be seen what efforts have been made by these scholars to explore scientifically how public environmental policy issues of implementation correlate with factors that generate conditions conducive to violent conflict in the Niger Delta. Our study helps to fill this gap by exploring the issues comprehensively with the mind that sustainable development is a goal embedded in Nigeria's national environmental policy with potential to either stem or encourage violent conflict in the region.

To understand how oil shapes violence of the Nigerian state, Turner (1985:167) identified early enough in the history of the conflict in the Niger Delta, the nature of linkages between the interests of the Nigerian state and oil companies. He situates this alliance between local political, business and military elite classes as dominant forces and the oil companies in the conflict. Still, oil is the identified underlying factor of interests for this alliance. While this is commendable, the effort is still predominantly formative and embryonic and yet to advance massively through good practice in social science research. Besides, these questions of socio-economic interests in explaining the conflict require sustained creative probing, especially in understanding the dynamics of the conflict regarding underlying motivations on the part of the parties in conflict. For instance, Turner<sup>118</sup> utilises the 'triple alliance' theory<sup>119</sup> associated with Andre Gunder Frank and Peter Evans (cited by Omeje, 2005:322) in

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<sup>118</sup> See Turner, T. (1985). "Commercial Capitalism and the 1975 Coup" in Panter-Brick, K. (ed) *Soldiers and Oil: The Political Transformation of Nigeria*, London: Frank Cass, pp.167-68.

<sup>119</sup> The 'triple alliance' theory sees the state in the developing world as a 'captured state' without any choice other than to protect the interest of foreign capital or its captors. In the Nigerian case,

her analysis of conflict over oil resources in Nigeria. In the words of Omeje “state managers and politicians operate within a state that is primarily charged with promoting activities, policies and legislation essential to sustaining the profitability of transnational investments and markets.” (Omeje, 2005:322). He further argues that in the process of satisfying or protecting international capital, local elites-managers of the state such as politicians and bureaucrats- are able to serve their own interests through massive corruption. It is then very difficult for public welfare to come into the picture of development since their interest is sacrificed at the altar of international capital and those of local elite. By inference, policy making and good governance are negatively affected by the pursuit of the alliance of international capital and local elite. As a result, as Omeje puts it, “the populace becomes progressively impoverished and restive in the face of the callous contrivances of what Evans calls the ‘predatory’ state” (Omeje, 2003:327).

By and large, according to Omeje, the contending issues in the conflict in the Niger Delta are basically institutional, ecological and social in character. His principal point in connecting to the argument on oil and environment related conflict in the Niger Delta is that, “...although the TNOCs are clearly crucial to Nigeria’s oil politics, the Nigerian state primarily privileges itself in the making of oil legislation and oil policies.” It would then appear that the Nigerian state and those of oil companies are integrated, forming some sort of alliance for the purpose of ensuring sustained income and profit from the oil. In all, the idea of alliance of oil companies and the Nigerian state raised in the literature points to how the relationship between oil companies and the Nigerian state is understood. This perception of the relationship (alliance) between the Nigerian state and oil companies deserves more attention in understanding the motivation for actions on the part of key actors in conflict in the Niger

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investments in the oil sector and prescriptions of the global financial institutions are part of this international capital complex.

Delta.<sup>120</sup> In fact, Omeje identifies three perspectives to this relationship (oil industry-state relations in Nigeria). As he notes, “in the mind and reckoning of a large section of the local people, there is hardly any distinction between the oil industry and the state. The two are perceived as one and the same thing.” (Omeje, 2003:325). Already this view has become controversial since there is hardly any agreement on any monolithic explanation to the conflict. For example, *coincidentalists* and *pacifists* disagree over such notions of alliance of the Nigerian state and oil companies. The two words were coined by Omeje to portray, first, an argument that opposes the idea of alliance of oil companies and the Nigerian state. Rather, what exists is mere coincidence of business interests of the duo. The relationship is therefore seen to be based on rational, mutual interest. According to Omeje, the pacifist is a conglomeration of local elite -- chiefs, contractors, youth leaders and other opinion leaders -- who believe that oil companies are more dependable than the Nigerian state. As such, what is required is not violence against them but some sort of constructive engagement with them in order to bring about regimes that allow for development with revenues from the oil resource (Omeje, 2005:329). Omeje himself argues further that the response of the Nigerian state on the side of oil companies in the conflict should not necessarily amount to alliance with the oil companies. What matters to him is the power dynamics. Again, the historical and colonial root of violence of the state in response to domestic threat to its security should be understood in the context of Nigeria. By contrast, Frynas’ (2001:54) earlier work discusses the “triple alliance” theory in conflict in the region. She argues that oil producing village communities in Nigeria have less closer relationship than state officials do with oil companies in Nigeria. Part of the evidence is seen in the way government incorporates former staff of oil companies

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<sup>120</sup> This study recognises that understanding how local environmental groups perceive this relationship between oil companies and the Nigerian state is important for also understanding conflict in the Niger Delta. Accordingly, a key research question for the study is identifying and explaining the pattern of relationship among the actors in conflict. This is a gap that is visible in the literature, especially in relation to the compliance level by oil companies to government environmental policy.

into government by extending political appointments to them. For example, the former Group Managing Director of NNPC, Mr. Funsho Kupolokun worked briefly for SPDC previously and also served as Special Assistant on Petroleum Matters (1999-2003) to President Olusegun Obasanjo. As Frynas argues, this could not have been a mere coincidence. Instead, it portrays the underlying cordiality or alliance in relationship between oil companies and the Nigerian state. Omeje's (2005:331) subsequent submission is that the 'triple alliance' theory requires further research for which this study attempts to make a contribution. He argues that the issue of interest of the Nigerian state is secondary in the oil conflict in the Niger Delta but contradicts himself by saying that:

Primarily preoccupied with how to maximise oil rents and patrimonial accumulation, the state is hardly concerned with any serious way by issues of sustainable development and environmental justice. Indeed, the failure of the state in these areas has created a palpable gap, which local non-governmental organisations... aim to fill. In the face of protracted grievances of neglect and injustice, compounded by the inability of the rentier state to make significant sacrifices to uplift the Niger Delta region, the oil-bearing communities are compelled to resort increasingly to the use of violence (Omeje, 2005:332).

Being a key aspect of this study, it is imperative to probe further the relevance of assumptions of the "triple alliance" theory in the discourse of oil and conflict with the aim of understanding its role in engendering violence by local environmental groups in the Niger Delta.

Omeje's submission is contradictory. Arguing that the issue of interest is secondary and at the same time acknowledging that oil politics is at the centre of conflict in the Niger Delta spells a need to interrogate some of the contending issues around the conflict. This study attempts to fill the gap by exploring the pattern and socio-economic interests that define relationships between local environmental groups on the one hand and the oil companies and government on the other.

Apparently, much of the literature on conflict in the Niger Delta between local oil-producing communities on the one hand and oil companies and government on the other hand dwell extensively on the environmental, political and human rights outcomes of oil exploration and production in Nigeria. Clearly, these issues are so intertwined with respect to the Niger-Delta that they cannot be separated meaningfully in a study of this sort. As identified in the literature and discussed here, it would appear that these issues are interspersed in the three thematic sections. In essence, the issues are so interconnected so far as oil, the character of the Nigerian state, environment and development are key to understanding conflict in the region. It is therefore apposite that the individual issues appear and reappear in different sections in the specific theme of discussion for this section of the work.

The role of the character of the Nigerian state in explaining oil and environment related conflict in the Niger Delta is serious enough to continue to attract more scholarly works on the issue. For example, Omeje (2004:425) argues that the central concern of the Nigerian state regarding the management of oil and environment-related conflicts in the Niger Delta is to maximise oil revenues. Again, this leans on the notion of socio-economic interests and the patterns of relationship among key actors in the conflict over implementation of pertinent environmental policies in the Niger Delta. It requires more research attention in this study. For Oyovbaire (2007:1-3), the Nigerian state faces the crisis of governance. He concludes his research by saying that the Nigerian state is fragile and unable to deliver development to citizens. On the matter of crisis in the Niger Delta, he notes:

It is our view that the structures of political participation should be cultivated and enhanced in the Niger Delta. We have in mind, the establishment or creation of at least, one new state together with a number of local governments as units and platforms of political inclusiveness. The area deserves to have adequate units for meaningful participation in politics and governance. There is of course the need to review the critical contents of fiscal federalism so as to assuage the deep sense of injustice. Ownership and control of natural resources and of public finance should be redefined and restructured. There has been heightened articulation of demands yet without appropriate response to eliminate existing laws and regulations which are

detrimental to the regulation of the oil and gas industry including such laws as the Land Use Act and Revenue Allocation Act.<sup>121</sup>

In a similar vein, Bach (2004:1-6) describes Nigeria as a country without a state, for reasons related to failure of state structures to provide good governance. He argues that the control of the state by the political elite from a single geo-ethnic group is detrimental to the unity of Nigeria. In the context of the *failed state*<sup>122</sup> argument (Huria, 2008: 2; Wyler, 2007:3),<sup>123</sup> the Nigerian state is accused of being imperial in origin. Consequently, analyses of the Nigerian state have been done by some scholars from the perspective of historical antecedents and their influences on the *state-making* process. For example, Nwosu (2008:10)<sup>124</sup> notes in his research that the *state-making* process in Nigeria is characterised by “primitive and central state power accumulation.” According to him, the process involves expansion and consolidation of Nigeria’s territory, politics, economy, culture and social life under the influence of external forces driven first, by Britain and later in the post-colonial state, by a combination of external forces. Nwosu is of the view that the *state-making* process in Nigeria is faulty, was externally masterminded and has put serious questions on nation-building. Therefore, to a large extent, crisis in the Niger Delta today represents in part,

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<sup>121</sup> See Oyovbaire, S.E. (2007). “The Crisis of Governance in Nigeria,” being a lecture delivered on the occasion of 23<sup>rd</sup> Convocation Ceremony of the University of Port Harcourt, Rivers State on the 15<sup>th</sup> of March, pp.1-2.

<sup>122</sup> It has also been used by scholars to explain causes of conflict in the developing countries. It is further explained later in this chapter.

<sup>123</sup> Several scholars have identified Nigeria as a fragile or failed state. According to Huria there is no definite definition for a failing state but all countries so classified are characterised by risk of violent conflict with the result of collapse of state structures or their weakness and ineffectuality; legitimacy crisis and inability to provide basic services to citizens. As Wyler notes, such countries “can also be hampered by poor governance, corruption...and may lack effective control of their territory, military, or law enforcement...”<sup>123</sup> See Wyler, L.S. (2007). “Weak and Failing States: Evolving Security Threats and US Policy,” *CRS Report for Congress*; Huria, S. (2008) “Failing and Failed States: The Global Discourse,” *IPCS Issue Brief*, No.75, July, pp.1-4.

<sup>124</sup> See Nwosu, S. (2008). “Civil Disobedience and Social Change: A Synopsis of Niger Delta Resistance,” paper presented at a workshop on Nonviolence and Social Change in Nigeria, organised by Social Action and Centre for Global Non-violence Nigeria, 3-4 December.

negative consequences of a *state -making* process that is both externally (global economic and political forces) and internally (internal colonialists-political elite interests) driven.

Similarly, Omeje argues that one of the characteristics of the post-colonial state of Nigeria is “the structural coexistence and friction between the ‘traditional’ and ‘modern’ in the cultural, social, economic, legal and political frameworks of society.” (Omeje, 2004:425-440). According to him, the post-colonial state’s many social, economic, political, cultural and political contradictions are far from being settled because of the forces of ‘old’ (metropolitan forces) and ‘new’ (post-colonial elites) in terms of their interests. Nothing else attracts these forces for control of state power than the fact that oil feeds the state<sup>125</sup> fat. Clearly, this sends the message that the process of *state-making* or formation is not finished in Nigeria. This is perhaps why some scholars have continued to describe Nigeria as a *rentier state*. As Omeje notes, being a *rentier state*, Nigeria is

largely dependent on oil mining rents, taxes and royalties paid by ‘transnational oil companies’ (TNOCs), and on profits from its equity stakes in the TNOCs’ investments. With oil as the mainstay of the economy, oil interests, including, of course, control of the accruable revenues, have become part of the defining characteristics of the dominant elite forces in the state. The state itself is ...dominated by an unstable coalition of some ethnic majority elites whose geographical homelands have little or no oil reserves. Perceptibly, the dominance of the latter is largely to the disadvantage of the ethnic minorities of the Niger Delta area where the bulk of Nigeria’s oil resources are produced. Terisa Turne... has used the concept of a ‘commercial triangle’ to depict these dominant elite forces which she conceptualises as a nexus between the TNOCs and ‘compradors,’ and the state officials. Both the compradors and the state officials rely heavily on the state’s oil revenues to ultimately fund and reproduce their societal dominance through highly unproductive contrivances, including spurious and inflated contracts and imports, barefaced looting, that impede both economic growth and political stability.<sup>126</sup>

Omeje sees the Nigerian state as being unpopular and threatened domestically for its failure to deliver development to citizens, and for its parochial interest and practise of alienation of

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<sup>125</sup> In the sense of a state that has been privatised.

<sup>126</sup> Omeje, K. (2004). “The State, Conflict and Evolving Politics in the Niger Delta, Nigeria,” *Review of African Political Economy*, Vol.31, No. 101, September, p.428.



citizens. In short, he insists that the Nigerian state lacks autonomy from the influence of the political elite. This corroborates Ukiwo's argument that:

It is difficult to separate the (Nigerian) government from the state, much less the personalities. Thus the style of the leader robs off on the state. The authoritarian governance of the present power brokers has led to the personification of the state. Soldiers sent on routine duties are described as an army of occupation and treated as such, because they are seen as agents of oppression or mercenaries of powerful men in government.<sup>127</sup>

Some scholars have argued that because the Nigerian government does not seem able or willing to protect the environment in the region, community groups have resorted to confrontational strategies (See for example, Alapiki, 2004: 233). They have also argued that environmental degradation in the region is basically man-made, with oil companies contributing the greatest amount. Consequently, oil companies and the oil-bearing communities have been entangled in intense and increasingly violent conflict (Omeje, 2006: 477; Alapiki, 2004: 233). There exists an obvious gap with regard to the systematic explanation of how environmental problems actually contribute to violent conflict in the case of the Niger Delta. Some scholars have actually questioned this direct link between degradation of the environment and violent conflict. Instead, they argue that<sup>128</sup> the social and economic conditions that environmental degradation creates lead to violence (Homer-Dixon, 2003: 89-96). This model of analysis has received scant attention in the case of the Niger Delta. This study seeks to fill that gap. It seeks to examine how, and to what extent, environmental problems that the Nigerian government has failed to check or address through the implementation of pertinent oil related environmental policies, lead directly or indirectly to social and economic conditions that cause violence.

Local environmental groups often articulate environmental protection in the Niger Delta with

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<sup>127</sup> See Ukiwo, U. (2003). "Politics, Ethno-Religious Conflicts and Democratic Consolidation in Nigeria," *Journal of Modern African Studies*, Vol.41, No. 1, pp.115-138.

<sup>128</sup> Refer to arguments of the *Toronto School* led by Homer-Dixon.

demands for development. Indeed, as Van Der Heidjen (1997: 25) notes, this follows the trend in the Third World where environmental groups rarely campaign for protection of the environment alone.<sup>129</sup> The implication for this study is that the hypothetical causal link between violence and the implementation of government environmental policy might require looking at how environmental damage caused by oil companies and the failure of the government to check it through effective implementation of pertinent policies combine to create social, economic, political and cultural problems for local communities, leading directly or indirectly to violence. This also brings into focus in this study the issue of motivation for the violence in the Niger Delta.<sup>130</sup>

The literature highlights failure of the government to effectively implement its environmental policies. One aspect tends to link this failure to corruption and the nature of political institutions. Geriagh and Pallegriani (2006: 332), for example, have argued that improvement in the quality of the environment is less probable in developing countries because of the palpable weakness of their governmental institutions and corruption-infested economies. Logically, weak and corrupt governmental institutions are less likely to enforce environmental policies. This study examines the case of relevant oil related environmental policies and institutions and how they connect with conditions that lead to violence in the Niger Delta.

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<sup>129</sup> Homer-Dixon (2003: 22) has argued that environmental problems always join with other economic, political and social factors to produce the effects that cause violence.

<sup>130</sup> The issue of motivation for violence has been framed with assumptions from the *greed and grievance* theory by some scholars. One such assumption is that violence, war or rebellion may either be the result of greed or grievance such as inequality, injustice, environmental degradation and the like. A systematic examination of the case of the Niger Delta is lacking especially since separation of criminal violence and legitimate grievance has become difficult with the rampant incidence of kidnapping of oil workers and children of rich Nigerians in the Niger Delta for ransom by members of armed groups who at the same time claim to have legitimate grievances against the government and oil companies in the region.

Related to this argument is the inference that the emergence of resistance by groups in the oil-rich region is partly the result of inadequate representation and faulty fiscal regimes of people from the Niger Delta. The perceptions of groups in the region on prospects of representation of their interest by state institutions have been captured in the literature. For example, Okeke-Uzodike and Allen's (2005:1-43) study affords some clarification on how federalism in Nigeria has been undermined by *under representation* of ethnic minorities and unequal fiscal regimes. Why is the Nigerian federal system characterised by *under representation* and fiscal imbalance? To answer this question, Okeke-Uzodike and Allen explain that political *under representation* and *fiscal imbalance* do not only degrade federalism and democracy but serve the interests of the majority ethnic groups. They argue that unequal fiscal regimes tend to generate ethnic minority resistance in federations with multi-ethnic groups.

One striking feature of publications reviewed shows that analyses specific to the relationship between implementation of environmental policies meant to achieve sustainable development<sup>131</sup> in the Niger Delta has been given limited attention by scholars. Besides, such analyses have failed to adequately and systematically capture the dynamics of violence in the region within the context of predisposing factors to the choice of violent strategies on the part of both the government and the local environmental groups in the resolution of the conflict. This obvious lapse speaks volumes of the relative newness of the concept of sustainable development itself, and in explaining the implementation of environmental policy within the broad framework of sustainable development, and violence in the case of the Niger Delta. It also goes a long way to explain the lack of systematic evaluation of the implementation of

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<sup>131</sup> The terminology, sustainable development was popularised by what is today referred to as the Brundland Report of 1987. The United Nations General Assembly created the World Commission on Environment and Development in 1983 as a global institutional response to the growing concerns about degradation of the environment and economic crisis. Gro Harlem Brundland, then Prime Minister of Norway, chaired the commission and made wide consultations for four years. The Commission finally produced its report in 1987, *Our Common Future*, now commonly referred to as the Brundland Report.

sustainable development through pertinent oil related policies in the region.

So far, violence in the Niger Delta has been explained variously by scholars using socio-economic and environmental factors and the inability of the state to respond properly to their negative effects on local populations (Ojakorotu and Okeke-Uzodike, 2006: 86-88; Alapiki, 2004: 233-247; Omeje, 2004: 425-440; Bach, 2004: 1-6).<sup>132</sup> However, no systematic study of the conflict has yet proven adequate. As such, this study adds to the dominant themes in the literature an important dimension of how the failure of the government to implement or enforce its national environmental policies relates with social, political and economic conditions that lead to violence. It also makes a modest contribution towards developing an explanation to the crisis in the region based on related issues emerging from questions posed in this research and which might offer opportunities for further investigation by other researchers.

### **3.5. Conclusion**

This review of literature proceeded on three thematic areas of sustainable development, environmental policy implementation and conflict in the Niger Delta. The effort yielded results of gaps, first, in the inadequate conceptualisation or understanding of sustainable development by key actors in the conflict. Sustainable development is a key goal of oil-related government environmental policy for which compliance by target groups such as the oil companies should help to achieve. This (inadequate conceptualisation and understanding) has been the result of lack of sufficient academic attention to the subject just as most of the works reviewed focus on the role that oil companies play in the socio-economic, political and

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<sup>132</sup> See Omeje, K. (2004) "The State, Conflict and Evolving Politics in the Niger Delta, Nigeria," *Review of African Political Economy*, NO. 1, Vol. 101, pp424-440; Bach, D.C. (2004) "Nigeria: Towards a country without a state," paper delivered at the conference on Nigeria : Maximizing Pro-Poor Growth: Regenerating the Socio-Economic Database, organized by Overseas Development Institute in collaboration with Nigeria Economic Summit Group, London, 16-17 June 2004.

environmental conditions of the Niger Delta but fail to relate systematically these issues (in the context of either implementation/enforcement of government environmental policy or compliance by oil companies) to conflict in the region. As can be seen from the discussions, the issue of sustainable development in this study is imperative given the central place it occupies as a key goal of government environmental policy in Nigeria. Therefore, this study attempts to provide and, to some extent, widen the conceptual content of sustainable development as a basis for understanding whether or not violent conflict is the result of the failure of the government to implement/enforce effectively relevant oil-related environmental policies. Also, it seeks to identify ways to achieve peace in the Niger Delta by focusing on the role that compliance by oil companies to pertinent government oil-related environmental policy might play in the process.

Worse, the lack of adequate research interest in environmental policy implementation in the Niger Delta until 1988 made it difficult for the issue to be explored adequately and incorporated into analyses of conflict in the region. Yet, the success of any government policy depends substantially on compliance by target groups at the level of implementation.<sup>133</sup> This study helps to fill the gap in an attempt to explain the motivation for violence in the Niger Delta and the way out for ensuring peace in the region.

Non-compliance with government environmental policy by organizations may constitute a serious factor of failure in the implementation process. Acceptance of policy as beneficial and logical by target groups may enhance compliance. Besides, implementing officials need to apply necessary sanctions or penalties in order to boost policy compliance. The research community has not given adequate attention to these issues in the case of the Niger Delta.

As shown in the literature review, various issues of interest in the attempt to provide

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<sup>133</sup> See Ikelegbe, A.O. (2006). *Public Policy Analysis Concepts, Issues and Cases*, Lagos: Imprint Publishers, p.96.

explanations to conflict in the Niger Delta have been highlighted. For example, degradation of the environment by oil companies, lack of access to environmental justice, character of the Nigerian state, lack of infrastructure, poor management of the environment, poor governance and perceived political marginalisation of the Niger Delta have been highlighted in the literature. Nevertheless, questions touching on frustration over some of these issues in relation to implementation or enforcement of government environmental policy and violence in the region are yet to receive satisfactory attention. Although many believe and argue that there already exists extensive literature on the Niger Delta, the subject of environmental policy implementation requires more scholarly engagement through research that aims to probe received explanations to the conflict in order to explore alternative or more integrative modes of explaining the conflict. This is needed in order to find a lasting solution to the conflict. This study helps to provide the basis for this alternative explanation.

As can be deduced from the foregoing, the issues discussed by scholars on conflict in the Niger Delta are related in a lot of ways. However, they differ in critical areas of questions addressed by these scholars in their work. The kind of question that captures issues of environmental policy failure in relation to conflict in the region is yet to receive adequate scholarly attention. In fact, while development, mode of extracting the crude oil and distribution of revenues generated from it remain key issues in explaining the conflict, effort at linking aspects of implementation of environmental policy by the government as well as compliance by oil companies is limited. From the foregoing discussions, it is clear that adequate and systematic research is yet to be given to the subject and questions raised in this study. The work therefore hopes to contribute in a profound way to filling the gap.

## CHAPTER 4

### Niger Delta Violence in Perspective: Case Studies

#### 4.1. Introduction

To reiterate, the main concern of this study is to examine how the failure (or delay) by government to implement environmental policy leads to violence in the Niger Delta. In line with this goal -- as spelt out in the specific objectives of the study in Chapter 1 -- the content analytical mode of data collection and analysis was utilised. The analysis involved identifying, specifying, and grouping words, phrases, statements and sentences (indicators of variables) mentioned most recurrently in the various methods of data collection into themes based on the stated relevant objectives of the study. Taped interviews and discussions were transcribed into text formats, along with written library materials in journals, oil company annual reports, dailies, government official documents and field notes. Their contents were subsequently analysed. The use of “triangular technique” (Bangura et. al, 2007: 128-129) was essentially to ensure reliability and validity of the information collected.<sup>134</sup>

#### 4.2. Government and implementation of environmental policies

In this section, the focus is on assessing the evidence concerning achievement of environmental policy goals such as: end to gas flaring; use of appropriate and adequate technology for the purpose of cleanup and prevention of pollution due to oil spill; improvements in the social, political and economic conditions of people from oil bearing communities in the Niger Delta; degree to which actions of implementing officials at the Ministry of the Environment, National Oil Spill Detection and Response Agency

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<sup>134</sup> Triangulation refers to the use of multiple methods of data collection to overcome a researcher's bias and consequences of use of poor methods on the reliability and validity of outcome of research. See Bangura, A.K. et. al (2007). “Synopsis of Peace and Conflict Studies Research Methodologies,” in McCandless, E. (eds.) *Peace Research For Africa: Critical Essays on Methodology*, Ethiopia: University for Peace, p.209

(NOSDRIA) and Department of Petroleum Resources (DPR) and oil companies conform to the goals embodied in environmental policy related to oil business in the Niger Delta; executive orders from the presidency and court decisions concerning operations of oil companies and protection of the environment; government and oil company implementation plans, structures and actions in response to national environmental policy related to the oil business in the Niger Delta; existence of mechanisms for gaining compliance from oil companies such as mutually held goals or shared values, coercion in the form of threat of sanctions for failing to comply, remuneration in the form of adequate incentives to make environmental rules compliance by oil companies an attractive option; measures taken by government and oil companies to implement environment policies meant to protect the Niger Delta region; and the general execution and delivery of government environmental programmes and regulations related to the oil business.

The Department of Petroleum Resources (DPR) and the Federal Ministry of Environment (FME) are key institutional/statutory bodies with responsibilities for formulating and enforcing environmental standards in Nigeria. The DPR and NOSDRIA specifically cover the activities of oil companies in the Niger Delta. A key aspect of this role for the DPR is monitoring. Popular perception among participants, both government officials and local environmental groups is that, generally, statutory framework and bodies for enforcing standards and ensuring corporate compliance to pertinent environmental and oil related laws is weak. According to one participant at the focus group in Port Harcourt, “government officials mandated to monitor environmental compliance are weak. Corruption and lack of good governance are the main factors contributing to this weakness.”

A common theme from interviews with 15 participants (7 from oil companies and 8 from local environmental groups) was the weakness of state institutions to address the problem of



enforcement of relevant laws. The views of informants from local environmental groups -- a total of 8 -- need to be differentiated from those of the oil companies who believe that there are relevant environmental laws to protect the environment in the Niger Delta. Seventy percent of these informants from the oil sector expressed satisfaction with these laws. However, they also admitted that many of these laws have not been adequately enforced by the government. This response is corroborated in the response of oil company staff to questions pertaining to adequacy of environmental laws for the protection of the environment (See Table 4.4). In contrast, 100 percent of the informants from local environmental groups admit that there are existing laws that may protect the environment in the region. However, some of them (70 percent) hold the opinion that some aspects of these laws are no longer fashionable. Besides, they have become inadequate to address many of the kinds of environmental damage that occur in the Niger Delta. They recall that some of these laws also have defects such as the certain degree of discretionary powers vested in the office of the Minister in charge of petroleum resources to award waiver to oil companies' valid excuse to continue with flaring of gas in their areas of operations. The Land Use Decree was also criticised for allocating ownership of all land in Nigeria to the Federal Government. According to one key informant 'there are existing guidelines for protection of the environment from the activities of oil exploration and production but the government is not willing to implement them.'<sup>135</sup> This argument is buttressed by the apparent inability or unwillingness of government to take legal action against erring oil companies on environmental damage due to oil spill, oil well-blow out, gas flaring and discharge of associated water during oil drilling. So far there are no records of legal action against oil companies that violate environmental principles contained in government policies and laws. Furthermore, some members of local environmental groups (40 percent of informants)

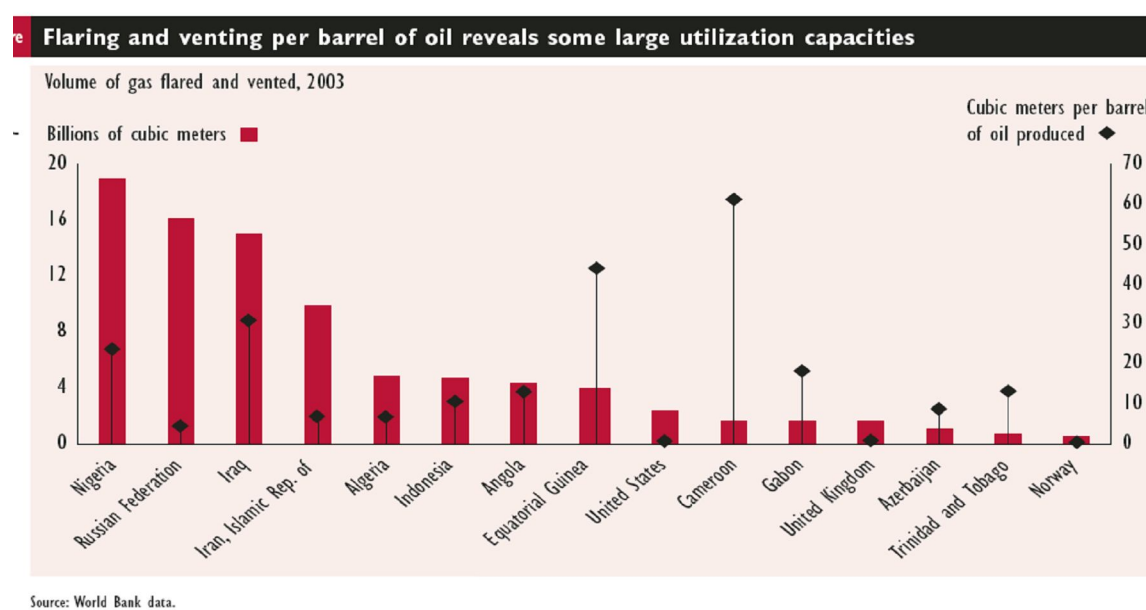
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<sup>135</sup> Telephone interview with a member of the Movement for the Emancipation of the Niger Delta on the 8<sup>th</sup> of July, 2008 (see recorded tape from phone recording device).

believe that some of these laws are inadequate for any meaningful impact on corporate behaviour towards protection of the environment in the region.<sup>136</sup>

The position of the federal government is that oil companies should stop flaring gas. Despite large utilization capacities of oil companies, the volume of gas flared in Nigeria compared to other oil producing countries, as shown in Graph 4.1, remains alarming. A substantial number of officials of oil companies believe government policy on protecting the environment in Nigeria is adequate. At least 70% are of this view (See Table 4.1). However it appears that politics has affected negatively the compliance with the policy to stop the flaring of gas by projecting the interests of government and oil companies above the interest in the environment of the Niger Delta people.

**Graph 4. 1. Flaring and venting per barrel of oil reveals some large utilisation capacities**



<sup>136</sup> For example, Nsirimovu Anyakwe (a human rights lawyer and Director of Centre for Human Rights and Humanitarian Law (CHRHL) Port Harcourt) spoke with the researcher in an interview on the 17<sup>th</sup> of April 2008. According to him, environmental laws are inadequate to address the problems of environmental damage due to oil exploration and production activities in the Niger Delta. Celestine Akpobari lamented the lack of implementation of some of the laws that are relevant and decried the absence of a legal framework to ensure corporate social responsibility in the area of environmental ethics.

**Table 4.1 Responses from officials of oil companies**

Officials from SPDC, Agip and Elf	% Code B (Positive)	% code B (Negative)	Total No. of respondents
Q1. How would you assess government environmental policies?	10 (66.6%)	5 (33.3%)	15
Q2. Are government environmental policies actually adequate to ensure full environmental protection for human, animal and plant in the Niger Delta region?	11 (73.3%)	4 (26.6%)	15
Q3. How would you assess the compliance level of your company to government environmental policies?	12 (80%)	3 (20%)	15
Q4. How would you assess the compliance level of other oil companies to government environmental policies?	All indicated - Do not know.		

**Table 4.2. Responses from officials of the government**

Officials of the government	Code B (Positive)	Code B (Negative)	Total number of respondents
Q6. Why is government not doing more to identify publicly specific oil company violations of environmental legislations and the compliance level of individual companies as well as the penalties imposed on each?	3 (21.4%)	11 (78.5%) respondents affirmed that implementation of environmental policy is negative and gave four broad reasons: 1. "Government dependence on oil," 2. "government needs production of the oil for more revenue," 3. Lack of human capacity 4. Lack of data bank on violation of, and compliance to, environmental laws.	14
Q7. What has government done to ensure global standards of environmental legislation as well as policy implementation and monitoring?	All 14 respondents stated that government has created necessary agencies and formulated some laws and regulations although much more is required.		
Questions	Pattern of response		
Q8. What are the main factors which negate or slow down the implementation of government environmental policies related to the oil business in the Niger Delta?	All 14 respondents gave pointed to the following factors:  1. Criminal behaviour of youths from oil bearing communities.  2. Outdated regulatory standards/limits  3. Corruption on the part of government officials occasioned by poor remuneration;  4. Misunderstanding by the people about the intents of oil companies;  5. Lack of confidence in the oil companies as a result of previous disappointments.		

Because gas is still severely flared, oil spilled and water discharged into the deep onshore areas by oil companies drilling for oil, the question of implementation of government environmental policies/laws comes out clearly against the oil companies and the government. The perception of key stakeholders in the region over matters of development and environmental destruction is that the actions and activities of officials of government and oil companies do not meet the goals of government concerning the environment in the Niger Delta (See Tables 4.1 and 4.2).

In fact, more gas is flared in the Niger Delta than any other part of the world (See Graph 4.1). Reputedly, about 2.5 cubic feet of gas is flared in the region daily (see UNDP/World Report, 2004:1-36). The Associated Gas Reinjection Act was made in 1979, precisely to take effect from the 28<sup>th</sup> of September, 1979. The aim of the Act is to compel all oil and gas companies in Nigeria to submit comprehensive plans of gas reinjection for the implementation of the Act. Although the Act is seen as inadequate to protect the environment, it gives the responsibility to the Petroleum Resources Ministry to ensure compliance with the Act. Regrettably, successive regimes have undermined the relevance of this Act to protecting the environment from air pollution of the oil sector by not implementing (speak less of enforcing) the law. Indeed, the office of the Minister of Petroleum Resources was usurped by the President of the Federal Republic of Nigeria for seven years under the Olusegun Obasanjo regime between 1999 and 2007.<sup>137</sup> According to one respondent to our interviews, “government in Nigeria is joking with the gas reinjection matter. They are slow at enforcing compliance because of economic interest of the government.”<sup>138</sup> By the Act, flaring of gas in Nigeria became illegal from the 1<sup>st</sup> of January 1984 without the written permission from the

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<sup>137</sup> As a result, Olusegun Obasanjo doubled as the Minister for Petroleum Resources and President of the Federal Republic of Nigeria.

<sup>138</sup> See recorded tape of focus group discussion at Social Action, 33 Orominike Close, D-Line, Port Harcourt, Rivers State, Nigeria.

Minister. Sections 1 and 2 provide that the purpose of the Act is to reduce indiscriminate flaring of gas in Nigeria. Ojo and Gaskiya (2003:46) have argued that compliance with the Act by oil companies is doubtful given the reality of continuous flaring of gas by these companies irrespective of the Act.<sup>139</sup> Responding to questions on the impact of gas flaring in the Niger Delta, Bassey<sup>140</sup> argued that:

People are dying every day from impact of gas flaring. Dillydallying in Aso Rock about gas flaring is sentencing more Niger Deltans to premature death. We have diseases everywhere, and it is because the people in authority are not suffering from the impact. That is why we can afford to be shifting the deadline as if we are playing chess game or draft. We are talking about human lives apart from the environmental impact and economic waste. \$2.5billion is being wasted every year (*Tell Magazine*, 2008:84).

In effect, successive regimes in Nigeria have been shifting deadlines for ending gas flaring. It was altered twice to 1 April 1984 and 1 January 1985 respectively. The January 2008 deadline was again shifted to 2010. When the Gas Reinjection Act came into effect in 1984, it provided for exemptions to the ban on gas flaring. These exemptions have had effect on the rate of gas flaring. For example, the implication of exempting 55<sup>141</sup> out of 84 of SPDC's oil fields, 10 out of 15 for Mobil, 4 out of 22 in the case of Agip and 4 out of Elf's 6 is enormous in terms of their impact on the Niger Delta (Omorogbe, 2001:58-59). Indeed, with over 70% rate of gas flare in Nigeria, researchers have identified huge health, environmental, economic and social cost of consistent gas flaring. Indeed, Environmental Rights Action continues to insist that flaring gas is a violation of human rights (ERA, 2005:27).<sup>142</sup> Undoubtedly, the reason for the seeming lack of seriousness on the part of the government to enforce compliance with gas flare free Niger Delta would point first to the fact that at the early stages, some of these laws were enacted without the benefit of pertinent infrastructure

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<sup>139</sup> See Ojo, G.U. and Gaskiya, J. (2003). *Environmental Laws of Nigeria, A Critical Review*, Benin City: ERA/FoEN.

<sup>140</sup> Bassey, B. is executive director of Environmental Rights Action. He spoke on pollution and gas flaring in the Niger Delta. See *Tell Magazine* (2008) Special Edition, February 18, p.84.

<sup>141</sup> See Omorogbe, Y. (2001). *Oil and Gas Law in Nigeria*, Lagos: Malthouse Press Limited

<sup>142</sup> See Environmental Rights Action (2005) *Gas Flaring in Nigeria*, Amsterdam: ERA.

or adequate plans for gas utilisation. Besides, there are funding difficulties, given the nature of joint venture arrangement between the government (through the NNPC) and the oil companies. The cost of gas reinjection should be shared between the government and the oil companies. In reality, government hardly provides its counterpart contribution. However in 1998 government initiated economic incentives (market approach) for ending gas flaring in the Niger Delta. In this respect, oil companies enjoy duty and VAT free importation of needed machines and equipment for investors in the sector. Again, the N10 cost of flaring gas per cubic ft was increased to N20 under the Olusegun Obasanjo administration from 29 May, 1999. Apparently, it benefits oil companies to part with N1 million payments for flaring associated gas than to spend the comparatively huge sum of N56 million naira for the procurement and installation of facilities for gas reinjection.

Respite was anticipated following from the emergence of the Nigerian Liquified Natural Gas Company (NLNG). There exists a substantial level of pessimism regarding the willingness of government to put an end to gas flaring in the Niger Delta. Comments by participants at the focus groups discussions as well as interviews revealed frustrations among affected local communities over the issue of continuing failure to end gas flaring in the Niger Delta. Interestingly, the perception of 7 out of 8 (87 %) persons in one of our focus group discussions identified the constant lighting provided by gas flares and the consequent heat and release of dangerous chemicals into the atmosphere as worrisome and frustrating for the people who have had to live with it for many decades. Gas flaring was mentioned not only as a principal grievance issue but also as an explanation for the violent resistance by affected communities. According to one participant:

In the night, we cannot differentiate it from the day. The zinc roofs in our houses leak every year and one has to replace leaking ones every year. The weather is constantly hot and to remember that the oil companies are earning so much from oil and the suffering it creates gets the youths angry. In fact it is something that should cause any one to take up arms if the government refuse to stop it.

This concern expressed above is common across the Niger Delta at every location where the oil majors flare gas. The researcher was able to understand that if at the beginning the government had insisted on best practice for oil mining activities the level of environmental devastation in the region would have been far less.

However, it is interesting to note that the environment is not a grievance issue for some of those who claim environmental issues as part of the reasons for taking up arms against the oil companies and state officials. Indeed, for many of these people, attacking oil company facilities is a way of cutting their profit from oil. The companies are perceived to be in partnership with top government officials and individuals in society. The motive for the attacks is thus to compel the government and the oil companies to come to the negotiation table. One focus group participant argued that politicians and some members of the armed groups such as the Movement for the Emancipation of the Niger Delta (MEND) speak the same language on the protection of the environment, but that each party may be motivated by selfish means for attracting oil money for themselves through violence.

The researcher asked oil company officials in the questionnaire to say what factors negate or slow down the implementation of government environmental policies related to the oil business in the Niger Delta. The researcher obtained the following result: criminal behaviour of youths from oil bearing communities; outdated regulatory standards/limits; corruption on the part of government officials occasioned by poor remuneration; misunderstanding by the people about the intentions of oil companies and lack of confidence in the oil companies as a result of previous disappointments (see Table 4.5).

Following from responses of participants in this study, government is unable to implement effectively its oil related environmental policies in the Niger Delta for various reasons. For



instance, political factors and interests often interfere. Monitoring, which is an important aspect of enforcement of policy is done shabbily by government officials sent to the field. One focus group participant argued that this would appear to have been done intentionally in order to avert the wrath of senior government officials at the ministry who take orders from top politicians and work in tandem with oil companies.<sup>143</sup>

### **4.3. Compliance of oil companies**

Data for the analyses of compliance of oil companies to pertinent environmental policies related to the oil business in Nigeria were generated from secondary sources and primary sources of interviews, discussions and a questionnaire.<sup>144</sup> The compliance level of oil companies to environmental guidelines has remained very poor since the discovery of oil in commercial quantity at Oloibiri in 1956. For instance, following the Petroleum Act of 1969, legal framework for prevention and remedial activities against oil spills was clearly laid out. The Act made it compulsory for oil companies to utilise best practice in their operations.

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<sup>143</sup> Focus Group discussion held on the 28<sup>th</sup> of April, 2008 at Social Action, 33 Emenike Layout, D-line Port Harcourt with support from Social Action. It was attended by local opinion leaders of oil bearing communities, government officials, members of environmental groups (unarmed), officials of oil companies and members of youth groups of oil bearing communities in the Niger Delta. A total of 8 persons attended.

<sup>144</sup> It is worth noting that arriving at a correct statistical level of compliance by oil companies to environmental guidelines or legislations is extremely difficult (if not virtually impossible for an outsider researcher) on account of conflicting claims of government officials at the Ministry of Environment; Department of Petroleum Resources; Oil companies and members of justice and environmental movement groups in the Niger Delta. What is clear is increasing number of oil spill and gas flaring cases. In any case, comments made by key informants and focus group discussants, especially by justice and environmental movement groups, may not tell the true picture in terms of level of compliance. Those of the oil companies that predominantly claim to be doing substantially well may not also give a true picture of the level of compliance. Hence, to a large extent much of the outcome of environmental management processes of government and oil companies would really reveal the extent of compliance by oil companies. In this regard, 73 percent of participants from the justice and environmental groups use words such as “poor”, “inadequate”, “very bad” and so forth to describe the performance of oil companies as regards their compliance to environmental policies. These words point seriously to an indictment of the oil companies. On the matter of specific policies that are implemented and those not implemented to reduce or eliminate oil related damage to the environment in the Niger Delta, The National Policy on Environment, Gas Reinjection Act, Environmental Impact Assessment Act and the Constitution of the Federal Constitution of Nigeria, 1999 with respect to the section on rights of individual to clean environment among others are, at least, not being implemented to reduce or end gas flaring and oil spill in the Niger Delta. The contrary view of government officials and oil company workers at the Health, Safety and Environment units clearly point to the fact that some attempts to implement these policies are being made. The problem may border on the effectiveness of the implementation. The fear is that the failure to implement at all or to do so partially might produce similar results of not checking environmental damage through the activities of oil companies.

Specifically, to prevent oil spill, section 25 of the Act provided that oil companies:

shall adopt all practicable precautions including the provision of up-to-date equipment approved by the Head of Petroleum Inspectorate to prevent pollution of inland. Water... of Nigeria... and where such pollution occurs or has occurred shall take prompt steps to control and if possible to end it. The implementation of this requirement would mean the use of blow-out preventers, borrow and saver pits, cathodic protection of pipelines and tanks and so on. Given that the greatest number of oil spills are caused by equipment failures, it is more than evident that this provision has not been strictly followed... there is no doubt that Nigeria has guidelines for oil exploration but fails to maintain effective compliance. (Ikein 1990: 42)

There is therefore no surprise that in 2004, Shell Petroleum Development Company (SPDC), Nigeria, admitted in clear terms that oil companies in the Niger Delta were violating guidelines and standards set by the Department of Petroleum Resources (DPR) for the regulation of the oil sector in the areas of off-shore disposal of created water and gaseous emissions. As noted by the Annual Report of the SPDC on the environment in 2004, “we are not complying fully in some areas of regulations.”<sup>145</sup>

Flaring of gas and oil spillage are dominant sources of contamination of the atmosphere and environment in the Niger Delta by oil companies and have remained key features of oil company activities in the Niger Delta. Termination of all gas flare and reduction of oil spills are key goals in government response to the environmental challenges associated with oil exploration in the region. Government’s desire is to see that all oil companies utilise the gas for development purposes such as for export and energy needs of the domestic population.<sup>146</sup> It appears that this is still a far cry in Nigeria as the National Assembly is yet to unanimously pass existing bill on gas flare-out in Nigeria started since 2008.

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<sup>145</sup> SPDC is the operator of NNPC/Shell/EPNL/Agip joint venture. See Online Daily News: <http://nnn.onlinenigeria.com/templates>. (Accessed on the 12<sup>th</sup> of April, 2008).

<sup>146</sup> In April 2009, Nigeria’s National Petroleum Corporation, NNPC, confirmed that the Federal Government had concluded plans on gas utilisation with key investors. The Upper house of the National Assembly has already passed the Bill on Gas Flare-out in Nigeria. Deadline for the termination of all gas flares in Nigeria is 31 December, 2010. The Lower house will go through a similar process. Thereafter, the President will have to sign a harmonised version of the Bill before it will become a law in Nigeria. These efforts could be seen as signs of seriousness by the Government. However, the real problem may be with enforcement of such law.

Two important government legislations meant to regulate oil exploration and production in Nigeria are: the Petroleum Act of 1969 (PA) and the Petroleum (Drilling and Production) Regulation (PDPR) also of 1969. The National Environmental Policy (NEP) also makes provision for ensuring that the atmosphere and environment are free of pollutants. Although the PA does not address specifically issues of gas utilisation, the PDPR is yet to be fully enforced. Continuous flaring of gas with the permission of the government clearly shows either the weakness of existing laws to compel oil companies to end gas flaring or points to the weakness of the government to enforce applicable laws. It should be noted that initially both Acts did not provide for sanctions against non-compliance.

The Gas Reinjection Act of 1979 was meant to take care of the shortcomings of previous statutes regarding utilisation of gas as a strategy for sustainable development in Nigeria. It set October 19 to April of 1980 as deadline for oil companies to submit detailed plans of their individual gas utilisation plans and to end all gas flaring by 1984 or pay fines. It was amended in 1984 to make provision for flaring of gas in certain circumstances provided such flare is permitted in writing by the minister in charge at the Ministry of Petroleum Resources. The amendment provided for a fine of 2 kobo (\$0.0009) for every 1000 cubic feet (scf) flared. By 1985, another amendment to the Act was made, this time making provision of considerable amount of money as fine for flaring of gas without written permission from the government. The fine was raised to \$11. In 2004, there was another amendment which made it mandatory for oil producing companies in Nigeria to submit detailed plans of gas utilisation. Besides, it banned flaring of gas without permission from the minister. Clearly, these relatively low levels of fines along with the government's continued neglect of its own policies may serve to explain why oil companies have not been deterred or compelled to put an end to their flaring activities in Nigeria.

Oil companies (SPDC, NAOC and Elf Totalfina) claim over 70 per cent compliance to environmental policies (laws and regulations) related to oil business in Nigeria. They insist that they are committed to environmental practices that ensure sustainable development. They often claim substantial compliance and cite security problems created by local armed groups in the Niger Delta as responsible for lapses. For instance, SPDC reported for the year 2006 that it is committed to reducing the impact of its operations and activities on the environment. According to the report:

As in previous years, we continued efforts aimed at improving our environment performance as part of our contribution to sustainable development. We improved our environmental stewardship and programmes in spite of the challenging operating environment. However, due to the lack of access to fields in our western area of operation, we were unable to access and clean up the spills in this area caused by militant group activities (Shell Nigeria Annual Report, 2006: 12-17).

Regarding Environmental Guidelines and Standards for the Petroleum Industry (EGASPIN) it was in 2003 that the SPDC agreed to a compliance plan with the Department of Petroleum Resources (DPR). Already, SPDC claims to have achieved 92 percent compliance to the guidelines by 2005. In 2006, SPDC, ELF (TOTAL FINA), Nigerian Agip Oil Company along with other oil companies in the Niger Delta undertook scoping studies to establish workable standards and limits for the oil industry. From this study, an Environmental Sensitivity Index (ESI) Protocol has been submitted to the DPR for approval. Its approval is expected to provide a framework for enhanced management of crisis and preparation for response to oil spills.

The oil industry also plans to undertake air quality analysis in order to control gaseous emissions (SPDC Annual Report, 2006: 5). From the joint study by the oil companies, it was also identified that in the area of offshore disposal of produced water, oil companies were yet to be satisfactorily compliant. In fact, an independent study of the EA Sea Eagle (a production and storage facility at EA field) Bonny terminals and Forcados revealed that

wastewater from oil exploration disposed at the sea does not constitute threat to aquatic life. Consequently, the DPR issued a 12-month waiver allowing the SPDC to dispose of such water. Indeed, the SPDC claims that by 2004 it had completed a pilot Occupational Health and Safety Assessment (OHSAS) 18001 Certification programme for Bonny and Forcados terminals, implying international acceptance and recognition in occupational health and safety management systems. SPDC recertified Bonny and Forcados terminal and had plans to extend the programme to six additional facilities in 2006.

In 2006, SPDC claimed to have refurbished and upgraded key facilities such as pipelines, manifolds and flow stations, under the recommendations of the Asset Integrity Management. Indeed, SPDC claims to have achieved 83 per cent success regarding the recommendation of the asset integrity. SPDC also claims to have a new liquefied natural gas project at Olokola and other independent power projects in many parts of Nigeria in order to serve the gas Reinjection programmes and plans of the company.

The researcher asked respondents from the Health, Safety and Environmental (HSE) units of the oil companies to assess the compliance level of their companies to government environmental policies. First, the responses reveal the ignorance of key officials about key government environmental policies meant to regulate operations of the oil companies. Ironically and interestingly, all the oil companies under study have established HSE units in their companies. One respondent from SPDC said:

The compliance level of SPDC to the environmental policies is very good. SPDC seeks stringent environmental standards than the federal and state governments or international standard and enforce compliance, monitor and assess compliance results to ensure non-compliances are quickly addressed.

The above statement and similar ones from the rest of the respondents from oil companies were classified as “positive” with respect to their endorsement of the compliance level of oil companies and recorded 100 percent. Data generated from secondary sources such as Annual

Reports of the oil companies reveal that on paper oil companies have become more committed to addressing environmental issues resulting from their activities in their host communities. In its 2006 report, SPDC states that the company is committed to eliminating routine gas flaring in its operations. At policy level, this is suggestive of the company's attempt at ensuring sustainable development in the Niger Delta. A key strategy identified for achieving this goal is the gas utilisation projects such as the Nigeria Liquefied Natural Gas Project and independent power projects in various parts of the country (see Shell Annual Report, 2006:1-38). SPDC claims to have spent a total of \$650,000 in 2006, and between 2003 and 2008, a total of \$3 billion on various projects of gas utilisation. In 2001, it claimed to have completed gas gathering projects at Obigho, Odidi, Soku, Cawthorne Channel and Sapele. This is said to have 50 percent gas gathering capacity for all oil fields operated by the SPDC. It is projected that the capacity will be 85 per cent when all gas gathering projects are completed by the company.

Despite claims by the oil companies regarding compliance levels to environmental laws such as the Gas Reinjection Act, the reality substantially contradicts those claims. For instance, out of 139 oil fields in the Niger Delta, 117 (over 70 per cent) are currently flaring gas. This is no surprise, given the impression that government lacks the political will to end all gas flare. Currently, legislation banning gas flaring without provisions for exceptions is lacking. It is for this reason that some local environmental non-governmental organisations<sup>147</sup> on April 20, 2008 signed and submitted a proposal to the Senate Committee on Gas calling for legislation to completely ban gas flaring by oil companies in Nigeria. The groups jointly protested "the failure on the part of government and the oil companies operating in Nigeria to

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<sup>147</sup> See National Point, (2008). Monday April, pp. 6-7. The groups include: Institute of Human Rights and Humanitarian Law; Environmental Rights Action/Friends of the Earth (ERA); Movement for the Survival of Ogoni People (MOSOP); Kebetkache Women Development and Resource Centre; Ijaw Youth Council (IYC); United Action for Democracy (UAD); Ogoni Solidarity Forum (OSF); Niger Delta Women for Justice; Centre for Human Rights, Environment and Development; Federated Niger Delta Communities; Benin River Forum and Egi Forum.

bring about any commitment to end gas flaring in the country.” Specifically, the environmental groups called on the National Assembly to enact a legislation to compel all oil companies to end gas flaring in 2008 in line with the proposition of the DPR.

The researcher asked participants at the FGDs and interviews if the failure of the government to compel oil companies to end all gas flaring has any relationship with current violence in the Niger Delta region of Nigeria. The responses were surprisingly mixed although predominantly positive for the local environmental groups;. By contrast, government and oil company workers from outside the Niger Delta states played down on any direct relationship. However, they conceded that certain socio-economic development factors such as the absence of basic infrastructure -- roads, quality health care, education, electricity, poor living conditions of Niger Deltans, loss of livelihood -- are crucial to understanding the nature of violence in the Niger Delta.

The federal government was slow to come up with measures to regulate the activities of oil companies regarding the protection of the environment and livelihoods of oil bearing communities. The few current existing laws have suffered severe problems of implementation. In any case, grievance over simple factors of damage to the environment could hardly be a sole pathway to violence in the region. Rather, violence results from various socio-economic and political factors combining with environmental problems that are crucial to issues of livelihood. For instance, the effects of gas flaring include: regular noise; rise in temperature of communities close to flare sites; acid rain and retarded aquatic species reproduction; corroded roofing sheets; and various respiratory and skin diseases associated. To be sure, flaring of gas has resulted in the contamination of the air and contributed immensely to the destruction of environmental resources such as games upon which local economies heavily depended before the beginning of oil exploration and production activities

by oil companies. Not surprisingly, the ensuing frustration has snowballed into aggressive behaviour towards oil companies in the region.

The failure of the government to end all gas flaring and violence in the Delta region takes the form of a circle or cycle of violence. Local justice and environmental groups react against the oil companies and state security while the state responds by deploying the military and police against the environmental groups. On the part of the officials of the government, the rational way has been to ensure a threat free exploration and exploitation of the oil upon which the state depends for revenue and foreign exchange.

Oil companies complain that compelling them to end gas flaring in the region will amount to great economic loss, due to the consequent closure of 117 out of 139 oil fields in which gas is still flared to date. In the perception of local environmental groups, this argument is frivolous and ridiculous and contradicts widely held views regarding the estimated \$2.5 billion that will accrue annually to Nigeria by ending gas flaring through various gas utilisation projects (National Point, 2008:7).

Oil companies are yet to update their facilities. The Annual Report of SPDC 2006 indicates that the company has extensively updated its facilities and utilises modern technologies. In reality, the company utilises crude methods to address problems of pollution resulting from oil spills. The company simply burns or sinks spilled oil on the surface of water or forests (farmlands). This practice falls far below oil industry international voluntary standards. Many cases of oil spills have been attributed to criminal pipeline vandalism by youths involved in oil theft. Still, the failure to replace these oil pipelines across the Niger Delta have contributed extensively to leakages and general oil spills. Their non-replacement renders them vulnerable to vandalism by the oil thieves.



Poverty has increased in oil-producing communities of the Niger Delta (Ibeanu, 2006:19; Rose, 2003: 1-6)<sup>148</sup> With the loss of farmlands and aquatic resources due to pollution from exploration and production activities of the oil companies, human migration into the major cities of the Niger Delta has caused a decline in food production as peasant farmers leave the rural areas in search of jobs in the city. In the city, securing jobs is difficult as access to such jobs is dependent on needed skills and education. Even for the educated, securing jobs is difficult. This issue is well reflected and supported by statistics on the state of unemployment and underemployment shown in the table below (See Table 4.3).

**Table 4.3. Unemployment and Underemployment Rate in the Niger Delta, 2000**

COUNTRY/ STATE	UNEMPLOYMENT %			UNDEREMPLOYMENT %		
	Composite	Urban	Rural	Composite	Urban	Rural
Nigeria	4.7	7.2	3.7	12.9	5.8	16.0
Abia	2.9	8.7	2.4	7.7	NA	8.4
Akwa Ibom	18.2	12.6	18.3	18.5	9.2	18.8
Bayelsa	6.5	13.0	5.5	6.0	NA	6.9
Cross River	NA	NA	NA	16.6	7.3	18.3
Delta	10.3	16.2	8.8	13.0	23.6	1.2
Edo	1.5	7.3	NA	4.6	1.8	5.3
Imo	6.8	2.7	7.2	15.5	21.1	25.0
Ondo	4.1	4.7	3.6	12.9	9.3	15.5
Rivers	19.1	18.2	19.3	14.1	2.7	15.9

**Source:** Labour force sample survey December, 2000 FOS/ILO, Federal Office of Statistics. Statistical News No. 322, June 2001/UNDP Report on the Niger Delta

<sup>148</sup> See Ibeanu, O. and Lukham, R. (2006). *Niger Delta, Political Violence, Governance and Corporate Responsibility in a Petro-State*, Abuja: Centre for Democracy and Development; Rose, M. (2003). "Nigerians Oil Sector and the Poor," Paper prepared for UK Department of International Development (DFID), Nigeria: Driven Programme pp. 1-10.

Rural poverty has been aggravated by the politics of sharing oil revenues in complete neglect of compensation for land appropriated and damaged by oil exploration and production activities of oil companies. As Table 4.3 shows, issues of livelihood matter greatly for rural communities. The struggle for control of land resources for the purpose of oil exploration and production on the part of the state, has at the same time, meant a foreclosing of socio-economic opportunities for rural oil bearing communities. According to some analysts, “oil is from bringing prosperity to the Niger Delta oil exploration and production caused large scale environmental degradation, destroyed rural livelihoods and aggravated poverty” (Ibeanu and Lukham 2006: 43).

#### **4.4. Political opportunity structures**

The civil regime (democracy) established in Nigeria since 1999 does not seem to have provided a legitimate space for venting the oil and environment related grievances of the Niger Delta (Ojakorotu, 2006: 230).<sup>149</sup> In fact, as Ibeanu and Lukham (2006: 45) note:

In principle transition to democracy in 1999 should have opened the political arena to Niger Delta protest movements, facilitated negotiations with Federal and State governments and with oil firms and reversed the spread of violence. The reality has been much more complex and problematical.

Strangely, violent agitations for resource control and rights of various kinds related to the environment and economic development which began in the early 1990s have intensified during this period of democracy (1999 to date). The perception among people from the oil bearing communities is predominantly a lack of confidence in Nigeria’s political institutions regarding their capacity to address objectively critical issues of sustainable development in relation to oil company operations. The reason bears much on the nature of federalism and governance as practised in the country.

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<sup>149</sup> Ojakorotu, V. (2006). “Youth Militancy and Development Efforts in African Multiethnic Society,” *Journal of International and Peace Studies*, Vol. 1, No. 2, pp.229-242.

Since 1954, federalism has remained a core principle of state structure in Nigeria. However, over the years since oil revenues expanded to become the key resource for national income and foreign exchange, fiscal relations and sharing of revenues have come to be skewed in favour of the federal government. Land, by law, including mineral resources (oil) belongs to the state. Law enforcement mechanisms are also centralised to the extent that there now exists a seeming institutionalised politics of unitary control (Omeje, 2004: 425-440).<sup>150</sup> As noted by Ojakorotu:

the skewed structure of the Nigerian state has precipitated fiscal centralisation in favour of the federal government and the ethnic majority. The overbearing domination by the federal government has made it difficult for the oil-bearing communities to gain (self-defined) equitable access to wealth derived from their resources.<sup>151</sup>

It is therefore no surprise that the Niger Delta people have consistently called for what they refer to as ‘true federalism,’ which for them, among others, means more autonomy to control resources and take decisions on matters of protection of the environment from activities of oil companies. In short, on December 11, 1998, Ijaw youths, numbering over 5,000 gathered in Kaiama, Bayelsa State to adopt what later became the *Kaiama Declaration*.<sup>152</sup> Among the issues raised by the youths as reflected in that document were political questions about the relevance of federalism with respect to allocation of fiscal revenue and the centralisation of powers over resource control and the implication for resource endowed communities of the ethnic minorities of the south-south region of Nigeria (Ukeje, 2001: 343).

The oil companies acknowledge the impact of political context in the choice of political

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<sup>150</sup> Omeje, K. (2004). “The State, Conflict and Evolving Politics in the Niger Delta, Nigeria,” *Review of African Political Economy*, Vol.31, No.101, September, p.425.

<sup>151</sup> Ojakorotu, V. (2006), op.cit.p.231.

<sup>152</sup> Osuoka, one of the signatories to the *Kaiama Declaration*, spoke with the researcher in an interview in Port Harcourt. He berates the Nigerian federal structure and argues for a redefinition of federalism in its classical sense where components (ethnic minorities) will also have local autonomy over resources in their environment.

actions by local environmental groups in the Niger Delta. For instance, the SPDC pointed out that political, social and environmental concerns are core to the discontent and conflict in the region (Ukeje, 2001: 341).<sup>153</sup> Political interpretation of the issues and response of the state and oil companies undeniably give conspicuous image of denial of legitimate access. It seems that political and economic considerations have influenced decisions by the government about the enforcement of environmental policy such as putting an end to gas flaring in the Niger Delta. Indeed, efforts to deal with the matter by government officials at the DPR and the presidency in the past have sometimes ended up with concessions to the oil companies who complain that the government has often failed to meet its own funding obligations towards ending gas flaring in Nigeria.

Existing environmental and oil related policies/laws exclude oil-bearing communities from playing a role at the level of policy formulation and implementation. This is attributed to the various political interests that shape the political system and its institutions. Indeed, the experience is typical of the notion that at the national levels in many developing countries, human concerns do not seem to be at the centre of sustainable development. Humans do not seem to be entitled to healthy and productive life in consonance with nature. The problem is located within a political context that allows a combination of forces to exclude local environmental groups and reduces their power to play important role in protecting their environment (Aginam, 2002: 1).<sup>154</sup> Access to political and legal institutions in cases of violation of environmental laws on the part of victims has been a defining factor in the choice of alternative strategies of expressing grievances. For the oil bearing communities instances

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<sup>153</sup> Telephone interviews with 15 key informants from SPDC, Agip, Elf and local environmental groups reveal the importance of political context in the choice of political actions among local groups against oil companies and the government over issues of environmental damage, socio-economic advancement in the Niger Delta.

<sup>154</sup> See Aginam, O. (2002). "From Rio to Johannesburg: The Pessimism of Sustainable Development and the Optimism of Sustainable Livelihoods: Two Cases from Nigeria," paper presented in a conference "After Johannesburg: New Strategies," York University, Toronto, 27-28, September.

of frustration with legal institutions abound. For instance, in 2001, Ijaw youths and elders, under the leadership of Chief Pere Ajua petitioned SPDC to the National Assembly, specifying 107 ways in which the activities of oil companies have destroyed their environment. They therefore demanded from the SPDC the sum of \$1.5 billion as compensation to the community. Following from this, the National Assembly created a judicial committee (headed by former Chief Justice Mohammed Bello) to investigate the allegations. The committee consulted widely and finally asked SPDC to pay the amount demanded by the community in compensation. This did not go down well with SPDC as it appealed to high court asking for the nullification of recommendations of the judicial committee (*New Africa* January, 2008: 18).

At the Peremabiri community of present Bayelsa State, SPDC has disputed through appeal to the Supreme Court against a N7. Million (Naira) in damages awarded against it over oil spillage for reasons that the community could not prove any injury resulting from the spillage; and that the nature of injuries was vague and not specified. SPDC opted for a damages award of a paltry N5, 500 (Naira). According to Ojo and Gaskiya (2003: 30): “The above report indicates the kind of technical legal difficulties that usually confront litigants in environmental law cases on the issue of damages even where the polluter has admitted liability.”

In a similar vein, of two suits instituted against SPDC, Total, Agip, Chevron and the Attorney-General of Nigeria by local oil bearing communities over gas flaring activities by the joint venture partners on grounds of violation of fundamental human rights of victims under the 1999 constitution and the African Charter on Human and Peoples Rights one was struck out by the Port Harcourt Division of the Federal High Court. In the other suit, in spite of denial of basic witness, testimonies and expert evidence, the court sitting in Benin ruled

(in 2005) asking the SPDC to pay compensation to victims of gas flare and oil spillage (see SPDC Annual Report, 2006:1-38). SPDC appealed the judgement asking the court for a stay of execution which was granted.

Existing political structures have shaped political actions of local environmental groups in the Niger Delta. According to El-Kenz (1996: 51-52):

Almost everywhere, violence is the mode of response to the problems that inadequate political institutions and outdated codes of behaviour have proved incapable of solving. In all of these countries, it is the young people who are in the forefront: youths enraged by the injustice and indignity of a situation they refuse to accept fatalistically. They are using the only means left to them- violence.

Although the federal government has created basic institutions such as the Federal Ministry of Environment and the Department of Petroleum Resources, these institutions lack adequate representation from the oil bearing communities whose interests and contribution to policy should be considered indispensable. The distribution of socio-economic data of respondents from officials of government reveals 98 per cent dominance by persons from other ethnic groups such as Yoruba, Igbo and Hausa/Fulani whom people from the oil bearing communities have accused of being in control of the political institutions in Nigeria. The implication is enormous, regarding public policy making and implementation such as the environmental policies related to oil business in the region. Our discussions with members of environmental movement organisations support these arguments. Indeed, the researcher asked them if they would be willing to use the political arena in lieu of violence if the political system becomes more democratic and the outcome was overwhelmingly positive (Table 4.4). The data in Table 4.4 shows that a vast majority would be willing to favour democratic means of resolving their concerns and fears.

**Table 4.4. If the political system becomes more democratic (free and fair), would you be willing to use the political arena in lieu of violence? (Members of JEMOs)**

Positive (1)	Par.1	Par. 2	Par.3	Par.4	Par.5	Par.6	Par.7	Par.8
Or  Negative (2)	1	1	1	1	1	1	2	2

On a number of occasions local environmental groups have taken legal actions against oil companies on allegations of pollution of the environment through oil spills and gas flaring without achieving justice. In some cases, the courts rule that the oil companies should pay compensation but a culture of impunity and disrespect for court ruling by oil companies is difficult to explain outside the context of the joint venture interests that seem to translate into political alliance for the government and the oil companies. According to Nwokerie (2009) “the Nigerian government is failing in its obligation concerning oil company activities and human rights of people in the Niger Delta.”<sup>155</sup> The consequence is the existing impression among local environmental groups that the court in Nigeria might not be trusted to guarantee hope for victims of environmental damage occasioned by the failure of the government to compel oil companies to comply with the law.

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<sup>155</sup> Nwokerie, C.V. is Justice of the Federal High Court in Benin City that delivered judgement in favour of Jonal Gbere at Iwerkan community in a case of violation of human rights through pollution of the environment instituted against SPDC on the 14<sup>th</sup> of November 2005. A similar judgement was delivered in April, 2006, requiring all oil companies to end all gas flaring by 2007. Participants declined from commenting on why oil companies have not complied with these court judgements. Government officials interviewed also failed to respond to this question. Nwokerie spoke on these issues on the 30<sup>th</sup> of October, 2009 at a seminar organised by Social Action on ending gas flaring in Nigeria in Abuja.

**Table 4.5. Views of members of local justice and environmental groups in focus group discussion on access to political institutions, leaders, courts on cases of gas flaring and oil spillage**

Participant 1	Participant 2	Participant 3	Participant 4	Participant 5	Participant 6	Participant 7	Participant 8
Negative	Negative	Negative	Negative	Negative	Negative	Negative	Negative

The issue of lack of access to courts is a critical element in understanding the tension and conflict that characterise relationships between the local environmental groups and oil companies. For these local groups, reliance on conventional strategies for justice has produced marginal results (see Table 4.5) on response of members of local environmental groups who were rather negative in their response to any possibility of access to political and legal institutions to seek redress for environmental destruction by oil companies).<sup>156</sup> This is understandable given that government officials at the Federal Ministry of Environment and Department of Petroleum Resources lack effective mechanisms for monitoring compliance by oil companies. Unfortunately, government seems to depend on the oil companies for needed resources in monitoring compliance. Besides, government lacks required laboratories with qualified manpower to adequately assess damage from oil spillage and gas flaring.<sup>157</sup>

It would then appear that what actually emerges from time to time is the quest on the part of local environmental groups to use violence in seeking sustainable development. The result is the vicious circle of violence traded between the people and the state.

<sup>156</sup> The researcher asked participants (members of justice and environmental groups) in focus group discussions on access to political institutions, leaders, courts on cases of gas flaring and oil spillage and received responses categorised as negative in Table 4.5, meaning that access is limited or denied.

<sup>157</sup> These issues were revealed and discussed by informants (senior environmental officers) at Nigeria's National Oil Spill Detection and Response Agency. A participant from the oil sector boasted of his company's continued leadership in assessing damage caused by oil spillage since government does not have necessary laboratories and equipment. See Field Notes on the interviews.



The available data supports arguments made by Frynas (2001: 397) regarding access to courts by oil bearing communities of the Niger Delta. She identified lack of finance, education and information on the part of potential litigants in oil related cases as key constraints to access to courts in Nigeria. These constraints can actually be seen from the point of view of the nature of existing political institutions. Public policy is relevant for an efficient working economic system. The failure of public policy is often reflected and measured in terms of micro governmental structures such as the education sector that might fail to produce needed human capital for national and individual advancement. Ignorance on rights, lack of needed financial resources and basic information are some of the reasons why sustaining litigation against oil companies, which have huge resources, is difficult for local environmental groups and individuals from oil bearing communities.

A statement made by Isaac Adaka Boro in 1963 puts the issue of choice of violence and political opportunity structures as against use of conventional strategies for seeking redress in historical perspective: “We discovered that most of the youths were so frustrated with the general neglect that they were ready for any action led by an outstanding leader to gain liberty.”<sup>158</sup>

In 1959, the Niger Delta Congress (NDC) was formed by Chief Harold Dappa Biriye, as a political party to pursue the cause of the Niger Delta through national politics (*Tell Magazine*, 2008: 73). The party had its first misfortune when it won only one seat in the 1959 general elections at the federal legislature, with Chief Melford Okilo, representing Brass Division of Yenagoa province. A second misfortune bedevilled the NDC in the 1962 eastern regional elections and 1964 federal general elections in which it failed to secure any seat. In any case, Igbos won all the seats in those elections, leading to a deep sense of frustration for the Ijaws,

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<sup>158</sup> Boro made this statement in 1963. See *Tell Magazine Special Edition* (2008) February 18.

who form a majority in the Niger Delta.

In the early days of 1958, Chief Dappa Biriye led a delegation to the colonial office in London to protest political marginalisation of the Niger Delta. The result, in part, was the creation of the Willinks Commission with the aim of addressing the fears of the people of the region. It then made recommendations that included creation of special development status for the Niger Delta. As a result, the Tafawa Balewa government established the Niger Delta Development Board (NDDB), to address the special needs of the region. This effort failed to bring desired results in terms of development. Part of the reason for this failure was the refusal of the eastern regional government to make its statutory contribution to the board. Ultimately, the youths and politicians from the Niger Delta began to sense that politics within the national political system was difficult to bring about expected development in the region. It was this sense of frustration that led Isaac Adaka Boro to begin a violent campaign to end political marginalisation of the region in 1966.

Boro utilised non-violent methods in the early days of his campaign but was frustrated by inadequate support towards ending political marginalisation of the region; for instance, the perceived lack of interest by the Eastern regional, Midwestern regional and federal governments to the Niger Delta. Beginning from 1962, Boro turned to Ijaws in the West African countries of Togo, Ghana and Dahomey (Republic of Benin). In a visit with colleagues to Ghana, he entered the Cuban embassy to seek support but was ordered to leave the premises within 60 minutes. These experiences and frustrations led Boro to organise violent reaction against the state in 1966. That event is often referred to as the 12-day revolution undertaken under the aegis of the Niger Delta Volunteer Service (NDVS) which was formed by Boro. The exercise failed and Boro and his colleagues were arrested, prosecuted and sentenced to death by the Federal Government of Nigeria. Before he was

executed Boro was freed by the then military government under General Yakubu Gowon. Almost simultaneously, the government created the state of Rivers and appointed then Rivers indigene, Commander Alfred P. Diete-Spiff to serve as the military governor of the state. When the civil war began, Boro convinced his team to enlist on the side of the Nigerian forces against secessionist Biafra. It would appear that the refusal of the Eastern regional government to support the Niger Delta struggle, and the subsequent creation of Rivers State by Gowon justified the choice by Boro and his colleagues to enlist and fight on the side of Nigeria. Unfortunately, Boro was killed in the war, near Port Harcourt in 1967. There existed a near absence of violent agitation in the region between the time (1967) and the end of the 1980s when the Ogonis, under the leadership of late Ken Saro Wiwa, rose up to begin a process of challenging the state and oil companies over the problem of sustainable development in the Niger Delta. To be precise, it was in 1990 that the Movement for the Survival of Ogonis (MOSOP) was formed by Saro-Wiwa, as an umbrella body for seeking justice from the Nigerian state over issues of sustainable development.

Activities of MOSOP led to the re-emergence of Ijaw groups in struggles against the state and oil companies over issues of sustainable development. In the final analysis, the choice of violent methods by local environmental groups is related to political opportunity structures in Nigeria. This is demonstrated in the way in which politics has been utilised by operators of the state in Nigeria. This is also reflected in the delay or failure of the government to compel oil companies to implement environmental laws meant to protect the environment and livelihoods of local communities. Incidentally, the environment, which though remained the basis of survival for the Niger Delta became damaged in favour of oil production and its revenue. Ibeanu (2008: 9) has argued that oil *underdevelops* the Niger Delta. This makes more sense if situated within the context of failure by government to respond adequately to the enforcement of pertinent policies to make oil production serve the purpose of sustainable

development. As aptly noted by Ibeanu, “all politics is about managing or reconciling affluence and affliction, principally though not exclusively, through the instrumentality of state power.”<sup>159</sup> This argument underpins the position of this study, and undertakes to state that government’s failure to implement environmental policy is political. It is the frustration on the part of local groups with the use of power to ensure sustainable development in the region that is in part an explanation for violence in the Niger Delta today.

#### **4.5. Oil companies and justice and environmental movement organisations**

This section provides data for addressing the question of pattern of relationship between oil companies and local justice and environmental groups in the Niger Delta. A key question which the researcher asked participants in this study was: what is the relationship between oil companies and local justice and environmental groups in the implementation of environmental policy in the Niger Delta? (See Table 4.6 for responses)

**Table 4.6. Pattern of relationship between oil companies and local justice and environmental groups**

Local justice and environmental groups	Oil company workers	Government officials
<ul style="list-style-type: none"> <li>• Violence</li> <li>• Protests</li> <li>• Killing</li> <li>• confrontational</li> <li>• Exploitation</li> <li>• kidnapping</li> <li>• Conflict</li> </ul>	<ul style="list-style-type: none"> <li>• Criminal disruption</li> <li>• Conflict</li> <li>• kidnapping</li> </ul>	<ul style="list-style-type: none"> <li>• Conflict</li> <li>• Violence</li> <li>• Occasionally conflictual</li> <li>• kidnapping</li> </ul>

A number of indicators as earlier delineated have been recorded in this table. Violence, protests, killings, confrontations, exploitation, kidnappings and conflicts were common responses from members of local justice and environmental groups. For oil company

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<sup>159</sup> Ibeanu, O. (2008). “Affluence and Affliction: The Niger Delta as a Critique of Political Science in Nigeria,” an Inaugural lecture of the University of Nigeria, Nsukka, delivered on February 20.

workers, criminal disruption, conflict and kidnapping are words used in response to the question the researcher asked on the pattern of relationship between oil companies and local justice and environmental groups. Their responses do not differ from those of government officials. There is a clear admittance of conflict in the relationship between government security, oil companies and local communities in the Niger Delta although the reasons for this relationship differ among the triad. The data in Table 4.7 shows profile of some the local justice and environmental groups in the Niger Delta, with their objectives, grievances and mode of operations.

Initially (in the early days of exploration and production of oil), the relationship between local justice and environmental groups and oil companies took the form of mere complaint through community leaders to the oil companies on cases of pollution resulting from oil spills and gas flaring. Oil spills and gas flaring are key forms of pollution visible to the eyes of the average local community member in the Niger Delta, and often lead to destruction of farmlands, aquatic resources and the atmosphere. Up to the 1970s, key oil companies in the region did not face any violent resistance from local oil bearing communities on protection of the environment by the government and oil companies. This is understandable given that general lack of awareness on the part of local communities was not sufficient for mass action against the government or oil companies. Besides, the use of force on the part of the state seemed adequate to contain any threat to the oil companies at the time.

**Table 4.7. Profile of some local justice and environmental groups in the Niger Delta**

S/N	Organisation	Objectives and grievances	Mode of political action
1.	Movement for the Emancipation of the Niger Delta (MEND).	Resource control; development; environmental justice; marginalisation; neglect; lack of access to the oil business; repression by the Nigerian state.	Hostage taking; violent confrontation; press statements; conflict with state security; physical attacks on oil company facilities; killing of state security personnel
2.	Ijaw Youth Council (IYC)	Militarisation and repression by the state; destruction of the environment by oil exploration and production company activities (gas flare and oil spillage); resource control; poverty and political marginalisation (faulty federal structure).	Was responsible for Kaima Declaration; Confrontation with state security; press statements; wants oil companies to leave the Niger Delta
3.	Niger Delta Volunteer Force (NDVF)	Neglect and marginalisation; underdevelopment; access to benefits from oil; militarisation.	Attack and seizure of oil facilities; armed confrontation with state security; press statements.
4.	Movement for the Survival of Ogoni People (MOSOP)	Environmental justice; marginalisation; neglect; underdevelopment; poverty;	Protests; youth militancy; press statements; ejection of Shell from Ogoni land
5.	Chiccoco Movement	Environmental rights; state violence; militarisation; ecological damage	Call for vacation of oil companies; press releases, demonstrations; education and mobilisation; resource control.
6.	Federated Niger Delta Izon Communities (FNDIC)	Marginalisation; underdevelopment; militarisation; resource control; faulty federal structure; equity; ecological damage.	Seizure of oil facilities; violent encounters with state security; demand for withdrawal of oil companies.

A key element in defining the relationship between oil companies and local environmental groups in the Niger Delta is the perception of the implication that the state is in joint-venture relationship with oil companies in oil exploration and production (See Tables 4.6). The relationship between the state and oil companies in joint-venture agreements is determined by co-existing concession contracts which define relationships among the parties involved, and their interests. To be precise, the functional agreements spell out relationship between owners of licences and leases and ground rules for exploration and production of oil and gas. The state's participation in oil business through joint-venture agreement with the oil companies is grounded in the ownership structure of natural resources (oil and gas) in Nigeria. The Petroleum Act of 1969 vests ownership of all oil and gas under or upon all land in Nigeria in the state. The Petroleum (Drilling and Production) Regulation, embedded in that Act, among other issues of defining concessionary rights of oil companies also spells out the environmental obligations of the oil companies. Indeed, oil companies are by that regulation to ensure that their operations do not pollute the environment, and if pollution occurs, should promptly respond in clean-up and remediation through appropriate use of technologies. This aspect of the Act remains till date weakly enforced. The reality is that the lack of or slowness in enforcing this and similar laws have contributed to further destruction of the environment in the Niger Delta (Omorogbe, 2001: 24-45).

There are four types of legal relationship in the Nigerian oil industry that have implications for the relationship between oil companies and their host communities: the concession; the joint-venture; the production sharing contract and the service contract.<sup>160</sup> Concession was oil mining lease granted oil companies under the Petroleum Act of 1969 before the participation of the state in the oil business. It requires the company to fully bear the risk and the cost of

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<sup>160</sup> See Omorogbe, Y. (2001). pp. 46-50.

all exploration and production of oil and royalty and profit tax to the government. Entrance of the government in the oil business changed all that, such that today, only indigenous companies are granted concessions. In the same vein, joint ventures refer to acquisition of participatory interest by the government in concessions held by oil companies (Shell, Mobil, Agip, Phillips, Elf, Chevron and Pan Ocean). The joint-ventures are shaped by other agreements such as the Participation Agreement, Operating Agreement and Memorandum of Understanding. The Production Sharing Contract (PSC) is criticised for being in favour of oil companies against the state. Under the PSC, cost in form of oil, is allocated to oil companies for the recouping of operating and capital costs. Operating costs are recouped in the year of expenditure whereas that of capital cost is recovered over a period of five years or more. For each of the cases, the increasing price of oil per barrel is not built into the agreement.

The service contract entails reimbursement of 50 per cent of all exploration cost to contract if exploration activities do not result in commercial discovery by the government through the NNPC. On the other hand, if commercial discovery is made in the period of five years, the NNPC would meet with the contractor to assist to recover cost and how much remuneration or profit it deserves. In this form of contract, the contractor (Oil Company) pays its usual company tax whereas the NNPC pays all petroleum profit tax.

In the above four types of relationship in the oil industry, oil bearing communities are not legally considered in any of the relationships or interests defined in the agreements. This is said to create the impression that these communities are not stakeholders in the matters that pertain to exploration and production of the oil. They are rather excluded from the structure of ownership of oil and relationships in its exploration and production as defined in the terms of the various joint-venture agreements between the state and the oil companies. Support for the various legal relationships in the oil exploration and production business on the side of



local groups from the Niger Delta is severely hampered by their perception of exclusion from the deals. The researcher asked participants at the FGDs on what they consider the motive for the identified nature of relationship between local justice and environmental groups and oil companies and got various responses that were coded into values of 1 and 0 (binary coding). Responses include: Greed; damages to the environment; political marginalisation of the Niger Delta; failure of the government to monitor compliance with oil and environmental regulations; character of the Nigerian state; majority ethnic domination of minorities. (See Tables 4.7 and 4. 8)<sup>161</sup>

**Table 4.8. Reasons for pattern of relationships between local justice and environmental groups and oil companies**

1. Greed
2. Environmental grievance
3. Poverty
4. Political marginalisation of the Niger Delta
5. Failure of the government to monitor compliance with oil policy and regulations
6. Nature of the state

Participants from the oil industry (SPDC, Agip and Elf) affirmed sour relationship between local environmental groups and the oil companies. Some however stated that much of the cause of this conflictual relationship is due to criminal behaviour of youths in the oil bearing communities where oil companies operate. They contend that it has nothing to do with either environmental grievance or failure of oil companies to implement their environmental policies as many of these companies now adopt best practices in their operations to prevent

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<sup>161</sup> Also see taped video of youths from the oil bearing communities in the Niger Delta in Anti-Imperialism Camp organised by Social Action 19-24<sup>th</sup> of August, 2008. Allen presented a paper on “Is a Nonkilling Nigeria Possible.” The youths were asked in a questionnaire to respond to the question “Is a Nonkilling Niger Delta Possible.” Out of 29 youths that responded, 18 said yes, with conditions of improvement in the socio-economic and political development of the region.

large scale pollution of the environment through oil spills and gas flare. According to Dadiowe<sup>162</sup> “life has become difficult for my people because of the damage oil companies have done to the environment in my community. Many of these people do not have education and skills to secure alternative jobs. Oil spill, for example, is so devastating. Fishing and farming which used to be the main preoccupation of the people is now an old story.” Poverty is a critical element in the discourse of the consequences of losing such traditional means of livelihood for many of the communities in the oil bearing states of the Niger Delta. In fact, as one participants asked, “what alternative source of income is there for these communities whose farms and rivers have been damaged by regular oil spill?”<sup>163</sup> Certainly, oil companies have been blamed for the socio-economic conditions of the Niger Delta.

Environmental issues remain a critical element among people from the Niger Delta in their relationship with oil companies. Local environmental groups<sup>164</sup> and scholars who attempt to explain the crisis have continued to cite complex issues that border on loss of means of livelihood and general underdevelopment in consequence of oil company operations in the Niger Delta. In fact, this link is about how government has failed to enforce standards in the oil sector in Nigeria. Apparently, the oil industry has come to stay as a direct outcome of expanding demand for energy.

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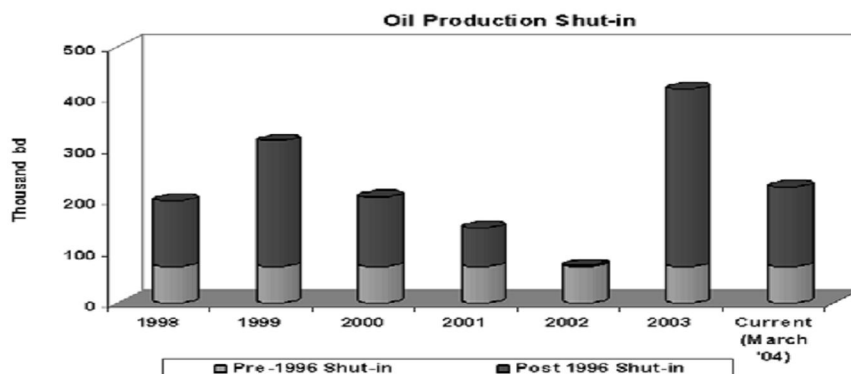
<sup>162</sup> Participant at the focus group held in Yenegoa, Bayelsa State. See recorded tape.

<sup>163</sup> Celestine Akpobari is the coordinator of Ogoni Solidarity Forum who participated in the focus group discussion in Port Harcourt.

<sup>164</sup> Justice and environmental groups range from those involved in mobilising and sensitising oil bearing communities towards environmental, economic, political, social and cultural rights against negative consequences of oil company activities to those who by virtue of their awareness and experience with oil companies resort to violence to force out sustainable development from the state and oil companies.

**Graph 4.2 Community disruptions, production deferment**

### **FEATURES OF COMMUNITY DISRUPTIONS Production Deferment**



Source: Report of the Niger Delta Stakeholder Workshop, held April 15-17, 2004

#### **4.6. Government and justice and environmental movement organisations**

The relationship between government and local justice and environmental groups is currently characterised by: killing of state security operatives by local armed justice and environmental groups; killing of members of local justice and environmental groups by state security operatives; physical attacks on oil company facilities by local armed groups; making of government policies perceived to be injurious to the development of the Niger Delta; protests and disruption of oil production activities by local armed justice and environmental groups; hostage taking of local and foreign oil workers by local armed justice and environmental groups; funding of government security operatives by oil companies; and lack of support for environmental policy.

**Table 4.9. JEMO<sup>165</sup> attacks on the Nigerian oil industry between January 10, 2006 and September 15, 2008.**

S/N	DATE	ATTACK
1.	January 10, 2006	Kidnap of 4 expatriate workers at SPDC's offshore EA oilfield. They also bombed crude oil pipelines, cutting supplies by 100,000 bpd by armed group. SPDC shut production by 115,000 bpd.
2.	February 18, 2006	Barge operated by Wilbros was attacked and 9 oil workers abducted. They also bombed SPDC's crude oil pipeline operated by NNPC and blew up SPDC Forcados tanker loading platform, compelling the company to suspend exports, cutting production by 100,000 bpd.
3.	March 18, 2006	Blew up pipeline operated by Agip, cutting supply by 75,000 bpd.
4.	May 10, 2006	An executive of an oil company, Baker Hughes was killed by gunmen.
5.	May 11, 2006	3 oil workers for Saipem were kidnapped.
6.	June 2, 2006	1 Canadian, 6 Britons were kidnapped by armed men from Bulford Dolphine oil.
7.	June 7, 2006	Attack of SPDC operated natural gas facility, killing of 6 and kidnapping of 5 South Koreans.
8.	June 20, 2006	2 Filipinos working for Beaufort International were kidnapped.
9.	July 6, 2006	Michael Los, an oil expatriate worker was kidnapped.
10.	July 25, 2006	A mob from the Niger Delta invaded Agip Ogbainbiri flow station, taking 24 hostage.
11.	August 3, 2006	Expatriate oil worker for German company, Bilfinger and Berger, was kidnapped by armed men dressed in Nigeria army uniform.
12.	August 4, 2006	3 Filipino oil workers in a bus conveying them to work were kidnapped by armed men in Port Harcourt.
13.	August 15, 2006	2 Norwegian and 2 Ukrainian oil workers were kidnapped.
14.	August 10, 2006	A Moroccan and Belgian were kidnapped in Port Harcourt.
15.	August 13, 2006	5 expatriate oil workers were kidnapped in a nightclub in Port Harcourt.
16.	August 16, 2006	1 Lebanese kidnapped.
17.	August 24, 2006	Italian oil worker employed by Saipem was kidnapped.
18.	October 2, 2006	25 Nigerians working for SPDC contractor were taken for hostage.

<sup>165</sup> Justice and Environmental Movement Organisations. Some refer to them as Niger Delta militant groups.

19.	October 3, 2007	7 expatriate oil workers working for an Exxon Mobil contractor were kidnapped.
20.	October 21, 2006	7 oil workers were kidnapped.
21.	November 2, 2006	2 expatriate workers for Petroleum Geoservices and an American oil worker were kidnapped.
22.	November 22, 2006	One British oil worker killed as Nigerian soldiers' attempted to free hostages abducted earlier same day.
23.	December 7, 2007	Movement for the Emancipation of the Niger Delta (MEND) kidnapped 3 Italians and 1 Lebanese at a residential facility.
24.	December 14, 2007	5 SPDC expatriate workers were taken hostages at the River Nun SPDC logistics base.
25.	December 18, 2007	Explosion or 2 car bombs--one in Agip and the other in SPDC residential area of Port Harcourt.
26.	December 21, 2007	JEMO attacked Obagi field operated by Total and killed 3.
27.	January 5, 2007	Armed men kidnapped 5 Chinese and planted a bomb at SPDC residential quarters in Port Harcourt.
28.	January 10, 2007	9 South Korean oil workers kidnapped in Bayelsa.
29.	January 16, 2007	3 expatriate oil workers were killed when their boat was attacked by gun men.
30.	January 20, 2007	Gun men attacked and seized German shipping line, Baco-Liner cargo ship and took 24 Filipinos on board hostage.
31.	January 23, 2007	Gun men kidnapped 2 expatriate oil workers (an American and Briton in Port Harcourt on their way to work).
32.	January 25, 2007	9 Chinese expatriates were kidnapped.
33.	February 4, 2007	9 oil workers kidnapped.
34.	February 6, 2007	A Filipino kidnapped on Port Harcourt-Owerri Road
35.	February 7, 2007	A Filipino woman kidnapped in Port Harcourt.
36.	February 18, 2007	3 expatriate oil workers of Croatia national were kidnapped.
37.	June 1, 2007	4 expatriates (from Britain, France, Netherland and Pakistan) staff of Shlumberger were kidnapped in Port Harcourt
38.	July 4, 2007	5 expatriate (from Australia, New Zealand, and Venezuela) workers for SPDC were kidnapped during attack on its facility at Soku River State.
39.	July 8, 2007	2 expatriate oil workers were kidnapped from a barge near Calabar in Cross Rivers State.
40.	August 10, 2007	British manager of oil services firm, Hydrodive was kidnapped in Port Harcourt.
41.	August 12, 2007	John Hana-Daher died in the hands of his captors as announced by the the government in Bayelsa State.

42.	October 10, 2007	1 expatriate (Columbian) oil worker died from the attack undertaken by MEND.
43	October 26, 2007	6 oil workers were kidnapped by unknown gun men.
44.	October 30, 2007	Naval war ship (NNS Obula) deployed to secure the EA SPDC's oil field was attacked in Rivers State. 1 Naval officer died and 5 injured.
45.	October 31, 2007	MEND attacked naval officers. 1 naval officer was killed.
46.	November 12, 2007	35 militants attacked naval officers at Exxon Mobile Terminal, Ibeno, and Akwa Ibom State. 25 persons were injured while 1 pregnant woman died.
47.	November 15, 2007	SPDC facility was attacked by MEND in Rivers State.
48.	December 31, 2007	MEND attacked SPDC gas facility in Soku, Rivers State.
49.	January 11, 2008	MEND attacked tanker ship of petrol at the Nigerian Ports Authority in Port Harcourt. 2 persons were injured.
50.	February 3, 2008	MEND attacked military house boat kept to secure SPDC facility at Tara manifold.
51.	February 11, 2008	A supply vessel belonging to Total Oil Nigeria Limited was attacked by gunmen at Kalaibama Channel, Bonny Island. 2 soldiers were killed.
52.	February 11, 2008	A naval gunboat belonging to the Pathfinder Naval Command of the Nigerian navy escorting NLNG boat from Port Harcourt to Bonny was attacked by members of JEMOs. 4 people died.
53.	March 19, 2008	Exchange of gun fire between armed men and soldiers securing oil company vessel in Rivers State.
54.	March 21, 2008	Explosion of a naval ship due to attack by militants in Rivers State.

55.	April 2, 2008	2 oil flow stations at offshore Forcados were blown off by armed JEMOs. It was reported that 11 soldiers died.
56.	April 13, 2008	Members of JEMOs bombed Agip vessel in Forcados, Delta State. 10 naval officers died. Undisclosed number of attackers also died.
57.	April 15, 2008	Several attacks on oil pipelines on the Warri-Benin-Rivers State axis belonging to NNPC was attacked and vandalised. MEND destroyed the Adamakiri flow station belonging to SPDC, in Delta/Edo. 6 security personnels and 2 civilians were killed.
58.	April 19, 2008	
59.	April 21, 2008	2 major oil pipelines in Soku-Buguma and Buguma Alakiri were attacked .10 soldiers were killed.
60.	April 24, 2008	MEND attacked oil pipeline operated by SPDC in Kula, Rivers State. 6 expatriate workers were kidnapped.
61.	May 2, 2008	SPDC oil facility in Soku/Alakiri, Rivers State was destroyed by MEND. 5 expatriate oil workers were kidnapped.
62.	May 13, 2008	Oil vessel belonging to Chevron was hijacked by armed members of JEMOs in Kula, Rivers State.
63.	June 9-10, 2008	Clashes between militants and security personnels in Delta State.
64.	June 11, 2008	9 navy personnel and 4 civilians killed during attack by militants on Addax Petroleum oil fields near High Island rig.
65.	June 19, 2008	Bonga oil facility (deep offshore) belonging to SPDC was struck by MEND fighters.
66.	June 20, 2008	Chevron oil facility was attacked in Rivers State.
67.	June 28, 2008	Soldiers and militants clashed in Delta State.
68.	July 16, 2008	Clashes between militants and soldiers in Rivers and Bayelsa States.
69.	July 24, 2008	Expatriate oil company workers were kidnapped in Rivers State
70.	July 26, 2008	Expatriate oil company workers were kidnapped in Rivers State.

71.	August 8, 2008	Attack of Ondo State Oil Producing Development Commission by members of JEMOs.
72.	August 12, 2008	Destruction of oil and gas pipelines in Rivers State by members of JEMOs.
73.	August 19, 2008	Members of JEMOs destroyed oil pipeline in Delta State.
74.	August 24, 2008	Members of JEMOs hijacked oil vessel on Bonny River.
75.	August 30, 2008	Soldiers (JTF) clashed with armed men in Rivers State.
76.	September 13, 2008	Oil platforms in Kula and Alakri flow stations belonging to Chevron were attacked by JEMOs.

**Sources:** *Today* August/September 2007; *Niger Delta* Wednesday June 11 2008; *Newswatch* May 4, 2009

From the responses of study informants to questions about the relationship between government and local justice and environmental groups in the Niger Delta, it would appear that violent protests, killings and kidnapping of oil workers on the part of the people, and the use of force on the part of government characterise relationships (see Table 4.9). On questions of specific grievances and causes of the violence respondents pointed to socio-economic conditions of poverty, loss of livelihood and marginalisation including destruction of the environment by oil companies. With regard to Table 4.9 which shows cases of armed justice and environmental movement group attacks, it should be noted that member groups of the Movement for the Emancipation of the Niger Delta (MEND) are believed to be responsible for most of the attacks. Often, members of the different groups that constitute MEND hide under the umbrella provided by MEND. It must be noted that these attacks are not directly linked to the issues of implementation of environmental policies. Instead, statements issued by MEND spokesman after most of the attacks would always point to issues of damage to the environment by activities of oil companies and development of the Niger Delta. Following from the pattern of these attacks and statements by MEND



spokesman, it is clear the state of the environment in the region would have probably been different if oil companies fully complied with relevant oil related environmental legislations. This failure of oil companies to operate with minimal impact on the environment points directly to the failure of the government to implement/enforce its environmental policy. This link goes to define consequences of the conflict between local oil producing communities on the one hand and government and oil companies on the other. It is difficult to demonstrate statistically the extent of compliance by oil companies to environmental legislations because of conflicting claims made by government officials at the Ministry of Environment and the Department of Petroleum Resources; Justice and Environmental Movement Organisations; and Oil companies. In any case, with the huge revenue generated from oil, members of the justice and environmental movement groups expect more than they get from the government in its provision of basic amenities of life and opportunities. Against the background that the Niger Delta is the region on which Nigeria's economy is currently dependent for much of its foreign exchange earnings, the anger and frustrations arising from this economic neglect have fuelled the conflict. To a large extent, facts on the ground support the central thesis around the environment since the idea of sustainable development is broad, encompassing social, environmental, economic and political dimensions. Environmental policy is one way of dealing with social, economic and political problems associated with the environment. Although, the facts do not support notions of direct relationship between the environment and conflict in this case, the relationship can be seen to be rather indirect and complex as many interrelated issues of lack of economic and social progress come into play.

Government is in joint venture with the oil companies and depends on them for funding the apparatus of the state. The moral obligation of protecting oil facilities and workers has resulted in a strained relationship between government forces and local groups. In fact, the relationship between oil companies and the government has been well noted as collaborative.

This relationship was described as that of power by Orssato and Clegg (1999: 266), such that government seems to lack, or is unwilling to enforce, certain environmental laws embedded in various components of sustainable development. Indeed, the joint venture arrangement with the oil majors for exploration and production of oil and gas has to a large extent reduced the willingness of government officials to ensure compliance of oil companies with environmental standards. This also explains why Orssato and Clegg used a *political ecology* framework to analyse the relationship between business organisations and environmental policy. Government is a co-investor with the oil companies by the nature of the joint venture relationship; therefore government is constrained to be slow over matters of environmental policy legislation and implementation.

Consequently, local environment groups perceive government and the oil companies as the same and therefore subject to the same violent expression of grievance. As Agbonifo (2004: 3) notes: “I argue that frustration and grievance, born out of socio-political realities, and the sense of insecurity they give rise to better explain why peasants take to anti-state action”. In the same vein, Cynthia Whyte<sup>166</sup> also notes: “We maintain that the only solution to dealing with the lack of development in the Niger Delta today is through strategic and systematic deployment of armed struggle across the length and breadth of the Niger Delta. We will succeed because we must” (*Izon Link*, 9 March 2008: 12). Responses of interview participants reinforce that view as shown in Table 4.10)<sup>167</sup> The researcher notes that the nature of the relationship between the government and oil companies in the exploration and production of oil influences the nature of relationship between local justice and

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<sup>166</sup> Cynthia Whyte is a spokesperson for the Movement for the Emancipation of the Niger Delta and spoke to *Izon Link* reporter on the 8<sup>th</sup> of March, 2008. She stated that non-violent agitation for rights undertaken by local environmental groups did not win the minds of those who control state power in Nigeria. According to her, “the quest of the people of the Niger Delta can only be achieved through armed struggle.”

<sup>167</sup> Nine members of local justice and environmental groups were interviewed on key questions of the study.

environmental groups and the government.

**Table 4.10. Grievances**

What are the specific grievances of your group against the government?	Local justice and environmental groups	Number that identified the issues
	• Pollution of the environment <sup>168</sup>	8
	• Marginalisation of the Niger Delta from the oil business	8
	• Neglect of the Niger Delta	8
	• Loss of livelihood	8
	• Exploitative oil policies of government	8
	• Lack of development	8
	Total	8

In direct contrast, government officials at the DPR<sup>169</sup> observed that the supposed environmental and other grievances are not genuine as many of the justice and environmental movement groups now involved in violent confrontations against the state and oil company facilities in the Niger Delta are also involved in criminal activities. At the Technical Services unit of the DPR,<sup>170</sup> responses on the issue of grievances were acknowledged but seen to be

<sup>168</sup> One of the militants in MEND who embraced amnesty offered by the Federal Government of Nigeria in the month of September 2009, simply known as Commander Ebi, spoke in a focus group discussion arranged by Thomas Hansen for his field data collection pursuant to completing his doctoral thesis. He reiterated these issues. As well, seven others out of a total of nine participants in that focus group held the same opinions about the role of oil companies and the government in the crisis in the Niger Delta.

<sup>169</sup> Department of Petroleum Resources (DPR).

<sup>170</sup> On the 5<sup>th</sup> of February, 2008, the researcher had a face to face interview with a management staff of Health, Safety and Environmental unit of the technical services department of the DPR in Port Harcourt while distributing copies of a questionnaire to staff there. Reacting to the problem of implementation of the Environmental Impact Assessment decree, she said the obstacle rests with the attitude of the so called local justice and environmental groups. For instance, oil companies are expected to conduct EIA and display reports for 21 days for the public to scrutinize. In most cases, according to her, people from the oil bearing host communities are only interested in the financial benefits from the oil companies that come with new projects. They are not genuinely interested in the environment. She described local environmental groups as criminals involved in illegal bunkering and similar activities in order to control the market.

insufficient for explaining motivation for the identified pattern of relationships. This is understandable given that some of the members of the local justice and environmental groups in the Niger Delta are nowadays involved in hostage taking of oil and government workers for ransom. It appears that hostage taking has become some sort of business with ransom being the strongest motivation.

Local justice and environmental groups seek relationship of equity in the distribution of revenues generated from the exploration and production of oil and gas as well as the management of the environment. Strangely, these groups seem to basically hold the same ideas about the issues raised from the discourse (See Table 4.9). Nevertheless, the political class, as well as some local contractors to oil companies would prefer a slightly different view on these issues that help to balance their private interests. This is borne out clearly by the language of participants and in the documents surveyed in the study. For instance, The Ogoni Bill of Rights spells out the travails of the Ogoni people in Nigeria and goes further to outline their demands from the Nigerian state and oil companies as follows: local autonomy to enable the Ogonis control certain aspects of the life of the people such as management of the environment, natural resources of oil, and culture. To the oil companies, the document demands the payment of USD4 billion as reparation in compensation for environmental damage caused by the oil companies in Ogoni land and USD6 billion as share of royalties due Ogoni for the over three decades of oil exploration and production in Ogoni. These demands were perceived by the state (under military government of General Sani Abacha) as threat to its interest and that of the oil companies. As Ojaborotu has noted:

The Niger Delta crisis assumed horrendous dimensions in the early 1990s with the emergence of social movements and militant youth groups that began to challenge not only the Nigerian state but also the policies, attitudes, and activities of the multinational oil companies (MNOCs) in the region. This activism can be attributed to frustration (on the part of the people of the region) arising from both state and oil companies' negligence and destruction of the Niger Delta's ecology, which is the basic structure that supports life in the region, as elsewhere. It may be said that the

struggle by the people of the region have been predicated on certain fundamental issues, namely: their exclusion or marginalization in terms of access to oil revenue; their struggle for greater access to resource sharing (known in Nigerian parlance as resource control); environmental degradation; and egregious human rights violations. Within this milieu (of the struggle), the crisis in the region has become not just a domestic affair but an issue on the front burner of international environmental discourse and advocacy (Ojakorotu 2008: 96)

In the same vein, Orubu, Odusola and Ewharieme (2004:203-204) have noted that:

In 1998, youths from the oil-producing states of the Niger Delta area had threatened to declare an independent Republic, for the inability of the Federal Government to resolve the environmental question and adequately compensate the people for depriving them of their rights to land and other sources of livelihood due to oil exploration and production activities!

Indeed, social movements against the state and oil companies in the Niger Delta became prominent in the early 1990s when the Ogonis,<sup>171</sup> under the aegis of the Movement for the Survival of the Ogoni people (MOSOP), began several protests against damage done to their environment by the activities of SPDC. Many years after initial attempts by Isaac Adaka Boro and his colleagues to redress the power imbalance<sup>172</sup> in Nigeria, the Ogonis rose to challenge the state and oil companies in Nigeria over basic issues of development and ecological destruction in the area due to oil company activities. The Ogonis focused on the Nigerian state's denial of the people a level of political autonomy within the framework of a united Nigeria. They needed to control both the natural resources of oil and management of the environment. The emergence of MOSOP and its activities between 1990 and 1993 marked a new phase in the relationship between the government and local oil-producing communities in the region.

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<sup>171</sup> The Ogonis are a minority ethnic group of about 500,000 in population in the "south-south" of eastern Niger Delta. Their homeland spreads across the local government areas of Gokana, Khana, Tai and Eleme in Rivers State. There are six clans in Ogoni, with each headed by a Gbenemene or king. The Ogonis share a common language, culture, tradition and rural agricultural practice.

Leaders of the Ogoni people alleged that the state and oil companies had done very little towards the development of Ogoniland, irrespective of the fact that the area is the 5<sup>th</sup> single largest oil bearing community in Nigeria. Instead, as the late spokesman of MOSOP, Ken Saro Wiwa, once noted:

If you take away all the resources of the (Ogoni) people, you take away their land, you pollute their air, you pollute their streams, you make it impossible for them to farm or fish, which is their main source of livelihood, and then what comes out of their soil you take entirely away . . . if more people in Ogoni are dying than are being born, if Ogoni boys and girls are not going to school . . . if those who manage to scale through cannot find jobs . . . then surely you are leading the tribe to extinction.(cited by Osaghae, 1995: 330).

Based strictly on composite issues of economic and political conditions perceived to have been intensified by the presence of oil, the Ogonis became resistant to state power. The protest against environmental destruction in the Ogoni area was an attempt by the Ogonis to secure a system of organisation of production of oil that would guarantee substantial legitimate power over management of both the oil resource and the environment since the government, after decades of alliance with the oil companies, could not effectively manage the oil resource and the environment in ways that would mean increased income, food on the table and general welfare for the people of Ogoni land. Activities of SPDC in Ogoni land were a strong motivation for the protests that MOSOP began to undertake. For instance, in July 1970, there was an oil blow-out from SPDC's facility at Bomu (Dere) that lasted for two months. Farmlands and general ecological resources were destroyed. It was expected that the government would intervene to ask SPDC to pay adequate compensation to the natives but SPDC rejected the idea of compensation with impunity. Similarly, Wilbros, an American company working for SPDC in 1993, began dualisation of the Trans-Niger pipeline meant to transport oil through Ogoniland to Bonny export terminal, Villagers near Biara protested the destruction of their crops by the company. Karalole Kogbara, a mother of five and owner of crops destroyed, was beaten up by the soldiers guarding Wilbros staff on

duty. Following this, early in the morning villagers came out in large numbers unarmed to protest the beating. The outcome was the opening of fire on the crowd by the soldiers. One Agbartor was killed and 20 persons injured, including Kogbara whose hand had to be amputated because of bullet wounds. It is noteworthy that Wilbros and SPDC undertook the project without any environmental impact assessment. These events and similar ones characterised Ogoni land until 1995 when the military government under General Sani Abacha hanged Ken Saro-Wiwa along with eight other Ogoni leaders allegedly for murdering four other Ogoni leaders. This resulted in further protests and anger that eventually stopped SPDC from further exploration of oil in Ogoni land.

In January 1993, more than 400,000 Ogonis under the aegis of MOSOP staged a protest against the government and the oil companies over economic and political rights and ecological rehabilitation. This was to be the beginning of a troubled relationship between the government of the time and MOSOP. The government from then onwards consistently responded to protests by MOSOP with force (deployment of soldiers). Eventually, Ogoni land became highly militarised. The point is that it was not mere damage caused by SPDC to the environment in Ogoni land that motivated protests and subsequent violence. That would be too simplistic. It was the inaction of the government and lack of implementation plans on the part of the oil companies that led to deplorable economic, social and political conditions that motivated the protests and violence. In 1966 in Britain, when there was challenge of environmental destruction by a business organisation the government took a decision that required the company to pay three million pounds. The Nigerian state seems unable to take similar steps by implementing its environmental laws and compelling oil companies to comply with them.

## **CHAPTER 5**

### **Environmental Politics in Nigeria**

#### **5.1. Introduction**

Before the discovery of oil in Nigeria, protection of the environment in the Niger Delta occupied an insignificant position on the country's national political agenda. Indeed, globally environmental issues occupied a lowly position on national political agendas of governments and societies. Not surprisingly, environmental concerns were not seriously considered a potential source of violent conflict or mutual suspicion between either both the government and oil companies on the one hand and local oil producing communities of the Niger Delta on the other. Certainly, it was not a feature of relational concern between the three majority ethnic groups (Hausa/Fulani, Igbo, and Yoruba) on the one hand and the ethnic minorities of the Niger Delta on the other hand. Today, however, the environment in the Niger Delta is one of the most challenging subjects in politics at both the domestic and international levels. To be sure, since the discovery of oil in Nigeria, local oil bearing communities have been the driving force in the politics of the environment. Environmental issues have now been placed firmly on the political agenda of the country with the Nigerian state and oil companies as core actors in the process. Attempts to keep the issues out of the political agenda by dominant forces in the political system could not be sustained for long due to the growing awareness of rights on the part of groups. The researcher notes that the environment now looms large on the political agenda of Nigeria because of this awareness caused by environmental destruction created by oil company activities in the Niger Delta. Indeed, the tardiness of the government in responding adequately to environmental problems associated with the oil business in Nigeria seems self-explanatory. This section of the study assesses the nature and role of environmental politics in Nigeria by analysing relevant power relations and how they



manifest among key actors in the political processes over sustainable development goals embedded in environmental policy. From the discussions, it is pertinent to note that violence in the Niger Delta is a reflection of deep-seated contradictions in environmental governance and oil politics in Nigeria (Ojakorotu, 2008: 92). Successive regimes -- colonial, military and civilian -- have failed either to address the fears of the people of the region or to understand their underlying political and socio-economic interests, especially in the context of a multi-ethnic state characterised by inequitable power relations. This chapter assesses the character of environmental politics<sup>173</sup> based on three sets of databases<sup>174</sup> drawn from content analyses and presented in the following sub-headings: The political process and the environment; Oil companies and environmental politics; environmental practices in the Niger Delta; Oil companies and implementation of environmental policy; and justice and environmental movement organisations.

## **5.2. The Political Process and the Environment**

A key area of response of participants on the nature of the political process in Nigeria in relation to the crisis in the Niger Delta is in respect of the extent of legitimate opportunities it provides for the pursuit of group environmental, socio-economic and political interests. The underlying feature of the politics is exclusion in oil and environmental governance.

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<sup>173</sup> Politics implies public activity that brings together competing interests. The political system or what is seen as political are in three constitutive components of politics, institutions and the state. Of the three, politics has the most imprints on behaviours, institutions and the state and in fact is a determinant factor for all. This is because such competing interests imply that society and politics are seen as competition for interest 'over property, resources, values, goods, services and political power in the context of society. WHERE IS THE CLOSE OF QUOTE MARK? Institutions refer to the arrangements meant to reflect the interests and facilitate the competition over social products (oil resource and its benefits in the case of the Niger Delta) exercise of political power. "The state is a set of relationship among social groups or classes that is organised and regulated by political power." For details see, Sangmpam, S.N. (2007). "Politics Rules: The False Primacy of Institutions in the Developing Countries," *Political Studies*, Vol. 55, pp.201-224.

<sup>174</sup> Data generated from key informant interviews, focus group discussions, journals, books, magazines, dailies, oil company reports and government documents.

Recurrent words<sup>175</sup> in the statements of people from the oil bearing communities are marginalisation, resource control, environmental degradation and development. The argument is made that the political system and process fails to adequately address these issues satisfactorily. As Ojaborotu notes, “Successive governments and oil companies have failed to take appropriate steps to address these fundamental issues.” The use of ethnic sentiments for mobilising groups in the politics of the environment and oil is now common among many justice and environmental movement organizations such as the Egbesu Boys, MOSOP, MEND, NDPVF, to mention but a few.

The overriding goal of the post-colonial state in Nigeria has been the pursuit of economic growth. Initially, this goal defined the content of the political system and its processes with little or no consideration for the environment. Until the late 1980s, concern for the environment was therefore not a priority either for the colonial or post-colonial state.

From the pre-independence era, the Niger Delta people had expressed distrust in the ability of the political process to protect their socio-economic and political interests. This fear informed their representation to the Secretary of States in London in 1958 as independence approached. The main ground for this fear was its ethnic minority status in relation to the major ethnic groups of Hausa/Fulani, Igbo and Yoruba. The emergence of oil as a strategic commodity for the funding of the state and ensuring development in Nigeria intensified this suspicion. Several local environmental groups in the region point to the character of the political system as marginalising the people of the region in key decisions of development. None of the dominant regionally ethnic political parties before and immediately after independence proposed plans for addressing the environmental impact of oil exploration and production activities in the Niger Delta in its manifesto, although a section of oil laws made

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<sup>175</sup> This is based on comments made by participants at the focus group discussions and key informant interviews.

provisions for protection of the environment. This scenario, in the face of increasing wealth from the oil found in the Niger Delta, has served to fuel the anger and frustration of many people from the area against the oil companies and the government.

On October 1<sup>st</sup> 2004, the then President of Nigeria, Olusegun Obasanjo, held talks with Alhaji Asari Dokubo, leader of the Niger Delta Peoples Volunteer Force (NDPVF) in an attempt to forestall the proposed “Operation Locust Feast”<sup>176</sup> by the force. Asari asked for resource control from the president as a condition for abandoning the war against oil companies. He expressed lack of confidence in the political system to bring benefits from the oil wealth to those who suffer direct environmental impact from oil exploration in Nigeria. This is the thinking of a majority of those agitating against the oil companies and government.<sup>177</sup>

Since the 1990s, local armed groups have regularly attacked state security operatives and oil facilities. In turn, state security operatives have similarly responded with their own attacks on the armed groups. Given the resultant tensions and in the absence of compelling political initiatives, the political process has remained suspect as far as many Niger Delta people are concerned. According to one of the Egbesu Boys:

The Nigerian political system is exclusionary, demeaning and exploitative of the ‘goose that lays the golden egg.’ Until the political system becomes fair, democratic in every sphere, including economic and protection of the environment and distribution of revenues from the exploitation of oil from the Niger Delta, there will not be peace in this country.<sup>178</sup>

In a similar vein, Boyloaf, a militant and a member of MEND states, “I believe that freedom is not free; you must fight for it and there must be bloodshed” (*NewsWatch* September 1,

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<sup>176</sup> Military offensive against oil companies.

<sup>177</sup> For example, Celestine Akpobari (of Ogoni Solidarity Forum) Isaac Osuoka (former executive of Ijaw Youth Council) and Mike Orike (of oil bearing Ogba-Egbema community in Rivers State) expressed these views in the focus group meeting in Port Harcourt. All key informants from the extraction of local environmental groups expressed similar views. See field data collection note.

<sup>178</sup> Telephone interview with a member of the Egbesu Boys in August, 2008.

2008:12).<sup>179</sup> Horsfall also notes: “I got involved in the struggle when I noticed that successive governments in Nigeria have always enslaved the Niger Delta people by the use of the Land Use Decree. For example, in Bille where I come from, there is no cottage hospital; government presence is not felt at all.”<sup>180</sup>

There is substantial evidence of linkage between perception of the political system and choice of political action of local environmental groups. This link is made based on comments from the interviews and content analysis of documentary resources. However, the criminal activities of some of the members of these groups regarding issues of kidnapping, inter-cult fighting, *bunkering* and other vices sometimes put serious questions over the sincerity and genuineness of claimed grievances around the issues of socio-economic, political and environmental destruction of the oil bearing communities of the Niger Delta. In any case, the researcher does not argue that all militants and their groups are focused on the single factor of failure of the political system to deal with issues of environmental problems in the Niger Delta as the major explanatory factor for their violent confrontation with the state and oil companies. The point being made, however, is that the character of the political system plays a significant role in determining decisions of local environmental groups regarding the aforesaid issues (socio-economic, political and environmental despoliation) in the region.

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<sup>179</sup> Boyloaf is a University graduate and is said to have joined the militant struggle because he felt frustrated by the injustices of the political system against the Niger Delta. See *Newswatch*, September 1, 2008. He controls three armed camps in the Niger Delta. The environment is a key point mentioned for his motivation in the fight against the oil companies and the government.

<sup>180</sup> Horsfall is a militant and feels strongly about the need for Niger Delta people to control resources in their environment. Sometimes resource control also means increased revenue allocation to the Niger Delta states and Local Governments.

**Table 5. 1. JEMO leaders and their claimed grievances towards Nigerian political processes and system\***

	JEMO leader	Camp	State	Grievances
1.	Tom Polo	Controls 5 camps including Okerenkoko, Opuraza and Ubefan.	Delta State	Socio-economic, political and environment
2.	Prince Igodo	Peramabiri	Bayelsa State	Socio-economic, political and environment
3.	Victor Ben Ebikaborwei (alias Boyloaf)	Controls 3 camps-Ezetu, Azuzuama and Agge.	Bayelsa State	Socio-economic, political and environment
4.	Africa Owei (Egbesu Boys)	Controls 1 camp in Osiapermo (has 400 trained heavily armed fighters).	Bayelsa State	Socio-economic, political and environment
5.	Joshua Machiver (Egbesu Boys)	Controls 1 camp at Olugbobiri community.	Bayelsa State	Socio-economic, political and environment
6.	Asari Dokubo (NDPVF)	Controls massive followers (camp not known).	Rivers State	Socio-economic, political and environment
7.	Alali Horsfall (current chairman of IYC, Eastern zone)	Controls 1 camp in Port Harcourt area.	River State	Socio-economic, political and environment
8.	Tom Ateke (Niger Delta Vigilante)	Controls 1 camp at Okochiri before the JTF attacked the camp.	Rivers State	Socio-economic, political and environment
9.	Soboma George (Outlaws)	-	Rivers State	Socio-economic, political and environment
10.	Farah Dagogo (Leader of the Niger Delta Strike)	-	Rivers State	Socio-economic, political and environment
11.	Sunny Opuambe (leader of the Bush Boys of Okrika)	-	River State	Security
12.	Henry Okah (Leader of MEND)	Large followership- MEND is a coalition of various groups	Niger Delta states	Socio-economic, political and environmental issues

\*(The data is a sample of justice and environmental movement organisation leaders, their camps, geographical location or areas of operations in the Niger Delta)

The issue is worsened by corruption of the local political elite who hardly have anything to show for the development of their communities after many years of collecting improved revenues from the Federation Account statutorily meant for the development of the region. Indeed, since 1999, huge revenues have accrued to the states and local governments in the region, but are believed to have been stolen by local politicians. For example, Orike<sup>181</sup> and Edward are highly sceptical of the capacity of the political system in Nigeria to objectively address key political issues related to the Niger Delta.

There is substantial evidence of how oil and environment-related conflicts depend on political opportunity structures (Omotola, 2006: 2; Frynas, 2001: 45; Robert, 2001: 43-51; Ikelegbe, 2001: 437)<sup>182</sup>. For example, it has become fashionable to create and re-create ethnic identities for confronting the Nigerian state and oil companies. The Ogoni as well as other groups in the Niger Delta have done so. It would appear that these revolving identity patterns are used to form or claim common ancestral and cultural features on the basis of the political economy and the instrumental use of political opportunity structures to engage with the state. The formation of MOSOP was in line with this thinking. The Ogoni people were mobilised by the late Ken Saro Wiwa. As Naanen notes:

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<sup>181</sup> Dr Orike was part of the focus group discussions in July 2008.

<sup>182</sup> Omotola, S. (2006). "The Next Gulf: Oil Politics, Environmental Apocalypse and Rising Tension in the Niger Delta," *ACCORD Occasional Paper Series*, Vol. 1, Number 3, p. 29; Ikelegbe, A. (2001). "Civil Society, Oil and Conflict in the Niger Delta Region of Nigeria: Ramifications for a Regional Resource Struggle," *Journal of Modern African Studies*, Vol. 38 No. 3, pp. 437; Robert, F.O.N. (2001). "The State, Accumulation and Violence: The Politics of Environmental Security in Nigeria's Oil Producing Areas," Nigerian Institute of Social and Economic Research (NISER) Monograph Series, No. 17, pp. 43-51; Frynas, F.G. (2001). "Corporate and State Responses to Anti-Oil Protests in the Niger Delta," *African Affairs*, Vol.100, No.398, p. 45.

Perhaps the greatest proponents of radical restructuring in the oil producing areas are the Ogoni people in the present Rivers State. Frustrated by what they call decades of neglect and exploitation by the Nigerian state and environmental terrorism, by oil companies, the Ogoni have decided to pursue more radically than any other groups what they perceive as their rights and the case for restructuring (Naanen, 1995: 56-62).<sup>183</sup>

Informal groups created on the basis of ethnic identity have helped to bring these environmental issues onto the political agenda of Nigeria over the years. At least, such is the case of the Ogoni people who also have mobilised international attention to the Nigerian state and oil companies. To a large extent, the lack of trust in the ability of the political process to resolve key oil and environment related issues in the Niger Delta has determined the choice by local justice and environmental groups of political actions or mode of expressing their grievances against the oil companies and government (See Tables 4.5. and 4.8).<sup>184</sup>

When the civilian government under Olusegun Obasanjo was inaugurated on May 29 1999, the people of the Niger Delta expected massive change in the region. They hoped that after the murder of Ken Saro Wiwa and eight other Ogoni leaders as well as repressive policies of the departing military oligarchy the incoming democratic government would provide legitimate space for engagement of groups in dialogue needed for change. This was in spite of the frustrations by a section of the people who had been discouraged by difficulty in seeking redress through the electoral system because of the fraud that attended the 1999 electoral process (Naanen 1995: 58). The elections were massively rigged, making it difficult for the process to produce credible leaders of choice (WWICS, 2008: 4; Omotsho 2007: 4). It appears that the failure to secure rights over the control of resources through conventional political processes partly explains the resort to political action by the environmental groups.

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<sup>183</sup> Naanen, B. (1995). "Oil-Producing Minorities and the Restructuring of Nigerian Federalism: The Case of the Ogoni People," *Journal of Commonwealth and Comparative Politics* 33(1) pp. 56-62

<sup>184</sup> This is based on telephone interviews with members of local justice and environmental groups in the Niger Delta in August 2008.

The challenge of democracy and political governance provides grounds or explanation for these groups. Although democracy is believed (See for example, Nsirimovu, 2009:36) to have the capacity to address the development needs of the people of the Niger Delta, much would depend on the nature and character of the democracy in place. Certainly, a participatory and inclusive system of governance rather than one that exhibits elite politics and domination would better serve the needs of Niger Deltans. In reality, many believe that the struggle for power by many politicians is often motivated by greed. Some see political processes and manoeuvring in Nigeria as an attempt to privatise the Nigerian state. Not surprisingly, oil is an important factor in the political calculations of actors in the Nigerian political system. This fact is hardly disputed (See for example, Nsirimovu, 2009: 5; Osuoka, 2007: 30).

Initially, the discovery of oil in commercial quantity in Nigeria was expected to be an immense source of economic growth. At least, this was the view of early economists involved in the reconstruction of the country's post-colonial state. As the fifth largest exporting country in the Organisation of Petroleum Exporting Countries (OPEC), oil generates about 95 percent (Olarinmoye, 2008: 25) of government foreign exchange earnings for the federal government in Nigeria. In this way, oil is a key determinant of the content of the country's annual budget. Therefore, as a crucial anchor of Nigeria's national financial security and health, oil is an issue that calls for appropriate government policy to ensure not only its financial and economic vigour but also its political stability. In fact, it is for such reasons that oil has emerged as the basis for demands by members of oil-producing communities of the Niger Delta for resource control or, at least, a greater share of the proceeds from the oil resources. The current sharing formula is perceived to be unjust by local communities of the region. By the current sharing formula, 13 percent goes to the oil



producing states while the balance of 87 percent is distributed among the federal, state and local governments (Olarinmoye, 2008: 29-30).

The character of oil politics<sup>185</sup> is responsible for the resurgence of various groups, providing political opportunity platforms for articulating their grievances and engaging the state and oil companies. For instance, MOSOP and IYC, and several other groups existing on the basis of ethnic identity/consciousness are united against the government and the oil companies who they perceive as the common enemy responsible for the lack of sustainable development in the midst of oil wealth.<sup>186</sup> For example, a participatory democratic process in the governance of the oil and the environment would have involved oil-producing communities in the framing of laws governing the oil industry and the environment.<sup>187</sup> However, from the colonial times, genuine attempts to involve affected groups have not been made. The granting of licences to oil companies without consultation with villagers where the oil is mined has significance for corporate behaviour regarding sustainable development of the area. This is especially so in the context of dispossession of villagers of their traditional land ownership rights (system) through various oil-related laws that transfer such ownership to the government. It makes sense, therefore, to say that concerns of villagers about the protection of their resources should inform the licensing process. It is for this reason that the Ogoni people insist that no oil company will start mining oil in Ogoni land without the involvement

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<sup>185</sup> Oil politics is directly related to environmental politics and both compare or interrelate in their motivation for conflict among key actors in the Niger Delta.

<sup>186</sup> Based on arguments of participants at the focus group discussions, key informant interviews and questionnaire.

<sup>187</sup> It is for this reason also that Kimse Okoko, President of the Ijaw National Congress, has repeatedly called for repeal of these laws because of the belief that the laws support injustice, oppress the people of the Niger Delta and perpetuate violence.

of the Ogoni people.<sup>188</sup> In fact, the Ogoni argue that having forced SPDC out of Ogoni land since the hanging of their leaders, Ken Saro Wiwa and company, the people would be active in the oil business by forming their oil company to engage in the business. They argue that such a company would be able to enter into technical partnership with other oil companies.

Entry of local environmental groups from the oil bearing communities of the Niger Delta into the politics of the environment and oil in Nigeria is significant for various reasons. First, the dialectics of change in their choice of political action over the years suggests some level of frustration with the inability or unwillingness of those who dominate the political process to make substantial concession over issues of sustainable development of the region. Our finding is that these groups articulate development issues with environment issues. Often, they do not campaign on the greenness of the environment alone but do so in relation to the social, political and economic issues they face. This also buttresses the perceived link between the environment and economic progress such that the threat to the environment by way of denial of access to the resources of the environment is considered grave injustice. They have therefore succeeded in bringing firmly the environment in the Niger Delta into the political agenda of Nigeria such that since 1960 successive governments in Nigeria have had to respond (though in a piece-meal and wholly unsatisfactorily manner) to the issues. For example, at inception in May 2007, the government of Musa Yar'Adua placed on its seven-point-agenda the problem of the Niger Delta (*Tell Magazine*, 2008: 48-50).<sup>189</sup>

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<sup>188</sup> Based on comments by participants. This point was strengthened by the former Secretary General of MOSOP, Professor Naanen in a lecture he presented on the 22nd of August, 2008, at a political education seminar in Aluu, organised by Social Action.

<sup>189</sup> See *Tell Magazine* February 1, 2008, pp.48-54.

The people of the region feel marginalised and therefore see substantial common self-identity as a tool for overcoming this marginalisation. According to Ikpesu:<sup>190</sup>

Oloibiri is supposed to have been compensated very well for all the areas Shell devastated. There was environmental degradation, our forests were devastated, and rivers and ponds were polluted. There is nothing to show for 20 years of oil drilling here. We should have hospitals, schools and water without asking, but nothing has been done. Since they built a hospital, it has not been commissioned. Both the federal and state governments forgot Oloibiri. We are suffering because of the hospital. They finished the hospital but refused to commission it. Today, the buildings are falling down. A planned river embankment has remained a pipe dream. Our town is prone to river erosion and flooding. We don't have drinking water. They built the tank and abandoned it. We have no water. Only one man here sunk a borehole and gives water to everybody to drink. It's only now that the local government has started sinking its own borehole. The road here is the only one in the town. It was done half-way and abandoned. We look back in regret and anger.<sup>191</sup>

It is such expression of anger and frustration by people against oil exploration activities by SPDC (previously Shell D'Archy) and the political system that helps to explain the choice of political action by groups and individuals from the Niger Delta. Incidentally, Isaac Boro was born in this village and also witnessed the advent of Shell D'Archy to Oloibiri.

This study finds that the failure of successive governments to address adequately the problem of environmental justice and development in the Niger Delta gradually created the conditions that have led to current violence in the region. The data in Tables 5.2 and 5.3 show the perceptions of oil company officials and members of local justice and environmental movement groups on issues of accessibility of the political and legal systems in determining the choice of mode of settling disputes between members of these groups on the one hand and the government and oil companies on the other. From the aforesaid tables (5.2 and 5.3), violence would be last choice if political space and legal system were more accessible to members of justice and environmental movement organisations in the Niger Delta.

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<sup>190</sup> Sunday Foster Ikpesu is current chief and clan head of Oloibiri where oil was first discovered in commercial quantity in Nigeria. He talks about the discovery of oil in his community and the neglect of the community by government.

<sup>191</sup> See *Tell Magazine* February 18, 2008, pp.48-54.

**Table 5. 2. Perceptions of oil company officials on issues of democratic means of addressing grievances in the Niger Delta**

		Positive (1)	Negative (2)
Q4	How would you assess chances in attempting to use democratic or electoral processes as a means for trying to address their grievances?	9 60%	6 40%
	Total 15		
Q. 5	If the political system was more democratic (free and fair), do you believe that the militants would be more willing to work through the political arena in lieu of violence?	10 66%	5 33%
	Total 15		
Q. 6	How would you assess their chances for success in attempting to use judicial processes as the means for trying to address their grievances?	7 46%	8 53%
	Total 15		
Q. 7	If the judicial system was more transparent and accountable to the law (less corruptible), do you believe that the militants would be willing to work through the courts in lieu of violence?	12 80%	4 26%
	Total 15		
Q. 8	How would you assess government's efforts in using violence rather than persuasion techniques to address the grievances of the people of the Niger Delta?	6 40%	9 60%
	Total 15		
Q. 9	Has government done reasonably well, in your view, in addressing the grievances of the Niger Delta people?	13 86%	2 13%
	Total 15		

Since government environmental policy aims at achieving sustainable development, its failure at the level of implementation has logically meant lack of improvement in the social,

economic, political and environmental conditions of the region in the context oil-dependent economy. It is noted that although crucial, this failure is not a single cause explanation for the conflict in the region, which is clearly affected and shaped by a combination of social, political, economic and environmental factors that interact simultaneously to create conditions that are conducive to violent conflict.

**Table 5.3. Perceptions of members of local justice and environmental movement organisations on issues of democratic means of addressing grievances in the Niger Delta**

		Positive (1)	Negative (2)
Q. 6	If the political system becomes more democratic (free and fair), would you be willing to use the political arena in lieu of violence?	16 100 %	0 0%
	Total 16		
Q. 8	If the legal system becomes more transparent and accountable to the law (less corruptible), would you be willing to use the courts in lieu of violence?	15 93%	1 7%
	Total 16		

An important question regarding the nature of the political system is whether or not it is democratic in governance. The case of Nigeria defies any direct response. This was clearly articulated by participants who stated that Nigeria lacks democratic credentials in terms of freedom of voters to participate in the political process, but is more characterised by exclusion of citizens in daily governance by the government, especially in respect of the environment and its resources. This perception appears to be shared by most people in the Niger Delta who demand resource control, and believe that much has not changed from the style of governance during colonialism. Since the time of political independence Nigeria has not seen democracy consolidated as the democratisation process itself has been slow, having been aborted on many occasions by the military or ex-military officers in civilian

government. The process has rather shifted away from the part of consolidation of democracy (see Table 5.1).

There are three ways in which the environment is linked to the political system. First, decisions about the extraction of the oil in the Delta Niger Delta are influenced by the interest of actors in the political system, resulting in the popular notion among local populations that they have lost their right to control the resources of their environment. This is the high point in their consequent call for resource control. The effective management of the environment is considered critical for their survival. In any case, existing and past political leaders at the various levels of government -- whether military or civilian -- seem to have failed to adequately convince people of the Niger Delta of any genuine desire to develop the region. They perceive that the political system lacks this transparency and is characterised by political practices that exclude people from the Niger Delta region from aspiring to the highest office of the country (presidency) or other key decision-making positions that could influence policy on the environment. It is for this reason that many people justify the use of violence in the region and express hope that it would help change the *status quo*.<sup>192</sup>

However, violence now constitutes a threat to the security of residents in cities and villages of the region. Politicians have played an important role in creating this scenario, especially in the way they take advantage of the social and economic conditions of life of the youth in the region. The event of the 1999, 2003 and 2007 elections in Nigeria support this assertion. Youths were recruited to effect election malpractice and eliminate political opponents. Some of the militants in the Niger Delta claim to have been recruited by local politicians to rig those elections and kill and maim opponents. For example, at the Okrika area of Rivers State, a powerful politician (name withheld), a former secretary to the Rivers State

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<sup>192</sup> The few militants interviewed in this study justify the violence but had hoped that years ago a political solution to the crisis might have been found if the process was transparent.

government and ex-minister in the federal government was accused by Asari Dokubo and reported in the newspapers<sup>193</sup> that he sponsored and armed the Niger Delta Vigilante (NDV) led by Tom Ateke during the 1999 and 2003 elections to eliminate opposition to the Peoples Democratic Party in Okrika.

To say the least, the aggressive and violent nature of electoral politics in Nigeria is predicated upon the amount of financial benefits an office is expected to accord the aspirant to the office. Government is funded from the revenues from the production of oil. Access to political office is seen as access to state resources. Therefore, those who are unable to secure such access are less likely to benefit from the political system. This is a basic logic for the reactions of the local environmental groups to the political system in Nigeria. At least this is contained in the statements made by participants from local environmental groups from oil bearing communities of the Niger Delta. *Resource control, environment, development, and marginalisation* are words they employ frequently to explain or justify the violent resistance against the state and oil companies in the region.

It is all about politics of the environment, defined partly in terms of the nature of political practice or structures that determine decisions and interests in the exploration, production and use of the oil resource in Nigeria. Oil is a key determinant of economic growth for Nigeria and has shaped the politics of the nation tremendously. Regrettably, the government has not demonstrated commitment to the implementation of policies to the benefit of the Niger Delta people where consensus worldwide is that the area has suffered severe economic neglect in the midst of plenty. Not even the surge in oil revenues has changed the tide (Frynas, 2001: 28).

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<sup>193</sup> See *The Argus* (2004). October 5-7.

This state of affairs, attributed to the nature of the political system and processes, seems to confirm the notion (for example McLennan and Ngoma, 2004: 279) since 1994 that the weakness of political systems in developing countries to respond to basic needs will become a source of international insecurity. Such weakness is seen in the inability of political systems to address key development imperatives of groups, like the Ogonis and Ijaws of the Niger Delta. This perceived lack of political space in the political process to obtain development or express legitimate grievance contributes tremendously to the choice of political action of these groups in the Niger Delta.

Although ethnicity is seen by many (see for example, Ukiwo, 2005; Obi, 2001: 86)<sup>194</sup> as a negative factor in Nigeria's national politics, the liberal political space is perceived as a closed system that promotes the use of *non-conventional* platforms such as ethnic associations as instruments of politics for the minorities of the Niger Delta. The Ogoni people emerged as a monolithic cultural group responding to their perceived exclusion from the benefits of oil mined from their environment in spite of grave environmental consequences which they bear. The Ijaws have similarly employed the ethnic platform as an avenue for engaging in politics. As Obi notes:

Ethnic identity is thus transformed into a mobilising element not only for contesting access to state and oil power within the context of competing and conflicting ethnicity, but also [a] modality for organizing social forces to resist alienation, extraction and exclusion by the hegemonic coalitions of the ethnic elite (Obi, 2001: 87)<sup>195</sup>

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<sup>194</sup> Ukiwo gives *an instrumentalist interpretation* to ethnicity being a tool in the hands of political elites in Nigeria. See Ukiwo, U. (2005). "On the Study of Ethnicity in Nigeria" *CRISE Working Paper* No. 12, p.1-4.

<sup>195</sup> Obi, C.I. (2001). "The Changing Forms of Identity Politics in Nigeria Under Economic Adjustment: The Case of the Oil Minorities Movement of the Niger Delta," *Research Report*, Nordiska, No. 119, pp.1-125.



In a similar vein, Mitee<sup>196</sup> argues that the youths in the Niger Delta are getting angrier because they have “left school and there are no jobs, no alternatives for them. One is not making excuses for the criminal things they are doing. But, clearly, the government itself has created the environment in which we are seeing what we are seeing today.” (*Tell Magazine* February 18, 2008: 57).

Indeed, it would appear that addressing the development needs of the people of the region was to be a condition for independence in order to allay their fears of marginalisation. The Federal Government, at independence, failed to deliver sustainable development through the Niger Delta Development Board (NDDDB) established by an Act of parliament in April, 1961. It starved the body of funds. Lack of political will on the part of the government reflected in the limited powers of the agency provided in the Act establishing it. It only had advisory powers in the physical development of the Niger Delta. Azaiki (2007:116) notes that “failure of the NDDDB also marked the beginning of federal government policy and programme failure in the Niger Delta.”

The people of the Niger Delta initiated nonviolent political actions in defense of the security of their environment and to support sustainable development in the region in the years immediately following the discovery of oil at Oloibiri. However Ijaw leaders who sought change in Ijaw land through the instrument of party and electoral politics were often disappointed as securing any seats, let alone of any substantial number, in the regional and federal legislative houses was near impossible because politics was controlled by majority ethnic groups of Hausa/Fulani, Igbo, and Yoruba. The environment in the Niger Delta, as was common to other parts of the world, was not a political issue for existing political parties either at the regional or federal legislatures at the time. It was Isaac Boro who began to

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<sup>196</sup> Mittee has served as the president of MOSOP since the death of Kenule Saro-Wiwa in 1995.

make bold statements regarding the role that oil exploitation might play in the underdevelopment of the region. Boro sought to mobilise support and followership to resist the Nigerian state. Clearly, given the then rather low negative impact of oil production on the environment in the Niger Delta and its equally lowly status on the Nigerian national budget, it would appear that Boro was either a highly visionary leader well before his time or an individual who was driven by other motivations. Either way, his work stands out today -- at least, for the opportunity it gave past Nigerian governments to take corrective steps in support of environmental initiatives and sustainable development.

At the end of the Nigerian civil war which lasted between 1967 and 1970, the Federal Government created the Niger Delta Basin Development Authority (NDBDA), as a development agency for the development of the region. Contrary to the idea of it being a special development agency for the region, the Act establishing the body was defective. At this time, the impact of oil exploration and production activities on the environment had assumed more alarming proportions (Azaiki, 2007: 117). Therefore, the role of providing water for irrigation, removal of excess water (drainage), prevention of waste/loss of farmland by flooding, and the provision of potable water and ensuring effective management of water, statutorily assigned to the NDBDA, would probably have made more sense with full implementation for sustainable development of the region. In contrast, the agency was faced with excessive politicisation that rendered it weak and unable to deliver development (Azaiki 2007:117). Eventually, 10 more Basin Development authorities were created for the entire country, contrary to the original idea of developing the Niger Delta as contained in the Willinks Commission Report. The same fate of starvation of funds and lack of political will befell the Basin Development Authorities, leaving a set of withered agencies.

With expanding pressure for development from local populations and complaints of destruction of the environment, political and economic marginalisation in the distribution of revenues accruing from exploration and production of oil, the Federal Government established the Oil Mineral Producing Areas Development Commission (OMPADEC) in 1992. Besides the broad aim of developing the oil mineral producing communities of the Niger Delta, OMPADEC, was commissioned to rehabilitate and develop oil-producing areas, tackle ecological problems arising from exploration and production of oil, and liaise with oil companies on matters of pollution control. Despite the obvious objectives the agency was meant to serve towards sustainable development of the Niger Delta, it failed essentially due to corruption and undue political influence from the presidency. As one participant notes:

OMPADEC was created in order to politically compensate some collaborating elite from the Niger Delta. The common men like you and me from this region gained nothing. Look at all the projects OMPADEC claimed to have concluded. Are any of them working? Do you go to your villages? Tell me which one is working. Even the so called roads, how many were completed and are in good condition? It is an arm of the presidency where control and management flows from the presidency. In fact, corruption defined activities of OMPADEC.<sup>197</sup>

OMPADEC failed eventually to satisfy the sustainable development needs of the region. As Ibaba notes: “In Nigeria, politics directs public resources to the promotion of individual and sectional interests, rather than the common interest.”<sup>198</sup> The political process resulting in decisions that are either meant to prevent further damage to the environment or control resources of the environment in the region does not seem to have clearly focused on the realisation of sustainable development. By the Act establishing OMPADEC, and provisions thereof, utilisation of revenues from oil exploration and production resources ought to focus

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<sup>197</sup> The statement was made by a focus groups discussions participant on the 28 of April, 2008 at Social Action, Port Harcourt.

<sup>198</sup> Ibaba, I.S. (2008). “State Intervention in the Niger Delta: A Critical Appraisal of the Ideology of Development Commissions,” *Proceedings of International Conference on the Nigerian State, Oil Industry and the Niger Delta*, March 11-13 held at the Niger Delta University, pp. 530-540.

on the provision of basic measurable infrastructure such as schools, roads, hospitals, investment opportunities, and scholarships for oil bearing communities in the region.

Nigeria returned to civil democracy in 1999 after many years of military dictatorship. In the context of rising level of violence and general restiveness in the Niger Delta in the 1990s, the Obasanjo government sent a bill to the National Assembly for the establishment of the Niger Delta Development Commission (NDDC) on the 29<sup>th</sup> of May, 1999. According to Azaiki (2007: 128), this bill “represented the response of the Obasanjo administration to the many struggles, battles and agitations in the heart of the area. It was a response to the restiveness of the youths and the disenchantment of the old.” The bill’s key objective was to design programmes or policies for the development of the Niger Delta. It is a more comprehensive development agency for addressing the environmentally devalued region in areas such as education, transportation, health, industrialisation, agriculture, electricity, telecommunication, and water supply. The bill generated problems of interpretation of the true meaning of the Niger Delta. Eventually, benchmark of oil deposit in states was adopted in defining the region (Azaiki 2007: 128).

Various stakeholders such as the Federal Ministry of Environment, Federal Ministry of Finance, and the oil companies were represented on the board of the NDDC. During the inauguration of the Commission, President Obasanjo reiterated his belief in the ability of the NDDC to drive socio-economic development in the region. The Act establishing NDDC made several provisions including compensation for ecological and land acquisition, social amenities and infrastructure, and the award of scholarship to students in tertiary institutions.

The basic organising principle of the state in Nigeria is federalism. This implies a level of decentralisation of political power to lower levels of government-states and local governments. In reality, such powers do not extend to critical areas of control or management of the environment and its resources. The importance attached to oil resulted in a change of policy from earlier landownership systems in parts of Nigeria

where citizens or local people were guaranteed access to the resources of their environment and were responsible to nature for the consequences of their interaction. The Land Use Act of 1978 has been criticised (Ikelegbe, 2008: 107-137; Nafziger, 2008: 147-156; Ibaba, 2008: 193-207; Thomas, 2008: 275-283)<sup>199</sup> as an instrument for denying local populations access to land and resources in their environment. It is supposed to represent the means by the Nigerian state to position the country effectively for economic progress through exploration and the production of oil for efficient service delivery and nation building. Participants from the oil bearing communities concede that the Land Use Act is critical for the stance of violent resistance against the government and oil companies. The Act limits the political space for resolving conflicts arising from the structure of politics in the country.<sup>200</sup> In fact, the Act and some of the laws already discussed are seen as part of the structural violence from the federal government against the people from the oil bearing communities over structural difficulties that have hindered development.<sup>201</sup> The nature of federalism as a factor in shaping political processes in the country has already been made. Federalism in Nigeria seems to have been exploited and redefined in direct response to the emergence of oil as a major economic resource for the country. The practice has been criticised by the Niger Delta people for its present form of over centralisation (Anam-Ndu, 2003: 51; Ihonvbere, 2003: 187; Ojo, 2002: 1)<sup>202</sup> a practice that is shaped by the influence of oil revenues.

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<sup>199</sup> See Ikelegbe, A. (2008). "Integrating a Crisis of Corporate Governance and the Interface with Conflict: The Case of Multinational Oil Companies and the Conflict in the Niger Delta," Proceedings of International Conference on *The Nigerian State, Oil Industry and the Niger Delta*, held at the Niger Delta University, Wilberforce Island, 11-13 of march, pp.107-135; Nafziger, E.W. (2008). "Nigeria's Economic Development and Niger Delta Grievances," Proceedings of International Conference on *The Nigerian State, Oil Industry and the Niger Delta*, held at the Niger Delta University, Wilberforce Island 11-13 March, pp.147-156; Ibaba, I.S. (2008). "Promoting Peace in the Niger Delta: Some Critical Issues," proceedings of international conference on *The Nigerian State, Oil Industry and the Niger Delta*, held at the Niger Delta University, Wilberforce Island 11-13 March, pp. 193-207; Thomas, A.N. (2008). "State Failure and Insecurity in the Niger Delta Region of Nigeria," proceedings of international conference on *The Nigerian State, Oil Industry and the Niger Delta*, held at the Niger Delta University, Wilberforce Island 11-13 March, pp. 275-283.

<sup>200</sup> See transcript of focus group discussions. Among participants from the Niger Delta, consensus is that the region is grossly marginalised. This has been facilitated by the structures of federalism which they believe are in favour of majority ethnic groups against the interest of minorities of the Niger Delta who bear the environmental consequences of the oil business.

<sup>201</sup> See Ibeanu, O. (2008) "Affluence and Affliction: The Niger Delta as a Critique of Political Science in Nigeria," an Inaugural lecture of the University of Nigeria, Nsukka, delivered on February 20, pp. 3-4; Ibaba, S.I. (2008). "Alienation and Militancy in the Niger Delta: Hostage Taking and the Dilemma of the Nigerian State" *African Journal on Conflict Resolution*, Volume 8, Number 2. pp. 1-24

<sup>202</sup> Anam-Ndu, E.A. (2003). "Renewing the Federal Paradigm in Nigeria: Contending Issues and Perspectives," in Gana, A.T. and Egwu, S.G. (eds.) *Federalism in Africa, The Imperative of Democratic Development*, Volume 2, Trenton, NJ: The African Centre for Democratic Governance, pp. 48-67.

In the same vein, Ihonvbere notes that:

without doubt, the emergence of several NGOs and the experiences of the minority communities especially the Ogonis and the Ijaws have contributed significantly to introducing the critical themes of minorities, resource control, the environment, and gender into political discourses in Nigeria. Environmental questions are now directly tied to contradictions and conflicts over questions of revenue generating and allocation and refederalisation.<sup>203</sup>

The Nigerian state as presently constituted is an obstacle to true federalism in Nigeria.<sup>204</sup> It has consistently shown lack of capacity to promote democracy that is needed for a true federal system. This is understandable in the context of military dictatorship. Instead, it interferes with possibilities for advancement in democratic rule, electoral malpractice and privatisation of the state. Elsewhere, Okeke-Uzodike and Allen (2005: 166) argue that fixing deficits of democracy is required for a working federal system since the two are historically and conceptually linked.<sup>205</sup> In fact, political restructuring is directly related to attempts to contain threats to the state dominated by majority ethnic groups and for the effective sharing of revenues from oil. Naanen (1995: 5) refers to the functional role of federalism in Nigeria as internal colonialism. In fact, according to him, “internal colonialism” encompasses the incidence and ways in which the majority ethnic groups exercise political control of natural resources in the environment of ethnic minority areas. At least, 80% of FGD participants from the Niger Delta are of this view (See notes on focus group discussions).

Distribution of revenues from oil exports is done on the basis of a number of components of the federal system -- states and local governments. There are currently 36 states and 774 local governments. The north alone has 419 local government councils while southern

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<sup>203</sup> See Ihonvbere. J.O. (2003). “The Nigerian State as an Obstacle to Federalism: Towards A New Constitutional Compact for Democratic Politics,” in A.T. Gana and S.G. Egwu (eds.) *Federalism in Africa, The Imperative of Democratic Development*, Volume 2, Trenton, NJ: The African Centre for Democratic Governance, p.187.

<sup>204</sup> Based on contributions from focus group discussions in Yenagoa and Port Harcourt in 2008 in course of field data collection for this work.

<sup>205</sup> Okeke Uzodike, U. And Allen, F. (2005). “Making Nigerian Federalism Work: Fixing the Democracy Deficit,” in W.O. Alli (ed.) *Political Reform Conference: Federalism and National Question in Nigeria*, Abuja: Nigerian Political Science Association, p.167.

Nigeria has 357 councils. Given the distributional arrangements of national finances – the sharing formula awards the federal government 52.68%, state governments 26.72%, and local governments 20.60% of 87% of national revenues (the other 13% is awarded to oil-producing areas) -- the allotment of state and local governments are understandably the stuff of high politics in Nigeria. Basically, the more states and local governments you have, the more financial resources you are eligible to receive from the national accounts. Not surprisingly, there are wide perceptions in the Niger Delta that the current distribution not only favours northern Nigeria but also the majority ethnic clusters.

There is a feeling among some participants from oil producing communities in the Niger Delta in the focus group discussions, conducted by the researcher in Port Harcourt on 24 April, 2008, that the political process leading to the present federal structure was insensitive to the special conditions of the Niger Delta environment. Nigeria transited from region-based federalism to state structured federalism. The new arrangement has been marked by increasing centralisation of powers at the central government level. Generally, successive military regimes after 1980 have continued to increase the powers of the federal government in fiscal matters over those of the other tiers of government. Access and control of revenues from exploration and production of the oil has been a strong explanatory variable. Federalism has eventually taken the shape of unitarism in matters of extraction of the oil and distribution of benefits accruing thereof. Only 774 LGs are recognised by the constitution of Nigeria and have access to monthly distribution of money from the Federation Account. This situation seems to contradict the principle of federalism. States have constitutional responsibility to create and ensure democratically constituted local government system in Nigeria. However, the creation of local governments by state houses of assemblies as a good governance mechanism has failed to produce expected results. First, the effort is frustrated by

the refusal of the Federal Government to recognise such LGs for legitimate access to the Federation Account. The Bayelsa State experience with creation of 8 more LGs is often cited. The point of anger on the part of some participants from the Niger Delta is that the Federation Account is funded by revenues from the sale of crude oil. However, it must be recalled that substantial amounts of money have been allocated to the region since 1999 when the distribution of crude oil revenues changed markedly in favour of states and LGs in the Niger Delta. Misgovernance and corruption are key contributory factors in explaining limited development in the region.

An important component in the discussion of the political process and the environment is the role of the constitution and nature or legitimacy of its enactment. The process of designing a constitution is critical to the practice of a democratic federal system. Nigeria has had 13 constitutions, starting from the 1922 constitution. The first national constitution after the civil war (1967-70) was the 1979 constitution. It was followed by the 1989, 1995 (although this – the 1995 constitution -- was no more than a draft as it was not used for any national purpose) and 1999 constitutions. These constitutions progressively centralised powers in the federal government against traditional notions of federalism held by nationalists before political independence (reflected in the 1954 constitution). Furthermore, they failed to capture the interest of nation-building; rather, they focused on unitary state-building strategies in order to overcome threats to the Nigerian state from within. Besides, none of these constitutions has either had the benefit of true federalism or been characterised by democracy that promotes the inclusion of citizens in the political process. The process has been defined more by exclusion of citizens and groups than by an open and inclusive space (See for example, Obianyo, 2005: 175; Jega, 2007: 64).<sup>206</sup> Yet, democracy and federalism

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<sup>206</sup> Obianyo, N.E. (2005). "Federalism, Constitutionalism and Local Government System in Nigeria: The Need for Constitutional Amendment," W.O. Alli ed. *Political Reform Conference: Federalism*



derive their significance as institutions of representation and development from the value attached to popular involvement in the process of making a constitution. Popular participation in constitution making confers legitimacy on the constitution and provides a framework for peace and harmony due to its popular acceptance by citizens and groups. The process of making a constitution should be inclusive and not exclusive. It must be characterised by broad representation, receptive to various shades of opinions and interests. It should be consultative and consensus building as much as open for civil society engagement. FGD participants berated the Nigerian experience, citing the 1999 constitution. According to one participant:

The fate of an ethnic group in a country is known from the space it occupies in the process of designing the constitution of that country. In the case of the 1999 constitution, the military government under the grip of northern politicians can only be so regarded, a document reflecting both the political and economic interest of the majority ethnic groups. The environment and development of the ethnic minorities of the delta of Nigeria are secondary considerations without constitutional definitions.<sup>207</sup>

Similar comments from key informant interviews lead directly to a conclusion of how faithless people of the Niger Delta are regarding issues that pertain to development of the region and access to decision-making structures on key grievance issues. The colonial experience of constitution making in Nigeria was understandably exclusionary given the mission of colonialism, being that of exploitation of economic resources of the country. Given that scenario, inclusion of all segments of the society in the political process could be dangerous for the politics of the era and not in the interest of the colonial government. Subsequent regimes, till date, have not departed radically from that tradition. The 1999 constitution making process was characterised by lack of popular participation as only

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*and National Question in Nigeria*, Abuja; Nigerian Political Science Association, pp. 175-194; Jega, A.M. (2007). *Democracy, Good Governance and Development in Nigeria*, Ibadan: Spectrum Books Limited, p. 64.

<sup>207</sup> Participants (member of local justice and environmental movement organisation) at the focus group discussion held at Social Action, 33 Orominike Close, D-Line, Port Harcourt, and Rivers State on the 24th of April, 2008.

government-selected representatives were involved in the process. This trend spells danger for minorities whose relative power position by conventional or democratic means in the constitution making process have remained weak such as ones in the oil producing communities in the Niger Delta. These minorities use expressions that depict frustration to describe the entire process. Following from comments of participants and from written documents by scholars on the subject, environmental politics in Nigeria interconnects or intermingles with the politics of revenue sharing as well as that of oil exploration and production. This creates problems of describing the process from a purely environmental concern outside of issues of sustainable development, security of the state and interest of oil sector operators. The political process of course is naturally unable to compel certain behaviours outside of what the constitution or law permits regarding the protection of the environment and related sustainable development aspirations of the state and oil bearing communities.

So far, discussion of the political process and the environment in Nigeria draws essentially from the need to understand the wider political contours such as the nature of environmental politics as it relates to key actors of oil companies, oil bearing communities of the Niger Delta and the government in relation to the sustainable development goals of the government. Such goals are understandably not connected with regimes that preceded the era of increasing importance attached to oil exploration and production in the country.

Environmental politics is now characterised by violence. Issues such as demand for resource control and development and protection of the environment underlie comments from members of local environmental groups. According to Edward Alex Hart:

The Nigerian political system is responsible for the state of things in the Niger Delta. Things have gradually got to this level because the successive regimes of the system failed to respond adequately to meet the needs of the people. Without plan, the

situation has escalated to violent struggle for survival, although genuine grievance is now being undermined by uncoordinated greed of those who must take advantage of the situation.<sup>208</sup>

Despite opinion held by local environmental groups in the Niger Delta, it is clear that federalism remains crucial for keeping Nigeria in unity as a country. In any case, the task of nation-building in Nigeria requires a political system that is capable of assuaging the forces of disintegration in the guise of legitimate demand for control of resources. It appears that federalism has played an important role in this direction. The issue of leadership seems to be equally critical in explaining the failure of federalism (political system) to properly address concerns of the Niger Delta people. Providing the kind of leadership that promotes development of oil producing communities in the Niger Delta with revenues from the production of the oil is needed at the local and state government as much as at the federal government level.

### **5.3. Oil companies and environmental politics**

Oil companies are accused of being responsible for the alienation of traditional oil bearing communities from their land, poverty, degradation of the environment and general dislocation of the peasant agricultural, social and political systems of the peoples of the Niger Delta. As one participant notes: “they are worse than the government.”<sup>209</sup> This notion about these oil companies operating in Nigeria dates back to the 1940s and 1950s. Indeed, during those years, women in the Owerri and Okigwe area protested against Shell-BP, preventing the

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<sup>208</sup> Edward Alex Hart is current youth leader of Bonny Island (the island houses a number of oil wells and is host to huge oil and gas investments as well as terminals for oil and gas exports) who spoke in an interview with the researcher on the 15th of August, 2008. See notes of interview. The area is also known for much of militant activities. At the time of the interview Edward was actively working with the state security on identifying 18 dead militants with whom the naval force in Bonny had engaged fire on 14 August, 2008 over attempts to destroy a naval war boat docked in Bonny.

<sup>209</sup> Focus group discussion held at Social Action, 33 Orominike Close, D-line, Port Harcourt on 24, April, 2008.

company from operating in the area for fear of damage to their environment. Unfortunately, by 1958 oil companies had gained a foothold in other parts of the Niger Delta.

It is worth noting that the development of the oil industry in Nigeria dates back to 1906 when the colonial government gave concessionary rights or licenses to British companies. In 1907, the Nigerian Bitumen Corporation was granted license to prospect for oil. The company drilled extensively for oil around the Lekki lagoon area of present Lagos State.

The Mineral Oil Ordinance number 17 of 1914 gave monopoly over oil exploration in Nigeria to British oil companies. Subsequently, Shell D'Arcy and Whitehall Petroleum drilled for oil extensively between 1919 and 1922 before suspending operations because of the Second World War. Shell B-P became sole holder of concessionary rights for exploration of oil in Nigeria after the Second World War. It held this position until 1951 when other oil companies gained access into the oil sector. That reduced coverage of licence for Shell B-P to 64,400 km by 1956. It reduced further as more oil companies entered the market. For instance by 1955 Mobil Exploration Company and Gulf Oil secured licenses to prospect for oil.

Nigeria's oil production stood at 20,000 barrels per day in 1960. Ironically, for both economic and political reasons, it rose astronomically in the years after independence. In fact, by 1966, production was already at 420,000 barrels per day. By 1967, when the civil war broke out, both the government of Biafra and the Federal Government had begun to flex muscles over payment of royalties and rents from the oil companies. The Biafran government demanded royalties from the oil companies. At the same time, the Federal Government was demanding such payments from the oil companies, threatening to withdraw licenses from them if they refused to comply with its directives (Steyn, 2003: 203). Ultimately Shell BP paid some sum to the eastern regional government of Biafra and then

incurred the wrath of the Federal Government. Before 1966, the government of Nigeria was merely collecting rents, royalties and taxes from the oil companies. She was not an active participant in the oil industry. Beginning from 1966 the Federal Government, through various policies, became an active player in the oil sector. With the indigenisation policy of the Federal Government through the 1968 Companies Decree, oil companies were compelled to register as Nigerian businesses. The posture of the government was determined first by suspicion by the federal government towards the oil companies in the period before the civil war, and second, a desire to reduce domination of the oil sector by foreign oil companies. By 1969, the Federal Government vested ownership and control of oil in the state, through the Petroleum Decree of 1969. The government had early on acquired equity holdings in the key oil majors at the time and established joint venture arrangements for exploration and production of oil.

The point has been made that the relationship between oil companies and local oil bearing communities has been marked by antagonism from the beginning. However, from the 1950s, local oil bearing communities in the Niger Delta explored legal routes of resistance against the oil companies. As Styne notes: “the legal route remained the preferred course of action to address oil related grievances until the 1980s when widespread civil discontent with the political incompetence of successive Nigerian governments and worsening economic conditions spurred the oil producing communities into action.”<sup>210</sup> Specifically, in 1984 women in Ogharefe took to the streets demanding water, electricity, land, and compensation for environmental degradation from Pan Ocean Oil Company.<sup>211</sup> In March 1986, a protest

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<sup>210</sup> Steyn, M.S. (2003). “Oil Politics in Ecuador and Nigeria: A Perspective from Environmental History on the Struggles Between Ethnic Minority Groups, Multinational Oil Companies and National Governments,” PhD Dissertation submitted to the University of the Free State, Bloemfontein, South Africa, p. 203

<sup>211</sup> An American oil firm

against Shell was undertaken by indigenes of Bonny, leading to the shutting down of the company's operations for two days (Styne, 2003: 203). On April 2, 1986, a group of native men and women held 40 staff of Shell hostage in Egbema in protest against the company's neglect of the community. In August 1986, over 10,000 women in Ekpan led a protest against the NNPC over issues of neglect as well.

In the course of the 1990s, protests against oil companies began to take violent forms. All FGD participants, including officials of the government, believe that these protests are products of political, economic and environmental neglect. From statements made by FGD participants, political, economic and environmental factors have presented politics of the environment as politics of resource control. Oil companies have occupied an important position because of their contribution in the generation of the wealth for which local oil bearing communities and other ethnic groups have been in struggle to control.

Our finding is that the relationship forged, beginning from the colonial era, between oil companies and the government defines their relationship with the oil bearing communities of the Niger Delta. For example, this relationship takes three different forms at different phases in the development of the oil industry; namely, the hegemony phase (1901-57); direct response phase (1960); and, tacit response phase (1966-79).<sup>212</sup> The first phase was marked by full control of the oil business by oil companies. Oil companies had full concessionary powers while the government played an insignificant role. This phase ended with colonialism in 1960 and also set the stage for negotiations that resulted in a new form of relationship.

In the direct response phase, the government increased its participation through joint venture and profit sharing agreements, although control of the industry was still largely with the oil

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<sup>212</sup> Igweonwu, I. cited by Ikein, A.A. (1990). *The Impact of Oil on a Developing Country*, London: Praeger Publications

companies. From 1966, (tacit response phase) the government emerged as full participant in the oil industry seeking complete control of the oil industry, at all stages -exploration, production and marketing-in the development of the oil business. This era marked the reduction of oil powers of the oil companies and resulted in the growing benefits of the oil business to the government. These developments had little or no consideration for the local oil bearing communities beyond a new awareness of the benefits of the oil and its impact on the local environment. In this era laws that transferred ownership of the oil resource to the government were made.

In spite of these developments in the relationship and attempts by the government to achieve full participation and control of the oil business, a distinction between ownership and management of the oil business appears to define relationship between the government and oil companies. Management of the oil industry lies with the oil companies. This has implication for environmental practices of the oil companies. For instance, government fails to enforce compliance with environmental regulations because of the nature of relationship forged between it and the oil companies. One participant described the relationship as “joint-venture”<sup>213</sup> suggesting commonality of economic interest. This perception of interest by local oil bearing communities and their environmental groups often results in protests against the government and oil companies for the environmental impact of oil company activities in the Niger Delta.

The point has been made that oil companies are the major contributors of environmental destruction in the Niger Delta. Our visits to oil facilities belonging to SPDC, Agip, and Elf respectively in Joinkrama, Ogba Egbema, Ekeremor, Oshi, Odi, Agbere and Ogoni reveal

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<sup>213</sup> Edward Hart was part of the focus group discussion. He is youth leader in Bonny where, SPDC, Chevron, Mobil and Agip have oil installations including the Liquefied Natural Gas Company of the Federal Government.

how local oil bearing communities face various social and economic hardships caused by oil spillages. Our interview with a senior government official at the Department of Petroleum Resources and a senior environmental scientist at NOSDRA reveal that oil companies sometimes employ politics to evade remediation of oil polluted sites. This is most prominent in the implementation of the post environmental impact assessment reports. The reports are often manipulated by the oil companies through monetary inducements made to youth and traditional leaders in affected communities. In Bonny, where SPDC, Agip, Chevron, Mobil and Elf have undertaken extensive development projects in response to protests by youths over environmental matters and development of the community, SPDC gave five million naira (N5, 000,000) to the community as part of its corporate social responsibility. Charging that the fund was mismanaged, the youths carried out massive violent attacks on residents of the island, leading to the evacuation of some people, especially non-locals.

There is substantial evidence that environmental politics in the era of military regimes and democracy have not produced results that are satisfactory to the people of the Niger Delta. This explains the sustained (in fact, the intensification) of attacks against oil companies by armed groups in the region. Our study reveals a complex web of interaction of political, economic and environmental factors as the reason for this state of affairs. One FGD participant from the Egbesu Boys states that “violence or killing is the only language they understand.” This refers to the oil companies and the government. Some participants however doubt the sincerity of members of armed groups who believe that violence is an instrument in the environmental politics of the Niger Delta.



#### 5.4. Environmental practices in the Niger Delta

The World Bank<sup>214</sup> defines the environment as “the natural and social conditions, surrounding all mankind, and including future generations” (cited by Okotoni, 2004: 13). This suggests a mixed bag of issues, such as social, economic land and correlate resources that require consideration in the effective practice of the environmental management by the government, companies and citizens generally. The researcher found little evidence of effective practice of environmental management in the Niger Delta, whether by the government, oil companies or the local populations in the context of the oil economy.

FGD Participants from oil companies, government and local environmental groups have tended to trade blame on the way the environment in the Niger Delta is managed.<sup>215</sup> Indeed, planning, organising, supervising, monitoring and controlling of the environment, which are required for ensuring that the environment is conducive for both human habitation and business productivity remain inadequate.<sup>216</sup> The government delayed instituting regulatory mechanisms for the problem of pollution of the environment by oil companies in the Niger Delta. For their part, oil companies themselves have also failed to be regulated by voluntary standards of best practice. As one participant notes:

The oil companies and government do not handle the environment in the Niger Delta with care. As I am talking to you there are people in my village who do not have farmlands any more because of the way that oil companies grab these lands for oil exploration and production. The oil companies neglect what happens to the land as long as they are mining oil. Oil mining results in death, gradual death, for the dispossessed local people. Government is slow to respond to the effects of oil mining.<sup>217</sup>

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<sup>214</sup> Cited by Okotoni, O. (2004). “Awareness and Environmental Management in Oil Companies in Nigeria,” *Journal of Human Ecology*, Volume 15, Number 1, pp. 13-17.

<sup>215</sup> This is based on comments by participants at the focus group meetings and key informant interviews.

<sup>216</sup> Dr. Orike, an environmental scientist and staff of one of the oil companies operating in the Niger Delta, who also participated in the focus group discussion in Port Harcourt on 24 April, 2008, emphasised this issue based on his personal experience with government officials from the DPR on monitoring exercise with the company he works for.

<sup>217</sup> Interview with Celestine Akpobari, the National Co-ordinator of Ogoni Solidarity Forum.

In a similar vein, Alagoa (2000: 7) notes: “the degradation of the environment from the activities of the multi-nationals prospecting for oil ensure that local resources are depleted.”

<sup>218</sup> Apparently, the nature of environmental practice of key stakeholders is at the centre of their economic survival. It was observed in 2004 by stakeholders in the Niger Delta that:

governments sign international treaties and protocols and do not implement at home. For example, gas flaring: due to the ozone layer depletion, gas flaring should have been stopped. What we have today is constant dilly-dallying and shifts, not guarantees. Government corporations should show the way. As we say no flares, our refineries should show the way by complying first.<sup>219</sup>

Environmental practices by government, oil companies and local oil bearing communities in the Niger Delta vary depending on available technology, existing social, economic and political character of the oil business in the Niger Delta. There is substantial evidence of how socio-economic and political factors help to explain the link between the nature of environmental practice and the attainment of sustainable development goals of environmental policy.

Data obtained from interviews, library materials, reports, focus group sessions and questionnaires show that environmental practices promote conditions that favour violence between the state and local environmental groups. Our finding is that officials of the government at the Department of Petroleum Resources (DPR), Federal Ministry of Environment (FME) and National Oil Spill Detection Agency (NOSDRIA) are faced with situations that hinder best practice in their statutory obligations to environmental problems created by operators. Even the state security is unable to stop the illegal puncture of oil pipelines and stealing of oil products by some armed groups in the Niger Delta. For example, NOSDRIA is the lead agency in oil spill matters created out of the Oil and Gas Department

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<sup>218</sup> See Alagoa, E.J. (2000). *The Ijaw Nation in the New Millennium*, Port Harcourt: Onyoma Research Publications

<sup>219</sup> Report of Niger Delta Youth Workshop 15-17th April, 2004.

of the Federal Ministry of Environment. Presently, the agency merely estimates volumes of oil spilled by oil companies from simple geometrical interpretation based on reported oil spill cases. This is more or less guess work. Ideally, the agency ought to be equipped with all necessary tools and not depend on guesses and laboratories belonging to oil companies.<sup>220</sup> Also, as an agency, FEPA did not achieve much in many respects such as monitoring of operator compliance with standards. As an official of the government notes:

As an agency FEPA was not doing much. I am not giving operators a clean bill of health because they have also contributed to socio-economic decadence in oil bearing communities. The government failed in governance of the environment between 1956 to 1988 when the government held a workshop to address the problem of the environment.<sup>221</sup>

Government lacks facilities such as laboratories for its supervisory and monitoring responsibilities. Even in matters of environmental impact assessment and post-impact assessment which key government agencies of NOSDRIA, DPR, FME and moribund FEPA statutorily addressed with oil companies, the practice of depending on the oil companies for the assessment often renders the outcome determinable by the oil companies in alliance with some corrupt officers of the government. Of course, beyond the non-existent laboratories, the government also lacks the skills necessary to adequately undertake these responsibilities.

The overall effects of environmental practice of government, oil companies and local environmental groups is seen not only in the socio-economic conditions of oil bearing communities of the Niger Delta but also in the present volume of gas flaring and oil spill as well as the state of the environment generally in the region. These conditions result in violence either on the part of the government<sup>222</sup> that seeks to protect the oil installations of oil companies in order to guarantee security of oil production or violence perpetrated by the

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<sup>220</sup> This is based on visits and discussions with environmental scientists of the agency.

<sup>221</sup> Interview with Senior Environmental Scientist at NOSDRIA on the 6th of August, 2008 at its Port Harcourt Zonal Field Office.

<sup>222</sup> Government has consistently used military or repressive approach to address the crisis in the Niger Delta. In most cases, military personnel, members of the police force and civilians have lost their lives. Properties have been destroyed.

armed groups who use the language of grievance against environmental destruction and poverty as bases for their activities against oil companies and the government. According to one official of the government in his response to the question of whether or not government failure to implement environmental policy contributes to violence in the Niger Delta: “for sure failure of the government has affected the violence in the Niger Delta. As long as oil is discharged into the environment it has a lot of consequences.”<sup>223</sup>

Participants from government environmental agencies and relevant ministries were asked about the extent of compliance on the part of oil companies and government officials with the National Environment Policy. Some of them expressed commitment on the part of the government. For example, Aror notes:

I cannot tell you that implementation is at 100 percent level. But I can say that government is committed to the protection of the environment although there are existing teething problems hindering the process. You can see that government agencies and extra ministerial bodies are already emerging to oversee implementation of the policy. Take for instance, the Federal Inland Waterways, on effluent discharge of pollutants of more than 1 miligram per litre of iron. The problem is that there are no government bodies to assess and evaluate the volume of this type of discharge scientifically. There is no body to ensure that this aspect of the policy as outlined on the effluent guideline is complied with by oil companies. The level of logistics and equipment for carrying out this role is also inadequate. Even the Federal Ministry of Environment that has been doing this job is not thorough, especially in cases of multiple oil spill or discharge of pollutants. Besides, human capacity is lacking.<sup>224</sup>

Table 5.4 below captures responses of government officials at the Federal Ministry of Environment and the National Oil Spill Detection and Response Agency. Their responses are interpreted to mean insignificant level of implementation of government environmental policy in the Niger Delta. Participants were negative on key variables of implementation of environmental policy. Responses to the key variables were coded into 1 and 2 (binary fashion). A relational analysis provided the basis for groups of words, statements and phrases

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<sup>223</sup> See field note on interview with government officials.

<sup>224</sup> See field note of interview with Aror, Senior Environmental Scientist at the Port Harcourt Zonal Field office of NOSDRIA conducted by the researcher on 12th of August, 2008.

into the codes. On issues of continued gas flaring to mechanisms for gaining compliance, responses were negative. Also, there are numerous problems that either combine or individually contribute towards the failure of government programmes and policies to achieve their set environmental goals.

**Table 5. 4. Implementation of NPE and Sustainable Development**

IMPLEMENTATION OF THE NPE		
	Positive	Negative
End to gas flaring and oil spill	1 (7%)	14(93%)
Use of appropriate technology	5(33%)	10(67%)
Extent to which actions of implementing official at FME, NOSDRIA, DPR and oil companies comply with goals of the policy	6(40%)	11(73%)
Executive orders from the presidency and court decisions concerning operations of oil companies	1(7%)	14(93%)
Government and oil companies implementation plans, structures and actions	13(86%)	2(13%)
Mechanisms for gaining compliance	3(20%)	12(80%)

Responses to questions relating to implementation of the NPE were coded in “positive” (1) and “negative” (2) (See Table 5.4). From the responses of FGD participants as well as observations from visits to the oil-producing communities in the Niger Delta, gas is still flared rampantly in the Niger Delta. Although the government has made significant efforts to establish agencies and extra-ministerial institutions for the purpose of addressing specific

areas of environmental pollution, the institutions have remained essentially too weak to implement meaningful policies that can result in real change for the well-being of people from the local communities.

Oil is the defining feature of environmental practice of the government in the Niger Delta. The federal government's gradual acquisition of monopoly power over matters of oil mining and the distribution of its benefits is also important for understanding the delay by the government in addressing environmental problems. Extraction of the oil is key to economic advancement and planning. This explains why threat to production of oil is perceived by government officials at the federal levels as threat to national security.

### **5.5. The Government and implementation of its policy on the environment**

When oil companies began exploration for oil in Nigeria, the colonial government's concern for the environment was limited to mere issues of public health and safety. As Aroh notes, "national environmental policy was not in view of government until 1988 when an Italian company dumped toxic waste at Koko village in former Bendel State of Nigeria."<sup>225</sup> As such, specific social, economic and political problems that later emerged in the years following the discovery of oil at Oloibiri (in present Bayelsa State of Nigeria) and dependence of the post-colonial state of Nigeria on oil for national development were not envisaged. Consequently, the government at the time -- early post-colonial era in Nigeria -- did not envision the potential impacts of oil business and their implications for conflict among oil companies, government and local oil bearing communities.

Strict environmental regulation (in the form of law) was unavailable. Government institutions with mandate to deal with issues of the environment were also non-existent. This

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<sup>225</sup> See field note on interview with Kenneth Aror of NOSDRIA on the 12th of August, 2008.

situation lasted until the 1980s when the environmental consequences of oil exploration and production began to pose serious threats: first to the economic interests of oil companies and the government as well as to the political stability of Nigeria; and second, to the survival of affected local oil bearing communities. It would appear that the government and oil companies were lukewarm towards environmental security of the oil bearing communities until these communities began to protest the effect of oil exploration and production on their environments. Environmental practice of the government generally entails priorities given to issues of environment by the government and its concern for the prevention of pollution of the environment by individuals and corporate bodies. For instance, for the oil industry, the priority of maintaining and replacing oil equipment such as corroded pipelines in order to avoid leakages is paramount. Such priorities are seen in the enforcement of regulations that are meant to prevent pollution or provide remediation in the event of pollution. For the Niger Delta, the government often steps in with regulations only after oil companies have damaged the environment. For example, Oloibiri, where oil was first discovered, is now in ruins, and the government has failed to recover the land devastated by oil and gas pollution.

The economic problems consequent to oil company activities for which government attention has been needed are many, including issues such as the destruction of wildlife, farmlands, forests, aquifers and human lives. Largely the result of spills, flares and pipeline leakages, the devastating impacts have fuelled the crisis and the associated conflict in the Niger Delta.<sup>226</sup> Currently, there is a severe scarcity of arable land in most of the oil bearing communities -- villages and towns. Not surprisingly, scholars and FGD participants interviewed by this researcher agree on the negative impact of environmental practice of

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<sup>226</sup> See recorded focus group discussions. Also see taped video of participants at an “Anti-Imperialism Camp,” organised by Social Action and the Rosa Luxemburg Foundation 19-24th August, 2008. Various groups from the Niger Delta were represented in that meeting.

government and oil companies on the socio-economic survival of the peoples of the Niger Delta.

The government -- at federal, state and local levels -- has not adequately responded to the issues. Given the current structure of the oil business and laws guiding the process, the federal government has the greatest responsibility towards addressing the issues. Unfortunately, and in spite of various political, legal and administrative steps already orchestrated, the important issue of poverty, loss of means of livelihood and resource control have not been sufficiently addressed by the federal government.

In the 1960s when an Ijaw group -- under the platform of the Niger Delta Volunteer Force, led by late Isaac Boro -- confronted the federal government over issues of development and political marginalisation of the Niger Delta in an emerging era of oil exploration and production from the Niger Delta, the federal government successfully crushed the resistance with the use of military might.

In October 1990, MOSOP issued an Ogoni Bill of Rights (OBR), which among others, demanded the right to protect the Ogoni environment and ecology from further destruction; political autonomy and resource control. The government, up to that time (1994), focused on the strategies of state power (coercion) in dealing with environmental, political and economic problems associated with the oil business in the Niger Delta.

For many people in the region, the government should be responsible for, and active in, dealing with the prevention and management of the economic, social and political effects of oil exploration and production activities on local populations in the Niger Delta through various legal, political and administrative institutions it has itself created. Against the background of efforts of government in formulating policies, rules, guidelines and general



regulations as well as designing goals and putting into action these policies, the federal government's response to environmental issues may be classified into colonial and post-colonial era.

Following licence granted by the colonial government, Shell D'Archy had monopoly of exploration for oil. The 1914 Petroleum Ordinance cautioned against pollution of the environment without creating mechanisms for sanctions or enforcement of sanctions against exploration activities of Shell D'Archy. This situation continued until the seminal discovery of oil in 1956 at Oloibiri and up to 1969 when other oil companies such as Mobil (1955), Chevron (1961) and Texaco (1963) joined the oil industry in Nigeria. Between 1914 and 1969, the Nigerian government remained essentially non-participatory in the oil industry, leaving the oil companies to operate as concessions. The role of the government in the oil industry and the environment was limited to making laws for regulating the activities of these companies. Unfortunately, for the most part, various provisions of these laws like the aforementioned laws (Petroleum Ordinance of 1914, Petroleum Act of 1959 and that of 1969, etc.) lack enforcement mechanisms. Ukiwo (2008: 76) argues that these laws serve the colonial and post-colonial state, manifested in the avoidance of enforcement or practices that are injurious to the short-term economic interests of the state.

By 1971, Nigeria had acquired equity share in the oil industry through joint venture agreements between the Nigerian National Oil Company (NNOC) and, later, the Nigerian National Petroleum Corporation (NNPC) and the oil majors. This raised the stakes for the government and further increased its responsibilities towards ensuring practices that protect the environment. However, a national environmental policy and institutional engineering by the Nigerian government remained elusive until the late 1980s. Public protests against dumping by an Italian company of toxic waste substances at Koko village in the old Bendel

State forced the government to consider crafting a national environmental policy and other relevant laws and institutions to address the problem of the environment. Indeed, by contrast, an assessment of the government's environmental practice in relation to the oil companies reveals that the Nigerian state is both weak and slow.

FGD participants from the oil bearing communities of the Niger Delta insist that government and the oil companies operating in the region are irresponsible on matters of the environment. The practice on the part of the government borders essentially on lack of enforcement of relevant environmental policies. This manifests as lack of interest in ensuring sustainable development of the Niger Delta. However, formal government policy recognises the importance of achieving sustainable development via proper management of the environment stated as a key goal in Nigeria's National Environmental Policy. There is a wide formalism gap, however, between environmental principle and environmental practice. The major argument of this dissertation is that the failure by the government to effectively and efficiently implement the country's environmental policy is partly responsible for the violence in the Niger Delta.

The federal government established the NOSDRIA in 2006. Section 5 of the Act stipulates the key objectives of coordinating and implementing the National Oil Spill Contingency Plan. The specific objectives of the agency are:

- To establish a viable national operational organization that ensures a safe, timely, effective and appropriate response to major or disastrous oil pollution;
- Identify high-risk as well as priority areas for protection and clean up;
- Establish mechanism to monitor and assist or, where expedient, direct the response, including the capability to mobilise the necessary resources to save

lives, protect threatened environment, and clean up to the best practical extent of the impacted site;

- Maximise the effective use of the available facilities and resources of corporate bodies, their international connections and oil spill co-operatives, that is Clean Nigeria Associates (CNA) in implementing an appropriate spill response;
- Ensure funding and appropriate and sufficient pre-positioned pollution combating equipment and materials as well as functional communication network system required for effective response to major oil pollution;
- Provide a programme of activities, training and drill exercises to ensure readiness of oil pollution preparedness, response, management and operational personnel
- Co-operate and provide advisory services, technical support and equipment for purposes of responding to major oil pollution incident in the West African sub-region upon request by any neighbouring country, particularly where a part of the Nigerian territory may be threatened;
- Provide support for research and development in the local development of methods, materials and equipment for oil spill detection and response;
- Co-operate with the International Maritime Organisation and other national, regional and international organisations in the promotion and exchange of results of research and development programmes relating to the enhancement of the state of the art of the oil pollution preparedness and response, including technologies, techniques for surveillance, containment, recovery, disposal and clean up to the best practical extent;

- Establish agreements with neighbouring countries regarding rapid movement of equipment, personnel and supplies into and out of the country for emergency oil spill response activities;
- Determine and preposition combat equipment at most strategic areas for rapid response;
- Establish procedures by which the Nigerian Customs Service and the Nigerian Immigration Service shall ensure rapid importation of extra support response equipment and personnel;
- Develop and implement an appropriate audit system for the entire plan; and,
- Carry out such other activities as are necessary or expedient for the full discharge of its functions and the execution of the Plan under this Act.

Section 6 (1) of the Act states that the agency shall:

- Be responsible for surveillance and ensure compliance with all existing environmental legislation and the detection of oil spills in the petroleum sector;
- Receive reports of oil spillages and coordinate oil spill response activities throughout Nigeria;
- Coordinate the implementation of the Plan as may be formulated, from time to time by the Federal Government;
- Coordinate the implementation of the Plan for the removal of hazardous substances as may be issued by the Federal Government;
- Perform such other functions as may be required to achieve the aims and objectives of the Agency under this Act or any plan as may be formulated by the Federal Government pursuant to this Act.

NOSDRIA was introduced to address the important issue of sustainable development or livelihood, for the first time in the history of the country. This was the result of the creation of the Forum for Cleaning up of the Niger Delta by the Minister of State for the Environment. As Okpopido notes:

the National Plan represents a national system for responding promptly and effectively to all oil spill pollution incidents occurring in Nigeria. But better still, it is desired that the industry will adopt proactive strategies for preventing oil spills as a cost-effective means of reaching the national goal of eradicating poverty and enthroning grassroot based sustainable livelihood in Nigeria...through the establishment of the first ever Federal Ministry of Environment, has set up an institutional role model in Africa for enthroning sustainable livelihood and for the eradication of poverty, hunger and diseases on the continent.<sup>227</sup>

NOSCP defines the role of the government in Nigeria regarding its responsibility as the environmental conscience of the country in matters of oil spillages irrespective of mode of spill (accidental or deliberate), volume and source, which threaten the environment in Nigeria. The government, through this plan, recognises the impact of oil pollution resulting from the activities in the petroleum industry at the levels of exploration, production, refining and transportation. It includes the movement of marine vessels and pipelines as well as the manner of handling facilities at the nation's ports, pump stations, depots and jetties.<sup>228</sup>

There are three levels of oil contingency plans that the government recognises for cushioning the effect of oil spillages and ensuring sustainable livelihood for people in affected communities. They are, company plans (Tier One); Cooperative Plan (Tier Two) and Government plan for key or catastrophic oil spills (Tier Three).

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<sup>227</sup> Okopido, I.T. (2000). "Foreword," *National Oil Spill Contingency Plan for Nigeria*, Abuja: Federal Ministry of Environment, p.i.

<sup>228</sup> FME (2003). *National Oil Spill Contingency Plan for Nigeria* pp.2-4.

The first two (company and cooperative plans) are said to be already existing and functioning as claimed by the government and the oil companies. This data was obtained from oil company staff and government officials who participated in the study. Company plan is compulsory by law. Cooperative plan is seen in the already existing Clean Nigeria Associates (CNA), created by companies in order to assist in handling pollution cases which individual companies fail to or are unable to handle alone. The Government's plan provides for a response in cases of severe oil spillages which are beyond the capacity of both the company and cooperative efforts.

As a matter of policy, the NOSCP integrates all three tiers of plans and in a way provides the institutional or structural framework that was lacking in the past for intervention in oil related pollution in Nigeria.

The objectives of the NOSCP are to:

- Establish a viable operational organisation to ensure safe, timely, effective and appropriate response to major or disastrous oil pollution, namely: Competent national authority, the NOSDRIA, with responsibility for preparedness, detection and response to all oil spillages;
- Identify high-risk areas as well as priority areas for protection and cleanup;
- Establish the mechanism to either monitor and assist or if necessary to direct the actual response, including the capability to swiftly mobilize the necessary resources to save lives, protect threatened environment, and cleanup to the best practical extent of the polluted site;
- Maximise the effective use of the available facilities and resources of individual companies, their international connections and oil spill cooperatives in implementing appropriate spill response;

- Provide funding, and appropriate, sufficient, pre-positioned pollution combating equipment and materials, as well as functional communication network system required for an effective response to major oil pollution;
- Provide programme of activation, training and drill exercises to ensure readiness to oil pollution preparedness and response and also the management and operational personnel;
- Cooperate and/or provide advisory services, technical support and equipment for purpose of responding to major oil pollution incident in the West African sub-region upon request by the neighbouring country, particularly where part of the Nigerian territory may itself be threatened;
- Cooperate with other National, Regional, IMO and other international organisations in the promotion and exchange of results of research and development programme relating to the enhancement of the state-of-the art of the oil pollution preparedness and response, including technologies, techniques for surveillance, containment, recovery, disposal and clean up to the best practical extent;
- Establish agreements with neighbouring countries regarding the rapid movement of equipment, personnel and supplies into and out of the countries for emergency spill response activities;
- Determine and pre-position some vital combat equipment at most strategic areas for rapid response;
- Establish procedures by which Nigerian Customs and Immigration Services will enable rapid importation of extra support response equipment and personnel;
- Develop and implement an appropriate audit system for the entire organisation.

The legal authority for establishing NOSCP derives essentially from: Petroleum Decree No. 51 of 1969, Section 8 (1)(b)(iii), Petroleum (Drilling and Production) Regulations, 1969,

Sections 25; Government Administrative Directive (1981) for the Establishment of Three levels of Oil Spill Contingency Plans to effectively address the problem of various forms of pollution); Federal Executive Council Approval at its 17<sup>th</sup> Council Meeting of 6<sup>th</sup> October, 1988, of a National Committee comprising relevant ministries, departments and organisations for the formulation of the NOSCP. Local communities of the Niger Delta were however not represented and the Federal Environmental Protection Agency (FEPA) decree 58, 1988, Sections 22 and 23, and the National Policy on Environment which provides for the establishment of a National Oil Spill Contingency Plan. It is interesting to note that the plan assigns roles to all key government departments and organisations during cases of oil spillages. For example, the Federal Ministry of Environment; Federal Ministry of Petroleum Resources; NNPC; Federal Ministry of Works; Nigerian Institute for Oceanography and Marine Research (NIOMR); Federal Ministry of Health; Nigerian Ports Authority; National Maritime Authority; Federal Ministry of Information; Federal Ministry of Agriculture, Water Resources and Rural Development; The Army; The Navy; The Air force; The Police; States and Local Governments; Nongovernmental Organisations and the Federal Ministry of Foreign Affairs and National Emergency Management Agency (NEMA).

It is also worth noting that the membership of the National Oil Spill Response Advisory Committee excludes oil bearing communities. Selection of members into NOSRA Advisory Committee is the responsibility of the presidency. This is important for understanding the lack of access by oil bearing communities to key environment decision-making institutions in Nigeria. In light of the contestations around the environment degradation, it would seem that due care will be taken by government leaders to ensure that all stakeholders are adequately represented on important environmental bodies such as NOSRA. The lack of adequate sensitivity to such matters not only serve to betray persistent government neglect of the



region but also to highlight the basis of the attendant resentment and conflict which has exacerbated the problems of the Niger Delta

## **5.6. Oil Companies and implementation of environmental policy**

Oil companies in the Niger Delta remain widely condemned by scholars and environmental groups for various practices that contribute to the destruction of the environment. For example, poor environmental practices such as unsafe disposal of toxic drilling wastes, gas flaring and oil spills are common areas of complaint from local justice and environmental groups against the oil companies. According to one informant:

These oil companies in the Niger Delta are looking for trouble. Shell, Agip Chevron, Elf and others are killing our people with spillage and gas flare. They do not do this in their countries, but they have seen a country where laws do not work so they do it with impunity. But God will not allow it any more. They will pack and leave the Niger Delta by force or by fire.<sup>229</sup>

Best practice,<sup>230</sup> meant to avoid severe destruction of the environment in the oil industry, is measured against standards set by industry organisations, non-governmental organisations, multilateral organisations and national governments. One internationally accepted area of best practice in the oil industry is the use of environmental management procedures and systems such as: Environmental and Social Impact Assessment (EIA/SIA); Environmental Performance Evaluation (EPE); Environmental Monitoring and Auditing (EMA); Environmental Reporting (ER); and Environmental Management Systems (EMS). These are various forms of environmental ‘good practice’, at least ideally, expected to engender sustainable development, voluntarily adopted in response (implementation) to government environmental regulation.

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<sup>229</sup> An interview with a member (name withheld) of the Movement for Emancipation of the Niger Delta (MEND) on the 16th of May 2008.

<sup>230</sup> What is seen as ‘best practice’ is measured against accepted national and international environmental regimes meant to ensure sustainable development. Often, such best practices have emerged from industry voluntary codes as a response to threats to sustained mining of resources such as oil by environmental groups.

EIA<sup>231</sup> is a procedure that entails the assessment of relevant environmental impacts of proposed development projects. Proponents claim that the practice has the potential of being an instrument for achieving sustainable development as well as a strong advantage of involving affected communities in commenting on the environmental impact statement. Nigeria promulgated Decree No.86 of 1992, essentially in pursuit of this objective -- the compulsory conduct of environmental impact assessment by organisations as a requirement for the approval of development projects. This policy has been integrated into the environmental policies of SPDC, Agip and Elf (Total/Elf) in the Niger Delta. As part of this study, environmental officers were asked at the Health, Safety and Environmental departments of the oil companies on the extent of their compliance with Nigeria's Decree No. 86 regarding EIA. A positive response of 70% was received. However, in reality, EIAs are variously improperly done by these organisations whenever they undertake major development projects such as the acquisition of land for oil installations, the laying of pipelines and seismic operations in the Niger Delta. This owes much to the weakness of government regulatory bodies such as the Department of Petroleum Resources and the Federal Ministry of Environment. Indeed, members of local justice and environmental groups in the region disagree over claims that EIAs are conducted properly by the oil companies. According to one of them during an interview:

EIA is a strange concept for most of the people in the oil bearing communities. They do not know how it works because it is never practiced according to the law. When the oil companies attempt to do it, it is merely window-dressing, without substance, because the people are never involved or allowed to do so as the law requires. In some cases, projects are carried out before some form of assessment of environmental and social impact of such projects.<sup>232</sup>

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<sup>231</sup> The practice is also contained in Principle 17 of the 1992 Rio Declaration on Environment and Development; Article 14 (1) (a) of 1992 U.N Convention on Biological Diversity. See Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO) adopted 25 February 1991.

<sup>232</sup> Key informant interview with a member of Ogoni Solidarity Forum (OSF) on the 20th of May, 2008, at Bane, home town of leader of the Movement for the Survival of the Ogonis (MOSOP), late Ken Saro-Wiwa.

According to Orike<sup>233</sup> and Tari Dadiowei, ‘oil companies always want to dilute reports of EIA to be in their favour irrespective of the facts on ground.’<sup>234</sup> This position is similar to baseline data of works done by scholars on the Niger Delta crisis regarding oil companies and degradation of the environment (Idemudia and Ite, 2006: 391-406; Jike, 2004: 686-701; Orubu, Odusola and Ehwarieme, 2004: 203-214; Aginam,<sup>235</sup> 2002: 1-18).<sup>236</sup> This has also come to form the general impression that the EIA is ineffectively practiced by the oil companies and adduced as one of the triggers of violent behaviours among groups in the region.

The EIA Decree No. 86 of 1992 was expected to be a tool for sustainable development. Unfortunately, the Nigerian government, for more than three decades, did not address the problem of environmental and social consequences of various economic and infrastructural projects that were envisaged from various national development plans (Anayo, 2002: 1-13). Anayo argues that the provision of the EIA Act has suffered severe problems of implementation. As he notes:

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<sup>233</sup> Participant at the FGD held at Social Action, 33 Orominike Close, D-Line, Port Harcourt, and Rivers State on the 24th of April, 2008. Dr. Orike, a participant, works for one of the oil majors. He is an environmentalist with many years of experience in the oil sector. He spoke as a public opinion leader from Ogba-Egbema (an oil bearing community in Rivers State) and as an oil company insider.

<sup>234</sup> Tari Dadiowei, opinion leader and activist from oil bearing community of Bayelsa State, participated in the focus group discussion in Yenegoa.

<sup>235</sup> Aginam is an environmental lawyer and was one time legal officer of Kainji Lake National Park, New Busa, Nigeria.

<sup>236</sup> Orubu, C.O. (2004). “The Nigerian Oil Industry: Environmental Diseconomies, Management Strategies and the Need for Community Involvement,” *Journal of Human Ecology*, 16(3), 203-214; Idemudia, U. and Ite, U.E. (2006) “Demystifying the Niger Delta Conflict: Towards an Integrated Explanation,” *Review of African Political Economy*, Volume 33, Issue 109, September, pp. 391 – 406; Jike, V.T. (2004). “Environmental Degradation, Social Disequilibrium, and the Dilemma of Sustainable Development in the Niger Delta of Nigeria,” *Journal of Black Studies*, Vol. 34. No. 5, May, pp. 86-701; Aginam, O. (2002). “From Rio to Johannesburg: The Pessimism of Sustainable Development and the Optimism of Sustainable Livelihoods: Two Cases from Nigeria,” paper presented at the York University, Toronto, 27-28 September.

Experience, especially in respect of infrastructure projects, has shown that environmental impact assessment is hardly undertaken prior to the approval of any project. The key defaulters in this exercise are the various levels of government; federal, state and local. These various levels of government routinely approve projects within the mandatory study list, before any kind of impact assessment is made.<sup>237</sup>

Environmental Management Systems (EMS),<sup>238</sup> a voluntary option of environmental management practice, is claimed to be operational in the three oil companies under study. The SPDC, Agip and Elf are ISO 14000 certificated.

Our research reveals that oil companies in the Niger Delta have created EMS. Indeed, ELF, Agip and the SPDC have ISO certification and have functional Health, Safety and Environment units in their respective companies. The companies also report on the<sup>239</sup> environment in relation to their activities annually. They also have environmental statements. Indeed, the companies have established environmental policies, plans, implementation mechanisms, procedures for monitoring and regular management reviews. According to a senior management staff of SPDC:

SPDC has created necessary internal mechanisms for protecting the environment in the areas we operate. We are ISO 140001 certificated and employ modern technologies to ensure sustainability of the environment in our fields. My company operates international environmental standards.<sup>240</sup>

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<sup>237</sup> Anayo, I. (2002). "Environmental Impact Assessment as a Tool for Sustainable Development: The Nigerian Experience," *TSTO.3 Sustainability*, p. 2.

<sup>238</sup> EMS refers to procedural rules in an organisation that help executives in preventing and diagnosing wrong environmental practice. Indeed, they facilitate compliance of company executives with extant legal requirements or laws and to outline processes that management should follow in order to avoid or control destructive impact of company activities on the environment. A widely known form of EMS is ISO 14001. It has core elements of environmental policy, planning, implementation and operation, checking and corrective action, and management review. See Wagner, J. (1998) "Oil and Gas Operations and Environmental Law in Latin America," *16 JERL* 153; Zharen, V.W. (1996). "ISO 14000: Understanding the Environmental Standards," *Government Institute Inc. Rockview, Maryland*.

<sup>239</sup> Key informant interview with a senior staff of SPDC at his residence on the 15th of April, 2008. where?

<sup>240</sup> Key informant interview with a senior management staff of SPDC.

**Table 5.5. Elements of ISO 140001<sup>241</sup>**

S/N	Elements	Components
1.	Establishing environmental policy	Corporate public statement concerning company's intention regarding the environment
2.	Planning	Establishing procedures for identifying and maintaining access to all environmental law/policy requirements; Setting environmental objectives and targets; Creating environmental management programmes which outline strategies or procedures for attainment of environmental objectives and targets.
3.	Implementation and operation	Identifying and formal assessment of responsibilities to personnel; Training programmes and awareness; Regular review of implementation of operational procedures to ensure compliance with environmental policies, objectives and targets.
4.	Checking and corrective action	Creating procedures for monitoring of the implementation process; Internal and external audits of the EMS; Investigation of compliance was identified by audit of EMS; Creating mechanism for environmental record keeping. WHY ARE THESE FONTS DIFFERENT FROM THE ONE BELOW AND ABOVE?
5.	Management review	Regular management review of the entire EMS with the aim of identifying and fixing of any drawback in the EMS.

**Source:** adopted from Wawryks, unpublished paper on “International Environmental Standards in the oil industry: improving the Operation of Transnational oil companies in emerging economies,” modifications into table and my emphasis.

<sup>241</sup> ISO certificate is international standard of measuring corporate record in the management of the environment. It entails external examination of environmental practice of organisations. The procedure also involves assessment of organisations' compliance with national environmental regulations.

Similar claims are made by Agip and ELF. Implementation of the EMS is however expected to contribute extensively towards sustainable development of societies. Specifically, an EMS provides:

a framework for integration of environmental management into the company's operations; helps the company to identify and reduce environmental impacts; helps the company comply with regulatory requirements; helps the company to set and meet its own environmental targets; and manage their impacts on the environment, EMS have the potential to control and reduce environmental degradation (Wawryk, 1997:14).

The reality however is that oil companies are still carrying out their oil exploration and production activities in severe environmentally unfriendly ways. This is understandable given that the ISO14001 model of EMS, as with several others existing today, is a voluntary code for companies. It lacks legal enforcement. Besides, required third party verification in the implementation of EMS under the ISO 14001 is lacking for the oil companies in the Niger Delta.<sup>242</sup>

Genuine Environmental Performance Evaluation (EPE) by oil companies is not properly practiced in the Niger Delta. What is important about EPE is the identification or choice as indicators. There are three areas in which these indicators can be chosen or identified, namely: Environmental Management Systems (EMS); Operational Systems (also known as Environmental Performance Indicators -- EPIs); and State of the Environment Indicators (EIs). Management systems indicators refer to what management (staff) do in respect of the environment in an organisation. Operational Systems point to indicators of responsibilities assigned to personnel and the extent to which such responsibilities are carried out regarding protection of the environment in the activities of the organisation. Evaluation in the area of

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<sup>242</sup>EPE is a management tool or process meant to ensure on-going improvement of environmental performance of organisations. See Kuhre, W. (1998). *ISO 14031: Environmental Performance Evaluation (EPE)*, New Jersey: Prentice Hall PTR.

state of the environment actually means assessment of impact of company activities on the environment.

These three aspects of EPE are practically rare for oil companies in the Niger Delta. At least, it was so for more than three decades since the beginning of oil exploration and production in the Niger Delta before pressure from local oil bearing-community groups, non-governmental organisations and international industry associations coupled with government regulations began to influence environmental practice by oil companies. While oil companies have established Health, Safety and Environmental units and policy, guarantee of policy performance and operational systems, external reporting on the state of the environment such as safety performance statistics, oil discharge to the environment, gas flares and general environmental cost of their activities are lacking in practice. This does not discount efforts, through project developments for improving socio-economic and cultural lives of local communities by the oil companies in recent times. For example, building of health centres, scholarship programmes, construction of roads and many more are now common practice for the oil companies. It appears that the current efforts of these oil companies at providing social amenities is in response to threats to their social license for sustained operations from local environmental groups.

Environmental monitoring and auditing involves regular checking and inspection of equipment, management systems, operational systems (activities) and their impact on the environment. Oil companies claim to do this regularly but the reality is that the process is ineffective and sometimes not followed through with operational systems. Indeed, a key informant decried their claim of monitoring and auditing. Oil companies and government have inspection units in their organisations but these units are ineffective and usually weak. To a large extent, corruption contributes to this weakness and ineffectiveness.

Effective monitoring on the part of oil companies and government has the merit of ensuring environmental practice that can result in sustainable development. The reality in the Niger Delta is that, in the case of oil companies, equipment are rarely monitored or checked for possible failure or to ensure that they are in good working condition. For example, pipeline leakage, a significant cause of pollution in the Niger Delta, is rampant because the pipes are old and need to be replaced. To do this requires regular monitoring and reporting for detection of corroded pipelines. Oil companies deny that leakages are caused by equipment failure. Rather, they blame sabotage and oil theft among youths in the Niger Delta. The government also believes that pipeline leakages are caused by sabotage.<sup>243</sup> The reality is that monitoring of the state of both the pipelines and the state of environmental impact of oil company activities is infrequent. And when it does happen, they are ineffectively done.

Environmental audit is the “practice of comparing environmental regulatory and management requirements against the operational and management performance record of a facility by evaluating such records and systems against a set of predetermined standards” (Prince and Nelson, 1996: 292). Oil companies in the Niger Delta rarely undertake compliance and EMS audit. The former deals with compliance with regulatory requirements while the latter concentrates on the structure of organisation, responsibilities, practices, processes and available resources and equipment for enforcing environmental governance (Prince and Nelson, 1996: 292).<sup>244</sup> Worse, whenever audits are done, the focus is usually on environmental audits and not on compliance with government policy, regulations or laws.<sup>245</sup>

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<sup>243</sup> A senior staff at the Health, Safety and Environmental unit of the DPR insisted that criminal activities of youths in the Niger Delta are responsible for pipeline leakages (interview with the researcher on the 16th of April, 2008).

<sup>244</sup> See Prince, W. and Nelson, D. (1996) “Developing an Environmental Model: Piercing Together the Growing Diversity of International Environmental Standards and Agendas Affecting Mining Companies,” *Journal of International Environmental Law and Policy*, Vol. 7, NO. 247, p.292.

<sup>245</sup> Dr. Dike spoke with the researcher and participated in one of the focus group discussions. He works for one of the oil companies in the Niger Delta.



Environmental audit may be carried out internally by organisations or by third parties or both. In the case of the oil companies in the Niger Delta, they are rarely done, and if done, they are not comprehensive.

In the area of Environmental and Social Reporting (ESR), oil companies in the Niger Delta are yet to disclose information regarding their operational environment and social performance to government and the public. The companies prepare annual reports but participants claim that these reports do not contain comprehensive information on environment, social and economic issues as measures of their environmental social performance. It is expected that environmental reporting would serve individual and community “rights to know”, demonstrate oil companies’ accountability for their social and environmental impact, and make known their contributions to sustainable development by measuring and reporting “triple bottom” impacts. In reality, the annual reports rarely contain information on the three key areas of social, economic and environmental impacts. As yet, the oil companies do not undertake environmental reporting in Nigeria. This situation is worsened by the absence of any Freedom of Information law in Nigeria. Such a law would have provided the legal framework for accessing pertinent information from oil companies and for ensuring that they do not evade responsibility to provide needed information. So far, the National Assembly in Nigeria has been reluctant to pass into law the civil society sponsored Freedom of Information Bill (FoI) before it.

SPDC claims to have adequate environmental programmes for the reduction of environmental impact. As O’Hara (2001:302) notes, “its policy is that all alternatives are planned and executed to minimise environmental impacts.” In fact, SPDC operates within the framework of statement of General Business Principles and Policy Guidelines on Health, Safety and Environment. The company has created a new Environmental Impact Assessment

Process Manual and plans to incorporate Social Impact Assessment. In reality, SPDC either lacks the institutional capacity or willingness to put its internal environmental programmes into action. According to one participant, “Shell lacks the institutional base to implement its environmental policies or even comply with government regulations.” In reality, SPDC rarely conducts EIA before starting a project.<sup>246</sup> Government officials at the DPR<sup>247</sup> and FME concede to this statement. In contrast, SPDC claims, for example, to have complied with 157 items in the DPR Environmental Guidelines and Standards for the Petroleum Industry. It presently complies with 143 and has obtained permission for the remaining 14 items.<sup>248</sup> SPDC also claims to have a remediation programme that aims to identify and assess health, safety and environmental risks from pollution arising from its operational activities, by utilising a risk-based methodology -- a world-wide acceptable practice for evaluating risks. The company claims that a majority of its over 800 sites pose no substantial health, safety or environmental risks.

In contrast, over 76% of natural gas from oil is flared in Nigeria, against 0.6% and 4.3%, respectively, in the U.S.A and U.K. Gas flares emit heat at a temperature level of 1300 to 1400 centigrade. Apart from the hazard of noise pollution, it produces extensive sulphur dioxide and carbon dioxide. Emissions are at 35 million tonnes for carbon dioxide and 12 million tonnes for methane annually. From the results of environmental impact assessment study of SPDC conducted by Resigner Industries in 1993, mud at the base of the Bonny

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<sup>246</sup> See recorded tape of focus group discussion on the 8th of July, 2008. Members of the Movement for the Emancipation of the Niger Delta insist that conduct of EIA by the oil companies in the Niger Delta is rare, if at all, it is always after a project has started.

<sup>247</sup> Government officials at the Department of Petroleum Resources and Federal Ministry of Environment spoke with the researcher in key informant interviews.

<sup>248</sup> Interview with Engineer Cyril, senior staff of SPDC on the 15th of April, 2008.

Terminal in Rivers State has an amazing high concentration of 1200 pm.<sup>249</sup> Besides, compensation for acquiring land and destruction of the farmlands by the government are inadequate.

An estimated 9-13 million barrels of oil has been spilled in the Niger Delta by oil companies. As a team of experts from the Federal Ministry of Environment, Nigerian Conservation Foundation, WWF UK and Commission on Environmental, Economic and Social Policy, notes:

Oil companies operating in the Delta have not employed best available technology and practices that they use elsewhere in the world—a double standard. They can easily improve their environmental performance in the region. Old leaking pipelines and installations must be replaced immediately and dumping of waste must stop.<sup>250</sup>

In the same vein, though oil companies claim substantial improvement in their environmental practice, seismic lines still clear substantial forest areas and generate millions of tons of waste which are disposed untreated and directly into the ecosystem. At the level of production, dredging continues to cause high acidification of water bodies, erosion and spills caused by well blow-out and failure of equipment. Discharge of huge amount of associated water with high content of hydrocarbons remains characteristic of oil company production activities. Habitat damage and losses have resulted from pipe laying across the region, along with losses incurred from pipeline and tanker spills at the level of transportation of the oil. At the Eleme-Okrika area where one of the refineries in Nigeria is located, there is constant discharge of toxic sludge that pollutes the water ways. A native of Okrika has this to say:

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<sup>249</sup> See O'Hara, K. (2001). "Niger Delta: Peace and Cooperation Through Sustainable Development," *Environmental Policy and Law*, 31/6,

<sup>250</sup> See Report on "Niger Delta Natural Resource Damage Assessment and Restoration Project" of experts from the Federal Ministry of the Environment, Nigeria Conservation Foundation, WWF UK and Commission on Environmental, Economic, and Social Policy, 31st May, 2006. The team visited the Niger Delta from May 22 to 29 and spoke with village heads, youth groups of communities and visited some sites heavily polluted by oil companies in Delta, Rivers and Bayelsa states.

The management of the refinery is wicked. Look, now people from Okrika who could do a lot of fishing and pick lots of *periwinkles*<sup>251</sup> can no longer do such things because waste from the refinery has either destroyed or chased them away. This is in addition to the odour or bad smell emitted from the refinery. Those of us here are suffering and dying slowly.<sup>252</sup>

According to the report on “Niger Delta Natural Resource Damage Assessment and Restoration Project” of the federal government and its partners in 2006:

The damage from oil and gas operations is chronic and cumulative, and has acted synergically with other sources of environmental stress to result in a severely impaired coastal ecosystem and compromised livelihoods and health of the regions impoverished residents. Rural communities in the Niger Delta have suffered most of the environmental and social costs of 50 years of oil development and claim to have received very little of the benefits. This is a significant contributor to the current violence, sabotage of pipelines/installations and instability in the region.<sup>253</sup>

The above comment speaks volumes of environmental practice of oil companies and points directly to the ineffectiveness of their internal environmental policy in compliance with government regulations or policies. Understood from the point of view of Corporate Social Responsibility (CSR), environmental practice of oil companies in the Niger Delta are in varied degrees of practice. For example, SPDC, Agip and TotalFinaElf (formerly Elf) have diverse degrees of CSR programmes in their host oil bearing communities which have also defined their pattern of relationship with the host communities. Agip and TotalFinaElf have better records of CSR than the SPDC, and this has been perceived to explain partly the less violent relationship that Agip and TotalFinaElf have had with their host communities against the more violent cases of SPDC. For instance, in Ogbaland, Rivers State, host communities to Agip and TotalFinaElf have been in cordial relations with them since 1994 because of the

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<sup>251</sup> It is a type of sea food common in the salt water areas of the Niger Delta. It was a key supplier of iodine for rural people in the past. It is now almost extinct in nearly all the communities in the region due to pollution of the water from oil production activities. Hunting it for the purpose of selling for money was also poverty alleviating for the rural poor in Okrika in the past.

<sup>252</sup> This was the comment of an opinion leader from Okrika during the focus group discussion in Port Harcourt. The above cases of pollution or despoliation of the environment is by no means exhaustive.

<sup>253</sup> See Report on “Niger Delta Natural Resource Damage Assessment and Restoration Project,” of the Federal Ministry of Environment; Nigerian Conservation Foundation; WWF UK and Commission on Environmental, Economic and Social Policy, 31 May, 2006, p.2

companies' practice of CSR. The oil companies have utilised gas to provide electricity; it has built schools and awarded scholarships; and it has built roads and established development funds for the different villages Egi, Obagi, Ogbogu and Obrikom. The provision of these amenities is well defined in the Memoranda of Understanding (MoU) between these communities and the oil companies. This is in sharp contrast with the antagonistic relationship between SPDC and its host communities. This is not, by any means, to suggest that Agip and TotalFinaElf have had it all smooth and without troubles. In fact it was the violent clash between youths in Obgaland and the oil companies in 1994 that eventually redefined relations between the host community on the one hand and Agip and TotalFinaElf on the other hand.

**Table 5.6. Some severely oil polluted areas in the Niger Delta**

Location	Environment	State	Impacted sites <sup>254</sup>	Nature of pollution
Biseni	Freshwater swamp forest	Bayelsa	20	Oil spillage
Etiema/Nembe	Freshwater swamp forest	Bayelsa	20	Oil spillage and fire outbreak
Etelebu	Freshwater swamp forest	Bayelsa	30	Oil spillage
Peremabiri	Freshwater swamp forest	Bayelsa	30	Oil spillage
Adebawa	Freshwater swamp forest	Bayelsa	10	Oil spillage
Diebu	Freshwater swamp forest	Bayelsa	20	Oil spillage
Tebidaba	Freshwater swamp forest	Bayelsa	30	Oil spillage
Nembe Creek	Mangrove forest	Bayelsa	10	Oil spillage
Azuzuama	Mangrove forest	Bayelsa	50	Oil spillage
Jones Creek	Mangrove Forests	Delta	35	Spillage and burning
Opuekeba	Barrier forest island	Delta	50	Salt water intrusion

<sup>254</sup> Data on the number of impacted sites were not available.

Ugbeji	Mangrove	Delta	2	Refinery wastes
Ughelli	Freshwater swamp forests	Delta	10	Oil spillage and well-head leakage
Jessy	Freshwater swamp forests	Delta	8	Product
Ajato	Mangrove	Delta	-	Oil spillage
Ajala	Freshwater swamp Forests	Delta	-	Oil spillage
Uzere	Freshwater forests	Delta	-	Oil spillage
Afiesere	Freshwater Forests	Delta	-	Oil spillage
Kwale	Freshwater Forests	Delta	-	Oil spillage
Olomoro	Freshwater Forests	Delta	-	Oil spillage
Ughelli	Freshwater forests	Delta	-	Oil spillage
Ekakpare	Freshwater forests	Delta	-	Oil spillage
Ughuvwughe	Freshwater Forest	Delta	- -	Oil spillage
Ekerejegbe	Freshwater forest	Delta	-	Oil spillage
Ozoro	Freshwater swamp forests	Delta	-	Oil spillage
Odimodi	Mangrove	Delta	-	Oil spillage
Otorugu	Mangrove	Delta	-	Oil spillage
Ogulagha	Mangrove	Delta	-	Oil spillage
macraba	Mangrove	Delta	-	Oil spillage
Rumuokwurusi	Freshwater swamp	Rivers	20	Oil spillage
Rukpoku	Freshwater swamp	Rivers	10	Oil spillage
Ebubu-Ochani	Freshwater swamp	Rivers	25	Oil spillage
Eleme	Freshwater swamp	Rivers	-	Oil spillage
Bomu	Freshwater swamp	Rivers	-	Oil spillage
Obigbo	Freshwater Swamp	Rivers	-	Oil spillage
Umuechem	Farm bush Mosaic	Rivers	-	Oil spillage
Obrikom	Freshwater swamp	Rivers	-	Oil spillage
Okpomakiri	Mangrove forest	Rivers	-	Oil spillage

Ke-Dere	Mangrove forest	Rivers	-	Oil spillage
Krakrama	Mangrove forest	Rivers	-	Oil spillage
Orubiri	Mangrove Forest	Rivers	-	Oil spillage
Ekrikene	Mangrove forest	Rivers	-	Oil spillage
Ekuleaama	Mangrove forest	Rivers	-	Oil spillage
Oshie Ahoada	Freshwater swamp	Rivers	-	Oil spillage
Oshika	Freshwater swamp	Rivers	-	Oil spillage
Oyakama	Freshwater swamp	Rivers	-	Oil spillage
Ebocha	Freshwater swamp	Rivers	-	Oil spillage
Rumuekpe	Mangrove forests	Rivers	-	Oil spillage
Nonwa	Mangrove forest	Rivers	-	Oil spillage
Ekuleama	Mangrove forest	Rivers	-	Oil spillage
Bodo West	Mangrove forest	Rivers	-	Oil spillage
Bonny	Mangrove forest	Rivers	-	Oil spillage
Okrika	Mangrove forest	Rivers	-	Oil spillage

**Source:** adopted from Phase 1 Scoping Report of Federal Ministry of Environment, Nigeria Conservation Foundation, WWF UK and Commission on Environmental, Economic and Social Policy May 31, 2006

The practice of burning and burying spilled oil in sand poses serious health risks for local communities in the Niger Delta. Oil does not burn at 800 degrees Celsius (See Table 5.6).<sup>255</sup>

The dense crude remains even after the gas is flared off. Only a little drop of rain results in black spots from buried spilled oil.<sup>256</sup> The National Oil Spill Detection Agency (NOSDRIA)<sup>257</sup> is weak in enforcing compliance standard of oil companies to clean up oil spill sites. For example, NOSDRIA does not presently have a laboratory for obtaining scientific information needed for decision-making concerning remediation of polluted environment. The agency only makes estimates in oil spill matters. Besides, the law

<sup>255</sup> The number of severely impacted sites is quite many as indicated in this table. These oil spillages occur close to human habitats. Villagers living close to these spill sites depend on the polluted water.

<sup>256</sup> See *Gambia News Community*, Wednesday 13, February 2008

<sup>257</sup> NOSDRIA was created from the Oil and Gas unit of the Federal Ministry of Environment in 2006 with responsibility for preparedness, detection and response to all oil spillages in Nigeria as set out in section 5 of the Nigeria Act establishing the agency.

establishing NOSDRIA does not compel oil companies to pay compensation to victims of oil spill. This is indeed a problem for the implementation of the National Environmental Policy. SPDC, Agip, Mobil and Elf in recent times have awarded contracts for cleaning oil spill to contractors who lack expertise in the job and end up burying oil in the sand (an unacceptable method in international oil industry practice). As Udeogu notes, “NOSDRIA only mediates in cases of compensation. The law does not empower NOSDRIA to force any oil company to pay compensation. This is a problem for the implementation of the National Environmental Policy”.<sup>258</sup>

Asked if the NPE is effective, Udeogu responded as follows: “To some extent it is.” He believes that oil companies have done fairly well in complying with government environmental regulations. However, he notes that current situation of militancy and oil theft are affecting the rate of compliance with regulations as most times spills caused by third parties are hardly controlled on time because of the threats and insecurity that militants and oil thieves create. According to him, “NOSDRIA implements environmental policy within the bounds of its enabling laws.”<sup>259</sup> In rating compliance level of oil companies to the NPE, Aroh<sup>260</sup> states that: “the extent of compliance by oil companies is about 50 per cent.” This estimate from an environmental scientist and senior officer at the NOSDRIA speaks volume of the consequences of the remaining 50 per cent of non-compliance, even if it is a mere estimate. It remains clear that government agencies and ministries with specific mandate to address different aspects of the environment, especially in relation to the oil industry have

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<sup>258</sup> Mr. E. Udeogu is the Principal Environmental Scientist at the Port Harcourt Zonal Field Office of the National Oil Spill Detection Agency. He spoke with the researcher in an interview in his office on the 6th of August, 2008.

<sup>259</sup> See field notes of interview on the 6th of August, 2008.

<sup>260</sup> Aroh, K. is senior Environmental Scientist at NOSDRA Port Harcourt Zonal Field office. He spoke with the researcher on key questions of the study during an interview on the 12th of August, 2008.



fundamental challenges that end up always with wide gap between national sustainable development goals and reality.

### **5.7. Justice and Environmental movement organisations and mobilisation of support**

Local justice and environmental social movement organisations in protests against oil companies did not take a linear progression. It became organised in the 1980s with the Ogoni people, at the same time that production of oil also rose significantly. The rising profile of the role of oil in the Nigerian economy led to increased recognition of the interest of the oil companies and the government. As Frynas notes:

As a consequence, the interest of the oil companies came to play a much greater role in government policy than those of the farming and fishing communities in the Niger Delta and elsewhere. In this sense and context, it is perhaps not surprising that the development of the oil industry took precedence over the interests of the local people (Frynas, 2001: 27-54).<sup>261</sup>

The increasing role of oil companies in the nation's economy coincided with the Federal Government's interest in the centralisation of powers over oil matters. The creation of 12 states in Nigeria and the Nigerian National Petroleum Corporation (NNPC) signalled this interest on the part of the government and made local communities remote from decision-making centres of the government over the oil business. In fact, the Land Use Decree of 1978 was intended to centralise this control of the oil business on the part of the federal government. The Land Use Act completely took away land ownership rights from all Nigerians including local oil bearing communities of the Niger Delta. Within the period, benefits from oil revenues to the local oil bearing communities by derivation also declined sharply. Derivation implies retention of a part of revenues collected in an oil community for that community. Fifty per cent of tax revenues were retained constitutionally in the area in which they were derived before 1960. By 1970, it had declined to 45 per cent and by 1975,

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<sup>261</sup> Frynas, J.G. (2001). "Corporate and State Responses to Anti-Oil Protests in the Niger Delta," *African Affairs*, 100, pp. 27-54.

had fallen further to 20 per cent. Derivation was ultimately abolished in 1982 and replaced with the creation of a special account for oil producing areas. One and a half per cent of oil revenues were set aside for the development of oil producing areas. This percentage has since increased to 13 per cent.

Economic, political and environmental changes in the region associated with the activities of the oil companies in the 1980s and 1990s had increased the potential for violent conflict in the Niger Delta. It was expected that government would address the problems, especially in putting back substantial revenues from oil in the development of the Niger Delta. In fact, between 1991 and 2003 there were about 300 oil spill cases in the states of Delta and Rivers alone. It was against this background that the Movement for the Survival of the Ogoni People (MOSOP) and other groups emerged in the 1990s to challenge the oil companies and the government. It can then be argued that the formation and activities of justice and environmental movement organisations in the Niger Delta is the product of oil related economic, political and environmental regimes of three historical contexts of colonialism, military rule and civil democracy in Nigeria.

Ethnicity has also played a significant role in this process, especially with respect to the creation of identity for confronting the state and oil companies. The imperative of reconceptualising justice and environmental movement organisations -- from the civil to conventional modes -- contrasts with the empirical realities of the 1960s and 1980s in the developed countries where the concerns were with issues of conservation of the environment and nuclear proliferation. In the Niger Delta social and environmental issues are targeted against the Nigerian state and international oil companies. Despite their ethnic character, the so-called justice and environmental movement organisations in the Niger Delta are so labelled because of their preoccupation with issues that are related to oil production, social

justice and the environment. A key feature of these groups, however, is their articulation of these environmental issues and social development. The marriage also forms the basis of sustainable development as a key goal or framework captured in government environmental public policy.

Our research shows, first that local justice and environmental groups mobilise around specific issues of control and distribution of the benefits of the oil resource; and second, that they challenge the government and oil companies around issues of policies and practices that generate poverty and destruction of the environment in specific micro-contexts. It is observed in this research that each of the groups' experience informed their emergence and also defined the strategies used by them to confront the state and oil companies.

Colonialism, military rule and civil democracy ought to present different political opportunity structures. During the last two years before independence, the people of the Niger Delta were well conscious of their minority status and its likely implication for development of the region. Oil was first discovered in commercial quantity in 1956 but was not immediately considered a serious political and environmental problem for the key actors in the Niger Delta. By 1960, however, oil was expected to play an important role in the independent state of Nigeria. At this time, though, oil and environment related conflict were not crucial features in understanding or analysing the politics of Nigeria. Nevertheless, ethnic minority groups were already agitating for increased roles in the affairs of the Nigerian state. For instance, Harold Dappa Biriye and other Ijaw leaders believed that approaching the issue of representation and the pursuit of the interest of the Niger Delta people through formal politics (an ethnic political party) would bring about changes and allay fears of domination by the major ethnic groups. Indeed, the formation of the Niger Delta Congress (NDC) represented this hope for a change and achievement of the aspirations of the Niger Deltans through

formal politics. They were promised a Niger Delta state before 1960 by the NCNC government of the Eastern Region but were disappointed because the promise never materialized. Worse, the Niger Delta region could hardly make any political impact in the regional and national legislatures through the NDC.

This study emphasises the point made in several studies that the federal structure adopted in 1954 during the colonial era was meant to give recognition to the diversity of the country in the distribution of power and resources. Unfortunately, the political atmosphere then and to a large extent even now is the perceived federalism in Nigeria to ensure effective representation and delivery of development to all segments of the Nigerian society. With the advent of the oil economy and destruction of the environment in the Niger Delta, this cry of marginalisation has increased over the past several years through protests.

The Nigerian state is a product of colonialism and has retained some of the characteristics of that experience. The colonial state was repressive and driven by the desire for economic benefits without regard to the social benefits of sustainability of the environment. Indeed, the policies and politics of the colonial state were meant to achieve the objective of extracting raw materials locally and securing markets for manufactured goods in favour of British companies abroad. This is a fact that cannot be denied by any interpretation of colonialism in Nigeria. It was also why the initial administration of the colonial state of Nigeria was done by the Royal Niger Company in 1899. It also explains why the colonial state granted licences for oil exploration to only British oil companies and entered into agreements that excluded considerations for environmental protection or the livelihoods of the local oil bearing communities. Unfortunately, the political elite who inherited the colonial state institutions was unable to convince the various nationalities that make up the country of their objectivity in addressing specific demands of these nationalities. Instead, it appears that in

each of the political contexts (colonialism, military rule and civil democracy), the response of the state has been largely repressive.

The nature of colonialism in Nigeria was such that political structures were made to align with the need to effectively manage resources of the environment for achievement of the economic goals of colonial rule. The researcher is by no means inferring that colonialism did not achieve any social goals (such as latent benefits of education which eventually served as a tool for decolonisation struggles by the nationalists) but there remains this argument that the colonial political and economic structures facilitated the conditions that would later lead to regular conflict between ethnic minorities of the Niger Delta and the Nigerian state. After all, colonialism promoted urban development while neglecting the rural areas where over 75 per cent of the people of the Niger Delta live. It emphasised the generation of revenues for the state in order to sustain it and stabilise effective exploitation of resources of the environment. Although oil was not very prominent in the colonial era, the Niger Delta region has been noted for possessing other economic resources that were of interest to western civilisation before oil was discovered.

In essence then, justice and environmental social movement organisations -- organised around specific issues of oil and the environment in the Niger Delta -- did not emerge before 1960. However, the socio-economic and political conditions in the years before independence influenced their emergence and mode of activities in later years. The Ogoni Bill of Rights presented to the military government under General Ibrahim Babangida in the 1990s contains the key demands of Niger Deltans. Socio-economic, political and environmental demands contained in the Bill of Rights are made against the paradox of huge oil deposit in Ogoni land and poverty among the people. In this specific case, oil blow-out from oil wells and oil spillages and gas flaring from SPDC facilities constantly destroyed

farmlands and polluted the environment. For example, oil blow-out in Bomu in 1970 destroyed the local economy of the entire community such that widespread poverty was the outcome. Since the community depended entirely on agriculture for its survival, failure to give any consideration to the environment would justify the community's hostility to SPDC.<sup>262</sup> SPDC promised to pay compensation but defaulted. This is the scenario that predominantly characterised operations of the oil sector in the other parts of the Niger Delta.

In 1995, Ken Saro Wiwa and eight other Ogoni leaders were tried by a tribunal set up by the General Sani Abacha military government and found guilty of murdering four prominent Ogoni men who died during youth protests against the government and their perceived collaborators. The nine Ogoni leaders were sentenced to death. Abacha ordered their immediate execution, leading to international condemnation of the government. This was perceived to be state violence of the highest order against popular protest for environmental rights and justice. The incident became the catalyst for the emergence of similar organisations in other parts of the Niger Delta while it dampened the struggle among the Ogonis for a long time. As noted elsewhere:

The emergence of the Movement for the Survival of the Ogoni People (MOSOP) helped to inspire the formation of other groups such as the Ijaw Youth Council, Egbesu boys, and several others. Indeed, the intensification of its activities and eventual hanging of its leader, Kenule Saro Wiwa along with others aggravated tension which led to the militarization of the region. With increasing importance of the oil in the region for the state and oil companies and the environmental cost for the Ogoni, relationship between the state and oil companies on one hand and the Ogonis on the other escalated but not without domestic and international sympathy. This situation, in tracing the historical development of irregular forces in the Niger Delta is instructive.<sup>263</sup>

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<sup>262</sup> Also based on communication with Professor Ben Naanen, former Secretary General of MOSOP on the 23rd of August, 2008 at Aluu, Port Harcourt.

<sup>263</sup> See Allen, F. (2007). "Irregular Forces and Security in the Niger Delta," case study produced for the project on the 'Politics of Security Decision-Making', *Conflict, Security and Development Group*, Kings College London, p.7 [www.securityanddevelopment.org](http://www.securityanddevelopment.org)

A majority of participants at the focus group discussions identified the '12-Day Revolution' led by Isaac Adaka Boro under the aegis of the Niger Delta Volunteer Force in 1966 as the first organised armed social movement organisation to confront the Nigerian state over socio-economic, environmental, political and marginalisation issues. Practices of social, economic and political exclusion of the Niger Delta were core explanations for the action. Participants were asked in the questionnaire in the section for local environmental groups to say what their specific grievances against the Nigerian government are. Our intention was to know if government effort at enforcing national environmental policy is adequate to influence the environmental practice of oil companies. All the respondents claim that the government is not doing much. It seems that the government is weak at enforcing the various laws and guidelines already in place. Thus, pollution of the environment by oil company activities continues because of general lack of political will. The joint-venture partnership between the government and the oil majors defines liability patterns in favour of oil companies who are the technical operators of the venture. The government has 55 per cent equity holding in the arrangement, which means that in matters of environmental pollution prevention or protection, the bulk of responsibility for expenses either for acquiring needed technologies or for prevention and clean-up of polluted sites would be borne by the government. It appears that the government (for now) is not showing that willingness.

The researcher asked participants what their specific grievances against the oil companies are. The reason is to be able to assess fairly the motivation for their sustained violent protests against the oil companies. Among factors mentioned by the participants is degradation of the environment and its implication for livelihood. Compliance with environmental regulations is expected to achieve sustainable development. Oil companies in the Niger Delta did not have comprehensive contingency plans for environmental pollution until the 1990s.

The Ijaw Youth Council (IYC) came up with the *Kaiama Declaration*<sup>264</sup> three years after the *Ogoni Bill of Rights* was presented to the government. In a manner akin to the Ogoni Bill of Rights, a key demand made to the government is the issue of resource control. The perception is that control of the oil resource by local oil bearing communities would lead to its sustainable extraction. The formation of the IYC coincided with the emergence of several other groups utilising violent strategies in protest against the government and oil companies over issues of resource control and environmental practice. Specifically, the protest against the government is over control of the oil resources while the protest against oil companies is over environmental degradation caused by oil exploration and production activities. Both are linked by the nature of laws and permissiveness that characterise the oil industry.

It is worth reiterating that the crisis in the Niger Delta pre-dates the discovery of oil at Oloibiri in 1956. Political conflict in the region took the form of agitation for political representation and protection against marginalisation (by majority ethnic groups of Hausa/Fulani, Igbo and Yoruba) in the years before independence. Following the discovery of oil and its eventual significance for politics and the economy in Nigeria, protests and agitation against what the people of the region perceive as neglect, marginalisation, environmental degradation intensified and remained marked in 2009 by its current violent character.

State responses to the emergence of these groups have been inadequate to meet the economic, social, political and environmental needs of the people of the region. Preparation for independence created fears of marginalisation. The forced *marriage* of northern and southern Nigeria through the amalgamation of 1914 was considered unhealthy and insensitive to the needs of the minorities of the Niger Delta. In any case, the departing colonial state set up the

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<sup>264</sup> The Kaiama Declaration was issued at the end of an all Ijaw youth conference on the 11th of December 1998 in Kaiama.



Willink's Commission in 1958 to look into the fears of the people and recommend solutions. The recommendation included prescription for constitutional mechanisms for allaying the fears of domination and marginalisation of the Niger Delta by majority ethnic groups in Nigeria. It led to the establishment of special development agencies such as the Niger Delta Basin Authority.

Perception of threat to the economic, political, environmental and social security of the oil bearing communities of the Niger Delta began to sharpen from the time oil was discovered in commercial quantity. As noted earlier, by the 1960s,<sup>265</sup> the first violent confrontation against the Federal Government by an armed revolutionary group led by Jasper Adaka Boro under the platform of the Niger Delta Volunteer Force (NDVF) had been recorded. The Federal Government crushed the rebellion by the use of force, arrested Boro and his colleagues, tried them for treason and eventually jailed them. In any case, with the Biafran rebellion and events leading to the civil war, Boro was freed along with his colleagues. His decision to join the war on the side of the Federal Government was in gratitude over the creation of states in Nigeria but more particularly to fight against the eastern regional government headed by Odumegwu Ojukwu. Another interpretation could be that he allowed himself to be used by the federal government in undermining the Biafran challenge.

On 27 May, 1967, the Federal Government created 12 states out of the existing regional structure of the federation of Nigeria. Rivers, Mid-West and Cross River states were created and became the core states of the Niger Delta where much of Nigeria's oil deposits are found and mined. This action brought a measure of emotional respite to the people of the region in terms of addressing their sense of economic marginalisation and political under-

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<sup>265</sup> The Niger Delta was recognized as an area in Nigeria that needed special development in the 1960 constitution. Earlier constitutions also acknowledged the economic potential of the Niger Delta for the survival of the federation. See Report of the Special Security Committee on Oil Producing Areas, 19<sup>th</sup> February, 2002. P. 1.

representation. However, for the Nigerian Federal Government, the creation of states was a political ploy intended to destroy support for Biafra from the then eastern minority communities of the Niger Delta. With the increasing importance of oil for national development, the Federal Government began to shift the revenue sharing formula in its favour as against the structure that favoured the regional and state governments in earlier years.

The structure of conflict in the years following the end of the civil war took the form of local communities versus oil companies, local communities versus government, and inter-community “wars.” In fact, the armed groups that re-emerged in the 1990s challenged the structure of politics and oil economy in relation to how they benefit the people of the Niger Delta. At issue is the *underdevelopment* of the region in the face of abundant wealth generated from oil deposits in the Niger Delta (Ibeanu 2008; Ifeka, 2004: 144; Frynas, 2001: 27; Ibeanu, 2000: 19; Obi, 1997: 1-3). For its part, the response of the government has generally taken the form of creating special development agencies for the region along with the deployment of coercion against protests.<sup>266</sup> For example, the Niger Delta Development Board was established in 1961 following the recommendation of the Willink’s Commission. The Delta River Basin Development Authority was created in the 1976 as a rural development strategy for the region. In 1981, a special fund for the development of the region was created under the 1981 Revenue Act for Oil Producing Areas and the Special Presidential Task Force for Development of the Oil Producing Areas, which implemented the

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<sup>266</sup> Frynas actually argues that response of the state and oil companies to anti-oil protests in the Niger Delta takes the form of concessions by the state and oil companies through creation of special development projects; deployment of violence on the part of the state and oil companies and; use of public relations. See Frynas, J.G. (2001). “Corporate and State Responses to Anti-Oil Protests in the Niger Delta,” *African Affairs*, 100, pp.27-54

fund (1.5% of the federation account).<sup>267</sup> In July 1992 the military government under General Ibrahim Badamosi Babangida established (via Decree No. 23) the Oil Mineral Producing Areas Development Commission (OMPADEC) and funded it with 3% of total oil revenues accruing to the federation. With the creation of OMPADEC there was respite among Niger Deltans, as the impression was that finally development was to be brought to the region through the Commission. With 3% of national revenues from oil, over USD50 million was expected as monthly inflow to the Commission. Unfortunately, ethnicity and corruption along with mismanagement and political factors rendered OMPADEC unable to deliver on the expectations. This was despite the fact that the Commission received over USD870 million between 1992 and 1997. Eventually, the Commission was dissolved in 1996 for failing to satisfy the development yearnings of the Niger Delta. The Commission had merely served as another elite *conduit pipe* for draining national resources through official corruption by way of inflated contracts and political spoils.

The creation of OMPADEC coincided with or succeeded several committees set up to inquire into the socio-economic and environmental conditions of the oil bearing communities of the region. For instance, reports of the Justice Alfa Belgore Commission of 1992, Ministerial Fact Finding Team of 1994 under the Oil Minister Don Etiebet, and Niger Delta Development Panel headed by Major-General Oladayo Popoola in 1999 were not followed through. Instead, government set aside those recommendations that might have addressed adequately the crisis in the region (Frynas, 2001:37). In January 2001, the Obasanjo government established the Niger Delta Development Commission (NDDC) as successor to OMPADEC with an annual inflow of 40 billion Naira. It is funded from: 15% of allocations to the nine states of the Niger Delta from the federation account; 50% of ecological fund

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<sup>267</sup> See Ibeanu, O. (2008). "Affluence and Affliction: The Niger Delta as a Critique of Political Science," 27th Inaugural Lecture of the University of Nigeria, Nsukka, delivered on February 20 p.29.

meant for correcting ecological distortions arising from oil exploration and production activities and; and 3% of the yearly budget of oil companies.

There is widespread scepticism among many groups in the Niger Delta about the credibility and capacity of the NDDC to address the socio-economic conditions of the region (see for example, ANEJI, 2004:31; Akpe, 2003:14).<sup>268</sup> Reports are available that the Commission has undertaken several development projects in the region and has done fairly well when compared to OMPADEC. Against the background of violence, kidnapping, destruction of oil facilities, killing of state security personnel, and the general state of youth restiveness in the Niger Delta, the Obasanjo administration created the Special Security Committee on Oil Producing Areas on the 19<sup>th</sup> of February, 2002, to inquire into the “prevailing situation in the oil producing areas which have, in recent past, witnessed unprecedented vandalism of oil pipelines, disruptions, kidnappings, extortion and a general state of insecurity especially of the oil and gas industry.”<sup>269</sup> The government set aside wide ranging and relevant recommendations made by the Committee that could have made substantial positive impact towards resolving the crisis in the region (such as the security measure of compulsory maintenance of all pipelines in accordance with international standard and statutory requirements to secure pipeline integrity and prevent pipeline ruptures; discouragement of the use of military force in resolving restiveness in a democratic dispensation of Nigeria as it could be counter-productive; and development of the region. Other political recommendations included: increase in derivation to 50 per cent as well as demonstration of

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<sup>268</sup> See recorded focus group interviews in Port Harcourt and some recorded key informant interviews with local environmental groups. Also see African Network for Environmental and Economic Justice (2004) *Oil of Poverty in Niger Delta*; Akpe, S. (2003). “Of NDDC, Oil Companies and Abandoned Projects” *The Punch Newspaper* May14, p.14

<sup>269</sup> Report of the Special Security Committee on Oil Producing Areas, 19th February, 2002. P.1.

accountability and transparency in the disbursement and utilisation of the derivation fund by states and local governments in the Niger Delta).<sup>270</sup>

With the emergence of Alhaji Musa Yar' Adua as Obasanjo's successor in May 2007, hope of an end to the crisis was once again raised for many in the Niger Delta and beyond. This was due to his speech during his inauguration address. He made glowing remarks about his intention to resolve the crisis in the region within the space of six months. However, one year after his assumption of office, violence intensified in the region. The entire economic security of Nigeria is under severe threat for the attacks and shut-ins of oil fields in the region.

## **5.8. Conclusion**

Analyses of character of environmental politics in Nigeria show that the issue of environmental protection in the oil-rich Niger Delta has come seriously into the political agenda of actors in the political system. Analysis of power relations and how this manifests among these actors in the political process over sustainable development goals embedded in environmental policy of the government shows that violence in the Niger Delta is a reflection of the failure of the government to meaningfully or effectively address the issue of sustainable development through the implementation of its environmental policy. There are underlying political and economic, and other factors that appear to have influenced the seriousness of the government in tackling environmental problems associated with oil company activities in the Niger Delta. What is important to note is that the environment and the humans who live within it remain as victims due to the continuing flaring of gas and spilling of oil in the Niger Delta. Despite existing guidelines, legislations and policies meant to achieve sustainable development by bringing an end to despoilation of the environment by

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<sup>270</sup> Ibid, p.26

oil companies, the government seems to have allowed these damages to continue. It is no surprise therefore that local justice and environmental movement organisations in the Niger delta have taken advantage of this failure of the government to effectively implement its policies on the environment by pointing to the environmental effects of activities of oil companies in the region as part justification for their choice of violence against government security and oil companies operating in the region. In essence, both the political process and environmental practice of the government and oil companies in the Niger Delta do not sufficiently promote sustainable development as a key goal in the environmental policy of the government. In other words, there is a lack of synergy between their activities and the attainment of sustainable development as a key goal in the environmental policy of government.

## **CHAPTER 6**

### **Conclusion and Recommendations**

#### **6.1. Overview**

The study is limited by a small sample size of 45 respondents to the questionnaire and 15 participants in the key informant interviews. The focus groups were attended by eight persons at each session. Focus on three oil companies (SPDC, Agip and Elf) is also a limiting factor. Nonetheless, the study provides some insights into how violence in the Niger Delta is caused by the failure of the government to implement its national environmental policy. The remaining section of this work summarises, concludes and makes recommendations for the resolution of the crisis in the Niger Delta area of Nigeria.

Oil companies and the government remain largely indicted by scholars and justice and environmental groups for a variety of practices that add to the despoliation of the environment in the Niger Delta. Three of such practices identified in this research are unsafe disposal of toxic drilling wastes, gas flaring and oil spills. Nigerian law gives ownership rights of all petroleum resources on-shore and off-shore to the federal government of Nigeria. By logical extension, effective protection of the environment from damage caused by the activities of oil companies depends on what the federal government does with this ownership rights. Implementation of government policy on the environment is a key responsibility of the government and oil companies to ensure sustainable production of the oil and improvement in the living conditions of people in oil producing communities of the Niger Delta. For example, as already noted in chapter 5 of this work, environmental monitoring and auditing are relevant indicators of implementation and compliance of oil companies to environmental policy. They involve frequent checking and inspection of equipment,

management systems, operational systems and their impact on the environment. Effective monitoring and auditing by oil companies and government has the advantage of guaranteeing sustainable development. The reality is that monitoring and auditing activities by oil companies and government are often not only irregular but also ineffective when they do happen.

To reiterate, the study was guided by the hypothesis that: violence in the Niger Delta is caused by the failure of the government to implement its national environmental policy. A key finding is that while there is no direct relationship between violence and failure of the government to implement effectively its national environmental public policy, there is an indirect relationship between the two variables. Failure of the government to implement effectively its national environmental public policy is responsible for the socio-economic conditions that have ensued. The losses of means of livelihood, scarcity of arable land due to dispossession through government laws, lack of sufficient compensation, failure to prevent pollution from gas flaring and oil spills by oil companies, and inadequate compliance levels of oil companies with environmental standards all combine not only to generate poverty and unemployment for the bulk of the local people of the oil bearing communities but also to further lead to social tension and conflict in the Niger Delta.

## **6.2. Violence**

Our study reveals substantial evidence of violent antagonism between oil companies and government (on the one hand) and local environmental groups (on the other hand). Participants of all extractions in the study believe that the relationship is sour, antagonistic, repressive, and characterised by the killing and violation of fundamental rights to life and dignity of humans. They also point to specific grievance factors (economic, social, political and environmental) as mostly responsible for the conflict in the Niger Delta. Oil related



environmental, economic, social and political factors were identified by members of local justice and environmental groups as key trigger of physical violence from local justice and environmental groups. The National Environmental Policy, which was conceived and formulated to be an integrative framework for addressing or achieving sustainable development, could have provided a palliative for the tensions and conflict in the region with a dedicated and effective implementation. The failure by the government to make meaningful progress towards achieving this goal has meant continuous damage to the environment. Indeed, gas flaring and oil spillage by oil companies have remained consistent features of the oil industry. A key finding of the study is that the grievances of members of local justice and environmental movement groups in the region include their unhappiness with the overall effects of these damages to the environment in which their people have depended on for their livelihoods.

A major finding of the study is that government environmental policy is not properly implemented. As already indicated, gas is still being flared profusely by oil companies amidst various environmental laws that prohibit the flaring of gas. Prevention of oil pollution is also not a priority for the oil companies. Some informants believe that the government lacks the political will to enforce these laws because of her joint-venture relationship with the oil companies. Besides, the survival of the Nigerian economy has, since the 1970s, been dependent on the stability of the oil business from which over 90 per cent of the nation's foreign exchange is derived. It is feared that strict implementation of environmental laws might hurt revenues and profits from oil production. While this is not an inviolable explanation for the failure to implement environmental policy, it may partly account for why government is slow to enforce relevant environmental laws.

Ironically, although the government had earlier ordered oil companies to stop gas flaring in Nigeria by December 2008, it continued to lack the will to take necessary enforcement

steps.<sup>271</sup> Indeed, as already shown, historical records demonstrate that past executive orders and relevant laws such as the Gas Re-injection Act of 1979 had failed to bring gas flaring to an end in the Niger Delta. As Karikpo<sup>272</sup> states, ‘since the federal government is paying deaf ears to end gas flaring, ERA will galvanize communities, human and environmental rights groups, politicians, children and religious leaders to put a stop to gas flaring in the Niger Delta.’ He blames continuous gas flaring on the government which he says has failed to provide the needed funds, political will or leadership to end gas flaring in Nigeria.

This research finds that the end to gas flaring requires firm action by the government. The perception that government is unwilling to enforce policies to end gas flaring contributes immensely to the sense of frustration on the part of local oil bearing communities and groups whose social and economic conditions have been worsened by the pollution of their environment caused by oil company exploration and production activities.

The research also notes that oil companies operating in the region have continued to use inadequate technology except where it concerns security for their expatriate staff. Despite the use of their advanced security technology, the expatriate staff of oil companies are still being kidnapped by armed justice and environmental movement groups. What remains worrisome is the number of oil spill incidents which members of these groups claim are predominantly caused by ageing equipment (such as the pipelines) but refuted by the oil companies. Based on our interview with staff of the Health and Safety Departments of Agip, Elf and SPDC as well as with staff of NOSDRIA and the DPR, the incidence of gas flaring is entirely the affair of government and oil companies. The case of oil spill has however taken a complex shape

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<sup>271</sup> See interview notes with Egbesu Boys and taped interview of focus group discussion.

<sup>272</sup> Mike Karikpo is the Programme Manager for Energy and Climate Change of ERA. See *The Port Harcourt Telegraph* Monday 4<sup>th</sup> August, 2008. [www.thephctelegraph.com](http://www.thephctelegraph.com) (Accessed on the 2<sup>nd</sup> of September, 2008).

where third parties in the form of youths from the oil bearing communities puncture oil pipelines in order to attract payment of compensation from the oil companies. An added difficulty has emerged; insecurity caused by threats from armed groups make it difficult for the oil companies to report cases of oil spills or to deal quickly with the recovery efforts.

Although this researcher does not find any direct relationship between mundane environmental issues of conservation and conflict, the failure of the government to implement environmental policy is premised on the notion that the goal of sustainable development should be approached in an integrative manner capable of engendering economic and social progress for communities who depend on the environment for their survival. The researcher finds that this is not the case for social progress among communities in the Niger Delta.

In this study, the connection between implementation of government oil related environmental policy and conflict in the Niger Delta is complex and not direct. Rather, the relationship partly manifests in the form of lack of good governance with respect to the environment. This is because local oil bearing communities are excluded from key decision-making and implementation processes regarding oil exploration and production. The rural poor in the region are without sufficient land for the sustenance of their families. The urban poor are either unemployed or underemployed, without sufficient income to take care of their primary needs. In both cases, the oil economy and its environmental consequences are key determinants. For both (rural and urban poor), access to good health care, education, nutrition, road infrastructure, potable water and electricity are generally unavailable. This social condition makes youths from families where these basic amenities of modest lifestyle are lacking vulnerable to the recruitment efforts of leaders of justice and environmental groups against the state and oil companies. The Nigerian government, in collaboration with oil companies, has mined oil for over four decades in the Niger Delta and earned at least

N29.8 trillion in revenues<sup>273</sup>. Failure by the government to utilize substantial part of the revenue for addressing social conditions of the people of the region, amidst environmental consequences of the oil industry, has fuelled anger among youths against oil companies and the government. This is the basis of the current violent conflict in the region. In any case, these social conditions also contribute to the choice of criminality for many of the youths now involved in theft (*bunkery*) of oil and criminality through vandalisation of oil pipelines, illegal sale of oil, armed robbery and kidnapping for ransom.

In the area of staffing, oil companies depend more on contract staff than permanent staff. The implication is that welfare responsibilities of the companies towards contract staff are severely limited as against permanent employees.

### **6.3. Implementation of environmental policy**

The key findings are:

- Gas flaring and oil spillage are still common practices in oil bearing communities where oil companies operate in the Niger Delta;
- Oil companies are still predominantly involved in the use of inappropriate and inadequate technology for the purpose of cleanup and prevention of pollution due to oil spill;
- There is very little improvement in the social, political and economic conditions of people from oil bearing communities in the Niger Delta.
- Oil companies that wish to continue in business increasingly appear to have embraced the idea of sustainable development because of threats and the resistance of local justice and environmental groups. The oil majors now have contingency plans and have improved substantially in compliance with the NPE. Indeed, there are some

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<sup>273</sup> See Tell Magazine (2008). February 18, p. 28

claims that (Aror<sup>274</sup>) 50 per cent compliance on the part of these oil companies is already achieved. This level of achievement, if it is true, might be the result of the crisis in the region. However, actions by some implementing officials at the Ministry of Environment, the Department of Petroleum Resources (DPR), National Oil Spill Detection and Response Agency (NOSDRIA) and oil companies do not yet conform adequately to the goals embodied in environmental policy related to oil business in the Niger Delta;

- Government is yet to show substantial commitment to enforcing its orders and court decisions concerning operations of oil companies and the protection of the environment in the Niger Delta;
- Socio-economic conditions of local populations in the oil bearing communities remain fundamentally deplorable: they are without good roads, healthcare facilities, schools and teachers, jobs, access to legal services, good nutrition and other basic facilities that make for good living for a country that has generated over \$300 billion in revenue from 50 years of oil exploration and production in the region.

#### **6.4. Political opportunity structures**

- Court rulings on matters of environmental litigation are regularly not enforced by the government. Beyond socio-economic and political hindrances which oil bearing communities face, the issue of violation of court rulings or what should normally be seen as contempt of court remains a factor that impedes their access to environmental justice. The judiciary should be more independent and accessible to citizens while erring judges should be disciplined.

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<sup>274</sup> Aror is senior environmental scientist at NOSDRIA. He spoke with the researcher in an interview for this work.

- Legal and institutional mechanisms that provide access for various stakeholders to participate in the implementation of environmental public policy in the Niger Delta are inadequate in Nigeria;
- Formal groups and institutions such as the Ministry of Environment and specialised environmental and sustainable development agencies -- such as the NDDC, NOSDRA, and FEPA (moribund) -- were established with specific mandates to address sustainable development problems but have failed to provide platforms for the involvement of local communities in the implementation of environmental public policy in the Niger Delta. Instead, local communities rely on informal and sometimes illegal groups to engage oil companies and the government over issues of benefits from oil in the Niger Delta;
- Oil companies appear to have embraced the idea of sustainable development and are showing commitment to it by creating internal structures such as the Health, Environment and Safety departments. There are also indications that they have formulated internal policies to address environmental problems arising from their activities. They have also undertaken substantial projects to improve the living conditions of communities where they operate. Indeed, wide-ranging scholarship programmes, health, educational, and economic empowerment projects are already being put in place by the oil companies. However, these efforts have failed to satisfy the local oil bearing communities. Instead, they now desire total control of the resources so as to benefit maximally from the oil. Besides, the Nigerian government has continued to fall short of enforcing stringent methods of gaining compliance from oil companies on specific policy issues of oil spillage, gas flaring and compensation to local communities.

## **6.5. Environmental policies**

Our findings for this section include the following:

- Although environmental policies related to oil policies are adequate, the existing National Environmental Policy is not fully implemented.
- Limited compliance with oil and environment related policies by oil companies is responsible for the destruction of the environment and the consequent social conditions that lead to tension in the Niger Delta;
- The attainment of sustainable development is a key goal of National Environmental Policy. Poor living conditions and consistent agitation for resource control by local groups in the Niger Delta are signs that sustainable development is far from being achieved. Besides, policies that are meant to generate practices that improve local economic conditions have failed to bring such results, leading to frustrations among local communities. Such frustrations have contributed to rising tensions and violence in the region. Our finding is that economic, political and environmental factors interact in the context of sustainable development to explain these frustrations.

## **6.6. Concluding remarks**

This research investigated the role of government in the implementation of national environmental policy in relation to the activities of (major) oil companies in the Niger Delta in order to establish the connection between non-implementation of national environmental policy and violence in the region. Three sets of data bases made up of questionnaires, focus group discussions, and key informant interviews as well as an extensive base of library materials were analysed. A key finding of the study is that the relationship is clear albeit indirect. Social conditions of poverty, loss of livelihood and unemployment are directly related to the activities of oil companies. On its part, government has been unable

(unwilling) to monitor adequately oil company compliance with sustainable development principles embedded in environmental public policies of Nigeria. As lives are shattered by the negative effects of environmental degradation -- even as local communities watch as their resources continue to be pillaged by oil companies and the national ruling elite – government failure to carry out its governance mandate has led to deep local frustrations and the predictable emergence of local justice and environmental groups with antagonistic intentions toward both the government and the oil companies. Increasingly, an important aspect of the oil/environment related conflict is now the struggle for control of the oil resource by local communities who feel unable to trust the current key players – the government and the oil companies.

The researcher notes that environmental practice by oil companies and the Nigerian state degrade the environment and alter the livelihood patterns of local oil bearing communities of the Niger Delta. Oil is the source of wealth for Nigeria. Efforts at addressing the environmental consequences of oil production have been weak and have yielded poor results and, as such, have failed to satisfy the local communities of the Niger Delta. Basically, the Nigerian state has failed to ensure that oil companies comply fully with regulations meant to promote sustainable economic development. The situation is worsened by the lack of political leadership to effectively address the problem. As Ifeka (2001: 99-105) notes: “...The political class has declined to regulate gas flaring, pipeline maintenance or levels of spillage. Frustrated by their exclusion from the benefits of oil, militant youths attack oil company installations, hijack personnel, and lay waste to villages believed to have oil reserves, leaving many homeless.” Content analyses of responses of informants from some of the Niger Delta states as well as literature review show that similar arguments are advanced as the basis for the violence in the Niger Delta.



It notes that what is conventionally seen as the cause<sup>275</sup> of violence in the Niger Delta is also the consequence of the failure of government to resolve the cause of violence over time. In any case, the outcome is the continuation or worsening of the conflict into outright violence, and an alarmingly growing level of criminality as opportunists seize the space available due to social disruptions and instability to engage in illegal economic activities, kidnapping and internecine competition, fighting and killings. It also appears that many criminally-minded groups now use the common expression of struggle for resource control, development and environmental justice as a shield for their illegal activities -- thus making it difficult to distinguish those genuinely seeking change.

## **6.7. Recommendations**

Based on the overall analyses, the following recommendations are proposed for the various actors in conflict in the Niger Delta:

### **Oil companies:**

- The management of oil companies should act less politically in matters of internal environmental policy and embrace the idea of sustainable development beyond self-serving policy statements. Frequent postponement of dates for termination of gas flaring in Nigeria by oil companies should end with exploration of investment alternatives to re-inject gas into development projects.
- Oil companies should respect Nigerian environmental and oil laws and observe international regulations as they relate to the environment.
- Oil companies should device good working relations with the state and local

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<sup>275</sup> For example, degradation of the environment by oil companies, lack of sufficient benefit from oil revenues, political exclusion, and lack of infrastructural development.

governments as well as with local oil bearing communities.

- Oil companies should honour Memoranda of Understanding signed between them and their host communities and, where necessary, avoid conceding to clauses that they cannot meet or fulfil.
- Oil companies should be more socially responsible by delivering social development assistance to their host communities in a more transparent way.

**Government:**

- The government, through the NNPC, DPR, FME and NOSDRIA should equip officials for more effective involvement in enforcing policies such as the EIA and post environmental impact assessment with modern technological tools and skills for laboratory work.
- The federal government should speed up the process of amending the 1999 Constitution to include provisions for increased level of resources to the Niger Delta based on the principle of derivation.
- The government should stop depending on oil companies for laboratory investigations of pollution incidences. Instead, government should develop relevant manpower at the various agencies and ministries and establish laboratories in order to also avoid the current practices of estimating levels of pollution where scientific procedures for specific levels can be obtained.
- The government should insist on the end to gas flaring in Nigeria without further postponement.
- Inputs by local oil bearing communities should be included in environmental policy of the government. The right to a clean environment should be entrenched in the

Nigerian Constitution in order to ensure access to environmental justice for those whose environments are violated.

- The government should review upward compensation levels granted to individuals and communities for destruction of the environment while insisting on zero pollution for oil companies.
- The government should invest massively in Niger Delta communities by providing basic social amenities.
- The government should organize regular training on non-violent security for members of the armed forces and the Nigerian Police.
- The federal government should enforce adequately anti-corruption laws on all agencies and officials saddled with the responsibility of governance and management of public funds in the Niger Delta.

**Local justice and environmental groups:**

- Youths should desist from the use of violence as a strategy for expressing their grievances and seek non-violent approaches. The Ogoni case is an example of non-violent struggle.
- Youths should desist from the current practice of scandalous and criminal vandalisation of oil pipelines.

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## **APPENDIX A**

### **An informed consent letter**

Dear Sir or Madam:

I am a PhD student of the School of Politics at the University of KwaZulu-Natal, Scottsville, and Pietermaritzburg, South Africa. I am involved in a research on the topic, “Oil Companies and Implementation of Government Environmental Policy in the Niger Delta.” The objectives are: To identify and explain the pattern of relationship between the Nigerian government and the oil companies on the one hand and environmental local groups on the other hand in the implementation of environmental public policy in the Niger Delta; to identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and environmental local groups and oil companies in the implementation of environmental public policy in the Niger Delta; and to determine the extent to which oil and environmental policy related conflicts between environmental local groups (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.

This questionnaire is part of an effort towards the completion of my dissertation, which is basic for the award of the Doctor of Philosophy Degree in Political Science at the University KwaZulu-Natal. The research takes the position that “violence in the Niger Delta is caused by the failure of the government to implement its national environmental policy.” The questions have been designed to measure the key variables that inform the assumption. Therefore, your views will be helpful in determining the validity of the position.

You have been identified as one of the appropriate respondents for this study. As such, I am writing to request that you spare some of your valuable time to fill the attached questionnaire. Any information you provide will be used only for this study and will be kept strictly confidential and anonymous. Please also note that the decision not to participate will not



result in any form of disadvantage to you. Your participation is absolutely voluntary and you should feel free to withdraw from the study at any stage and for any reason. Please do follow the instructions when filling it. Your names are not required on this questionnaire.

If you have any questions about the study, kindly contact me at: [207505630@ukzn.ac.za](mailto:207505630@ukzn.ac.za).

You may also contact my HOD, Prof. Ufo Okeke Uzodike at: Phone +27 33 260-5285 or Email: [uzodike@ukzn.ac.za](mailto:uzodike@ukzn.ac.za).

Thank you for your time and candid opinions.

Yours sincerely,

Fidelis Allen  
University of KwaZulu-Natal  
Scottsville, Pietermaritzburg.

#### **DECLARATION**

I ----- hereby confirm that I understand the contents of this document and the nature of the research project, and I consent to participate in the research Project. I understand that I am at liberty to withdraw from the project at any time, should I so desire.

Signature ----- Date.....

## **APPENDIX B**

### **Interview and Focus Group Discussion Questions**

**Objective 1:** To identify and explain the pattern of relationship between the Nigerian government and the oil companies on the one hand and environmental local groups on the other hand in the implementation of environmental public policy in the Niger Delta.

**Key question:** What is the relationship between government and local environmental groups over the implementation of government environmental policy?

#### **Local environmental groups:**

- How would you assess the relationship between government and local environmental groups?
- How would you assess the relationship between oil companies and local environmental groups?
- What are your specific grievances against the Nigerian government?
- What are your specific grievances against oil companies?
- How would you rank your grievances in order of their seriousness to your group?
- What specifically have you done to show willingness to work with the government peacefully?
- What specifically have you done to show willingness to work with oil companies peacefully?
- How has your group reacted to government failure to emplace appropriate or implement formal environmental policy frameworks?
- What are the specific causes of violence in the Niger Delta?
- What relevance would you ascribe to the failure by the Nigerian government to enforce key environmental policies related to oil business?

#### **Oil company officials:**

- How would you assess the relationship between your company and government?
- How would you assess the relationship between your company and local groups in the Niger Delta?
- Do you have any specific grievances or concerns about the Nigerian government? Specify!
- Do you have any specific grievances or issues with local groups that are targeting oil companies and their facilities? Specify!
- What do you believe are the specific grievances of local groups against your activities in the Niger Delta?
- What specifically has your company done to address the grievances of local groups agitating against your activities?
- How would you assess government environmental policies?
- Are government environmental policies actually adequate to ensure full environmental protection for human, animal, and plant life in the Niger Delta region?
- How would you assess the compliance level of your company to government environmental policies?
- How would you assess the compliance level of other oil companies to government environmental policies?

- How has your company engaged the government to ensure that it puts in place appropriate policies or that it implements its own formal environmental policy frameworks?
- What, in your view, are the specific causes of violence in the Niger Delta?
- What relevance (to the violence) would you ascribe to the failure by the Nigerian government to enforce key environmental policies related to oil business?
- What are the main factors which negate or slow down the implementation of government environmental policies related to the oil business in the Niger Delta?

**Government officials:**

- How would you assess the relationship between government and oil companies?
- How would you assess the relationship between government and local groups in the Niger Delta?
- Given the context of pervasive violence and tense atmosphere, what do you believe has gone wrong with the relationship?
- Do you have any grievances or concerns about the activities of oil companies? Please specify!
- Do you have any grievances or issues with local groups that are targeting oil companies and government? Please specify!
- How would you assess the merits of the local militant grievances against government activities and presence in the Niger Delta?
- What specifically has government done to address the grievances of local groups agitating against your activities and presence in the Niger Delta?
- How would you assess oil company compliance to government environmental policies?
- How would you assess government efforts to ensure that oil companies comply with its environmental policies?
- Are government environmental policies actually adequate to ensure full environmental protection for human, animal, and plant life in the Niger Delta region?
- Why is government not doing more to identify publicly specific oil company violations of environmental legislations and the compliance level of individual companies as well as the penalties imposed on each culprit?
- What has government done to ensure global standards of environmental legislation as well as policy implementation and monitoring?
- What, in your view, are the specific causes of violence in the Niger Delta?
- What relevance (to the violence) would you ascribe to the failure by the Nigerian government to enforce key environmental policies related to oil business?
- What are the main factors which negate or slow down the implementation of government environmental policies related to the oil business in the Niger Delta?

**Objective 2: To identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and environmental local groups and oil companies in the implementation of environmental public policy in the Niger Delta.**

**Key question:** To what extent is the lack of political opportunity structures the determining factor of choice of political action for local environmental groups in the Niger Delta?

**Local environmental groups:**

- What are the principal objectives of your group?
- How have you sought to achieve those objectives?
- What has your group done to engage oil companies and government officials peacefully in the pursuit of your objectives?
- What specific constraints have you faced in your struggle to achieve environmental justice for your people?
- What constrains you from approaching the quest through electoral processes?
- If the political system becomes more democratic (free and fair), would you be willing to use the political arena in lieu of violence?
- What constrains you from approaching the quest through judicial processes?
- If the legal system becomes more transparent and accountable to the law (less corruptible), would you be willing to use the courts in lieu of violence?
- Why have you not tried other less violent means such as peaceful demonstrations, boycotts, and appeals state authorities?
- What successes have you achieved through violence? Please specify!
- In what ways have such successes translated to benefits to you as individuals or to communities in the Niger Delta? Please specify the benefits and identify the benefiting communities?
- Are you able to maintain your family and manage your other responsibilities?
- Do you believe that members of some other local groups are able to meet up with their financial obligations through their violent activities? Which ones?
- Why did you decide on your present course of action?
- Given your present use of violence, what would constitute success for you?
- What are your minimum conditions for abandoning violent activities against oil companies?
- What are your minimum conditions for abandoning violent activities against the government?
- Can you identify any local militant groups that are engaged in violent activities just for the money?

**Oil Company officials:**

- What do you feel are the principal objectives of local militant groups?
- In what constructive ways has your company engaged government in an effort to look at ways to address those objectives?
- How would you assess their claims of legitimate bases for the use of violence?
- What specific opportunities do you believe they have for peaceful pursuits of their stated objectives?
- How would you assess their chances in attempting to use democratic or electoral processes as a means for trying to address their grievances?
- If the political system was more democratic (free and fair), do you believe that the militants would be more willing to work through the political arena in lieu of violence?
- How would you assess their chances for success in attempting to use judicial processes as the means for trying to address their grievances?

- If the legal system was more transparent and accountable to the law (less corruptible), do you believe that the militants would be willing to work through the courts in lieu of violence?
- How would you assess government's efforts in using violence rather than persuasion techniques to address the grievances of the people of the Niger Delta?
- Has government done reasonably well, in your view, in addressing the grievances of the Niger Delta people?
- Why have such efforts not borne fruits in terms of the cessation of violence in the region?
- Who do you believe are responsible for the militarization and violence in the Niger Delta?
- Can you identify any local militant groups that are engaged in violent activities just for the money? Please specify which ones!
- Can you identify any local politicians or external role players that are connected (perhaps through oil bunkering) to the violent activities in the Niger Delta? Please specify who!

**Government officials:**

- What do you feel are the principal objectives of local militant groups?
- In what constructive ways has government sought to work with them to address those objectives?
- How would you assess their claims of legitimate bases for the use of violence?
- What specific opportunities do you believe they have for peaceful pursuits of their stated objectives?
- How would you assess their chances in attempting to use democratic or electoral processes as a means for trying to address their grievances?
- If the political system was more democratic (free and fair), do you believe that the militants would be more willing to use the political arena in lieu of violence?
- How would you assess their chances for success in attempting to use judicial processes as the means for trying to address their grievances?
- If the legal system was more transparent and accountable to the law (less corruptible), do you believe that the militants would be willing to use the courts in lieu of violence?
- How would you assess government's efforts in using violence rather than persuasion techniques to address the grievances of the people of the Niger Delta?
- What has government done to address the grievances of the Niger Delta people? Please specify!
- Why have such efforts not borne fruits in terms of the cessation of violence in the region?
- Who do you believe are responsible for the militarization and violence in the Niger Delta?
- Can you identify any local militant groups that are engaged in violent activities just for the money?
- Can you identify any local politicians or external role players that are connected (perhaps through oil bunkering) to the violent activities in the Niger Delta?

**Objective 3:** To determine the extent to which oil and environmental policy related conflicts between environmental local groups (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.

**Key question:** What has government done to implement key environmental policies related to oil business in the Niger Delta?

**Government officials:**

- What is the government doing to ensure that it has adequate environmental policy instruments for dealing with the challenges of oil exploration and production in Nigeria?
- To what extent do existing instruments measure up to global yardsticks in terms of their scope and relevance?
- What is the government doing to ensure adequate monitoring of the environmental impact of industrial activities in Nigeria?
- Who is responsible for monitoring effective compliance to environmental legislations in Nigeria and what are they doing to ensure the compliance of oil companies with key environmental policies in the Niger Delta?
- What are the monitors doing in regard to oil spillage?
- What are the monitors doing in regard to gas flares?
- What are the monitors doing in regard to oil well blow-outs?
- What are the monitors doing in regard to damages to marine wildlife?
- What are the monitors doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?
- What are the monitors doing in regard to decreases in both fishery resources and farm yields?
- What has the government done to compensate local Niger Delta communities that have borne the brunt of the environmental damages resulting from oil exploration and production activities?
- How has the government worked to engage the local communities to address their financial losses and challenges resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?
- How has the government worked to engage the local communities to address their health difficulties and challenges resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?
- How has the government worked to engage the local communities to address the challenges and the associated distortions in their way of life resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?
- How has the government worked to engage the local communities to address the matter of adequate compensation for the appropriation of their resources by the state?

**Oil company officials:**

- What is your company doing to ensure that it has adequate environmental policy guidelines for dealing with the challenges of oil exploration and production in Nigeria?
- What is your company doing to ensure that your oil mining activities in Nigeria impose minimum environmental impact and burdens on the local communities?

- Do you have a dedicated office responsible for monitoring effective compliance to environmental legislations in Nigeria?
- What is the office (your company) doing to ensure your compliance with key environmental policies in the Niger Delta?
- What specifically is your company doing in regard to oil spillage?
- What specifically is your company doing in regard to gas flares?
- What specifically is your company doing in regard to oil well blow-outs?
- What specifically is your company doing in regard to damages to marine wildlife?
- What specifically is your company doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?
- What specifically is your company doing in regard to decreases in both fishery resources and farm yields?
- What is your company doing to compensate local Niger Delta communities that have borne the brunt of the environmental damages resulting from your oil exploration and production activities?
- What have you done to engage the local communities to address their financial losses and challenges resulting from the impact of environment damage from your oil exploration and production activities on their land and water resources?
- What have you done to engage the local communities to address their health difficulties and challenges resulting from the impact of environment damage from your oil exploration and production activities on their land and water resources?
- What have you done to engage the local communities to address the challenges and the associated distortions in their way of life resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?

What have you done (even in collaboration with the government) to engage the local communities to address the matter of adequate compensation for the appropriation of their resources by the state?

**Local environmental groups:**

- What are the government and oil companies doing to ensure that they have adequate environmental policy guidelines for dealing with the challenges of oil exploration and production in the Niger Delta?
- To what extent do existing environmental policy instruments measure up to global yardsticks in terms of their scope and relevance?
- What are the government and oil companies doing to ensure that oil mining activities in Nigeria impose minimum environmental impact and burdens on your communities?
- Which offices of the state or oil companies responsible for monitoring effective compliance to environmental legislations have approached you or other local groups or communities in an attempt to address environmental concerns or issues?
- What specific efforts can you identify or are aware of that have been carried out by government to ensure compliance with key environmental policies in the Niger Delta?
- What specific efforts can you identify or are aware of that have been carried out by oil companies to ensure compliance with key environmental policies in the Niger Delta?
- To the best of your knowledge, what specifically is the government doing in regard to oil spillage?
- To the best of your knowledge, what specifically are oil companies doing in regard to oil spillage?
- To the best of your knowledge, what specifically is the government doing in regard to

gas flares?

- To the best of your knowledge, what specifically are oil companies doing in regard to gas flares?
- To the best of your knowledge, what specifically is the government doing in regard to oil well blow-outs?
- To the best of your knowledge, what specifically are oil companies doing in regard to oil well blow-outs?
- To the best of your knowledge, what specifically is the government doing in regard to damages to marine wildlife?
- To the best of your knowledge, what specifically are oil companies doing in regard to damages to marine wildlife?
- To the best of your knowledge, what specifically is the government doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?
- To the best of your knowledge, what specifically are oil companies doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?
- To the best of your knowledge, what specifically is the government doing in regard to decreases in both your fishery resources and farm yields?
- To the best of your knowledge, what specifically are oil companies doing in regard to decreases in both your fishery resources and farm yields?
- To the best of your knowledge, what is the government doing to compensate local Niger Delta communities that have borne the brunt of the environmental damages resulting from their oil exploration and production activities?
- To the best of your knowledge, what are oil companies doing to compensate local Niger Delta communities that have borne the brunt of the environmental damages resulting from their oil exploration and production activities?
- To the best of your knowledge, what has the government done to engage your communities to address your financial losses and challenges resulting from the impact of environmental damage due to oil exploration and production activities on your land and water resources?
- To the best of your knowledge, what have the oil companies done to engage your communities to address your financial losses and challenges resulting from the impact of environmental damage due to their oil exploration and production activities on your land and water resources?
- To the best of your knowledge, what has the government done to engage your communities to address your health difficulties and challenges resulting from the impact of environmental damage due to the oil exploration and production activities on your land and water resources?
- To the best of your knowledge, what have oil companies done to engage your communities to address your health difficulties and challenges resulting from the impact of environmental damage due to their oil exploration and production activities on your land and water resources?
- To the best of your knowledge, what has the government done to engage your communities to address the challenges and the associated distortions in your way of life resulting from the impact of environmental damage from oil exploration and production activities on your land and water resources?
- To the best of your knowledge, what have oil companies done to engage your communities to address the challenges and the associated distortions in your way of



life resulting from the impact of environmental damage from their oil exploration and production activities on your land and water resources?

- To the best of your knowledge, what has the government done to engage your communities to address the matter of adequate compensation for the appropriation of your resources by the state?
- To the best of your knowledge, what have the oil companies done to engage your communities to address the matter of adequate compensation for the exploitation of your resources by the companies?

## QUESTIONNAIRE

**Instructions:** This questionnaire is in four sections. The first, on socio-demographic/background data simply requires ticking options that are applicable to respondent. The other sections are structured to reflect the objectives of this study. Please supply answers according to how they apply to you.

### SECTION 1

#### Socio-demographic/background data

##### **Q.1. Age Bracket**

- 01) Below 20
- 02) 20-30
- 03) 31-40
- 04) 41-50
- 05) 51-60
- 06) 61 and above

##### **Q.2. State of Origin**

- 01) Bayelsa State
- 02) Rivers State
- 03) Other (specify)

##### **Q.3. Are you from oil bearing community?**

- 01) Yes
- 02) No

##### **Q.4. Gender**

- 01) Male
- 02) Female

##### **Q.5. Level of Education**

- 01) Non
- 02) Adult literacy
- 03) Primary
- 04) Secondary
- 05) Post secondary: - Diploma, Certificate, etc.
- 06) University degree

##### **Q.6. Employment Status.**

- 01) Unemployed
- 02) Public service
- 03) Private sector
- 04) Self-employed

##### **Q.7. Occupational/Professional Status.**

- 01) None
- 02) Politician
- 03) Professional
- 04) Student
- 05) Trader/Businessman

- 06) Artisan/Technician/Craftsman/Tradesman  
07) Oil company worker

## SECTION 2

### Questions for local environmental groups:

**Objective 1: To identify and explain the pattern of relationship between the Nigerian government and the oil companies on the one hand and environmental local groups on the other hand in the implementation of environmental public policy in the Niger Delta.**

**Key question:** What is the relationship between government and local environmental groups over the implementation of government environmental policy?

Q.1. How would you assess the relationship between government and local environmental groups?.....

Q.2. How would you assess the relationship between oil companies and local environmental groups?.....

Q.3. What are your specific grievances against the Nigerian government?

Q.4.What are your specific grievances against oil companies?

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Q.5. How would you rank your grievances in order of their seriousness to your group?

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Q.6. What specifically have you done to show willingness to work with the government peacefully?

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Q.7. What specifically have you done to show willingness to work with oil companies peacefully?

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Q.8. How has your group reacted to government failure to emplace appropriate or implement formal environmental policy frameworks?

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Q.9. What are the specific causes of violence in the Niger Delta?

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Q.10.What relevance would you ascribe to the failure by the Nigerian government to enforce key environmental policies related to oil business?

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**Objective 2: To identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and environmental local groups and oil companies in the implementation of environmental public policy in the Niger Delta.**

**Key question:** To what extent is the lack of political opportunity structures the determining factor of choice of political action for local environmental groups in the Niger Delta?

Q.1. What are the principal objectives of your group?

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Q.2. How have you sought to achieve those objectives?

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Q.3. What has your group done to engage oil companies and government officials peacefully in the pursuit of your objectives?

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Q.4. What specific constraints have you faced in your struggle to achieve environmental justice for your people?

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Q.5. What constrains you from approaching the quest through electoral processes?

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Q.6. If the political system becomes more democratic (free and fair), would you be willing to use the political arena in lieu of violence?

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Q.7. What constrains you from approaching the quest through judicial processes?

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Q.8. If the legal system becomes more transparent and accountable to the law (less corruptible), would you be willing to use the courts in lieu of violence?

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Q.9. Why have you not tried other less violent means such as peaceful demonstrations, boycotts, and appeals to state authorities?

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Q.10. What successes have you achieved through violence? Please specify!

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Q.11. In what ways have such successes translated to benefits to you as individuals or to communities in the Niger Delta? Please specify the benefits and identify the benefiting communities?

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Q.12. Why did you decide on your present course of action?

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Q.13. Given your present use of violence, what would constitute success for you?

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Q.14. What are your minimum conditions for abandoning violent activities against oil companies?

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Q.15. What are your minimum conditions for abandoning violent activities against the government?

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Q.16. Can you identify any local militant groups that are engaged in violent activities just for the money?

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**Objective 3: To determine the extent to which oil and environmental policy related conflicts between environmental local groups (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.**

**Key question:** What has government done to implement key environmental policies related to oil business in the Niger Delta?

Q.1. What are the government and oil companies doing to ensure that they have adequate environmental policy guidelines for dealing with the challenges of oil exploration and production in the Niger Delta?

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Q.2. To what extent do existing environmental policy instruments measure up to global yardsticks in terms of their scope and relevance?

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Q.3. What are the government and oil companies doing to ensure that oil mining activities in Nigeria impose minimum environmental impact and burdens on your communities?



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Q.4. Which offices of the state or oil companies responsible for monitoring effective compliance to environmental legislations have approached you or other local groups or communities in an attempt to address environmental concerns or issues?  
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Q.5. What specific efforts can you identify or are aware of that have been carried out by government to ensure compliance with key environmental policies in the Niger Delta?  
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Q.6. What specific efforts can you identify or are aware of that have been carried out by oil companies to ensure compliance with key environmental policies in the Niger Delta?  
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Q. 7. To the best of your knowledge, what specifically is the government doing in regard to oil spillage?  
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Q.8. To the best of your knowledge, what specifically are oil companies doing in regard to oil spillage?  
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Q.9. To the best of your knowledge, what specifically is the government doing in regard to gas flares?

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Q.10. To the best of your knowledge, what specifically are oil companies doing in regard to gas flares?

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Q.11. To the best of your knowledge, what specifically is the government doing in regard to oil well blow-outs?

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Q.12. To the best of your knowledge, what specifically are oil companies doing in regard to oil well blow-outs?

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Q.13. To the best of your knowledge, what specifically is the government doing in regard to damages to marine wildlife?

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Q.14. To the best of your knowledge, what specifically are oil companies doing in regard to damages to marine wildlife?

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Q.15. To the best of your knowledge, what specifically is the government doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?

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Q.16. To the best of your knowledge, what has the government done to engage your communities to address your financial losses and challenges resulting from the impact of environmental damage due to oil exploration and production activities on your land and water resources?

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Q.18. To the best of your knowledge, what have the oil companies done to engage your communities to address your financial losses and challenges resulting from the impact of environmental damage due to their oil exploration and production activities on your land and water resources?

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Q.19. To the best of your knowledge, what has the government done to engage your communities to address your health difficulties and challenges resulting from the impact of environmental damage due to the oil exploration and production activities on your land and water resources?

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Q.20. To the best of your knowledge, what have oil companies done to engage your communities to address your health difficulties and challenges resulting from the impact of environmental damage due to their oil exploration and production activities on your land and water resources?

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Q.21. To the best of your knowledge, what has the government done to engage your communities to address the challenges and the associated distortions in your way of life resulting from the impact of environmental damage from oil exploration and production activities on your land and water resources?

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Q.22. To the best of your knowledge, what have oil companies done to engage your communities to address the challenges and the associated distortions in your way of life

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Q.3. How would you assess the compliance level of your company to government environmental policies?

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Q.4. How would you assess the compliance level of other oil companies to government environmental policies?

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Q.5. How has your company engaged the government to ensure that it puts in place appropriate policies or that it implements its own formal environmental policy frameworks?

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Q.6. What, in your view, are the specific causes of violence in the Niger Delta?

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Q.7. What relevance (to the violence) would you ascribe to the failure by the Nigerian government to enforce key environmental policies related to oil business?

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Q.8. What are the main factors which negate or slow down the implementation of government environmental policies related to the oil business in the Niger Delta?

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**Objective 2: To identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and environmental local groups and oil companies in the implementation of environmental public policy in the Niger Delta.**

**key question:** To what extent is the lack of political opportunity structures the determining factor of choice of political action for local environmental groups in the Niger Delta?

Q.1. In what constructive ways has your company engaged government in an effort to look at ways to address those objectives?

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Q.2. How would you assess their claims of legitimate bases for the use of violence?

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Q.3. What specific opportunities do you believe they have for peaceful pursuits of their stated objectives?

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Q.4. How would you assess their chances in attempting to use democratic or electoral processes as a means for trying to address their grievances?

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Q.5. If the political system was more democratic (free and fair), do you believe that the militants would be more willing to work through the political arena in lieu of violence?

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Q.6. How would you assess their chances for success in attempting to use judicial processes as the means for trying to address their grievances?

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Q.7. If the legal system was more transparent and accountable to the law (less corruptible), do you believe that the militants would be willing to work through the courts in lieu of violence?

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Q.8. How would you assess government's efforts in using violence rather than persuasion techniques to address the grievances of the people of the Niger Delta?

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Q.9. Has government done reasonably well, in your view, in addressing the grievances of the Niger Delta people?

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Q.10. Why have such efforts not borne fruits in terms of the cessation of violence in the region?

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Q.11. Who do you believe are responsible for the militarization and violence in the Niger Delta?

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Q.12. Can you identify any local militant groups that are engaged in violent activities just for the money? Please specify which ones!

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Q.13. Can you identify any local politicians or external role players that are connected (perhaps through oil bunkering) to the violent activities in the Niger Delta? Please specify who!

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**Objective 3: To determine the extent to which oil and environmental policy related conflicts between environmental local groups (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.**

**Key question:** What has government done to implement key environmental policies related to oil business in the Niger Delta?

Q.1. What is your company doing to ensure that it has adequate environmental policy guidelines for dealing with the challenges of oil exploration and production in Nigeria?.....

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Q.2. To what extent do existing instruments measure up to global yardsticks in terms of their scope and relevance?

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Q.3. What is your company doing to ensure that your oil mining activities in Nigeria impose minimum environmental impact and burdens on the local communities?

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Q.4. Do you have a dedicated office responsible for monitoring effective compliance to environmental legislations in Nigeria?



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Q.5. What is the office (your company) doing to ensure your compliance with key environmental policies in the Niger Delta?  
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Q.6. What specifically is your company doing in regard to oil spillage?  
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Q.7. What specifically is your company doing in regard to gas flares?  
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Q.8. What specifically is your company doing in regard to oil well blow-outs?  
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Q.9. What specifically is your company doing in regard to damages to marine wildlife?  
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Q.10. What specifically is your company doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?  
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Q.11. What specifically is your company doing in regard to decreases in both fishery resources and farm yields?  
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#### SECTION 4.

##### Questions for government officials:

**Objective 1:** To identify and explain the pattern of relationship between the Nigerian government and the oil companies on the one hand and environmental local groups on the other hand in the implementation of environmental public policy in the Niger Delta.

**Key question:** What is the relationship between government and local environmental groups over the implementation of government environmental policy?

Q.1. Given the context of pervasive violence and tense atmosphere, what do you believe has gone wrong with the relationship?

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Q.2. What specifically has government done to address the grievances of local groups agitating against your activities and presence in the Niger Delta?

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Q.3. How would you assess oil company compliance to government environmental policies?

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Q.4. How would you assess government efforts to ensure that oil companies comply with its environmental policies?.....

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Q.5. Are government environmental policies actually adequate to ensure full environmental protection for human, animal, and plant life in the Niger Delta region?

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Q.6. Why is government not doing more to identify publicly specific oil company violations of environmental legislations and the compliance level of individual companies as well as the penalties imposed on each culprit?.....  
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Q.7. What has government done to ensure global standards of environmental legislation as well as policy implementation and monitoring?  
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Q.8. What are the main factors which negate or slow down the implementation of government environmental policies related to the oil business in the Niger Delta?  
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**Objective 2: To identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and environmental local groups and oil companies in the implementation of environmental public policy in the Niger Delta.**

**Key question:** To what extent is the lack of political opportunity structures the determining factor of choice of political action for local environmental groups in the Niger Delta?

Q.1. If the political system was more democratic (free and fair), do you believe that the militants would be more willing to use the political arena in lieu of violence?  
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Q.2. How would you assess their chances for success in attempting to use judicial processes as the means for trying to address their grievances?  
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Q.3. If the legal system was more transparent and accountable to the law (less corruptible), do you believe that the militants would be willing to use the courts in lieu of violence?  
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Q.4. How would you assess government's efforts in using violence rather than persuasion techniques to address the grievances of the people of the Niger Delta?  
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Q.5. What has government done to address the grievances of the Niger Delta people? Please specify!  
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Q.6. Why have such efforts not borne fruits in terms of the cessation of violence in the region?  
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Q.7. Who do you believe are responsible for the militarization and violence in the Niger Delta?  
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Q.8. Can you identify any local politicians or external role players that are connected (perhaps through oil bunkering) to the violent activities in the Niger Delta?  
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**Objective 3: To determine the extent to which oil and environmental policy related conflicts between environmental local groups (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.**

**Key question:** What has government done to implement key environmental policies related to oil business in the Niger Delta?

Q.1. What is the government doing to ensure that it has adequate environmental policy instruments for dealing with the challenges of oil exploration and production in Nigeria?  
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Q.7. What are the monitors doing in regard to oil well blow-outs?.....

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Q.8. What are the monitors doing in regard to damages to marine wildlife?.....

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Q.9. What are the monitors doing in regard to the ongoing modification of the ecosystem through species elimination and delay in biota (fauna and flora) succession?.....

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Q.10. What are the monitors doing in regard to decreases in both fishery resources and farm yields?.....

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..... Q.11. What has the government done to compensate local Niger Delta communities that have borne the brunt of the environmental damages resulting from oil exploration and production activities?

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Q.12. How has the government worked to engage the local communities to address their financial losses and challenges resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?.....

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Q.13. How has the government worked to engage the local communities to address their health difficulties and challenges resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?.....

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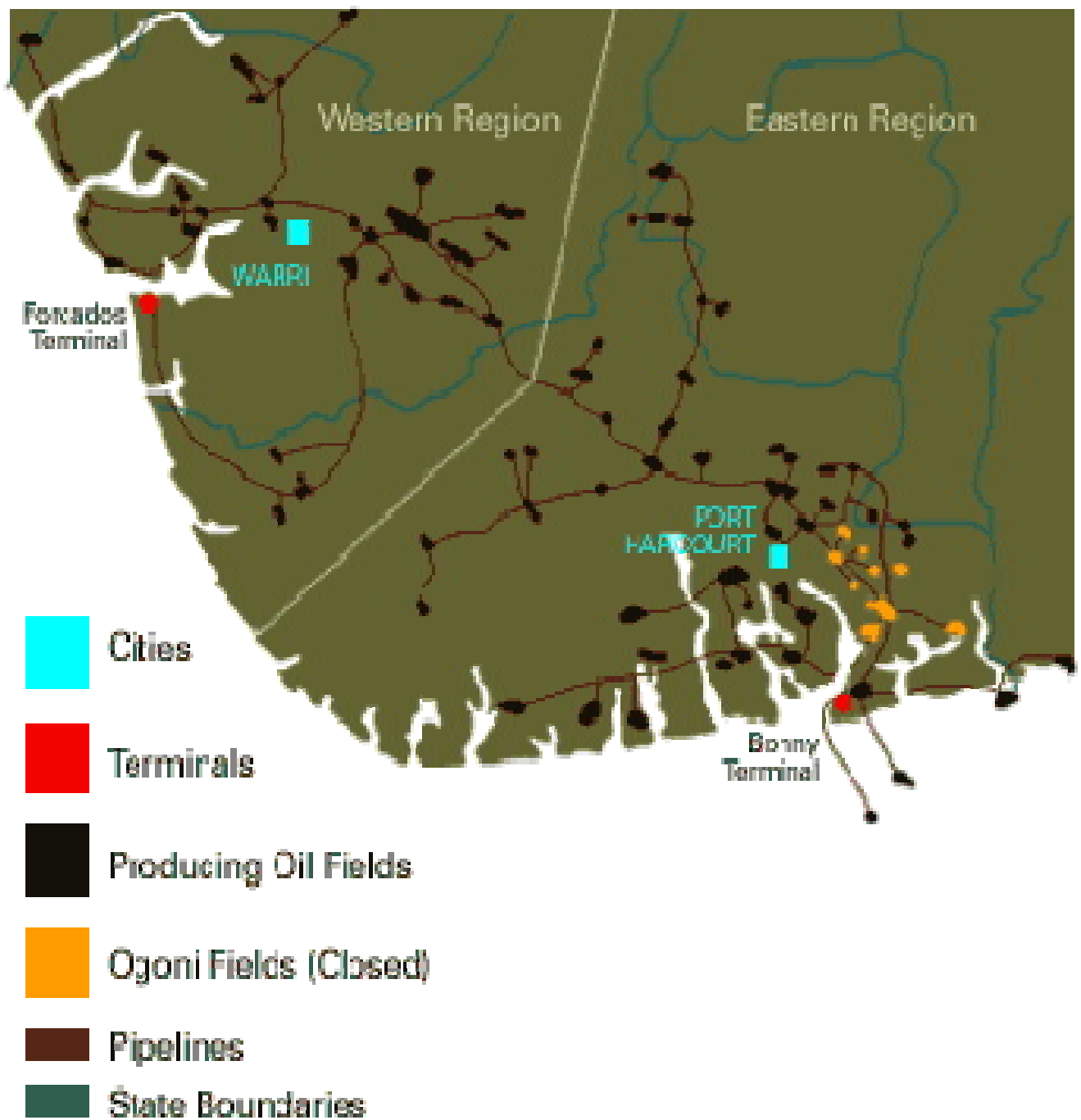
.....  
Q.14. How has the government worked to engage the local communities to address the challenges and the associated distortions in their way of life resulting from the impact of environment damage from oil exploration and production activities on their land and water resources?.....  
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Q.15. How has the government worked to engage the local communities to address the matter of adequate compensation for the appropriation of their resources by the state?.....  
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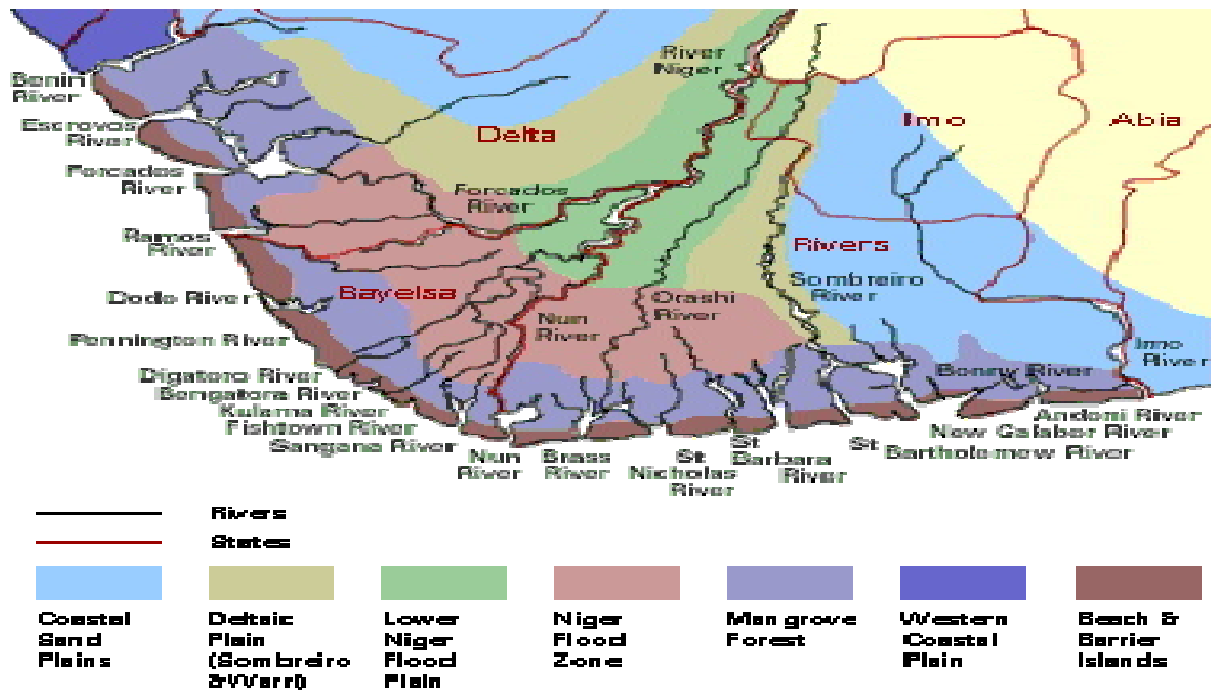
## APPENDIX C

Map of the Niger Delta showing oil fields and pipelines



## APPENDIX D

### Niger Delta: Rivers, States, Vegetation



Source: Urhobo Historical Society at [http://www.waado.org/images/Maps/in\\_deltamap.gif](http://www.waado.org/images/Maps/in_deltamap.gif)  
(Accessed on Friday 26 February, 2010)

## APPENDIX E

**Data matrix table**

Research objectives	Relevant Variables to be assessed	Target for Data Collection	Method of Data Collection	Data Analysis method for each variable
1. To identify and explain the pattern of relationships between the Nigerian government and the oil companies on the one hand and environmental movement organisations on the other hand in the implementation of environmental public policy in the Niger Delta.	<b>1. Pattern of relationships</b>  Indicators: -Killing of state security operatives by local armed groups.  -Killing of local environmental groups by state security operatives.  -Physical attacks on oil company facilities by local armed groups.  -Government policies perceived to be injurious to the development of the Niger Delta.  -Protests and disruption of oil production activities by local armed groups.  -Hostage taking of local and foreign oil workers by local armed groups and funding of government security operatives by oil companies.  -support for environmental policy	1. Officials of Federal Ministry of the Environment.  2. Local environmental groups.  3. Officials of oil companies.	1. Questionnaire.  2. Key informant interviews.  3. Library materials such as books, newspaper reports and journal articles and the internet.	1. Relational content analysis of data in verbal and written communication.  2. Tables and graphs showing frequency counts and calculation of mode mean and per cent scores of coded variables.
	<b>2. Implementation of environmental public policy</b>  Indicators: -Achievement of policy goals such	1. Officials of Federal Ministry of the Environment.  2. Local environmental groups.	1. Questionnaire.  2. Key informant interviews.	1. Relational content analysis of data in verbal and written texts.  2. Tables and graphs showing frequency counts

	<p>as end to gas flaring,</p> <ul style="list-style-type: none"> <li>- Use of appropriate and adequate technology for the purpose of clean up and prevention of pollution due to oil spill.</li> <li>-Improvements in social, political and economic conditions of people from oil bearing communities in the Niger Delta.</li> <li>-Degree to which actions of implementing officials at the Federal Ministry of the Environment, Department of Petroleum Resources (DPR) and oil companies conform with the goals embodied in environmental policy related to oil business in the Niger Delta.</li> <li>-Executive orders from the presidency and court decisions concerning operations of oil companies and protection of the environment.</li> <li>- Government and oil companies' implementation plans, structures and actions in response to national environmental policy related to the oil business in the Niger Delta.</li> </ul>	3. Officials of oil companies.		and calculation of mode, mean and per cent of coded variables.
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	<p>- Existence of mechanisms for gaining compliance from oil companies such as mutually held (shared values) goals, coercion in the form of threat of sanctions for failing to comply, remuneration such as adequate incentives to make compliance an attractive option and compliance by oil companies with environmental rules.</p> <p>- Measures taken by government and oil companies to implement government policies meant to protect the environment in the region.</p> <p>- execution and delivery of government environmental programmes and regulations related to oil business</p>			
2. To determine the extent to which oil and environmental policy related conflicts between environmental movement organisations (on the one hand) and government and oil companies (on the other hand) depend on political opportunity structures in Nigeria.	<p><b>1. Conflict :</b> Indicators: -Demand for resource control by local environmental groups.</p> <p>- Killing of state security, foreign and local oil company workers local armed groups; inter-community fightings.</p> <p>-Attack and seizure of oil company facilities by armed</p>	<p>1. Officials of Federal Ministry of the Environment.</p> <p>2. Local armed groups.</p> <p>3. Officials of oil companies.</p> <p>4. Local opinion leaders</p>	<p>1. Questionnaire.</p> <p>2. Key informant interviews.</p> <p>3. Focus group discussion.</p>	<p>1. Relational content analysis of data in verbal and written texts.</p> <p>2. Tables and graphs showing frequency counts and calculation of mode, mean and per cent of coded variables.</p>

	local environmental groups.			
	<p><b>2. Political opportunity structures</b></p> <p>Indicators:</p> <ul style="list-style-type: none"> <li>-legal institutional mechanisms that provide access for various stakeholders to participate in the implementation of environmental public policy in the Niger Delta.</li> <li>-Access to courts by local environmental groups to seek redress against oil companies that violate environmental laws.</li> <li>-Existence of formal and informal groups or agencies that provide plat-form for involvement of local communities in the implementation of environmental public policy in the Niger Delta.</li> <li>-Existence of mechanisms for gaining compliance from</li> </ul>	<ul style="list-style-type: none"> <li>1. Officials of Federal Ministry of the Environment.</li> <li>2. Local armed groups.</li> <li>3. Officials of oil companies.</li> <li>4. Local opinion leaders</li> </ul>	<ul style="list-style-type: none"> <li>1. Questionnaire.</li> <li>3. Key informant interviews.</li> </ul>	<ul style="list-style-type: none"> <li>1. Relational content analysis of data in verbal and written texts.</li> <li>2. Tables and graphs showing frequency counts and calculation of mode, mean and per cent of coded variables.</li> </ul>

	<p>oil companies such as mutually held (shared values) goal; coercion in form of threat of sanctions for failing to comply and remuneration such as adequate incentives to make compliance an attractive option;</p> <p>-Regime type such as democracy or military, dictatorship or constitutional rule.</p>			
<p>3. To identify and explain specifically what and why socio-economic and political interests shape the relationships between the Nigerian government and environment non-governmental organisations and oil companies in the implementation of environmental public policy in the Niger Delta.</p>	<p>1. <b>Socio-economic and political interests</b> (of local environmental groups, government and the oil companies in the implementation of environmental public policy in the Niger Delta).</p>	<p>1. Government officials at the Federal Ministry of Environment</p> <p>2. Local environmental groups</p> <p>3. Officials of oil companies</p>	<p>1. Questionnaire</p>	<p>1. Relational content analysis of data in verbal and written texts.</p> <p>2. Tables and graphs showing frequency counts and calculation of mode, mean and per cent of coded variables.</p>
	<p>2. <b>Implementation of environmental public policy</b> (See objective 1)</p>	<p>1. Government officials at the Federal Ministry of Environment</p> <p>2. Local environmental groups</p> <p>3. Officials of oil companies</p>	<p>1. Key informant interview</p>	<p>1. Relational content analysis of data in verbal and written texts.</p> <p>2. Tables and graphs showing frequency counts and calculation of mode, mean and per cent of coded variables.</p>