

THE COLONIAL LEGACY OF ENVIRONMENTAL DEGRADATION IN NIGERIA'S  
NIGER RIVER DELTA

by

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## **ABSTRACT**

Nigeria's petroleum industry is the lynchpin of its economy. While oil has been the source of immense wealth for the nation, that wealth has come at a cost. Nigeria's main oil-producing region of the Niger River Delta has experienced tremendous environmental degradation as a result of decades of oil exploration and production. Although there have been numerous historical works on Nigeria's oil industry, there have been no in-depth analyses of the historical roots of environmental degradation over the full range of time from the colonial period to the present. This thesis contends that the environmental degradation of Nigeria's oil producing region of the Niger Delta is the direct result of the persistent non-implementation of regulatory policies by post-independence Nigerian governments working in collusion with oil multinationals. Additionally, the environmental neglect of Nigeria's primary oil-producing region is directly traceable back to the time of colonial rule. Vital to this argument is the view that the British colonial state created the economic institutions which promoted Nigerian economic dependency after independence was achieved in 1960. The weakness of Nigeria's post-colonial dependent system is exposed presently through the continued neglect of regulatory policies by successive post-colonial Nigerian governments.

This work is dedicated to my lovely wife, Courtney. Thank you for the support.

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## INTRODUCTION

Oil is the backbone of the Nigerian economy. The Central Intelligence Agency estimates that 95% of Nigeria's foreign exchange earnings come from oil as well as 80% of the national budgetary revenues.<sup>1</sup> With proven reserves of over 37 billion dollars, Nigeria ranks tenth among the largest oil producing nations in the world, and first overall among African nations. While the precious commodity has produced untold wealth for the nation, it has also negatively impacted social communities and has been the cause of devastation for the ecological landscape of Nigeria's primary oil-bearing region of the Niger River Delta. Nigeria was colonized by the British who occupied the territory from 1900 until 1960 when Nigeria achieved political independence. In the aftermath of political independence the future looked bright for the Nigerian economy; however, that optimism would be short lived. For over half a century Nigeria has experienced a level of environmental destruction, as a result of an unregulated oil industry, that has left the Niger Delta's ecology severely polluted and an indigenous population in a perpetual state of social discontent. Since the mid-1960s, Nigeria has been beleaguered by political instability, military coups, a civil war that lasted for three years, ethnic and sectarian religious violence, and massive official corruption. Indeed, the hopes and aspirations of Nigeria for self-sustaining growth have evaporated; Nigeria's oil wealth has not translated into prosperity for the majority of the population.

This thesis contends that the environmental degradation of Nigeria's oil producing region of the Niger Delta is the direct result of the persistent non-implementation of regulatory policies by post-independence Nigerian governments working in collusion with oil multinationals.

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<sup>1</sup> Central Intelligence Agency, *The World Factbook* (Washington DC: Central Intelligence Agency, 2012), <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html#top> (accessed May 25, 2012).

Nigeria's inability to regulate the oil industry is a product of its dependent relationship with the oil companies. British colonial policies did not induce the transfer of technology. The system of trade established during the colonial period was fundamentally unbalanced to favor the British companies who dominated not only the export of trade goods, but also and more profoundly important, controlled the technology needed to exploit Nigeria's resources efficiently.

Accordingly, in order to explain Nigeria's lack of meaningful development, scholars of the twentieth century have employed the dependency theory. The dependency theory was advanced in the 1960s by scholars attempting to find reasons for years of political instability, social disequilibrium, and economic stagnation in Latin American countries. It developed out of two historic traditions of economic thought: Marxism and Latin American structuralism. Latin American structuralism is associated with the economic development scholars working with the United Nations Economic Commission for Latin America (ECLA). However, the structuralist works of the mid-twentieth century with their emphasis on internal economic structures, suffered from a lack of detailed and rigorous analysis into the underdevelopment of Latin America.<sup>2</sup> With the proliferation of revolutionary movements across Latin America in the mid-twentieth century, practitioners of the dependency school of thought, known as *dependistas*, utilized this theoretical model to supplement former Marxian notions of class conflicts and capitalist expansion. The American economic historian Andre Gunder Frank popularized the dependency theory with his seminal work *The Development of Underdevelopment* published in the mid-1960s.

Indeed, the introduction of dependency theory offered scholars an alternate analytical approach to the persistent underdevelopment experienced by Latin American countries, but more

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<sup>2</sup> Joseph L. Love, "The Origins of Dependency Analysis," *Journal of Latin American Studies* 22, no. 1 (1990): 143-168.; Also, Theotonio Dos Santos, "The Structure of Dependence," in *Development and Under-Development The Political Economy of Global Inequality*, ed. Mitchell A. Seligson and John Passe-Smith, 251-261 (Boulder: Lynne Rienner, 1998).



significantly, it placed the theories of modernization and imperialism in a larger global context.<sup>3</sup> This context was further broadened with the incorporation of large multinational corporations to the debate about the underdevelopment of the so-called “Third World.” Scholars of the dependency theory posit that multinationals, backed with massive bankrolls and the control over technology, inhibited the growth of weaker economies by exploiting natural resources in a manner which fostered unbalanced and dependent trade relationships in the global economic system. Although dependency theory originated among scholars studying the problems associated with the Latin American sub-region, by the late 1960s and early 1970s dependency analysis began to be applied to the African continent by scholars such as Ann Seidman, Reginald Green, and Samir Amin in an attempt to explain the multifarious economic problems of underdeveloped African nations.<sup>4</sup>

This thesis applies a methodological approach framed by the dependency theory. It utilizes the dependency theory to not only place Nigeria’s underdevelopment into broad international context, but also to analyze Nigeria’s dependent relationship with the multinational oil corporations as the root cause of the lack of enforcement of oil regulations throughout the late colonial and post-colonial periods. While the dependency theory provides an applicable framework for this thesis in a general sense, it is nevertheless weak when applied to the examination of indigenous Nigerian resistance to colonial rule.

The dependency theory falls short in explaining individual agency within the context of resistance to colonial and post-colonial authoritarian rule. This is best exemplified by the indigenous protest movements against the colonial Richards Constitution during the late colonial

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<sup>3</sup> Louis A. Perez, Jr., “Dependency,” *The Journal of American History* 77, no.1 (1990): 133-142.

<sup>4</sup> Green, Reginald Herbold, and Ann Willcox Seidman. *Unity or Poverty? The Economics of Pan-Africanism*. Harmondsworth: Penguin, 1968.; also Amin, Samir. *Imperialism and Unequal Development*. New York: Monthly Review Press, 1977.

period as well as with the countless legal endeavors and non-violent resistance movements by Niger Delta residents against environmental degradation. To fill this analytical gap, this thesis borrows James Scott's notion of the "weapons of the weak." Scott describes this concept as the "everyday forms of peasant resistance - the prosaic but constant struggle between the peasantry and those who seek to extract labor, food, taxes, rents, and interest from them."<sup>5</sup> Scott's theory, when applied to Nigeria's situation, elicits an understanding of indigenous resistance to British colonial rule, the post-colonial authoritarian Nigerian governments, and the harmful environmental impacts of oil operations in the Niger Delta. While generally ineffectual throughout the colonial and post-colonial periods in meaningfully effecting regulatory policies, indigenous resistance has increased in significance during the twenty-first century as resistance became more forceful and violent with the formation of the Movement for the Emancipation of the Niger Delta (MEND).

Further, Nigeria's post-colonial state in addition to being dependent has maintained the economic and political institutions that were created during the colonial period. As renowned African historian Frederick Cooper states in his work *Africa Since 1940*, "New African governments inherited both the narrow, export-oriented infrastructure which developmentalist colonialism had not yet transcended and the limited markets for producers of raw material which the post-war boom in the global economy only temporarily improved."<sup>6</sup> In other words, the governing bodies of post-independence Nigeria are the "gate-keepers" of Nigeria's post-colonial state, controlling all aspects of interactions between Nigeria and the global economy.

To be sure, the Nigerian economy at independence in 1960 was still based on producing raw materials for foreign markets. Nigeria's weak position in the world economy made the new

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<sup>5</sup> James C. Scott, "Peasant Weapons of the Weak," in *European Imperialism, 1830-1930*, ed. Alice L. Conklin and Ian Christopher Fletcher, 184-189 (Boston: Houghton Mifflin Company, 1999), 185.

<sup>6</sup> Frederick Cooper, *Africa Since 1940: The Past and Present*, (Cambridge: Cambridge University Press, 2002), 4.

nation vulnerable to the interests of multinational corporations. With regard to Nigeria's oil industry, this thesis further argues that the post-colonial state has been more interested in exploration and increased oil production than in creating regulatory policies for the oil companies. Unlike the environmental policies of developed nations with regard to oil operations, such as initial environmental impact studies and gas-reinjection acts, Nigeria has failed to implement and enforce these regulatory policies. Environmental degradation has destroyed the traditional economic systems of the Niger Delta which was based on fishing and agricultural production. As a result, there has been not only a massive exodus from the rural areas to the urban centers, but has also created an army of unemployed youths. Frederick Cooper makes this point poignantly in his book *Africa Since 1940* that colonial regimes in certain regions in Africa implemented policies that impaired the "ecosystem" thereby diminishing the economic opportunities available to the people and as a result "labor reserves" were created.<sup>7</sup> Cooper's model is applicable to the Niger Delta, which has witnessed over the past several years the massive destruction of marine resources and arable agricultural land. It was not until 1988 that the Nigerian government established the Federal Environmental Protection Agency (FEPA). While FEPA's creation marks a supposed step forward for Nigerian environmental management and policy, the lack of adequate monitoring systems has rendered the agency's mission effectively unfulfilled.<sup>8</sup>

### Scope and Sources

This thesis covers a period of over one hundred years from c. 1900 when the British colonized Nigeria to the present. Geographically, this work will concentrate on the oil-producing region of the Niger River Delta. Although colonization was not ultimately achieved

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<sup>7</sup> Ibid

<sup>8</sup> Frynas, *Oil in Nigeria*

by the British until the turn of the twentieth century, Europeans had established trade relationships with the coastal people of southeastern Nigeria since the 15<sup>th</sup> century. In 1960, Nigeria won its independence from the British, just four years after crude oil was first discovered in commercial quantities. With no regulatory policies in place, the oil industry has been responsible for the tremendous ecological damage caused to the main oil-bearing region of Nigeria.

This thesis engages both primary and secondary source material to strengthen the central argument of how Nigeria's post-independence political establishment has allowed multinationals to exploit oil resources in an unregulated manner causing severe consequences for the natural environments of the Niger River Delta. Through the use of colonial documents, such as annual reports and the personal memoirs of colonial officials, this thesis analyzes the colonial institutions which established the conditions for Nigeria's dependence on foreign technology. Furthermore, Nigerian newspapers and Non-Governmental Organization (NGO) reports from independence in 1960 to the present are employed to illuminate how the oil industry, operating in an unregulated fashion, has negatively impacted not only the natural environment but also the indigenous population of the main oil-bearing region of the Niger Delta. Careful attention is paid to the use of newspaper articles. As with all primary sources of a subjective nature, an "against the grain" scrutiny is applied when analyzing this source. The same concern applies to the examination of NGO reports as many of these agencies publish reports with blatant agendas. Newspaper articles and NGO reports are extremely valuable to this study as a medium for understanding the social and economic dimensions of environmental degradation. In addition to its primary sources, this thesis utilizes secondary source materials concerning colonial, environmental, economic and political histories of Nigeria. The authors of these works vary in

professional and academic disciplines ranging from economic historians and political scientists to legal scholars and news journalists.

### Historiography

Since oil was first discovered in commercial quantities in Nigeria over a half century ago, historical scholarship has discussed issues relating to the evolution of the oil industry and its destructive impact on the environment. However to date there has been no in-depth study focusing on environmental degradation over the full range of time from the colonial period to the present. A general survey of the historiography of the oil industry in Nigeria reveals three main phases of scholarly work that span approximately six decades. There is a palpable optimistic view in the earliest scholarship on the oil industry, highlighting the positive fiscal potential of the resource for the Nigerian economy. The early scholarship represents awareness for the importance of the oil industry to Nigerians as well as an understanding of how essential it was to maintain resource control. This trend is evident in the work of Scott Pearson who wrote on the effects of the oil industry on the Nigerian economy as well as its attempt to regulate it. His work, like other early scholarship, sets out to answer the important question, “[w]hat are the recent and likely future impacts on the Nigerian economy of the flow of petroleum-related investments in Nigeria?”<sup>9</sup> A shift in the historiography occurs with the conclusion of the Nigerian civil war in 1970. Nigerian oil historiography, from that point forward, focuses more on how the oil industry has negatively impacted Nigerian society and less on its optimistic future. Much of post-civil war scholarship concentrates on the oil shock, the impact of the boom and bust on the Nigerian economy, and nationalization.

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<sup>9</sup> Scott R. Pearson, *Petroleum and the Nigerian Economy* (Stanford: Stanford University Press, 1970)

Themes of oil, the economy, and nationalization continued to be present in the literature throughout the 1990s; however, as academic scholarship shifted toward human rights violations in the Niger Delta, so did academic focus move toward studies of environmental destruction.<sup>10</sup> Indeed, the study of environmental degradation has only really gained scholarly attention in the preceding two decades. Three noticeably diverse phases are apparent within this most recent historiographical shift. First, there is a conspicuous concentration on human rights violations and the environmental degradation of the Niger River Delta as exemplified by the works of Ken Saro-Wiwa, Jędrzej Frynas, Ike Okonta and Orono Douglas.<sup>11</sup> The second phase occurs after the execution of Ken Saro-Wiwa and the other eight Movement for the Survival of the Ogoni People (MOSOP) activists in 1995. With these executions came copious amounts of literature from journalists, NGOs, and documentarians, which contributed to the enlightenment of the global community regarding the environmental and social impacts of the oil industry on the Niger Delta Region. The last phase focuses on the Nigerian judicial system and its interaction with the many oil multinationals operating in the Delta, especially Shell Petroleum Development Company (SPDC).<sup>12</sup>

Published in 1990, the pioneering historical monograph of Augustine Ikein, *The Impact of Oil on a Developing Country*, explores the relationship between oil operations and the pattern of Nigeria's national and regional development, and their implications for the oil producing areas of the Niger Delta.<sup>13</sup> Scholarship produced prior to Ikein's important and seminal study, concentrate mainly on the oil industry and the trends in production, markets, revenues, and

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<sup>10</sup>Genova and Falola, "Oil in Nigeria," 133-156.

<sup>11</sup> Ken Saro-Wiwa, *Genocide in Nigeria: The Ogoni Tragedy*, (London, 1992); Jędrzej George Frynas, *Oil in Nigeria: Conflict and Litigation between Oil Companies and Village Communities*. (Hamburg: Lit Verlag, 2000). Ike Okonta and Orono Douglas, *Where Vultures Feast Shell, Human Rights, and Oil in the Niger Delta*, (San Francisco: Sierra Club Books, 2001)

<sup>12</sup>Genova and Falola, "Oil in Nigeria," 151-152.

<sup>13</sup>Augustine A. Ikein, *The Impact of Oil on a Developing Country The Case of Nigeria*, (New York: Praeger, 1990), xxi.

economic growth. Ikein's work directs scholars and lay people alike to focus more attention on not only the impact of the oil industry on the mineral producing areas but also on the welfare of the indigenous populations in those areas. His work emphasizes a feature of the oil industry in Nigeria that, until his study, had been greatly neglected in the historiography: the oil industry's impact on the environment and social community.

Sarah Khan's influential work, *Nigeria: The Political Economy of Oil* studies the impact of poor resource control and mismanagement of funds on Nigeria's economy. Her work is among the first to demonstrate the direct relationship between the political economy and environmental issues. The correlation illuminated in her study provides essential context for understanding how poorly regulated exploitation of resources can have detrimental effects on the ecology of oil producing areas.<sup>14</sup> In addition to Khan, historian Toyin Falola has also contributed works dealing with similar issues of oil and the environment. Falola has produced an abundant amount of research concerning Nigeria's role in the global oil industry, the history of oil in Nigeria, and West African development and decolonization.<sup>15</sup>

Another major theme presented in Nigerian oil and environmental historiography regards development and social unrest. Daniel Omoweh, V.T. Jike, and Cyril Obi among other scholars view the Delta's ruined environmental condition as being crucial in shaping and restructuring social dynamics in both rural and urban areas. Scholarship regarding development and social disequilibrium is responsible for bringing Niger Delta rural underdevelopment from the periphery of environmental studies to the center.<sup>16</sup> Also, the shifting focus of scholars toward

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<sup>14</sup> Sarah Ahmad Khan, *Nigeria: The Political Economy of Oil*, (Oxford: Oxford University Press, 1994).

<sup>15</sup> Toyin Falola and Ann Genova. *The Politics of the Global Oil Industry*, (Westport: Praeger, 2005); Toyin Falola and Matthew M. Heaton. *A History of Nigeria*, (Cambridge: Cambridge University Press, 2008).

<sup>16</sup> Daniel A. Omoweh, *Shell Petroleum Development Company, the State and Underdevelopment of Nigeria's Niger Delta: A study in Environmental Degradation*, (Trenton: Africa World Press, 2005).; V.T. Jike, "Environmental Degradation, Social Disequilibrium, and the Dilemma of Sustainable Development in the Niger-Delta of Nigeria," *Journal of Black Studies* 34 (2004): 686-710.; Cyril L. Obi, "Oil and the Minority Question," in *The National*

environmental issues in the early 1990s prompted in-depth ecological studies and human rights issues by various Western media agencies and non-governmental organizations. Among the most notable journalists and activists writing on the environment in the Niger Delta are Andrew Rowell and Michael Peel, both of whom have numerous published works based on first-hand accounts and personal experiences in the Delta Region.<sup>17</sup>

Although thorough, the historiography of environmental degradation in the oil producing area of the Niger Delta has significant shortcomings. An overwhelming amount of the historical literature on Niger Delta environmental degradation discusses the topic within the context of the impact of official corruption, social and human rights concerns, and the issue of resource control.<sup>18</sup> The works of Frynas and Saro-Wiwa adequately address the fundamental issues associated with the impact of environmental degradation on the Nigerian people, yet both authors ignore analysis of the history of environmental degradation. The scholarship not only neglects to examine the historical roots of environmental degradation, but it also fails to explain environmental degradation in terms of British colonial policy which among other things precluded the transfer of technology to the Nigerian colony. This policy resulted in Nigeria becoming a subordinate partner in the expanding oil industry. A similar weakness is discernible in the historical works related to Nigeria's political economy and resource control in the oil producing region. Although the works of Khan, *Nigeria: The Political Economy of Oil*, and Falola, *The Politics of the Global Oil Industry*, focus on the impacts of official corruption on

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*Question in Nigeria Comparative Perspectives*, ed. Abubakar and Said Adejumbi, 97-118 (Burlington: Ashgate Publishing Company, 2002)

<sup>17</sup> Andrew Rowell, *Green Backlash Global Subversion of the Environmental Movement*, (London: Routledge, 1996).; Michael Peel. *A Swamp Full of Dollars Pipelines and Paramilitaries at Nigeria's Oil Frontier*, (Chicago: Lawrence Hill Books, 2009)

<sup>18</sup> This is apparent with Daniel Omoweh's *SPDC The State and Underdevelopment of Nigeria's Niger Delta A Study of Environmental Degradation*, (Trenton: African World Press, Inc. 2005). While there are many examples of the ways in which SPDC is polluting the Delta, the environment takes a backseat to analysis of Shell's reckless oil operations as well as notions of underdevelopment.



Nigeria's political system and its implications for development, their studies are limited only to the post-colonial period. Furthermore, Khan's study concentrates on the time period between the oil boom of the 1970s through the early 1990s and Falola's work discusses the global politics of oil. While their research is thorough and relevant to their particular arguments, both authors essentially approach environmental degradation as a current and compelling problem facing the population, never pinpointing or addressing its historical origins.

Additionally, the issues of underdevelopment and environmental degradation, exemplified by the works of Omoweh and Obi, similarly neglect in-depth analysis of its historical origins in the oil producing region. For example, Omoweh's work, although distinguished by its title: *A Study in Environmental Degradation*, presents only a limited view of the origins of Nigeria's environmental situation. His work contends that the environmental degradation of the Niger Delta began when Shell Petroleum Development Company first initiated operations in 1937, yet he never adequately connects environmental destruction to the non-implementation of oil regulations by successive Nigerian governments. This thesis goes beyond the convention historiography of Nigeria's oil industry by undertaking a comprehensive examination of environmental degradation throughout the course of Nigeria's late colonial and post-colonial periods using three models, the dependency theory and Frederick Cooper's notions of the "gate-keeper" state and the creation of "labor reserves" as a deliberate policy in certain parts of Africa.

### Chapter Summary

This thesis is composed of three chapters divided into two main chronologically based phases of Nigerian history. The first chapter discusses Nigeria's colonial background. In

addition to establishing a geographical context, chapter one examines how economic relations were dominated by the British colonial state which controlled all aspects of resource exploitation and the export trade. This unbalanced trade relationship gave British companies an advantage over Nigerian middleman traders and producers with regard to the terms of trade of cash crops such as cocoa, peanuts, and oil palm products. Chapter one also details the earliest exploratory activities for crude oil in the Niger Delta Region as well as historical background on the formation of large oil multinationals which operate in the region today. Also, the earliest beginnings of environmental degradation are identified as a result of the non-implementation of regulatory policies. While the colonial era saw a number of legislative acts regarding the burgeoning oil industry, the lack of enforcement of these regulations, with regard to environmental management, had extremely negative impacts on the natural and social environments of Nigeria's Delta Region.

Chapter two builds on the preceding analysis to further explore the environmentally degraded nature of Nigeria's Niger Delta from political independence in 1960 to 1988 when Nigeria established the first governmental agency with the specific goal of environmental protection, the Federal Environmental Protection Agency. This chapter expands on the central argument of this thesis that the political establishment of post-independence Nigeria allowed multinational oil companies to operate in an unregulated manner. The political system that was put in place by the British on the eve of political independence was deeply flawed. It was characterized by the division of Nigeria into three official regions thus promoting regional nationalism and ethnic rivalry. The tensions created by this system would eventually lead to the intrusion of the military into Nigeria's political life through a coup in 1965, and then a counter-coup in 1966, and eventually a civil war from 1967-1970. During this turbulent political period

the federal government of Nigeria was more interested in oil exploration, production, and oil revenues, than in instituting any regulatory policies. Ultimately, the Nigerian post-colonial state was a predatory state that was centered on a system of patronage to political supporters who were based in the different regions. For the most part, resources managed by the state were used by politicians to promote their narrow interests at the expense of everyday Nigerian men and women.

The third chapter concentrates on the time period from 1988 to the present. The failure to enforce regulations regarding Nigeria's oil industry has resulted in tremendous consequences for the environment and social communities of the Niger Delta region. The destruction of the "ecosystem" has in fact created a lack of viable economic opportunities and has resulted in the creation of what Frederick Cooper has called "labor-reserves." The diminution of economic opportunities has resulted in the emergence a large number of unemployed youths who have been a key component of uprisings in the most oil exploited areas. While the resistance movements of the 1990s and 2000s have gained the attention of NGOs as well as the global community, their protest against the degradation of the environment has continually been silenced by the Nigerian state. Additionally, as the economic and social consequences of environmental degradation have intensified, the resistance movements have become more aggressive and violent in nature. The strategies employed by these resistance groups include sabotage of oil production facilities and pipelines and the illegal sale of crude oil, or "blood oil," on the black market to fund militant activity.

## **CHAPTER 1: THE COLONIAL BACKGROUND**

This chapter describes the geography of the oil producing areas of the Niger River Delta. It also analyzes the political and economic institutions created by the British administration during the colonial era from 1900 to 1960. This chapter argues that the economic and political policies instituted by the British led to a post-independence Nigerian economy deeply dependent on the technological equipment and expertise of Britain and multinational oil companies. After the conquest of Nigeria in the early 1900s, British economic policies were designed to facilitate the exploitation of Nigeria's raw materials. British colonial policies and institutions, exemplified by the Colonial Minerals Ordinance of 1914, supported the monopolistic control of crude oil exploration in the Niger Delta. Because of this, Nigeria as an independent nation would transition from colonial rule deficient in the technology and appropriate skill sets to effectively exploit its oil resources. This left Nigeria dependent on foreign economies and multinational oil companies which possessed the equipment and technological capability to extract and produce Nigeria's oil resources. While regulations were passed regarding resource control during the colonial period, the British created no safeguards against environmental damage.



Figure 1: Nigeria and West Africa<sup>1</sup>

### Geographical Context

With regard to geographical context, it is vital for this particular study to describe the environmental sensitivity of the various ecological systems found within the Niger Delta Region. Nigeria's Niger River Delta is one of the largest wetland regions in the world. Its massive 70,000 square kilometer area, roughly 27,000 square miles, is made up of fresh and salt water swamps, tidal pools, beach ridges, and mangrove forests.<sup>2</sup> The Niger and Benue Rivers both drain into the Delta and approximately 75% of the area where these two immense rivers converge is regularly inundated with water.<sup>3</sup> The physical attributes of the Delta Region have been shaped by the nature of the water flow and the type of soil that is deposited. A combination

<sup>1</sup> *Nigeria and West Africa Region*, map, [http://www.waado.org/NigerDelta/Maps/NigerDelta\\_WestAfrica.html](http://www.waado.org/NigerDelta/Maps/NigerDelta_WestAfrica.html).

<sup>2</sup> Ebiegberi Joe Alogoa, *A History of the Niger Delta*, (Port Harcourt: Doval Ventures Limited, 2005 (1972). 11-13.

<sup>3</sup> Haller, *Fossil Fuels, Oil Companies, and Indigenous Peoples*, 57.

of both these aspects affects the vegetation that grows in the area. Furthermore, the physical features of the Delta Region are divided into three distinct sections, sandy beach ridges, salt water swamps, and fresh water swamps.

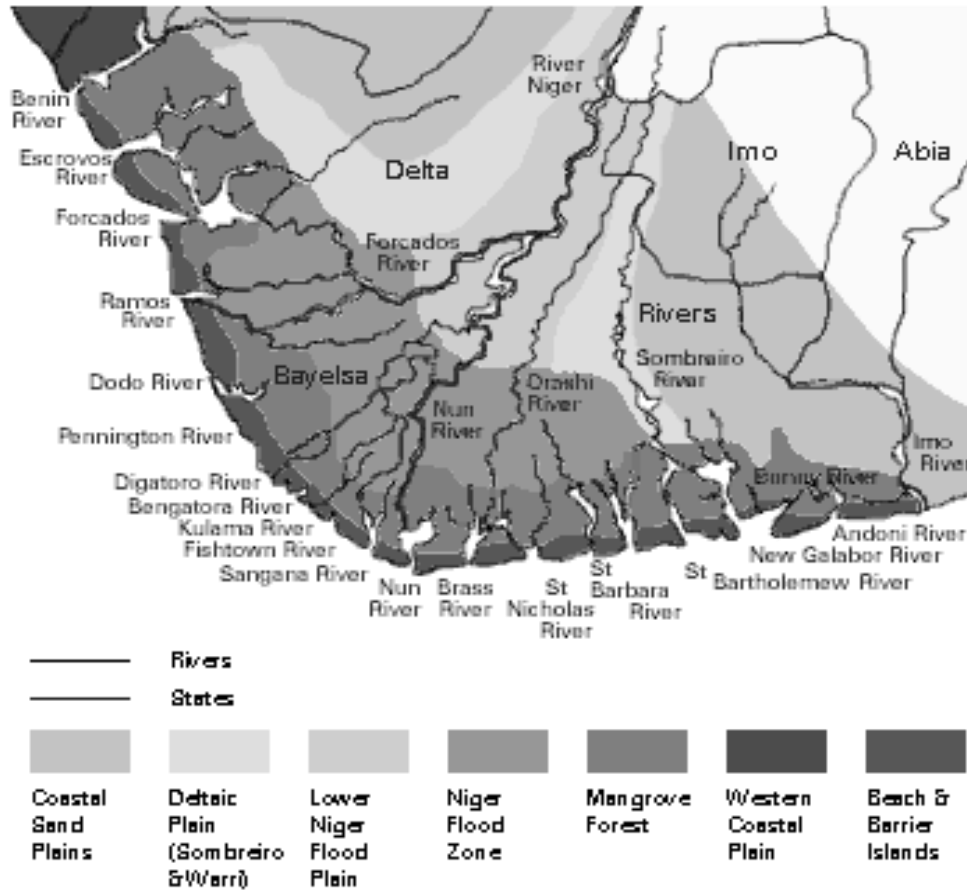


Figure 2: Nigeria's Niger Delta- Rivers, States, and Vegetation<sup>4</sup>

The beach ridges consist of many small islands stretching along the coast which vary in size from a hundred feet to ten miles in width. Barrier islands are the youngest portion of the Delta and are formed from the coastal currents moving sand along the Niger River distributaries. Further inland from the coast, the salt water belt, which is approximately 20 to 25 miles wide, is the next distinctive physical feature of the Delta. This belt is composed of black silt and is

<sup>4</sup> *Niger Delta: Rivers, States, Vegetation*, map, Urhobo Historical Society, 1999-2012, [http://www.waado.org/NigerDelta/Maps/NigerDelta\\_Rivers.html](http://www.waado.org/NigerDelta/Maps/NigerDelta_Rivers.html) (accessed August 7, 2012).

flooded daily with up to two feet of water during high tide. Distinct to this section is the red mangrove, which appropriately explains the region's nickname, the mangrove forest belt. The last section is the fresh-water swamp. This area is covered with reddish brown soil that joins with the older soil of the mainland Nigeria.

The fresh-water swamp's elevation is relatively high above the water level, yet the region still floods two months out of the calendar year. The fresh-water swamp section is where the population density is the highest, and farming and other agricultural practices prevail over fishing as the main dietary source among local groups.<sup>5</sup> The environment of this area is extremely sensitive and relies on consistency and regularity to maintain environmental balance. The geography and the predictability of environmental conditions are central to sustaining the way of life of the different ethnic groups living in the Delta. In many cases it is the geographical differences that have historically defined the cultural traits as well as movements and interactions of the Delta people. This ecological system came under significant attack with the introduction of oil exploration by small British owned companies to the Niger Delta in 1903. By 1956 crude oil was discovered for the first time in commercial quantities. This discovery drew many more oil companies to the Niger Delta, and as a result the region has experienced tremendous ecological damage.

### British Colonialism

The British abolished the slave trade in 1807, and slavery in its colonial territories in 1833. With the abolition of the slave trade and slavery, the British sought new economic opportunities. Britain was the first European nation to industrialize. Soon, industrialization spread to other nations in Europe which led to increased competition for new sources of raw

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<sup>5</sup>Alogoa, *A History of the Niger Delta*, 13.

materials as well as new markets in the world system. As a way to organize the process, Europeans met in the Berlin Conference of 1884-1885. The final official document of the conference, the Berlin Act, established the principle of effective occupation. This would lead to the scramble and partition of Africa by European powers. In order to secure trade opportunities along the West African coast, the British in 1885, declared a protectorate over the Niger Delta.

British expansion and economic interests in Nigeria were “morally justified” as an obligation; in Alice Conklin’s words, to “uplift the barbaric native peoples living outside the West.”<sup>6</sup> This justification became known as “the white man’s burden.” The moral justification of “the white man’s burden” directly affected the policy decisions in the British colonial territories which included the creation of schools and public services. This concept states that the less “culturally developed” peoples needed the rule of Western colonizers to lift them from “barbarism” until they can function on their own in the global community both economically and socially. Rudyard Kipling popularized the term in his 1899 poem, “The White Man’s Burden,” which was originally written to describe America’s conquest of the Philippine Islands. Kipling’s work became a metaphor for the arrogant and racist view that Western cultural superiority could lift Africans out of ignorance and poverty. Kipling’s views are reflected in the following excerpt from his poem:

Take up the White Man’s Burden-  
The savage wars of peace-  
Fill full the mouth of Famine  
And bid the sickness cease;  
And when your goal is nearest  
The end for others sought,  
Watch sloth and heathen Folly  
Bring all you hope to nought.<sup>7</sup>

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<sup>6</sup> Conklin and Fletcher eds., *European Imperialism, 1830-1930*, 55.

<sup>7</sup> Rudyard Kipling, *Rudyard Kipling’s Verse* (Doubleday and Company), 321-323.



With the Niger Delta under British control, the next step was to secure interests in areas which could be reached by navigating the Niger River system, essentially controlling the trade along the Niger River. In an effort to succeed in that objective, the British granted a royal charter to George Goldie's National African Company, later changed to the Royal Niger Company (RNC). The RNC set up legal treaties with local traders along trading routes of the Niger and Benue Rivers. While the treaty zones that were set up helped introduce British administrative influence further inland, that objective was ancillary to the primary goal of monopolizing the trade along Nigeria's navigable rivers. Furthermore, the trade monopoly essentially accomplished Britain's aim of keeping France and Germany from gaining position in the lucrative trade. The mission was a success and less than a decade later, the British declared the southern portion of Nigeria as the Niger Coast Protectorate; ultimately by 1900, the whole of Nigeria was under British control and the Northern and Southern Protectorates were established accordingly.<sup>8</sup>

In 1914, the British colonial government amalgamated the Northern and Southern protectorates of Nigeria, which in effect created the colony of Nigeria and established its political borders. With amalgamation the prior two administrations were replaced by a single governmental entity, under the rule of the first governor-general of the unified Nigeria, Sir Frederick Lugard. According to Lugard, "the scheme of amalgamation adopted in Nigeria was designed to involve as little dislocation of existing conditions as possible, while providing for the introduction later of such further changes as were either foreseen, but not immediately necessary, or might be suggested by future experience."<sup>9</sup> In addition, a new Executive Council, which was composed of senior officials from the whole of the Nigerian territory, took the place of the prior

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<sup>8</sup> Falola and Heaton, *A History of Nigeria*, 98-101.

<sup>9</sup> Lugard, *The Dual Mandate in British Tropical Africa*, 100.

established Restricted Council. The Executive Council was made up of both European and native community members and was chiefly concerned with issues of shipping, banking, commercial, and mining interests. According to the governor general, “[t]he Executive Council [was] an institution of the utmost importance. It afford[ed] the Governor an invaluable opportunity of inviting the criticism and suggestions of the ablest and most experienced of his staff, not individually but collectively, when the views of one [were] opposed or confirmed by another, weak points [were] detected and new aspects brought to light.”<sup>10</sup> At the time of the amalgamation the new Council’s actions were restricted to the overall review of current events while at the same time maintaining awareness of public opinion in regard to changing developments of governmental policy.

The new colonial political structure of Nigeria was divided into two separate spheres, which loosely traced the borders of the previous territories of Northern and Southern Nigeria. These new spheres were titled the Northern and Southern Provinces and were each headed by a Lieutenant-Governor. Individual Lieutenant-Governors were assisted by a separate Secretariat, both of whom reported to the Governor-General. The Northern Province, which spanned an area of 255,700 square miles and had a population of approximately nine and a quarter million people, was headed by Lieutenant-Governor Temple C.M.G., who previously held the position of Chief Secretary of Northern Nigeria. The new Southern Province, which stretched across a more modest area of 78,600 square miles and had a population of approximately seven and three quarter million people, was headed by Lieutenant-Governor Boyle C.M.G., who previously held the rank of Colonial Secretary of Southern Nigeria. This new unified system was initially constructed to subvert the difficulty associated with applying different sets of laws to each separate sphere. This was a necessary step because of the religious and cultural differences of

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<sup>10</sup>Ibid, 121.

the indigenous populations of the North and South. It has been recorded in the 1914 annual report by Lugard that “[t]he system of land tenure and the prerogative of the Crown in respect to lands, the system of taxation, of the Courts of Law, and the methods of Native Administrations were fundamentally different; and the adoption of any other method of sub-division, such as had been suggested, would therefore have produced initial chaos.”<sup>11</sup>

As referenced earlier, the main goal of Governor-General Lugard was to centralize the administrative apparatus with as little dislocation as possible. While amalgamation physically combined the different regions of Nigeria into one unified territory, the regions were often governed differently utilizing a concept of “divide and rule”. The North and South were fundamentally different and Lugard recognized that the previous administration in southern Nigeria, as opposed to that in the North, lent too much power and influence to colonial officers with reference to indigenous courts and councils. In an attempt to remedy the situation, Lugard further exercised the colonial model of “divide and rule.” He established a system of direct taxation on the southern indigenous population which he believed sustained the power held by traditional chiefs and kings in Nigeria, although the presence of British colonial officials continued to be outwardly apparent. While many reports detailed the impracticality of applying a direct taxation system similar to the one established in the North, to the South of Nigeria, Lord Lugard went ahead with his decision and essentially transformed the political and economic system of the Southern Nigerian Province.<sup>12</sup>

With the creation of a workable political system, the British put into place an economic system that was designed to facilitate the exploitation of Nigeria’s resources. To this end, between 1900-1930, the British colonial administration in Nigeria created a transport network of

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<sup>11</sup>Lugard, Frederick, Government Publications Relating to Nigeria, 1862-1960. Lagos, Printed by the Govt. Printer. 1914.

<sup>12</sup>Ibid.

railroads, roads, and harbors that opened up the interior of the country to British companies. The colonial administration began construction of a railroad in Lagos in 1896. By 1924, the railroad had connected important areas of raw materials such as the cocoa-growing areas of Ibadan, the oil-producing areas of the Southeastern region, the tin mines of the Middle Belt Region, and then centers of peanut production in Northern Nigeria. As a complement to the railroad system, the government built roads that were intended to open up more distant areas of cash crop production. The government had created approximately 20,000 miles of road in the raw material-rich areas of Nigeria by the 1940s. Additionally, ports and harbors were built in key areas such as Lagos and Port Harcourt for exporting raw materials.

Year	Cocoa		Palm Kernels		Palm Oil		Peanuts	
	Long Tons	£000	Long Tons	£000	Long Tons	£000	Long Tons	£000
1900	202	9	85,624	843	45,508	681	599	4
1905	470	17	108,822	1,090	50,562	858	790	7
1910	2,932	101	172,907	2,451	76,851	1,742	995	9
1915	9,105	314	153,319	1,693	72,994	1,462	45,409	1,120
1920	17,155	1,238	207,010	5,718	84,856	4,677	45,409	1,120
1925	44,705	1,484	272,925	4,937	128,113	4,166	127,226	2,394
1930	52,331	1,756	260,022	3,679	135,801	3,250	146,371	2,196
1935	88,143	1,584	312,746	2,245	142,628	1,656	183,993	2,093
1940	89,737	1,583	235,521	1,500	132,723	1,099	169,480	1,476
1945	77,004	2,150	292,588	3,496	114,199	1,894	176,242	2,696
1950	99,949	18,984	415,906	16,694	173,010	12,072	311,221	15,237
1955	88,413	26,187	433,234	19,196	182,142	13,151	396,904	23,134
1960	154,176	36,772	418,176	26,062	183,360	13,982	332,916	22,878

Figure 3: Principal Exports from Nigeria, 1900-1960<sup>13</sup>

<sup>13</sup> Toyin Falola and Julius Ihonbere (eds). *Britain: Exploration of Development?* (New Jersey, Zed Press: 1987) p. 87; see also: Carl Eicher and Carl Liedholm (eds). *Growth and Development of the Nigerian Economy* (Michigan State, East Lansing: 1970)

The creation of a transport network had two important consequences. First, it resulted in a significant growth of agricultural and mineral production. Second, it led to an influx of European trading companies into the interior of Nigeria. By the 1950s, Nigeria had become the leading producer of oil palm products in the world and the second leading producer of both peanuts and cocoa. Although Nigeria's colonial economy was based predominantly on agriculture, the mineral resources of Nigeria were also a vital source of revenue. The extractive industries during the colonial period, such as tin and later crude oil were completely controlled by European companies. These companies did not contribute to industrial education nor did they transfer technology to the Nigerian colony. During the early colonial period the British government claimed ownership of Nigeria's mineral resources. They took over these rights after the Royal Niger Company was stripped of its charter. Subsequently, European companies were granted long term leases to extract Nigeria's resources. For example, the Minerals Oil Ordinance No. 17 of 1914 reinforced Britain's monopoly over oil exploration within the borders of their territory. Because of the supremacy of the colonial state, all British legislative acts trumped the local customs and conventions of the pre-colonial Chiefdoms, communities, and principalities.<sup>14</sup> Consistent with British legislative supremacy, the Minerals Oil Ordinance took precedence over all pre-colonial orders and was a vital factor in the evolution of the crude oil industry in Nigeria. In addition to the Act affirming control over all Nigeria's mineral resources, it also prohibited any non-British company from conducting oil operations within the territory.

#### Multinational Oil Companies in the Delta

Initial exploratory activities for crude oil began in Nigeria in 1903 by small, British owned oil companies. During the early years, little attention was given to Nigeria as a destination

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<sup>14</sup>Omeje, *High Stakes*, 35.

for exploration because the British government's oil investments were mostly concentrated in Eastern Europe and the Americas where there were already vast quantities of proven reserves. When British owned companies began exploring for oil in Nigeria, the global supply of crude oil far outweighed the demand. However, the market began to shift as technological innovations such as the internal combustion engine facilitated the expansion of the automobile industry. Consequently, the market for crude oil expanded outside of its traditional use as an illuminating oil and lubricant and by 1914 petroleum and fuel oil surpassed kerosene with nearly 64 percent of all refined crude oil products.<sup>15</sup> This figure rose steadily over the following years as the popularity of motor vehicles, oil burning locomotives and naval and merchant vessels increased.

Early in the twentieth century minor attempts at oil exploration were conducted by companies such as Nigeria Properties, the Nigeria and West African Development Syndicate, and the Northern Nigeria Exploration Syndicate; however, little initial success was recorded from these businesses.<sup>16</sup> This trend changed when the first serious exploratory undertaking in Nigeria was coordinated by John Simon Bergheim and the Nigerian Bitumen Corporation. Simon Bergheim gained valuable experience during his stint in the oil producing regions of Galicia and Romania. From that experience he eventually became co-founder and co-owner of the Galizisch Karpathen-Petroleum Actiengesellschaft. The Nigerian Bitumen Corporation, a small British-registered company, was founded in November 1905 with the key objective of obtaining exploratory rights within the Nigerian territory.<sup>17</sup> In 1906, Bergheim secured a

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<sup>15</sup>PhiaSteyn, "Oil Exploration in Colonial Nigeria, c. 1903-58," *The Journal of Imperial and Commonwealth History*37, no. 2 (2009), 251.

<sup>16</sup>Steyn, "Oil Exploration in Colonial Nigeria", 252.; The Nigeria Properties and the Nigeria and West Africa Development Syndicate initially commenced operations in search of bitumen, coal, and oil. Their area of operation covered 400 m2 in the Agbabu-Mulekangbo area of Southern Nigeria.

<sup>17</sup>Steyn, "Oil Exploration in Colonial Nigeria, 252., Prior to Steyn's work the historical consensus was that The Nigerian Bitumen Corporation was a German owned company. Steyn's article disproves this notion by citing primary documents showing it as a British-registered company, where its shares were traded on the London stock exchange's West African Market.

significant loan from the British Admiralty and the colonial office for oil exploration in the southern region of Nigeria. The concessionary area in which the Nigerian Bitumen Corporation's operations expanded was in the surrounding area of the Lekki Lagoon, located in the south of Nigeria and adjacent to the operations of the Northern Nigeria Syndicate.<sup>18</sup>

With funding from the British Admiralty and the colonial office, the Nigerian Bitumen Corporation commenced operations in 1906, under the managing supervision of Frank Drader. Like Bergheim, Drader gained considerable oil experience from working in active fields in Galicia as well as Canada. From the onset, the exploratory operations had a negative impact on the natural environment of the Lekki Lagoon area; crude oil exploration brought with it major disturbances to the local ecology. Immense tracts of land were cleared to create space for dwellings to be constructed for workers. Also, large areas of land were leveled to make room for drill sites as well as for transportation infrastructure such as roads and tramways. The development of infrastructure in regions in which the oil companies were operating, however, was geared toward a more efficient way to export rather than to enhance the living conditions of the local population. In addition to the environmental destruction caused by land clearing techniques, there was an untold amount of pollution to the waterways from oil spillage.<sup>19</sup> In a letter to his wife in 1909, Nigerian Bitumen's field manager Frank Drader explained the environmental consequence of a recent oil discovery from No. 5 Well located in Lekki Lagoon, which when initially tapped, flowed at a rate of 2,000 barrels a day. Drader stated that "[t]he lagoon is at present all covered with oil... and there was so much oil at our wharf here that the Doctor got all covered last night when he went swimming, which he does every evening."<sup>20</sup>

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<sup>18</sup> Ibid, 252-253.

<sup>19</sup> Ibid, 253.

<sup>20</sup> Ibid, 253-254. Steyn obtained this quote in: F. Drader-J. Rachael, 26 Sept. 1909, Denise Rosenfeldt, Private Family Archives, Auckland, New Zealand.

The Nigerian Bitumen Corporation had some successful discoveries, such as well No. 12 yielding a fair amount of good quality oil with no gas; however, by 1914 the company was ultimately dissolved due to compounded financial troubles and other unforeseen events.<sup>21</sup> While other companies were present in the region, they had even less overall success than the Nigerian Bitumen Corporation. This lack of success revealed much about not only the surroundings in which those companies were working, but also it shed light on the early conditions established that promoted Nigeria's dependence on foreign companies during the late colonial period. First, because of the tough nature of exploration operations in the dense mangrove forests and unstable swamp marshes, expensive equipment and skilled personnel were required for the success and early sustainability of oil companies operating in Nigeria.<sup>22</sup> Second, the companies that first started exploring for oil were small and privately owned. Because these businesses were unsuccessful it could be implied that the use of large oil companies, backed with huge financial resources and technological capacity, was essential to conduct oil operations in the challenging Nigerian environment.<sup>23</sup> Oil exploration in Nigeria proved to be an arena only suitable for companies with huge financial backing and technological capability that were based on joint agreements where resources could be pooled. Early sustainability was also supported by British legislative acts that encouraged monopolistic control of resources.

The Minerals Oil Ordinance of 1914, which was amended in 1925, 1950 and 1958, set the ground work for the British government and its main oil partners to control all aspects of oil

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<sup>21</sup> Ibid, 254.; Steyn lists three main reasons for the liquidation of the Nigerian Bitumen Corporation. First, Bergheim the founder, died in a car crash, severing a crucial link between the company and the Colonial Office. Second, when Governor Egerton was replaced by Lord Lugard, the Company lost one of its most enthusiastic supporters. Third, Britain's main focus for oil exploration was in Russia and not Nigeria, making the government reluctant to invest. Steyn, again challenges the historical consensus on the reason for the Nigerian Bitumen Corporation pulling operations in Nigeria. Previous scholars list the reason for discontinued operations because of the start of World War I.

<sup>22</sup> Ibid, 249.

<sup>23</sup> Steyn, "Oil Exploration in Colonial Nigeria, c. 1903-58,"



exploration in Nigeria. The British government granted oil licenses to the British based companies, D'Arcy Exploration Company and the Whitehall Petroleum Corporation to explore within the territory. By 1923, however, both companies surrendered their licenses because little or no commercial amount of oil was discovered.<sup>24</sup> More than a decade later in 1936, British Petroleum fused interests with Royal Dutch/Shell group and became the Shell D'Arcy Oil Company. This merger was one that initially took root years earlier when the two companies operated together in the Persian Gulf under the same joint-venture designation, Shell D'Arcy.<sup>25</sup> By 1937 a license had been issued to the joint-venture which awarded the two joined companies exclusive exploration rights across the whole of the Nigerian territory.<sup>26</sup> Omeje states that, "the exclusive oil exploration authority was granted to protect the economic interests of Shell and the British Empire against other foreign competitors, notably American oil multinationals that were obviously interested in the Nigerian market."<sup>27</sup>

Shell D'Arcy began preliminary geological and geophysical surveys in 1937 in the area of the Niger River Delta. The results from the surveys determined that 103,600 square kilometers in southern Nigeria were oil bearing and concentrated exploration commenced. Operations were put on hold in 1939 as a result of the outbreak of World War II and did not resume again until a year after the conclusion of the War. Furthermore, because of the War more import emphasis was placed on nations with already developed oil industries. Because of a notice from Oil Controller, D.C. Fletcher Nigeria was forced to ration petroleum use within the

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<sup>24</sup>JedrzejFrynas, *Oil in Nigeria Conflict and Litigation between Oil Companies and Village Communities*, (Hamburg: Lit Verlag, 2000), 9. D'Arcy Exploration Company was a subsidiary company of Anglo-Persian which later became Anglo-Iranian, and then ultimately renamed BP.

<sup>25</sup>Omoweh, *Shell Petroleum Development Company*, 108-109.

<sup>26</sup>Steyn, "Oil Exploration in Colonial Nigeria", 260.; The original license was applied for by the joint venture between Anglo-Iranian Oil Company and the Anglo-Saxon Petroleum Company however that application was denied and instead given to Anglo-Saxon Petroleum Company/D'Arcy. Anglo Saxon Petroleum Company was later renamed Shell Overseas Exploration Company. From this came the joint-venture Shell/D'Arcy.

<sup>27</sup>Omeje, *High Stakes*, 35.

territory, stating that “the reduction in supplies to Nigeria will therefore involve a reduction in petrol resources.” An article from 1944 states, “This [was] essentially a mechanised war in which on land, on the sea, and in the air fuel is of vital importance.” The article went on to claim that “without that fuel [result of 20% ration] the invasions would fail and Hitler would triumph.”<sup>28</sup> Oil exploration by Shell D’Arcy resumed in Nigeria again after the conclusion of the War; however, the economic impact from the war was felt by the colonial power and with that came a tightening of control over the oil industry by the British.

In 1948, the joint venture, Shell D’Arcy, was forced to restructure the composition of their internal directorate so as to satisfy the requirements of the British control clause of the Minerals Oil Ordinance. A clause in the Minerals Oil Ordinance declared that non-British companies could not operate in the Nigerian territory. The company’s directorate, which at the time of the restructuring had a majority Dutch membership, was required by the British colonial administration to reorganize if they wanted to continue to maintain their privileged exploratory status in Nigeria.<sup>29</sup>

The Minerals Oil Ordinance continued to support the British monopoly over oil exploration as Shell/D’Arcy began drilling its first deep exploration well in 1951. Unfortunately for the company, no oil was found in the prospectively prosperous 1951 Ihue well, which was located at sixteen kilometers northeast of Owerri in the present-day Imo State. In the five years following, the company drilled eighteen wells of various functionalities in many different areas in Southeastern Nigeria. The joint-venture discovered oil at the Akata-1 well in 1953; however, it was not in commercial quantities and drilling focus shifted again. After three years of searching in the Oloibiri area, oil was found for the first time in commercial quantities at the well

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<sup>28</sup> “Petrol Rations Will Be Cut By 20 per cent From June,” *The Comet*, May 22, 1944.; Fletcher, D.C., “Petrol Ration Cuts,” *The Comet*, May 17, 1944, reprinted in *The Comet* May 22, 1944.

<sup>29</sup> Steyn, “Oil Exploration in Colonial Nigeria”, 260.

two kilometers south of Otuabagi, in present day Bayelsa State, in 1956.<sup>30</sup> This well measured a depth of approximately 12,000 feet and produced a volume of 3,000 barrels of oil per day. Because of the success of this well, a further eleven wells were drilled in the surrounding area.<sup>31</sup> In addition to expanding operations, success also prompted the joint-venture company Shell D'Arcy Exploration Company to change its name to Shell-BP Petroleum Development Company.

After the successful discovery and drilling for oil in the Oloibiri wells, Shell-BP concentrated their efforts on developing only the most lucrative wells covering an approximate area of 100,000 square kilometers. Shell-BP's monopoly over all the oil resources ended in 1957. As a result, the remainder of the territory was opened up to other international oil corporations such as Mobil, Gulf, and Arnoseas, among many others.<sup>32</sup> This internationalization resulted in Nigeria gaining the status of an oil-producing country. According to Omoweh, "this intensified the pressure of European/American oil companies on the colonial state to gain entry in the Nigerian oil industry."<sup>33</sup> With the expansion of the oil industry in the Delta region, significant environmental damage and social distress ensued.

Soon following the discovery of crude oil in 1956 and with the rapidly expanding oil industry in Nigeria, another piece of legislation was enacted by the colonial state which would consequently lead to significant impact on both the natural and social environments of the Niger Delta. The Oil Pipeline Act of 1956 stated that oil companies operating in Nigeria needed to obtain a legal permit to lay pipelines from the oil wells of the Niger Delta to their respective terminals where it is prepared for exportation. Under the Act the state granted oil companies a

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<sup>30</sup>Frynas, *Oil in Nigeria*, 9.

<sup>31</sup>Omoweh, *Shell Petroleum Development Company*, 109.

<sup>32</sup>Haller, *Fossil Fuels, Oil Companies, and Indigenous Peoples*, 66.

<sup>33</sup>Omoweh, *Shell Petroleum Development Company*, 109.

land lease agreement good for 99 years. The lease prohibited any social and economic activity within 500 meters on either side of the oil company's pipelines. The length of time and stipulations significantly impacted the natural and social environments of Nigeria's oil producing region for multiple reasons. First, the length of time was so great that oil companies viewed the leased land as their own which therefore prompted little regulatory oversight from outside entities. The Oil Pipeline Act concentrated heavily on the efficient transport of oil so little or no requirements was added for the protection of the environment. This led to pipelines lying bare and unmaintained above ground across residential communities located along main oil producing transport routes. Also, because the Act stipulated distance requirements, local inhabitants were essentially forced to relocate or risk breaking the law established by the colonial administration.

The initial reason for the Oil Pipeline Act was to boost revenue for the colonial state but similar to other colonial legislative decrees, successive Nigerian governments left the act in place in the post-colonial period. Even though the 1956 Act included language that suggested a concern for the environmental consequences from oil exploration and production, revenue accrument took precedence over the implementation of environmental safeguards. This was amplified after 1960 when the independent Nigerian government lacked the appropriate knowledge and technical capabilities of enforcing safety regulations that would monitor pipeline construction and maintenance by the oil companies. A writer for *The Nigerian Citizen* noted that the "lack of trained men is the problem."<sup>34</sup> This lack of technical skill and enforcement ability gave "Shell [and other companies] the leeway to lay its pipelines across sacred sites and homes of the people who live in the Niger Delta."<sup>35</sup> The Oil Pipeline Act of 1958 was amended in 1963

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<sup>34</sup> Adewale Fashanu, "Lack of Technical Knowledge Retarding Nigeria's Development," *The Nigerian Citizen*, September 13, 1951.

<sup>35</sup> Omoweh, *Shell Petroleum Development Company*, 113.; Omoweh examines this further by comparing the Oil Pipeline Act of 1958 in Nigeria to one that was created by the United States. The intention of the American Act is

during the early years of political independence. With the amendment to the Act came a reduction of the amount of time the land leases were awarded to the oil companies. The initial lease period was reduced from 99 years to 60 years; however, the amendment to the Act did not lead to any significant changes. Since revenue obtained from the land lease contracts was immensely lucrative for key members of the political establishment in Nigeria's post-colonial state, even amendments to colonial legislation did little to change already established standard operating procedures. The successive post-colonial Nigerian governments working in collaboration with oil multinationals would essentially pick up where the colonial administration left off.

From the preceding presentation a number of conclusions can be made. The imposition of colonial rule and the policy of "divide and rule" in Nigeria from 1900-1960 not only created an uneven balance of power that favored the British colonial state, but it also ensured that regional diversity and ethnic differences were sustained throughout the colonial period. The establishment of the colonial administration facilitated the creation of an economic system that allowed British companies, and then European and American companies, to dominate Nigeria's burgeoning oil industry. For example the Minerals Oil Ordinance encouraged oil exploration and production by large oil joint-ventures. These large oil joint-ventures had a monopoly of the technology and the technical expertise to completely dominate every facet of the oil industry during the colonial period. The colonial state did not put in place regulatory policies. As a result the multinational oil corporations operated in a regulatory vacuum which has resulted in unbridled environmental destruction. The relationship between the colonial state and the

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to prevent oil companies from willingly encroaching on other parts of land as well as to promote operations with as little environmental impacts as possible. Providing this explanation highlights the faults in the Nigerian system in the years following independence.

multinational companies would foreshadow the economic, political, and legal structures of Nigeria's post-colonial governments.

## **CHAPTER 2: NIGERIA'S POST-COLONIAL POLITICS AND THE EXPANSION OF THE OIL INDUSTRY, 1960-1988**

Chapter two analyzes the environmental degradation of Nigeria's Niger Delta from political independence in 1960 to 1988 when Nigeria established the first governmental agency with the specific goal of environmental protection. During this timeframe, Nigerian politics went through incredible changes, first from 1965 to 1979, and then again from 1979 to 1986. This chapter argues that the Nigerian government put into place policies that facilitated oil exploration, drilling, and production, at the expense of regulatory policies. Furthermore, the Nigerian government sought to control a larger share of the revenues from the production of oil. In other words, the successive governments were more interested in oil revenues than they were in establishing safeguards against the impacts of oil operations. Moreover, Nigeria's political landscape was beleaguered by ethnic politics, the lack of political will to institute regulatory reform in the oil industry, and the intrusion of the military into Nigerian political life. Additionally, decades of British colonialism had rendered the manufacturing and extractive industries reliant on European technology and knowledge. At the time of independence, Nigeria's economy was still heavily dependent on agricultural exports; however, by the early 1970s oil had replaced agricultural exports as Nigeria's chief foreign exchange earner.

Important changes in Nigerian politics began to take place during the mid-1960s when oil production increased and quickly raised Nigeria to become the wealthiest nation in Africa. With the appeal of quick money, successive governments in Nigeria promoted the speedy expansion of the oil industry in a regulatory void. Besides, the Nigerian government lacked the monitoring mechanisms to effectively oversee the oil industry with concerns relating to environmental

protection. In short, in the aftermath of political independence, the multinational oil corporations operating in Nigeria's Niger Delta were essentially left to police themselves.

Nigeria achieved political independence on October 1, 1960; however, with independence many challenges faced the new government. Foremost among the challenges facing the new nation was the British colonial legacy. Decades of British colonialism in Nigeria left an economic structure in place that was geared to favor the growth of foreign multinationals as well as Britain itself; in addition the colonial policy of "divide and rule," engendered a political system that was profoundly broken. According to Frederick Cooper, Africa's post-colonial states were "gate-keeper" states. Rather than focusing on the dichotomy between the colonial and post-colonial state, Cooper bridges the gap between the two by highlighting the continuities within both periods. For Cooper, the post-colonial state was a logical extension of the colonial state because the structures and institutions that African leaders inherited were maintained and sustained after independence was achieved. The example of Nigeria's oil industry confirms Cooper's thesis. To be sure, Nigeria's post-colonial state was weak, and although rich in raw materials it lacked the technological capacity to exploit those resources on its own terms. Moreover, Nigeria's economy at the time of political independence was still export oriented.

While the successive Nigerian governments implemented policies such as indigenization and import substitution as a way to obtain greater control over the exploitation of its resources, those schemes only marginally affected the control of the oil industry by multinational corporations. This has been compounded by the emergence of what Fredrick Cooper calls "clientelism," in other words, the diversion of state resources to political ends.<sup>1</sup> The Nigerian state collaborated with the oil joint-ventures which intensified not only official corruption, but

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<sup>1</sup> Cooper, *Africa Since 1940*.



also the negative effects of “clientelism” for the Nigerian people. This chapter describes briefly Nigeria’s political system from independence to 1979 in order to identify the fault lines in the system. Additionally, this chapter demonstrates that although Nigeria’s political changes from 1965-1979 did not adversely affect Nigeria’s oil production, with exception of the Civil War period of 1967-1970; it did create the conditions for the mismanagement of Nigeria’s oil wealth.

### Road to Political Independence

The time period from 1947 to 1960 marked a time of great change for Nigeria’s colonial system. Upon the conclusion of World War II, young educated Nigerians formed numerous groups and organizations aimed at achieving their ultimate goal of self-government. The various youth organizations coalesced to form the Nigerian National Council, which soon incorporated members from the Cameroonian associations in Lagos, and the movement was renamed the National Council of Nigeria and the Cameroons (NCNC). In addition to the main objective of self-governance, the NCNC also promoted the unification of the Nigerian people across ethnic lines. In less than a year after the formation of the NCNC, Governor Richards of the British colonial administration presented a series of proposed amendments to Nigeria’s former 1923 Constitution. The new Richards Constitution, as it was referred to, was viewed as significantly flawed by many Nigerians because it did little to implement the much anticipated post-war reforms.<sup>2</sup> The NCNC took the lead role in protesting this new Constitution by exercising various forms of resistance available to them. In addition to rumors of assassination plots and the

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<sup>2</sup> Falola, Toyin et al. *History of Nigeria 3 Nigeria in the Twentieth Century*.

banning of several key Nigerian newspapers, the NCNC toured the colonial territory and raised money to send a delegation to England to protest against the 1946 Constitution.<sup>3</sup>

When the delegation left for London in June 1947, Nigerians were in a heightened state of discontent. Some members of the NCNC became increasingly militant. They organized public lectures, formed protest rallies, and incited resistance movements by workers against the British colonial regime. Resistance to the Constitution prompted a cycle of events where the British colonial police responded to protests violently which further led to more protests and rallies. In 1948, as a way to appeal to the unrest and frustration of the Nigerian people the British colonial administration significantly revised the Richards Constitution. The revised Richards Constitution reinforced the initial objective of the NCNC by promoting pan-Nigerian unity through resistance; however, it also exacerbated regional loyalties by creating separate and individual assembly houses in each of the three existing Nigerian regions. Regional separation was met with mixed feelings by the Nigerian people. The newly reformed political system made it apparent to the population that a single unitary governmental structure was unlikely to maintain stability in Nigeria's three diverse geographical, economic, and cultural regions for long.

As a response to the grievances presented by the Nigerian people about the weaknesses in the Richards Constitution, the new colonial governor John Macpherson held a Constitutional Conference in Ibadan in 1950 which included the participation of Nigerian nationalist leaders. In 1951 the Macpherson Constitution was passed, significantly altering the previous political framework. The Macpherson Constitution was an improvement of the Richards Constitution in many ways such as granting greater legislative and economic power to the regional assemblies as

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<sup>3</sup> Obafemi Awolowo: *Awo: The Autobiography of Chief Obafemi Awolowo*: Cambridge: Cambridge University Press, 113-118.

well as generating the first general elections; however, with the advent of those changes, regional lines grew more polarized. Ethnic loyalties galvanized during the general election where a Yoruba-dominated Western Region, an Igbo-dominated Eastern region, and a Hausa/Fulani-dominated Northern Region separated accordingly into political parties and campaigned for control over the various regional assemblies.<sup>4</sup>

Political parties in the Eastern and Western Regions pushed the political agenda of internal self-governance while the Northern Region opposed the scheme claiming the Nigerian territory was not ready for it. At the center of the debate was the issue of governmental centralization. Two constitutional conferences were held between July 1953 and February 1954 which included representatives from all regions to settle deliberations over this central issue. As a result the Lyttleton Constitution was enacted in 1954. The Lyttleton Constitution established Nigeria as a federation, consisting of the existing three regional distinctions, and the central administration was created in the newly formed Federal Territory of Lagos. With the new Constitution, each region was afforded the option of becoming fully self-governed; however, no region immediately did so, and the British colonial administration remained in control.

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<sup>4</sup> *Daily Service Newspaper*, February 2, 1952.

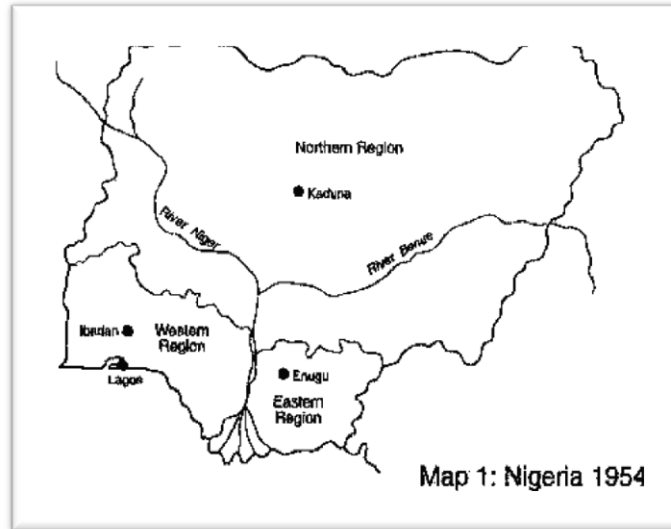


Figure 4: Regional Divisions<sup>5</sup>

The Lyttleton Constitution appealed to both the supporters of a strong central government and those in favor of regional autonomy. By 1957, the regions of the West and East opted for self-government and the Northern region claimed self-governance in 1959. Regional self-government cemented ethnic dominance in each region, Hausa/Fulani in the North, Yoruba in the West, and Igbo in the East; consequently, the ethnic minority groups feared a lack of representation in their respective regions. This led to further debates, and further ethnic divergence. In addition to minority concerns, the fear of southern domination by Northern politicians proliferated across much of the Eastern and Western portions of the territory. In an effort to calm fears, provisions were established within the new political framework which barred Northern radical groups from taking over governmental power. Nigerian leaders and the British set October 1, 1960 as the date for Nigerian independence. Upon political independence

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<sup>5</sup> *Nigeria's Regional Divisions, 1954*, map, Urhobo Historical Society, 1999-2012, [http://www.waado.org/NigerDelta/Maps/NigerDelta\\_Rivers.html](http://www.waado.org/NigerDelta/Maps/NigerDelta_Rivers.html) (accessed August 7, 2012).

the newly sovereign nation was still deeply fractured along regional and ethnic lines. This would prove extremely consequential for the development of a national identity.<sup>6</sup>

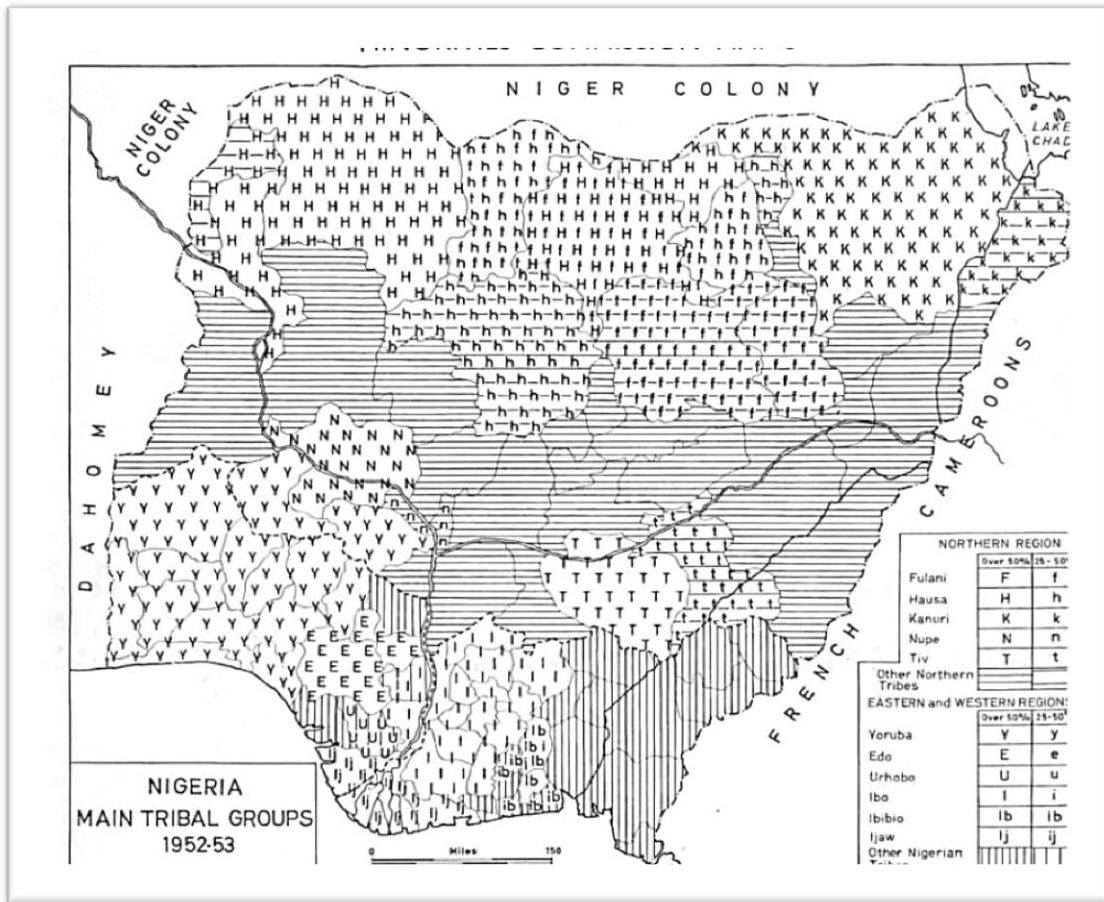


Figure 5: Nigeria's Main Ethnic Groups<sup>7</sup>

### The First Republic

Both the 1960 and the 1963 constitutions of the newly independent Nigeria were framed by the British parliamentary system. Under the new governing structure, Nigeria's First Republic attempted national programs to promote social and economic development. Among the key issues on the agenda were more governmental control over national resources, better and

<sup>6</sup> Obafemi Awolowo: *Awo: The Autobiography of Chief Obafemi Awolowo*: Cambridge: Cambridge University Press, 113-118.

<sup>7</sup> *Nigeria's Main Tribal Groups 1952-1953*, map, Urhobo Historical Society, 1999-2012, [http://www.waado.org/NigerDelta/Maps/NigerDelta\\_Rivers.html](http://www.waado.org/NigerDelta/Maps/NigerDelta_Rivers.html) (accessed August 7, 2012).

more efficient infrastructure to aid Nigeria's production economy, and a rapid revamping of educational and health services. While the goals set by the new government were ambitious, and some success was noted, the shortcomings far outweighed the achievements. Issues of colonial legacy, national unity, and economic underdevelopment all plagued the national agenda of the First Republic. Paramount in affecting these issues was the burgeoning development of Nigeria's oil industry and the significance of that industry in the global economic system. During the first half of the 1960s Nigeria experienced a liberalization of oil investments that essentially opened Nigeria up to a more diverse collection of foreign investors. Oil production during the span of time from 1958-1966 grew from 5,100 barrels per day to over 417,000 barrels per day respectively.<sup>8</sup>

As a result of Nigeria's post-colonial reliance on the technology owned by oil companies, the state developed a system of revenue collection which concentrated on the collection of land rents from oil companies operating in the area. Because Nigeria had vast oil reserves and virtually no pollution regulations guiding the oil industry, especially when held in comparison to the oil regulations of developed nations, foreign oil companies were attracted to the region. Prior to the start of any oil operation in developed nations throughout the world, a careful and thorough environmental impact study was required to assess the potential negative effects oil operations will have on the surrounding ecological area.<sup>9</sup> The lack of environmental safeguards enticed multinationals to Nigeria's oil-producing area. This produced larger revenues for the Nigerian government and large oil companies. Besides, these companies avoided any responsibility for putting in place regulatory measures. Additionally, because revenue was collected from land rents, this system provided little impetus for the Nigerian government to

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<sup>8</sup>Falola and Heaton, *A History of Nigeria*, 182.

<sup>9</sup>Greenpeace International, *Shell-Shocked*.; While Shell Company had claimed to have been conducting these surveys in Nigeria since 1982, no record of these environmental impact studies has been publically circulated

concentrate on the development of a nationalized oil industry in the immediate aftermath of independence.

The First Republic recorded some achievements during the early years of political independence. First, independence afforded everyday Nigerians the opportunity to actively participate in governmental decisions for the first time. Under the First Republic, there was a revival of African cultural arts, more access to public information through radio, newspapers, and book publishing, and an expansion of educational institutions. However, these marginal accomplishments by the First Republic were far outweighed by its failure to transform Nigeria's economy from its dependence on export revenue. During the governing of the First Republic there were widespread unemployment, declining food production, and signs of popular uprising throughout the nation. In addition, the problems of national identity were never fully settled prior to attaining independence. Political power struggles between regional groups were intensified as the economic importance of Nigeria's developing oil industry on the global market increased and as the different regions vied for control of a greater share of oil revenues. Political parties were formed along ethnic lines which prevented the rise of a general sense of Nigerian nationalism. Nigerian political culture would be characterized by political patronage at the regional level at the expense of national unity. Consequently, a system of, what Frederick Cooper calls "clientelism" developed in the regions and has pervaded every aspect of Nigerian political life.<sup>10</sup>

The most severe cases of corruption at the time were occurring in the Western region of Nigeria because of the large revenue increases as a result of the prospering cocoa industry. A small group of political leaders were using their elite status to extract large sums of money from

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<sup>10</sup> Frederick Cooper, *Africa Since 1940: The Past and Present*, (Cambridge: Cambridge University Press, 2002)

cocoa revenue to benefit their personal financial situations.<sup>11</sup> Corruption took root regionally and eventually spread upwards to the federal level.<sup>12</sup> Throughout the period of the First Republic, Ayittey states that, “government contracts, purchases, and loan programs were systematically manipulated to enrich political officials and the politically well connected.”<sup>13</sup> With rumors of corruption proliferating across the nation, the collective population began to question whether the newly established federal system was adequate.<sup>14</sup> These years were intended to be a time of great wealth and advancement for Nigeria, a “period when the objectives of political independence were supposed to be idealized and set into motion by the Nigerian leadership.”<sup>15</sup> Instead, the years following independence were marked by political instability and stagnation that resulted in “a three-year crisis which drained the political, military, economic and human resources of the young nation.”<sup>16</sup>

### The Nigerian Civil War

Newly obtained Nigerian independence was delicate, and soon after the nation united, ethnic lines again began to polarize. While political corruption and ethnic rivalry produced by the colonial legacy engendered the conditions for the eventual overthrow of the civilian-run First Republic, the immediate causes of the war were the result of certain key incidences that began with the contested results of the census of 1962 and ended in civil war. When the census was conducted in 1962, Nigeria had three prominent political parties: the National Council of Nigerian Citizens (NCNC) in the East, the Northern Peoples Congress (NPC) in the North, and

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<sup>11</sup> Mazi A. Kanu Oji and Valerie U. Oji, *Corruption in Nigeria The Fight and Movement to Cure the Malady*, (Lanham: University Press of America, Inc., 2010), xix.

<sup>12</sup> Report of Coker Commission of Inquiry into the Affairs of Certain Statutory Corporations in Western Nigeria

<sup>13</sup> George Ayittey, *Africa Betrayed*, (New York: St. Martin’s Press, 1991), 250.

<sup>14</sup> Falola and Heaton, *A History of Nigeria*, 159.

<sup>15</sup> Paul E. Osiago, “Nigeria After 21 Years,” *The Nigerian Observer*, October 2, 1981.

<sup>16</sup> Ibid.



the Action Group (AG) in the West. The NCNC and the AG both hoped that the results from the 1962 census would alter the representational ratio of the regions in their favor. The figures were thought to have been tampered with because the numbers revealed that each regions' population had grown by nearly 75%. The results were dismissed and a new census was conducted the following year in 1963. The new census was once again questioned by the people; however, instead of the controversy focusing on false numbers it centered on the attempt of one region dominating another. Although contended, the results of the second census became official which meant a favorable proportional allocation of governmental representation and revenue for the Northern Region. The corrupted census revealed to Nigerians the extent to which each regional government would go to obtain political power.

Accusations of corruption and shady politics were reinforced by the federal elections of 1964. These tainted elections, the first held in the post-independence period, spawned violence and bitterness among the Nigerian population. These elections were marred by the harassment of electoral officials, the blatant tampering of election results, and the prevention of the Eastern region from participating in the election. The post-election period was marked by controversy and conflict between regions. Among all else, the 1964 elections demonstrated to the population the fragile nature of the Republic.

By 1965, it was apparent that Nigerian political leaders were more interested in personal gains than addressing weaknesses in the political system. On January 15, 1966, there was a military coup that set in motion a series of events which began with an overthrow of the civilian run First Republic and culminated with the splitting of the nation and the eruption of civil war. The initial reason for the January 15<sup>th</sup> coup, claimed by the leaders, was to bring an end to the tribalism and corruption that became associated with the First Republic's political establishment.

In an attempt to remedy the mistakes of the former government, the commanding officer of the Nigerian army, Major General Aguiyi-Ironsi, an ethnic Igbo, abolished the federal system and adopted a unitary one. With this, the regional divisions of power were now replaced by a centralized administration that controlled the military and civil services of each separate province. The Northern region viewed this move as a way for the Igbo ethnicity to exert domination over the whole of the nation. In response, on July 29, 1966 a group of northerners staged a countercoup which resulted in the capture and death of Ironsi and Lieutenant Colonel Gowon took over power. Over the time since the initial coup, there was continuous violence in both the North and Eastern regions targeting specific ethnic groups. The Igbos of the East began questioning if they could ever live in harmony with the rest of Nigeria. As a result, on May 30, the military governor of the Eastern Region, Lieutenant Colonel Ojukwu declared independence for the East and the new Independent Republic of Biafra was established accordingly.

The Nigerian Civil War or Biafran War left between one and three million Nigerians dead. Not only did the War leave a significant political legacy by maintaining a military run government in the aftermath, but it also had tremendous consequences for Nigeria's oil industry, natural environment, and social communities. In an article from the *Nigerian Tide*, the federal military government was urged to recognize how pollution from oil operations was impacting fishing communities in the wake of the civil war. The Commissioner for Agriculture, Chief Dappa-Biriye observed "that mineral oil disasters in oil bearing states during and after the recent civil war have led to considerable spillage of oil into surrounding waters, adding that this had exterminated marine life which fishermen live."<sup>17</sup> Although pollution was an apparent problem affecting the living conditions of the residents of oil-bearing regions, the Nigerian government

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<sup>17</sup> "Oil Pollution Causes Hardship," *Nigerian Tide*, February 12, 1972.

continued to implement policies which upheld the colonial traditions of resource control while they neglected regulatory guidelines.

An example of a policy that supported the agenda of the newly formed political establishment was the Petroleum Act which essentially repealed the former colonial Minerals Oil Ordinance. However, while the Petroleum Act of 1969 created a new framework for oil operations, this piece of legislation, in fact did not significantly break away from the colonial inspired system. Similar to the colonial Minerals Oil Ordinance, the Petroleum Act was vague, as well as neglectful toward regulating the oil industry. The Petroleum Act borrowed from the previously common legislative notion of ‘good oil field practice’ as a way to ensure oil companies were engaging in environmentally sound activities.<sup>18</sup> Not only was this concept not adequately defined, but it also remained unclear with regard to issues of liability for damage to the environment. Because of this, many legal cases were brought to Nigerian courts against oil companies by village communities demanding compensation for damages to property and their environment. During exploration activity by Agip Oil Company, the people of the village of Biokponga saw significant damage to their land, crops, economic trees, and fish ponds. As a result, the village filed legal action against the responsible party, Agip Oil, for compensation which amounted to N100,000.<sup>19</sup> When the case was brought to court, almost two years after the initial incidents occurred, the final decision on compensation amount was further postponed because of a lack of sufficient evidence on the side of the plaintiffs. Similar cases of legal neglect increased in number as oil operations became more widespread throughout the Niger Delta Region, and little was done by the Nigerian government to amend outstanding legislation.

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<sup>18</sup>Omeje, *High Stakes*, 44.; The author mentions that the borrowing of this phrase is from an earlier regulation, the Mineral Oils (Safety) Regulations of 1963.

<sup>19</sup> “N100,000 Suit Against Agip,” *The Nigerian Tide*, November 17, 1973.

The Petroleum Act also stated that all lessees shall “adopt all practicable precautions, including the provision of up-to-date equipment to prevent pollution and, in the event that pollution occurs, to take prompt steps to control and, if possible, end it.”<sup>20</sup> Adherence to this regulation required environmental safety measure to be in place such as blow-out preventers and protection of pipelines and tanks. Being that the greatest sum of oil spillage occurred as a result of equipment failure, at the time when the Act was enacted and to the present day, it was obvious that the military government, as well as the successive governments, lacked the monitoring capabilities to enforce the environmental stipulations supported by this particular law.<sup>21</sup> The military government was more concerned with oil production and financial gain and less about environmental protection. The Petroleum Act established a precedent for oil operations in the post-colonial Nigerian state, yet similar to regulations enacted during British rule it failed to contain clear and coherent environmental safeguards against oil pollution.

Not only was pollution from oil spillage becoming a serious problem for the people of oil rich areas, but also, other environmental impacts were causing distress to the population’s livelihoods. Unchecked oil operations, both onshore and offshore, sent a fear of extinction throughout the population of a particular Niger Delta community because of operational invasiveness and forced migration. An article in the *Nigerian Observer* detailed that as a result of offshore and onshore oil operations in the Delta Region, the coast was being continually exposed to the encroaching sea. Because of this vulnerability the community of Ugorado had lost “eight kilometers of homeland to the sea” as well as more “to oil companies by way of wells, canals, ditches and [had] now found itself driven back to swamp land infested by disease

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<sup>20</sup>Omeje, *High Stakes*, 44.; From Petroleum Act 1969.

<sup>21</sup>Ikein, *The Impact of Oil*, 42. In addition to Ikein’s declaration of oil spill due to equipment failure the Greenpeace document *Shell Shocked* also supports that the majority of oil spilled in the Niger Delta is a result of equipment failure.

carrying mosquitoes.”<sup>22</sup> The article further explained that the community “recalled that several appeals had been made to previous and present governments and feared that further delay may cause the people more hardship.”<sup>23</sup> In this particular case, the people of the disappearing community were not seeking a specific amount of monetary compensation, rather they were pleading to the federal military government and the oil companies operating in the area to assist in rehabilitating the area or to aid in finding more suitable places for them to live. The federal government was aware of the problems facing the coastal communities, such as the one exemplified in the article, but no action was taken at the time; besides, no companies were held responsible. In another instance, the people of Ukwa sought assistance from the oil multinational Shell-BP which had been operating in their homeland for decades. An article in *The Nigerian Observer* stated that “Ukwa produces oil but the people had not benefited from the oil produced in their area.” Dr. Njoku, a spokesman for the Ukwa people claimed, “we have in the past 22 years made passionate appeals and requests to the company to assist us in our development programmes but the management shunned us.”<sup>24</sup> Environmental issues continued to be a major concern for the people of the oil-bearing regions of the Niger Delta, yet legislation continued to lack clear and concrete stipulations for environmental protection.

Several laws passed in the 1960s and 1970s presented important environmental related regulations; however, these regulations were vague, overgeneralized, and due to the lack of enforcement capabilities, were rendered essentially ineffective. In addition there was also legislation that was passed during the late 1960s that ostensibly portrayed awareness for the negative environmental consequences from oil operations; but contained inherent loopholes and

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<sup>22</sup> Dan Mukoro, “5,000 Face Extinction as the Sea Steadily Take Over Their Town,” *The Nigerian Observer*, June 6, 1979.

<sup>23</sup> Ibid

<sup>24</sup> Bonny Ehirim, “Appeal to Shell BP for Assistance,” *The Nigerian Observer*, May 24, 1979.

contradictions which trumped environmental protection by favoring oil producers. An example of this can be seen with the Oil in Navigable Waters Act of 1968. The Act, as it read, “permit[ed] the discharge of hazardous substances or petroleum under certain circumstances, such as if the escape of oil from a vessel was due to leakage and the leakage was not due to any want of reasonable care and all reasonable steps were taken to stop or reduce the discharge.”<sup>25</sup> Oil spillage was an inevitable part of conducting oil operations; however, with laws such as the Petroleum Act and the Oil in Navigable Waters Act guiding the industry, oil spills occurred regularly throughout the 1960s with little legally enforced consequences for the responsible party.

#### The 1970s: OPEC and the Oil Boom

The early 1970s proved to be a time of change for Nigeria’s oil industry. In 1971 Nigeria joined the Organization of Petroleum Exporting Countries (OPEC) as a way to safeguard interests in the international market at a time when the Nigerian oil production was escalating. Membership for Nigeria was an advantage because “OPEC regulat[ed] annual oil production, and by doing so influenc[ed] international oil prices through such mechanisms as production quotas and ceilings that all members [were] obliged to obey.”<sup>26</sup> OPEC encouraged indigenization which was also strongly supported by the other oil producing member countries.<sup>27</sup> Entrance into OPEC opened the opportunity for Nigerians to hold high skilled positions in the oil companies; however, because of the educational institutions created by the colonial British administration that reality would prove complicated. The educational institutions created by the

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<sup>25</sup>Omeje, *High Stakes*, 44.; Oil in Navigable Waters Act 1968, Section 4.

<sup>26</sup> Ike Okonta and Oronto Douglas, *Where Vultures Feast Shell, Human Rights, and Oil in the Niger Delta* (San Francisco: Sierra Club Books, 2001), 54-55.

<sup>27</sup>Frynas, *Oil in Nigeria*, 31.

British during the colonial era focused more on the arts and culture and neglected the sciences and applied research. An article from the *Nigerian Standard* stated, “a definite policy should be adopted which motivates people in the pure sciences so that a science oriented society that makes use of available local materials is developed.”<sup>28</sup> The article further stated that “in order to encourage technological inventiveness in Nigeria, there is the need to have a strong science base in our educational awareness.”<sup>29</sup> Aside from the problems presented, entrance into OPEC gave greater power to Nigeria as an oil producing nation on the global oil market and with that came significant changes to the industry.

There were certain requirements that came along with OPEC membership which coincided with Nigeria’s attempts toward indigenization. Most importantly OPEC required, as stipulated in Resolution No. XVI.90, “all member countries to acquire 51 percent of foreign equity interests and to participate more actively in all aspects of all operations.”<sup>30</sup> To prepare the country for ingress into OPEC Nigeria’s federal government formed the Nigerian National Oil Corporation (NNOC). This state-owned corporation acted as a mechanism through which the Nigerian government could actively participate in all aspects of oil production. Additionally, it set certain provisions concerning profit sharing and royalty collection. The Foreign Enterprises Decree of 1972 detailed that the Nigerian Government obtain 35 percent of the joint-venture, Shell-BP. Two years later the NNOC was chosen to represent the federal government in the Shell-BP joint-venture, and by 1974 the NNOC was controlling 55 percent of the equity from petroleum production in Nigeria.<sup>31</sup> As a result, Shell-BP would be renamed Shell Petroleum

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<sup>28</sup> “Nothing Like the Transfer of Technology,” *The Nigerian Standard*, September 16, 1980.

<sup>29</sup> Ibid.

<sup>30</sup> Omeje, *High Stakes*, 33.

<sup>31</sup> Ikein, *The Impact of Oil*, 3,6.

Development Company of Nigeria; a name by which the company still distinguishes itself presently.

In 1977, the NNOC was dissolved and the Nigerian National Petroleum Corporation (NNPC) was formed. The NNPC acted in the same capacity as the previous NNOC, in that the company supervised oil extraction as well as provided direction for oil companies operating in Nigeria. To ensure more control of the country's oil industry Nigeria underwent a national program of indigenization. Through the indigenization of vital parts of the oil operations, the establishment of greater governmental control over oil operations, and the allowance of oil companies to engage in oil exploration at their own risk, the Nigerian government began to slowly restructure the dynamic of control over the country's oil resources.<sup>32</sup> Exemplified in the amended Nigerian Federal Constitution, the structure of resource control was outlined within chapter 350 section 1(1). The constitution specified, "[t]he entire ownership and control of all petroleum in, under, or upon any lands to which this section applies shall be vested in the state."<sup>33</sup> The next line provided a more narrowed definition which declares that the application refers to all land, including land covered by water, which is in Nigeria, is under the territorial waters of Nigeria, forms part of the continental shelf, or forms part of the Exclusive Economic Zone (EEZ) of Nigeria. In spite of Nigeria's control of the oil industry, it was more concerned with oil production than in creating regulatory policies.

During General Gowon tenure of the mid-1970s, millions of naira generated from oil revenue disappeared from the government. Officials on the federal and state levels both stole large sums of money from the government through varying methods. Some officials would simply alter accounting numbers while others would award governmental contracts to friends

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<sup>32</sup>Ikein, *The Impact of Oil*, 2-3.

<sup>33</sup> The World Law Guide Legislation Nigeria (Lexadin, 1996-2010), <http://www.lexadin.nl/wlg/legis/nofr/oeur/lxwenig.htm> (accessed July 28, 2010).



and in turn receive massive monetary kickback from those contracts. The official corruption of Nigeria's oil boom years extended to nearly all facets of governmental programs. Indigenization was not only focused on the oil industry, during the 1970s many different Nigerian businesses were indigenizing. The ultimate goal was to take control of economic activity from foreign investors and place it in the hands of Nigerians. While this scheme increased the number of businesses owned by Nigerians, it did little to improve the poor living conditions of the average person. Since the already prosperous, with interests aligned with foreign investors and rent-seeking politicians, were the ones primarily investing in Nigerian businesses, the indigenization process did more to promote governmental corruption and class separation, than to enrich the livelihoods of the everyday Nigerian. After Gowon's military government was ousted by a coup in 1975, a governmental inquiry was launched to examine official corruption during the rule of the military government. The results of the commission exposed 10 state governors to be guilty of misusing government funds in excess of 16 million naira.<sup>34</sup>

Along with an effort to indigenize, the Nigerian government also adopted an economic policy of import substitution which intended to revamp not only the oil industry but also the agricultural, steel, and iron industries to name a few. Advocates of import substitution posited replacing foreign imports with domestic production. The policy failed in Nigeria for a number of reasons. First, the technical foundation, such as a skilled labor force and infrastructure to support the massive revamping of domestic industrialization was simply not present in Nigeria. Second, while there was a significant increase in the physical transfer of technology through the import of large-scale machinery and equipment, Nigeria lacked the technical expertise to operate the

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<sup>34</sup> Ayittey, *Africa Betrayed*, 250.

machinery. Lastly, because of a lack of standardization measures, when equipment failed the Nigerian government imported more instead of fixing the equipment locally.<sup>35</sup>

Throughout the indigenization of the oil industry, environmental issues remained a concern of the population of the oil regions; however, little was done by the government to enforce any regulation managing pollution. Additionally, with oil production at a record level at the end of the 1970s there was much social contention created over how oil revenues would be dispersed across the nation. The head of Shell-BP released an article in the *Nigerian Observer* that approximately 2.4 million barrels of oil was being produced per day and that his company had found more oil than has been produced.<sup>36</sup> During the 1970s Nigeria experienced a booming economy because of the rising price of oil on the global market as well as a massive increase in crude oil production and export levels. Not coincidentally, the oil-rich states of the Niger Delta wished for it to be distributed based on the quantity of oil derived from each state, whereas the non-producing regions opposed that, and wanted it to be based on population.<sup>37</sup> However, apart from the revenue debate, one thing remained certain: environmental concerns took an ancillary position to economic gain.

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<sup>35</sup> Akin O. Adubifa, *Technology Policy Failures in Nigeria*, Nigerian Institute of Social and Economic Research, 1988.

<sup>36</sup> "Oil Production is at Record Level," *The Nigerian Observer*, July 25, 1979.

<sup>37</sup> Toyin Falola and Matthew M. Heaton, *A History of Nigeria* (Cambridge: Cambridge University Press, 2008), 185.

Year	Production	Export	Domestic Consumption
1970	395,689	383,455	12,234
1971	558,689	542,545	16,144
1972	665,295	650,640	14,655
1973	719,379	695,627	23,752
1974	823,320	795,710	27,610
1975	660,148	627,638	32,510
1976	758,058	736,822	21,236
1977	766,055	715,240	50,815
1978	696,324	674,125	22,199
1979	845,463	807,685	37,778
1980	760,117	656,260	103,857

Figure 6: Crude Oil Production and Export (Barrels) <sup>38</sup>

An op-ed article in the *Nigerian Chronicle*, warned the Nigerian government to “avoid the mistakes of some developed countries who embark on economic development without regard to the effect of pollution.”<sup>39</sup> It further stated that Nigeria was not only developing, but it was also in a great hurry to develop. Because of this, the nation needed to pay careful attention to certain environmental impacts associated with development such as water pollution, soil erosion, destruction of forests, and the effects of oil exploration. The setting up of a permanent body to study and make recommendations on how pollution could be checked effectively was proposed by the article; however, no environmental enforcement entity was established. Although the Nigerian government was now taking a more active role in the oil industry the laws created to

<sup>38</sup> Crude Oil Production and Export, table, The Statistical Bulletin, Central Bank of Nigeria, Vol. 17, Dec. 2006. <http://www.cenbank.org/out/publications/statbulletin/rd/2008/stabull-2006.pdf>.

<sup>39</sup> “Let’s Check Pollution,” *Nigerian Chronicle*, June 7, 1974.

regulate it were deliberately in favor of the oil companies, especially with situations where oil pollution charges were brought against them from the social community.

Multinational oil companies were gradually controlling major governmental decisions with regard to the oil industry, and as a result the people of the oil-producing regions were desperate for significant change to the existing policies. In an opinion piece for the *Nigerian Tide*, A.B.D. Nedom of the University of Ibadan, wrote on the need for a national pollution commission to regulate the unfair practices outlined in certain pieces of Nigerian legislation. Nedom stated that large oil companies, “companies bearing either Dutch or combination of Anglo-Dutch or French-Dutch names”, almost always secured exclusive oil exploration rights, while the “indigenous contracting companies [were] never within such contracts.”<sup>40</sup> He further explained that the meager, if any, monetary compensation rewarded to the indigenous population in the event that their land or economic property was destroyed, was leading to social conflicts with pollutions. Because the majority of the people of oil-exploited areas were either farmers or fishermen the consequences from oil pollution essentially left them with no form of livelihood, yet taxes were still required to be paid to the government. Nedom highlighted how decisions over exploitation were made outside the country by large companies which resulted in little or no say by the people over how resources and revenues should be collected and distributed. “The crumbs of the operations which our indigenous contractors have [were] the supply of cheap-cheap labour or transporting chemicals and building huts at the site of operations.”<sup>41</sup> These social problems associated with pollution were intensified with the changing political climate as well as certain legislative acts passed during the latter part of the 1970s

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<sup>40</sup> A.B.D. Nedom, “Why a National Pollution Commission?,” *Nigerian Tide*, December 11, 1971.

<sup>41</sup> Nedom, “Why a National Pollution Commission?”

In 1979, the current military government, headed by General Obasanjo, willingly handed over political power to the civilian administration of the Second Republic under President Shagari. The Second Republic inherited an economy in decline. The financial windfalls experienced from the oil boom in the earlier years of the decade were followed by economic decline from the oil bust of the late 1970s. Corruption was still rampant in the political system; however, with Nigeria now a debtor state, the lavish lifestyles of politicians became more pronounced within the context of a poor economic climate. According to Ayittey, “wealth exported by top government officials was unofficially estimated by Western diplomats at \$5 billion to \$7 billion during the short-lived second republic, the most corrupt in Nigeria’s history.”<sup>42</sup>

The constitution adopted by the Second Republic fostered corruption. Modeled by the US Constitution, the so called presidential constitution of the Second Republic lent power to the executive branch to fill high ranking offices with individuals of the president’s choosing. The spoils system of politics undermined the national reform agenda by filling potentially lucrative government jobs with friends and followers of the president. In *Democracy and Prebendal Politics in Nigeria*, Richard Joseph aptly utilizes Max Weber’s definition of prebendalism, as applied to feudal societies where public office was attained by an individual in return for loyal service to the authority, to describe Nigeria’s political organization during the Second Republic. Joseph contends that the official roles and responsibilities of political office in Nigeria took a subsidiary role to the “justifying principle that offices should be competed for and utilized for the personal benefit of the office-holders as well as of their reference or support group.”<sup>43</sup> He further concludes that Nigerian prebendal politics, along with “clentelism,” destabilized the democratic

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<sup>42</sup> Ayittey, *Africa Betrayed*, 252.

<sup>43</sup> Richard Joseph, *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic*, (Cambridge: Cambridge University Press, 1987), 8.

institutions of Nigeria rendering the survival of a workable democratic system essentially impossible.

Additionally, the new legislation of the late 1970s was more concerned with reversing economic decline than it was in addressing disastrous environmental concerns. The Land Use Decree of 1978, later renamed the Land Use Act of 1979, neutralized all traditional impediments to land acquisition under traditional law which freed up land for oil activity. The Act stated that all land where oil was explored, produced, or transported, was owned solely by the state. Oil companies essentially paid a rent directly to the state for the authorization to conduct oil operations on that land. In the likely case that environmental damage occurred, under the regulatory guidelines of the Land Use Act it was only the state that was legally permitted to protest, not the former inhabitant occupying the land.<sup>44</sup> While this Act placed considerable control with the Nigerian Government, the most controversial aspect of the new law was the government's authority to revoke any inhabitant's right to occupancy for reasons of overriding public interest. The Land Use Act incited land-centered conflicts among the people of the Niger Delta which led to further fragmentation of an already fragile social dynamic.<sup>45</sup> With the Act in place, the people of the Niger Delta, who lived where the bulk of oil exploration and operations were conducted, were essentially turned from legal inhabitants to unlawful intruders on their own lands. According to legal scholar Jedrzej Frynas "[t]o sum it up, the Land Use Act allowed oil companies to gain easier access to the land and to the oil resources through the government."<sup>46</sup>

The provisions written into the Land Use Act rendered the population of the Niger Delta essentially unrepresented in the event that pollution was caused to their environment. Upon the occasion that protest did arise, the government was quick, as well as right within the law to

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<sup>44</sup>Omoweh, *Shell Petroleum Development Company*, 131.

<sup>45</sup>Omeje, *High Stakes*, 42-43.

<sup>46</sup>Frynas, *Oil in Nigeria*, 80.

deploy its military to silence the opposition. This left little remediating action possible for the people most impacted by the environmental destruction of their land. While the Act was composed to vest ownership of land to the state to be “held in trust and administered for the use and benefit of all Nigerians” the implications diverged greatly from the supposed goal.<sup>47</sup> The Land Use Act undoubtedly favored oil company interests over that of the people of Niger Delta. This in turn induced more reckless oil operations as seen through increased incidents of oil spillage as well as greater amounts of gas flaring sites. This led to further environmental degradation with little or no liability costs from the responsible oil companies.

#### Harmful Environmental and Social Impacts of Oil Operations

Since the beginning of oil production in the mid-twentieth century there have been numerous oil spills in Nigeria’s coastal zones that have negatively impacted the natural and social environments of the Niger River Delta. In 1978, a tank failed at Shell Petroleum Development Company’s Forcados Terminal resulting in nearly 600,000 barrels of oil being released into the coastal zone. Also in 1978, there was an incident of oil spillage from a pipeline leading to the terminal at Bonny. The Bonny terminal oil spill was estimated to have released close to 500 million barrels of oil along a 25 kilometer stretch of pipeline. It was reported that oil on the water surface was 2.5 centimeters thick. Two years later in 1980, Texaco’s Funiwa-5 well experienced a blowout resulting in approximately 400,000 barrels of oil to be discharged.<sup>48</sup> On average, according to statistics produced from SPDC, there were over 220 incidents of oil spillage per year. During the fifteen year period from 1976 to 1991 there were a reported 2,976

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<sup>47</sup> A. EkongBassey, “Implications of the Land Use Decree-1,” *The Nigerian Chronicle*, February 12, 1979.

<sup>48</sup>Fatai O.A. et al., “Oil Spill Disaster Monitoring Along Nigerian Coastline,” 5.

spills in Nigeria.<sup>49</sup> Soil and ground water were continually being contaminated from oil spills across the oil producing region of the Niger River Delta; however, oil spillage was not the only way in which oil operations were impacting the natural and social environments of the Niger River communities.

Year	Number of Spills	Quantity Spilled	Quantity Recovered	Net Quantity Lost to Environment	Percentage of Quantity Lost to Environment
1976	128	26,157.00	7,135.05	19,021.50	72.72
1978	154	489,294.75	39,1445.00	97,849.75	20.00
1980	241	600,511.02	42,416.83	558,094.19	92.94
1982	257	42,841.00	2,171.40	40,669.60	94.03
1984	151	40,209.00	1,644.80	38,564.20	95.91
1986	155	12,905.00	552.00	12,353.00	95.72
1988	208	9,172.00	1,955.00	7,217.00	78.69

**Figure 7: Oil Spills in the Petroleum Industry (1976-1988) in Barrels<sup>50</sup>**

Compounding the damage that was being caused by oil spillage, there was also the harmful practice of gas flaring. Gas flaring, the process by which natural gas was burned out of the crude oil in its basic state during extraction, began at the start of commercialized oil production in the 1960s. Because of an inadequate infrastructure in place to effectively store and utilize the extracted natural gas, approximately 75 percent of it was flared. On a global scale, Nigeria's Niger Delta flared about 20 percent of the collective world total and as a result approximately 11 million metric tons of methane was released into the atmosphere.<sup>51</sup> While the release of methane was harmful it was not the only product released into the air, there was also

<sup>49</sup> Haller, *Fossil Fuels, Oil Companies, and Indigenous Peoples*, 71.; This figure was gathered from the 1992 documentary, *Heat of the Moment*, by Glenn Ellis and Kay Bishop.

<sup>50</sup> Niger Delta Environmental Survey, Phase 1 Report (1997), Vol. I NNPC (1997) – *Annual Statistics Bulletin*.

<sup>51</sup> Jonas E. Okeagu et al., "The Environmental and Social Impact of Petroleum and Natural Gas Exploitation in Nigeria," *Journal of Third World Studies*, Vol. XXIII, No. 1, (2006): 202-203.



hydrocarbons, carbon monoxide and carbon dioxide which all contributed to a worsening of air quality for the social communities living in oil-producing areas.

Year	Outputs	Utilization	Quantity Flared	Percentage Flared
1970	8,039	72	7,957	99
1971	12,975	185	12,790	99
1972	17,122	274	16,848	98
1973	21,882	295	21,487	98
1974	27,882	323	26,776	99
1975	18,656	659	15,333	98
1976	21,279	972	20,617	97
1977	21,924	1,866	20,952	96
1978	2,306	1,546	19,440	91
1979	27,619	2,951	26,073	94
1980	24,551	3,442	22,904	93
1981	17,113	3,244	14,817	83
1982	15,382	3,438	11,940	78
1983	15,192	3,723	11,946	79
1984	16,255	4,822	13,917	79
1985	18,569	4,794	12,291	80
1986	17,085	5,516	14,737	74
1987	20,253	6,323	18,730	72
1988	25,053	6,343	21,820	73

**Figure 8: Gas Production and Utilization in Nigeria (Million Cubic Meters)<sup>52</sup>**

The negative impacts to the environment from gas flaring included, but were not limited to, air pollution, acid rain, and soil and crop contamination. The harmful gases that were released into the air as byproducts of gas flaring were absorbed and returned to the earth as soot through rainfall. This polluted rain covered houses, crops and other various plants with thick deposits of

<sup>52</sup> Central Bank of Nigeria, Statistical Bulletin 1998, and Annual Report and Statement of Accounts, 2000.

black soot. This soot as well as acid rain also, found its way into local streams and rivers which further added to water contamination. Gas flaring not only contaminated the natural environment but also interfered with the social community's ability to maintain healthy living conditions. Harmful human effects ranged from respiratory illness, such as asthma and bronchitis, to hearing and skin problems. In addition, an elevated rate of birth complications had been associated with gas flaring.<sup>53</sup> Some flare sites which were situated near villages and close to homes had been continually flaring gas on a twenty-four hour basis throughout the introduction of mass oil production in the Niger Delta.<sup>54</sup>

Because of the nature of gas flaring operations it was difficult to quantitatively evaluate its environmental impacts; however, communities have been distressed by the practice since its commencement. In 1972, a legal case was brought against Shell-BP by the Rumuokani community over the harmful effects of gas flaring, targeting the heat, noise, and vibration emanating from the flare site. They claimed that flaring operations had destroyed trees and other foliage as well as damaged houses which were located near the site. The verdict of the case went in favor of the oil companies. The judge, upon receiving word from an on scene observer, concluded that there was simply not enough evidence to support the claims by the plaintiffs and the charges were dismissed.<sup>55</sup> Studies conducted to determine the exact impact of gas flaring on soil, flora, and fauna in the oil producing region revealed that "palm trees most of which were wild, that were within a radius of one kilometer of the flare sites, grew tall without bearing fruits

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<sup>53</sup>Ibid, 202-203.

<sup>54</sup>Greenpeace International, *Shell-Shocked*.

<sup>55</sup>Jedrzej George Frynas, *Oil in Nigeria: Conflict and Litigation between Oil Companies and Village Communities*. (Hamburg: Lit Verlag, 2000), 164-165.

before dying finally.”<sup>56</sup> Moreover, pumpkin and tomato crops also did not grow within the same one kilometer radius due to a dehydrating of the soil.

Furthermore, regulations were set into place in 1984 to monitor and limit gas flaring operations; however, oil multinationals continued the practice with little or no government intervention. The law was the result of an amendment to the Associated Gas Re-injection Act of 1979. The Act required gas to be re-injected back into the earth by the companies conducting the operations or for them to develop a comprehensive scheme to utilize the excess gas. In addition to the NNPC’s unwillingness to invest in gas development, there were other reasons for the ineffectiveness of the gas flaring regulations. First, the Nigerian government granted exemptions to oil companies which offered them the leeway to operate outside federal law. In 1985, the same year the Gas Re-injections Act was amended, 55 of Shell’s 84 active wells were exempted from the flaring regulations. Second, the monetary penalties associated with the gas flaring were minor, making it cheaper for companies to flare gas than it was for them to invest in gas development programs.<sup>57</sup> To emphasize this point, it would have cost Chevron approximately 56 million US dollars in the late 1980s to convert gas operations to be in compliance with the Gas Re-injection Act. With maintaining the status-quo, the fines weighed against the company for flaring gas tallied roughly 1 million US dollars.<sup>58</sup> It was clearly more economically beneficial for Chevron to continue with the operations that were already in place. Another company operating and flaring gas in the area, Mobil, stated that the reason they flared gas instead of processing it for local use was because “the company was only authorized by law to exploit crude oil and nothing more.”<sup>59</sup> These examples clearly showed that the Nigerian government was more

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<sup>56</sup>Omoweh, *Shell Petroleum Development Company*, 64.

<sup>57</sup>Frynas, *Oil in Nigeria*, 88.

<sup>58</sup>Frynas, *Oil in Nigeria*, 88

<sup>59</sup> “Decree Prohibit Flare Gas,” *Vanguard*, February 18, 1985.

concerned about revenues generated from oil production then they were about implementing regulatory policy.

Even with the mounting environmental problems of the 1970s and the mid-1980s, regulatory policies continued to be absent from government programs. It was not until 1988 that the Nigerian government set up an agency specifically dedicated to the development of an institutional framework for environmental management as a response to ecological disasters. The Federal Environmental Protection Agency (FEPA) was created by the FEPA Act of 1988 and was later amended by Act #59 in 1992. The agency's main functions were to analyze possible environmental situations and advise the government on probable catastrophic issues. Not only was the Agency riddled with contention and contradiction, the laws written to support FEPA's mission were full of loopholes and vague language so that oil companies could continue to avoid liability of spills. Above all, it was apparent that economic gain took the primary position over regulatory policy.

Nigeria's road to political independence began almost as soon as the British colonized the territory at the start of the twentieth century. With the passing of two world wars, an increasing number of "nationalist" movements, and a changing global political economy, Britain realized it was no longer feasible to continue the direct occupation of Nigeria. Nigeria's independence was achieved through a constitutional process which granted Nigerians greater participation in the colonial system between 1940-1960. Nigeria's independence constitution was, however, defective. The constitution sanctioned Nigeria into three official regions. This ensured that political parties would be formed along ethnic lines. Unfortunately, this would undermine the creation of a Nigerian nationalist movement. Party loyalty at the regional level was gained through a system of patronage that has been aptly described by Frederick Cooper as

“clientelism.” The post-colonial state was also a “gate-keeper” state. The post-colonial state did not break new ground; it built on the institutions and structures that had been created during the colonial period. With regard to the oil industry, the policies of the post-colonial state intensified oil exploration and production. The policies also ensured that Nigeria would have a greater share of the equity from oil revenues. Greater share of the revenue did not translate a control of the technology and infrastructure of oil production. In spite of the indigenization program that was implemented by the Nigerian government during the tenure of Gowon the oil corporation still maintained control of the most strategic areas of oil exploration and production. Nigeria did not have the technological capabilities to control gas flaring nor did they have the technical expertise to monitor oil company operations both on shore and off shore. In the context of the continued dependent relationship between Nigeria and multinational corporations, the successive governments of 1960-1988 failed to implement regulatory policies regarding the oil industry. As a result, the FEPA Act of 1988, although ambitious, has not been properly implemented.

### **CHAPTER 3: RESISTANCE AND CIVILIAN RULE**

Chapter three examines the time period from 1988 to the present. This chapter analyzes the social and environmental consequences of over forty years of oil exploration, exploitation and production in Nigeria's Niger Delta against the backdrop of important political and economic changes. The outstanding feature of Nigerian history in the 1980s was the implementation of the Structural Adjustment Programme (SAP) under the military dictatorship of General Babangida. The SAP was recommended by the International Monetary Fund (IMF) and was the product of structural weaknesses in the Nigerian economy that date back to the colonial period. The Nigerian economy since the mid-1970s has been dominated by an overdependence on crude oil exports. The failure to diversify the Nigerian economy has made it vulnerable to the fluctuations in the world market. The provisions of the SAP included but were not limited to the devaluation of Nigeria's currency, the liberalization of the economy through the reduction of tariffs, and the deregulation of the economy through the removal of government controls. The implication of SAP with regard to the activities of multinational oil companies in Nigeria's oil industry was that the government would have less control over the operational aspects of the industry.

This chapter argues that the non-implementation of regulatory policies by the post-colonial Nigerian state has led to the decimation of the agricultural and marine resources of vast areas of Nigeria's Niger Delta oil-production area. The destruction of the "ecosystem" and the concomitant diminution of economic opportunities have created what Frederick Cooper calls "labor reserves." Deprived of a means of livelihood, large numbers of youths with nothing to

sell but their labor power have become key elements in the resistance to the activities of the multinational oil corporations in Nigeria's Niger Delta.

Although the resistant movements of the 1990s and 2000s have gained some attention by the global community, the collective message of environmental protection has been continually silenced by the successive Nigerian governments both military and civilian. One of the most noted examples of this was the execution of Ken Saro-Wiwa and the other eight MOSOP members in 1995. Furthermore, as resistant movements became more aggressive and violent in nature, instances of environmental destruction have increased accordingly. Reasons vary, but central to this view is that the sabotage of oil production facilities and pipelines by Nigerian militant groups was causing damage to local ecological areas through oil spillage. Compounding the problem has been the illegal sale of crude oil, or "blood oil," on the black market with profits directly funding further militant activity.

#### FEPA and the Rise of MOSOP

As stated in the preceding chapter the main goal of the newly formed Federal Environmental Protection Agency was to analyze possible environmental situations and advise the government on probable catastrophic issues. At the time of FEPA's creation the Nigerian government was once again controlled by a military leader, General Babangida. Nigeria's Second Republic had been characterized by official corruption, ethnic tensions, and non-implementation of government policies. After a failed general election in 1983, the military seized power in a coup led by General Buhari, on December 31, 1983. Buhari's regime was overthrown a year and a half later by General Babangida who took over as head of state on August 27, 1985. Under the rule of the second military government since the overthrow of the

Second Republic in 1983, the Nigerian economy continued its downward spiral. In an attempt to remedy the economic situation, Babangida implemented the Structural Adjustment Programme (SAP) which essentially endorsed the deregulation and privatization of the national economy. While some positive impacts resulted from the SAP, the overall social effects from the program were devastating for the average Nigerian. With the implementation of the SAP, unemployment increased and governmental corruption became more institutionalized. By 1989 there was not one governmental institution or agency that was not infiltrated by systematic corruption; this included the newly formed Federal Environmental Protection Agency.

Federal control of FEPA created a serious conflict of interest within its internal structure which undermined the implementation of regulatory policies for the oil industry. As stated in the preceding chapter, the Land Use Act of 1979 declared governmental responsibility of all lands in which oil operations were conducted. This in turn made the government liable when pollution occurred in those areas. However, because the Act also specified that the government could legally revoke any inhabitant's right to land, displaced persons were essentially rendered powerless to resist because according to the law they had no right to be on the government owned land in the first place. The Land Use Act provided the government no social impetus to stop the destruction of the environment. To further compromise FEPA's central mission, and more profoundly the overall dynamic of Niger Delta environmental degradation, was the state's ownership and influence in the Agency's decision and policy making process.

FEPA's environmental protection and control objective, as created by the FEPA Act of 1988 was inherently flawed. The Agency's governing council consisted of members who not only contributed to the environmental decisions made by the Agency; they were also representatives of the Ministry of Petroleum Resources. This created a conflict of interest



because Ministry officials could directly influence FEPA's regulatory policies concerning the oil industry. Also, the FEPA Act itself contained certain loop holes written into the regulatory language that allowed for the discharge of hazardous material into the environment when and where it was explicitly authorized by Nigerian law. An example of this federal authorization was the Oil in Navigable Waters Act which stated that a "vessel may discharge oil into Nigerian waters if the escape of oil was due to leakage and the leakage was not due to any want of reasonable care and all reasonable steps were taken to stop or reduce the discharge."<sup>60</sup> This example, shown by the Oil in Navigable Waters Act, destroys any deterrents FEPA created to manage environmental pollution.

As a response to the devastated social and environmental conditions of Nigeria's Delta Region because of decades of unregulated oil operations, the Movement for the Survival of the Ogoni People (MOSOP) was formed in 1990 in an attempt to raise global awareness. Through non-violent protest, MOSOP proactively denounced the acts of 'genocide' inflicted on the Delta people.<sup>61</sup> The Ogoni people's environmental message was clear. In 1990, MOSOP summed up their list of demands for ecological, political, and socio-economic justice within the framework of their "Ogoni Bill of Rights". Along with pleas for adequate representation and a larger share of their territory's oil revenue, was the demand for protection against the environmental degradation of their land. When the document was sent to General Babangida's Armed Forces Ruling Council it received no response. Also, no response was received when MOSOP contacted local oil producers, Shell, Chevron, and the Nigerian National Petroleum Corporation (NNPC) and demanded compensation in the amount of 4 billion US dollars for the

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<sup>60</sup>Frynas, *Oil in Nigeria*, 86.

<sup>61</sup> Ken Saro-Wiwa, *Genocide in Nigeria The Ogoni Tragedy* (London: Saros International Publishers, 1992), 9.;Saro-Wiwa refers to the United Nations definition of genocide as being the "commission of acts with intent to destroy a national, ethnic, racial, of religious group". While outwardly confident in his description, he further states that this definition accurately describes the environmental destruction caused by the oil industry in the Niger Delta.

environmental destruction caused to their territory, as well as 6 billion US dollars in outstanding taxes and royalties. This apparent neglect demonstrated the agenda of the Nigerian government and the oil companies. When MOSOP's demands gained the attention of the international community, Nigeria's military government stepped in to silence their opposition voice.

In the concluding months of 1995, nine members of MOSOP were convicted of murder, and subsequently sentenced to death by hanging. The nine prisoners were initially taken into custody for their alleged involvement in the murder of four Ogoni leaders in May, 1994. For more than eight months the defendants were tortured, beaten, and forced to live incommunicado from the rest of society. In addition, the prisoners were regularly deprived of adequate food, water, and medical attention. Among the nine MOSOP members convicted was organization president, and acclaimed author and environmental rights activist Ken Saro-Wiwa. The Ogoni nine's executions in 1995 marked the culmination of negative impact the oil industry has had on the natural and social environments of Nigeria's Niger Delta.

The Babangida administration began the process for the transition to civilian rule almost as soon as he took power in January 1986. In 1989, the military government released a draft of the new constitution that would be implemented by the Third Republic. Elections were held on June 12, 1993 and were considered by the Nigerian people as the most free, fair, and peaceful elections in Nigeria to date. With the prospect of having to relinquish power, Babangida annulled the results of the elections on June 23, and subsequently remained in power. Babangida's actions generated an explosion of protests, demonstrations, and riots across Nigeria. The uprising diverged along regional lines, where protestors in the South called for a restoration of results from the June 12<sup>th</sup> elections while in the North, pro-Babangida rallies were organized by the government. As a result, widespread violence broke out and a state of emergency was

declared in many parts of the nation. Babangida, under the crisis conditions, could no longer hold legitimacy and was removed from his position by a military coup on November 17, 1993.

General Sani Abacha assumed power and quickly established his name as a ruthless and authoritarian leader. Abacha showed no signs of relinquishing power and abolished all the existing measures and institutions created by the Third Republic's constitution. The Ogoni trials solidified Abacha's reputation for brutality. Prior to his 1995 conviction, Ken Saro-Wiwa was harassed and arrested multiple times by Abacha's security forces, including two separate occasions in 1993 for unlawful assembly, seditious intention, and seditious publication. Concurrently while Saro-Wiwa and the other accused MOSOP members awaited trial, governmental security forces instigated inter-ethnic killings where no redemptive legal action was brought upon them.<sup>62</sup> During the month of June 1994, more than fifty Ogoni were executed by military security forces as well as over 180 wounded during village attacks in Rivers State.<sup>63</sup> During these attacks security forces were reported to have fired their weapons at random, looted property, and burned local homes. In the village of Uegwere Bo-ue specifically, two separate attacks occurred within four days of each other, resulting in nine dead, one of which was a 10-year-old boy.

The accusations and convictions brought against Saro-Wiwa and the other eight MOSOP activists were undoubtedly politically motivated. Proof of this reality can be seen when placed within the context of the murderous events which occurred in Rivers State during the previous five years. Ken Saro-Wiwa and the other eight MOSOP activists were detained illegally without

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<sup>62</sup> AI, "Nigeria: The Ogoni Trials and Detentions," 10-11.; In 1993-94 security forces assisted in inter-ethnic killings between the Ogoni and rival ethnic groups. In January 1991 a judicial commission of inquiry named specific officers of a paramilitary Mobile Police unit responsible of 80 extrajudicial executions in Umuechem, Rivers State, in October 1990. The executions were apparently the consequence of the Etche ethnic community protesting the environmental destruction caused by the oil industry.

<sup>63</sup> Amnesty International, "Extrajudicial executions/Fear for safety," (AI Index: AFR 44/06/94, Distr: UA/SC, 27June1994), 1-2.

formal charges from the time they were initially apprehended in May 1994 until February 6, 1995 when the first five were brought to court and notified of the charges weighed against them. A special court, named the Civil Disturbances Tribunal, was established by Nigeria's military government to try cases in connection with civil unrest.<sup>64</sup> The tribunal acted more as an arm of government than a court of law. To further emphasize the view that the MOSOP nine's case was politically motivated, the tribunal's verdicts had no official effect until confirmed and amended by the government. Additionally, according to the Nigerian constitution, within the rights of Nigerian citizenship, the defendants should have been notified of their charges within twenty-four hours of arrest, which never took place. In addition to political motivation, the tribunal also made decisions and verdicts that were proven to be directly influenced by governmental entities working outside the Nigerian judicial system.

From the time of initial arrest in May 1994, the military government controlled every aspect of the Ogoni nine's detainment and trial. The members of this specially appointed tribunal included both high and lower ranking military officers, and even though chaired by a retired judge, the selected members of the court shockingly were not required to possess any legal training. In addition, the military officers who served on the tribunal were directly influenced by governmental authorities as their employment, promotion opportunities, and pensions, were dependent on successful and effective military service. Perhaps the most publicly transparent example of the military government's control and prejudgment was displayed with the initiative to go to trial. The decision to proceed to trial was confirmed before prosecution applied for commencement of the first trial which was on January 28, 1995. The federal government announced that the trial would commence before any suspect was formally charged

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<sup>64</sup> Amnesty International, "Nigeria: The Ogoni Trials and Detentions," (AI Index: 44/20/95, 15Sept 1995), 11.

as well as before the prosecution presented any evidence for the tribunal to review.<sup>65</sup> Also, the tribunal's final verdict held no legal authority until either accepted or rejected by federal government officials. Therefore, the decision could be made in isolation from the pressure of public judicial or legal processes.

The subjective stance demonstrated by the tribunal directly conflicted with the international standards for fair and just trial proceedings. With the case of the Ogoni nine, the tribunal conducted two trials simultaneously. This was not only prejudicial to all of the defendants involved, but it also exposed an absence of equality and adherence to the basic citizen rights protected within the legal framework of Nigeria's Federal Constitution.<sup>66</sup> Andrew Rowell of Greenpeace observed that "the Ogoni's situation may seem more about human rights than the environment. After all, Nigeria has a history of puppet dictators, military rule and has denied its people democratic elections and minority rights."<sup>67</sup> While accurate with his assertion of human rights violations, Rowell overlooked a principal certainty that, "[e]nvironmental and human rights for the Nigerian people, particularly in the Niger Delta, cannot be separated."<sup>68</sup> The tragic fate of the Ogoni nine exposed to the global community considerably more than a story about the suppression of human rights by a corrupt judicial and political system. It revealed the extent the Nigerian military government, would go to in order to silence opposition voice for the environmental destruction caused from decades of conducting oil operations in the Niger Delta.

Abacha's regime not only blatantly disregarded human rights, but also engaged in corrupt political and economic activities that would continue to sustain poor living conditions for the

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<sup>65</sup>AI, "Nigeria: The Ogoni Trials and Detentions," 12-13.;

<sup>66</sup>The World Law Guide Legislation, "Nigeria" Lexadin, 1996-2010. <http://www.nigeria-law.org/ConstitutionOfTheFederalRepublicOfNigeria.htm>; Under Nigerian Constitutional law, 33(5), every person who is charged with a criminal offense shall be presumed to be innocent until he is proven guilty.

<sup>67</sup>Greenpeace International, *Shell-Shocked. The Environmental and Social Costs of Living with Shell in Nigeria* (Researched and written by Andrew Rowell), July 1994.

<sup>68</sup>ToyinFalola and Ann Genova, *The Politics of the Global Oil Industry*, (Westport: Praeger, 2005), 127.

Nigerian people. Abacha died on June 8, 1998 from an apparent heart attack and power was handed over to General Abubakar. Abubakar made steps toward the transition to civilian rule and as a result Olusegun Obasanjo was elected president of the new Fourth Republic on May 29, 1999 with Abubakar as his vice president. Although the elections of 1999 were widely agreed to have been corrupted by vote rigging by all parties, the prospect of ending abusive military rule overshadowed the concerns over the legitimacy of the elections. Although the economic policies of Obasanjo did help somewhat to improve Nigeria's reputation within the global community, on the domestic level Nigeria was still stricken by massive poverty and environmental degradation.

The prolonged degradation of the environment began to be perceived by many Nigerians living in the oil producing Delta as environmental terrorism. As one Delta resident reported,

“Since this year there has been two major oil spills in my village of K. Dere alone, destroying farms and marine life, but as we speak, the rivers, streams and farms are still covered in the oil spills. It is this grave, odious, pervasive if not callous environmental terrorism that should elevate what is happening to our environment to the realm of crimes against nature, and punished as such.”<sup>69</sup>

More than a decade after the tragic executions of the Ogoni Nine, similar environmental language resurfaced. The claimed acts of environmental terrorism parallel the acts of genocide declared by Ken Saro-Wiwa. Furthermore, the environmental and social situations were blatantly disregarded by both the Nigerian state as well as the multinational oil companies operating in the Niger River basin underscoring their collaboration.

A Niger Delta resident explained to a reporter, “[t]hree weeks ago, we discovered some black substances in our river, which we later found out was oil spill from an SPDC [Shell Petroleum Development Company] pipeline at Okpare-Olomu.” He continued, “We then wrote a letter to SPDC through Mr. Temu Aghwarentefe, the Community Relations Officer who later directed us to another office. But up to this moment, we have not heard from management of the company”<sup>70</sup>

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<sup>69</sup>LedumMitee, “Nigeria: Oil Exploitation, the Environment and Crimes Against Nature,” *Vanguard*, April 3, 2012,

<sup>70</sup> Emma Amaize and AkposOmafuaire, “Delta Communities Cry Out Over Oil Spillage,” *Vanguard News*, June 1, 2010, <http://allafrica.com/stories/201006010104.html>.

Similar testimonies of negligence and damage to local fishing and agricultural areas by Shell were widespread across the oil producing regions of the Niger Delta. Nigerian environmental rights activist Dr. Godwin Uyi-Ojo was accurate in stating “environmental degradation fuels underdevelopment and greed”<sup>71</sup> Poor environmental conditions added to the overall social frustration of the Niger Delta population.

### Sabotage

Throughout the 1990s and 2000s, sabotage of oil sites and pipelines continued to be a major problem for not only the Nigerian government and the oil multinationals operating in the area, but also the ecology of oil producing-regions of the Niger Delta. A popular view among academic scholars and the media was the Niger Delta people were reacting to the recklessness of the Nigerian government and oil companies in the native communities. Militant groups have formed as a way to respond to environmental destruction caused by oil operations and governmental oppression. These groups act with tremendous force striking oil installations with the intent of kidnaping oil employees and ciphering oil for sale on the black market. The stolen oil is referred to as blood oil and the profit from this theft funds these militant groups’ acquisition of weapons and ammunitions.<sup>72</sup> Since an overwhelming number of these acts of sabotage happen in remote areas beyond the capability of surveillance equipment, untold damage has occurred to the complex land and water systems of the Niger Delta.<sup>73</sup> Sabotage adds a new and multifaceted dynamic to the study of environmental degradation in Nigeria’s oil-bearing

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<sup>71</sup> Godwin Haruna, “What Panacea to Environmental Conflicts?” *This Day*, May 25, 2010, <http://allafrica.com/stories/201005260161.html>.

<sup>72</sup> Judith BurdinAsuni, *Blood Oil in the Niger Delta*, Washington, D.C.: U.S. Institute of Peace, 2009, <http://purl.access.gpo.gov/GPO/LPS118080>.

<sup>73</sup> Omoweh, *Shell Petroleum Development Company*, 147.

region. Militant groups, mainly comprised of Niger Delta residents, are willfully destroying their own environment as a way to demonstrate to the oil companies and the government that they are frustrated with political corruption and lack of safeguards against environmental destruction.

The resistance movements generated by the trade of blood oil differ starkly from those which began with the formation of MOSOP in the early 1990s; however, the collective message is similar.<sup>74</sup> MOSOP was formed to represent the shared voice of the exploited Delta people. With Saro-Wiwa as their movement leader, they organized non-violent protests which fought against the destruction of the environment by oil multinationals. Similar to how the British colonial government was quick to silence opposition to colonial rule, the Nigerian government did not hesitate to intervene on behalf of the oil industry rather than its own people because of the prospect of quick money. The resistance and violence that has formed as a reaction to environmental degradation and the oppression of basic human rights by the Nigerian government working closely with oil multinationals has essentially left the population of Nigeria's oil-bearing region in a state of perpetual despair. The execution of Ken Saro-Wiwa and the eight MOSOP leaders represent the culmination of negative impacts the oil industry has had on the physical and social environments of the Niger Delta.

The formation of the terrorist group the Movement for the Emancipation of Niger Delta (MEND) in late 2005 epitomizes the militant reaction against the oppressive actions of the government and oil companies. It is also a product of the social and economic problems created by the destruction of the environment of the Niger Delta by the multinational corporations. According to Jomo Gbomo, a representative of one of MEND's branches, the majority of the group's members are volunteers and are not limited to the Ijaw ethnic group. He goes further to

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<sup>74</sup> Michael Watts, "Petro-Violence: Community, Extraction, and Political Ecology of a Mythic Commodity," in *Violent Environments*, ed. Nancy Lee Peluso and Michael Watts, 189-212 (Ithaca: Cornell University Press, 2001.); also Haller, *Fossil Fuels, Oil Companies, and Indigenous Peoples*, 78.



say that members come from different communities across the Niger Delta oil-producing area such as Urhobo, Ikwerrri, and Itsekiri.<sup>75</sup> This reflects the fact that the resistance to the operations of the oil companies is not influenced by ethnic factors but rather by social and economic concerns. The available historical sources suggest that a vast majority of the MEND militants are unemployed youths.<sup>76</sup> According to MEND leaders, the group was formed from a number of smaller Niger Delta militant organizations as a way to draw greater media attention to the Niger Delta situation. The group recognized that one semi-united faction could generate more media coverage than several smaller groups could.

MEND's ultimate goals are "for the Niger Delta people to receive a greater share of the Niger Delta's oil and natural gas revenues, to end corruption in the Niger Delta governments, and for the release of Niger Delta militants that have been arrested by the Nigerian military and police."<sup>77</sup>

MEND is especially noted for their violent attacks on oil facilities and oil personnel working in the Niger Delta. Their first recorded violent operation was on Shell Oil Company's Opobo pipeline, located in Delta State on December 20, 2005. MEND's power derives from its lack of formal structure. It is essentially an umbrella organization with a decentralized power structure and open membership. Moreover, militants frequently operate in small groups with many leaders claiming responsibility for the violent attacks; however, when missions require greater participation, MEND easily acquires the needed volunteers from the pool of unemployed youths. Because of MEND's fractured, yet effective autonomy, it makes it extremely difficult for Nigerian governmental police forces to launch counter-attacks against the group.

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<sup>75</sup> *The Guardian*, March 21, 2006.

<sup>76</sup> *The Daily Trust*, May 23, 2009; also *Vanguard* February 21, 2009.

<sup>77</sup> Institute for the Study of Violent Groups, "Violent Extremism and Transnational Crime," (The Institute for the Study of Violent Groups, 2012), [http://vkb.isvg.org/Wiki/Groups/Movement\\_for\\_the\\_Emancipation\\_of\\_the\\_Niger\\_Delta](http://vkb.isvg.org/Wiki/Groups/Movement_for_the_Emancipation_of_the_Niger_Delta).

As a result of the continuous attacks by MEND and other militant groups in the Delta Region, a recent report conducted by the Research Institute of Economic and Peace marked Nigeria as the sixth most dangerous nation in Africa. The report took into account the risk of renewed fighting, the resurgence of political instability, and terrorist threats.<sup>78</sup> In an attempt to curb the violence generated by MEND, the Nigerian government implemented an amnesty program on June 25, 2009. The program granted unconditional amnesty to militants in the Niger Delta and also established a training and development program for recovering youths. As it were, over 25,000 former militants participated in the program; however, the violence continues between governmental security forces and armed gangs in the Niger Delta region. In 2006 alone, there were over 200 reported kidnappings of oil workers. According to Soni Daniel, between 2006 and 2008, “the militants had through a combination of strategies-bombing of oil facilities, bunkering, kidnapping and harassment of oil workers cut Nigeria’s oil supply by over one million barrels per day and caused significant setback to the industry and the nation’s economy.”<sup>79</sup>

The environmental and political damages caused as a result of the blood oil trade, militant activity, and governmental and oil company neglect, has generated serious social consequences for the Niger Delta people. Environmental degradation in the Niger Delta has drastically affected social relations, migration trends, and national perception.

According to a study by Nigerian scholar V.T. Jike, “the consequences of social disequilibrium (e.g., the ubiquity of social miscreants [area boys], juvenile delinquents, and other deviant behaviors) cannot be understood independently of environmental problems that stem from warped development initiative that roundly undermines the

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<sup>78</sup> “Rwanda: Top 10 Most Dangerous African Countries On List,” *News of Rwanda*, June 12, 2012, <http://allafrica.com/stories/201206250074.html>

<sup>79</sup> Soni Daniel, “Nigeria: The Return of the Bad Boys,” *2012 Leadership*, April 21, 2012, <http://allafrica.com/stories/201204220124.html>.

existential base of the Niger-Delta peoples.”<sup>80</sup>

Indeed, environmental degradation has led to urban overcrowding as a result of migrations out of the Delta region because reckless oil operations have created an unlivable environment. Groups of rebellious youths have formed who fight against organized authority fueled by a collective feeling of powerlessness. A new sense of class-consciousness has been created which is emphasized through the combined conception of economic deprivation and environmental degradation.<sup>81</sup> These migrations are influencing social relation within Nigeria’s already overpopulated cities. They have caused increased levels of violence and insecurity in urban centers.<sup>82</sup>

Environmental degradation in the Niger Delta has not only affected social equilibrium and urban demographics, but also traditional ideals of paternalism among the people of the Niger Delta. Jike explains that because of the unrelenting exploitation of natural resources, activism within the communities has created a resilient sub-culture composed of village youths. He further claims that the new youth, the ones that observed their fathers having their lands stolen and exploited in front of them, are migrating to urban centers or joining militant movements.

Chief Inegite of a village community located near Oloibiri claims that “[p]rolonged disappointment and post-colonial generational change had bred Delta youths who were angrier, louder and more assertively militant than their fathers.” Inegite further adds that “none of us, old or young, big or small, is happy about this. But we are happy that, unlike yesteryear, we have people who will shout, shout and shout for us.”<sup>83</sup>

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<sup>80</sup> V.T. Jike, “Environmental Degradation, Social Disequilibrium, and the Dilemma of Sustainable Development in the Niger-Delta of Nigeria,” *Journal of Black Studies* 34 (2004): 686-710.

<sup>81</sup> V.T. Jike, “Environmental Degradation, Social Disequilibrium, and the Dilemma of Sustainable Development in the Niger-Delta of Nigeria,” *Journal of Black Studies* 34 (2004): 686-710.

<sup>82</sup> V.T. Jike, “Environmental Degradation, Social Disequilibrium, and the Dilemma of Sustainable Development in the Niger-Delta of Nigeria,” *Journal of Black Studies* 34 (2004): 686-710.; Jike demonstrates the many different aspects environmental degradation has on the region of the Niger Delta. His work also shows well that this degradation has consequences outside the affected area such as the surrounding urban environment.

<sup>83</sup> Peel, *A Swamp Full of Dollars*, 27.

There are mixed opinions of the situation in the Niger Delta. Paradoxically, local people react to the oil companies' blatant neglect of Nigerian environmental laws, by breaking the law themselves; acquiring oil illegally through bunkering operations. When their resistance efforts get obstructed by Nigerian police forces, it demonstrates to the population that they are essentially being disciplined for performing tasks that should be the responsibility of the government.<sup>84</sup> Moreover, blood oil bunkering has not only negatively impacted the Nigerian environment it also affected the economy both on the domestic and international level, challenged social orders, and sustained corruption within Nigerian political structures. Although the actions the militants are performing are against the law as well as counterproductive to the cleanup of the environment, they still carry with them a powerful message concerning the government and oil industries' neglect of safety and environmental regulations. Evidenced by the politics involved with the clean-up and compensation decisions as a result of the massive offshore oil spill by Shell oil company in late 2011.

In December, 2011 approximately 40,000 barrels of crude oil were released into the marine environment 75 miles off the coast of the Niger Delta while conducting transfer operations from a floating oil platform to a tanker. Satellite observation of the spill estimated a contaminated area of 70 kilometers long and covering over 923 square kilometers of surface water area.<sup>85</sup> To add context to the oil spillage problem, the U.N. conducted a study in 2011 producing truly staggering results. In the U.N. report, Shell and the Nigerian Government were criticized "for contributing to 50 years of pollution in a region of the Niger Delta which it says

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<sup>84</sup>Ocheje, "Legalizing Displacement The Legal Order in the Political Economy of Nigeria," 129-130.

<sup>85</sup> John Vidal, "Nigeria on Alert as Shell Announces Worst Oil Spill in a Decade," *The Guardian* December, 22, 2011, <http://www.guardian.co.uk/environment/2011/dec/22/nigerian-shell-oil-spill> (accessed April 6, 2012); The estimates of 40,000 barrels of discharged oil was given from the company and is untrusted by the Nigerian people. They state that Shell consistently underreports spill amounts.

needs the world's largest ever oil clean-up, costing an initial \$1 billion and taking up to 30 years.<sup>86</sup>

The mid-1980s witnessed the IMF inspired Structural Adjustment Programme. The SAP had considerable negative consequences for the Nigerian economy. It led to widespread unemployment, increased inflation, and deepening poverty in not only urban centers but also rural areas. It was characterized by immense political change as evidenced by the seizure of power by the military in 1986, then again in 1993, and then the return to democratic rule in 1999. Although the successive governments in Nigeria instituted certain regulatory policies, such as the FEPA act, they were not properly implemented. The continued assault on the Niger Delta environment by an unregulated oil industry has led to the rise of not only non-violent political activism, but also militant uprisings against the activities of multinationals and the Nigerian state. Resistance movements have taken many forms since Nigeria's transition from Abacha's brutal military rule to the civilian run Forth Republic. Under the Abacha regime the most noted example of social oppression and injustice was seen by the unwarranted execution of the Ken Saro-Wiwa and the other eight MOSOP members in 1995. Furthermore, as the resistant movements of the late 1990s and 2000s became more aggressive and violent in nature, instances of environmental destruction have increased accordingly. Since the formation of the terrorist group MEND there have been hundreds of violent attacks against oil facilities and personnel. These attacks have led to the tremendous loss of revenue for both Nigeria and the oil multinationals operating in the area.

The unfortunate reality of the situation is that oil and gas operations in Nigeria continue to be controlled by multinational companies and are sustained with the backing and support of

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<sup>86</sup> Tim Cocks, "Shell Says Nigeria Oil Spill Contained," *Reuters*, December 27, 2011, <http://www.reuters.com/article/2011/12/27/us-shell-nigeria-spill-idUSTRE7BQ0M220111227> (accessed April 6, 2012). <http://allafrica.com/stories/201204030520.html> (accessed April 6, 2012).

the Nigerian state. Judicial scholar Paul Ocheje states “[a]s developments in Nigeria have demonstrated law and the legal order can be manipulated in order to sustain the state and a section of the society at the expense of the general public.”<sup>87</sup> Nigeria as a whole could greatly benefit from an investment and adherences to the laws its federal government enacts. “Nigeria has the second highest level of flaring in the world, after Russia; and in most countries the excess gas is collected and used to generate power. A World Bank report said the market value of gas flared annually in Nigeria is between \$500 million and \$2.5 billion US dollars.”<sup>88</sup>

Efforts to remedy the situation are slow going, but pressure from the community is helping the process gain momentum. Described in a recent article on gas flaring, as a result of public outcry, Shell Company is investing money toward limiting the amount of gas flaring operations in the Niger Delta from their oil wells. Shell stated this is an attempt to upgrade equipment which will hopefully start a trend among the other oil companies in the area. This article, like many similar ones highlighting altruistic intentions by multinationals, must be read with a careful scrutiny.<sup>89</sup> While Shell claims a reduction in flaring operations, Ben Amunwa from the international human rights NGO platform stated that statistics from Shell’s current Sustainability Report revealed a 32% increase in gas flaring from 2009 to 2010.<sup>90</sup>

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<sup>87</sup> Paul D. Ocheje, “Legalizing Displacement The Legal Order in the Political Economy of Nigeria,” *JAAS XXXII* 1-2 (1997): 120-133.

<sup>88</sup> “Nigeria: Gas Flares Still a Burning Issue in the Niger Delta,” *Humanitarian News and Analysis*, March 8, 2012, <http://allafrica.com/stories/201203120804.html> (accessed April 14, 2012).

<sup>89</sup> Yemie Adeoye, “SPDC Invests U.S.\$2 Billion in Gas Flaring Reduction Projects” *Vanguard News*, June 14, 2010, <http://allafrica.com/stories/201006141958.html> ; also refer to, Onyebuchi Ezigbo, “Niger Delta - Shell to Clean Up 268 Oil Spill Sites” *This Day*, June 14, 2010, <http://allafrica.com/stories/201006140013.html>.

<sup>90</sup> “Nigeria: Gas Flares Still a Burning Issue in the Niger Delta,” *Humanitarian News and Analysis*, March 8, 2012, <http://allafrica.com/stories/201203120804.html> (accessed April 14, 2012).

## CONCLUSION

While historical scholarship has excellently detailed the Nigerian oil industry, there has been no in-depth study of environmental degradation relating to the oil producing region of the Niger Delta over the full range of time from the colonial era to post-independence period. The economic and political policies instituted during British colonial rule led to a post-independence Nigerian economy deeply dependent on the technological equipment and financial backing of multinational oil companies. Once the British colonial administration established control and the governing system of indirect rule was implemented, the British took systematic steps to gain control of Nigeria's raw materials. The conditions established during the late colonial period, marked by Britain's economic and technological superiority did little to enhance sustainable technological development in Nigeria. As a result the multinational oil corporations have dominated the entire spectrum of the Nigeria's oil industry from oil exploration to oil production.

The Colonial Minerals Ordinance of 1914 as well as an inadequate educational system helped to sustain the British monopolistic control of crude oil exploration in the Niger Delta during the late colonial period. Because of this, Nigeria as an independent nation would transition from colonial rule deficient in the technology and appropriate skill sets to effectively exploit its oil resources. This left Nigeria dependent on foreign economies and multinational oil companies which possessed the equipment and technological skill to extract and produce Nigeria's oil resources. While regulations were passed regarding resource control during the colonial period, the British created no safeguards against environmental damage. This situation

would get exponentially worse after 1956, when oil was discovered for the first time in commercial quantities.

Nigerian politics went through incredible changes following independence in 1960. This would first occur from 1965 to 1970, and then again from 1979 to 1986. During these two periods Nigeria's political landscape was beleaguered by ethnic politics, political corruption, and the seizure of power by the military. The tensions in Nigerian politics would boil over in 1967 in a civil war which left between one and three million Nigerians dead. Not only did the War leave a significant political legacy by maintaining a military run government in the aftermath, but it also had tremendous consequences for Nigeria's oil industry, natural environment, and social communities.

With the appeal of quick money, successive governments in Nigeria promoted the speedy expansion of the oil industry in a regulatory vacuum. The Nigerian government, besides, lacked the monitoring mechanisms to effectively oversee the oil industry with concerns relating to environmental protection. Although legislative acts were passed during this time, they were not properly implemented as a result of inherent contradictions, administrative inefficiency, and the weakness of the Nigerian post-colonial state. With vague language, oil legislation more often favored oil producers and foreign entities over the Nigerian people. In short, in the aftermath of political independence, the multinational oil corporations operating in Nigeria's Niger Delta were essentially left to monitor themselves.

It was not until 1988 that the Nigerian government enacted a law creating an environmental regulatory agency with the specific goal of environmental protection. While Nigeria's Federal Environmental Protection Agency's (FEPA) agenda was aimed at environmental management, like many other governmental agencies in Nigeria, corruption and



monetary gain trumped the effectiveness of its mission. The continued failure to implement regulations guiding Nigeria's oil industry has generated uprisings among the populations of the most exploited areas. While the resistance movements of the 1990s and 2000s have gained some attention by the global community, the collective message of environmental protection has been continually silenced by the successive Nigerian governments both military and civilian. In 1995, MOSOP leader Ken Saro-Wiwa and eight other members were unjustly executed. In the wake of the executions resistance movements across the Delta Region became more aggressive and violent in nature and instances of environmental destruction increased accordingly. The late 1990s saw an increase in cases of sabotage on oil production facilities and pipelines by Nigerian militant groups which caused damage to local ecological areas through oil spillage. Compounding the problem was the illegal sale of crude oil, or "blood oil," on the black market with profits directly funding further militant activity. While some measures have been taken to curb the continued destruction of the environment, progress has been slow. Undoubtedly, decades of British rule created the conditions that ultimately rendered successive Nigerian governments deeply dependent on foreign entities leaving the Niger Delta people to suffer the consequences of environmental degradation from a reckless and unregulated oil industry.

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