

Between the 'Sectional' and the 'National':

OIL, GRASSROOTS DISCONTENT AND CIVIC DISCOURSE IN NIGERIA

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To the loving Memory of my Father:

Chief Ndarake A. Udo

And to my Mother:

Mrs. Kokomma N.A. Udo

For their exemplary sacrifice, love and foresight

ABSTRACT

This thesis examines the social character of petroleum-related grassroots struggles in Nigeria's oil-producing region. It does this against the background of the dominant scholarly narratives that portray the struggles as: a) a disguised pursuit of an ethnic/sectional agenda, b) a 'minority rights' project, and c) a minority province's protest against 'selective' environmental 'victimisation' by the majority ethnic nationalities.

While the dominant scholarly analyses of the struggles are based on the activities of the better known activist organisations operating in the oil region, this thesis focuses primarily on the everyday 'grammar' of discontent and lived worlds of ordinary people vis-à-vis upstream petroleum operations and petroleum resource utilisation. The aim has been to gain an understanding of the forces driving community struggles in the oil region and their wider societal significance. Examined alongside the narratives of ordinary people are the legal/institutional framework for upstream petroleum operations and the operational practices of the oil-producing companies. Using primary data obtained through ethnography, focus group discussions, in-depth interviews and visual sociology, as well as relevant secondary data, the researcher constructs a discourse matrix, showing how grassroots narratives in selected oil-producing communities intersect with contemporary civic discourses in the wider Nigerian context.

The thesis highlights the theoretical and policy difficulties that arise when the social basis of petroleum-related grassroots struggles and ordinary people's narratives are explained using an essentialist idiom. It reveals, above all, the conditions under which so-called 'locale-specific' struggles in a multi-ethnic, oil-rich African country can become a campaign for the emancipation of ordinary people in the wider society.

This research extends the existing knowledge on citizen mobilisation, extractive capitalism, transnational corporate behaviour, and Nigeria's contemporary development predicament. It sheds light on some of the processes through which ordinary people are forcing upon the state a change agenda that could drive the country along a more socially sensitive development and democratisation trajectory.

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LIST OF ABBREVIATIONS AND ACRONYMS

APPEA	Australian Petroleum Production and Exploration Association
BBC	British Broadcasting Corporation
DPR	Department of Petroleum Resources
FGD	Focus Group Discussion
HRW	Human Rights Watch
HYPPADEC	Hydro Power Producing Areas Development Commission
IMF	International Monetary Fund
INC	Ijaw National Congress
INEC	Independent National Electoral Commission (Nigeria)
INOC	Iraq National Oil Corporation
IPC	Iraq Petroleum Corporation
IYC	Ijaw Youth Congress
ITOPF	International Tanker Owners Pollution Federation
LGA	Local Government Area
LGC	Local Government Council
MOSOP	Movement for the Survival of Ogoni Peoples
NDPVF	Niger Delta People's Volunteer Force
NNPC	Nigerian National Petroleum Corporation
NDDC	Niger Delta Development Commission
NPC	National Population Commission (Nigeria)
OMPADEC	Oil and Minerals Producing Areas Development Commission
PDVSA	Petróleos de Venezuela
PSC	Production Sharing Contract
PTF	Petroleum Trust Fund

SPDC	Shell Petroleum Development Company
TPC	Turkish Petroleum Company
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
WWF	World Wildlife Fund

PART I

**UNDERSTANDING THE NIGER DELTA STRUGGLE—BEGINNINGS,
RESURGENCE, AND CONCEPTUAL DEBATES**

CHAPTER 1

Overview

1.1 Context and problem of the study

Like other countries in contemporary Africa, Nigeria has long been a subject of scholarly inquiry. Among the issues that have engaged scholarly attention are the country's political economy, nature of inter-ethnic relations, the forces behind socio-political conflict, relationship between state and society, and problems associated with democratisation. These issues are central to the challenges of development in Nigeria and there are continuing debates about how best to make sense of them.

Since the discovery of petroleum in Nigeria in 1956, but particularly since petroleum began to emerge as the mainstay of the Nigerian economy in the 1960s, discussions on the above themes—and on practically everything else in Nigeria—have been directly and indirectly an analysis of petroleum resource utilisation. In recent years, the general tendency has been to focus on the above themes alongside the environmental degradation, grassroots discontent, social protests and general instability in the country's oil-producing region, popularly known as the Niger Delta¹. Beyond its impact on world oil supplies and on Nigeria's oil-dependent economy, instability in the Niger Delta is now widely believed to have immediate and long-term implications for Nigeria's future as a corporate entity.

Despite the attention that socio-political conflict in the Niger Delta has received in recent years (and credit for this lies mainly with national and international environmental rights activism), there is still considerable vagueness about the social character of grassroots struggle in the region. From available scholarly literature, one would not easily know what it is that drives the struggle, what the struggle means for the Nigerian developmental and democratisation project, and why conflict in the oil region seems to be deepening. One reason for the relative lack of clarity could be that the Niger Delta struggle (as, indeed, similar struggles elsewhere in contemporary Africa) is 'only recently being documented in a systematic manner' (Obi, 2005:1).

¹ The meaning of the term 'Niger Delta' goes beyond geography. See its deconstruction in Chapter Five (Section 5.3).

Even the region's 'degraded' environment, with which there is much international indignation, did not begin to receive any serious scholarly interest by way of a systematic survey until the early 1990s (WWF, 2001). However, from a sociological standpoint, perhaps the real reason for the relative lack of clarity about what drives the Niger Delta struggle lies in the welter of essentialist narratives on the struggle (see Dungaciu, 1999:4). What regularly emerges from scholarly literature is that the struggle is a disguised 'pursuit of an ethnic agenda' (Ikelegbe, 2001:21), 'a bulwark against [Nigeria's] ethnic majorities' (Douglas *et al*, 2003:3), a mobilisation that turns on an ethnic pivot (Watts, 2000:3-9), and a resistance against 'selective' environmental 'victimisation' (Agbola and Alabi, 2003:270). For Agbola and Alabi, and indeed many other analysts, the 'victimisation' of the Delta is the handiwork of the 'non-oil producing regions which receive the lion's share of the oil revenue'.

Because of its assumed ethnic and exclusionist character, the struggle has also been analysed mostly in terms of its 'perverse manifestations'. Ikelegbe (2001:19), who describes the struggle's manifestations as 'perverse', sees it as 'dangerous, divisive, criminal' and as 'creating a situation of disorder, anarchy and instability'. Cesarz *et al* (2003) stop short of equating the struggle to brigandage. Despite the constant reference to associated factors like 'corporate recklessness', 'governance failures', and 'environmental permissiveness' in Nigeria, 'concrete and present-day... sociological' factors such as these are rarely accorded explanatory status in much scholarly analysis of the conflict (see Dungaciu, 1999:4). The struggle comes across in much scholarly literature as fundamentally an 'ethnic self-determination' or 'minority rights' movement (Welch, 1995), the rise of which is because Nigeria 'came into being long before a substantial number of its residents felt themselves to be Nigerians'. This approach obscures the significance of the struggle for the Nigerian democratisation and development project, and for our understanding of similar conflicts in many Sub-Saharan African countries where the extraction of petroleum, diamond, gold, timber, coltan, timber and other 'strategic' resources has proved socio-politically destabilising.

There is also a methodological angle to the largely essentialist/ethnic treatment of the struggle. Attention seems to be focused mainly on the news-making protest activities of formal activist organisations, or on the campaigns of 'ethno-political

entrepreneurs’—the class that provides societal leadership and sometimes exploits the fissures in the socio-political system for ends that are counter-developmental (Taewook, 2003; Ake, 2001:22). Analysts lean somewhat heavily on data emanating from the protest activities and narratives of groups like the Movement for the Survival of Ogoni Peoples (MOSOP), Ijaw National Congress (INC), Ijaw Youth Congress (IYC), and the Niger Delta People’s Volunteer Force (NDPVF), among others. Because of the widely held assumptions (on the one hand) that these groups speak and act for the ‘deprived’ grassroots populace, and (on the other hand) are exclusionist ethnic movements, ordinary people’s ‘grammar’ of discontent and their everyday discourses around petroleum resource utilisation are hardly made the focal point of scholarly inquiry. Questions, therefore, persist about the extent to which the struggles such as those in Nigeria’s oil-producing region represent ‘genuine’ citizen mobilisation; indeed, about the significance of the struggles for democracy and development in Nigeria.

The aim of this thesis is to explore the social character of the Niger Delta struggle, with a view to understanding its driving forces and broader societal significance. I intend to do this by critically re-examining some of the dominant scholarly assumptions about the struggle, and more importantly, moving away from an exclusively ethnic model of analysis. The focus of the thesis is on the everyday stories, idioms and lived worlds of ordinary people in the oil region, rather than on the activities and narratives of formal activist groups commonly believed to represent the grassroots. The questions that the thesis addresses are:

- a. How do the everyday narratives of ordinary people in selected oil-producing communities in Nigeria relate to the legal/institutional framework for petroleum operations in the country?
- b. How do such everyday grassroots narratives intersect with some of the major ‘oppositional’ discourses in the wider Nigerian society?
- c. Based on the intersections, if any, between ordinary people’s narratives and lived worlds, and ‘national-level’ ‘oppositional’ discourses, of what significance is the oil-related struggle in the Niger Delta to the wider Nigerian society?

If the three questions outlined above were to be compressed into one, it would be this: Under what conditions can so-called ‘locale-specific’ struggles in a major oil-producing Third World country be said to be a campaign for the interest and well-being of the entire society (see Shils, 1992:1-15)?

The reasons for focusing on the everyday stories, idioms and lived worlds of people at the grassroots are twofold. First, it is important to understand how ordinary men and women in a Nigerian oil-producing community articulate their discontents and concerns, since it is the concerns at this level that often feed into the manifest resistance of the activist groups. Second, it is important to understand how ordinary people’s narratives are linked to broader issues of political governance and resource utilisation in Nigeria. The point must thus be emphasised that the thesis is an attempt to offer some fresh empirical basis for going beyond ethnicity and ethnic politics in the analysis of grassroots struggles occurring in a multiethnic society. It is not an attempt to portray ethnicity and the mobilisation for social equity as dialectical opposites, or to dismiss the role ethnic politics or other forms of identity politics could play in mediating grassroots conflict and social justice struggles.

This thesis should be regarded as a study of the Niger Delta struggle undertaken at its most basic level—the level of ordinary people themselves. What is recorded in the pages of this project, therefore, is the result of a learning journey, during which I interacted closely with farmers and fishermen and women, and listened to the stories and recollections of local residents (some of whom had witnessed the early-to-mid-1950s oil drilling activities). I undertook a critical examination of the legal/institutional framework for petroleum operations and petroleum revenue allocation, and of the implications of specific ‘corporate social responsibility’ policies and practices in the Nigerian upstream petroleum industry. This also entailed a critical examination of the role of the petroleum industry regulator. The thesis adopts an explanatory model that regards ‘background institutions’ (see Chapter Three, Section 3.3) as central to understanding the structure and character of grassroots mobilisation, especially in multi-ethnic Third World societies.

The next section of the chapter traces the socio-political grievances and struggles in the Niger Delta region from the pre-colonial period to the present, highlighting aspects that tend to justify the relative popularity of analyses that portray the struggles as an ethnic/sectional project. The third section outlines the main goals of the thesis. The last section offers the reader an idea of how the entire thesis is organised and makes some general statements concerning presentation style. It also offers a synopsis of what can be expected in each of the remaining nine chapters.

1.2 Niger Delta struggles—a historical sketch

What has come to be referred to as ‘Niger Delta struggle’, and sometimes ‘resistance’, has manifested itself in one form or the other since the 1940s, although the focus of this thesis is neither on the ‘pre-petroleum’ phase of the struggle nor on aspects of the struggle that are not related to petroleum operations. The intensification of the struggle over the years, especially since Nigeria’s independence in 1960, seems to correlate with: a) the Nigerian economy’s increasing dependence on petroleum revenues, b) the local population’s increasing awareness of the adverse social and environmental impacts of petroleum operations, and c) the general discontent in Nigeria over the quality of political governance in the country. Three broad phases can be identified in the struggle, namely: pre-independence (covering the period between 1940 and 1960), the immediate post-independence phase (the 1960s), and what I term the ‘phase of rapid internationalisation’ (the 1990s).

1.2.1 Pre-independence struggles (1940-1960)

Before examining the nature of struggles in the Niger Delta region prior to 1960, when Nigeria gained independence from Britain, it is important to provide a few historical notes on colonial Nigeria. Although early European contacts with many parts of Africa, including Nigeria, date back to the early 15th century, there is a sense in which it can be said that the 19th century marked a turning point in the history of the continent. It was in the 19th century that many of the countries that make up the continent were ‘created’. After a prolonged period of rivalry among countries such as Germany, Italy, France, Portugal, Britain and, to a limited extent, Spain, these European powers reached some form of agreement in 1885 in Berlin on what should

be their respective ‘sphere[s] of influence’ in Africa (Lugard, 1968:57). Based on the Berlin Act of 1885, they ‘sliced up [the continent] like a cake’ and ‘swallowed the pieces’ in what historians popularly refer to as the ‘scramble for Africa’ (Pakenham, 1991:xxiii). The ‘birth’ of many African countries is thus traced to rivalries among the then European powers (Lugard, 1965:4), and to their imperialist scramble, undertaken ‘in the names of Commerce, Christianity, “Civilization” and Conquest’ (Pakenham, 1991:xxiii). By 1900, when the scramble ended:

Germany had secured large colonies in East, West, and South Africa, at the expense of prior British claims... France added largely to her territory in West and Central Africa, and annexed the great island of Madagascar (Lugard, 1965:4).

Nigeria (as this territory was to be formally known from 1914) fell under British control a piece at a time. The annexation of Lagos took place in 1861, although a British Consul had been established here as far back as 1852 (Lugard, 1968:57). The annexation was ostensibly part of British campaigns to eradicate slave trade in the area, safeguard European missionary activities, and foster ‘legitimate trade’.² The ‘Oil Rivers’—as the British named the area now known as Niger Delta—became a British protectorate in 1891. Despite strong resistance in the Yoruba-speaking Western region, as in all other areas (see Chapter 5, Section 5.3.1B), Yorubaland eventually acceded to protection treaty terms through a combination of British military invasions and ‘diplomacy’ (Nelson, 1982:28). With the fall of Benin to British forces in 1897, the annexation of the Western region as a British protectorate was considered complete. ‘Northern Nigeria’ (the territory from the Niger River confluence town of Lokoja upwards, with Zungeru as the colonial capital of the North) became a British protectorate in 1900. This was the year in which the British government terminated a charter that had put the northern region under the supervision of the Royal Niger Company (Nelson, 1982:28), and the year in which Britain formally inaugurated the governments of Southern and Northern Nigeria, with Lagos as ‘a third Administration’ (Lugard, 1968:57). In 1906, the colonial authorities extended the Protectorate of Southern Nigeria to include the colony of Lagos, thus

² A fairly detailed discussion on the so-called ‘illegitimate’ and ‘legitimate’ phases of European ‘trade’ in Nigeria, and of the terms of protection treaties, are provided in Chapter 5, Section 5.3.1B). A sample of these treaties is also provided in that chapter.

creating two countries instead of three. The ‘new’ Southern Protectorate became renamed as Colony and Protectorate of Southern Nigeria, with Lagos as capital.

Nigeria was ‘born’ on January 1, 1914, from the amalgamation of the Northern and Southern Protectorates. Flora Shaw, wife of Frederick Lugard (Nigeria’s first colonial Governor-General), had during the 1890s suggested the acronym ‘Nigeria’ for the territory that was generally viewed as the ‘Niger area’ (Nelson, 1982:3). It is not clear why Lugard adopted the acronym. However, one historian has suggested that Lugard ‘gratefully’ accepted most of Shaw’s literary suggestions in ‘deference’ to her, apparently because as a highly respected journalist, traveller and author, Shaw had a ‘sense of history beyond his capacity or ambition’ and was always keen to bring this to bear ‘on their common ground of colonial affairs’ (Perham, 1965:xxvii).

The amalgamation was motivated principally by financial considerations. According to Lugard (1968:58-59), for most of its formal existence, the Northern Protectorate had been a financial drain on Britain, almost entirely dependent as it was ‘on the annual grant from the Imperial Government’ and ‘barely able to balance its budget’. The south, by contrast, was experiencing ‘astonishing’ ‘material prosperity’, particularly from ‘liquor duties’—especially after the formal inauguration of the Colony and Protectorate of Southern Nigeria in 1906 (Lugard, 1968:58). The colonial authorities thus thought it imperative to correct through amalgamation the ‘anomaly... presented of a country with an aggregate revenue practically equal to its needs, but divided by an arbitrary line of latitude’—with the northern portion ‘dependent on a grant paid by the British taxpayer’ (Lugard, 1958:59).

After amalgamation, Nigeria was divided into Northern, Southern and Eastern regions³, each administered by a Lieutenant Governor, who was responsible to the Governor-General. Lugard served as Governor-General from 1912 to 1919, and is credited with the propagation of ‘indirect rule’, a system and policy whereby Africans were ruled more or less through their ‘traditional’ political institutions. Writes Lugard (1965:194):

³ The regional (confederal) arrangement gave way to a 12-state federal structure in 1967. The number of states has steadily grown over the years. As of 2005, the country had 36 states and a federal capital territory (see Figure 5-2, and Chapter 5, Section 5.3). Each state is headed by a governor.

The task of the administrative officer was to... make it apparent alike to the educated native, the conservative Moslem, and the primitive pagan, each in his own degree, that the policy of the Government is not antagonistic but progressive—sympathetic to his aspirations and the guardian of his natural rights. The Governor looks to the administrative staff to keep in touch with native thought and feeling, and to report fully to himself, in order that he in turn may be able to support them and recognise their work.

On the surface ‘indirect rule’ seemed like a policy of according recognition to indigenous socio-political and cultural institutions and ‘a device for allowing the expression of opinions that could serve to instruct the governor’ (Nelson, 1982:31). In practice, it was a policy of ‘inventing’ and constructing authoritarian centres of power that had ‘no functions... except to listen and assent’ to imperial dictates from Britain (Nelson, 1982:31). While it made it easier for the colonial powers to suppress the ‘native’ population, it also had the largely disguised consequence of distancing ‘leaders’ from followers, building popular resentment and distrust towards authority structures, and in certain cases towards holders of political power as a whole. Even more importantly, the patterns of social formation fostered under colonial rule accentuated and hardened ethnic differences, creating superordinate and subordinate ethnic groups within a given geo-political territory. In the case of Nigeria, the result was that, over time, what had hitherto been *ethnic groups-in-themselves* became transformed, to a large extent, into *ethnic groups-for-themselves* (see Mamdani, 2001:79).

Without going into much detail about the mechanics of British colonial rule in Nigeria prior to and after 1914, it is important to highlight the fact that colonialism fundamentally altered the socio-cultural and political fabric of the country’s constituent communities and negatively impacted on the nature and pattern of relations within and between social groups. It created what Boro (1982:71) called ‘democratic imbalance[s] and contradictions’ capable of plunging the country into ‘disastrous political upheavals’ after independence. When this researcher speaks of ‘Niger Delta struggles’, the point is not to create the impression that such struggles occurred in only one region of the country. As shown presently, the effects of the ‘imbalances and contradictions’ created under colonial rule reverberated in all parts of the country.

Easily the most authoritative documentation of the Niger Delta struggle during the colonial period is the 1958 Minorities Commission Report⁴ to Alan Lennox-Boyd, the then Secretary of State for British Colonies; hence, the sketch in this sub-section will follow the findings and recommendations of the Commission closely. Although the struggle became increasingly manifest during the late 1950s, when Nigeria made its first export shipment of crude oil, and intensified as Nigeria was approaching independence in 1960, this phase of the struggle began before the discovery of oil in the country. The Minorities Commission, also popularly referred to as Willink Commission (after its Chairman Henry Willink), had been part of the political processes instituted by the British colonial authorities to prepare Nigeria for self-rule. From the Commission's terms of reference, among which was to 'ascertain the facts about the fears of minorities in any part of Nigeria... whether well or ill founded' (Willink *et al*, 1958:iii), it was obvious that the immediate pre-independence years were those of expectation, tension and anxiety for both Nigeria and the colonial authorities. As mentioned earlier, British colonial rule in Nigeria had meant in large part manipulating indigenous socio-cultural and political traits to produce a system of administration that fostered the emergence of socio-political formations based on ethnic origin and mutual distrust among groups (see Nelson, 1982:28-33). In theory at least, the Minorities Commission represented attempts by Britain to ensure that the country it 'created' did not splinter into chaos after 1960.

The Commission's Report detailed the 'fears' and 'grievances' of Nigeria's Western, Eastern and Northern 'minorities'. A large part of what is today more recognisable as the Niger Delta, or South South geopolitical zone (see Chapter Five, Section 5.3), was at the time formally in the 'Eastern region' (Figure 1-1). The Eastern minority nationalities in question were the Ijaw, Ibibio, Efik and several others referred to in Table 5-1 (see Chapter 5, Section 5.3). While the Igbo were the major ethnic group in the Eastern region, the Yoruba and the Hausa-Fulani dominated the other (Western and Northern) regions respectively.

⁴ The members of the Commission were Henry Willink (Chairman), Gordon Hadow, Philip Mason and J.P. Shearer. The Commission was appointed in September 1957 by the British colonial authorities to inquire into the 'fears' of Nigeria's minority nationalities and recommend 'means of allaying them'.

Following several public hearings and ‘private discussions’ with communities’ ‘counsels’ in the Eastern region (as in the other two regions), Willink and his colleagues found that although the grievances of the minorities were mainly political, some of these had direct links to local ecological circumstances. For instance, many of the grievances expressed by the Ijaw and other riverine peoples of the eastern and western Niger Delta, were based on fears that a government that was geographically and culturally ‘distant’ from the coastal communities could not effectively address the problems that such areas faced. The Eastern regional government, it must be noted, was headquartered in the inland town of Enugu, more than 180 kilometres north of Port Harcourt (the present capital of Rivers State and the Niger Delta’s most important city). The town was even more distant from the core riverine areas. The demand for the creation of a ‘special area’ in general, and for a ‘Rivers state’ in particular, to cater for the needs of the coastal communities, dates back to the early 1950s. It was felt that the peculiar ecological, socio-cultural and economic circumstances of the coastal areas (see Chapter Five)—‘a territory where communications [were] so difficult, building so expensive and education so scanty’ (Willink, 1958:51)—necessitated the creation of a separate state, whose government would regard the development of the area as a primary mandate.

More broadly, the Minorities Commission found, the Eastern minorities were aggrieved about the extensive influence of the Igbo in every facet of socio-political and economic life in the region. From their everyday experiences of the conduct of government, the minorities feared that an Igbo autocracy would emerge in the region at independence—an autocracy serviced by an Igbo-dominated civil service.

According to the Willink Report, the Eastern minorities particularly resented the economic dominance of the Igbo. There was strong apprehension of the prospect of a lopsided post-independence economic system in which the Igbo, because of their demographic majority and control of the organs of regional government, controlled key socio-economic resources (especially land) in the region. There were also suspicions that the dominant group was manipulating the organs and system of justice administration to the detriment of the minorities, and that things could become worse at independence. Willink *et al* (1958:45) illustrated this with Sections 3 and 4 of the Customary Courts Law of 1956, which gave the regional Minister power to ‘appoint,

dismiss or suspend members of County and District Courts'. The minorities saw such power as 'a control of the Courts by the Government', insisting that appointments into the courts should be the responsibility of an independent body. There was a plethora of other grievances, suspicions and allegations. Among these were allegations of political intimidation of critics and opponents of the dominant political party, and concern about the 'erosion' of the powers of local government councils by the regional authorities.

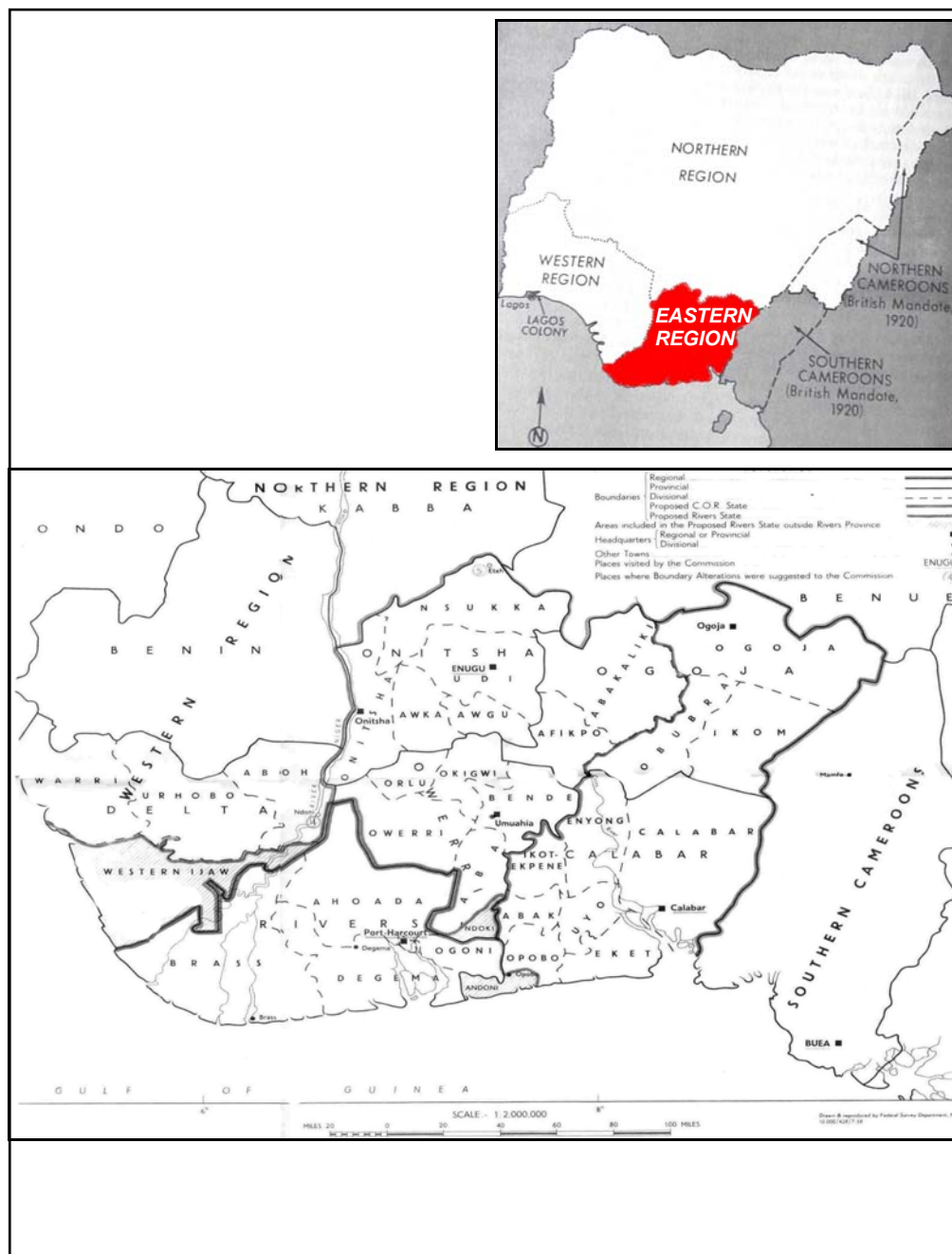


Figure 1-1: Nigeria's 'Eastern Region' in the 1950s
Source: Willink et al, 1958

While some of the alleged actions of the Eastern regional authorities were not to the exclusive detriment of the ethnic minorities, and while the factual basis of many of the grievances was in no way ‘formidable by itself’, it was the case that ‘the sum add[ed] up to a feeling of apprehension and resentment’ among the Eastern minorities (Willink *et al*, 1958:43,46).

From representations made to the Willink Commission in the different regions of the country, and the way the communities’ ‘counsels’ framed local grievances, there was a strong possibility that many people in the minority areas saw in state-creation a solution to the problem of socio-economic development. On the other hand, there was a possibility that even some of those who demanded a separate state did so for reasons that had little to do with development, but probably simply wanted a political estate in which they would emerge as the new ‘lords’ (see Boro, 1982:67).

Among the more crucial proposals submitted to the Minorities Commission was the dismantling of the regional arrangement and the adoption of a (federal) state system, in which there would be ‘smaller states within what is now the Eastern region’ (Willink *et al*, 1958:47). While the regional government was probably not in favour of the idea of a separate state for, say, the Ijaw (Boro, 1982:68), this fact was not always evident in the government’s outward posture. For example, the Minorities Commission found that the government attached stringent conditions to state-creation. To qualify for a separate state, the authorities demanded that: a) the people of the state ‘should wish to be separate and to be one single state’, b) the constituent communities of the state, in terms of ethnic make-up, should be ‘as nearly as possible homogeneous’, c) the state should be ‘one continuous and compact piece of territory’, and d) the state must be both economically viable and ‘a self-contained economic unit’. These were promoted as the principles of ‘self-determination’, ‘ethnic relationship’, ‘geographic contiguity’, and ‘viability’ respectively (Willink *et al*, 1958:47). Besides, the Eastern region’s authorities would endorse state-creation only if similar proposals were pursued in the Northern and Western regions.

It is noteworthy that despite what the Minorities Commission described as ‘a sharp recrudescence of tribal feeling’ in the lead-up to political independence in 1960, it did

not view majority/minority relations as fundamental to Nigeria's problems, and thus did not endorse state-creation as a way of 'allaying the fears' of the minorities. To begin with, the Commission felt, the demand for state-creation did not enjoy any unanimity among the minorities, nor was it capable of eliminating the minority phenomenon: there was simply no way a state could be created for every single ethnic group that felt it qualified for one. State-creation was always capable of creating 'new minorities', quite apart from the fact that even in some of the core minority areas at the time, the Igbo actually enjoyed demographic majority as traders, artisans and company employees. The Commission, therefore, resolved that it would not support the enshrining of 'tribal separation in a political form that was designed to be permanent', since in such an instance, 'differences would grow steadily stronger' (Willink *et al*, 1958: 88).

What the Commission did, rather, was to make detailed suggestions that it felt should instill a measure of fairness in the relations among social groups in the country. For instance, in response to the concerns of the swamp communities of the Delta, the Commission recommended the creation of a 'Special Area' to be comprised of the Rivers Province (excluding Ahoada and Port Harcourt) and Western Ijaw Division. In addition, a Federal Board should be set up with the mandate of 'meet[ing] the peculiar problems' of the Special Area (Willink *et al*, 1958:95). In chapter Seven (Section 7.4.1), I discuss in detail how a Board that finally was created along the lines of this recommendation functioned.

On the 'minority question' as a whole, the Commission recommended the creation of an Advisory Council for certain minorities or clusters of minorities, similar to one that was already in operation in the Western Region. An important function of such a council would be to advise the government on the development and socio-economic well-being of the areas concerned and on the best ways to preserve minority cultures. It should 'bring to the notice of the Regional Government any discrimination against the Area' (Willink *et al*, 1958:104). There was the further recommendation that the Council's report, which should be produced on an annual basis:

Should... be laid on the table of the House of Representatives and that an opportunity should be given there for debate. It may be difficult for a Council

such as we have in mind to produce a report which will be unanimous. We consider that the report, with or without a minority report appended, should in any case be placed on the table of both the Houses, Federal and Regional' (Willink *et al*, 1958:96).

The Commission recommended that the impending Independence Constitution should have clear provisions for a wide array of fundamental rights, protections and freedoms. Among these were the rights to life, liberty, respect for private and family life, and fair criminal charges; protection against inhuman treatment, slavery, forced labour, and discrimination; and freedom of expression, peaceful assembly, movement, religion and religious education (Willink *et al*, 1958:104-105).

As Ake (2000:45-46) was to comment many decades later, if the pre-independence minority struggles left any lessons for Nigeria, it was that they defined what should be the developmental and democratic concerns of Nigeria's national elite. The struggles helped to focus the discourse of the nationalist movement on the 'internal political relations of Africans themselves' at a time when the national elite was preoccupied with resisting the coloniser, winning political independence and fighting one another. Ake thus touched on the need to interrogate grassroots struggles in Africa from a non-essentialist perspective. His insight is examined further in Chapter Two (Section 2.2.1) with a view to highlighting its relevance to this thesis.

1.2.2 Niger Delta struggles in the immediate post-independence period (1960s)

The emergence of crude oil during the early 1960s as a principal export product brought a new twist to the struggles. People in the riverine communities who had hitherto seen the government as being 'too distant' to address their ecological concerns now began to see the petroleum industry as offering economic and developmental opportunities. Not much was known in the region at this time about the social and ecological hazards of petroleum production. I show in Chapter Six (Section 6.2) that even when Shell Petroleum's seismic crew spewed oil, mud and 'produced water'⁵ on farms and in the creeks during the initial successful drilling operations at Oloibiri in June 1956, all that local people did was rejoice, even marking

⁵ When oil is pumped during normal drilling operations, the fluid that comes out is a mixture of crude oil, (produced) water and gas. See Chapter Seven (Section 7.3.1) for a detailed discussion on the social and environmental hazards of produced water and other aspects of petroleum operations.

the drilling success with a friendly football match between local youths and the oil workers!

By the mid-1960s, oil had been found in several communities, including Oloibiri, Ebubu, Afam, Odi, Egbedi, Brass, Okpoma, Degema, Koluama, Ogidigba, Polaku, Oporoma, and Joinkrama (see Boro, 1982:63) and the Niger Delta was becoming an important arena of oil operations in Nigeria (see Chapter Six). With the increasing importance of oil in the Nigerian economy, its utilisation began to emerge as a major grassroots mobilisation theme. Some people in the area felt that the existing framework for exploiting this new ‘engine of growth’ (Abe and Ayodele, 1986:94) would not foster the development of the oil-producing areas.

Of all the expressions of local grievances during the mid-1960s, those of Isaac Adaka Boro, Sam Owonaro and Nottingham Dick (all Ijaw activists) stood out, principally because of the very militant form the resistance took and the language with which it was framed. All parts of Nigeria, it must be pointed out, were immersed in intense political conflict at the time (Nelson, 1982: 54). The three men sensed in the immediate post-independence political structures in Nigeria indications that the oil region was ‘blatantly denied development and the common necessities of life’ and tried to rally ordinary people behind their cause (Boro, 1986:66). Referring to the ‘neglect’ of the riverine communities, Boro and his men argued that the Ijaw:

were clenched in tyrannical chains and led through a dark alley of perpetual political and social deprivation. Strangers in our own country! Inevitably, therefore, the day would have to come for us to fight for our long denied right to self-determination (Boro, 1986:71).

Isaac Boro and his colleagues revived the campaign for a Niger Delta state—except that now they wanted an independent ‘Niger Delta Republic’. The ‘Republic’ would have the following territorial boundaries:

The land and river limits of Elemebiri on the Niger downstream to Gbekebo and Forcados inclusive...

The land and river limits from the River Nun downstream to its Deltaic area with Akassa, Brass, Degema, Abonema, Bonny and Okrika and Opobo inclusive...

The land and river limits stretching extensively up to Imbiana, Joinkrama, Okaki on the Orashi River, and the land limits of Buseni inclusive...

The territorial waters of the Niger Delta extending into the Atlantic (Boro, 1986:119).

To actualise their vision, Boro (a 28-year-old ex-policeman at the time), Owonaro and Dick went beyond house-to-house campaign. They established an armed group they named 'Niger Delta Volunteer Force' (NDVF) and vowed to excise the Niger Delta region from Nigeria. They believed Nigeria's 'political party system orbited around three major tribes, Hausa, Yoruba and Ibo', and denounced a political system where 'one could tell what the results of an election would be... even before the campaigns started'⁶ (Boro, 1986:72-73; see also Nelson, 1982:45-60). The group funded itself mainly through its pirate-like activities on the riverine trade routes. Boro and his men would ambush traders, impound money and consignments of local gin (an illicit commodity in Nigeria at the time—see Chapter 5, Section 5.3.1B) and sell the items at reduced prices to buyers in the nearby Delta towns. The gin, distilled secretly using indigenous techniques, was a lucrative commodity. Igbo traders would buy large consignments from the Ijaw distillers and sell them to buyers from Northern Nigeria (Boro, 1986:98-102).

NDPV's stock of weapons included:

- Gunpower-fired bipod blunderbusses, capable of discharging 'fourteen to eighteen missile-shaped steel bolts at a time'.
- World War II automatic revolvers and pistols.
- Mark 4 rifles.
- Improvised gunpowder grenades.
- Oral and intra-muscular concoctions and magical amulets. Boro (1986:109-110) described these applications as 'African science', and believed they emitted 'an

⁶ Isaac Boro was referring to immediate post-independence politics in Nigeria, which seemed to be constructed along ethnic lines. The dominant parties were: Northern Peoples Congress (NPC), National Council of Nigerian Citizens (NCNC), and Action Group (AG). In alliance with the major parties were such minority parties as Niger Delta Congress, Mid-West Democratic Front, Nigeria National Democratic Party, Dynamic Party (all allied to NPC); Northern Elements Progressive Union and Mobolaji Grand Alliance (both allied to NCNC), and United Middle Belt Congress, which was allied to AG. For a comprehensive account of politics and political conflict in the immediate post-independence period (often referred to as the 'crisis years'), and the military coups that terminated Nigeria's 'First Republic', see Nelson (1982:45-60).

aura of fear’ to ‘beasts, like dogs, snakes and wilds animals, enabling them to identify a weaker creature for attack’.

On February 22, 1966, the three divisions of NDVF (each made up of 50 men) and a ‘riverine patrol squad’ comprising nine men, launched an armed revolt against the Nigerian government. Before they took their positions in a sacred grove in the town of Kaiama (in today’s Bayelsa state), Boro, NDVF leader and commander of one of the three divisions, had addressed the entire force:

Today is a great day, not only in your lives, but also in the history of the Niger Delta... This is not because we are going to bring heavens down, but because we are going to demonstrate to the world what and how we feel about oppression. Before today, we were branded robbers, bandits, terrorists or gangsters but after today, we shall be heroes of our land (Boro, 1986:116).

What followed was a battle Boro was not totally convinced he could win. In his address, he had hinted at the possibility of failure, and had emphasised the need for the combatants to maintain a high level of moral discipline and bear in mind that they were fighting for, among other things, *their* petroleum:

[D]o not commit atrocities such as rape, looting or robbery. Whatever people say, we must maintain our integrity. Moreover, you know it is against Ijaw tradition to mess about with women during war. You have been purified these many days. *Be assured that if you do not get yourselves defiled within the period of battle, you shall return home safe even if we fail.*

Therefore, remember your seventy-year-old grandmother who still farms before she eats; remember also your poverty stricken people; *remember too your petroleum which is being pumped out daily from your veins*, and then fight for your freedom (Boro, 1986:116—emphasis added).

For their part the federal forces, superior in both numerical strength and military hardware, enlisted local informants who helped them to penetrate the Delta’s jungles and creeks. People who supported the creation of a Niger Delta state (let alone Niger Delta Republic) were intimidated. NDVF alleged the arrest and torture of women, children and elderly men, especially those related to its combatants.

Twelve days into actual combat with federal troops, Boro and his fighters were defeated, hence the NDVF rebellion is popularly referred to as the *Twelve Day Revolution*. Boro handed himself over to the federal forces on March 7, 1966, by

which time most NDVF combatants (including division leaders, Samuel Owonaru and Nottingham Dick) had surrendered.

Boro, Owonaru and Dick were charged with treason, convicted and sentenced to life imprisonment on May 1967. Thus ended Boro's dreams of a 'Niger Delta Republic' and of himself as founding president. However, three months later (August 4, 1967), the federal government reviewed the case and granted the three men amnesty (Boro, 1986:158).

Boro's failed dream of an independent Niger Delta Republic was fulfilled in a different way. Following the two military coups in 1966 and the outbreak of the Nigeria-Biafra War in 1967, the regime of General Yakubu Gowon (who had led the second coup) created a 12-state federal structure for Nigeria on May 27, 1967. This brought an end to the earlier regional structure. The Eastern Region was broken into three states, namely Rivers State (the present Rivers and Bayelsa States), East Central State (the present Imo, Abia, Ebonyi, Anambra and Ebonyi States) and South Eastern State (the present-day Cross River and Akwa Ibom States). Boro, who fought on the federal side in the three-year civil war, was killed on April 20, 1968 (Tebekaemi, 1986:7). He is immortalised in street names and other monuments in some Niger Delta towns. An example is a theme park named after him in Port Harcourt.

1.2.3 Internationalisation of petroleum-related community struggles (1990s)

The Nigerian Civil War (1967-70)—believed to have been fuelled in part by oil politics (Giwa, 1985:10)—as well as the post-war national reconciliation, rehabilitation and reconstruction activities of the 1970s shifted public attention from oil-related grassroots grievances that continued to build up in the Niger Delta. In the meantime, the military government consolidated its control of petroleum resources through several decrees, including the ground-breaking Decree 51 (now Petroleum Act) of 1969, which ended direct British control of petroleum resources in Nigeria.⁷

⁷ Decree 51 and several others that form part of the legal/institutional framework for petroleum operations are discussed in detail in Chapter Six (Section 6.4.1). The discussion focuses on how the decrees shape the day-to-day conduct of upstream petroleum business in Nigeria and how they impact on the everyday 'grammar' of discontent in the oil-producing communities.

In 1971 Nigeria joined the Organisation of Petroleum Exporting Countries (OPEC) and, in keeping with OPEC's guidelines, established a parastatal named Nigerian National Oil Corporation (NNOC)—renamed Nigerian National Petroleum Corporation (NNPC) in 1977—to represent its business interests in the petroleum industry (see Chapter Six).

By the 1980s, many communities had become relatively better informed about the environmental hazards of petroleum operations. Even so, community protests against the activities of the oil companies would bring many ordinary people face-to-face with issues such as the security arrangements that formed part of the relationship between the federal military government and the oil companies. For example, following an anti-Shell community protest in Iko (one of my fieldwork communities—see Chapter Four, Section 4.3.1) in 1987, the government sent anti-riot police to 'restore order' in the town. The police did this in a heavy-handed manner, burning down 40 houses and rendering about 350 people homeless, as a deterrent against such disturbances in the future (HRW, 1999:140; Turcotte, 2002).

Petroleum-related community discontent and protests in the Niger Delta began to gain prominence in the international media from around 1990. One of that year's major incidents was the killing of 80 people and burning down of over 490 houses in the town of Umuechem (in Rivers State) by anti-riot police. The police were sent to the town by the military government to quell public protests over the lack of social amenities such as electricity, water, roads, and direct compensation for oil pollution of farmlands and water sources. Local residents felt that on account of their town's contribution to the national economy they deserved these entitlements. Umuechem at the time had 56 oil wells and hosted two flow stations operated by Shell. The Umuechem incident was a major dent on the image of transnational oil corporations in Nigeria at the time, a problem that would worsen as the decade progressed.⁸

As shown presently, it is the events of the 1990s that deepened public interest in petroleum-related community issues in the Niger Delta and entrenched those issues on

⁸ For a fairly detailed chronology of petroleum-related community protests and patterns of state responses from 1987 to 1999, see Turcotte (2002) and Human Rights Watch (HRW, 1999).

the campaign agenda of international environmental and human rights groups. Arguably, the 1990s witnessed unprecedented growth in the number of groups opposed to what Ekeh (2001) calls ‘Abuja’s struggles against the Nigerian nation’, and made the Niger Delta issue one of the more noticeable signifiers of popular disenchantment with the character of politics and governance in Nigeria since independence (see also *Weekend Sketch*, 1999:4). According to a survey conducted by Nigeria’s Information Ministry in July 1990 public opinion in Nigeria was by this time overwhelmingly against military rule (Metz, 1991:Chapter 5). The 1990s ended the second dispensation of military rule that had begun on December 31, 1983, when a group of soldiers led by General Muhammadu Buhari toppled the civilian government of Shehu Shagari⁹. This ‘second era’ was punctuated for three riot-suffused months in 1993 by a civilian-headed ‘interim national government’, which was set up by the military just before General Ibrahim Babangida was forced out of power through popular protest on August 27, 1993. The reason for the protests was the Babangida regime’s annulment of widely acclaimed general elections in which his friend, Chief Moshood Abiola, won.

Central to the massive internationalisation of the Niger Delta struggles in the 1990s was the campaign led by Ken Saro Wiwa, author, activist and leader of the group known as Movement for the Survival of Ogoni People (MOSOP). As mentioned earlier, much scholarly analysis of the Niger Delta struggles is based on the activities of MOSOP and similar groups. The narratives of ordinary farmers and fishermen, outside the context of formal activist groups, have not been very much privileged (see Chapters Two and Eight). It is thus important to examine the MOSOP campaign in some detail.

A document issued by MOSOP in August 1990—‘Ogoni Bill of Rights’—castigated Nigeria’s federalism as arbitrary and skewed in favour of the majority ethnic nationalities. It denounced centralised state control and management of the country’s oil and mineral resources, and vilified the multinational oil companies operating in the

⁹ The first era of military rule began with the Major Chukwuma Nzeogwu-led coup d’état of January 1966, which brought General Aguiyi Ironsi to power as Nigeria’s first military Head of State. (For an account of the coup and counter-coup of 1966, and the eventual outbreak of civil war in 1967, see Nelson [1982:52-61]). The second stretch of military rule ended on May 27, 1999 with the swearing in of Retired General Olusegun Obasanjo (who, as military ruler, had brought the first stretch to a close in 1979 by handing over power to an elected civilian President, Shehu Shagari).

area for what MOSOP activists saw as environmental recklessness (Wiwa, 1992). Above all, it demanded ‘political control of Ogoni affairs by Ogoni people’ as well as ‘control and use of Ogoni economic resources for Ogoni development’¹⁰ (MOSOP 1992, Wiwa 1992).

One important argument put forward and vigorously pursued by the Ogoni activists was that three decades of ‘reckless’ and ‘predatory’ oil exploitation had brought about widespread poverty through the destruction of the local environment and indigenous occupational systems. Capitalising on the fact that oil operations in Ogoniland were predominantly land-based, with oil pipelines passing through people’s farms and homesteads (see Chapter Seven, Section 7.2.2; see also Plate 7-1), MOSOP considered that the effectiveness of its mobilisation would depend in large part on its ability make its campaign Ogoni-specific, rather than seeking alliances with other areas that were similarly impacted. The group equated the activities of the oil companies to genocide:

All one sees and feels around [Ogoni] is death. Death is everywhere in Ogoni. Ogoni languages are dying; Ogoni culture is dying; Ogoni people, Ogoni animals, Ogoni fishes are dying because of 33 years of hazardous environmental pollution and resulting food scarcity (MOSOP, 1992).

With these words, MOSOP drew worldwide attention to what it called the ‘endangered’ status of Ogoniland and its people’s resolve to take their destiny into their hands. While the Bill of Rights was primarily addressed to the ‘People and Government of Nigeria’, it simultaneously sought international support for the Ogoni demands by calling on the British government, Commonwealth of Nations, World Bank, International Monetary Fund, United Nations and the Organisation of African Unity (as the African Union was then known) to pressure the Ibrahim Babangida regime (which ruled Nigeria at the time) to embark on fundamental reforms that would make Nigeria a ‘progressive multi-ethnic nation, a realistic society of equals, a just nation’ (MOSOP, 1992). Future events were to prove that the Ogoni had

¹⁰ Ogoni communities (in Rivers State) were among Nigeria’s earliest oil-producing sites. Commercially viable deposits were struck at Afam in 1956, not long after promising wells had been discovered at Oloibiri (Bayelsa State). By 1960, the Ogoni communities of Bomu, Korokoro and Ebubu had been confirmed as ‘highly productive’ oilfields (Abe and Ayodele, 1986:87). For a detailed discussion of the history of petroleum operations in Nigeria, see Chapter Six (Section 6.2).

presented to the Nigerian society and the international community both a picture and a discourse.

On January 4, 1993, MOSOP launched a critical phase of its campaign. An estimated 300,000 protesters marched on the streets of the Ogoni town of Bori, denouncing Nigeria's 'unjust' federalism, the Federal government's oil extraction policies and the activities of Shell Petroleum Development Company (the Nigerian subsidiary of the Royal Dutch/Shell Group), and demanding Shell's withdrawal from Ogoni. Shell, it should be pointed out, is the oldest and biggest oil operator in Nigeria, having been involved in oil prospecting in Nigeria since the 1930s (see Chapter Six, Section 6.2). The company possesses to-date the 'best' oilfields in the country, and (in partnership with NNPC) controls most of the country's crude oil reserves and production. This dominant (mainly onshore) position has proved rather ominous in recent years, as youths in the oil region have at different times since the early 1990s threatened to expel (and in some places have succeeded in expelling) the company from their territory because of what they perceive as Shell's anti-community and manipulative operational ethos (see Chapter Eight, Section 8.3.3).

More protests were held in different Ogoni communities in the months that followed. On May 24, 1993, Ken Saro Wiwa began a sensitisation tour of Europe, where he presented the Ogoni case before a global public of media organisations and environmental and minority rights groups. MOSOP also mobilised its members to boycott the June 12, 1993 general elections, which were later annulled. The group's position was that the elections held no prospect of bringing about a democratic dispensation that would redress the kinds of 'injustices' the Ogoni were protesting.

In a country where successive military regimes seemed to dread the power of mass action nearly as much as it dreaded mutinous soldiers, the Ogoni Bill of Rights and the ensuing mass protests and international sensitisation were clearly an affront to the Babangida regime. As things turned out, the government's responses further boosted global interest in and sympathy towards the MOSOP cause. Amnesty International condemned the shooting of Ogoni protesters by the Nigerian security forces as extra-judicial killing. Arrests, torture, harassments and detentions marked much of 1993, with Ken Saro Wiwa and other MOSOP leaders as special targets. Government's

action provoked more protests, which in turn attracted tougher state responses (Trade and Environment Database, 1997).

Besides arrests, detentions, a media counter-offensive and a myriad of other projects, the government deployed a strategy of isolating the Ogoni community from the rest of the Niger Delta and Nigeria, and of turning the Ogoni community against itself. Thus, it was not long before MOSOP began to ‘sound’ like a separatist group, its demands began to appear as lacking in internal consensus, and its entire struggle seemed doomed to splinter into chaos.

I have so far spoken of the Ogoni struggles as if MOSOP had no internal organisational and leadership struggles of its own. The reason I have done this is to keep the reader’s attention on the group’s principal demands and the possible significance of such demands to the Nigerian development and democratisation project. I did not set out to discuss the internal politics and organisational challenges of MOSOP; indeed the internal politics and organisational fissures of MOSOP could constitute a theme for a full doctoral thesis. It suffices, for the purposes of this thesis, to mention that MOSOP leadership was made up of very prominent men in Rivers State and in Nigeria. While Ken Saro Wiwa, a playwright, was known and respected internationally, there were others like Dr. G.B. Leton, a top member of the Social Democratic Party (SDP)—the party that won the annulled presidential elections mentioned earlier—Chief E.N. Kobani, MOSOP’s Vice-President and top SDP member, and Ben Naanen (MOSOP General Secretary) an active role-player in the Rivers State Chapter of the SDP. Others were Chief E.A. Apenu (MOSOP Financial Secretary), Chief Nwieke (Treasurer), and Chief Sam Orage (Steering Committee member). Apenu, Nwieke and Orage were senior members of the National Republic Conventional (NRC), the party that contested the annulled June 12, 1993 elections against the SDP. So within the MOSOP leadership were people who played prominent roles in the country’s two opposing political parties. One of these parties (NRC) was widely believed to be pro-military and stood very little chance of winning the elections. Saro Wiwa himself had been known to be sympathetic towards the SDP. The various MOSOP leaders, although subscribing to the broad objectives of the Ogoni struggle, were different in their politics and (perhaps also) leadership styles. While Saro Wiwa was more radical in his approach to the struggles, some of the other

leaders saw him as confrontational and too antagonistic to the military regime. For instance, Dr. Leton and Chief Kobani were not in support of the boycott of the June 12, 1993 presidential elections and had voted against it at a MOSOP Steering Committee meeting called on June 1, 1993 to debate the issue of Ogoni participation in the elections. Increasingly, political and ideological differences among MOSOP's leaders reverberated in the wider Ogoni community and created divisions among various subgroups (Ibeanu, 2000).

April 1993 (not long before the annulled presidential elections took place) had been another occasion when the internal leadership squabbles among the above-named MOSOP chieftains became manifest. A company known as Wilbros, an oil pipeline engineering firm contracted by Shell, had in the course of its operations in Biara, an Ogoni town, destroyed crops belonging to local farmers. Following public protests armed troops were sent to the area to 'restore order' and to subsequently accompany Shell and the pipeline contractors to ensure the safety of their staff and property. They shot at protesters, injuring several people, an event that sparked major protests in Ogoniland. Eventually, there was a negotiated settlement between Shell and the then Rivers State Governor Ada George, and some of the leaders of MOSOP (such as Dr. Leton). Ken Saro Wiwa had been away campaigning in Europe. The affected farmers would be paid one million Nigerian naira in compensation and the pipeline laying would continue. However, when Saro Wiwa returned from his European sensitisation tour, he overturned the settlement and demanded the suspension of the pipeline project. Referring to the promised one million naira compensation as an insult, he called for a full environmental impact assessment of the project to first be carried out. Local residents backed him. Both the pipeline project and the promised compensation stalled and the companies withdrew from the area. There were insinuations that the MOSOP leaders who had agreed to the 'insulting' compensation were compromising the Ogoni struggle. The Wilbros incident thus, again, signified a rift and mutual distrust in the MOSOP leadership (Ibeanu, 2000).

In early June 1993, Dr. Leton and Chief Kobani stepped down from their positions in MOSOP both on account of what they saw as the arrogance, authoritarianism and excessive confrontationalism of Saro Wiwa, and so that they could continue with their political roles in the SDP. It was, however, not impossible that other factors (such as

pressure from the military authorities) played a role in their decision to press ahead with their participation in a national election that the MOSOP Steering Committee had decided the group should boycott). These and more were complex issues that could potentially affect popular mobilisation to restore justice in a social environment ravaged by the activities of a powerful petroleum industry. Nigeria at the time operated a military-civilian diarchy, with a military president and civilian state governors. Although no longer leaders, Leton and Kobani, however, continued to be members of MOSOP. Eventually on the day of the elections, June 12, 1993, the youths ensured that no one in Ogoniland voted (Ibeanu, 2000).

It was against the backdrop of such internal struggles, as well as bloody inter-community conflicts between the Ogoni and their neighbours, the Andoni (especially between July 1993 and April 1994), that factions emerged in MOSOP, with the youths backing Ken Saro Wiwa and gaining considerable power in the community, and some of the elders drifting in the opposite direction. Two prominent Ogoni factions became visible. One was led by Dr. Leton, Chief Albert Badey, Dr. Birabi, Chief Kobani, and the Orage brothers, Samuel and Theophilus. In March 1994, this faction signed the Giokoo Accord in the town of Giokoo, the ancestral capital of Ogoniland's Gokana kingdom. The Giokoo Accord not only repudiated the tactics adopted by MOSOP (and by implication by Ken Saro Wiwa) but also presented itself as a more viable alternative to the mainstream (Saro Wiwa-led) MOSOP approach. The other faction, which held sway in Ogoniland, was led by Ken Saro Wiwa and the very powerful youth group known as National Youth Council of Ogoni People (NYCOP). NYCOP was portrayed by the Giokoo group, and by the Nigerian government, as Wiwa's personal terror machine for intimidating local opponents. Gradually, the first group began to be seen by the local populace (who were broadly under the MOSOP umbrella) as a 'pro-government/pro-oil company' body set up by government and oil interests to dilute and eventually thwart the 'legitimate' struggle of ordinary Ogoni indigenes.

With invidious tensions raging within Ogoni, a picture of insecurity of life and property became apparent. These and other local vulnerabilities were exploited by the Nigerian state to justify its criminalisation of MOSOP and its leaders. MOSOP responded to this threat by labeling the local chiefs and other prominent Ogoni

indigenes, many of whom supported the Giokoo Accord, ‘collaborators’, ‘traitors’ and *dere* (an Ogoni term for ‘vultures’). The ‘moderates’ were now among the (internal) ‘repressive’ forces that MOSOP must deal with. A gathering of this group in Giokoo on May 21, 1994 drew the ire of MOSOP and NYCOP youths, who raided the venue, amidst resistance by police and soldiers. The fracas snowballed into the killing of four of the prominent Ogoni leaders who had been behind the crafting of the Giokoo Accord, namely Chief Edward Kobani, Chief Albert Badey, Chief Samuel Orage and Chief Theophilus Orage.

With this incident, Ken Saro Wiwa and several other leading MOSOP activists had played into the hands of the Nigerian military government. They were arrested, detained and charged with the murder of the four men. On October 31, 1995, under the regime of General Sani Abacha, a military tribunal pronounced a guilty verdict on Wiwa and eight of his colleagues. Ten days later (on November 10, 1995), before an appeal against the ruling could be filed by counsel to the convicts, the men were hanged.

In the course of the 1990s, struggles similar to those of MOSOP took place in many Niger Delta communities—attracting familiar patterns of government response: arrests, detentions, sacking of villages, killings, and (quite possibly) the instigation of divisions within and across communities. Among the more militant, and in Ikelegbe’s (2001:19) words ‘more dangerous’, activist groups was Ijaw Youth Congress (IYC). On December 11, 1998, at a conference in the town of Kaiama (in Bayelsa State), representatives of 25 groups affiliated to IYC issued the ‘Kaiama Declaration’. Like MOSOP, IYC denounced Nigeria’s federalism and threatened, among other things, to disobey all ‘undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Use Decree and The Petroleum Decree etc’ (IYND, 1998). The IYC was formed in terms of the Kaiama Declaration to serve as an organisational vehicle for ‘[coordinating] the struggle of Ijaw peoples for self-determination and justice’ (IYND, 1998). Demonstrations in support of the ‘Declaration’ were held in many towns in Bayelsa State, such as Oloibiri, Yenegoa and Bomadi.

Confrontations between activist groups and the Nigerian government did not end with the military dispensation. On November 10, 1999, infuriated by the killing earlier that month of six policemen at Odi, a town in Bayelsa State, President Obasanjo issued a fourteen-day ultimatum to the Bayelsa governor to apprehend the culprits and bring them to justice. The President threatened a state of emergency if his order was not carried out. In an emergency rule, elected authorities in Bayelsa State would be temporarily removed under Section 305 of the Nigerian Constitution and all functions of the State taken over by Federal authorities. On November 20, 1999, four days before the ultimatum expired, federal troops were sent to the town. The enormity of the destruction that followed has been documented by a coalition of civil rights groups that visited the town on December 8 of that year:

The East-West road [the federal highway linking Bayelsa to other parts of Nigeria] was cordoned off... Thereafter, a major military operation commenced, via the use of heavy artillery, aircraft, grenade launchers, mortar bombs and other sophisticated weapons... [W]e we have received reports of mass burial, mass cremation and the disembowelment and mass dumping of corpses in River Nun. We saw so many corpses by the roadside as we drove along. So complete was the destruction that crops were razed, [food processing] plants were willfully wrecked, canoes were set ablaze, and every house in the entire community, with the exception of [a] bank, a Community Health Centre and the Anglican Church, [was] burnt down... Places of worship and other sacred places, including sacred forest and groves, churches, ancestral shrines and burial places, were demolished.... Several libraries and educational materials were... destroyed (Oroh, 1999).

Many civil rights groups maintained that the Odi ‘massacre’ was an indication of the federal government’s determination to protect its interests in the three oil wells located in Odi, and a signal to other restive oil communities of the wrath that awaited them should they fail to ‘make things smooth and easy for the oil companies’. In other words, the invasion ‘was for oil and oil alone’ (Oroh, 1999).

There is a proliferation of activist community groups in the Niger Delta. Among them are: Nembe-Ibe United Forum, Niger Delta Oil Producing Communities Development Organisation, Movement for the Survival of Ijaw Ethnic Nationality of the Niger Delta (MOSIEND) and Ijaw Women for Justice (IWJ). Others are: Ijaw Peace Movement, Ijaw National Congress (INC), Bayelsa Youth Federation, Isoko National Youth Movement, Niger Delta Youth Corps, Afigh Iwaad Ekid (AIE) and Akwa Ibom National Oil and Mineral Producing Forum (AKINOMPFO). There has even been a

‘re-birth’ of the Isaac Boro-led armed group discussed in Section 1.2.1. It is called Niger Delta People’s Volunteer Force (NDPVF), and is led by Mujahid Asari Dokubo (a Muslim son of a Christian middle-class family). The various groups have adopted differing protest strategies, and despite having brought about much instability in the oil region, have ensured that issues concerning the region affairs constantly haunt Nigeria’s political and governing elite.

The struggle is also characterised by women’s uprisings. A more recent example is the one that took place on July 8, 2002. A band of women-only protesters from the town of Gborodo (Delta State), numbering a few hundreds, stormed the Chevron oil export terminals at Escravos (Delta State)¹¹ and occupied the facility for 10 days:

[F]rom young mothers with babies on their backs to 90-year-old great-grandmothers – [the women] occupied the oil company’s terminal. They scattered throughout the complex and trapped some 700 oilmen by blocking the airstrip and the docks (Onishi, 2002).

Although bearing no physical arms, the women threatened public nudity and dared any oil worker or policeman to harass them. In Southern Nigeria, watching the naked bodies of elderly women (especially those over the age of menopause) under these circumstances is a dreaded taboo; it is believed to be capable of mysteriously killing any man who comes under such a ‘curse’. While the women’s threat of public nudity might not have made much impression on Chevron’s mainly Western expatriate workers (given the cultural differences), as naked protests are fairly common in Europe and North America, it is unlikely that the Nigerian workers took it lightly. Chanting songs and brandishing placards, the women grounded activities at the dock, airstrip, offices and residential quarters of the oil terminals. Their goal was to pressure Chevron into providing social amenities in their villages (Daniel, 2002).

In recent years, organisations have been formed with the stated objective of harmonising the concerns of the various Niger Delta groups and bringing about a pan-Niger Delta mobilisation, one that establishes links with similar mobilisations in other parts of Nigeria. Examples of these groups are Chikoko Movement (whose campaign

¹¹ Besides the Escravos terminals, operated by Chevron, Nigeria’s crude oil is exported from five other terminals. These are: Bonny and Forcados Terminals (operated by SPDC), Qua Iboe Terminals (operated by ExxonMobil Nigeria), Brass Terminals (operated by the Nigerian Agip Oil Company), and the Peninton Terminals (operated by Texaco Overseas Nigeria).

platform is the youths), the Niger Delta Union and South-South Forum (both of which seek to mobilise the business and political elite), and the Traditional Rulers of Oil and Mineral Producing Communities of Nigeria (TROMPCON).

Even from the atavistic tone of the names of organisations championing the Niger Delta struggles since independence, and their diverse strategies, the foregoing mobilisations are subject to differing interpretations and might seem to point to motivations and agendas that are overwhelmingly primordial, exclusionist and particularistic. The various efforts could even be interpreted as inimical to the Nigerian democratisation project. Indeed, if the focus is simply on the activities of the activist groups, Ikelegbe's (2001) notion of the struggles as the pursuit of a 'sectional' agenda becomes virtually inescapable. However, such an approach obscures those dimensions of the struggle that are crucial for understanding Nigeria's contemporary development predicament and democratisation trajectory. It is for this reason that this thesis focuses on ordinary people's narratives and lived worlds, outside the context of formal activist organisations, and connects the 'grammar' of grassroots discontent to the mainstream of civic discourses in the wider Nigerian context.

1.4 Research Goals

As mentioned earlier, the main objective of this thesis is to interrogate the social character of the Niger Delta struggles by examining the narratives and lived worlds of ordinary people in selected oil producing communities in Nigeria, rather than the activist organisations acting 'on their behalf'. This approach helps the researcher to go beyond the limitations of ethnic/essentialist discourse in the search for an intuitive understanding of the Niger Delta crisis. The specific objectives of the thesis are as follows:

- Examine how the 'grammar' of discontent among ordinary people in selected Niger Delta communities reflects 'national level' debates around social justice as well as political and environmental governance in contemporary Nigeria.

- Examine how the ‘grammar’ of discontent and resistance relates to the legal/institutional framework for petroleum resource utilisation in Nigeria.
- Relate the institutional framework for petroleum operations in Nigeria to: a) the country’s petroleum revenue sharing regimes, and b) the specific social and environmental practices of the transnational oil companies operating in Nigeria.

1.5 Organisation of the study

This research stems from the researcher’s concern that scholarly analyses of conflict and popular struggles in many Sub-Saharan African countries are somewhat overburdened with the stigmatisation of the multi-ethnic composition of the societies concerned. The aim of this thesis is to explore the social character of petroleum-related grassroots struggles in the Niger Delta, since they are among the major signifiers of conflict and instability in contemporary Nigeria. The thesis interrogates some of the dominant scholarly assumptions held about the Niger Delta struggles, and by adopting an analytical perspective that privileges the role of ‘background institutions’ in shaping grassroots struggles, moves away from an exclusively ethnic model of making sense of the crisis. As indicated earlier, my focus is on the everyday stories and lived worlds of ordinary people in the oil region, rather than on the activities and narratives of formal activist groups acting ‘on their behalf’. The two sub-sections below provide specific information on: a) the organisation of the chapters and how the chapters relate to the research objectives outlined above, and b) the presentation style.

1.5.1 Arrangement and synopsis of chapters

The thesis is made up of ten chapters. These are grouped into three parts, which reflect the transition from conceptual and methodological issues to more substantive/empirical ones. Part I, which comprises Chapters One to Four, is titled ‘Understanding the Niger Delta Struggle—Beginnings, Resurgence and Conceptual Debates’. Part II is titled ‘People, Petroleum and the Environment’, and consists of Chapters Five, Six and Seven. Part III, titled ‘When “Sectional” Intersects with

“National”, is the main empirical part of the thesis and consists of Chapters Eight, Nine and Ten.

Chapters Two and Three review the current state of knowledge on petroleum-related community struggles in the Niger Delta, and on grassroots struggles in other ‘strategic’ resource-rich countries. Attention is paid, in Chapter Two, to the ethnic-civic debates and related discourses, while Chapter Three examines the social justice paradigm in general and environmental justice discourse in particular. It is in Chapter Three that I offer some clarification on the adaptation that I have made of the concept of ‘background institutions’. As explained in that chapter (Section 3.3), it is from this concept that I derive the basic analytical ‘model’ with which I examine ordinary people’s lived worlds and narratives, and try to make meaning of, for example, state and corporate conduct in Nigeria’s petroleum-rich communities. On the whole, the conceptual and theoretical concerns highlighted in Chapters Two and Three form the backdrop against which the discussions in Parts II and III are undertaken.

Chapter Four, which ends Part I, focuses on the method of study. While some might have placed a methodology chapter much closer to chapter one, I have it as the fourth chapter so as to make it a stepping stone to the empirical chapters of the thesis. In any event, those are the chapters to which it fundamentally relates. This placement then made it possible for me to give early attention (in chapters two and three) to the major conceptual/theoretical issues in which I would later situate the empirical chapters—and even the methodology. Besides discussing the data collection techniques/methods utilised, the methodology chapter provides a detailed justification for conducting the fieldwork in the three selected communities. It explains how I tried to address the problems of validity and objectivity, given that the data collection was based on a predominantly qualitative research design.

In order to provide a ‘bigger picture’ of the geopolitical setting of the three communities in which the fieldwork was conducted, Chapter Five pieces together available and relevant historical, socio-economic and geographic data on Nigeria’s Niger Delta region. The idea is to provide a socio-economic profile of the region, against which one can begin to make sense of grassroots narratives in the study

communities. Chapter Six explores the legal/institutional framework for petroleum resource utilisation in Nigeria, as a way of showing how the Nigerian upstream petroleum industry operates, and how it impacts on the social conditions of ordinary people—and on their narratives.

Chapter Seven explores the social and environmental impacts of petroleum operations in the Niger Delta. It looks at such impacts from a global perspective, drawing on examples from oil-producing provinces in North America, Europe, Latin America and the Middle East. More importantly, the chapter looks at the mediating role of the legal/institutional framework for petroleum operations in various countries. What this chapter does essentially is to show how the positive and adverse impacts of petroleum operations—and the existing impact-mitigation measures—feed into the everyday resistance idioms of ordinary people, thus helping us to make sense of the social character of grassroots struggles in Nigeria’s oil region.

Chapter Eight, ‘Discourses of Equity and Fairness at the Grassroots—Field Findings’, is the main empirical chapter of this thesis. This is where the ethnographic, in-depth interview and FGD data are presented. The presentation and discussion are done under separate themes, each capturing the specific issues encountered in the study communities, and their underlying significance for our understanding of the Niger Delta struggles. The discussion continues in Chapter Nine, where, using a ‘discourse matrix’, I try to show how the key narratives in the study communities intersect with contemporary civic discourses in the wider Nigerian context. Chapter Ten summarises the key findings of the thesis and makes some deductions. Based on the findings, the chapter provides a basis for going beyond conventional scholarly portrayals of the Niger Delta struggles, and indeed similar struggles elsewhere in Africa.

1.5.2 Presentation style

A few remarks will now be made about referencing, spelling style, bibliographic presentation and arrangement, and other style-related issues that I hope enhance the reader-friendliness of this work.¹²

British punctuation and spelling styles are used throughout the work. Thus, the reader finds ‘single quote marks’ instead of “double quote marks”, and ‘harmonise’/‘harmonisation’ instead of ‘harmonize’/‘harmonization’. Where Americanisms appear in a direct quote, they are not altered. Rhodes Sociology Department’s *Handout Number 1: General Information and Departmental Rules* seems to recommend double quote marks (used mainly in American texts), although the handbook adopts the British spelling style, such as ‘minimise’ and ‘penalise’ (see Sociology Department, 2005:7-8). I adopt both British punctuation and spelling, for consistency.

To make it less unwieldy, the Bibliography Section is divided into seven sections as follows:

1. Books and Book Chapters
2. Journals and Periodicals (Print and Electronic)
3. Reports, Working Papers, Conference Presentations and Related Sources (Print And Electronic)
4. Reference Books (Print and Electronic)
5. Newspapers, Magazines, Television Documentaries and Related Sources (Print and Electronic)
6. Other Internet Sources
7. Documents

Among the modifications I have made to The *Departmental Rules* is that the date of retrieval of Internet-based sources is included as part of its bibliographic entry. The date is enclosed in square brackets after the Internet link.

¹² In the main, the thesis adopts the reference and stylistic conventions authorised by the Rhodes Sociology Department. This is detailed in the handbook titled *Handout Number 1: General Information and Departmental Rules* (see Sociology Department, 2005:4). For example, the surname of a cited author and the publication year of the cited material are separated by a comma; a colon separates the publication year and the page number (if any). An example is: (Ikelegbe, 2001:22).

Finally, for numbers appearing in the text (direct quotes excluded) words are used if they fall between one and nine; figures are used for 10 and above.

CHAPTER 2

Grassroots Mobilisation—Ethnic-Civic Discourse

2.1 Introduction

Among the enduring socio-political features of postcolonial Sub-Saharan Africa are conflict and instability. These problems seem particularly pronounced in the mineral-rich countries, such as the Democratic Republic of Congo, Angola, Central African Republic, Sudan, Equatorial Guinea, and Nigeria. Diamond-rich Botswana (in Southern Africa) remains a notable exception. For many analysts, instability, poverty, conflict and underdevelopment in mineral-rich African countries constitute a paradox: these countries have the natural wealth that should propel them to development, yet they remain among the world's poorest, most indebted, most corrupt and most volatile. Some, like Nigeria—Africa's leading oil-producing and most populous country—have for most of their postcolonial existence been ruled by (military) dictators, and continue to grope for answers to entrenched problems of political instability, economic retardation, dilapidated infrastructure and lack of international respectability. Although Nigeria's oil-producing region—the Niger Delta—is not, and has historically not been, the only conflict-ridden province in the country, social conflict associated with petroleum exploitation and petroleum revenue utilisation has become probably the most recurrent reference point—at least since the early 1990s.

Two main challenges confront anyone seeking an understanding of the social crisis in the Niger Delta, or indeed conflict in most other resource-rich Sub-Saharan African provinces. One challenge is that of sifting through a welter of interpretations and interventions by researchers, analysts and commentators who try to project one or the other of the main issues at stake. The other challenge, which is paradigmatic, relates to how best to interpret the growing grassroots opposition to Nigeria's way of 'doing oil business'. In other words, how does one avoid the temptation of concluding that because such grassroots opposition sometimes focuses on 'narrow' community issues, appears concentrated in particular geo-ethnic sections of a multiethnic country, and is often expressed through militant protests, the struggle has ethnicity as its pivot? How do we identify authentic citizen mobilisation? Under what conditions can a struggle

that is ostensibly confined to a particular geo-ethnic region of a multiethnic country be said to represent the interests and democratic aspirations of the wider society?

As highlighted in Chapter One, the central problem of this study is the need to look at the Niger Delta struggle from a fresh perspective, and thus engage some of the major scholarly assumptions about it—such as the assumption that the struggle is rooted in an ethnic ideology and driven by particularistic and exclusionary concerns. This chapter and Chapter Three are devoted to an exploration of the conceptual assumptions about the Niger Delta struggle, and in particular the literature on the ‘ethnicised’ view of the struggle.

By exploring the current state of knowledge on the Niger Delta conflict, this chapter (in combination with Chapter Three) provides a conceptual basis for extending our understanding of the social character of grassroots mobilisation in the oil province beyond its dominant ethnic reading. On the whole, the conceptual and theoretical concerns highlighted in these two chapters provide a backdrop against which the discussion in the remaining part of this thesis is undertaken.

Effort has been made in this chapter to leave out the growing body of literature that offers descriptive accounts of ‘social’ and ‘environmental’ impacts of petroleum operations¹ in order not to be distracted from the main locus of scholarly insights into grassroots struggles. I have also excluded from this and subsequent chapters material deemed to be more of advocacy than scholarly value.

2.2 Grassroots struggles: ethnicity in disguise?

In the last few years, there has been much scholarly interest in the Niger Delta struggle. While this has been due to the growing social justice mobilisation both in Nigeria and internationally, there is ‘something’ about the Niger Delta that arguably offers analysts a glimpse of the reality of development and governance crisis in Nigeria. Attention has generally been on the ‘social’ and ‘environmental’ impacts of petroleum production (some of which are taken up in Chapter Seven), but increasingly, analysts are trying to connect the crisis to some dominant social science

¹ There is a stronger rationale for the use of material of this nature in Part II of the thesis, especially in Chapter Seven.

narratives. Let us now get a sense of how the literature portrays the struggle's alleged 'ethnic character' as incompatible with authentic, broadbased citizen mobilisation.

A notable scholarly attempt to dissect the Niger Delta struggle and project its social character is Augustine Ikelegbe's (2001) work entitled 'The Perverse Manifestation of Civil Society: Evidence From Nigeria'. The article contains case analyses of the mobilisation activities of some grassroots citizen organisations in Nigeria, including some in the Niger Delta. The organisations include Ijaw Youth Council (IYC), Oodua People's Congress (OPC), Arewa People's Congress (APC). Ikelegbe's main objective is to show how, contrary to popular notions of 'civil society' as 'the beacon of freedom, the fountain for the protection of civil rights and of resistance against state repression' (Ikelegbe, 2001:1), the 'objectives, methods and roles' of 'civil society' organisations could undermine the democratic project (Ikelegbe, 2001:2). The IYC, a grassroots organisation widely known to have been at the forefront of the Niger Delta mobilisation during the 1990s (and still active in the region) is offered as only speaking 'the minds of the Ijaws and at least parts of the Niger Delta'. IYC is, the author argues, a prime example of 'perverse' civil society. Similarly, OPC is portrayed as concentrating its protests 'in the south-west Yoruba region', and as being responsible for 'about 60 per cent of the 200 violent clashes recorded nationwide between January 1999 and January 2000' (Ikelegbe, 2001:15). Based on these analyses, the author offers an insight into what the term 'ethnic' could mean, by contrasting it with 'civic' or 'ideal'. According to him, 'ethnic' mobilisation tends to be 'sectional', 'criminal', 'anarchic', 'parochial' and 'centrifugal'. He describes IYC, OPC and APC as ethnic organisations 'masquerad[ing] as civil society' (Ikelegbe, 2001:22) and dismisses the possibility that their activities could advance the cause of social democracy in Nigeria.

Besides geography, the feature of grassroots mobilisation that leads Ikelegbe to his labelling of IYC as 'sectional', 'criminal' and 'anarchic' is the group's protest methodology. He asserts that IYC's key protest strategy is 'violence'. Ikelegbe deplores what he calls 'the new tendency for aggrieved groups to take up arms in their encounters with the state and other groups' as well as the support the groups enjoy from 'civil groups of elders and political leaders' (Ikelegbe, 2001:19). The reader may notice that the focus on overt protest strategies (such as violence) runs against an

established sociological argument that although a group may on occasion adopt militant strategies to draw attention to their demands, such activities (and this is not an endorsement of violence or any unlawful, insurrectionary activities) need not be an ‘intrinsic’ element of the group’s campaign. Many sociologists contend that violence is quite often an epiphenomenon—a smoke from the fire of, say, unjust public institutions, state policies and the political process, or of factors in the corporate and transnational spheres. This view is based on, among others, the works of Paine, Montesquieu, Marx and Arendt, who posited that monarchy, despotism, capitalism and totalitarian dictatorship, respectively, were systemic breeders of societal violence (see Keane, 1998:144). The following declaration by Martin Luther King, Jr., might also seem apposite: ‘I could never again raise my voice against the violence of the oppressed... without having first spoken clearly to the greatest purveyor of violence in the world today—my own government’ (quoted in Churchill, 2005).

Although it might not seem obvious, Esther Cesarz *et al* (2003) also point to the ‘ethnic/sectional’ character of the Niger Delta mobilisation in their article, ‘Alienation and Militancy in Nigeria’s Niger Delta’. Adopting a framework of analysis not fundamentally different from Ikelegbe’s—such as focusing on violence—the authors argue that ‘interethnic violence is a longstanding feature of the oil-rich Niger Delta’ (Cesarz *et al*, 2003:2). It must be noted that their intention in this particular case is to draw attention to the risks Ijaw militancy poses to international oil interests and to Nigeria’s future as a united and stable polity. Violence, they argue, is attributable to ‘decades of economic neglect, environmental despoliation, and more recently disenfranchisement and human rights abuse’, but is exacerbated by the fact that local groups now have ‘bigger ambitions’ and ‘better capacities’ to take on the Nigerian state. Local groups, the authors suggest, are no longer to be seen as ‘a loosely organised ethnic, sporadic movement’: they are now an ‘armed ethnic militia’ capable of derailing Nigeria’s new-found democracy, or at best extracting ‘compromise’ from the Nigerian state. The authors point out that petroleum-related grassroots struggles in the Niger Delta no longer focus on ‘local concerns’; the focus is now on ‘national’ issues such as flaws in electoral processes and ‘most notably inequities in the national formula for allocation of oil wealth’ (Cesarz *et al*, 2003:2).

The attempt to treat ‘local’ and ‘national’ as dichotomous categories of protest concerns in the Niger Delta has been challenged by Oronto Douglas and his colleagues, who also deplore the use of the term ‘ethnic militia’ to describe local activist groups (Douglas *et al*, 2003:2). Indeed, the accentuation of violence and the dichotomisation of ‘local’ and ‘national’ in Cesarz *et al*’s analysis are seen as misrepresenting the essence of the Niger Delta struggle:

even as Ijaw leaders have worked to address pressing problems in their immediate locality—the Niger Delta—their focus has always been national... [T]hey framed their grievances in terms of the national arena as the audience and site of struggle. Such issues as flaws in the electoral process, resentment of Nigeria’s national Army, and inequities in the allocation of oil receipts have engaged the attention of Ijaw leaders since the late 1950s (Douglas *et al*, 2003:4; see also Watts and Okonta, 2003).

A similar argument runs through Watts and Okonta’s (2003) ‘Petropolitics and Nigerian Democracy’. However, there is little in the analysis by Douglas *et al* (2003) that suggests that they operate from a different epistemic position from Esther Cesarz and colleagues—with whom they disagree. For instance, what does one make of the argument that emerging coalition-building efforts among community groups in the Niger Delta constitute ‘a *bulwark against* the ethnic majorities’ (Douglas *et al*, 2003:3—emphasis added)? If petroleum-related citizen mobilisation in the Delta is *against* the rest of Nigeria, then William Davies (2001:201) is right in suggesting that the Niger Delta region is ‘an environment of pervasive [ethnic] hostility’.

Arguably because of Nigeria’s multiethnic composition and its well documented history of failed (and unattempted) development, it has become almost automatic for analysts to accentuate the ethnic backdrop of socio-political processes (especially conflict), and discountenance other criteria of appraisal (governance ethos, for instance). This analytical attitude is evident in Claude Welch’s (1995) work, ‘The Ogoni and Self-determination: Increasing Violence in Nigeria’. Welch (1995:635) notes that the ‘communal pressures that have characterized the Niger Delta and many other parts of Nigeria are not only matters of ethnic self-determination but also complex expressions of economic and political disparities’ (1995:636). He also acknowledges that:

- a) ‘billions of dollars’ in oil income have ‘disappeared into the national economy and/or private hands without satisfactory accounting, and without perceptible benefits to most Nigerians’;
- b) ‘the distant state cannot be trusted to understand or act effectively on grassroots priorities’; and that
- c) the Nigerian government ‘may be more a predator than servant’ and an ‘agent of exploitation rather than protection’.

These are issues that easily could be discussed as governance or social justice deficits, or analysed in terms of Bangura’s (1999:4) ‘three crises’ of the post-colonial African state—those of ‘capacity’, ‘governance’ and ‘security’. However, Welch makes ethnicity the central focus of his analysis, echoing, according to him, Crawford Young’s (1983) statement that economic and political change in a multiethnic milieu tends to provoke rather than diminish primordial identities (Young, cited in Welch, 1995:637). Short of portraying Nigeria’s ethnic nationalities as essentially incompatible social groupings, he makes the following deduction from the fact that Nigeria as an entity ‘came into being long before a substantial number of its residents felt themselves to be “Nigerians”’:

Cut throat competition for economic and political power encourages persons to turn to the primordial sentiments of kinship. By stigmatising the outsider and exalting the insider, the ambitious can create powerful movements—within the confines of the group itself... For Nigeria... the problem is especially intense (Welch, 1995:645-646).

On the whole, Welch uses his analysis to interrogate the concept of individual rights and to make a contribution to the ‘group rights’ debate (see Section 2.3). He points out that the Niger Delta struggle—and in particular, what he calls the Ogoni ‘self-determination’ movement—is an indication that individualistic (liberal) notions of right are limited, as they fail to take into account the fact that rights-related yearnings are not the same in all societies (Welch, 1995:649).

The ethnic emphasis also shows through, as hinted earlier, in William Davies’s (2001:200) *Oil and Gas Investment in Nigeria*. However, while Davies projects the

Delta region as a cauldron of ‘ethnic conflict’ and ‘communal instability’, the works of Osadolor (2002), Agbola and Alabi (2003), Agiobenebo and Aribaolanari (2001) and Uga (2001), among others, more explicitly say what it is that engenders disaffection in the oil-producing region and why communities sometimes turn against one another. For these authors, the Niger Delta struggle could be an exclusionary project, for the simple reason that ‘the ethnic minorities of the Niger Delta are treated as objects (property) *owned by the majority groups to be dealt with according to their whims and caprices*’ (Agiobenebo and Aribaolanari, 2001:455—emphasis added). Agiobenebo and Aribaolanari’s argument is that it is the ‘majority groups’ that determine the framework for petroleum exploitation in Nigeria and that they do this for the benefit of their people. The ‘unfair’ principles governing petroleum revenue distribution also allegedly reflect the preferences of the country’s dominant ethnic nationalities that gain from it (see also Agbola and Alabi, 2003:270).

For Osarhieme Osadolor (2002:44), who traces Nigeria’s ‘national question’ from 1914 to 1994, it is impossible to separate oil from the question about how best to ‘address the prospects of achieving higher levels of mutual trust, co-operation, shared values, common identity and national consciousness’ in Nigeria. He identifies the Niger Delta struggle as one of the indicators of the ‘uneasy’ relationship among ethnic groups in Nigeria and attributes the ‘uneasiness’ to the Delta’s ‘neglect by the major ethnic groups which have had control of political leadership’ (Osadolor, 2002:44). This could mean that the Niger struggle is fundamentally about resisting the non-oil producing regions of the country. I will for now ignore the implicit assumption that in Nigeria ‘the control of political leadership’ is necessarily done *on behalf* of entire ethnic groups or regions. Later in this work (Chapter Nine, Section 9.8), I have examined this understanding of power control and economic accumulation in Nigeria against recent secondary data.

Edu Uga (2001:464-465) adopts a similar logic. He not only asserts that the ‘backward development status of the Niger Delta explains much of the reasons [*sic*] for the agitation’ for local control of mineral rights in the region, but also links the ‘agitation’ to the country’s ethnic composition. He calls it the ‘majority-minority aspects of the unbalanced federal structure’ and maintains that the imbalance is evident in the fact that the public institutions responsible for managing the country’s

petroleum resources in the interest of the common good have been taken over by ethnic interests (Uga, 2001:468). He describes the struggles among the ethnic groups as ‘acrimonious’.

Other analysts had made arguments similar to those of Agiobenebo and Aribaolanari, Uga and Welch, during the mid-nineties. For Obi (1997:23), it was no hidden fact that Nigeria’s diverse nationalities were engaged in ‘intense struggles’; what was important was to identify the issues driving the struggles. Among the most important issues he identified was the quest to ‘control’ oil and ‘the power to share the “National” oil wealth’. He argued that the struggles were so deeply entrenched that the state’s power to mediate seemed ‘severely limited’. The state’s relative powerlessness, he reasoned, arose from the fact that it was not a non-partisan mediator. He also suggested that lack of effective state mediation in the struggles could hasten the disintegration of either the existing regimes of ‘oil-based accumulation’ in Nigeria or the country as a whole (Obi, 1997:23). It is noteworthy that in a recent work in which he makes a comparative analysis of ‘environmental movements’ (the Ogoni Movement and the Green Belt Movement) in Nigeria’s Niger Delta and Kenya, Obi (2005) places the protests and demands of these movements within the broad grassroots struggles for social transformation in the societies concerned. He argues that such struggles must be seen in terms of their connection to ‘broader popular social struggles for empowerment and democracy’ (Obi, 2005:iii). This line of analysis strikes at the very heart of this thesis and I examine it further in the next sub-section.

It should be mentioned that some commentators who have attempted to make sense of the social exploitation of Nigeria’s oil province do not necessarily lay the blame on majority/minority dynamics but on governance failures in the country as a whole. Wole Soyinka, for example, remarks that ordinary Nigerians (in the oil-producing region and elsewhere) share the same fate: they are ‘prostrate preys, subject to the whims and caprices of jungle lords’ (cited in Ugah, 2004). This could imply that the Niger Delta struggle is not fundamentally targeted at ‘other’ ethnic groups but at a system of governance dominated by ‘jungle lords’ (a selfish elite) who have failed to come to terms with the democratic and developmental aspirations of people at the grassroots (see also Welch, 1995:636).

Somewhat commensurate with the widely publicised social and environmental hazards of petroleum operations, there has been a tendency among analysts to be sympathetic towards the ‘suffering’ of residents of Nigeria’s oil-producing communities, but to still portray their struggles against accumulation regimes that entrench that suffering as rooted in primordial and exclusionary particularisms. Michael Watts’s (2000) treatment of the ‘shock’ of ‘petrolic-modernisation’ in the Niger Delta is an example of this analytical approach. Watts goes to great lengths to examine the wide-ranging deprivations in Nigeria’s oil producing communities—especially the social deprivations in Ogoniland—and the political structures sustaining them. However, he makes distributive issues in the struggle subordinate to existential ones. He suggests that although the Niger Delta struggle is woven around ‘a recognizably modern set of political demands’, it has ethnicity as its pivot (Watts, 2000:3-9).

Having identified ethnic particularism as the fixed principle behind the struggle, Watts then draws a parallel between the Niger Delta crisis and what happened in the Northern Nigerian city of Kano in the early 1980s. Kano is where, in December 1980, a fringe Islamic group, supposedly championing the cause of Northern Nigeria’s urban underclass, mobilised adherents and sparked one of the bloodiest riots in Nigerian history. Between December 18 and 29, 1980 alone, violent confrontations between the Maitatsine followers and state security forces led to the death of over four thousand people.

One way to appraise Watts’s reading of the Niger Delta struggle is to reflect briefly on Nancy Fraser’s (2000) comments concerning struggles by deprived groups. She cautions that in trying to make sense of the character of such struggles, analysts should exercise due care to distinguish ‘pure identity politics’ from a ‘just’ quest for social status. At best, she says, one should recognise the simultaneous interplay of these driving forces, since the struggle for recognition cannot always be assumed to have existential connotations.

One striking thing about the above mode of analysis of the Niger Delta struggle is that a number of commentators acknowledge that the issues in the struggle transcend ‘local concerns’ (see Cesarz *et al*, 2003; Watts, 2000). Some have suggested that the

struggle makes a strong statement on the pains that a ‘distant state’ has inflicted on the Nigerian society as a whole (Welch, 1995:636). Why then are these present-day, governance- and social justice-related related issues, which are at the heart of the Nigerian predicament, not made the central explanatory criteria in analysing the Niger Delta struggle? Why is the ethnic paradigm readily invoked to make sense of the struggle? Mamdani (1996:187) ponders these questions thus:

A researcher looking for empirical information on peasant movements in Africa is inevitably led to studies on ethnicity. For a long time the field resembled a red hot furnace, with partisans busy digging out information to fuel a long-standing polemic [around *ethnic* and *national* movements]. The disagreement focused on how to classify different movements, as national or tribal... Could it be that the bifurcated nature of the state shaped under colonialism, and of the politics it shaped in turn, had now appeared in the theory that tried to explain it?

A year earlier, he had expressed concern about the modernist fixation with ethnicity in the explanation of politics and citizen mobilisation in Africa (Mamdani, 1995:611). Modernists, he wrote, ‘see African society, with its ensemble of “particularisms”, as the root cause of the African predicament’. He pointed out that for modernists, it is the existential character of the African society that produces all other logics in African politics. Mamdani (1995:612) then challenged analysts trapped in this mode of analysis to extricate themselves from ‘their ignorance of concrete social processes and their blindness to concrete popular struggles’ on the continent.

Expressing similar sentiments about the characterisation of struggles in Eastern Europe, Dungaciu (1999) points out that in explaining conflict in multiethnic societies, scholars show little willingness to look beyond the limitations of ethnic politics, and that little effort is made to accord explanatory status to ‘concrete’, ‘present-day causes’. According to him, the fixation with ethnicity in analysing non-Western societies and in applying primordial labels to anything non-Western, speaks to the way in which Western and non-Western societies have come to be regarded as being existentially different—with the one portrayed as ‘cosmopolitan’ in its approach to problems and the other as irredeemably stuck in primitive concerns:

[A]lmost every time... conflicts are happening in the Balkans or Eastern Europe, we refer to the *historic* explanation. We try to find *historical* patterns. On the other hand, when it comes to the West, we look for concrete and

present-day causes, for sociological explanations and for cultural, political, social or economical reasons. *History* is not the first explanatory argument for the Western nationalism, but it is for the Eastern one (Dungaciu, 1999:4).

Let us now take a closer look at what Mamdani has termed the ‘bifurcation’ of the tool for ‘explaining’ struggles in Africa, and Dungaciu’s concern about scholarly avoidance of ‘present-day’ issues in conflict in ethnically heterogenous societies. Clearly, these concerns have implications for a discussion of grassroots struggles in the Niger Delta and other mineral-rich Sub-Saharan African environments; they underline the imperative for seeking a fresh perspective.

2.2.1 Ethnic-civic dichotomy—a limiting discourse?

I should first clarify that history—that is, the past as it *actually* was—is an important tool for decoding contemporary perplexing social occurrences. However, for the purposes of this thesis, the remarks by Dungaciu (and the points conveyed by Mamdani) become clearer in paraphrase: why are struggles in ethnically diverse non-Western societies readily seen as having ethnicity as their pivot; that is, as rooted in primordial concerns? Why are other explanatory possibilities often readily avoided?

A number of images are conveyed when community struggles in a culturally heterogenous society are characterised as the ‘pursuit of an ethnic agenda’. Key among these is that it is a centrifugal or exclusionist struggle—one that holds limited, if any, positive significance for the broader society (see Shils, 1992:1-15). It is, in its narrowest conceptualisation, a symptom of that *uniquely* ‘non-Western’ malady called ethnic nationalism.

The ‘ethnic-civic’ analytical model, quite ubiquitous in nationalism studies, arguably has its most canonical articulation in the writings of essentialist historian, Hans Kohn. While the model is commonly invoked in discussions regarding the different forms that nationalism takes in different countries, it is relevant to the discussion in this section in the sense that debates around the dichotomy apply also to so-called sectionally-based (or ethnic) skirmishes, such as those occurring fairly often in countries such as Nigeria, Democratic Republic of Congo, Sierra Leone—to name but a few. The ethnic-civic debate applies to forms of grassroots mobilisation launched from a communal platform, and challenging, or appearing to challenge, the

functionality or legitimacy of existing structures of state and the principles around which the nation itself is constructed.

In Kohn's (1955:9, 29) schema, 'ethnic' and 'civic' are the essential characteristics of 'Eastern' and 'Western' nationalism respectively. Defining nationalism as a 'state of mind', and 'a deep attachment to one's native soil, to local traditions and to established territorial authority' Kohn suggested that nationalism in the 'modern West' was, from the very beginning, built around, and extolled, individual liberty. It aimed 'to create a liberal and rational civil society' (Kohn, 1955:29). Outside the West, he argued, such 'liberal and rational' qualities hardly formed the basis of mobilisation and nation-formation: non-Western peoples preferred to look rather 'into the soil of the remote past' for a unifying sentiment, a 'past' that was 'richer' only in 'problems and potentialities' (Kohn, 1955:30).

Kohn's 'modern West', it must be noted, excluded today's 'Western' nations of Germany, Spain and others, and his 'East' referred to Eastern Europe and Asia. The confusion introduced by this kind of geography has led to a territorial re-sketch, and some writers believe such re-sketching is the only way to begin an appraisal of Kohn's scheme. Dungaciu (1999:6), for example, puts Germany where it belongs today (the 'West'), and uses the expression 'East' to denote Asia, Africa and Latin America. His argument is that Kohn might have used the word 'Eastern' to describe what 'first appeared to the east of "Western Europe"'.

The dichotomy has been applied in different ways. In the literature on 'civil society', for example, the ethnic-civic model is typically used to project 'ethnic' as a backward, irrepressible appeal to ancestral myths and origins, and 'civic' as 'open', 'voluntaristic', 'cosmopolitan' and 'inclusive' mobilisation. In a related context, Hasan (1990:82) and Ukpogon (1993:61) have challenged the ease with which scholars apply the tag 'non-governmental organisations' (NGOs) to formal, Western-style 'civil society' organisations in Africa, and 'community-based organisations' (CBOs) to grassroots associations involved in citizen mobilisation and self-help development initiatives at the village level. According to these writers, this dichotomy is simply meant to portray NGOs as a 'modern', 'normal' and 'inclusive' form of citizen

mobilisation and CBOs as ‘ethnic’, ‘abnormal’ and ‘primordial’. I shall have more to say on this dichotomy in Chapter Ten (Section 10.3).

Guibernau and Rex (1997:5) speak of ‘ethnic’ and ‘civic’ mobilisation and maintain that the two are incompatible. We have also seen in the earlier part of this section how Ikelegbe (2001) applies the dichotomy in his treatise, ‘The Perverse Manifestation of Civil Society’. He characterises IYC and OPC as ethnic associations ‘masquerad[ing] as civil society’. In her article entitled ‘Difference Without Dichotomy’, Catherine Frost (2003:4-5) expatiates on the civic/ethnic dichotomy thus:

The former [that is, civic] implies a reasoned attachment that can be logically defended based on some concept of justice. The latter [ethnic] implies a non-reasoned, almost primordial condition, that can only be defended in somewhat incoherent, romantic, or even exclusivist terms, and which is almost inevitably based on a falsely-constructed idea of what people hold in common. The dichotomy, therefore, represents a real distinction in the way people conceive of the basis for their collective life.

Scholars like Anthony Smith (1986), who have tried to mitigate the distasteful aura of Kohn’s essentialism, have in some ways introduced complications to it. Whereas Kohn (1955:4) had suggested that ‘nationalism is not the same in all countries’ and that it is a product of ‘political ideas and the social structure of the various lands where it takes root’, Smith (1986:18) declares that *all* nations have ‘ethnic roots’. All nations have ‘myths and memories’, without which ‘there can be no identity’—and nations like France and England would, thus, be ‘just so many populations bounded in political space’ (Smith, 1986:2). Arguably, one of the most important achievements of this revision of Kohn’s thesis is the assertion that nations (like much of postcolonial Sub-Saharan Africa) where, according to Smith, ethnic identities are ‘shouted from the rooftops’, are in an earlier stage of a progression, and that civic nationalism is not the sole preserve of the West. The problem, however, is: Smith not only retains the binary logic of ‘ethnic’ and ‘civic’ but actually introduces a teleological complication to this modernist discourse. How legitimate is it to assume, for example, that ‘ethnic’ is ineluctably evolving towards ‘civic’, or that once a society has become ‘civic’, its ‘ethnic’ roots wither?

For our present purposes, what is crucial is that the ethnic perspective obscures other explanations for mobilisation, resistance and conflict in ethnically heterogeneous Africa. It may be important to emphasise that the ethnic treatment of the Niger Delta mobilisation is only a subset of the broader literature on politics and democratisation struggles on the continent. One commonly comes across portrayals of the post-colonial African state as a ‘lame leviathan’, or ‘shadow state’, because of its assumed excessive deference to ethnic interests (see Bangura, 1999:3; Mkandawire, 1997). Communities protesting the effects of a compromised regime of national environmental management on their health and livelihoods are portrayed as fundamentally resisting ‘selective [ethnic] victimisation’ (Agbola and Alabi, 2003; see Chapter Three). Grassroots demands for equitable and effective democratic participation in resource utilisation decision-making are interpreted as ‘minority rights’ struggles (see Section 2.3). The criticism against this analytical approach will be examined presently.

For now, it suffices to state that the dominance of the ethnic paradigm is easily recognisable as a relic of colonial anthropology and a reflection of contemporary media imagery of Africa. By projecting Africa as a collage of ‘tribes’ held together by ‘primitive’ social and political systems, colonial ethnographers, administrators, travellers, missionaries, traders and soldiers imposed upon the intellectual landscape what has become probably the most important way of looking at politics and citizen struggles on the continent (see Mair, 1962:7-8). Africa’s ‘ways of doing things’—to use Lucy Mair’s phrase—was conceptualised as incomprehensible and inferior to Western ways. The following remarks, made in 1926 by a racist South African Prime Minister, James Barry Munnik Hertzog, also illustrates this attitude:

Next to the European, the native stands as an 8-11 year-old child to a man of great experience—a child in religion, a child in moral conviction; without art and without science; with the most primitive needs, and the most elementary knowledge to provide for those needs. If ever a race had a need of guidance and protection from another people with which it is placed in contact, then it is the native in his contact with the white man (quoted in Mbeki, 2005).

In the present day, it is mainly Western journalists, poets, movie-makers, museum curators, ‘celebrities’, travel writers, religious evangelists, diplomats, missionaries, aid workers and Africanist academics who popularise the ‘Africa as tribalised’

perspective. The following set of classroom recollections illustrates how American college students might have been influenced by popular media images of Africa:

My students have helped me create lists of words that come to mind [when mention is made of Africa]. Within a few minutes, a class frequently generates thirty or forty words that Americans associate with Africa. *Native, hut, warrior, shield, tribe, savage, cannibals, jungle, Pygmy, pagan, voodoo, and witch doctor* are commonly associated with ‘traditional’ Africa. ‘Tourism words’ include *safari, wild animals, elephant, lion, and pyramid*. There are also ‘news words’, including *coup, poverty, ignorance, drought, famine, tragedy, and tribalism*. And then there is a group of ‘change words’ (indicating Western-induced change), such as *development, foreign aid, peace-keeping, and missionary*... [T]he overwhelming impression gained by studying American language about Africa seems to be that Africa is a primitive place, full of trouble and wild animals, and in need of our help (Keim, 1999:4—emphasis in the original).

Seen through the lenses of the ethnic-civic logic, therefore, African countries are made up of people incapable of mobilising except in furtherance of primordial causes. Besides being antithetical to ‘civic’ mobilisation, Africa’s ‘ways of doing things’ and its people’s deep attachment to the ‘soil of the remote past’ constitute a major stumbling block to the building of inclusive, democratic and progressive societies. Keim’s (1999:5) position on this is that although today’s Western ideas of Africa are a bit more ‘enlightened’, totally inaccurate and grossly prejudiced views of Africa have inundated Western history, society and knowledge production establishments.

As I pointed out earlier, the ethnic-civic model is now increasingly being questioned. A number of writers believe the ethnic-civic dichotomy (especially in its assumed geographic epitomisation) has no basis in reality. For one thing, if one equates ‘civic’ (cosmopolitan) nationalism with the West, and ‘ethnic’ (primordial) nationalism with the East, then the flourishing of the parochial and exclusionist ideology as racism in the United States of America, the assumed bastion of ‘civic nationalism’, would make that phrase a contradiction in terms. Moreover, have not the soils of the West historically nurtured fascism and Nazism? For Dungaciu (1999:20) the ‘habit of seeing opposites’ in social phenomena and reifying such opposites using geographic metaphors is not only intellectually narrow but also abusive and dangerous (Dungaciu, 1999:20).

Dungaciu's sentiment finds resonance in the works of scholars like Yack (2000) and Kuzio (2002), two writers who, although to an extent advancing an evolutionist and teleological argument², deplore the subjective connotations of the ethnic-civic dichotomy. Both writers believe there is no empirical basis for portraying 'ethnic' as bad, and 'civic' as good. Thus, they repudiate the very criterion that some have employed in labelling the Niger Delta struggle as 'perverse', 'criminal' and 'anarchic'.

Mamdani (1996:189) has argued that the true social character of a local movement—its emancipatory credential—is not necessarily to be found in the movement's geographic spread, or in so-called 'thinning or universalization' of the ethnic impulse, as Kaufman (2000:1096) phrased it. Rather, the true credential of a citizen movement is to be found in the movement's 'social basis and... demands' (Mamdani, 1996:189). For Mamdani, geographic yardsticks count for very little, since, in any event, a so-called 'national' movement can be repressive. This is why, in his examination of the 'other face of tribalism' using the Mau Mau³ movement in colonial Kenya as a case study, Mamdani criticises analysts who seem fixated with labelling Mau Mau a Kikuyu (ethnic) movement. He contends that the key parameter for judging the movement's democratic credentials should be its trenchant advocacy for the liberation of the poor majority and for 'land and freedom' for all Kenyans. He insists that the guiding questions should be: what was the thrust of Mau Mau's advocacy? Was it toward equality, as opposed to privilege, and was its 'significance for the majority (the 'have-nots') liberating and unifying as opposed to repressive?' (Mamdani, 1996: 189). Mamdani thus favours an analytical framework that cuts through the 'ethnic-civic' polarity.

² The teleological argument is evident in the suggestion that 'the evolution of states from ethnic to civic occurred throughout the West... This evolution was the norm, not the exception. Only from the 1960s can we define Western states as civic, while the majority of the East became civic only three decades later in the 1990s.' It is further suggested that even the West is still evolving towards 'perfect civic states' (Kuzio, 2002:16).

³ This radical nationalist movement emerged among the Kikuyu ethnic group in Kenya in the 1950s. Labelled a terrorist and rebel group by the British colonial administration, an all-out military campaign (coupled with imprisonment terms and brainwashing techniques) was designed to quash it. However, Mau Mau leaders employed locally potent strategies (such as oath-taking) that made it impossible for the group's fundamental unity and anti-colonial focus to be broken. In 1963, Jomo Kenyatta, who was the arrowhead of Kenya's independence movement and who 10 years earlier had been accused of being one of the instigators of Mau Mau and subsequently jailed, became first Prime Minister of independent Kenya (*Encyclopaedia Britannica*, 2002).

Similarly, in his examination of the South African apartheid resistance (which is frequently portrayed as a black-white struggle) Thabisi Hoeane (2003) proffers some interesting insights when he argues that dichotomous narratives on the anti-apartheid movement not only miss the point of the struggle but convey an erroneous impression as well:

Indeed, the fight against apartheid was primarily against black oppression but most importantly, the objective was much broader than merely opposing a racial system. Race under apartheid was the most visible element, but the main thrust was to do away with an undemocratic system to fashion an inclusive society for all... [C]ontinuing to regard the fight against apartheid as mainly a black/white issue, obscures the most important challenge of our time, which is to forge a united nation. One of the pitfalls of such a view is that it lends respectability to the wrong and dangerous view that what we now have is a 'black government' and 'whites have been defeated.' This only serves to polarise, alienate and undermine [the South African society].

Seen in this light, the end of apartheid signified freedom for all, and not just black liberation. It has been said that many white (notably Afrikaner) youths consider South Africa's hard-won democracy as having brought them a rejuvenating sense of freedom. In his Prologue to the book *African Renaissance*, Thabo Mbeki (1999:xiv) reports that many Afrikaner youths have openly confessed to him that 'their acceptance of themselves as equal citizens with their black compatriots defined apartheid South Africa and its legacy as foreign to themselves; [while] South Africa, reborn, constitutes their own heritage'.

In his work, *The Feasibility of Democracy in Africa*, Claude Ake (2000) has also made a brilliant attempt at collapsing the dichotomy and examining so-called 'locale-specific' movements or struggles from the standpoint that they often have a redemptive significance for the wider society. For Ake, the term 'emancipatory' means 'a striving for access, fairness, equal opportunity, political expression and participation in the collective enterprise of a political community':

It is incidental that the interest which appropriates and privatises state power wears the ethnic mask, which detracts us from seeing that what is being opposed is not ethnicity but something else which is hiding behind ethnicity; that the seeming ethnic opposition is conjunctural and deceptive because it is constituted, not by ethnics wanting to oppose holders of state power, but by holders of state power trying to conceal injustices and undemocratic tendencies (Ake, 2000:44).

An ethnic reading of local struggles, Ake argues further, might cast such struggles as primitive, uncivil and retrogressive, but ‘it does not eradicate their democratic significance’ (Ake, 2000:44). Like Mamdani, Ake looks to colonial Africa (in this case, Nigeria) to locate ‘ethnic movements’ which turned out to be as much an ‘asset... to democratization’ as those widely perceived as nationwide (‘nationalist’) movements. Citing the examples of the Tiv, Efik, Edo and Urhobo minority movements, which sought to check the sweeping powers of the ethnic majors (the Igbo, Yoruba and Hausa-Fulani), he argued that the colonial-era struggles of these groups (reviewed in Chapter One of this thesis) helped to ‘relocate the democratic discourse of the nationalist movement from its orientation to the coloniser... to the internal political relations of Africans themselves’:

It put on the table for the very first time and in a serious and concrete manner the difficult problems of democratic governance: the guarantee of fundamental human rights, the rights of minorities and the weak, the balance of power, the rule of law, the distribution of burdens and rewards, the right of every group to cultural expression and access to power, the tyranny of the majority and so on. This made a major contribution to the development of democracy by bringing home to the African elite some of the demanding obligations of democratic practice, obligations which could clash with their self-interest (Ake, 2000:45-46).

For all the insight that we have gained from Mamdani’s analysis, we still find that binary thinking seems evident in the assumption that ‘ethnic’ and ‘civic’ are ‘two faces’ of a coin—and this is also the impression conveyed in his notion of ‘the other face of tribalism’. The Kenyan, South African and Nigerian examples reviewed above obviously speak to realities so profoundly interwoven that a dichotomous analysis is of limited intuitive value. Social identities, as Adesina (2002:91-114) has noted, are ‘interpenetrative and mutually embedded’ tendencies. We are not ‘either/or’; rather, we are ‘many things embedded in one’.⁴ There is nothing fixed or predetermined about the way identities are asserted or mobilised, or which identities predominate at any given time; this is an issue in which the social context plays a critical role.

⁴ Adesina regards Aristotelian reasoning as a major weakness in much of social science theorising, and calls for an ‘epistemic intervention’ by way of a mode of analysis that recognises multivalence (‘shades of grey’) rather than bivalence (as depicted in notions of tradition/modernity, ethnic/civic, etc.) His analysis of social identities is based on fuzzy logic—a recognition of changeableness, coexistence and blurred boundaries; the rejection of dichotomies, and the collapsing of extremes (see Kosko, 1994). His idea of multivalence (which he calls *Tibi Tire* logic), however, goes beyond Kosko’s. Firstly, he privileges the realm of ‘ancestors’—alongside that of the ‘living’. Secondly, he maintains that the two are inter-connected.

2.3 'Ethnic' mobilisation and the 'community rights' thesis

Since an important rationale for grassroots struggles in multi-ethnic societies is the desire by groups (especially the 'socially exploited') to assert a greater measure of control over local, territorially-based economic and cultural resources, the characterisation of such struggles as 'uncivil' and as being rooted in and driven by an ethnic ideology could also have something to do with liberalism's long-standing suspicion of *Gemeinschaft*. Central to the liberal paradigm is that right inheres in individuals, not communities, and that the idea of groups demanding rights runs against the 'modern' impulse. Therefore, demands by many African communities for local resource rights (and a 'just' basis for federal co-existence) become extraneous, and—as happened in Nigeria under the General Sani Abacha regime in the mid-1990s—risk being interpreted by the authorities as incipient separatism. In the case of Nigeria, not even the return of democracy in 1999 has been able to consign such demands to oblivion⁵.

The question that might then be explored is: are communities bearers of rights? Put differently, can culturally heterogeneous states be structured in such a way as to accord legitimacy to the rights of communities? The literature on rights demonstrates that this is not a question that can be easily answered in the affirmative, especially when looking at the issue of rights merely from the declarations of multilateral bodies such as the United Nations. The 1948 UN Declaration of Human Rights, which makes 'persons' rather than 'groups' the focal point of the 'rights talk', has provided the single most powerful formal basis in recent years for the promotion of the liberal paradigm. On the other hand, groups unhappy with assimilationist manipulations of their governments, or even outright discrimination and domination, often invoke the

⁵ After over a decade of sustained—and sometimes militant—demand for a national political conference in Nigeria (to seek a new basis for federalism in the country), one was convened by the civilian government of Olusegun Obasanjo during the first half of 2005. Although a segment of the Nigerian society—paradoxically comprised mainly of those that had been at the forefront of the demand—doubts the integrity of the Obasanjo-convened National Political Reforms Conference, the president, in his speech at the inauguration of the conference on February 21, 2005, portrayed it as crucial for Nigeria's survival. He described it as a 'historic' opportunity for Nigerians to 'reassess, refocus, redefine and redesign our political landscape in a direction that would strengthen the bonds of unity, enhance the process of democratic consolidation, strengthen the structures so as to solidify those values that promote democracy, good governance and good neighbourliness and open boundless opportunities for all Nigerians to be, and to feel that they are part of the evolving political process and socio-economic advancement' (Obasanjo, 2005).

1992 Declaration⁶ when demanding ethnic autonomy. In other words, as opposed to the mere ‘recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family’, contained in the Preamble to the 1948 Declaration, Article 1 of the 1992 Declaration urges states to protect the ‘existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and [...] encourage conditions for the promotion of that identity’. In the last few years, the European Union Commission has also demonstrated the importance of this issue by making its so-called ‘Roma Strategy’ (that is, the protection of the rights of the minority Roma communities) a key criterion for admitting some Eastern and Central European countries into the regional body.

Will Kymlicka (2002), one of the most influential contemporary community rights theorists, has argued that even in the face of the United Nations and other Declarations, achievements in the way of recognition and protection of the rights of indigenous peoples in different countries has been ‘only very modest’. His argument is that the status of community rights in international law is, to say the least, very vague; it is so riddled with qualifiers and conditions that states continue to undermine such rights. In his words, ‘we might say that while international law is attempting to codify “best practices” in the case of indigenous peoples, it is only codifying the most “minimal standards” or “lowest common denominator”’ (Kymlicka, 2002:7). He maintains, however, that starting in the 1970s, many Western democracies have moved away from centralism and unitarism by accepting ‘at least in principle, the idea that indigenous peoples will exist into the indefinite future as distinct societies within the larger country, and that they must have the land claims, cultural rights (including recognition of customary law) and self-government rights needed to sustain themselves as distinct societies’ (Kymlicka, 2002:7).

Perhaps the fundamental issue in the community rights debate is not so much about whether individuals or groups exercise specific rights, but about whether the framework of socio-political and civil rights in force in multicultural societies do adequately recognise and protect ‘the legitimate interests which people have [by] virtue of their ethnic identity’ (Kymlicka and Shapiro, 1997:4).

⁶ 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

The reader may note that when exponents of group rights talk about groups, they typically have in mind ‘ethnic’ groups, and not lifestyle groups (such as gays and lesbians), environmental and other advocacy groups, or people united by gender, disability or marital situation (Kymlicka and Shapiro, 1997:10). However, there is an unresolved question about whether ethnic groups do, indeed, exist, and, at the risk of digressing from the core of the community rights debate, a few brief remarks will now be made on this. Primordialists maintain that certain ‘traits’ (typically history, language, myths and symbols) bestow a specific identity on those that share them. For constructionists, on the other hand, so-called collective *mythomoteur*—to use a term made popular by John Armstrong (1982)—is fundamentally ‘invented’ or socially ‘imagined’. This latter view could mean that all notions of ethnic groups based on shared cultural or historical traits are either fallacious essentialism (Anderson, 1983) or a manipulative device foisted on the public mind by cultural and political entrepreneurs.

This thesis adopts a middle position between the two extreme views, and sees ethnic groups as neither social fossils nor social figments. This position is much in line with Ake’s (2001:95) description of an ethnic group as a ‘transitive reality’. In so far as one is not referring to a fixed, unchangeable social form, then there must be something substantive about ethnic groups. They represent a kind of consciousness and solidarity shaped by material and historical forces—a consciousness that ‘begins, becomes... passes away’ and can get reconstituted, even through manipulation (Ake, 2001:95). Bayart (1993:42) has also attempted to reconcile primordialism and constructionism by arguing that ethnic groups are neither ‘the elementary stage of development to be condemned by modernisation [nor] simply the result of manipulations by colonists, imperialists or even the incumbents of the contemporary state.’

To return to the literature on community rights, Glazer (1995:134) argues that states should be able to tell by the multiethnic composition of their societies which path (individual rights or collective rights, or a combination of both) best serves the ends of social justice:

If... the model a society has for itself, today and in the future, is that it is a confederation of groups, that group membership is central and permanent, and that the divisions among groups are such that it is unrealistic or unjust to envisage these group identities weakening in time to be replaced by a common citizenship, then it must take the path of determining what the rights of each group shall be. (Glazer, 1995:134)

For another group of community rights advocates, the matter is fairly straightforward: ‘liberalism needs supplementing’ (Dyke, 1995:32)! This implies that while people have needs that can only be met through an individualistic (human rights) model, it is tenuous to assume, as liberal writers tend to, that human needs exist only at the individual level. There are human needs—such as that of identity – that can only be met at the collective level, and only a framework of community rights can address such needs. The eminent domain controversy in Nigeria’s oil region (Chapter Six) is an example of this kind of contestation.

Claude Ake (2001) has commented on such ‘needs’ in his treatise on the ‘appropriate’ model of democracy for Africa. He enumerates some historical, ethnographic and socio-economic factors that make it imperative for African states to part ways with a purely individualistic paradigm of rights. Among these are the realities of ‘social heterogeneity’ and the prevalence of communitarian social values and structures (especially in rural areas), as well as the problems of authoritarianism, poverty and illiteracy. There is, he says, an urgent need in Africa for a model of democracy that places ‘as much emphasis on collective rights as it does on individual rights’:

[Such a model] will have to recognize nationalities, subnationalities, ethnic groups, and communities as social formations that express freedom and self-realization and will have to grant them rights to cultural expression and political and economic participation (Ake, 2001:132).

Ake maintains that the imperative of ‘inclusive democracy’ in Africa is one that must be addressed by, if necessary, having a ‘chamber of nationalities’ in the national parliament—a chamber with ‘considerable power...in which all nationalities irrespective of their numerical strength are equal’ (Ake, 2001:132). This clearly resonates with Nancy Fraser’s (2000:108-109) argument that in tackling certain forms of social injustices suffered by a group, redistribution alone is inadequate: it must be complemented by recognition.

Note here that in discussing the subject of community rights, Ake, who writes against the background of growing calls for ‘true federalism’ in Nigeria (see Chapters Eight and Nine of this thesis), lays emphasis on not just the rights of ‘minority cultures’ (a conventional bias among many commentators sympathetic to the group rights idea) but on the rights of ‘nationalities’. The present thesis takes this insight seriously. This is because, as hinted in the previous section, there is the thinking that the Niger Delta struggle is simply a ‘minority rights’ struggle whose essence is divergent from the struggles of the ‘majority’. Ake’s observation is that *all* ethnic groups in Nigeria, and not just the minorities, have, one way or another, had their rights eroded by a ‘privatised’ state (Ake, 2001:128). As such, so-called ‘minority rights’ struggles could have redemptive significance beyond the geo-ethnic region in which the struggles take place. Ake’s point becomes clearer when one views the issue of rights from the perspective of ordinary citizens rather than merely from a ‘minority/majority’ perspective. As the grassroots narratives in Chapter Eight of this thesis show, it is even more interesting how ordinary people frame their discontent.

2.4 Conclusion

This chapter began with the assertion that a person interested in understanding the social character of the Niger Delta struggle would have difficulty differentiating it from an exclusionist and violent struggle of an oil-rich region bent on advancing its ‘ethnic agenda’. This is in spite of suggestions (by those who advance this view) that the struggle contains a ‘modern set of demands’, calls attention to the actions and inactions of a ‘distant state’, and seeks to mitigate specific social justice deficits in the Nigerian society. Even from the perspective of ‘group rights’, the Niger Delta mobilisation tends to be regarded as a ‘minority rights’ struggle, which reinforces the impression that it represents efforts by citizens of the Delta to build a bulwark *against* the major nationalities.

The chapter has shown that it is not accidental that the Niger Delta struggle is thought of as turning on an ethnic pivot and regarded by some as ‘the worst vehicle of unmitigated barbarities’ (Robert Fatton, Jr., cited in Ikelegbe, 2001:21). As Mamdani points out, Africa’s ethnic diversity, coupled with the ‘bifurcated nature of the state shaped under colonialism’ and the nature of politics shaped by this state, makes it difficult for ‘locale-specific’ struggles in many parts of the continent to be thought of

as having emancipatory significance for the wider society. In Chapters Eight and Ten, I have tried to demonstrate that the notion of the Niger Delta struggle as exclusionist and sectional has been further sustained by improper understanding of the issues around which grassroots struggles are waged, improper apprehension of ordinary people's lived worlds and everyday stories of discontent, and the excessive focus that analysts have given to formal, news-making activist groups—organisations believed to be the 'voice' of the deprived. As Obi (2005:1) has noted, these could all be linked to the fact that there is as yet little 'systematic' analysis of the Niger Delta struggles—and similar struggles elsewhere in Sub-Saharan Africa.

It should now be mentioned that the social justice perspective, particularly the concept of 'background institutions', remedies some of the shortcomings of the ethnic-civic discourse (see Chapter Three). Some analysts have tried to show its potential as an explanatory tool that privileges historical issues and 'concrete and present day' dynamics in struggles such as those in the Niger Delta. It may even be said that Claude Ake's (2000:44) view of grassroots struggles in Africa and his definition of 'emancipatory' struggles, as well as Wole Soyinka's assertion that ordinary Nigerians have become 'prostrate preys' for 'jungle lords' (Ugah, 2004) strike at the heart of the social justice paradigm. However, there are indications that the ethnic discourse has also cast a shadow over an aspect of the 'social justice' analysis of the Niger Delta struggle. This 'alternative' debate is examined next.

CHAPTER 3

Grassroots Mobilisation—Environmental Justice Debate

What we're seeing, unfortunately, is a microcosm of what's happening around the world, where the majority of the last large remaining oil reserves are in low-income or indigenous communities.

- Michael Brun, quoted in *The Washington Times*, October 9, 2001.

3.1 Introduction

As Chapter Two makes clear, there is a major challenge for researchers seeking to make sense of the social character of the Niger Delta petroleum-related struggle. The challenge is that of 'look[ing] past the limits of ethnic politics' (Apter, 2005:267); indeed, looking past the essentialist discourse in which the ethnic-civic debate is located. One way to respond to this challenge is to look at the struggle and the entire Nigerian developmental and governance predicament from the standpoint of ordinary people, which makes it necessary to explore the debate from a social justice perspective. For instance, the literature based on the environmental justice strand of this paradigm seeks to illuminate 'injustices' arising from the allocation of benefits and costs of natural resource extraction, and local resistance to such 'injustices'. This chapter examines the social justice paradigm, paying particular attention to the way in which the environmental justice discourse has been applied to grassroots conflict in different societal contexts, including the Niger Delta. A major highlight of this chapter is the adaptation that I have made of the Rawlsian concept of 'background institutions' (see Section 3.3). It is from this concept that I derive the basic analytical 'model' with which I examine ordinary people's lived worlds and narratives, and try to make meaning of state and corporate conduct (and related social dynamics) in Nigeria's petroleum-rich communities.

3.2 Environmental justice discourse

Before exploring how the environmental justice perspective has been deployed to make sense of the Niger Delta struggle (and similar struggles in other parts of Africa), it is important to offer a few preliminary remarks about the global movement that has been instrumental in bringing this discourse to the fore of contemporary public and

scholarly debates. Tracing its roots to the 1960s American civil rights struggles, the environmental justice movement rose to prominence during the 1980s. During the last two decades, its main task has been that of drawing global attention to the environmental dimensions of ‘unjust’ and ‘discriminatory’ state policies and corporate practices (Bullard, 1994b:3-5). By the 1990s, especially following the publication of Robert Bullard’s book, *Dumping In Dixie*, the movement had transcended racial, gender, age and class boundaries in the the United States (Bullard, 2000:xiii).

So far, one of the most conspicuous contributions of the environmental justice movement to the global environmental discourse is the concept of ‘environmental racism’. Robert Bullard (2000:98), an American sociologist, defines this concept as ‘any policy, practice, or directive that differentially [though not always consciously] affects or disadvantages individuals, groups, or communities based on race or color.’ Environmental justice proponents maintain that the very environmental practices that have brought gains to particular segments of society, have achieved that goal by making victims of specific groups and communities in the same society. The groups most adversely affected are racial and ethnic minorities:

Some individuals, groups, and communities receive less protection than others because of their geographic location, race, and economic status. [For instance] environmental problems in suburban areas pose far fewer public health threats than do those in urban or rural areas. Moreover, low-income communities and communities of color bear a disproportionate burden of ... pollution problems (Bullard, 1994a:xv).

Research has found that the environmental misfortunes of America’s *les miserables* (people of colour, migrants and low income workers) tend to be cyclical. In the first place, racial and ethnic minorities are historically victims of socio-political injustices. Environmentally, they are also subjugated, as their residential, work and recreational neighbourhoods are often consciously chosen as toxic waste dumps and as sites for hazardous industrial operations. Thus, despite their already poor socio-economic conditions, they must grapple with public health hazards and the consequences of such hazards on their economic productivity. This network of deprivations reinforces the subordinate status of minorities (see Brant, 1995; Stretesky and Hogan, 1998; Bullard, 2000; Westra and Lawson, 2001:xvii).

According to Austin and Schill (1994), there is a discernible pattern to the environmental problems of America's 'black, brown, red, and poisoned' communities. As socio-economic conditions improve for white jobholders, they relocate from residential areas neighbouring the hazardous industrial plants in which they work. Such movement creates vacant homes, which low-income people of colour are only too willing to move into. Even so, polluting industrial estates are sources of cheap residential land, and poor African-Americans, Hispanics, Native Americans, Asians, migrants and other minorities typically regard them as 'prime' housing sites. Furthermore, for polluters such as operators of incinerating plants, there is every economic sense in setting up operations close to where the hugest supply of waste is guaranteed (Austin and Schill, 1994:53-54). For Robert Bullard (2000:3), it all boils down to the fact that polluters regard poor communities as the 'path of least resistance'.

Environmental racism is just one way in which the environmental justice narrative attempts to shed light on the 'abuse' of the ecological rights of the 'powerless', and on community struggles to uphold those rights. Outside the United States, the perspective has been applied to the struggles of grassroots groups in the Himalayan region of northern India, the oil-rich U'wa community in Colombia, and the Warao Indians of Delta Amacuro State, Venezuela—to mention but a few.

In the case of India, the struggles of the group Chipko Andolan (literally: 'hug a tree movement'), not only signifies what Obi (2005:1) calls 'revolutionary pressures from below'; it also reinforces the view that rural people in many societies regard the natural environment as an extension of community identity and a space over which they must exercise their rights. The Chipko movement, which started in the 1970s, consists mainly of women who view commercial logging as a threat to the sustainability of the Himalayan ecology and an erosion of their right to determining what constitutes sustainable use of forest resources. In the Garhwal Himalaya in particular, where hillside forests regulate water runoff to the valleys and provide local communities with fuelwood and fodder, villagers blame commercial logging as a major cause of landslides and floods and a factor in local impoverishment. Chipko activism consists of such singular measures as village women scampering into the forest upon sighting the loggers, and each woman hugging a tree such that to cut it

down, an operator would literally have to place his chainsaw on the back of a protester! In this way, the Chipko movement prevented commercial logging in the Garhwal Himalaya well into the mid-1980s. Even so, while forestry officials and contractors saw the forest simply as a source of foreign exchange, community protests highlighted to both the state and industry the imperative of grassroots involvement in decision-making affecting the utilisation of (especially) ecological resources (Weber, 1988).

Also from an environmental justice perspective, oil-related protests in the oil-rich U'wa community of Colombia's Norte de Santander province (in the northeast of the country) are viewed as struggles to ensure that resource exploitation policies and corporate practices reflect community sensibilities about the environment. The U'wa regard oil exploration as an activity that drains 'mother earth' of its 'blood'. For them, oil production is 'genocidal'. Apparently not lured by the economic promise of petroleum, their campaign consists of the threat of mass suicide should oil operations be undertaken in their territory without their endorsement (Project Underground, 1999). Thus, when in 1992, Shell and Occidental Oil (Oxy) were given the rights to explore for oil in the U'wa homeland (which holds an estimated 1.5 billion barrels of untapped crude), the companies and the Colombian state came up against heavy protests (van Haren, 2000). While Shell eventually was forced to withdraw from the area, Oxy reportedly continued with negotiations and has since been locked in conflict with the local people. An important explanation for the conflict, according to some analysts, is that the Colombian state and the oil company failed to harmonise their economic interests with local ecological and cultural concerns. '[The] government violated the U'wa's constitutional rights by not consulting them before granting OXY a license to drill'. It is also believed that Oxy failed to 'consult' with local people before drawing up its drilling plans (Chepesiuk, 2001).

In recent years, there has been strong opposition among the nomadic Warao Indians (in Venezuela's Delta Amacuro State) to petroleum exploration. This has yielded data for the environmental justice discourse. The Warao (literally: 'people of the canoe') are the indigenous inhabitants of the Orinoco River Delta, a 40,000-square kilometre tropical island in Eastern Venezuela believed to be 'the last of the world's great river deltas to enjoy unspoiled status' (Gutierrez, 1997). Isolated in the

wetlands and dedicated to fishing, hunting, fruit gathering and weaving, the Warao had an estimated population of about 30,000 in 2001 and regard the Orinoco River as their 'father god'. Despite the absence of 'modern' amenities such as hospitals, schools, telephones and roads in the area and the apparent poverty of the vast majority of the population, the Warao cherish their way of life and insist that their heritage must be made integral to any oil exploration policy and initiatives in the Orinoco delta (*The Washington Times*, 2001). In the late 1990s, without consulting the local people, the government 'awarded concessions to British Petroleum to reactivate the abandoned Pedernales oil field, located on the Orinoco... and to the US Amoco company and a US-Canadian consortium to work on two other fields' (Gutierrez, 1997). Fearing the dangers that petroleum activities might pose to their health, culture and environment, the community opposed the initiative and called for the cancellation of the exploration licenses. Many international environmental rights groups supported the protest. As one analyst put it, using a Warao idiom, 'you cannot mix a "guabina" (a very aggressive fish) with a sardine since the sardine will always die' (Alexander's Oil and Gas Connections, 1997a,b). This was a veiled reference to the fact that in many other oil-producing Third World countries, ordinary people tended to be worse off 'whenever they [were] thrown together with powerful non-indigenous interests such as oil companies' (see also Bassey, 1997:36).

The environmental justice discourse and, in particular, the concept of environmental racism, highlight an important social justice dimension of the power asymmetries between different social groups. Such asymmetries are believed to characterise the relations between big industrial corporations (acting in conjunction with the state) on the one hand, and ordinary citizens on the other. Apparently because of its emphasis on social justice, the environmental justice perspective continues to enjoy prominence. This seems to be the case even when there is growing suspicion about mainstream environmentalism's ability to offer 'a more expansive' and 'values-based' perspective to the world's contemporary socio-environmental predicaments—a suspicion echoed in Michael Shellenberger and Ted Nordhaus's (2004:34) *The Death of Environmentalism*. According to Shellenberger and Nordhaus, one of the major weaknesses of mainstream environmentalism is the failure by analysts to recognise that the 'environmental' and the 'social' are not separate categories. 'If one understands the notion of the "environment" to include humans, then the way the

environmental community designates certain problems as environmental and others as not is completely arbitrary'. According to Eugene Hargrove (2001:ix), mainstream environmentalism is 'focused rather narrowly on the protection of natural systems and species—on the nonhuman world'. Hargrove's observation is that 'environmentalists are not especially interested in talking about human rights'; they prefer 'to speak about the rights of nature'. As the discussion in this section has shown, the environmental justice narrative provides some intervention in this debate.

3.2.1 Environmental justice—the 'Nigerianisation' of a discourse

What we have seen so far is that the environmental justice discourse has been deployed in different societal contexts to explain not only 'unjust' environmental processes but also specific dynamics of power and certain kinds of resistance. However, because Nigeria is an 'all-black' African country, where allegations of racism (environmental or not) might ordinarily seem out of place, what some analysts have done is to create a racial scenario, with 'white' (transnational) oil corporations on the one hand and Nigeria (the 'black belt') on the other. The Niger Delta resistance is explained from the point of view of local rejection of a racially discriminatory corporate ethos whereby Shell, for example, perpetrates and supports in the host society violence and environmental abuses that it would not contemplate doing in its home country, The Netherlands. Conveying this point in a paper presented to a Cambridge University seminar on 'Managing Sustainability Dilemmas in the Developing World', Moffat Ekoriko (1997) made the following observations:

Given the care they [oil companies] take to protect the environment in their home countries, the devastation of the Niger Delta is a conscious policy on their part for several reasons. One, there is a colonial mentality that a third world environment does not deserve good care. This attitude means that the oil companies do not have any sense of responsibility towards Nigeria or any other third world country for that matter. All they care is to exploit the resources.

Let us overlook for the moment Ekoriko's assumption that the apparent responsible behaviour of the oil companies in 'their home countries' is necessarily borne out of love of one's own country. I have examined such conduct in detail in Chapter Seven, where I show that in countries such as Norway, The Netherlands,

Canada and other industrialised oil-producing countries, oil operations are governed by strict laws with stiff violation consequences.

In his contribution to the book, *Faces of Environmental Racism: Confronting Issues of Global Justice*, Segun Gbadegesin (2001:195) writes that the ‘chemical pollution and destruction of farmland and fishing creeks’ by transnational oil corporations in Nigeria go beyond the usual ‘recklessness’ of capitalist industrial organisations and the ‘economics of oil exploration’. At the heart of such ‘recklessness’ is racism:

[I]t is not just the livelihood of the people that is destroyed; their lifestyle is also compromised, and thousands have died as a result. It might be thought that the issue then has to do with the economics of oil explorations; this is a distorted approach to the issues. Of course, economics has to do with it, but more is at stake. Once again, we have a case of (implicit) racism at work. What is happening in the Niger Delta region would never be allowed in any industrialized nation of the West. Oil companies cannot be allowed to become parallel governments in the West, with the power to determine what they will or will not do (Gbadegesin, 2001:195-196).

For Gbadegesin (2001:190), environmental racism goes beyond transnational companies becoming ‘parallel governments’ and side-stepping all norms of environmental ‘best practice’ in their host countries. It includes what he calls ‘toxic terrorism’—the practice whereby Western companies deliberately dump in Third World communities toxic wastes generated in the course of normal business operations in their ‘home’ countries. Nnimmo Bassey (1997) has also remarked on hazardous waste dumping as a signifier of the power asymmetry between Western transnational corporations and Third World communities. In his book, *Oilwatching in South America*, he identifies this asymmetry as one of the reasons ‘oil wealth spells oil doom to the powerless people’, noting that oil industry ‘wastes are carelessly handled in poor communities be it in Nigeria, Ecuador or Curaçao [one of the Netherlands Antilles, off the Venezuelan coast]’ (Bassey, 1997:91).

Terisa Turner (2001a) has similarly questioned the conduct of Western transnationals in their foreign (mainly Third World) operational settings. In her article titled, ‘The Land is Dead’, which was written shortly after a visit to an oil spill-impacted community in the Niger Delta, Turner highlighted the ‘unprincipled’ practice whereby transnational oil companies not only failed to provide life support to oil spill victims,

but also treated with disdain issues relating to long-term compensation, ‘adequate reparation’ to affected communities and ‘fundamental rehabilitation’. According to her, the companies would hardly entertain discussions around ‘long-term’ compensation-related issues unless local chiefs acceded to ‘substandard terms’ of settlement. Referring to this as ‘corporate economic and environmental racism’, she maintained that it was impossible for transnational petroleum companies to uphold such business ethos in their home countries or in the Northern hemisphere as a whole. Besides, Western oil companies used deceptive public relations strategies to blind their home governments and societies to their peculiar practices in the Niger Delta (see also Turner, 2001b; Olukoya, 2001).

In an article titled, ‘Under the Oily Surface: Women’s Political Movement Against the State and Oil in Nigeria’, Heather Turcotte (2002) documents the contribution of women to the Niger Delta struggles, especially during the mid-1980s. She identified women protests against the activities of Pan Ocean, Shell Petroleum and the state-owned petroleum company, NNPC, as representing ‘a strategic political shift of women’s activism against [a] patriarchal state’. More specifically, Turcotte writes, the struggles should be seen in the light of transnational oil companies’ ‘discriminatory practices that had been destroying and debilitating the Delta since oil exploration began in 1907’.

Some years earlier, Abe and Ayodele (1986:95) had drawn attention to the deleterious conduct of transnational corporations in the Nigerian upstream petroleum industry. The authors blamed Nigeria’s petroleum production-induced environmental problems on the fact that the industry was effectively in the hands of foreigners. ‘As long as aliens control the technology of oil production’, equipment, etc.,’ they argued:

so shall our environmental problems arising therefrom remain with us’...[I]f Nigerians are able to control oil technology there could be the tendency to consider the immediate environment along with the type of technology development for use in the country.

The solution to Nigeria’s oil-induced environmental problems, according to Abe and Ayodele, was in the transfer of oil production technology to Nigerians. This point should be noted, because I engage with it later in this work (see Chapter Nine, Section

9.2.3). My point will be to show that the environmental behaviour of business corporations is far more nuanced, and that social and environmental ‘recklessness’ cannot always be explained from the standpoint of which nationals control the technology of extractive capitalism or of commodity production as a whole. The issue that I reflect on is how this discourse handles a situation where companies owned and managed by Nigerian citizens consciously operate in ways that pose a threat to the Nigerian environment. For our present purposes, it may be important to illustrate with a quote from Joel Bakan’s *The Corporation: The Pathological Pursuit of Profit and Power* (2004), why, during the 1970s, an American car manufacturer failed to alter the design of a particular component of its vehicle brand despite knowing that the component was responsible for fatalities in many car-crash situations involving its brand. It is an illustration of how business corporations could act even in their home countries to further their financial interests, especially if they feel there is a fair chance of that behaviour escaping the attention of the authorities:

Ivey [General Motors engineer] multiplied the five hundred fuel-fed fire fatalities that occurred each year in GM vehicles by \$200,000, his estimate of the cost to GM in legal damages for each potential fatality, and then divided that figure by 41 million, the number of GM vehicles operating on U.S. highways at the time. He concluded that each fuel-fed fatality cost GM \$2.40 per automobile. The calculation appeared like this in the memorandum:

$$\frac{500 \text{ fatalities} \times \$200,000/\text{fatality}}{41,000,000 \text{ automobiles}} = \$2.40/\text{automobile}$$

The cost to General Motors of ensuring that fuel tanks did not explode in crashes, estimated by the company to be \$8.59 per automobile, meant the company could save \$6.19 (\$8.59 minus \$2.40) per automobile if it allowed people to die [in] fuel-feed fires rather than alter the design of vehicles to avoid such fires (Bakan, 2004:62-63).

Perhaps a more compelling reason to go beyond the ‘racism discourse’ in trying to understand (and find solutions to) Nigeria’s environmental problems is that it is unlikely that Nigeria will wrest ‘control’ of this technology from the ‘aliens’ anytime soon, let alone embark on (new) oil exploration activities with the aim of taking control of oil production technology.

The application of the environmental justice/racism narrative to the Nigerian crisis has not only been in the creation of a ‘white-black’ scenario in Nigeria’s upstream petroleum industry. As I pointed out in Chapter Two, there are analysts who have inserted the environmental justice debate into the ethnic discourse, because they perceive the Niger Delta’s environmental crisis as a form of ethnic discrimination. In a chapter in the book, *Just Sustainabilities: Development In An Unequal World*, Tunde Agbola and Moruf Alabi (2003) locate the problem of ‘environmental injustice in Nigeria’ within the broader, more enduring, problem of ‘selective victimization’ of the Niger Delta region by the majority ethnic nationalities. Tracing the rise of environmental injustice in Nigeria to the discovery of oil in 1956 (the reader need not focus on the validity or otherwise of this timeline), the authors try to demonstrate how ‘the vulnerable ethnic minorities of the Niger Delta region’ not only create most of the country’s (oil-based) wealth, but also ‘bear the heaviest burdens’ arising from the wealth-creation process. While the burdens are economic and socio-cultural, it is the interplay between the socio-cultural and the environmental that the authors find worrying. As they put it, ‘it is this sociocultural context of selective exposure to hazardous and degraded environmental settings that constitutes a form of human rights abuse’ (Agbola and Alabi, 2003:281). The ethnicisation of the discourse relates to the alleged role of the major nationalities in the social and environmental subjugation of the oil region:

With selective victimization, the Niger Delta region is losing critical resources as well as a healthy environment, thereby exposing residents to hazardous environmental conditions, *while the non-oil producing regions which receive the lion’s share of the oil revenue are free to live in a healthy setting* (Agbola and Alabi, 2003:270—emphasis added).

Agbola and Alabi have attempted to document the social and environmental problems in the Niger Delta. They also point out that these problems are ‘linked directly to the unsustainable mode of petroleum resources extraction in Nigeria’ and to state ‘policies and actions’. However, explanatory status is not accorded to ‘mode of resources extraction’, or indeed, to governance ethos (see Hodess, 2004), to which allusion is made in their work. Their discussion is centred on how the major ethnic groups have made the Niger Delta an environmentally ‘peripheral region’ (Agbola and Alabi, 2003:281). The reader will notice how this argument overlaps with

Agiobenebo and Aribaolanari's (2001:455) analysis, referred to in Chapter Two. These latter authors had argued that Nigeria's oil region was little more than the majority ethnic groups' private estate, used according to the estate owners' interests.

When applied to the Niger Delta struggle, what the 'Nigerianised' version of environmental justice discourse essentially seeks to underline is that: a) Nigeria's oil-rich communities do not enjoy socio-economic and cultural gains commensurate with their resource endowment and the environmental hazards of petroleum operations, b) petroleum extraction disproportionately benefits the powerful segments of the society, c) the powerlessness of the oil communities intersects with the region's ethnic minority status, and d) while the social and environmental crisis in Nigeria's oil province can be explained racially (since the ethical conduct of Western transnational corporations are implicated), it can also be a function of selective ethnic victimisation, given the majority/minority dynamics in the Nigerian political economy. It is within this discursive context that the Niger Delta struggle is sometimes viewed as an ecological and ethnic movement.

It does seem that at the heart of the discourse around socially and environmentally 'reckless' (or even 'racist') corporate practice in the Nigerian upstream petroleum industry is an attempt to bring to the surface factors that probably more fundamentally sustain or promote 'environmental injustice'. How much do we understand the role that specific 'background institutions' in the upstream petroleum industry and in the Nigerian society as a whole play in structuring 'reckless' corporate practice and fostering 'exploitative' asymmetries in the relations among social groups? How much do we understand ordinary people's narratives (and not necessarily those of organisations working and speaking on their behalf) as they relate to these institutions and social asymmetries? In the next section, I sketch an outline of an analytical 'model' that makes background institutions the centre of the discourse on the dynamics of petroleum resource utilisation and the social character of the Niger Delta struggle. The model incorporates elements of what some analysts have called 'mode of resources extraction' and state 'policies and actions' (Agbola and Alabi, 2001:281). As indicated at the beginning of this chapter, my attempt to understand ordinary people's lived worlds and idioms of discontent, as well as state and corporate conduct in Nigeria's oil province, is guided by this analytical perspective.

3.3 ‘Background institutions’—a conceptual outline

It is obvious from the discussion so far that the environmental justice narrative has incorporated normative principles into sociological interrogation in a quite illuminating (although not always agreeable) way. Among such ideas are ‘fairness’, ‘equity’, ‘justice’, (community) ‘right’, ‘proper’ corporate conduct, corporate (social) ‘responsibility’, and ‘accountability’, to mention a few. What needs amplification is that institutions play a vital role in mediating say, ‘improper’ corporate conduct and in reducing social ‘inequities’ that could result from resource utilisation policies and practices.

Bullard (1994a:xvii) has indicated that the struggle of grassroots groups in America’s ‘black, brown, red, and poisoned’ communities—to again borrow Regina Austin and Michael Schill’s (1994) phrase—is essentially about ensuring that local people have ‘a shared role in the decision-making processes that affect their communities’:

They are challenging the background assumptions that drive risk-based decision making, industrial policies that pit jobs against the environment, and housing policies that force families to choose between childhood lead poisoning and homelessness. All of these policies have a disparate impact, whether intended or unintended, on the quality of life in low-income areas and communities of colour.

This role of background institutions is not always given explanatory status in discussions on grassroots mobilisation (in multi-ethnic societies in particular), and yet it occupies a vital place in the social justice paradigm. Just as a background, let me first make a few remarks about the social justice paradigm. Thereafter, I outline the particular sense in which I have used the label ‘background institutions’ in this thesis.

The term ‘social justice’ essentially seeks to clarify the fact that the stumbling blocks to the building of inclusive, equitable, egalitarian and sustainable societies are not to be found in the essentialist features commonly attributed to social groups, but in the quality and character of institutions that influence how groups relate with one another and how they utilise resources in the natural environment. It is a term, according to

Norman Kurland (1997:i), that leaves society with no ‘excuse that “the system can’t be changed”’.

Prior to 1840, when the Catholic scholar, Luigi Taparelli D’Azeglio, S.J., coined the term ‘social justice’, and especially before 1848 (when Antonio Rosmini-Serbati popularised it), most social justice-related discourses came under the label ‘legal justice’ or ‘general justice’ (Behr, 2003:99; Ferree, 1997:5; Novak, 2000). These latter terms recognised and emphasised the ‘common good’. Social justice, however, lays emphasis on and interrogates the *means* by which the ‘common good’ is attained. This is because even a social system that promotes repression or ‘unrestrained individualism’ (Ferree, 1997:7) can be said to be so ‘for the common good’. As Liam Murphy (1999:263) elucidates in his article, ‘Institutions and the Demands of Justice’, proponents of social justice maintain that in the pursuit of the ‘common good’, priority must be placed on the well-being of ordinary people—‘the worst-off’, as Murphy called them.

The utility of social justice as a modern theoretical construct is derived from John Rawls’s (1971) work entitled *A Theory of Justice*. In this work, Rawls makes social justice (a normative term that can be quite nebulous) relatively easy to fathom. He defines it as simply ‘fairness’ (Rawls, 1971:11). Even so, Rawls privileges the role of ‘background institutions’ as essential to its achievement. As Murphy (1999:280) writes, ‘[This] means that in an unjust society, a society of great inequality or great suffering by the worst-off, people are required to promote institutions that will alleviate the inequality and suffering’. Thus, in the case of ‘great suffering’ by the ‘worst-off’, rather than focus on the essentialist attributes of social groups, the focus should be on the ‘background fairness’ of those institutions designed to mediate the relations among groups. Rawls identified the main pillars of these institutions as the constitution and the political process. These, he said, provided the basic template for determining the ‘fairness’ or otherwise of distributive socio-economic processes, and so it was imperative that societies arranged these institutions in such a way that ‘the resulting distribution is just however things turn out’ (Rawls, 1971:275). Claude Ake’s (2001:132) argument in favour of a ‘chamber of nationalities’ in the national parliament, as a way of guaranteeing social inclusion in Africa, might have been inspired by the Rawlsian proposition.

Despite its popularity, the social justice paradigm has its critics. For example, Friedrich Hayek (1976:xii), regarded the use of the term as ‘thoughtless’ and ‘fraudulent’. In his view, social justice ‘meant nothing at all’. Angered by Rawls’ theory, Hayek swore that had he the power, he would make people ‘ashamed of ever using that hollow incantation’—a task he visualised as ‘the greatest service [he could] still render to [his] fellow men’ (Hayek, 1976:xii). Interestingly, however, Hayek conceded that ‘government, in administering a pool of material resources entrusted to it for the purpose of providing collective goods...is under the obligation to act *justly* in doing so (Hayek, 1976:7)’. Could something other than merely the ‘meaninglessness’ of social justice have led to Hayek’s discomfort with this term? Quite likely—for as he wrote, the ‘term described the aspirations which were at the heart of socialism’ (Hayek, 1976: 65).

Writers like Liam Murphy (1999:252) recognise Rawls schema as a ‘novel... interpretation of the role of institutions that has been very widely accepted’. The wide acceptance is based on the important significance of institutions in ordering relations among social groups. Murphy’s (1999:280) objection to the Rawlsian proposition, however, is on the grounds that the theory has ‘implications of granting a fundamental mediating role to institutions *within* the role of justice, whatever that may be’.

By adopting a ‘background institutions’ perspective in the analysis of grassroots discontent in Nigeria’s oil province, my aim is to be able to interrogate: a) what the framework for upstream petroleum operations (the principles and guidelines for upstream oil business as contained in the relevant laws of Nigeria) is and how it works, b) how this framework informs (and is informed by) the oil corporations’ business conduct as well as the character of public governance in Nigeria, c) how these various dynamics reflect in the stories and lived worlds of ordinary people in the oil communities selected for the study, and d) what significance the Niger Delta struggle could have for the wider Nigerian society. This perspective also guides the choice of data collection methods.

What this means in essence is that the concept of background institutions, as adapted for this thesis, comprises two distinct but inter-related elements. First is the legal/institutional framework for upstream petroleum operations—which defines the

relationship between people and the environment and sets the boundaries within which the state and the oil companies address the issue of entitlement (see Chapters Six and Seven). Second is what I term ‘governance ethos’—which relates to issues of accountability and transparency in the utilisation of public resources (see Hodess, 2004:11; Bayagbon, 2004; Ademokun, 2003; Abati, 2004; Obasanjo, 1994).

In sum, this perspective should make it possible to explain why, as indicated earlier, some analysts speak of state-society relations in Nigeria as predation, while others, such as Ake, refer to grassroots struggles (in much of Africa) as ‘emancipatory’ projects. It should also provide a context for appraising the stories of ordinary people in Nigeria’s oil-producing region by connecting such stories to the growing oppositional impulse in the country towards the Nigerian state.

3.4 Conclusion

The main task of this chapter has been to explore the environmental justice discourse and outline its utility in illuminating the struggles of grassroots groups, especially within the context of ‘strategic’ (natural) resource utilisation. Although the discourse highlights the exploitative asymmetries in the relations between big business corporations (and the state) on the one hand, and the powerless segments of society on the other, the role of background institutions in mediating such asymmetries is not sufficiently privileged. The result is that, in the ‘Nigerianised version’ of the discourse, it is not clear whether businesses conduct themselves in a socially and environmentally ‘responsible’ way in their ‘home’ countries (assuming they always do) because they like it, or because they must. On the other hand, we do not clearly understand why foreign businesses perpetrate social and environmental abuses in one country and not in others (assuming such a disparity exists in fact). There is a need for a systematic interrogation of, for instance, why ‘industrial pollution from over 5,000 industrial facilities and perhaps another 10,000 small-scale industries, some operating illegally within residential premises, is a growing problem in Nigeria’ (UNEP, 2003). As the outline of the analytical perspective presented in Section 3.3 makes clear, it is through such systematic interrogation that one begins to make sense of grassroots discontent and struggles in Nigeria.

CHAPTER 4

Method of Study

4.1 Introduction

As stated in the previous three chapters, the central objective of this study is to interrogate the social character of the Niger Delta struggle based mainly on the everyday resistance idioms and the lived worlds of ordinary people at the grassroots. This chapter is concerned with the techniques/methods for data collection and the epistemological issues relating to the design of the research and the choice of research methods. The epistemological issues are explored in the next section. The data collection methods used were ethnography, individual in-depth interview, focus group discussion (FGD) and visual sociology. Where, why, and how these techniques/methods were used, and the criteria for choosing fieldwork sites in Rivers, Bayelsa and Akwa Ibom states,¹ are discussed in detail after an exploration of the epistemological issues.

4.2 Validity and objectivity in qualitative research: some epistemological and methodological issues

An attempt is made in this section to clarify some issues relating to the use of qualitative research methods generally; and, in particular, issues that guided the design and execution of the present research. Attention is paid specifically to how I tried to address the question of validity and objectivity, given the peculiar attributes of qualitative research. This issue is dealt with in detail in the next section, where the rationale for the choice of study sites is discussed and where each of the research techniques/methods employed is described. This section examines the background to and the general prescriptions on achieving validity and objectivity in qualitative research. First, what are the attributes of qualitative research?

Babbie and Mouton (2001:270) define qualitative research as an approach in which ‘research takes as its departure point the insider perspective on social action’. It is a

¹ Nigeria is administratively divided into ‘States’, and each state into ‘Local Government Areas’ (LGAs)—also known as ‘Council Areas’. The country had 36 states as of mid 2005; the 37th (the Federal Capital Territory, Abuja) had not acquired state status. A total of 774 LGAs were recognised by the federal government. In a democratic dispensation, the head of each ‘State’ (Governor) is chosen by popular vote while an elected Chairman heads an LGA.

research approach that privileges the ‘emic perspective’—that is, the lived experience of the subject, and the meanings the subject attaches to the phenomena being investigated. Although seemingly in conflict with the *positivist* aspirations of social science disciplines, the relevance of qualitative research as a way of gathering information and acquiring knowledge about the social world is firmly established. It complements quantitative research, and thrives precisely because exclusive reliance on positivist methods undermines the quest for knowledge about a class of phenomena that has no fixed ‘nature’ and whose behaviour is not amenable to linear, *a priori* explanations.

Qualitative research is a collection of methods and techniques, and its adoption is based on the logic that there is more to social action than can be adequately captured using structured surveys, social ‘experiments’ or other quantitative techniques. From the sampling technique (purposive sampling is popular in this paradigm) to mode of reporting of findings, qualitative research is ‘more sensitive to and adaptable to the many mutually shaping influences and value patterns’ that a researcher is likely to encounter in the field (Lincoln and Guba, 1985:40).

While quantitative research typically adopts a technical, numbers-and-tables approach, the qualitative researcher utilises words and ‘thick descriptions’ (Miles and Huberman 1984:15). Lately, visual methods (such as visual sociology, which has been employed in the present research) have also become popular. Thick descriptions and related modes of reporting enable the qualitative researcher to adequately infuse into his or her report the fact that social action occurs within specific social contexts, and in specific natural settings—in addition to the fact that there is a universe of *meanings* within which people engage in social action, meanings which *only* the actors themselves can best communicate (Babbie and Mouton, 1998:270). In qualitative research, attempt is made to unearth these various dimensions of people’s ‘lived worlds’ rather than strive to measure and quantify what is often neither measurable nor quantifiable (cf: Kvale, 1996:62).

An almost intrinsic aspect of research is the illuminating possibility of a serendipitous finding, the discovery (in the field) of aspects of a problem a researcher might not hitherto have addressed his or her mind to, but which turns out to be of crucial

importance in sharpening the focus of the research. While various research paradigms have ways of dealing with such situations, qualitative research seems more amenable to effectively handling chance findings. This is because qualitative researchers often begin with the assumption that such findings will almost always occur, since, as Lincoln and Guba (1985:40) put it:

it is inconceivable that enough could be known ahead of time about the many multiple realities to devise the [research] design adequately; because what emerges as a function of the interaction between inquirer and phenomenon is largely unpredictable in advance; because the inquirer cannot know sufficiently well the patterns of mutual shaping that are likely to exist; and because the various value systems involved (including the inquirer's own) interact in unpredictable ways to influence the outcome.

While qualitative research is complementary to quantitative research, some regard its 'strengths' as constituting a challenge to, in Steiner Kvale's (1996:6) words, the 'quantitative hegemony in the social sciences'. For example, the very idea of a 'science of society' took as its point of departure the possibility of developing protocols and techniques for the production of knowledge of the social world that was precise and undeniable. It would be the kind of knowledge that would stand or fall regardless of who produced it. Although not necessarily the dominant practice within sociology, Comte's positivism came to have something of a gospel appeal in much of sociology's history for this reason, besides the fact that, according to Comte, this was a science that would be of immense and irreplaceable value for humanity. So enthralled with the idea of a precise science of society was Comte that he first gave the name 'social physics' to the discipline he was to later christen sociology. According to legend, the only reason Comte abandoned the name 'social physics' was that Adolphe Quetelet, a Belgian social statistician, had already used it—although he claimed Quetelet actually 'stole' the phrase from him (See Coser, 1977:3)! In Comte's positivism, laid out in his 1893 work, *The Positive Philosophy*, social inquiry would be conducted using the epistemology and methodology of natural inquiry. He argued that three key methods, namely, observation, experimentation and comparison—along with the 'historical method'—would help the sociologist to discover and facilitate the understanding of the *statical* and *dynamical* laws of society.

Although specific social science disciplines (such as economics and psychology) and sub-disciplines (such as demography) have made quantitative techniques their staple, there is as yet, at least in sociology, no consensus among scholars as to whether the ‘quantitative hegemony’ that Kvale spoke of has much to do with Comte’s founding passion for a ‘social physics’—or even with a genuine intention among social scientists after him—to import the methods of natural science into the social sphere. Certainly, not all social scientists believe society could be understood using the exclusively technicist approaches advocated in much quantitative research. For writers like Lincoln and Guba (1985:299), the quantitative paradigm entails some kind of ‘naïve realism’—an assumption of ‘something tangible and unchanging “out there” that can serve as a benchmark’. In their highly influential 1985 work, *Naturalistic Inquiry*, Lincoln and Guba demonstrate an almost extreme dislike for the quantitative paradigm and refuse even to refer to it by name! Some—including the present researcher—consider this attitude (including attempts by many contemporary social scientists to bifurcate the social research enterprise into quantitative *versus* qualitative) unwarranted. In reality social research is often simultaneously guided by both quantitative and qualitative considerations and research reports are often presented in a way that shows that a user of the qualitative paradigm (including the present researcher) did not entirely ignore quantitative considerations, and vice versa (see the application of this paradigm blend in the second section of Chapter Eight of this work). What needs highlighting is that positivism is not the only approach to uncovering ‘social facts’. As postmodernists constantly warn, what might appear to the quantitative researcher as ‘social facts’ are, in most cases, nothing but ‘social constructions arising from a specific, chosen technological perspective on the social world’ (Kvale, 1996:63).

Beyond the fact that the present thesis is about the social character and idioms of community struggles, and therefore calls for a research design that allows the researcher to ‘see things from the inside’, it is important to note that qualitative research is not necessarily *less* scientific—nor would it be correct to say that because the quantitative paradigm claims to be modelled on the natural sciences, it is necessarily *more* scientific. Indeed, Lewis Brandt (1973) has suggested in his provocatively titled article, ‘The physics of the physicist and the physics of the psychologist’, that it would not be entirely correct to say that the quantitative

paradigm in the social sciences is modelled on natural science methods, or, indeed, reflects any meaningful transportation of natural science methods to contemporary social science practice. This is because in the physical sciences, paradigms are constantly shifting. Besides, if one were to interpret so-called quantitative hegemony in the social sciences as being influenced by natural science, how then, Kvale (2000) asks, would one explain the fact that the epistemic and methodological shifts that physics underwent during the 20th century ‘hardly penetrated the psychological laboratories’ (see also Burns, 1999)? Similarly, Bart Kosko (1994:xv) opens his treatise on fuzzy logic with a strong call on natural scientists to fundamentally rethink their paradigm. In his book, *Fuzzy Thinking*, he demonstrates that everything science ever thought of as existing in *bivalence* (white or black, one or zero) *actually* existed in *multivalence*; in other words, ‘all facts were matters of degree’. Against the backdrop of such intriguing contestations, it is quite conceivable that technicist social science draws much of its impetus not necessarily from natural science methodologies, but from something probably more mundane. Kvale (1996:63-64) identifies this alternative impetus simply as:

administrative procedures of *bureaucratic* institutions and a general *technological* approach to human action... both of which attempt to eliminate or reduce the subjective dimensions of the subjects ruled. The strictly formalised procedures of categorisation and quantification are ways of ordering and structuring the social world, with quantification as one means of legitimating administrative decisions. In the social sciences, positivism has entailed a philosophic bureaucracy that suppresses the subjective and social dimensions of social research.

To move away from the idiosyncrasies of qualitative and quantitative research, and focus briefly on some concrete methodological issues relating to doing community research in Nigeria’s Niger Delta, let us look at the experience of a social researcher from the University of Birmingham who set out in 1979 to collect empirical data in the oil province. Frynas (2000:69) reports that the researcher in question had settled for a structured questionnaire, only to find out later that:

A high proportion of the members of village communities does not speak English but a local language and/or pidgin English. Survey questions would need to be translated into a number of local languages. The members of village communities, moreover, may be illiterate which is likely to render the use of standardised multiple-choice questions very difficult. By implication, a survey

of village communities would pose severe problems of consistency. A survey... in the oil producing areas exemplified some of the language and communications problems. For instance, with regards to the question on the impact of oil operations, respondents in [the] survey named oil pollution and oil spills as major problems of oil operations, without noticing that oil spills are part of oil pollution. Onyige's survey encountered a number of problems, which cannot be solely ascribed to the inadequacies of survey design. His study exemplified that a survey of village communities may produce misleading and statistically inconsistent results.

Let us ignore for now Frynas' assumption that a villager would be able to understand a questionnaire if the text were in his or her mother tongue, since that argument is not sustainable. (Does *literacy* in one's mother tongue come naturally?) Rather, let us turn our focus on the extent to which *a structured questionnaire* would yield situated knowledge of the social conditions of ordinary people—in the case of the above example, people who plant in the same sterile soils, go to the same 'Thursday Market', walk the same dirt tracks, drink from the same turbid creeks, eat the same 'poisoned' fishes—and without a doubt have *deep-lying* feelings about Nigeria's way of doing oil business and the state's way of discharging its responsibilities to the governed.

What all this means is that there are instances when methods within the qualitative paradigm are crucial. Among such instances could be when a researcher is trying to understand the natural settings of social actors, make sense of enduring social processes, privilege 'insider perspective', or uncover the social contexts that underpin social action. In other words, the qualitative approach is crucial for capturing underlying dynamics (Babbie and Mouton, 2001:270-274). What produces even better results is the triangulation of techniques within the qualitative and quantitative paradigms and/or across them. In the present research, triangulation meant optimising the strengths and mitigating the weaknesses of different techniques/methods within the qualitative paradigm—as shown in the next section.

The question that might now be asked is: how, given the attributes discussed so far, does the qualitative researcher tackle the issues of validity and objectivity? While these issues strike at the core of all the so-called 'soft sciences' or 'undisciplined disciplines', they often constitute a special burden for researchers who choose to work within the qualitative research paradigm. However, writers like Lincoln and Guba

(1985:289-301) have cautioned against uncritical adherence to what one might term the ‘quantitative’ idea of validity and objectivity, since such an idea is largely based on naïve realism. These writers rightly argue that qualitative inquiry ought to begin with the fundamental assumption of ‘multiple constructed realities’. That way, one finds that credibility, applicability, consistency and neutrality (which are what quantitative researchers have in mind when they speak of internal and external validity, reliability and objectivity respectively) are not unproblematic terms—and that there is no one infallible approach to arriving at trustworthy social knowledge.

Even generalisation, which is often regarded as the whole essence of the scientific vocation, is an end which a researcher should always approach with caution. In social inquiry, caution might be deemed especially important, since the very term ‘generalisation’ often implies ‘dependence on the assumption of determinism’ as well as ‘dependence on the assumption of freedom from time and context’ (Lincoln and Guba, 1985:112). The call to be tentative in ascribing a universal status to any research-based conclusion, whatever the data-collection method used, is elegantly captured in the following words by the renowned educational psychologist, Lee J. Cronbach:

Generalizations decay. At one time a conclusion describes the existing situation well, at a later time it accounts for rather little variance, and ultimately it is valid *only as history*. The half-life of an empirical position may be great or small... Propositions describing atoms and electrons have a long half-life, and the physical theorist can regard the process in his world as steady. Rarely is a social or behavioral phenomenon isolated enough to have this steady-state property. Hence the explanation we live by will perhaps always remain partial, and distinct from real events... and rather short lived. The atheoretical regularities of the actuary are even more time bound. An actuarial table describing human affairs changes from science into history before it be set in type (quoted in Lincoln and Guba, 1985:115).

Those remarks seem to provide the backdrop for Adri Smaling’s (1989) idea of ‘*Munchhausen-objectivity*’, a ‘bootstrap’ norm which, according to Smaling, relies not on any rigid ‘scientific’ protocols—such as the kind that presumes that a one-to-one relationship exists among social facts—but on a researcher’s unflinching commitment to ‘doing justice to the object of study’. To achieve this aim, Smaling recommends, among other things, the adoption of a multi-method approach to data

collection, and the taking of detailed and extensive field notes. This, simply put, is the point of triangulation. In the case of in-depth interviews, Smaling underlines the need to make respondents part of the process of validating the research findings by having them authenticate, at some point after the interview, the researcher's reconstructions of the interview transaction (see Babbie and Mouton, 2001:274).

Smaling's 'bootstrap' norm was substantially foreshadowed in Lincoln and Guba's (1985:301-318) elaborate prescription on how to ensure that qualitative data accorded with the imperative of trustworthiness. In these authors' opinion, for qualitative inquiry to yield credible findings and interpretations, triangulation and prolonged field engagement are important—as is respondent authentication (or 'member checking'), which gives the researcher a second chance of meeting the human sources of his or her raw data, a second chance of directly testing the accuracy of his or her reconstructions. However, for them, there are three further steps of importance, namely: 'peer debriefing', 'negative case analysis' (defined as a 'process of revising hypotheses with hindsight') and 'referential adequacy'. Respectively, these three additional steps ensure that findings and interpretations stand up to external checks, help in the refinement of working hypotheses, and are helpful for weighing preliminary findings against the raw data that ought to have been stored on video or audio tapes (Lincoln and Guba, 1985:301-309).

It is important to point out at this stage that while the present research did not necessarily conform to each and every prescription discussed in this section—for reasons, particularly, of time and budget constraints, and also for reasons of expediency—the design and execution of the research took due cognisance of the broad currents of epistemological and methodological concerns on qualitative research with the overriding aim of making a trustworthy contribution to the growing scholarly discourse on the struggles in Nigeria's oil province.

4.3 Data collection

4.3.1 The study sites

A. Choice criteria

The fieldwork for this thesis took place in three communities; namely, Oloibiri, Ebubu and Iko. They are located in the Niger Delta states of Bayelsa, Rivers and Akwa Ibom respectively. While more will be said presently about specific ethnographic and socio-political attributes of these communities, an extensive treatment of the Niger Delta as a whole is to be found in Part II, and in particular Chapters Five and Seven. The two chapters discuss the region's history, environment, society and political economy, with Chapter Seven focusing specifically on the social and environmental impacts of petroleum production. Indeed, many of the issues discussed in the two chapters are based on the researcher's direct observations in Oloibiri, Ebubu and Iko.

For now, it should be pointed out that a multi-site model of data collection was adopted in keeping with a widely accepted qualitative research principle that besides increasing the generalisability of findings, such a model further assures the researcher that the phenomena observed in one given setting 'are not wholly idiosyncratic' (Miles and Huberman, 1984:151). Although the study sites were purposively chosen, certain criteria were taken into account. These include: a) the need to include a community in each of the country's leading oil producing states in order to accord the data the necessary spread and significance, b) the need to include communities that occupy significant positions within the context of Nigeria's oil production history, and c) the need to include communities with strategic relevance to the major transnational oil companies, such as host communities of Shell flow stations. The constraints of time and budget, and the need to achieve considerable depth in data gathering, also meant that the number of states—and actual study sites—should be small; hence, three communities were chosen, one in each of the three states. On the whole, however, a major consideration was that the towns must be fairly representative of the human ecologies of oil and gas production in the Niger Delta. A broader picture of the region's human ecology is provided in Chapter Five.

In the light of the first and second criteria above, Bayelsa State was a fairly easy choice. Besides being Nigeria's biggest oil-producing state in 2003 when the fieldwork was conducted, it is the state (although the area did not have this political status in the 1950s) where Nigeria's oldest commercial oil well (at Oloibiri) is located. Two of Nigeria's biggest onshore oilfields (Gbaran and Nembe) are in the state, as is a crude oil export terminal (the Penninton Terminal, operated by ChevronTexaco). Bayelsa was carved out of Rivers State on October 1, 1996, which makes it the Niger Delta's youngest state. The name Bayelsa is an acronym coined from three other acronyms—those of the three Rivers State local government areas that were amalgamated to form the new state. These were BALGA (Brass Local Government Area), YELGA (Yenegoa Local Government Area) and SALGA (Sagbama Local Government Area) (Alagoa, 1999a:2).

Rivers State, on the other hand, is the nerve-centre of Nigeria's oil economy; its capital city, Port Harcourt, hosts the operational headquarters of most of the major oil companies in the country. Nigeria's second most industrialised state (after Lagos), Rivers also hosts two of the country's four oil refineries, a Shell-operated crude oil export terminal (at Bonny), the country's second largest seaport, a container port and a number of other nationally significant industries. Rivers State was one of the twelve federal states created by the General Yakubu Gowon regime on May 27, 1967 following the abolition of the regional structure of government. It was at the time of the fieldwork the fourth largest oil-producing state in the country, and the second largest (after Bayelsa) in terms of *onshore* oil production.

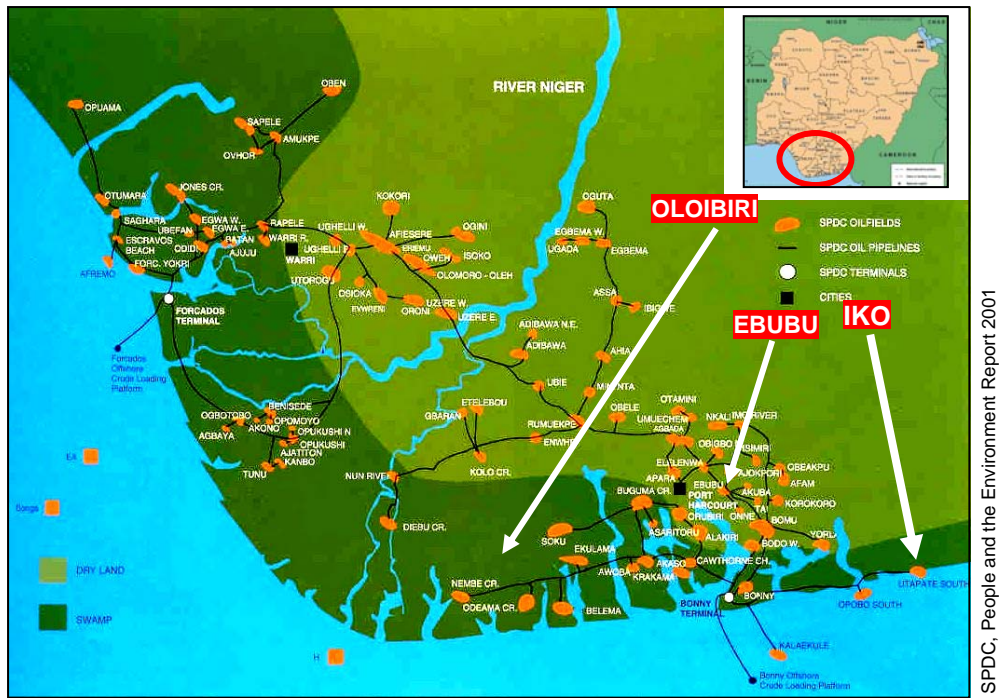
Akwa Ibom State was in 2003 Nigeria's second largest oil-producing state—although its oilfields are located mainly *offshore*. (It was the largest *offshore* oil-producing state in the country at the time.) Among the transnationals active in the local upstream oil sector are ExxonMobil, Shell and Total. One of the country's six oil export terminals (the ExxonMobil-operated Qua Iboe Terminal at Eket) is located in this state. Akwa Ibom came into existence as a federal state on September 23, 1987. Before then, it was part of Cross Rivers State. (Cross River has been, from 1976, the new name of South Eastern State, one of the 12 states created in 1967.) It should also be mentioned that besides meeting the basic choice criteria spelt out earlier, Akwa Ibom was of special importance to the researcher because it is his place of origin.

With regard to choosing the actual study sites, the three communities (Oloibiri in Bayelsa State; Ebubu in Rivers State; and Iko in Akwa Ibom State) met the criteria spelt out earlier. For instance, the name Oloibiri has over the years acquired an important significance in Nigerian oil studies, the reason being that it is where the first commercial oil deposit was struck in June 1956 (Plate 4-1). For anyone seeking to understand the *community side* of oil operations in Nigeria—or, indeed, the deeper significance of Georges Bataille’s quip that ‘energy finally can only be wasted’ (quoted in Apter, 2005:200)—there is probably no better place to begin than this premier oil community. The researcher was convinced that a study of the broader significance of community discontent in Nigeria’s oil region would gain from an examination of the everyday resistance idioms and living situations of ordinary people in the remote, mangrove-strewn town² that first put Nigeria on the map of oil-producing nations and whose oilfield remained productive well into Nigeria’s first ‘oil price boom’ of the 1970s³.

Ebubu, an Ogoni community, is in Eleme Local Government Area (LGA)—one of the more conspicuous and strategic of Nigeria’s 774 officially recognised LGAs. Eleme is host to two oil refineries, a petrochemical plant, a state-owned fertilizer company and an SPDC oilfield/flow station (located in Ebubu town—Plate 4-2).

² The term ‘town’ or ‘community’ is used in this work to describe the study sites, as opposed to the term ‘village community’ as used in Frynas (2000). For the local residents in the three communities, the term village is unlikely to be an acceptable description of their communities. They use the word ‘town’ or simply ‘community’, obviously because, in Southern Nigeria, the term village refers to a settlement that is far smaller, and lacks many more of the amenities (such as motorable roads) that many people in the area associate with ‘urbanity’.

³ The productive life of the Oloibiri field is believed to have officially ended in 1977, although, curiously, this researcher found in 2003 that many of the oil facilities were still intact. This finding was reflected in a brief despatch which I published after the fieldwork, indicating, among other things, that some of the oil wells in the town were probably not as ‘dead’ as generally believed, and that oil from the community was probably still being tapped from elsewhere (Akpan, 2004). Events since that publication seem to have confirmed this suspicion. On June 15, 2004, Nigerian newspapers quoted Shell as having ‘successfully curtailed’ an oil spill at an Oloibiri oil well, ‘following tampering with the valves of the well by unknown persons’ (*ThisDay*, 2004f).



SPDC, People and the Environment Report 2001

Figure 4-1: SPDC's oilfields in the Niger Delta (approximate locations of study sites highlighted)



His Royal Highness J. C. Egba

Plate 4-1: Nigeria's first oil well

Like Oloibiri, Ebubu is one of Nigeria's earliest oilfields: oil was struck here in 1956, shortly after the drilling success at Oloibiri. Unlike Oloibiri (and Iko), however, Ebubu is an upland community and the closest of the three study sites to a major urban centre, in this case the Niger Delta's principal city of Port Harcourt. The researcher thus felt that the site could yield important insights into the daily lives and resistance idioms of ordinary people in this community.



Plate 4-2: SPDC's Ebubu flow station

Iko, home to the Utapate Oilfield, is one of the two towns that make up Eastern Obolo Local Government of Akwa Ibom State. That just two towns can officially make up a council area is no commonplace 'privilege' in Nigeria. The case of Eastern Obolo is generally believed to be a 'reward' for its twelve oil wells and the Utapate flow station (Plate 4-3). Five of these oil wells, and the flow station, are located in Iko. What this endowment translates to in terms of everyday experience of 'social justice' among ordinary residents is part of what this research sought to find out. The oilfield here forms part of Shell's 'Eastern Swamp' operations.



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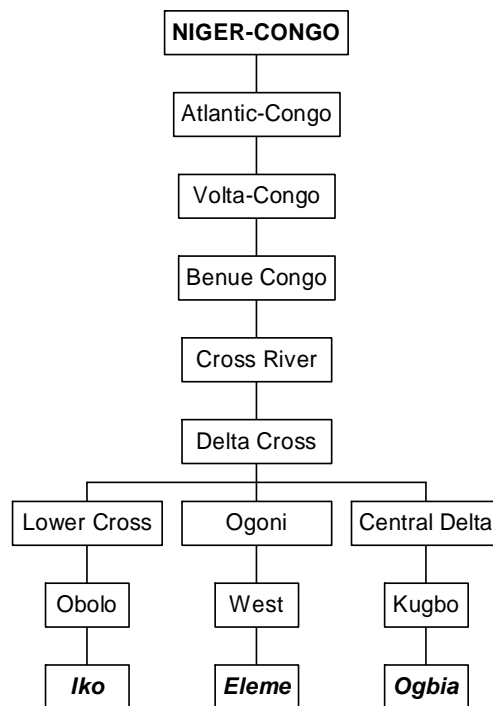
Plate 4-3: SPDC's Utapate manifold (Iko)

B. Oloibiri, Ebubu and Iko—different yet similar

Language:

Although the researcher had not previously been to any of the three communities, the choice of research sites was not predicated on a notion of studying *exotic* peoples or cultures, whose local cuisines would take some getting used to and whose ‘native’ languages the researcher would have to learn so as to make sense of their ‘way of life’. English is widely spoken in the three communities. A creolised version of English, known as Pidgin, is vastly popular in the communities (as is the case in most other parts of Nigeria), and most of those who speak it can neither read nor write it. It is the Niger Delta’s unofficial *lingua franca*, achieving much greater penetration in the region than anywhere else in the country. It should be emphasised that fluency in English is no guarantee that the speaker will understand Pidgin, or that a Pidgin speaker will grasp English vocabulary or sentence structures. This is why a non-Nigerian English speaker will have to learn it. Most educated Nigerians (this researcher included) have no difficulty with oral or written Pidgin. Besides the fact that the region’s contact with Britain dates back to the sixteenth century, the popularity of Pidgin is mainly due to the multiplicity of indigenous languages in the province. The medium of instruction in the local schools is ‘normal’ English. (For a more detailed discussion of the linguistic diversity, and the list of languages spoken in the Niger Delta, see Chapter Five).

The linguistic diversity in the Niger Delta is such that two communities located barely two kilometres apart could be speaking two entirely different languages. In Iko, the town's name is also the name of the language (and local residents believe Iko is a dialect of Ibeno language, which is spoken in a different LGA). Yet, a neighbouring town (known as Okoroete), with which it shares the Eastern Obolo LGA and which serves as headquarters of the LGA, speaks Andoni (part of the Ijaw cluster of languages spoken in many communities in the riverine areas of Rivers, Bayelsa, Delta and Ondo States). Although Iko language falls under Obolo, which in turn is part of the Lower Cross subfamily of languages (Figure 4-2), it is believed to have a closer affinity to Lower Cross than with Obolo. Thus, although one resident of Okoroete enthused, in response to my inquiry, that 'Eastern Obolo is something of a one-family community... so small and so close-knit', the constituent towns and villages in this 'close-knit' community do not all speak Andoni. In Akwa Ibom state as a whole, about 20 languages and dialects are spoken as first languages, the major ones being Anaang, Ibibio and Igbo (Seibert, 2000). Iko, therefore, is regarded as a 'minority' language in Akwa Ibom.



Source: Gordon (2005)

Figure 4-2: Linguistic lineage for Iko, Eleme and Ogbia—languages spoken in the study communities

The indigenous language of Ebubu town is Eleme, one of the three major languages of the Ogoni—and a minority language among Rivers State’s 23 mother tongues. Rivers State’s major languages are Igbo, Ikwerre and ‘different varieties of the Ijaw cluster’ (Seibert, 2000).

The dominance of the ‘Ijoid’ cluster of languages (which comprises several dialects classified under Nembe-Akaha, Izon and Inland Ijo⁴) in Bayelsa state is well documented (Alagoa, 1999b:73; Efere and Williamson, 1999:97-102). The Ijaw are the largest minority ethnolinguistic grouping in Nigeria; indeed, they are the fourth largest nationality in the country after the Hausa-Fulani, Yoruba, and Igbo. Ijoid languages are spoken in the Niger Delta states of Bayelsa, Rivers, Delta, Edo, Ondo and Akwa Ibom. However, Ogbia language, which is spoken in Oloibiri, belongs to a different cluster known as Central Delta (Efere and Williamson, 1999:103). Different dialects of the Ogbia language are spoken in different communities in Ogbia Local Government Area.

Structures of community governance

Politically, the three communities are structured in much the same way. The highest decision-making body is the Council of Chiefs, which is headed by a king. Each town is headed by a king, who is appointed by the Council of Chiefs, usually from a royal house or compound. In Ebubu, the ‘Council’ is made up of about 20 persons; in Oloibiri, it is made up of five chiefs (representing the town’s fifteen ‘compounds’). The king, assisted by other members of his Council, performs the day-to-day leadership functions of the community. He adjudicates in disputes and provides clarity and accords legitimacy to specific indigenous practices, such as indigenous marital and burial rites. Through his membership of the Local Government Council of Chiefs (a formal body consisting of chiefs from different communities within the Local Government’s jurisdiction), he functions as the interface between government and the community on customary matters.

The Council of Chiefs is a formally recognised layer in Nigeria’s governance structures. Every state has a Ministry of Chieftaincy Matters, headed by a

⁴ Ijo is also spelt ‘Ijaw’. The two spellings are used interchangeably in this work.

Commissioner. In the Niger Delta, a state's Council of Chiefs is composed of the Paramount Rulers of each of the local government areas that make up the state, while the different clan heads in a given local government make up the Council of Chiefs in that tier of government. A clan head in turn is the head of the various village heads or chiefs that make up the clan. The Ministry of Chieftancy Matters coordinates chieftancy functions, supervises the selection of certain echelons of these 'traditional' leaders (to ensure that the selection meets criteria set by the state), and is in charge of the 'welfare' of this category of local leaders. In other words, the role of local rulers as development intermediaries has become more formalised over the years, even as the livelihood of chiefs has become relatively guaranteed through regular stipends and other privileges.

However, as I report and discuss in detail in Chapters Seven and Eight, I found that the 'coordinating', 'supervisory' and 'quasi-employer' roles of government vis-à-vis the functioning of chieftancy institutions have tended to exacerbate conflict in these institutions of local authority. Especially within Nigeria's peculiar context of petroleum-induced community development, such roles have also contributed to what I describe (in Chapter Seven) as the 'delegitimation of local authority' as well as heightened tension and instability in the communities. Government, oil companies and powerful interests outside the community often seek to influence the workings of local chieftancy structures, even to the extent of literally dictating who should be crowned king. A 'recalcitrant' king runs the risk of being dethroned, having his stipends and privileges suspended or withdrawn, or being portrayed as a 'stumbling block' to the provision of development projects in his community. These could easily pit him against his 'subjects' or split the community along diverse lines of allegiance! In Oloibiri, for instance, I learnt at a tense royal palace that the Ogbia local government authorities were 'surreptitiously' working towards 'replacing' the King, and that the 'preferred' candidate was 'not even someone with royal blood'. In other words, the king could, contrary to custom, be replaced by someone outside locally recognised royal lineages. When I sought to know why such pressures were being brought to bear on the chieftancy institution, I was informed that:

the whole thing has to do with the way they want to control this place.
Suddenly someone has recognised that *we* hold the community together; now

they want to usurp that role by dividing [the Council of Chiefs], discrediting the King and eventually dethroning him. They don't want someone who will shout at their atrocities. You never know, there may be a big development project being planned for this place, and they want their man to be King so they can do what they like. Don't forget that they once planned to establish a national oil museum here. Of course, they never did. You never know if there isn't now something similar or even bigger. All I can say is that there is no smoke without a fire, but we're ready to resist them.

In Chapter Eight the reader will find even deeper intricacies of such contestations and how the strategies adopted by both the state and oil companies to influence indigenous authority structures feed into the idioms of local resistance (the core subject of this thesis). In that chapter I discuss in detail the Ebubu experience, where according to a local source, oil companies 'bypass those they believe can enlighten the community, and set up those [indigenous contractors and chiefs] they can rely on to be their eyes and ears in the community'.

To return to the discussion on the social organisation of the study communities, there are other local governance structures in every community, besides Council of Chiefs. One of these is known in all three communities as 'Community Development Committee' (CDC). This Committee is in charge of present-day development issues. It is in charge of, and advises the Council of Chiefs on, important development-related issues, especially aspects that involve liaison with oil companies, government or specific governmental agencies, like the Niger Delta Development Commission (NDDC).

The functions and mode of composition of the CDC were for this researcher another way of gauging the changing socio-political relations in the study area—and how oil impacts on everyday resistance idioms at the Niger Delta grassroots. For instance, unlike the Council of Chiefs, CDC members (Chairman, Deputy Chairman, Secretary, Treasurer, Public Relations Officer and others) are elected by the entire community in a town assembly. Here, the discontents of 'democracy' often become obvious, as such elections are potentially open to manipulation by government, oil interests and other forces within and outside the community—each seeking to ensure that its interests are adequately protected. Secondly, unlike the Council of Chiefs, the Committee has a definite term of office.

Although the organisation of community ‘development’ (such as through communal self-help) has a long history in the Niger Delta—as indeed other parts of Nigeria—CDC has come to represent, since the 1980s, an emphasis on the elements of bargain, negotiation, and grassroots opposition in the local development process. As discussed in detail in Chapter Eight, development in the oil communities means more than physical infrastructure (like roads, sheltered markets and health centres); it also means empowerment, reparation and sustainability—all of which the communities believe can be obtained through effective engagement with relevant state agencies and oil companies. In theory, CDC represents one of the local structures of such engagement; in practice, it is a local ‘intermediary’ whose role performance is commonly disdained by other ‘intermediaries’, such as segments of the local youth associations. For an account of how the disdain for ‘elders’ (and CDC is considered by many local youths as an aggregation of ‘elders’) often translates into outright conflict in the communities, see Section 7.2.2 of Chapter Seven.

There are two other important structures of community governance, namely the Youth Association and Women Council. The former, a relatively loose coalition of men aged between 18 and 40 in each of the study communities, functions essentially as a vehicle for mobilising youth energies. These energies are often channelled towards community projects requiring voluntary (or paid) local manual labour. Much of the anti-oil company and anti-government mobilisation often takes place within the aegis of the Youth Association. Increasingly also, as I found in Oloibiri, youth energies are being channelled towards opposing ‘elders’ perceived as ‘conniving’ with ‘outside forces’ to ‘cheat’ the community. I found that this kind of distrust towards the ‘elders’ was particularly strong in Oloibiri. As one young man explained:

The elders don’t want us to know the secrets... They are the people communicating with the contractors, and government, Shell, and all such.... They prevent us from knowing what is in such contacts for everyone in this town.

In Chapter Eight I discuss in some detail how oil and the distribution of benefits arising from its exploitation impacts on the political roles of the various organs of local governance and how these factors seem to have created what I call in that chapter ‘corruption-suffused grassroots grammar’ in the study communities.

Occupation

In Ebubu, farming is the predominant occupation. Iko is a farming/fishing community, while the occupation of most people in the island town of Oloibiri is fishing. I found that in Iko much of the fishing occurs not necessarily in the shallow and turbid creeks, but in what local residents refer to as ‘fishing ports’. These are seasonal outposts situated at the mouth of the Atlantic Ocean, to which the more experienced fishermen migrate every January; returning to town around June, when high water sets in. This cycle, which forms part of traditional fishing practices, goes back generations. Unlike the men and women who fish in the creeks, those who utilise the ‘fishing ports’ are more market-oriented. In the old days, women were barred from open-sea fishing, although they could accompany their husbands to the ‘fishing ports’. However, these rules are no longer as strict as they used to be. In Iko, one such ‘fishing port’ is a village called Olokpon.

Despite its seasonality, a ‘fishing port’ is culturally robust (attracting fisherfolk from many different communities across the Niger Delta) and fairly well organised, even having a ‘village head’. However, it remains organically linked to a ‘permanent’ town, like Iko, for which it serves as a traditional ‘industrial settlement’ or ‘economic hub’.

It is interesting how apparently confounded the oil companies are regarding the ethnographic identity of a ‘fishing port’. But as shown in Chapter Eight the ‘confusion’ is predicated on a more fundamental issue: the historical challenge in Nigeria of creating a sustainable model of social partnerships between oil companies and their host communities. Because ‘fishing ports’ do not fit into industry concepts of ‘community’, Shell, for instance, does not recognise them as legitimate targets of community development projects, nor are such human habitations accorded any form of protection from the hazards of oil exploitation. The data and discussion in Chapter Eight show how the lived worlds and idioms of discontent in the study communities help us to understand the social character of the Niger Delta struggle.

4.3.2 Research techniques/methods

A. Ethnography

The term ‘ethnography’ is used in this work in the relatively ‘loose’ sense suggested by Hammersley and Atkinson (1995:1), the sense of the researcher:

participating, overtly or covertly, in people’s daily lives for an extended period of time, watching what happens, listening to what is said, asking questions – in fact, collecting whatever data are available to throw light on the issues that are the focus of the research.

The rationale here is that it is the people being studied, rather than the researcher, who should take centre-stage, as they are the best equipped to account for their lived experiences. However, while some ethnographers believe that the ethnographer’s role is that of amplifying ‘the voices of those on the social margins’, not unlike the task of the advocate, others argue that such a role would simply be piety, not science (Hammersley and Atkinson (1995:124). For this latter group, the role of the ethnographer is that of ‘deconstructing’ every insider story, unmasking the hidden suppositions behind every participant account. But as with all social contentions involving polarities, the truth is almost always in the middle. As Hammersley and Atkinson (1995:124) affirm:

[Insider accounts] can be read for what they tell us about the phenomena to which they refer. We see no reason to deny (or for that matter to affirm) the validity of accounts on the grounds that they are subjective, nor do we regard them as simply constitutive of the phenomena they document... [P]articipant knowledge on the part of people in a setting is an important resource for the ethnographer—though its validity should not be accepted at face value, any more than should that of information from other sources.

While rigorous insider accounts are gained through ‘working with people, day in and day out, for long periods of time’ (Fetterman, 1989:46), the impression is not to be given that an ethnographer studying social deprivation and struggles in a rural community has adequately captured the social worlds of the deprived. An ethnographer would be immodest to claim that just because ethnography allows direct ‘participant observation’ of certain social processes in a community, he/she has

gained ‘expertise’ on the feelings and way of life of a community of which he/she is not a member. According to Adesina (1992:31-32), who undertook an eight-month ethnographic research in which he ‘participated’ as a manual worker in the instruments and boilermaker sections of a Nigerian refinery, a clear distinction exists between working and *working on work*. The latter, working on work, is what the ethnographer does. Adesina’s experience was that while a painful blister suffered by an ethnographer in the course of engaging in manual work on the shopfloor might evoke in him a feeling of exhilaration, because he has broken ‘the barrier of experience’, a blister on the palm of a manual labourer ‘was pain not the source of joy’. ‘[T]hey were stuck here and I was not. I was someone on sabbatical, a passerby’ (Adesina 1992:32). There are cultural, class and locational differences between the researcher and the researched, and the discursive and pedagogical implications of such differences should not be ignored.

One distinct advantage I had as an ethnographer in Oloibiri, Ebubu and Iko is that I grew up in the Niger Delta. I was born in a rural community in Akwa Ibom State (where Iko town is) and lived consistently in the state until I was about 18 years of age. I then moved to the city of Port Harcourt in Rivers State (where the town of Ebubu is, and where Oloibiri was until 1996) and lived there for several years. I obtained my primary, secondary and undergraduate education in the region. Even after leaving the Niger Delta in 1991, I maintained effective contact with the area until 2001, returning there for at least one week each year. By 1998 I had already developed a strong interest in oil studies, which further stimulated my interest in the Niger Delta.

Although not having previously been to any of the study communities prior to the fieldwork, being a Niger Delta citizen, who grew up and was educated in the region up to honours degree, means that to a reasonable extent I felt like an *insider* in the study communities, and so could access *meanings* relatively easily within a reasonably short time. The fieldwork as a whole was completed within four months. A complete ‘outsider’ would probably have literally required Hammersley and Atkinson’s (1995:1) recommended ‘extended period of time’ of *participation*, to be able to access comparable social depths.

In the light of the above, I saw my task as that of conducting professional community research in a social setting with which I was broadly (and in some instances intimately) familiar, and I believe that my years of sociological training had prepared me to exercise an appropriate balance of detachment and empathy. From the start, I knew that I would have to become part of the everyday, so as to access the hidden. As I relate presently, I knew that I would have to make friends with community ‘youths’ and ‘elders’ so as to have a more informal and intimate access to their life stories. I would become a ‘familiar stranger’ around elderly women as they did their day-to-day chores at their local palm-oil mills. I needed to become a regular visitor to the kings’ palaces and have ‘privileged access’ to royal archives. One such archival material is the ‘Oloibiri Well No.1’ photograph presented earlier (Plate 4-1). I would spend time with local sellers and also buy local merchandise so as to understand how socio-economic dynamics played out at the local markets.

I needed to occasionally canoe into the creeks with local residents—asking questions, taking mental note of their temperaments, listening to and noting the kinds of ‘language’ with which they spoke to their social conditions and about their physical environment. I would do whatever was necessary to grasp how ordinary people related the realities in their lives and immediate neighbourhoods to broader issues of petroleum exploitation and governance in Nigeria. I would ask questions almost to the point of becoming an ‘irritant’—although I was relieved that no one found me so irritating that I had to be avoided! I remained guided by Fetterman (1989:47-48), who states that unrelenting interviewing and questioning lead an ethnographer into respondents’ deepest spheres of meaning, help him or her to take mental measure of respondents’ accounts of their lived worlds, and help the researcher to make sense of the respondents’ idioms—their ‘commodity of discourse’.

‘Goose that lays the golden egg’—first community visit

I began to gain an insight into the social worlds of the study communities quite early. The first community on my schedule was Oloibiri. This is because, compared to Ebubu and Iko, it was the least accessible from Port Harcourt and I wanted to ensure that any travel and logistical hurdles concerning this study site were cleared early. Oloibiri is one Nigerian town I have always been fascinated by. I first learnt about it in the mid-1970s, when I was still in primary school. In those days school pupils

would parrot the town's name in answer to the recurring assembly-ground question: 'Where was oil first discovered in Nigeria?' Besides its remoteness, the town has a certain mystique: its status as Nigeria's premier oil community is probably known to most primary school children, but it is doubtful how many Nigerians know what Oloibiri looks like. The fieldwork provided me an opportunity of not just visiting but of getting to know this historic town 'from within'.

Before my first visit, my hosts in Port Harcourt had informed me that upon arriving Yenagoa (a city about 80 kilometres west of Port Harcourt) there were two modes of transport to Oloibiri. I could join a minibus from the Yenagoa 'motor park' (the main taxi rank in the Bayelsa State capital city), or travel by 'speedboat' from one of the city's 'waterfronts'. I chose the latter because I wanted to further familiarise myself with the oil region's inland waterway transport system, on which the riverine communities depend for passenger and goods movement to the main commercial centres (such as Yenagoa). I also wanted an opportunity to further savour the Bayelsa State's mangrove ecology.

It took about two and a half hours for the speedboat to 'fly' through the main river channel and wind its way through numerous streams that lead to Oloibiri. But it had taken close to five hours at the Yenagoa waterfront to get the minimum number of passengers to make the trip! Without at least six passengers, the operator, whose speedboat had a 12-passenger capacity, would have cancelled the trip. He advised that if I could not bear the wait, I should charter the boat—at a cost I knew my limited budget could not accommodate. Strikingly, while I was restless throughout the long wait, the two passengers who had arrived at the waterfront before I did, bore it all with equanimity. Their relaxed mien and friendly banter with the speedboat operator and nearby traders would have portrayed to a visitor that they had no idea the day had been far spent. But then I was only a researcher; for them this kind of wait was *part* of life. The long wait and the complex meanders through dark, mangrove-flanked water channels made one strong impression on me: if this was what it took to move goods and people to and from these communities, little wonder the economic life of the communities looked so bleak. I took the photograph in Plate 4-4 from the speedboat as it slowed down in an attempt to negotiate one of the many sharp bends. The unkempt waterfront and the murky water are typical of the waterfronts of the

villages that flank the creeks. At one point or another, children and adults could be seen swimming and casting fishing nets.

One interesting norm that has developed among users of the waterway is that a speedboat slows to a crawl on approaching a canoe—whether the canoe is used for conveying goods or for fishing. No speedboat operator wants to be held responsible for capsizing a canoe and causing loss or damage. According to a local dictum: ‘the person in the rickety canoe could be your relation’.



Wilson Akpan

Plate 4-4: Passing glance—a community on the water route to Oloibiri

By the time I arrived at the Oloibiri waterfront late in the afternoon, I was the only passenger left in the boat: the others had been dropped off at various community jetties on the route. I disembarked at an uncompleted concrete landing jetty. While the jetty was not different from any other uncompleted construction projects in the region, in Oloibiri it was a subject of discontent. A section of the local ‘youths’ believed it had been abandoned because the contractor had decided to ‘settle’ some local interests with part of the contract funds rather than complete the project. A supposed ‘fruit of development’ in an oil-producing community, the jetty was a project of the Niger Delta Development Commission. The role of this agency—and how this role is perceived at the grassroots—is discussed at some length in Chapters Seven and Eight.

A weather-beaten signpost welcomed me into the town. It had the words: *'This is Oloibiri, the Goose that Lays the Golden Egg. You Are Welcome'* (Plate 4-5). As I made to photograph the signpost, a young man dashed to me from a nearby shack and offered to tell me the 'story of the town'. First he 'helped' me to decode the message on the signpost; that is, the *goose* and *the golden egg* part. Within minutes I was taken through the 'history' of oil operations in Nigeria and the place of Oloibiri in that 'history'. With no prompting on my part, he added:

You see, Nigeria would never be where it is today without Oloibiri... but... look at me... look at this town...! This is the first oil community in this country. We [referring to the local Youth Association] put this signpost here knowing that any visitor would like to know what it means, if he hadn't already heard or read about Oloibiri. I'm sure you had expected to see a big town—a rich town...Well, here we are! Our leaders are wicked; they are evil!



Plate 4-5: Welcome to Oloibiri (Inset: town's central area)

He then pointed around to what he said was evidence of the 'wickedness' and 'evil'. Like most other oil-producing communities in Nigeria, Oloibiri is strewn with evidence of social retardation and neglect. At the time of my visit, it had no tarred

roads, hospital, potable water or a modern industry. The surrounding creeks, which were the primary sources of drinking water, looked turbid and dead. The town was a collage of thatch houses, shanties and dirt tracks. The major visible evidence of infrastructural intervention was a) the uncompleted landing jetty mentioned earlier, b) an uncompleted overhead community water tank, and c) a big, yellow signpost announcing the ‘Rehabilitation of Electricity Supply at Oloibiri Community’.

The ‘electricity’ signpost bore the logos of Shell and Nigerian National Petroleum Corporation (NNPC). A local grammar school, founded in September 1973, was characterised by dilapidated classroom blocks and premises overgrown with weeds. The school’s motto, ‘*Sacrifice, Sweat and Blood*’, emblazoned on a rusty signpost planted next to a residential shack, seemed to echo the deeper developmental challenges of the community as a whole. As discussed in Chapter Eight, the various uncompleted ‘projects’ were subjects of tension in the community. Further evidence is presented in that chapter of how uncompleted and abandoned projects have become an index of the manipulative underpinnings of development intervention in the study communities. I was particularly interested in the idioms and dialogues they instigated within and outside the community, especially among ordinary people, and a detailed exploration of these can be found in Chapters Eight and Nine.

I listened on as the young man touched on the core objective of my research—which is to understand the social character of the Niger Delta struggle beyond its characterisation as the ‘pursuit of an ethnic agenda’. From his successful guess that I was a ‘journalist or a researcher or a tourist’, I was convinced that he had deliberately stationed himself near the ‘goose and golden egg’ signpost and had had dealings with this class of visitors in the past. He, and another young man who joined us a moment later, became my first set of friends in the town. They provided valuable assistance throughout the period I spent there.

‘Learning from the people’

A major challenge for anyone doing ethnographic research in communities such as Oloibiri, Ebubu and Iko is finding enough activities to engage one’s time while in the communities. Given the persistent social turbulence in the Niger Delta I had thought I would witness some protest marches. I had prepared myself to take part in them.

One of the steps I took—contrary to the advice of my Port Harcourt hosts, who had suggested I seek outright police protection—was to arm myself with a letter of self-introduction hoping that in the event of an arrest, the police would soon find out I was a researcher (Appendix F). In Section 4.3.2b (Focus Group Discussion) below, I explain why the idea of ‘police protection’ was not eventually adopted. As it turned out, no protests took place during the periods I spent in each of the communities.

I had also been advised that for safety reasons, I should not spend the weekend of the Nigerian gubernatorial and presidential elections in any of the communities but rather should restrict myself to Port Harcourt. The elections took place on Saturday April 19, 2003. I heeded this advice for the obvious reason that following the high profile pre-election political killings in the Niger Delta, tension was already quite high in the province. My hosts informed me that the tension and the ‘massive election rigging’ that ‘would certainly take place’ in the Peoples Democratic Party-controlled Niger Delta states could stoke large-scale community violence at any point during voting or shortly thereafter. This turned out to be true in many communities, and some serious incidences of violence, intimidation and blatant vote rigging especially in the Niger Delta States of Rivers, Bayelsa, Delta and Imo were later documented by the Human Rights Watch in the Reports titled *Nigeria’s 2003 Elections: the Unacknowledged Violence* (see HRW, 2004: Chapter 3) and *The Warri Crisis: Fueling Violence* (HRW, 2003: Chapter IV). In the Niger Delta—probably more than anywhere else in contemporary Nigeria—the stakes are particularly high during electioneering periods. Why this is so is touched on in Chapters Eight and Nine, where I show that the idioms of discontent in the study communities intersects with the governance and social justice contestations in the broader national arena. It is partly in the light of this that this study adopts an analytical criterion that privileges the ‘grammar’ of grassroots discontent as a way of gaining an understanding of the social character of the Niger Delta struggles.

I went back to Ebubu one week after the announcement of the election results. By this time I had become a regular recipient of a particular short message on my cellular phone. The message, which was normally forwarded by a known person, had a loaded meaning. Echoing popular sentiments—and those of European Union and other international observers (HRW, 2003:16)—it described the election results as

fraudulent. However, rather than use the word 'fraudulent', the message was encrypted in double-speak and referred to the elections as *4-19*. The message went thus: 'Did you vote in Obasanjo's 4-19 elections?' The term *4-19* in the message ostensibly referred to the date of the elections (that is, April 19), but for recipients (and obviously for whoever originated the message) it meant something totally different. *4-19* is a Nigerian colloquialism for any activity that is meant to defraud. Specifically it describes a type of advance fee fraud that has come to be internationally associated with Nigeria. The chain message, I was told, was the ordinary person's way of striking a link between Nigeria's governance ethos and an incredible electoral process. It was an insightful remark for a researcher studying how everyday idioms in an oil-producing province revealed the character of local struggles. Considering that it was a chain message, I would not be surprised if it found its way to the cellular phones of high-ranking politicians in the country.

In Ebubu, I often spent time at a local roadside food canteen, which was a rendezvous for people of different ages. I found in this social venue the kind of viable opportunity James Spradley (1980:3) says the ethnographer should seek: that of 'learning from people' rather than 'studying people'. The operator of this canteen, a man in his fifties, relived for me his experience of an infernal oil pipeline explosion that occurred in the community in 1970:

I had never seen something of the kind in my entire life. The explosion was so loud and the resulting inferno so frightening everyone thought the world was coming to an end.

While I had in the past read in the Nigerian media that the site of the Ebubu oil spill had never been cleaned up and that a vast expanse of farmland lay waste, I now could see things for myself. I could also begin to understand why oil production activities had not resumed in this Ogoni community since the anti-Shell protests of the mid-1990s during which Shell was shut out of Ogoniland. I made an arrangement with the leader of the local youth association, who assigned some young men to take me to the site, as well as to the oil installations and local farms. On the day I visited the site, I was accompanied by a human rights lawyer from Port Harcourt, whose firm provided me an office space and some legal reference facilities in Port Harcourt and who had promised to contribute to my work in any other way he could. It was on arriving at

the site that I realised why it had been necessary to have youth escorts: the community had sealed off the wide expanse of land (covering many hectares) with a perimeter fence, and public access was prohibited. At what was supposed to be the entrance to the site was a big, red, padlocked gate, on which was inscribed in yellow paint a grim warning:

No SPDC [Shell] Personnel is allow [*sic*] in here henceforth. External bodies [*sic*] should alert security before coming in and if no response then see community ruler [*sic*] or the land priest for permit. Order from Ejamah Community.

Being fairly familiar with the position of ‘land priest’ in many upland rural Niger Delta communities (the riverine communities have an equivalent position, known as ‘water priest’), I was not surprised to see this designation in the above warning, especially in an Ogoni community. These priests help the community to maintain a balance between the social and the ecological by offering appeasements to the deities, often in sacred groves or shrines set aside by the community for the purpose. Land, forests, streams and rivers are held sacred in the region. Children are socialised into never cutting down trees indiscriminately or setting fire into forests. Also it is a taboo to swear by forests and rivers—let alone swear falsely:

[The] respect and reverence for land also means that forests are not merely a collection of trees and the abode of animals but also, and more intrinsically, a sacred possession. Trees in the forests cannot therefore be cut indiscriminately without regard to their sacrosanct status and their influence on the well being of the entire community. Similarly, rivers and streams apart from their being the source for water for life are also intricately bound up with the life of the community and are not to be desecrated (Mitee, 2002).

While one might ordinarily treat oil pollution as a developmental/environmental problem, and therefore, an issue that should be referred to either the King or the Chairman of the local Community Development Committee, referring the matter to the land priest, the youth escorts informed me, was to signify that in Ebusu oil pollution was a ‘gross’ form of land defilement. ‘Money alone would not clean up this place’, they emphasized. As it stood, not even the physical ‘clean up’ had begun—more than three decades after the spillage!

As the lawyer and I were wondering how to get into the site, the young men informed us the only way was to scale the three-metre-high fence (which made me imagine myself as an expert pole-vaulter). However, they led us to a point on the perimeter where the fence had either partially collapsed on its own or been knocked down, and helped us to scale it. Now we were standing on oil—literally—for although the spill occurred in 1970, the site was still soggy and slippery in 2003. As discussed in Chapter Seven, the Ebubu spill is one of thousands of oil spills that have occurred in the Niger Delta since the 1970s (*ThisDay—The Sunday Newspaper*, 1998:14). In that chapter, I also discuss the institutional issues associated with the absence of effective spill clean-up machinery in Nigeria, and how such issues spawn grassroots discontent and help to throw light on the social character of the Niger Delta struggles.

It was also at the food canteen that I made friends with a local policeman whose little residential apartment (a mud house with corrugated iron roofing) was surrounded by oil flowlines (pipes that transport oil from the wells to a flowstation). In some places the flowlines hung about one meter above the ground. The flowlines constituted such a physical barrier in parts of Ebubu town, especially in the policeman's vicinity, that had he a car, he would never be able to drive into his compound! One flowline literally passed by his bedroom window. The detached latrine shack, vegetable gardens and footpaths were all part and parcel of pipeline routes.

I sought to know why people would defy the obvious dangers and choose to live on the right-of-way of petroleum infrastructure, and whether they had been adequately compensated since such infrastructure seemed to have become a part of their lives. The following was the policeman's response:

Where do you expect us to live? Does this place look to you like a 'new town' [a settlement for people displaced by industrial operations]? Or do you see what looks like a 'new town' around here? Does it look as though we just moved in here? This is an ancestral town! If they had compensated us, why would anyone live here, given the inherent danger. These oil pipelines could burst at any time! These people [referring partly to the Nigerian leadership] don't care about us. They only care about the oil flowing in those pipes. These pipelines were laid in the 1970s or maybe earlier. People had been living here ever before then! If they had been compensated or resettled, maybe no one would still be living here.

I did have an opportunity of finding out from Shell in Port Harcourt why exposed oil flowlines traversed people's homes and whether the people referred to above had been compensated. An authoritative informant at Shell commented thus:

By law, oil flowlines should be buried at intervals... every 200 metres, maybe. This is what the Nigerian law says. We are not applying international law; we stick to what the law in a given country permits. The law does not expressly say they should be buried. Why it does not say so is something I do not understand; I think DPR [Department of Petroleum Resources] will have the explanation. Why do pipelines literally traverse people's homes? Such people might have been compensated to leave the place; or they came there after the laying of the pipelines. A right of way [pathway of oil pipelines] is 15 metres in width.

I had made it one of the objectives of this thesis to examine how the legal/institutional framework for oil operations mediate operational practices in the Nigerian oil industry, and how such practices feed into ordinary people's everyday idioms of discontent. In Chapter Seven, I discuss the social and environmental impacts of oil operations, paying particular attention to the observations made in Ebubu and the other two study communities. I also discuss, especially in Chapters Eight and Nine, how ordinary people's discourses around such impacts cast the Niger Delta as more than simply an ethnic project.

Specific observations made and information picked up during casual conversations with local residents in Ebubu, as well as in Iko and Oloibiri, were further explored during in-depth interviews and at focus group sessions, in addition to being further checked during interview sessions at Shell, at the offices of Nigeria's petroleum industry regulator, the Department of Petroleum Resources (DPR)⁵, and at the Port Harcourt office of a non-governmental body, the Niger Delta Union. As mentioned earlier, I went about my work in the three study sites with the sense of socio-cultural embeddedness and empathy that came with my upbringing in the Niger Delta region,

⁵ DPR (a department of the Ministry of Petroleum Resources) is also the body that authorises the release of any oil-sector data to a third party. Thus any academic research into the activities of any of the oil multinationals operating in Nigeria must first be cleared by DPR. Without a formal letter of authorisation (see Appendix B) no interview would have been possible at Shell, or even at the offices of DPR. Although the success of field research must ultimately rely on the researcher's savvy, especially with regard to extracting information from oil industry and government sources, it is unlikely that I would have been able to gain access to Shell's highly secured industrial facilities, let alone enjoy the sort of cooperation that officers of the company extended to me, without DPR's letter of clearance.

but with the professional detachment and dedication to critical inquiry that my sociological training demanded of me. Mobilising these various advantages, I was able to readily access grassroots narratives and meanings, gain clarity as a ‘participant observer’ and learn from the local people.

B. Individual in-depth interview

There are two somewhat contrasting views on what should be the role of the in-depth interview as a qualitative data-gathering tool. One is that it should be used to elicit from interviewees *what they know* vis-à-vis the focus of a particular study (Gillham, 2000:13). Emphasis here is on the content of the conversation. The second view is that the researcher should be concerned with the process by which the *what* came to acquire that character. In other words, in-depth interview is not about ‘the content of the conversation’ but about deconstructing the interviewee’s ‘frame of meaning’ (Babbie and Mouton, 2001:291). The present research proceeded from the position that the two views speak to two interrelated dimensions of the same interpretive transaction; often the content of the information provided by interviewees—the sentiments and the idioms embodied therein—is as important to the researcher as the hidden suppositions. Whatever the focus of the study, without a full grasp of the two dimensions, it may be impossible to pin down, for example, apparent contradictions in the statements of an interviewee; and yet, finding such contradictions is sometimes crucial to deconstructing meaning (cf: Babbie and Mouton, 2001:291). What is not in contention, though, is that in-depth interview is an indispensable tool for studying any social phenomenon ‘that requires depth and exploration’ (Gillham, 2000:13), and this is the principal justification for its use in this research.

In the chaotic milieu of development and socio-political contestations in Nigeria’s oil-producing communities, one segment of the local population that constantly features in the news is the ‘youth’, as distinct from ‘elders’. In seeking to understand the social character of the resistance in the three communities selected for the study, therefore, the traditional ruler of each of the communities was interviewed in-depth. The interviews took place in their respective palaces. The rulers of the three communities were: His Highness, Chief Anthony Anantia (Iko); Chief Obari Nwite,

Acting⁶ Clan Head (Ebubu); and His Royal Majesty, Olei X, King J.C. Egba (Oloibiri). On each of the interview sessions, the researcher was accompanied by a research assistant, who took notes and also helped to record the proceedings on audiotape. The various interviews sought to unveil the traditional rulers' perspectives on the dynamics of oil operations in their domains and especially their views on the perceptions in the non-oil producing areas of the country vis-à-vis the restiveness in the Niger Delta.

On the 'youth leadership' side, in-depth interviews were conducted with the following leaders: Mr. Punch Richard (Secretary, Iko Youth Association), Engineer James Bebe (President, Ebubu Youth Association and Vice-President, Eleme Youths Association), and Mr. Isaiah O. Isaiah (Oloibiri).

90 additional in-depth interviews were conducted in the three communities. The additional interviewees were purposively chosen, using a combination of snowball, 'convenience sampling' and 'typical case' criteria. For example, in Iko, one of the respondents was an elderly woman, aged about 70, who operates something of a 'water taxi' (actually a dug-out canoe which she paddles herself) that ferries farmers, fishermen and visitors from one part of the peninsula to another. She had on two occasions ferried the researcher and his assistant to the Utapate flow station, located further away in the creek. In Oloibiri, one of the interviewees, a male high school leaver (aged about 24), worked as a casual labourer with a construction company handling a road project in the nearby Ogbia town. He had been one of the first persons I met upon stepping out of the boat that took me to the town for the first time, and, as mentioned earlier (Section 4.3.2a), he gave me my first 'guided' tour of the town. In Ebubu, one of the respondents (a man in his late fifties) was an operator of a local food canteen. I had met him and had a drink in his shop during my first visit to the scorched site of the infamous 1970 Ejamah-Ebubu oil spill, a site that remained uncleaned and unrestored in 2003. He had been in the town when the pipeline fire broke out. Another interviewee in Ebubu was the policeman I referred to earlier

⁶ The substantive position of Clan Head was still vacant in Ebubu at the time of the interview, following the death in August 2002 of the former occupant of that office. He was buried in December 2002. The researcher learnt that in terms of Eleme custom, it takes at least one year before a substantive incumbent is chosen to replace a deceased Clan Head. In the interim period, Chief Nwite had been appointed as regent.

(Section 4.3.2A), whose house is surrounded by oil flowlines. In total, 96 people were interviewed in the three communities.

In-depth interviews were also conducted with ‘key informants’ at SPDC’s Eastern operations offices, specifically in three departments the researcher considered relevant to the goals of the research—Public Affairs, Community Relations and Lands. These departments were selected because I viewed them as crucial to understanding the interface between the company and the community. I was interested in having conversations with the officers in the production department because they are for the most part the engineers, geologists and analysts directly in charge of the wells, rigs and production platforms and flow stations located in the communities. But in the petroleum industry, the production department is not a ‘talking’ department: the men and women here mind their machines and the flow of hydrocarbons, or so I learnt. ‘Talking’ is the job of Public Affairs and Community Relations—although at least two officers in Community Relations did not feel ‘comfortable’ enough to grant interviews. I considered it a great privilege that I was able to also access Lands Department, where I initially did not feel anyone would be willing to answer a researcher’s questions.

While Lands is the department that acquires land for Shell’s operations in the country, functionaries in the community affairs department make input into the company’s community development budgets. They also help to translate these budgets into actual projects, thereby playing a role in the management of community sentiments towards the company, the Nigerian state and neighbouring communities, as well as the management of sentiments between different subgroups within the community. In performing their duties, however, community relations officers must necessarily bring upon the community their employers’ notions and ‘visions’ of what constitutes *appropriate* community development, corporate-community relations, and social responsibility, as well as their notions of the Nigerian state’s role in these processes. The public affairs department is the official ‘mouthpiece’ of the company. It claims to ‘represent the company in the community, and the community in the company’. Curiously, when I asked how the company was represented in the community, one respondent said jokingly, ‘well, that’s what we do, and at least once a month [referring to the pay day] I’m very happy doing that job!’ That was the moment I

knew that a researcher would only be able to satisfactorily deconstruct the phrase by engaging the other departments, like Lands and Community Relations, and making himself or herself familiar with the social conditions and development dynamics in the communities. As discussed in detail in Chapter Eight the irony of ‘representing the company in the community’ became glaring when a respondent in Egbu explained that the oil companies operate:

one principle: divide and rule. [They] bypass those they believe can enlighten the community, and set up those they can rely on to be their eyes and ears in the community. In a sense, some elders in the community, including myself, are considered a *security risk* to [oil interests].

The interviews at Shell were aimed at uncovering, among other things, the hidden dynamics behind the company’s ‘social responsibility’ policies and practices—concerns that are central to the three research objectives outlined in Chapter One. Although the various interviews took place between March 18 and May 16, 2003, I maintained close contact with a number of SPDC departments throughout and beyond the period of the fieldwork. This made it possible for more information to be obtained from the SPDC system than would have been possible at formal interview sessions.

In order to crosscheck some of the information gathered at SPDC and in the communities, and also to gain more understanding of the regulatory environment in the oil sector (in line with the third research objective), in-depth interviews were conducted at the Port Harcourt office of Nigeria’s oil sector regulator, Department of Petroleum Resources. As noted earlier in this chapter, DPR is the statutory agency that supervises and regulates Nigeria’s petroleum industry. DPR interprets its regulatory role as that of ensuring that ‘national goals and aspirations are not thwarted, and that oil companies carry out their operations according to international oil industry standards and practices’⁷. Coming from a vital agency like the DPR, the invocation of ‘international oil industry standards’ is noteworthy. However, as discussed in Chapter Six, it is a ‘standard’ that means different things to different stakeholders in the Nigerian oil industry. Indeed, it is a ‘standard’ with a questionable legal status, one which the oil companies believe cannot be meaningfully applied in the Nigerian context.

⁷ This is one of the bold assertions made about DPR’s mission, on the agency’s website (see the link: <http://www.dprnigeria.com/aboutus.htm> - accessed July 19, 2004).

To further clarify the focus and grammar of discontent in the oil communities, I conducted an interview at the offices of the Union of Niger Delta (UND) located on Aggrey Road, Port Harcourt. UND was chosen because, unlike dozens of other groups in the Niger Delta which tend to serve as voices for specific communities, it has remained since its formation in 2000 a platform for advocating ‘on behalf’ of the Niger Delta as a whole what some analysts refer to as ‘national’ issues (Cesarz *et al*, 2003:2) or a ‘recognizably modern set of demands’ (Watts, 2000:9). I interviewed Mr. Oghale Egho, editor of the UND magazine, *Nigerian Oil Communities Magazine*, and spokesperson for the UND Youth Council. The interview took place at the Aggrey Road, Port Harcourt, offices of UND.

As indicated earlier, in-depth interviews are by definition ‘semi-structured’, as they are designed to allow interviewees to give detailed accounts rather limit them to a closed, predetermined set of ‘answers’ or assumptions. The interview guides used in the various interviews featured mainly open-ended questions, aimed principally at uncovering ‘stories’ and insights (see Appendix D). It should be pointed out, however, that the term ‘semi-structured’, as used here, does not indicate a lack of firm control or direction in the various interview transactions. As Gillham (2000:3) argues, all ‘expert interviews’ are, in a sense, *structured*, since they all have the elements of control and are intended to guide a conversation towards particular outcomes. So-called ‘semi-structured’ interviews are merely more flexible in the way the researcher pursues his or her objective. A professional in-depth interview situation is such that a researcher must be armed with a ‘structuring response’ to every response an interviewee provides, in order to give direction to the interview. This is what Gillham calls ‘questioning things into shape’.

C. Focus group discussion (FGD)

FGDs were also used in the data collection, to access in greater depth community discourses on oil operations in the study area. Scholars are agreed that focus groups differ significantly from individual in-depth interviews; but then the term is not quite synonymous with group interviews. Focus groups rely on ‘interaction within the group, based on topics that are supplied by the researcher who typically takes the role of a moderator’ (Morgan, 1997:2). Morgan further points out that the researcher

utilises the group dynamics generated in an FGD situation to elicit insights that would otherwise remain beyond his or her reach. What a researcher seeks in a group interview are answers, whereas in focus groups the facilitator seeks both answers and group interaction (Bloor *et al*, 2001:43). Although it is today best associated with marketing research, FGDs have been in use in social science research since the early 1900s. It only began to recede in significance and impact in later decades when, according to Morgan (1997:4), its original proponents ‘turned to other pursuits’, and those who could have promoted it ‘concentrated on other methods’.

As with most other methods of qualitative (and indeed also quantitative) inquiry, its use is expected to adhere to a number of prescriptions, some of which touch on:

- a) Size of the group—the number of participants appropriate for a group. Nine to twelve participants are considered optimum (Stewart and Shamdasani, 1990:57);
- b) Homogeneity of the group—the need to achieve homogeneity without constituting a ‘group of friends or acquaintances’ (who might share similar views on many issues) and thus depriving the research of diversity of opinion;
- c) Sampling of participants. In order to avoid, in particular, the problem envisaged in (b) above, a purposive sampling technique is often recommended. This makes it possible for the researcher to enlist individuals in such a way as to best match the sampled FGD participants to the objectives of the research (Stewart and Shamdasani, 1990:53);
- d) Moderator’s savvy—the need for professional handling of a group, such that discussions are not dominated by a single individual (or a few outspoken ones) and do not degenerate into a bedlam of arguments. But even if unruly argumentation should on occasion occur, Bloor *et al* (2001:48) caution that the researcher should not in exasperation turn off the tape and imperiously hush everyone up, because even unruly moments could later be found to contain ‘much valuable, usable material’. As with individual interview, a moderator’s role in an FGD is to *facilitate* the group and not control it (Bloor *et al*, 2001:48), or better still, to control proceedings without *inhibiting* them (Gillham, 2000);

- e) Number of groups—the need to have as many focus groups as will yield the desired expanse of insights. Depending on the structure of the interview questions, three to five groups are sometimes considered appropriate (Babbie and Mouton, 2001:292).

But as with all matters pertaining to social research, there is no better place to test the workability of a prescription than in the field. For example, as noted above, in order to avoid ‘consensus’ or ‘homogenous’ responses, researchers are typically advised not to select as FGD participants people who are acquainted with one another (Stewart and Shamdasani, 1990:56; Morgan, 1997:37). However, in small, close-knit communities, such as Iko, Ebulu and Oloibiri, assembling a group of twelve, ten, or even six ‘strangers’ to discuss oil-related issues, so as to guarantee ‘variance of opinion’, is clearly difficult to achieve. In the first place, these are communities where everyone knows everyone else. Second, the daily experiences of ordinary people in these communities seem to have produced what I might call a consensus of anger about many aspects of oil operations, and about local social conditions—even among subgroups that might disagree on methods for seeking reforms. This is a problem I had foreseen even before going to the field. The problem was addressed by delaying this stage of data collection until closer interactions within the community and sessions of in-depth interviews could reveal some pattern to local opinions. Thus, FGD did not take place in any of the communities until the third month of the fieldwork.

One of the ‘patterns of local opinions’ uncovered, in Oloibiri for instance, was that there was a measure of tension between the ‘youths’ and what this category of residents referred to as ‘elders’, by which they meant in particular the chiefs and members of the CDC (see Section 4.3.1B). A ringing issue among some of the ‘youths’ interviewed was that there was no ‘openness’ in the way the ‘elders’ related with the government and the oil companies. In their view, the fruits of development continued to remain invisible in the community because their local leadership was not transparent in its dealings with the state and the oil companies. On the other hand, I learnt from some of the ‘elders’ that the young men ‘parading themselves’ as ‘youth leaders’ were a ‘disobedient lot’ and that they were not the true representatives of the

youths of the community. Although this tension was not the principal focus of my inquiry, it did inform my decision to conduct in each of the three communities one FGD with participants aged between 18 and 35 (I refer to this in this work as ‘youth FGD’). The second FGD session conducted in each of the communities did not have this sort of age restriction: I allowed a mix of both ‘youths’ and elderly participants.

The selection of participants for each of the FGD sessions was broadly in line with Stewart and Shamdasani’s (1990:53) suggestion of ‘convenience sampling’. While for these authors the choice of this technique is commonly underpinned by the constraints of time and cost, in the case of the present research, there was a third reason: expediency. Besides, having delimited (in the case of the ‘youth FGDs’, for example) the age cohort to be included, I had taken due recognition of the respondent characteristics most appropriate for each session. Random sampling was, thus, not deemed necessary, and care was taken to eliminate what Babbie and Mouton (2001:292) called ‘friendship pairs’, or what Morgan (1997:36) described as ‘homogeneity in attitudes’, which sometimes results from inadequate screening of respondents thrown up by ‘snowball’ (or ‘referral’) sampling techniques.

Careful use was, therefore, made of snowball sampling, typical case and other purposive sampling techniques to select interview prospects. Nine interviewees participated in the ‘youth FGD’ in Oloibiri and Ebubu, and eight showed up for the one in Iko. What is meant here is that based on the contacts I had been able to build during the two months prior to conducting the FGDs, there were individuals who agreed to suggest those they thought would be appropriate for inclusion in the interview groups. In other instances, I asked those who had taken part in the individual interview sessions to recommend contacts. In at least three instances, I approached prospective participants directly and presented my request. Generally, I made sure to screen each prospective participant for ‘suitability’. For the second FGD sessions held in each of the three communities, the number of interviewees selected (using the same sampling techniques as indicated above) were as follows: Oloibiri (seven participants), Ebubu (eight participants) and Iko (eight participants). One interesting observation I made in all the communities in the course of this research was the general eagerness of people to volunteer information, especially on knowing that I was a researcher visiting from a ‘foreign’ institution. I suspected, though, that

they mistook my role for that of an advocate. Comments like the following (from some FGD participants in Egbu) greeted me wherever I went:

- ‘We want more people like you to visit our community so that you can help let the world know about our suffering’;
- ‘Please do not follow the example of some others who came here, collected information, took pictures, went away and never returned to see if things have improved or worsened’;
- ‘We’re willing to work with any group within and outside the country provided that helps to draw attention to the plight of ordinary people in Nigeria’;
- ‘Please do not forget to link us up with groups that might help to put pressure on our leaders to change their ways’.

Contrary to popular prescriptions about ‘incentives’ for interviewees (see Stewart and Shamdasani, 1990:55, Hansen *et al.*, 1998:271, Morgan 1996:39, Bloor *et al.*, 2001:34), and despite the obvious social deprivations in the various study sites, in none of the communities was I made to feel that I had to offer interviewees (whether as a group or as individuals) monetary or any other form of material ‘incentives’ for people to turn up at the interviews. Even so, there was little indication that the absence of material ‘incentives’ adversely affected participation, let alone the interview proceedings. It seemed that a researcher’s presence in a community was for many local residents ‘sufficient’ (psychological) incentive for them to be forthcoming with information.

I made mention earlier of the advice offered by my Port Harcourt-based contacts that I needed ‘police protection’, since my research was to take me to ‘very volatile’ communities—especially those in the deep swamps. As I also indicated, this advice was thought even more crucial since I was in Nigeria during the period of intense (and in some communities bloody) national election campaigns. I felt compelled to seek the suggested police protection by contacting the Police Command in Port Harcourt.

However, after a few days in my first study community, I decided to put the arrangement on hold—as I did not sense any serious threat to my personal safety in the field. Rather than formally apply for police protection, I decided to have on me at all times while in the field a self-introductory note, just in case I was apprehended by protesting youths—or by the police during a community raid (Appendix F). I felt convinced that the note would serve to inform the police that my presence in the communities was not part of any activity considered illegal. I learnt from the overwhelming cooperation I received in the various communities that sometimes what matters most to deprived people is to be heard out.

On the one occasion when I did require special police assistance, it turned out to be ‘protection’ of a different kind. In order to prepare for an interview that had been scheduled to take place in Port Harcourt, I left Oloibiri at about five o’clock one evening, hoping to make it to Port Harcourt around nine o’clock at night. Unfortunately, the taxi I boarded at Oloibiri broke down so many times on the way that it was about half past nine before I got to Yenegoa (the Bayelsa State capital), from where I was to board a bus and travel the remaining 80 kilometres eastward to Port Harcourt. (After the speedboat experience I narrated earlier, I had decided to utilise land transport for all my subsequent trips to and from Oloibiri.) But the last Port Harcourt-bound bus had already left! Somewhat stranded, as I had not made financial plans to spend the night anywhere outside my transit accommodation in Port Harcourt, I inquired the route to the Bayelsa State police headquarters in Yenegoa. Eventually, I was graciously accommodated for the night in a guesthouse in Yenegoa under the auspices of the Divisional Police Officer.

Besides prescriptions pertaining to the recruitment of interviewees, textbooks on qualitative research methods are also replete with suggestions about venue of group interviews. Among these is the need to choose venues that are relatively close to the the participants’ places of residence. As Stewart and Shamdasani (1990:56) write, ‘the closer the location to participants’ homes or work, the more likely they are to participate’. A more salient prescription concerning interview setting, though, touches on the psychological effects that venues could have on participants’ ability to freely express themselves. One rule of thumb, therefore, is to avoid a judgmental setting. For example, it would have been insensitive of me to conduct any of the

FGDs within the immediate vicinity of a King's palace, or indeed in the residential premises of a youth leader. In line with these considerations the various sessions took place in primary school premises—except for Oloibiri, where the local grammar school served as the venue. These venues are centrally located within the various communities and so no transport arrangement was required.

I had a research assistant, a self-employed university graduate who accompanied me throughout the group and individual interview sessions. A Niger Delta citizen, his place of residence is Port Harcourt. On an arrangement that he found to be beneficial to him, he accepted to play an important role in the field research process. A trained petroleum geologist, he helped to clarify for me certain technical aspects of oil production. One example of this is what is known as 'multi-lateral wells technology', which Shell has already begun to apply in its operations in Nigeria (see SPDC, 2001b:5). According to Allomax Engineering (2001:1), a petroleum engineering company based in Scotland, United Kingdom, a multi-lateral well is a 'well having more than one horizontal, or near horizontal lateral well, drilled from a single side (mother bore) and connected back to a single core'. Simply put, this is a technology that allows oil producers to drill many horizontal wells from a single point rather than drill a different vertical well wherever there is a premonition of an oil deposit. The first extensive onshore application of this technology was 'in the Austin Chalk formations in the U.S.', and offshore applications are also becoming prominent (Allomax Engineering, 2001:1).

While petroleum engineers and oil production companies believe multi-lateral wells technology helps to minimise environmental impact, because, as noted earlier, all that is required is to drill many horizontal wells from a single point, I sought my research assistant's opinion on the social significance of this technology in the Niger Delta context. He explained that a single most important problem the technology could help an oil company to 'solve' in a volatile environment like Nigeria is that the company's physical presence in communities is reduced. This is because, depending on the robustness of the technology, oil could be remotely drilled from several communities simultaneously without the local residents' knowledge. This, he believed, had vital cost-saving implications for both the Nigerian government and the oil company, as they would now have fewer communities to physically contend with

in terms of development entitlement. He suggested, however, that given the existing context of oil exploitation in Nigeria, the new technology could ignite new controversies, as communities could begin to interpret the deployment of this technology as a 'new' way of 'stealing' *their* resources. This assistant handled the bulk of the note taking and tape-recording during interview sessions, and also helped amplify specific issues I raised with the interviewees, which, I believe, further enhanced the quality of the primary data.

For the various FGDs, I used an FGD Guide (Appendix C) that essentially sought to probe the participants' everyday understanding of the 'Niger Delta struggle', their sense of the 'justness' or otherwise of the 'struggle', and their understanding of the balance of responsibilities between government and the oil companies in the development of their communities. I was also interested in their perspectives on the 'product' of development intervention in their communities, their apprehension of how the 'struggle' resonates with Nigerians in the non-oil producing regions, and their everyday understanding of the significance of the struggle for Nigeria as a whole. As my intention was not to take the interviewees through a structured questionnaire (cf: Stewart and Shamdasani, 1990:63), the various questions were framed to participants in such a way that respondents could share stories and feelings. Even more importantly, the discussions were moderated to produce a situation where these stories and feelings could be meaningfully captured along the themes mentioned above. The implication here is that although the questions were not 'structured' in the conventional sense of this term, the entire interview process was (cf: Gillham, 2003:3).

Against the background of scholarly narratives on the Niger Delta struggles (see Chapters Two and Three), especially the notion that the resistance disguises an exclusionist ethnic agenda, or that ethnicity is the reference point of the entire struggle, I was particularly interested in the sorts of idiom that came across in the respondents' narratives, and how ordinary people saw the implications of their 'struggle' for the Nigerian project.

D. Visual sociology

The decision to employ visual sociology in this research was certainly not predicated on the old dictum that ‘photographs never lie’—since digital technology has clearly changed the status of this dictum. A huge collection of photo management software (*Adobe Photoshop*, *Picasa* and *Gimp*, for example) makes it possible for users to ‘enhance’ and ‘retouch’ photographs to such an extent that the end product is nothing short of a lie. In an article entitled ‘Photographs that Lie: The Ethical Dilemma of Digital Retouching’, Lassica (1989) has even called attention to the ‘ethical nightmare’ that digital manipulation of photographs poses to contemporary media consumption. According to the author, when readers peruse a newspaper page and discover that an authentic-looking photograph is actually a digital fabrication, they end up distrusting the integrity of all pictures appearing on the page.

For the purposes of this project, the term ‘visual sociology’ refers to the ‘use of the camera as an observational and documentary tool’ (Greenblat, 1998). In its much broader sense, though, the term usually entails:

The study, production, and use of visual images, data, and materials in teaching, research, and applied activities [as well as the] development and use of still photographs, film, video, and electronically transmitted images in sociology and other social sciences and related disciplines and applications. (IVSA, 2004)

In discussing the problems of juxtaposing sociology and photography, Clarice Stasz (1979:128) has spoken of ‘that as yet unwritten book every social science student would be required to read before graduating, *How to Lie with Photographs*’—essentially highlighting the fact that early attempts at this methodological ‘marriage’ produced mixed, if not questionable, outcomes. As Stasz found out, most of the 240 photographs published in 31 articles in the *American Journal of Sociology* between 1896 and 1916—all attempting to textually as well as visually document poverty and segregation in the United States—were ‘inconsistent’, ‘manipulated’, used ‘out of context’, featured human subjects who merely ‘posed’ for the shots, or were simply of poor technical quality (see Capovilla, 2003).

When postmodernists contend, however, that pictures are *made*, and not *taken* (Chaplin, 1994:199), they speak of an issue that goes beyond digital manipulation, or getting some deprived person to frown for the camera. Their argument is about the ‘social construction’ of the visual image—that is, the purpose behind the choice of subject, angle of shot, lighting, caption, as well as the *meaning* superimposed on the image by the audience. Indeed, ‘visual sociology’ is sometimes criticised on the grounds that those who use it as a method of social documentation often discountenance the full ‘source’ of the sociology in the visual images, thus giving the erroneous impression that visual images are meaningful *in themselves*.

The use of visual sociology in this work is certainly not intended to reinforce misleading impressions. Rather it is an acknowledgment of the fact that photographs *can* provide ‘detailed information’ and *can* ‘enhance the scientific status’ of a research report (Chaplin, 1994:1999). As Stasz (1979:127) argues, photographs provide a stronger sense of presence, ‘a sense of the work environment in a glance that written descriptions and tables fail to convey’—provided, of course, they have not been deliberately manipulated to achieve that outcome. I did not set out to capture human subjects as such, but to visualise the built and natural environment in which people live, and thus to further contextualise the verbal and textual data collected using other methods. For readers who have never visited any oil community in Nigeria, the photographs in this project—most taken by the researcher—should be of even more practical value. Credits for photographs obtained from other sources have been given where they are used.

Photographs appear in this volume where the context best permits—that is, where they are best able to enhance the textual information. Besides reduction and enlargement, which helped to adequately fit photographs into their formatted slots in this work, no attempt was made to digitally or otherwise manipulate any of the visual images.

4.4 Conclusion

The main aim of this chapter has been to provide a detailed account of how the empirical data for this research were obtained; that is, the specific ways in which ethnography, FGD, individual in-depth interview and visual sociology were employed in the research. Preceding the discussion on these approaches was an exploration of scholarly thinking on two competing research paradigms—quantitative and qualitative—an exploration that also tried to clarify the rationale behind the adoption of a multi-method, multi-site model of data collection. What comes next is a closer look at Niger Delta society and environment—the broader geopolitical setting where the study communities are located.

PART II

PETROLEUM, PEOPLE AND THE ENVIRONMENT

CHAPTER 5

The Niger Delta: An Anatomy

5.1 Introduction

On March 11, 1999, a Nigerian daily, *The Punch*, ran a front-page story under the title ‘Ogoni Plight Shocks Jesse Jackson’. In the story, Reverend Jesse Jackson, who was on a visit to the Niger Delta, was reported as shuddering at the social conditions under which people lived. ‘The tragedy’, he was quoted as saying, ‘is to see... such rich soil inhabited by such poor people.’ In the last fifteen years, the Niger Delta has become prone to being described using such phrases. Indeed, its image as a ‘marginalised’, ‘deprived’, ‘strife-torn’, and ‘ethnically volatile’ oil and gas province of Nigeria is now hugely popular with the media—an image that is increasingly capturing the popular imagination internationally. Assuming this image at all reflects the reality—and much of it does not—what often does not come across with as much clarity is the everyday resistance discourse of ordinary people in this province, and what such a discourse says about a local struggle often portrayed as ethnic.

The purpose of the present chapter is to familiarise the reader with the section of Nigeria that is commonly referred to as the Niger Delta. The aim is to provide a ‘bigger picture’ of the geopolitical setting of the three communities in which the fieldwork phase of this project took place, and thus to further provide context to the study’s findings. An aspect of this ‘bigger picture’—the environment of the Niger Delta—is the core of the next section, while section three explores certain social features of the region.

5.2 Ecological setting

An expansive bulge of sedimentary material, occupying an estimated 70,000 square kilometres¹ of Nigeria’s southernmost tip (Figure 5-1), the Niger River Delta is Africa’s largest wetland—and the third largest in the world, after The Netherlands and Mississippi.

¹ 70,000 square kilometres—a figure rather popular with oil-conscious analysts—is an essentially ‘ecologic’ estimation. When viewed *politically*, the Niger Delta occupies a total land area of 112,110 square kilometres (see NDDC, 2004:2). For a discussion on ‘geographic’ and ‘political’ Niger Delta see the next section of this Chapter.

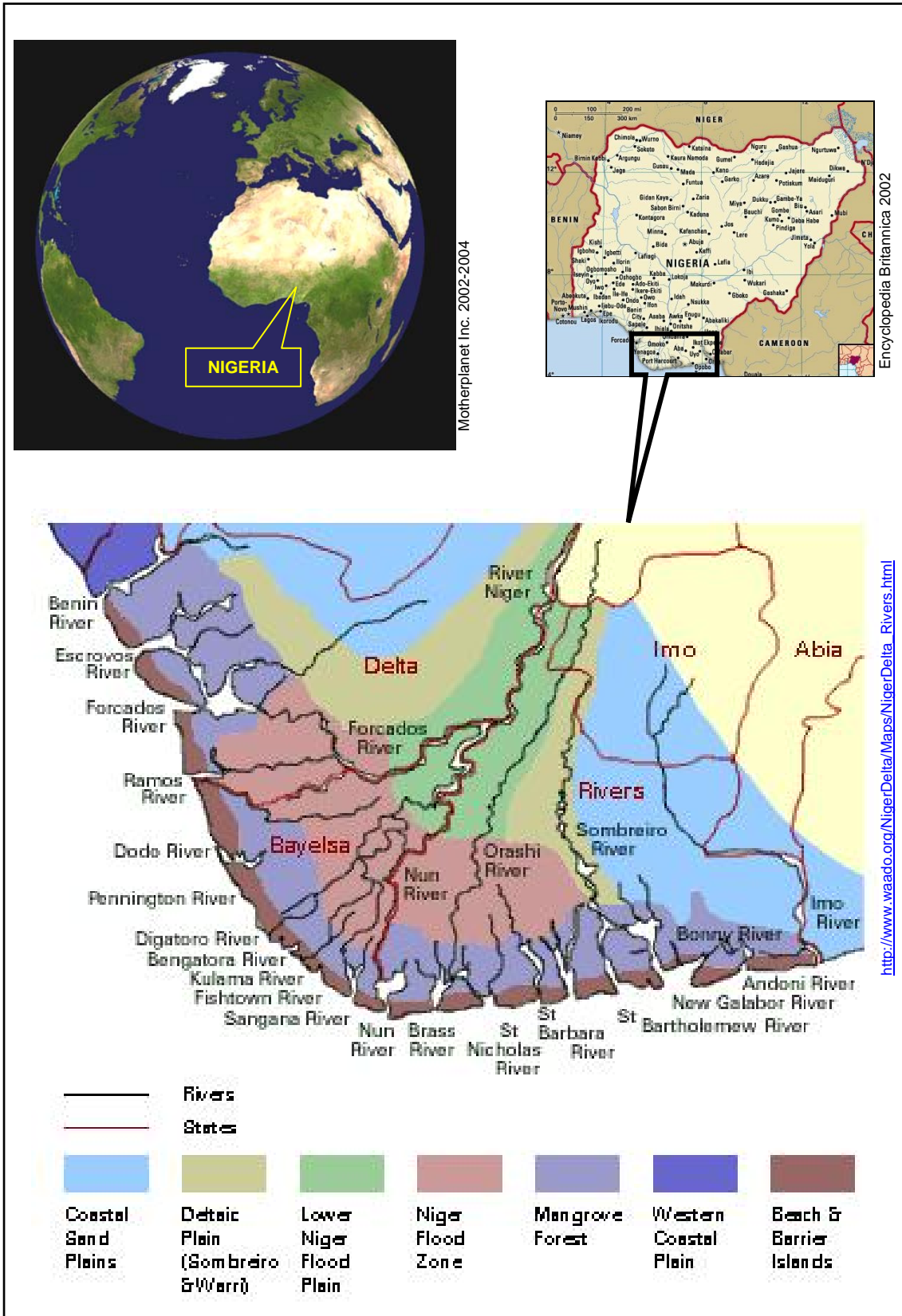


Figure 5-1: Some ecological features of the Niger Delta

It is through the intricate network of creeks in this region that the water systems of Nigeria's two most important rivers, the Niger and Benue (the iconic Y-shaped 'blue thread' on the Nigerian map), flow into the Atlantic Ocean (Udo, 1970:55; Nelson, 1982:77; HRW, 1999:53-54).

It is sometimes surprising that nothing in the way of an authoritative periodic report on the state of the Niger Delta environment exists, considering that the region is responsible for Nigeria's ranking as the world's sixth largest oil producing nation and considering, more importantly, the protracted conflict directly associated with oil and gas exploitation—an industrial activity with obvious hazardous consequences for both human life and the natural environment (HRW, 1999:53). According to the World Wildlife Fund (WWF, 2001), the first systematic survey of the region's biodiversity took place only during the early 1990s. Compounding the absence of sound data is that environmental research in the region appears caught in a web of intellectual squabbles and distrust, such that genuine and contrived data are perpetually competing for audience. For example, entrenched in multinational oil company circles is a view that environmental research undertaken by Nigerian scholars is of an inferior quality, due to the 'generally low scientific level and little technical/industrial expertise' of Nigerian universities and private consultancies handling such a research (see HRW, 1999:58). It is a view that has been magisterially advanced by a Dutch biologist, who once held an important position at Shell Petroleum in Nigeria. As a counter-position, Nigerian environmental officials maintain that despite claims to thoroughness by foreign, oil company-funded research institutes and consultants, their environmental assessments are often too 'lengthy' and too 'poorly constructed' as to be useful for planning or remediation purposes. 'It is difficult', says one such assessment of foreign environmental reports, 'to envisage how they could either assist the Nigerian planning authorities in determining authorisation' for specific development projects or help the oil companies themselves to effectively manage the environmental consequences of their operations in Nigeria (HRW, 1999:58).

To get to reliable environmental information, therefore, a researcher must sometimes navigate the intrinsic and overt rivalries among 'corporate science', 'counter-corporate science' and 'normal' science. I shall have more to say on some of the contestations among these different 'sciences' in the next chapter, for in them one gets

a further glimpse of the institutional context in which oil exploitation takes place in Nigeria, and gains further insight into the resistance idioms of ordinary people in the oil and gas producing communities. Without delving into any geographical technicalities, the rest of this section sketches out important ecological features of the Niger Delta, drawing extensively on two authoritative works by renowned Nigerian scholars. They are Reuben Udo's *Geographical Regions of Nigeria* (1970) and Ebiegberi Alagoa's edited volume, *The Land and People of Bayelsa State: Central Niger Delta* (1999).

Environmentalists have delineated a number of habitats, or ecological zones, in the Niger Delta. Among these are coastal barrier islands, located very close to the Atlantic Ocean. These have been built up over time as a result of ever-increasing 'tidal activities in the exits of the numerous Niger distributaries'—themselves a function of the low gradient of the Niger River bed (WWF, 2001). Lying behind the coastal barrier islands is another zone, a huge sanctuary of evergreen tropical trees known as mangroves. Nigeria's mangrove swamps are Africa's largest and rank third in the world in size. The Delta accounts for an estimated 60 per cent, or about 7,000 to 9,000 square kilometres, of this reserve (Udo, 1970:56; HRW, 1999:53). The largest concentrations of these swamps are to be found between Sapele and Warri (Delta State), and between Port Harcourt and Abonnema (Rivers State) (Figure 5-2). Though largely muddy, the Delta's mangrove swamps have patches of hard grounds, some of which are densely settled. Examples of these are the island towns of Buguma, Degema and Tombia in Rivers State (Udo, 1970:56).

Further inland and also covering a fairly extensive area are two habitats, namely freshwater swamps and lowland rainforests. The freshwater habitat is of particular importance to the economic sustenance of the local population, owing to its rich biodiversity. The permanent natural ridges bordering the water channels in this zone are densely settled while local residents use the more flood-prone areas for the seasonal cultivation of cassava, vegetables, cocoyam and other crops.

Seen through an aeroplane window, clusters of huts, oil drilling rigs, relics of colonial trading ports, seismic lines and gas flares interrupt an otherwise somnolent stretch of

swamps, streams and trees (Udo, 1970:55-56). It is an image whose calm allure belies the festering social turbulence in the Delta.



Figure 5-2: Nigeria—showing 36 States and Federal Capital Territory

As indicated at the beginning of this section, one term that aptly encapsulates many of the attributes of the riverine and coastal areas of the Niger Delta—or about a third of the province—is ‘wetlands’. The term applies not to what is known as ‘political Niger Delta’ (see next section), but mainly to parts of the ‘triangle’ of which the town of Aboh (in Delta State) lies to the north, Benin River to the west, Imo River to the east, and the Atlantic Ocean to the south (WWF, 2001). What creates this ‘triangle’ is the River Niger, which, it should be mentioned, flows into Nigeria having traversed

such countries as Guinea, Mali, Niger, Burkina Faso and Benin (Okonny *et al*, 1999:9). A major tributary, River Benue, meets the River Niger at the town of Lokoja (Benue State) (Figure 5-2). Flowing southwards, River Niger bifurcates (at the oil-producing town of Semabiri) into the Forcados and Nun Rivers. These two rivers then flow into the Atlantic Ocean through a network of about 20 other rivers, in the shape of a bird's foot (Okonny *et al*, 1999:12).

From the point of view of what is known about wetlands globally, the Niger Delta is a study both in resource endowment and ecological fragility—characteristics that underscore the biological and social significance of these habitats (see Mitsch and Gooselink, 2000). Ecologists refer to wetlands as ‘biological supermarkets’, ‘nurseries of life’, and ‘kidneys of the landscape’. As ‘biological supermarkets’ or ‘nurseries of life’, wetlands:

provide great volumes of food that attract many animal species. These animals use wetlands for part of or all of their life-cycle. Dead plant leaves and stems break down in the water to form small particles of organic material called ‘detritus.’ This enriched material feeds many small aquatic insects, shellfish, and small fish that are food for larger predatory fish, reptiles, amphibians, birds, and mammals.²

The Niger Delta, for example, sustains the food chain of the entire Gulf of Guinea—and hence, the fishing, hunting and other activities carried out in the region. It is also rich in fossil fuel deposits.

As ‘kidneys of the landscape’, wetlands perform an important biogeochemical function. Much like human kidneys (which identify, isolate and expel harmful wastes from the body system), deltas prevent the ecosystem from being overcome by impurities. They absorb all kinds of wastes, restore polluted water, check floods and generally ensure that the hydrological and chemical cycles of the ecosystem are not distorted. They also serve as habitat for the breeding, feeding, nesting and journeying activities of a wide variety of wildlife, including migratory animals (see Hunt, 1998).

² This information is available on the United States Environmental Protection Agency (EPA) website (<http://www.epa.gov/owow/wetlands/vital/nature.html>) as accessed on 29 July, 2004.

From the point of view of ecological sensitivity, one World Bank report (1995:15) highlights sea level rise as a crucial feature of the Niger Delta. According to the report, the Niger Delta is:

particularly sensitive to sea level rise because of its low elevation over extensive areas. The risks of sea level rise are also high because erosion and flooding are already spatially widespread and severe in selected areas. A projected sea level rise of around 1 m per 100 years... would have grave consequences for large parts of the delta. Under this scenario, the sea would transgress the barrier islands and subsequent erosion would destroy much of the mangrove vegetation. Over 18,000 km², or 2% of Nigeria's land area, including most of the Niger Delta is at risk... Land loss would primarily be due to the inundation of large areas of wetlands, particularly in the delta area. Economic activities, such as oil exploration and production, agriculture and fisheries would be disrupted. It could force up to 80% of the delta's population to migrate to higher ground.

Provided the above bleak future scenario does not represent what Kevin Mcfarlane (1994) calls the 'inventing' of 'an apocalypse' (see also Bolch and Lyons, 1993), it could serve to highlight an issue that must constantly engage the attention of all involved in the management and utilisation of the ecological assets of the Delta.

Seasonal flooding, of which residents of and visitors to the province are all too familiar, illustrates another dimension of the ecological sensitivity of the Delta. So extensive is the flooding in parts of the Niger Delta that in the peak dry-season month of January, the landscape wears a look that is very different from the picture one gets in August/ September (the peak of high water). Two factors explain the phenomenon of seasonal floods in the Niger Delta—or indeed, are responsible for the two types of annual flood in the area. One is local rainfall, which can reach up to 229 centimetres within just a few months of the rainy season. Given the sandy, porous nature of the soil, and the general low relief of the region, rainwater easily causes a swell in groundwater levels, and local rivers and creeks easily burst their banks (Udo, 1970:57). Heavy downpours are an annual nightmare in the area; they threaten livelihoods, as floodwater and silt inundate farms, settlements and roads.

A second factor in the seasonal floods is not associated with local rainfall as such, but with:

last year's rain coming down the River Niger from the hinterland of Sierra Leone and Guinea. At the Lokoja confluence, it is joined by the Benue Flood, caused by the current year's rainfall in that river-basin; and together the flood sweeps down the Lower Niger valley, submerging all sandbanks and washing downstream vast quantities of sand which form new sandbanks when the flood subsidizes. The low-lying lands beginning from the region of Aboh southwards are always exposed to the full force of this flood as it surges down the Niger distributaries, bursting their banks and flooding the lowlands (Udo, 1970:57).

The fragility of the Delta goes beyond naturally occurring phenomena like floods. A sensitivity index produced for Nigeria indicates that specific mangrove habitats in the Delta are particularly sensitive to oil contamination, such that in the event of oil spills in such areas, clean-up becomes 'extremely difficult' (World Bank, 1995:50). Other issues pertaining to the ecological sensitivity of the region have been documented and they include the following:

- Due to the moist, saline environment of the Delta, and occasional tides, industrial installations face an ever-present risk of corrosion and breakdowns. As the integrity of oil pipelines is particularly affected, a maintenance culture that takes special cognisance of this characteristic of the Delta becomes imperative.
- Some plants and animals in the Delta are of high conservation value and could be permanently lost to unregulated industrial and human activities. For example, two endemic animal subspecies, the Niger Delta red colobus (*Procolobus badius epieni*), and the Niger Delta pigmy hippopotamus (*Hexaprotodon liberiensis heslopi*) have only recently been 'discovered' by scientists. However, both are considered endangered—as are several other animal subspecies. Likewise, an important economic coastal tree, Abura (*Hallea ledermannii*), once Nigeria's second most important source of timber, has been logged into virtual extinction in the Delta due to lax conservation regulations (WWF, 2001).

As a way of further highlighting the region's fragility, scientists have also likened the Niger Delta to a desert:

The only difference [between the Niger delta and a desert] is that while one is vegetation rich the other is vegetation poor. Again while one has no water the other is full of water; most of it not potable except below ground surface. The humid tropical weather ensures heavy rainfall in this part of the country, due to diurnal fluctuation of the tides. Most deltaic clouds are almost always saturated with moisture... The result is often convectional rains that cause flash flooding. Such episodic natural events in the delta account for the difficulty in living in this very aquatic terrain, just as it is difficult in living in a desert situation (Okonny, 1999:9).

Partly on account of the characteristics mentioned above—although also possibly a function of the political and corporate manipulation of oil-related ‘scientific facts’ about the oil province—some have argued that a single most important issue in the Delta’s physical (and social) development is its ‘difficult terrain’ (see Udo, 1970:55). ‘Difficult terrain’ here refers to the region’s baggage of swampy, marshy land surface (symptoms of poor drainage) and heavy rainfall—all of which allegedly prevent the construction of good roads, bridges and other social infrastructure. This sometimes gives the impression, especially to lay people, that deltas are useless land (Hunt, 1998). Indeed, one Scottish explorer and merchant, Macgregor Laird (1808-1861), ignorant about the agricultural potential of the Niger Delta, remarked during an expedition to the region in 1832 that the Delta had a soil too poor ‘to produce a ton of [palm] oil’ (cited in Dike, 1956:19). As shown later in this chapter, the region was to ultimately become such a famous source of palm oil in West Africa that the British colonial authorities formally named it ‘Oil Rivers Protectorate’!

Strikingly, the view of the Niger Delta as useless land seems to have influenced much ‘modern-day’ scientific treatment of the region. For example, in the 1970s, the decade of Nigeria’s first oil price boom, the following assessment was generally held as incontrovertible:

The Niger Delta is a region of difficulty. Its prosperity in pre-colonial days was based not on local resources but on the middleman role of its port towns in the trade in slaves and palm oil between the European traders of the coast and the people of the rainforest belt.... *As a result of its physical handicap, the delta is a region which is unlikely ever to be highly developed* (Udo, 1970:55—emphasis added).

Two decades later, when the Niger Delta crisis began to attract strong global indignation, Nigeria's military rulers readily pointed to the 'scientific fact' of 'difficult terrain' as an explanation for their dismal development performance in the region (*Nigerian Tribune*, 1999:29).

In 2001, however, a somewhat contrary view emerged from the higher hierarchies of NDDC (a governmental agency charged, with 'making a difference' to development delivery in the region), to the effect that while the 'difficult terrain' theory might not be an altogether baseless exaggeration, it could not excuse inaction. According to the federal government-appointed head of the agency, there was no reason a region that was responsible for 'over 90 per cent of [Nigeria's] export earnings and up to 70 per cent accruing to the Federation Account' should not be transformed into a 'United States' of sorts (Omene, 2001). These statements corroborate NDDC's 'vision' of facilitating 'the rapid, even and sustainable development of the Niger Delta [such that the region becomes] a region that is economically prosperous, socially stable, ecologically regenerative and politically peaceful'.

The fact, however, is that deltaic ecologies can be transformed infrastructurally. The best example of how this has been done is The Netherlands, a 'first world' country of which almost half of the landmass is below sea level. That this country exists today is believed to be proof of its people's collective resolve to conquer the ravaging menace of the North Sea, and of how proper application of resources can bring about positive transformation of difficult ecologies. In addition to the country's famous network of beautifully built canals and bridges (all necessitated by 'physical handicap'), centuries of battle against extremely difficult terrain conditions have resulted in a rare, 20th century engineering feat, The Netherlands North Sea Protection Works. Listed among the *Seven Wonders of the Modern World*, this project is described as 'a singularly unique, vast and complex system of dams, floodgates, storm surge barriers and other engineered works' that makes it possible for the country to literally push back the North Sea, so that its people can 'exist side by side with the forces of nature' (ASCE, 1994).

Conservation agencies often express concern that at no level of government in Nigeria has the environmental fragility of the Niger Delta served as a spur for clearly thought-

out, region-wide conservation or remediation programmes. With no nationally proclaimed protected zones, no clearly defined, nationally driven conservation strategies, and no definite record of environment-friendly industrial operations in the region, the Delta seems to aptly fit one agency's description of it as a 'critical/endangered' habitat (WWF, 2001).

In most rural communities, however, indigenous conservation practices based on myth and folk wisdom persist and are transmitted from generation to generation. For example, the roots, leaves, fruits, seeds and barks of a number of wild plants are treasured as sources of food, medication, craft fibres, cosmetics, and fodder. Local people hunt some animals for food, domesticate some, and leave others to roam the wild. On account of their behaviour, certain wild birds are regarded in some communities as 'talking clocks', some are believed to have the ability to 'announce' season change, some are treasured for their 'melodious songs', while others are 'diviners', capable of telling one when not to embark on a trip! Many wild animals and plants are thus deemed indispensable to the rural ecology and culture, and children are socialised into never endangering their safety. In some communities, sections of nearby forests are traditionally designated as 'sacred groves'—not to be farmed or otherwise disturbed by humans. Such reserves brim with biodiversity. In contemporary experience, however, even in communities where specific benign views of nature are deeply entrenched, they have become antithetical in the face of poverty, population growth and static agricultural practices. In many Niger Delta communities, therefore, even groves once regarded as 'sacred' have been 'slashed and burnt'³ for cultivation, such that plants and animals that once inhabited them have virtually disappeared.

³ The term 'slash and burn' describes a farming technique (used mainly in forest regions—Southern Nigeria for example) whereby the entire natural vegetation present in a plot of land chosen for cultivation is first cut down and burnt, so that the soil can be tilled and prepared for planting. In the face of population pressure it can lead to deforestation; but, at least in the specific plots where it is utilised, slash and burn is a sure step towards habitat loss for certain plants and animals.

5.3 Society

5.3.1 ‘Geographic’ and ‘political’ Niger Delta

So far in this work, no attempt has been made to distinguish between ‘Niger Delta’ and ‘oil producing communities’—the former being the geopolitical territory in which the latter (the agency) are situated—or even to draw a fine line between geography and politics. The near-coterminous use of the terms ‘Niger Delta’ and ‘oil communities’ in this work is merely for analytical convenience. Besides, the animated milieu of contestation in the province makes it difficult sometimes to define these terms without being ambiguous. Strictly, as the discussion in the above section suggests, the term ‘Niger Delta’ does not include *all* the oil producing states in Southern Nigeria. Geographically speaking, ‘Niger Delta’ refers only to parts of the territories occupied by Rivers, Bayelsa and Delta States in the present political map of Nigeria (Figure 5-3). When the term is defined to include ‘the territories of the (old) Bendel State drained by Benin, Escravos, Forcados rivers and creek systems’ (Tell, 1999:45), then parts of the present-day Edo State are subsumed in the term. This is what in Nigeria is sometimes termed ‘geographic Niger Delta’.

Beyond geography, however, ‘Niger Delta’ is a term to which high political stakes are attached. This obviously is because of the region’s petroleum assets. In the past, communities in Akwa Ibom and Cross River States have insisted on being identified as Niger Delta communities. So intense was the debate over this phrase in the mid-1990s that some commentators suggested that the ambiguity should be resolved by identifying only Rivers, Bayelsa and Delta States as ‘Niger Delta’ States while the other oil and gas-bearing areas should be referred to as ‘OMPADEC⁴ States’.

As expected, much of the confusion over nomenclature has since been settled politically, as the central government-established development agency, Niger Delta Development Commission (NDDC), recognises nine (of Nigeria’s 36) states as

⁴ OMPADEC is the acronym for Oil and Minerals Producing Areas Development Commission – an agency set up through a military decree in 1992 by the Ibrahim Babangida administration. The agency, which became operational in 1993, was charged with the mandate of ameliorating the social and ecological disruptions caused by oil operations in the Niger Delta. It was disbanded in 1999, with the onset of civil rule, and replaced with NDDC, which commenced operations in 2000. For a detailed discussion of how the activities of this agency have fed into the grammar of discontent among ordinary people in the oil province, see Chapter Six.

constituting ‘Niger Delta’. The States are: Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers (Figure 5-3). Collectively, they make up the ‘political Niger Delta’. When viewed within the broader geopolitical context in Nigeria, six of the Delta states (Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers) form the cluster of minority ethnic nationalities known formally in Nigeria as South South Zone. Abia and Imo belong to the Igbo-speaking South East while Ondo is formally part of the Yoruba-speaking South West zone. The three major ethnic nationalities in Nigeria are Igbo (in the southeast), Yoruba (in the southwest) and Hausa-Fulani (in the north). Unless otherwise specified, the term ‘Niger Delta’ is used in this work more in its loose, political sense of comprising nine states, rather than in its strict, geographical sense of consisting of three states in the southernmost wetlands. Where the term is used in the strict geographic sense, ‘geographic Niger Delta’ is used.

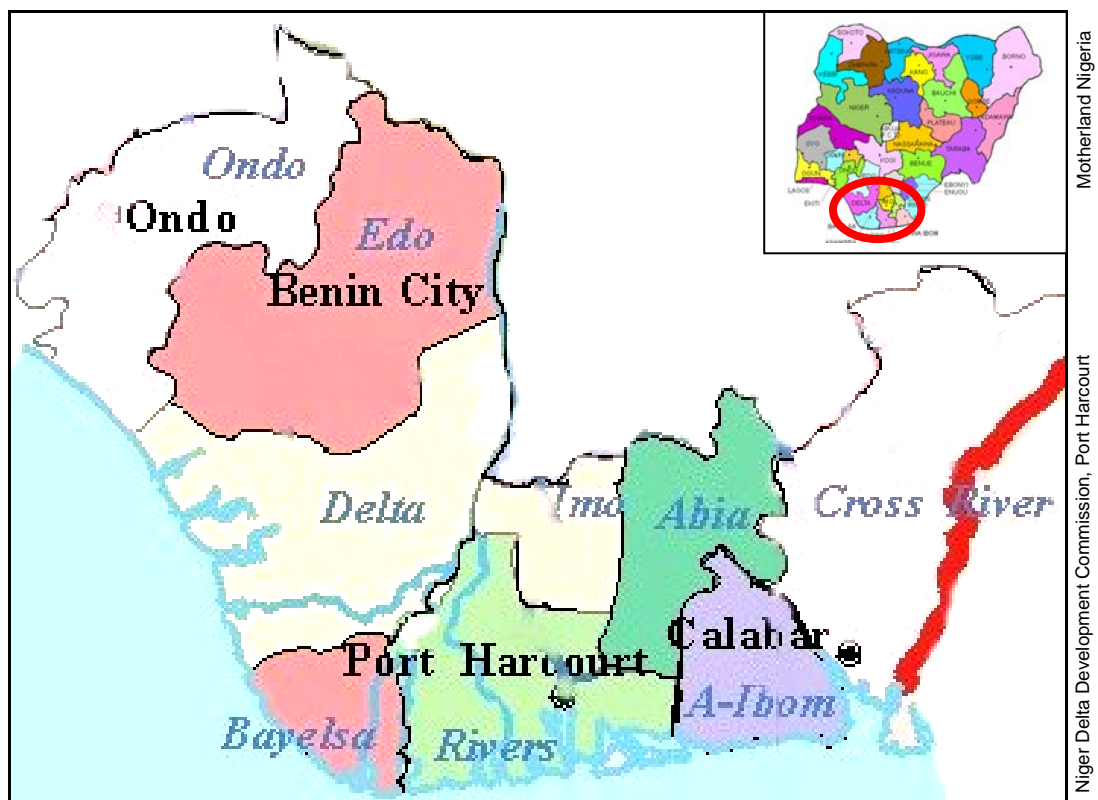


Figure 5-3: ‘Political Niger Delta’

A. History, people, language

No attempt is made in this sub-section to trace the origins of the diverse peoples who inhabit the nine states of contemporary Niger Delta; such a task is beyond the scope

of this thesis. I restrict my attention, rather, to some of the contestations among historians and archaeologists on the patterns of early population movements that have shaped the languages and cultures of the peoples inhabiting Nigeria's southern swamplands. In this task, my focus is limited to debates around the origins of the Ijaw and other coastal peoples especially of the central Niger Delta. The Ijaw, as mentioned earlier, are the largest of the minority peoples in the Delta, and the fourth largest nationality in Nigeria after the Hausa-Fulani, the Yoruba and the Igbo. It is also in the Ijaw-speaking areas that most archaeological studies in the Delta have been concentrated (Derefeke, 2002). This exploration is important in the sense that during my fieldwork, I came across evidence that petroleum production had occasioned deep social fragmentation in the communities. For example, in Oloibiri and Iko—not Ijaw communities—I encountered situations where local people claimed to have at their fingertips the 'stories of origin' of neighbouring communities they were not on good terms with. Armed with such stories, they could readily 'prove' that they, and not their neighbours, were the 'right' claimants to oil-related development opportunities. As explored at length in Chapter Eight, 'othering' is an important pastime among local people and is linked, to a large extent, to the ways in which the transnational oil companies dispense community development projects and build social partnerships in the communities.

One of the most influential 'theories' of origin of the peoples of the Delta is that of a one-time colonial administrator in southern Nigeria, Percy Amaury Talbot. His accounts are contained in his *Tribes of the Niger Delta* (1932) and his multi-volume *Peoples of Southern Nigeria* (1926). Talbot, who conceded to not being sure of how the Ijaw came to occupy the southern coast of Nigeria, conjectured that they were driven there by the Igbo of the southeast—who, he said, were all the while moving coastwards:

The Niger Delta, therefore, is, with the exception of a few small tribes, occupied by these strange people (the Ijaw)—a survival from the dim past, beyond the dawn of history—whose language and customs are distinct from those of their neighbours (the Ibos) [Igbo] and without trace of any tradition of time before they were driven southward into those regions of sombre mangrove (Talbot, 1932:5).

One prominent historian who gave considerable clarity—though no less controversial a perspective—to Talbot’s conjecture was Kenneth Onwuka Dike. It is Dike (1956:20) who linked the peopling of the Niger Delta to the arrival of the Europeans in the 15th century. The arrival of the Europeans, he said, drew the ‘natives’ of the hinterland to the coast in search of trade opportunities. On finding such opportunities—or in the hope that such opportunities would come their way—many decided to settle on the coast. The Delta had been uninhabited before then. Indeed, Dike wrote, it was impossible to write the history of the Delta without at the same time writing a chapter of Europe’s history:

From now on the coastland became the frontier of opportunity. As in medieval West Africa trade with the Arabs by way of the Sahara caravans led to an outcrop of commercial cities on the Niger bend such as Jenne, Timbuktu, Gao, and others, so the rise of Lagos, Accra, Dahomey, and the Delta states must be attributed to the development of maritime commerce. The seaboard trading communities which emerged with this commerce transcended tribal boundaries; their history belongs both to Atlantic and to tribal history (Dike, 1956:20).

While Talbot had thought the Delta peoples, the Ijaw in particular, were ‘a survival from the dim past’ and possibly driven to the coast by the Igbo, Dike (1956:23) expressed surprise that Talbot had not considered Benin a possible ‘origin of the Delta tribes’. Dike’s surprise was based on the fact that ‘another scholar, Major A.G. Leonard, had explored the same subject in 1906, and had collected traditions from various city states’ which all pointed to the fact that the coastal towns had other origins. For Dike, the only reason a ‘Benin origin’ thesis might be deemed insignificant—even though coastward migrations from Benin were ‘pre-fifteenth century’—was that:

[t]he settlements which sprang up as a result of those migrations were just fishing and salt-making villages, and were on a small scale when compared with that which followed the rise of the Atlantic trade (Dike, 1956:23).

Going by this thesis, the biggest wave of coastward population movements, which involved mainly people from the Igbo hinterland, occurred between 1450 and 1800, following the expansion of slave trade. This wave is what ‘gradually converted the little Ijaw fishing villages into... city-states’ (Dike, 1956:24). The kingdom of Bonny (which was a major link between the hinterland and the Atlantic Ocean), Opobo,

Brass and New Calabar were examples of such city-states. Not only did the migratory wave associated with slave trade make the Delta ‘the most important slave mart in West Africa’, it was also responsible for an unprecedented swell in the Delta population (Dike, 1956:25).

With the coastal areas solidly established as a centre of trade, the opportunities they offered lured even more people from the hinterland. However, by the middle of the 17th century, when another migratory wave (mainly from Benin) occurred, there was no longer easy access to the coast, as the ‘Delta middlemen having fortified their privileged position on the Atlantic coast brooked no rivals’. What the new wave of migrants, therefore, did was to try to gain control of ‘strategic and commercial points on the Niger valley through which flowed the hinterland products to the sea’. In the end, both the Delta’s coastal middlemen and their River Niger valley counterparts, ‘gained monopoly of trade in their respective spheres’ (Dike, 1956:25).

Those versions of the peopling of the Niger Delta have been controversial, especially in the light of later evidence. First, they followed an established pattern of colonial historiography that saw parts of Africa as having no history separate from what were contained in colonial annals. Second, they tended to dismiss the possibility of autochthonous Delta populations. Dike’s ‘theory’ of settlement might have been based on ‘the impressions of European visitors at the height of the Atlantic slave trade when Ibo slaves constituted the bulk of slave exports out of the Niger Delta’ (Alagoa, 1999:91-92). Third, those ‘theories’ gained currency before the Delta’s ‘oral traditions were collected on a systematic basis’ (Alagoa, 1999:91). At least these were the salient points from the ‘first organized archaeological fieldwork in the Delta’ (Derefaka, 2002) in December 1972, conducted by Ebiegberi Alagoa, Thurstan Shaw and E.N. Anozie of the University of Ibadan, Nigeria. Their research aim was to establish :

the earliest dates and locations of human settlement in the Niger Delta and its immediate hinterland [as well as] the relationships through migration, and diffusion of goods and ideas, between peoples and regions within the Delta and other parts of Nigeria. The sites were selected from those named in oral tradition (Alagoa, 1988:18)

Based on the results of the scientific dating of finds from ‘test pits’ dug in different parts of the Delta, and the local stories collected by the researchers, the study identified only Benin, Aboh, Awka and Ile-Ife as the only places outside the coast to have been source areas of the Delta’s early coastal peoples:

For groups in Bayelsa State, we have the single case of the Oporoma who made an early claim to autochthony. The widespread claims to Benin origin merely reflected the great prestige of the Benin Kingdom, and its influence over some of the mainland parts of the Niger Delta. Ile-Ife was cited as a place of origin by persons... who learnt that even Benin claimed Ile-Ife origin for their kings. After Benin, of course, Aboh was another place of prestige within parts of the Central Niger Delta, in this case, with more credible evidence of actual historical contacts. But these contacts did not reach the level of providing founding populations, beyond supplying small numbers of immigrants. This was the most likely role also for the itinerant Awka [Igbo] blacksmiths (Alagoa, 1999:92).

Although finds from archaeological test pits only superficially reveal a community’s prehistory, Alagoa (1999:93-94) maintains that an appropriate scientific dating of their finds ‘provide early dates which supersede the very recent dates suggested by Dike’ and confirm that the delta communities ‘were settled... several thousand years before the arrival of the Portuguese on the coasts of the Niger Delta’.

Clearly, the debates are not yet concluded, and as Derefaka (2002) has suggested, with ‘further systematic excavation of the Delta, we will some day be able to pinpoint the date when these early peoples settled the region’. The problem for now, as shown in Chapter Eight, is that corporate policies guiding the dispensing of oil-related development entitlements in the Niger Delta seem to have resulted in a situation where contending communities preoccupy themselves with digging into their neighbours’ stories of origin and using these stories to bargain for development advantage.

But let us return to the present. Table 5-1 below shows the population breakdown of the nine Niger Delta states of Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers. Six of these states (Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers) are the ‘homelands’ of Nigeria’s southern minority nationalities. The three major nationalities in Nigeria are Hausa-Fulani, Yoruba and Igbo.

Table 5-1: Population figures for the Niger Delta

State	Land Area (Sq. Kilometres)*	Capital City	1991 National Census Figures*	2005 Population Projections*
Abia	4,877	Umuahia	2,338,487	3,230,000
Akwa Ibom	6,806	Uyo	2,409,613	3,343,000
Bayelsa	11,007	Yenagoa	1,121,693	1,710,000
Cross River	21,930	Calabar	1,911,297	2,736,000
Delta	17,163	Asaba	2,590,491	3,594,000
Edo	19,698	Benin City	2,172,005	3,018,000
Imo	5,165	Owerri	2,485,635	3,342,000
Ondo	15,086	Akure	3,785,338	3,025,000
Rivers	10,378	Port Harcourt	3,187,864	4,858,000
Total	112,110		20,028,803	35,535,300

* Source: NDDC 2004:2

The Niger Delta's linguistic diversity aptly justifies a well-known expression in the area, 'another town another tongue'; although there are more languages spoken among the minority peoples of just three non-southern Nigerian states of Taraba, Adamawa and Kaduna than in all the Niger Delta states put together (Seibert, 2000). About 510 'living languages' are spoken in contemporary Nigeria (Gordon, 2005). This fact makes it easy to appreciate the role of Nigerian *Pidgin (English)* as a linguistic bridge in the country, although *Pidgin (English)* is absent in many formal listings of Nigerian languages. Table 5-2 attempts to give a detailed, though not exhaustive, picture of the plurality of languages spoken in the Niger Delta region.

The reader will notice from the table that some of the languages (like Efik and Ibibio, spoken in Cross River and Akwa Ibom states respectively; and Ibibio and Anaang, both spoken in Akwa Ibom state) are so closely related that an Ibibio speaker will understand an Efik or Anaang speaker very well, and vice versa. According to the language encyclopaedia *Ethnologue* (Gordon, 2005), both Ibibio and Anaang are linguistic descendants of Efik. All three languages have common roots in the bigger Niger-Congo language group, but specifically in the Obolo sub-family. However, despite their mutual intelligibility and the fact that Efik is the most developed of the three languages (a complete Bible in Efik has been available since 1868; the latest

edition is dated 1995), the three are listed as ‘languages of Nigeria’. Ibibio and Anaang are not listed as ‘dialects’ of Efik. There is an empirical basis for this treatment: an Ibibio or Anaang speaker will not say he or she is speaking a ‘dialect’ of Efik. They all see their languages as ‘distinct’, as the languages also define them as peoples. This is why an Ibibio will not say he or she is an Efik, nor will an Anaang and an Ibibio consider themselves interchangeable. As far as these things go, mutual intelligibility of languages and ethnolinguistic identity are two different things.

Table 5-2: Languages spoken in the Niger Delta

STATE	LANGUAGE	LOCAL GOVERNMENT AREAS (LGAs) WHERE SPOKEN
Abia	Igbo	First language in all LGAs
Akwa Ibom	Anaang	Ikot Ekpene, Essien-Udim, Abak, Ukanafun, and Oruk-Anam
	Ebughu, Efai, Enwang, Ilue	Mbo and Oron
	Ekit, Etebi, Ibino	Uquo Ibeno, Eket
	Ibibio, Ibuoro, Itu Mbon Uzo (In Ikono LGAs), Nkari, Obolo (Ikot Abasi)	Itu, Uyo, Etinan, Ikot Abasi, Ibiono Ibom, Ikono, Ekpe-Atai, Uruan, Onna, Nsit-Ubium, and Mkpatt Enin
	Igbo, Ika	Ika
	Iko	Eastern Obolo
	Okobo, Oro, Uda	Okobo, Oron, Mbo respectively
Bayelsa	Biseni, Ekpeye, Engenni, Epie, Okodia,	Yenegoa
	Ijo Southeast, Kugbo, Oruma	Brass
	Izon	Yenegoa, Sagbama
	Ogbia	Ogbia
Cross River	Abanyom, Ukpe-Bayobiri, Boki, Efutop, Olulumo-Ikom, Nde-Nsele-Nta, Ndoe	Ikom
	Agoi	Obubra, Agoi-Ekpo, Ekom-Agoi, Agoi-Ibami
	Agwagwune, Bakpinka, Doko-Uyanga, Ito, Ukpet-Ehom, Ukwa, Doko-Uyanga, Ubaghara, Ukpet-Ehom, Ukwa, Umon	Akamkpa
	Alege, Bete-Bendi, Evant, Iceve-Maci, Obanliku, Otank, Putukwam, Ubang, Ukpe-Bayobiri, Bokyi, Bumaji	Obudu
	Efik	Calabar Municipality, Odukpani, Akamkpa
	Ejagham	Akamkpa, Idom, Odukpani, Calabar LGA's
	Ekajuk	Ogoja, Bansara, Nwang
	Igede, Kukele, Mbe, Nkem-Nkum, Uzekwe, Yace	Ogoja
	Kiong, Korop	Odukpani, Akamkpa
	Kohumono, Legbo, Lenyima, Leyigha, Lokaa	Obubra
	Lubila	Akamkpa LGA, At Ojo Nkomba And Ojo Akangba
	Mbembe, Cross River	Obubra and Ikom
	Nkukoli	At the juncture of Ikom, Obubra And

STATE	LANGUAGE	LOCAL GOVERNMENT AREAS (LGAs) WHERE SPOKEN
		Akamkpa,
	Nnam	Ikom and Ogoja LGAs
	Odut, Usaghade	Odukpani
	Putukwam	Obudu And Ogoja
	Ukpe-Bayobiri	Obudu and Ikom
	Yala	Ogoja, Obubra, and Ikom
Delta	Eruwa, Igala	Isoko, Oshimili respectively
	Igbo	Spoken widely in the State
	Itsekiri	Warri, Bomadi, and Ethiope
	Isoko	Isoko and Ndokwa
	Izon	Burutu, Warri, and Ugheli
	Okpe, Uvbie	Okpe and Ethiope respectively
	Ukwuani-Aboh-Ndoni	Ndokwa
	Ulukwumi	Aniocha and Oshimili
	Urhobo	Ethiope and Ugheli
Edo	Ebira, Okpamheri, Okpe-Idesa-Akuku, Oloma, Ososo, Sasaru-Enwan-Igwe, Ukaan	Akoko-Edo
	Edo	Ovia, Oredo, and Orhionwon
	Esan	Agbazko, Okpebho, Owan, Etsako
	Ghotuo	Owan and Akoko-Edo
	Ika, Ikpeshi, Emai-Iuleha-Ora	Orhionwon, Etsako and Owan respectively
	Ivbie North-Okpela-Arhe	Etsako and Akoko-Edo
	Uneme	Etsako, Agbazko, and Akoko-Edo
	Yekhee	Etsako, Agbako, And Okpebho
Ondo	Yoruba	Spoken widely in the State
	Ahan	Ekiti, and in Ajowa, Igashi, and Omou Towns
	Akpes, Arigidi	Akoko North
	Ehueun, Ukue	Akoko South
	Izon	Ondo State, Ilaje and Ese-Odo
	Uhami	Akoko South and Owo
	Ukaan	Akoko North, Towns of Kakumo-Akoko, Auga, Ishe
Imo	Igbo	First language in all LGAs
Rivers	Abua	Degema and Ahoada
	Baan, Gokana	Gokana, Tai, and Eleme
	Defaka, Nkoroo, Obolo	Bonny
	Degema, Ogbronuagum	Degema
	Ekpeye, Engenni, Ukwuani-Aboh-Ndoni, Ogbogolo, Odual	Ahoada
	Eleme, Mini	Eleme and Brass respectively
	Ibani	Bonny and Degema
	Igbo	Ikwerre, Bonny, and Ahoada
	Ikwerre	Ikwerre, Port Harcourt, and Obio/Akpor
	Kalabari	Degema, Bonny, and Asari Toru
	Khana	Khana, Gokana, and Iyigbo
	Kirike	Okrika, Opobo/Nkoro, Bonny, Degema
	Obulom	Okrika, and Abuloma Town
	Ogbah	Ogba/Egbema/Ndoni, Northern Niger Delta

Source: Seibert, 2000; Gordon, 2005.

B. Economy and economic history

‘The history of the Niger Delta’, Kenneth Dike (1956:v) writes, ‘is to some extent an introduction to the economic and political history of Nigeria’. This, as we shall see shortly, is true about 1830-1885, the period to which Dike’s remark specifically refers. It is also true about Nigeria’s present-day economic and political history, which has to a great extent been influenced by the one resource for which the Niger Delta is best known—petroleum. An understanding of the economy and economic history of the province is important for a number of reasons. One, as mentioned earlier, I found among ordinary people in the study communities a strong portrayal of the Niger Delta as a ‘goose that lays the golden egg’, but a goose that has been maltreated or neglected. Also, while in Iko, some youths told me that ‘a point comes when even an egg gets on its feet!’ By this they meant that the region’s ‘neglect’ had persisted long enough to justify the outburst of anti-company and anti-government protests witnessed in the region in recent years. For a detailed discussion on the ‘grammar’ of grassroots discontent and how it intersects with the broader debates on social justice in Nigeria, see Chapters Eight and Nine. It is issues of this nature that shed light, as I show in those two chapters, on the social character of the Niger Delta struggles.

Although petroleum derivation revenue is today the Niger Delta’s most important source of economic sustenance,⁵ such an economic profile is best understood within the context of the neglect of other sectors (including the solid minerals sector) of the economy not only in the Delta but also in the rest of Nigeria (see Table 5-3 below). Historically important economic crops like oil palm, cocoa, groundnut, cashew and cotton began to lose their dominant position to crude oil around 1965, and the yet-to-be-reversed decline in agricultural production in Nigeria as a whole is generally blamed on state miscalculations. As shown presently, agriculture is traditionally the economic mainstay of the Delta, and a realistic account of the region’s economy must take account of realities in that sector.

⁵ In Delta, Akwa Ibom, Rivers, Bayelsa and Ondo states income from petroleum sources renders all other sources of public revenue—including statutory allocations from the federation account—almost insignificant (Ahmad and Singh, 2003:21).

Like many coastal territories the world over, the Niger Delta has a fairly long history of involvement in ‘foreign’ trade:

This region became from the sixteenth century the main centre of the African trade with Europeans in the Gulf of Guinea. During the seventeenth and eighteenth centuries the Delta was one of the most important, if not the leading, slave mart in West Africa. In the first thirty years of the nineteenth century... it exported more oil than the rest of West Africa put together... In the nineteenth century... [River Niger] became one of the highways of imperialism in Africa. The Royal Niger Company—the chief instrument by which Britain won her Nigerian empire – based its activities in the Delta and the Niger valley (Dike, 1956:vi).

Table 5-3: Mineral deposits in Nigeria

Nigeria’s Six Geo-Political Zones	Constituent States	Mineral Deposits
North West	Jigawa, Kaduna, Kano, Katsina, Kebbi, Zamfara, Sokoto	Asbestos, columbite, gemstones, gold, graphite, limestone, phosphorous, salt, talc, tin, uranium, wolfram
North East	Borno, Adamawa, Gombe, Yobe, Bauchi	Coal/lignite, diatomite, feldspar, graphite, gypsum, lead/zinc, limestone, salt, tin and wolfram
North Central	Plateau, Nasarawa, Benue, Kwara, Kogi, Niger, Taraba	Barytes, coal/lignite, columbite, feldspar, gemstones, gold, graphite, gypsum, iron, iron-ore, lead, zinc, limestone, salt, talc, tin, wolfram
South West	Oyo, Osun, Lagos, Ogun, Ondo, Ekiti	Coal/lignite, crude oil, gas, gypsum, iron ore, lead/zinc, limestone
South East	Abia, Imo, Anambra, Enugu, Ebonyi	Coal/lignite, crude oil, gas, gypsum, iron ore, lead/zinc, limestone
South South	Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Rivers	Bitumen, crude oil, gas, gold, gypsum, limestone, talc and tin

Source: Azaiki (2003:177-178)

The coastal towns of Bonny, Opobo, Forcados, Burutu, Brass, Port Harcourt, Warri, Abonnema and Calabar are of particular significance in any historical account, as they served as early contact points between European slave traders and the Nigerian hinterland. The Delta’s initial contacts with the Europeans date back to the 1480s, when the Portuguese first arrived in the region. For nearly four centuries thereafter, the obnoxious traffic in humans brought a number of other European countries (such as France, England and Holland) into fierce competition with one another in an effort

not only to trade with the region but also to control its resources and its peoples. In the process, many of the region's coastal towns became vibrant 'economic' hubs of sorts. But by the 19th century only England still 'traded' with the Delta, as it had successfully edged out the other European powers (Ekeh, 2000).

With the abolition of slave trade in 1807, the British slave ships soon found another, and probably more important, use. Merchants now started showing interest in agricultural commodities. This interest was in palm oil at first, but from about 1832, palm kernel oil also caught the attention of the merchants.⁶ Before long, trade in these oils became so strategic in the economic relations between Britain and the Delta that the region became nicknamed 'Oil Rivers' province, contributing a large portion of Britain's palm oil import from its West African colonies. By the 1870s, driven by the then British merchandising conglomerate, Royal Niger Company, the Niger Delta was exporting between 27,000 to 30,000 tonnes, or about three hundred thousand pounds sterling worth, of palm oil to Britain annually (Pakenham, 1991:198; FAO, 2002).

Colonial historiography typically regards the early 19th century shift from slave trade to trade in agricultural produce as a shift from 'illegitimate' to 'legitimate' trade. Such a treatment ignores the fact that the so-called 'legitimate' trade era was riddled with practices characteristic of the slave trade period. Dike (1956:89) writes of the 'ingrained instincts of piracy' carried over from the slavery days, which made it difficult for 'a majority of the palm-oil merchants'—Europeans and Africans alike—to remain bound by the 'laws of an orderly society'. He emphasised:

The commodities of trade changed; palm oil was replacing men, but the traders did not alter. It followed then that treaties, trade regulations, codes of conduct, all excellent in themselves, were rendered unworkable by the very nature of the men for whom they were devised (Dike, 1956:89)

The greed, arm-twisting and opportunism that characterised 'international' economic relations between Britain and the Oil Rivers during the palm oil era were probably best demonstrated by the rise and fall of one of the earliest local beneficiaries of the

⁶ While palm oil is the deep red oil extracted from the exocarp and mesocarp of the oil palm fruit, palm kernel oil is the oil extracted from the kernel of the same fruit.

vibrant palm oil trade, King Jaja of Opobo (1821-1891), a man who rose from the status of a slave to becoming an economic magnate and a strong political leader. Jaja's business skills and astute political manoeuvring placed him in a position of not only shipping palm oil directly to Liverpool, and presiding over an Opobo 'kingdom' that he excised from Bonny, but also regulating trade in the Delta and imposing levies on British trade with the Delta hinterland.

While Jaja's power in the Delta was growing, posing a threat to British interests in the region, Britain was facing another threat from its own backyard, the threat of being dislodged completely from the Oil Rivers by France. The scramble for Africa by European powers seemed to have consolidated French influence in the West African sub-region, and for a while, there seemed a clear chance of a French 'coup' in the Oil Rivers. Britain thus felt it needed to act fast to put local kings in total subjection and assume full control of the region so as to avoid what Pakenham (1991:197) described as 'an unseemly and dangerous race with the French'. In June 1883, Percy Anderson, the then head of the African Department of the British Foreign Office, made the following panic statement over the seriousness of the French threat:

How can we doubt that the French will take them? If there is one thing clearer than another, it seems to be that the French have a settled policy in Africa, both on the East and the West coast and that that policy is antagonistic to us. The progress of this policy is sometimes sluggish, sometimes feverish, but it never ceases....

Action seems to be forced on us, and if this is so, we are fairly forced into a corner as to the direction of it. Only one course seems possible; that is, to take on ourselves the Protectorates of the native States at the mouth of the Oil Rivers, and on the adjoining coast (cited in Pakenham, 1991:197; see also Lugard, 1968:57).

In the bid to 'take... the native States... of the Oil Rivers', the British adopted what is now widely referred to as gunboat diplomacy (Ekeh, 2000)—in the form of lopsided 'treaties of protection'—as well as a strategy of using local interpreters and, in the face of defiance from local authority figures, physical punishment. As an instrument of gunboat diplomacy, a 'treaty of protection' was worded in such a way as to make it seem as if it was the local king and his subjects who requested the protection. The 'treaty' itself was a *pro forma* document formulated and typed in Britain, and local

interpreters, who could hardly speak English themselves, were expected to assure British representatives that the ‘natives’ adequately understood its contents. The following is an extract from Article I of a treaty with the Itsekiri in 1884:⁷

Her Majesty the Queen of Great Britain and Ireland, &c, in compliance with the request of the Kings, Chiefs and People of... hereby undertakes to extend to them, and to the territory under their authority and jurisdiction, Her gracious favour and protection.

An Article coming directly below that compelled the ‘natives’ to undertake to desist from any economic, political or social dealings with other European countries, and, more importantly, to absolve ‘British subjects’ of culpability should the latter resort to acts that would otherwise be regarded as criminal or flagrant injustice. The right to make pronouncements on any wrongdoing by ‘British subjects’ rested with the British authorities:

The Kings and Chiefs of ... agree and promise to refrain from entering into any correspondence, Agreement, or Treaty with any foreign nation or Power, except with the knowledge and sanction of Her Britannic Majesty’s Government...

It is agreed that full and exclusive jurisdiction, civil and criminal, over British subjects and their property in the territory of...is reserved to Her Britannic Majesty, to be exercised by such Consular or other Officers as Her Majesty shall appoint for that purpose.

Jaja’s refusal to accept the terms of a ‘treaty’ of this kind—and there was similar defiance in other parts of the Delta (Ekeh, 2000)—resulted in his kidnap and subsequent trial in Ghana for ‘treaty breaking’ and ‘blocking the highways of trade’ (Townsend, 1996). Deported to the West Indies, he died under suspicious circumstances four years later on his way back to Nigeria. Even before his death in 1891, his travails had struck so much fear in the other Kings in the region that one after the other they succumbed to British coercion. Opobo, Brass, Bonny, Aboh and Old Calabar were declared British Protectorates in 1885; six years later (in 1891) Oil Rivers was formally declared a British Protectorate. The entire Southern Nigeria became a British Protectorate on January 1, 1900, and by the beginning of 1906,

⁷ Professor Peter Ekeh has archived some of these treaties, along with his commentaries, as part of an Urhobo Historical Society project. See for instance the following Internet link: http://www.waado.org/UrhoboHistory/NigerDelta/ColonialTreaties/ColonialTreaties_NigerDelta.html

Southern Nigeria had formally become a British Colony and Protectorate, following the amalgamation of the Southern Nigeria Protectorate and the Colony of Lagos. As elaborated in Chapter One (Section 1.2.1), ‘modern’ Nigeria (literally ‘Niger Area’) is the result of the amalgamation in 1914 of two ‘Nigerias’, the Northern Protectorate and the Protectorate and Colony of Southern Nigeria.

Despite the bold colonial imprints in the Delta’s economy, and despite the present-day dominance of crude oil and gas, at any one point in its history, farming and fishing have sustained the majority of the Delta population. Farming in the region is, for the most part, quite rudimentary. It revolves around the family, and a number of attributes attest to its static nature. These include the types of implements in use (machetes, hoes, spades, shovels), average landholding (approximately two hectares per family), fertility of the soil (poor fertility due to thin and seriously eroded topsoil, and in many cases pollution), farming method (slash and burn techniques/shifting cultivation), and the quality of manpower (predominantly old people, as the absence of rural incentives continues to drive young people into the towns).

Udo (1970:57) draws attention to the ‘duality’ of the Niger Delta economy by speaking of the ‘economy of the landmen’ and the ‘economy of the watermen’. What is meant here is that while farming has been the major occupation of most upland dwellers (like the Ogoni, Ibibio, Urhobo and Isoko), most riverine dwellers (notably the Ijaw and the Itsekiri) are, or have been, fisherfolk. Discussions of a dichotomy of this kind should, however, not obscure the fact that many so-called Niger Delta ‘watermen’ (and ‘waterwomen’) actually *do* farm. As mentioned in the previous section, during low water, the levees flanking the creeks serve as farmlands for the riverine communities, who depend on them for seasonal crops like tomato, cassava, cocoyam, pumpkin, maize and pepper. Nor should it be assumed that ‘landspeople’ cannot fish; for indeed, many upland people are astute fishermen, and vital fishing craft, like canoes and paddles, used by the ‘waterfolk’ are typically sourced from the upland rural communities. Blurred though the ecological boundaries of occupational specialisation may have become over the years, it has not quite eroded age-old stereotypes (among coastal dwellers) of farming as a vocation ‘fit for slaves’ (Udo, 1970:58), and (among upland dwellers) of fishing communities as enclaves of ‘lazy people’. These stereotypes persist to this day.

Today, as in pre-colonial and colonial times, the most important high-utility crop in the region is oil palm (*Elaeis guineensis*). Literally everything about this crop is of economic and cultural value. Found mainly in the upland rural settlements, it yields palm oil (both edible and industrial), palm kernel (a rich source of oil for the soap industry and for other technical uses), fuel and craft fibres, and wine. Local people use palm kernel oil as body ointment. It is especially valued among nursing mothers, who regard it as the best ointment for smoothening babies' bodies. Many people also believe palm kernel oil (in its pure form) is an effective elixir for warding off evil spirits. One of the intriguing commentaries on Nigeria's development planning is that although the country occupies a central position in the West African oil palm belt, from where this important crop has its origin, and is the country where Malaysia sourced its first palm fruits, the most important palm oil cultivating and exporting countries today are Malaysia and Indonesia. Malaysia has remained by far the largest producer and exporter of palm oil since 1966 (FAO, 2002).

Despite the relatively poor oil-yielding quality of the fruits from wild oil palm trees, the *Dura*, which is the most common variety found in the Delta, generation after generation of farmers have relied on wild oil palm groves (which develop naturally through seed dispersal) for their 'red oil' needs rather than cultivate improved species (Plate 5-1). The explanation often given for this, besides the cost implications of starting modern oil palm estates, is what one might term 'species loyalty', since 'red oil' from the *Dura* variety is one of the most important ingredients in local cuisines. This species is firmly preferred to the 'rather fatty' and 'tasteless' red oil from modern, hybrid palm fruit varieties such as *Pisifera* and *Tenera* (FAO, 2002). As mentioned earlier, efforts at reviving and modernising oil palm cultivation has been generally spasmodic, but in recent years extensive commercial oil palm estates have been developed in towns like Bori, Ubima and Elele in Rivers State.



Urhobo Historical Society/FAO

Plate 5-1: Oil palm grove and (inset) fresh oil palm fruits

Another tree crop, rubber, was also once crucial to the economy of the Delta, centred (during the 1950s and 1960s) on scores of small- and medium-scale holdings in the western Delta. This is what used to be known as the Benin Rubber Belt; it now falls under Edo and Delta States. In the 1970s commercial plantations were developed in the Calabar-Ikom axis in the southeast. The indigenous varieties of this crop gave way to the more standardised, modern variety (*Hevea brasiliensis*) around 1913. Rubber products are utilised by mattress and rubber footwear manufacturers and by makers of other rubber-based commodities.

Raffia palm (*Hevea brasiliensis*), another tree crop of considerable socio-cultural and economic value in the region, is the principal source of what are known throughout the Delta as *pami* (palm wine) and *kaikai* or *ogogoro* ('illicit gin'⁸). Both *pami* and its derivative *kaikai/ogogoro* are sold in places as far away from the Delta as Onitsha,

⁸ The term 'illicit gin' is a colonial construct, arising not necessarily from the fact that its consumption induced crime, made its drinkers unruly, or was a health hazard, but from the British colonial policy in West Africa of controlling and outlawing local people's reliance on indigenous products. This was meant to control if not foreclose the possibility of competition. To this day, *kaikai* is probably the most important liquor consumed at marriage, burial, initiation and other social ceremonies in most Niger Delta towns. In many of these communities, it is more popular than gin distilled using modern techniques.

Lagos, Lokoja, Jebba, Yola and in some southern Camerounian towns (Udo, 1970:58). The craft industries in the Delta towns of Warri, Ikot Ekpene and Brass also depend on raffia palm for craft fibres. Bamboo, *tai-tai* (rope from raffia palm) and other fibres from this tree are important indigenous building materials. Unlike oil palm, the patches of raffia palm swamps found in the Niger Delta are probably as much a result of deliberate cultivation, by mainly ‘palm wine tappers’, as they are of natural seed dispersal.

Other crops found in the region include cassava, yam, plantain, banana, cocoyam, tomato, pepper, coconut and several fruit trees such as *eben* (an Ibibio name for a local pear variety), mango and avocado. The first three of these crops—cassava, yam and plantain—are the region’s staple food items, grown even in the gardens of city dwellers. Locally fabricated cassava mills abound in many rural communities and in the towns—providing one of the most potent avenues through which the crop shifts from its conventional category of ‘food crop’ to ‘commercial crop’. It is in these mills, besides the home-based methods used by most rural dwellers, that large quantities of cassava tubers are processed into *gari*, which is arguably the most important food item in Southern Nigeria.

Livestock production is a relatively unimportant economic activity in the Delta, and the goats and domestic fowls that roam free in most rural settlements are, in many cases, reared to meet important cultural needs rather than merely for the table. Goats and fowls, for example, are required items of bride-wealth; they are also demanded as initiation fees by certain cultural associations. For their everyday animal protein needs, urban dwellers in particular rely on beef from cattle brought in from Northern Nigeria, on imported ‘iced fish’ and on the few commercial poultry located on the outskirts of the major towns (Aweto, 2002).

Besides agriculture and trading, there is an ever-expanding latticework of commercially oriented activities in many rural communities and towns of the Delta. While occupations and professions of every description can be found in the urban centres, such activities as dressmaking, *okada* (‘scooter taxi’ business), carpentry, dress-making, and motor vehicle/motorcycle/bicycle repair have penetrated even the remotest village. In some communities, these exist alongside age-old occupations

such as woodcraft, which guarantees the supply canoes, paddles, mortars, pestles and masks.

As hinted earlier, besides statistics pertaining to oil and gas operations, data on the actual economic performance of the Delta are hard to come by, and, as this researcher confirmed during an interview at NDDC in 2003, province-specific development agencies (such as NDDC) often regard their tasks as not involving research.⁹ However, because the Delta is a predominantly ‘rural’ province (which in Nigerian terms means, among other things, chronically under-resourced), with an estimated 70 per cent of the working population¹⁰ employed mainly in subsistence agriculture, the picture one gets is that of very poor economic performance. According to a *Regional Development Plan* produced by NDDC, about 75 per cent of the delta population live in rural areas with about 79 per cent of the rural dwellers living below the poverty line in 2003. Also, high levels of morbidity undermine the capacity for employment among the adult population (NDDC, 2004:75, 83).

Oil operations have brought into existence in the region a tiny, highly paid stratum of the labour force working in the various multinational oil companies, but the overall contribution of this stratum to the economic performance of the region is still considered insignificant because the vast majority of the population in the wider society are either unemployed or underemployed (HRW, 1999:95). Regional per capita GDP is generally believed to be less than the national average of \$319 (HRW, 1999:95, UNDP, 2003). NDDC (2004:75) describes the Delta as ‘one of the poorest parts of the developing world, and getting poorer’, which further gives some indication of the regional poverty situation in a country where an estimated 70.2 per cent of the population subsist on less than one dollar a day (UNDP, 2003).

⁹ In an interview with the head of one of NDDC’s departments in mid-April 2003, I learnt that the funding of socio-economic research constitutes a ‘distraction’ from the agency’s ‘main task’ of attending to the infrastructural development in the Niger Delta. The interview took place at the agency’s headquarters in Port Harcourt.

¹⁰ In some Delta states, the proportion of the population resident in urban centres is less than 15 per cent: in Akwa Ibom, for instance, it is 12 per cent (NPC and ORC Macro, 2004:3). The figure for agricultural work force given here is extrapolated from national data for 1999 (see CIA, 2004).

C. Social infrastructure

While the shock often expressed by first-time visitors—such as that attributed to Jesse Jackson at the beginning of this chapter—derives in part from the state of social infrastructure in the region as a whole, it is the rural sector that more dramatically projects the socio-economic conditions of the region. For instance, the most dominant form of rural housing is the mud-and-thatch hut (known throughout the Delta as ‘thatch house’ or ‘mud house’)¹¹. The basic building materials for a mud-and-thatch house are puddle, wood, bamboo and thatch. The house is walled and floored with puddle, while the roof is made of a simple sequence of mats made from raffia palm fronds; these are fastened to a supporting structure of wood and bamboo (Plate 5-2). In some riverine communities, like Ilaje Ese Ondo (in Ondo State), more rudimentary forms of this kind of shelter can be found, as many are built on stilts over the turbid creeks. Mud-and-thatch houses can be found even in some not-so-rural towns, like Ebubu—one of the sites selected for this study. The following remarks, published in *Habitat World* magazine, gives an idea of the character of this form of human shelter:

Even though they [work] hard to keep it repaired, the roof still [leaks] so badly that they [can hardly] keep food in the house [without it getting spoilt]. In addition, termites eat the untreated wood and destroy the mud walls. The floor, also of mud, has to be reglazed every week. The walls of the house have to be reglazed once a year and [need] constant repairs. Each year, the thatch roof has to be completely redone. Because the roofs... have to be replaced so often [raffia palms, which yield the] thatch are... hard to find (Kennedy, 1996).

Modified versions of this type of shelter can be found in every rural settlement: they are roofed with corrugated iron sheets rather than thatch. In some cases, cement is used as wall plaster and for the flooring. But the basic wall framework is puddle, not concrete blocks, and many of these buildings have no ceilings. In the dry season, when shade temperature in the Delta can be as high as 40 degrees centigrade, local residents easily compare these dwellings to ovens. More than 80 per cent of the rural delta population live in such substandard housing. NDDC (2004:37,86) estimates that to accord the region some form of housing decency, 607,345 housing units were needed in 2004, ‘with a future annual requirement for 324,600 new dwelling units’.

¹¹ The phrase ‘mud house’ as used in the region should not be confused with a similar term used by oilfield engineers, which refers to the storehouse of mud additives for drilling operations.



Wilson Akpan

Plate 5-2: Housing types in the study communities

Coupled with the everyday discomforts of living in a mud-and-thatch house, or in its modified, zinc-roofed equivalent, is poor sanitation. Most rural settlements depend on streams and creeks for drinking water. Certain national estimates put this picture into perspective: Nigerians spend on average about two hours and trek a distance of one kilometre daily in search of water (Osuntogun, 2002). Indeed, contrary to claims by Delta's provincial authorities that 20 to 25 per cent of rural delta communities have access to safe drinking water (HRW, 1999:95), anyone who is familiar with the region will question the authenticity of even such modest figures. For human waste disposal, most rural dwellers rely on pit latrines and the open bush. Nigeria as a whole performs quite poorly on this score, as official data show that only 10 per cent of households in the country had water closets in 1997 (Osuntogun, 2002). In the major Delta cities such as Port Harcourt and Warri, no city-wide sewerage exists: water closets in households and office/industrial facilities are linked to septic tanks located in-premises. The percentage of urban residents with access to safe drinking water is sometimes officially given as between 45 and 50 per cent (HRW, 1999:95), but such figures grossly misrepresent the situation on the ground—especially in the light of a national estimate of only 24.7 per cent (Osuntogun, 2002). In all the major oil cities, many residents rely on water from wells and boreholes, few of which meet health and safety standards.¹² Interestingly, residents with direct access to wells and boreholes consider themselves privileged: a large number of urban dwellers obtain their water from more 'suspect' sources, namely water hawkers, who push wheelcarts filled with water jerry-cans from door to door. It is thus difficult to dispute estimates that suggest that far less than 25 per cent of the Delta population have access to proper sanitation (HRW, 1999:95). These various factors partly explain the prevalence of water-borne diseases in the region. The following picture has been provided by NDDC (2004:33) concerning the waste disposal crisis in the Delta's urban areas:

In cities like Port Harcourt, Aba and Warri in the Niger Delta, only a small proportion of the solid wastes generated is collected by public or private agencies that have the capacity to ensure their safe disposal. The rest of the wastes, including toxic and hazardous materials, are disposed of indiscriminately, by dumping either at open and unprotected sites usually

¹² Nationally, it is estimated that 43.03 per cent of all dwelling units in Nigeria source their water from wells and boreholes (Osuntogun, 2002). It should be noted that the industrial and residential estates of the major oil companies have safe drinking water, but such water is a private utility and its use is restricted to company staff and guests.

located within the cities, in public drainage systems or in streams and creeks. Some incineration is practiced through open burning at the backyards of residences.

Some of the most appalling spectacles of the sanitation and waste disposal crisis—an example of the dysfunctional municipal management systems in all parts of Nigeria—are found in the markets. For example, on any weekday at the Mile One Market, one of the major markets in Port Harcourt, the muddy, fly-infested and crowded aisles are clogged up with endless rows of baskets (of ‘fresh’ fruits, vegetables, meat and ‘iced fish’) and waste heaps. Regularly, waste heaps crumble and litter the aisles, posing severe health threats to sellers, buyers, service providers and passers-by. It is in these kinds of markets that most shopping takes place in urban Nigeria; this is where many ordinary people eke out a living as petty traders, hawkers, ‘truck pushers’, cab drivers, or *okada* (‘scooter taxi’) operators. It was, therefore, not surprising when, during my fieldwork, many ordinary people in the region said their anger was directed not only at the oil companies and the federal authorities, but also at their local political representatives and municipal authorities.

The major towns are linked to the rural upland communities mostly by narrow, poorly paved roads; dirt roads connect rural communities within a given locality, and sections of a given community are often virtually cut off from one another by deep gullies or turbid creeks (Plate 5-3).



Wilson Akpan

Plate 5-3: Bridge over turbid waters—a frail boardwalk links sections of Iko town

National highways link the major cities, although, in 2003, when the fieldwork for this project was undertaken, many such highways (for example, Port Harcourt-Aba, Port Harcourt-Warri, Port Harcourt-Abak, Aba-Ikot Ekpene, and Uyo-Calabar) had fallen into such disrepair that travelling from one to the other of these towns was nothing short of a nightmare (Plate 5-4). ‘Death traps’ is the local slang for many of the national roads. On the whole, even in the dry season, less than 20 per cent of the Delta is accessible by tarred roads (BBC, 2004), and an estimated 95 per cent¹³ of all goods and passenger movement takes place on these as well as on the gravel and the barely-paved rural and urban roads.



Plate 1: 5-4: Collapsed infrastructure—Port Harcourt-Abak and (*inset*) Ikot Ekpene-Calabar Highways in 2003

In 2000, Bayelsa State (where the premier oil town of Oloibiri as well as the country’s largest onshore oilfields are located) had less than 30 kilometres of tarred road. Even so, this researcher found that waterway transport infrastructure in the state was grossly dysfunctional. The speedboats and canoes plying the state’s many turbid creeks had no safety features despite sometimes being overloaded with goods and passengers.

¹³ This figure is extrapolated from the estimate for Nigeria as a whole. See Metz (1991)

While there are sixteen federal and State-owned universities in the Niger Delta—and, like universities elsewhere in Nigeria, none is properly funded—educational infrastructure at the primary and secondary school levels, especially in the rural areas, is deplorable.¹⁴ Many of the schools here are under-resourced almost to the point of dilapidation (see NDDC, 2004:34-35). The NDDC declares on its website that in 2000 (the year of its inauguration) ‘pupils studied on bare floors and under trees in many schools’¹⁵, and that part of its mission since taking over from the defunct OMPADEC (see Chapter Seven, Section 7.4.2) has been to erect classroom blocks, supply classroom furniture and laboratory facilities, and establish new schools in order to shorten the distances that pupils in many localities have to cover to receive basic education. But at least in the communities where I did my fieldwork—and in the communities neighbouring them—there was little indication in 2003 that a significant dent had been made on the infrastructure backlog.

The problem of poor infrastructure extends to the health sector, and this also reflects the situation in the broader national sphere. A few well-equipped private hospitals exist in Port Harcourt and Warri. In these oil cities, such facilities service mainly the expatriate staff of the transnational oil companies and operate from the same secluded industrial or residential estates where these companies are located. On the state of healthcare in Nigeria as a whole, the following summary, documented by an international healthcare chain, is broadly in line with street opinion in the country:

The standard of medical care in Nigeria has declined in recent years. If possible, admission to a hospital should be avoided. Serious medical cases will require international evacuation.

The public hospitals are poorly equipped and badly managed. Some doctors have been trained in the UK, and all staff speak English, but most doctors and nurses have had very poor training. There is little quality or infection control, and the drug supply can be unsafe or fake. Medical equipment may be poorly maintained and unreliable. The electricity and water supplies are also unreliable.

¹⁴ With the exception of a few fairly well resourced federal colleges, public school infrastructure in this region is no different from what obtains in other parts of Nigeria.

¹⁵ This quote is the caption of a photograph in NDDC’s photo ‘gallery’ of achievements (<http://www.nddconline.org/cgi-bin/manualslideshow.pl?77>), accessed 7 September 2004.

Even the few private clinics identified as the best in the country do not operate according to international standards (International SOS, 2004).

Nigerians disparage public hospitals as ‘consulting clinics’ because even the most basic clinical materials like bandage and syringes, let alone drugs, are often not available. Besides, there are reports that hospitals use ‘fake and contaminated drips, surgeons [use] fake adrenalin to re-start the heart, [and] anaesthetists [give] sub-strength muscle relaxant to patients in their operating theatres (*BBC News*, 2005a). Chemists and pharmacies are widely regarded as ‘tents of death’, because most of the drugs on sale are ‘little more than sugar syrup and chalk tablets, cynically packaged to look like the real thing’ (*BBC News*, 2005a). Before departing for the fieldwork in 2003, my contacts in Port Harcourt had advised that I travel with my anti-malarials, analgesics and any other drugs I might require while in Nigeria. It was not because these drugs were not available in Nigeria: their concern was that I would not find any ‘genuine drugs’ in their immediate neighbourhoods. I was to later confirm that on visiting a chemist in, say Port Harcourt, to purchase a drug, the first question from an attendant would be: ‘do you want the original or local?’ This distinction had nothing to do with ‘imported’ versus ‘locally produced’. My hosts told me it did not matter whether a client’s answer was ‘original’ or ‘local’; these terms simply meant different grades of fake or expired drugs! The phrases ‘consulting clinics’ and ‘tents of death’, as widely used in Nigeria, spell out both the level of degeneration of the country’s health institutions and the extent to which ordinary people have lost faith in them.

Associated with the poor quality of healthcare delivery in the region and the overall substandard living conditions, of which the rural areas are worst affected, is the fact that 20 per cent of newborn infants die before age five. Life expectancy in the region stands at 46.8 years—figure that is lower in the deep swamps (NDDC, 2004:75). It is important to note that the Annual Reports and other corporate literature of the various transnational oil companies, and even of NDDC, are replete with textual and pictorial insets of community health centres ‘built’, ‘renovated’ or ‘taken over’ by the oil companies. Such projects are often promoted as part of the companies’ ‘social investment’ in the oil province (SPDC, 2001a:18). While many are authentic, and in some cases refer to the only existing or functioning ‘modern’ healthcare infrastructure in the remote oil community concerned (see Ojameruaye, 2004), a number of such references are spurious, and serve no other purpose than the public relations interests

of the publishers. As Frynas (2000:53) has pointed out, ‘some of the oil companies’ community development projects in Nigeria have been used in advertising materials despite the fact that they had been abandoned and were not functional’. An example is the health centre in Iko town listed in Shell’s *2001 People and the Environment* report as ‘taken over/renovated’ (SPDC, 2001:18). During my visit to the town in 2003, the health centre, which did not seem to have been renovated or equipped in any way, stood derelict, the premises overgrown with weeds and climbing plants. The only indication that this was (intended as) a ‘health centre’ was the signage at the entrance announcing it as a community project of SPDC.¹⁶ The other two study sites (Ebubu and Oloibiri) equally had no functioning health centres.

Nigeria as a whole has very low electricity access, due mainly to low power generation by the state-owned utility company National Electric Power Authority (NEPA) and poor maintenance of existing infrastructure, most of which is widely considered outdated. Of a total installed capacity of 5,958 megawatts, NEPA generated only about 2,537 megawatts of electricity in 2001 from its eight power stations (NEPA, 2001). Some of this is exported to Niger Republic, on Nigeria’s northern border. By comparison, South Africa’s state-owned ESKOM produces 35,200 megawatts of electricity (out of a nominal capacity of 39,154 megawatts) from its 24 power stations, and distributes this through national transmission lines traversing more than 25,000 kilometres. ESKOM thus generates over 95 per cent of South Africa’s, and 66 per cent of Africa’s, electricity. For its plan to electrify 85 per cent of Nigerian households by 2010, it is estimated that Nigeria will require about sixteen new power stations and at least 15,000 kilometres of transmission lines and vastly improved distribution. Currently, however, only about 40 per cent of urban and 10 per cent of rural households in Nigeria are connected to the national grid¹⁷. The data here probably do not adequately bring out the fact that actual public power supply in Nigeria is very erratic, and that companies, government offices and many

¹⁶ This was similar to a community water project in Oloibiri promoted in a full-colour, tabloid-sized NDDC newsletter, with a front-page banner headline, ‘Oloibiri Comes Alive... Salutes NDDC’ (NDDC, 2003:1): the project had neither been completed nor was it functional when this researcher visited the town in 2003. On the contrary, this researcher learnt during the study visit that the project was caught in squabbles and might have been abandoned (see Chapter Eight).

¹⁷ These figures have been obtained from an undated profile of electricity performance in Nigeria, published on a website widely regarded as an authoritative source of information on African energy issues. See <http://www.mbendi.co.za/indy/powr/af/ng/p0005.htm> and <http://www.mbendi.co.za/indy/powr/af/sa/p0005.htm>.

homes (in the urban centres) rely not on NEPA but on generators. In the Niger Delta, where ‘difficult terrain’ has historically allegedly hampered the provision of most other forms of social infrastructure, the problem of low access to electricity is almost at the extreme. According to Darah (2003) ‘over 70 per cent of the 3,000 communities and settlements in the core Niger Delta has no electricity’. The large oil multinationals operating in the province generate their own electricity.

Something may also be said about telecommunications. International Telecommunications Union (ITU) data for 2003 show that Nigeria has about four million lines, 78.7 per cent of which are basic mobile cellular lines (as the various cellular network operators have not yet rolled out data services). The number of Internet users is estimated to be about 750,000—or half a per cent of the population. The data for telephone usage translate to a combined fixed line and mobile cellular teledensity of less than three and half per cent (ITU, 2003a, b). These figures, however, presuppose that all of Nigeria’s ‘available’ fixed lines were ‘connected’ during the period under review, and yet, according to *The Yearbook of African Telecommunications 2003* (CIT and AITEC, 2003), this was not the case. The *Yearbook* also discloses that half of the ‘connected’ fixed lines operate on an antiquated analogue system, noting that such a system is largely responsible for the exceptionally poor performance of fixed-line telephony in Nigeria. On the whole, fixed line telephone services in Nigeria have been concentrated in the major industrial/commercial/bureaucratic centres of the country; in particular, Lagos, Port Harcourt and Abuja, although mobile cellular services are now rapidly expanding to other capital cities and major towns. For the predominantly rural province that it is, the Niger Delta as a whole will in all probability witness any significant penetration of telephone services only if universal access and community service obligations are clearly spelt out and enforced on service providers—although, again, the absence of essential social infrastructure (like electricity and motorable roads) in most parts of the province is likely to present a moral disincentive for the enforcement of such obligations.

5.4 Conclusion

This chapter has sought to give a contemporary picture of the Niger Delta by piecing together available and relevant historical, socio-economic and geographic data on the

region. From these secondary data, a few issues can be underlined. One, although the Niger Delta (the indigenous province of Nigeria's southern ethnic nationalities) is an ecologically fragile region, and large-scale industrial and other human activities take place here on an ongoing basis, no definite national conservation strategies exist to mitigate present and potential adverse impacts of such human activities. For this reason, conservation agencies regard the region as endangered. Two, the Delta is a region that is rich not only in petroleum (see Chapter Six) but also in a number of agricultural commodities, such as oil palm, rubber and cassava. However, the agricultural sector has been underdeveloped and is dominated by subsistence farmers (NDDC, 2004:75). Three, by most socio-economic indicators, the Delta is a grossly underdeveloped province, with, for example, a less-than-national-average GDP, high levels of 'extreme poverty', some of the worst forms of human shelter, deplorable transport infrastructure, and extremely low access to safe water, sanitation, electricity and telecommunication. As the NDDC (2004:75) reports, 'the living standards of the vast majority of people are not improving since economic enterprise and development are deterred or not progressing quickly'.

It should be obvious from the profile in this chapter that although the conditions of present-day social existence in the region are more or less bound up with oil and gas exploitation, no strong attributions have been made in the various sections to the environmental and social impacts of oil operations, although in many instances, such consequences are implied. What has been attempted in the chapter is essentially a presentation of the profile of the Delta as if its oil and gas endowment (and as if the impacts of oil operations) did not matter. This picture, in itself, is vital to an apprehension of ordinary people's everyday idioms of discontent and how such a discourse intersects with contemporary governance and social justice debates in the wider national arena. If the profile presented here is thus taken to be one dimension of an anatomy of the Delta, another important dimension is one that critically looks at the environmental and social consequences of oil operations. This other anatomy is presented in Chapter Seven, because I must first to examine, in Chapter Six, the institutional context of oil operations in Nigeria, which no doubt provides a basis not just for petroleum impacts, but also for the principles adopted by the Nigerian government in the distribution of petroleum revenues and development entitlements among the country's federating units.

CHAPTER 6

Institutional Context of Petroleum Production and Petroleum Revenue Sharing in Nigeria

6.1 Introduction

‘We are not applying international law’, a senior officer at the Port Harcourt operations of Shell Nigeria explained to me in 2003, ‘we stick to what the law in a given country permits.’ He was explaining what for him was fairly straightforward: many Nigerians (and even international activists) resisting corporate and state conduct in the Nigerian petroleum industry do not fully understand what informs such conduct. The remark is one that has axiomatic importance among transnational oil companies in Nigeria (see Haastrup, 1996). However, as discussed in Chapter Eight, it resonates differently with local people, who believe, for instance, that ‘when a company operates in a community it ought to do something for that community’, regardless of whether there is a law compelling such involvement. It is such apparently divergent positions that make it imperative for any interrogation of the social character of struggles in oil-rich communities to pay particular attention to the statutory/institutional framework guiding petroleum production and the sharing of the socio-economic costs and benefits of such operations.

Social existence and petroleum production in the Niger Delta have become so intertwined over the past five decades that increasingly analyses of socio-economic processes in the region are considered incomplete or of limited intuitive value without a strong reference to how the country’s oil industry operates. Indeed, the underlying significance of the discontent among ordinary people in the Delta becomes virtually unintelligible without an understanding of a) the institutional context within which petroleum production takes place, and b) the effect of that context on the regimes of petroleum revenue sharing among the constituent units of the Nigerian federation. This chapter focuses on these two key issues, and further provides a backdrop against which the social character of the Niger Delta struggles is analysed later in this work.

6.2 Petroleum operations in Nigeria – a historical background

As pointed out Chapter Five, despite its prominence and visibility—some would say notoriety (see Giwa, 1985:10)—crude oil is a comparatively new commodity in Nigeria. A few factors sometimes disguise this fact; namely, its unequalled status as the lifeblood of modern industrial economy, the grip it has on Nigeria's economy and politics, and, in a very significant sense, its role in the distortion of Nigeria's pristine resource hierarchy. Petroleum has since the mid-1960s displaced the once dominant agricultural commodities like cocoa, palm oil, cotton and groundnut as the major export earner and contributor to government revenues.

While the Niger Delta province has become twinned with oil and gas in visibility, early petroleum exploration in Nigeria actually took place outside the region. According to one account, the earliest attempts to commence a formal search for oil in Nigeria dates back to John Simon Bergheim's forceful argument before the British colonial authorities in 1906, that:

based on his knowledge of the region's geology, petroleum existed in Southern Nigeria and that his company, the Nigeria Bitumen Corporation, could find it. He had already achieved a monopoly on prospecting rights in Nigeria by buying up all other drilling licenses. For the next six years, officials in the Colonial Office protected Bergheim's monopoly of the prospecting rights, rewrote mining legislation at his request creating the Southern Nigerian Mining Regulation (Oil Ordinance) of 1907 and provided the Nigeria Bitumen Corporation with a loan to support its search for petroleum (Obasi, 2002).

Bergheim's daring argument obviously gained the indulgent favour it did precisely because oil was fast replacing coal as the energy of choice across the industrial world, and Britain knew that the more oilfields came under its direct control the better for its economic, political and military calculations.

The Nigerian Bitumen Corporation had commenced exploration activities in southwestern Nigeria two years before the John Bergheim presentation referred to above, but the efforts yielded no crude oil. However, some communities in the region (Ijebu Ode and Araromi, for example) were found to hold rich tar sand (bitumen) deposits. Commercial production of bitumen began in the area around 1918, and subsequently, a 120-kilometre stretch of western Nigeria became known as

a ‘bitumen belt’—an indication, even today, of the economic potential of this mineral in the country (*Nigeria First*, 2003; Soremekun and Obi, 1993).

It was not until 1937, when a Royal Dutch/Shell consortium by the name of Shell D’Arcy Petroleum arrived in Nigeria that exploration for crude oil began in southeastern Nigeria. This company was renamed Shell BP Nigeria in 1956. Shell’s first batch of engineers arrived in Owerri (the present-day Imo State capital city) in 1937, and established a Camp at what today serves as the premises of Alvan Ikoku College of Education. Geological reconnaissance and geophysical surveys commenced almost immediately in the Owerri area, although the outbreak of World War II in September 1939 interrupted these activities. But exploration resumed in 1946, the year after the war. In 1951 Shell drilled *Ihuo-I*, its first appraisal well, in a town called Iho, sixteen kilometres northeast of Owerri. The well was 3,422 metres in depth and yielded no oil. Another well, *Akata-I*, was drilled in 1953 and also turned out dry. By 1955, frustration with the poor results of appraisal drilling (both in the vicinities of Owerri and further south) brought Shell to the point of quitting Nigeria (Orji, 1999:87). Still, the company considered extending its exploration activities southwards into the ‘deep delta’ areas—clearly a bold move, considering that at this time in a section of the British intellectual community, grim reports concerning the oil-bearing status of Africa were circulating. Sir Laurence Stamp (1898-1966), a professor of social geography at the University of London at the time, had just released his book entitled *Africa: A Study in Tropical Development*. It contained a declaration that a petroleum explorer in Shell’s position might have found very demoralising:

Apart from the fields along the shores of the Gulf of Suez in Egypt, and a small yield from three tiny fields in Algeria and four in Morocco, Africa has no oil. The conditions favouring the accumulation of oil in quantity, in folds among sedimentary rocks on the margins of great sedimentary basins, do not exist in Africa (Stamp, 1953:53).

This statement was, however, to prove vastly erroneous,¹ in relation to both Africa as a continent and Nigeria as a country.² Just as Shell was weighing its prospects in Nigeria, knowing it had spent huge resources on the 28 dry holes drilled so far, luck came its way in June 1956. Its exploration team in the mangrove swamps of the Delta struck oil in the little sandy community of Oloibiri (in today's Bayelsa State). One senior citizen of the town (an octogenarian in 2003), who witnessed the drilling operations and the historic find, shared with me his reminiscences of the euphoria that engulfed both the oil company crew and the entire community:

It was such a great day! Although we knew nothing about the darkish substance before this time, the sense of accomplishment was overwhelming for all of us nonetheless. When they [the oil company crew] first told us in the early [19]50s they were searching for oil, we thought they meant palm oil, with which we are all very familiar. We had directed them to where our women were processing palm oil. But they said they were searching for crude oil. So since about 1952 when they first came [to Oloibiri], we had all become like eager spectators, or if you like, participants in what they were doing here.

When, on that fateful day [in June 1956], they splashed the whole place with crude oil and mud and water, we naturally joined them in jubilation! So great was the celebration in the town that we organised a friendly football match between our youths and Shell workers. The score line was 2-0 against Shell!³ The joy was such that we began to forget that when they first came their speedboats caused so much havoc here, capsizing our women's canoes—and you must have noticed on your way here that there is a way our speedboat operators behave when they approach a canoe. The oil company crew knew nothing of this⁴.

In economic terms, the first oil find of about 5,134 barrels per day seemed promising, especially against the background that all the wells drilled before 1956 ended up being dry holes. Shell cashed in on the Oloibiri promise and increased its drilling

¹ In the 1964 edition of *Africa: A Study in Tropical Development*, in which many 'fundamental' changes occurring in different parts of Africa compelled 'a complete rewriting of many sections', Stamp (1964:54) blamed his earlier flawed declaration on the state of geological prospecting technology in the period prior to 1953. With improved technology, he noted, geological investigators were now able to probe beneath 'the superficial sands, gravels, and alluvia occupying vast areas'.

² In 2003, Africa had about nine per cent of the world's proven oil reserves – reserves capable of lasting another 33 years at the 2003 production levels (BP, 2004).

³ This reminiscence was shared by the respondent as a way of illustrating what he saw as an 'ironic' plight, namely the town's 'lack of development' (see Chapters Four, Five and Eight).

⁴ I made reference to this strictly observed norm in Chapter Three. It guides the use of inland waterways in the region.

activities in the Delta and in a span of a few months confirmed commercial wells in the Ogoni communities of Bomu, Ebubu and Afam (Rivers State) and in the Imo River bed. In 1957 Nigeria commenced commercial production of crude oil, and a year later made its first oil export (Abe and Ayodele, 1986:84). Contemporary living conditions in these early oil-producing communities (and indeed all subsequent ones) are in themselves a study in the squandering of natural riches, and offer a powerful basis for challenging the notion that the present-day activism in the Niger Delta is an ethnic project. This is partly why I included Oloibiri and Ebubu among my fieldwork sites.

Although Shell's concession (a concept explained in detail in the next section) covered the entire Nigerian mainland, exploration activities became increasingly focused on the southern tip of the country. For the company, since more than 30 per cent of wells drilled before the mid-1960s yielded no oil, the southernmost tip of the country stood out as the region with the most economic promise (Abe and Ayodele, 1986:84).

Being the first successful oil explorer in Nigeria put Shell in a considerably favourable position relative to other foreign oil firms that arrived in the country later—a position the company enjoys to this day. The company did business for quite sometime in Nigeria without any competition whatsoever, and possesses what for a long time was thought to be the 'best' (in terms of being mainly onshore) oilfields in the country. Shell controls over 50 per cent of Nigeria's crude oil reserves and produces about 39 per cent of Nigeria's daily crude oil output (SPDC, 2001:6). During the early 1990s, the company sponsored media campaigns in Nigeria proclaiming itself as the 'largest investor in Nigeria's future'. The reader may recall the point made in Chapter One, that this dominant position has meant an uncanny ubiquity and certain vulnerability. Aggrieved by the disastrous social and ecological consequences of petroleum operations in the Delta (see Chapter Seven), many youths in this region seem determined to literally slash Shell's fingers off 'their' land. In 1999 Shell's crude oil production deferments (that is, suspended/unmet crude oil production/supply targets) attributed to 'community disturbances' reportedly reached an all time high of about 90 million barrels, up from just about 50 million barrels in 1998 (SPDC, 2003:3).

Such are the business and political risks associated with Shell's predominant onshore presence and corporate dominance in Nigeria that the company seems no longer keen on further onshore expansion, and now channels its resources more towards developing offshore oilfields in the country (*Afrol News*, 2004). The company's new thinking was given a further boost when in 1995, its offshore exploration subsidiary, Shell Nigerian Exploration and Production Company (SNEPCO), struck Nigeria's first (and at present largest) deep offshore deposit in the Bonga field. Covered by Oil Prospecting License (OPL) 212—OPL being the license that permits a company to prospect for oil—Bonga field lies about 120 kilometres southwest of the Niger Delta. Although production is yet to commence, Shell has reported that the Bonga field has about 600 million barrels of recoverable oil (*Offshore Technology*, 2004), and that its interest in Nigeria's deepwater sector will be greatly enhanced should OPEC approve a major increase in Nigeria's oil production quota (*EIA*, 2004).

Indications that Shell's monopoly in the Nigerian oil industry would be broken began to emerge around 1955 when part (about 453,387 square kilometres) of its earlier relinquished concessions in the northern sector of the country was awarded to Mobil Exploration Nigeria (now ExxonMobil). In 1957 Mobil won further concessions to the sediment basin of Sokoto (in northwestern Nigeria), covering an area of 20,434 square kilometres, and 6,436 square kilometres in the country's western sector. However, exploration efforts in the two regions yielded disappointing results, forcing the company to surrender back to government, in 1961, their OPLs covering these areas, and to continue their exploration activities southwards. By this time, Shell had converted a third of its OPLs into Oil Mining Leases (OMLs) (Abe and Ayodele, 1986:85). An OML is an agreement that gives a company the right to extract oil, if in terms of its initial Oil Prospecting License (OPL), it has found oil in commercial quantity.

As news of Nigeria's oil deposits spread, more multinational oil firms sought and obtained OPLs. Tenneco Nigeria obtained prospecting licenses in 1960, 1961 and 1965—covering a total area of 11,043 square kilometres. Tenneco later converted 64,000 acres of this into Oil Mining Leases (OMLs) and relinquished the rest to the government. Between 1962 and 1965 Gulf Oil, Agip, and Esso (Exxon) were issued

OPLs (Abe and Ayodele, 1986:86). In December 1963 Chevron (known as Gulf Oil at the time) successfully developed Nigeria's first shallow offshore oilfield. In April 1965 it shipped Nigeria's first offshore oil consignment to the international market (Haastrup 1996). By 1965 oil had toppled cocoa as Nigeria's leading foreign exchange earner.

According to Pearson (1970:15-16), by 1969 the following oil firms had been granted OPLs/ OMLs for either onshore or offshore prospecting/operations, or both:

- Gulf Oil Co. (Nigeria) Ltd.
- Mobil Producing Nigeria Ltd.
- Nigeria Agip Oil Co. Ltd.
- Phillips Oil Co. (Nigeria) Ltd.
- Safrap (Nigeria) Ltd.
- Shell-BP Petroleum Development Co. of Nigeria Ltd.
- Tenneco Oil Co. of Nigeria Ltd.
- Texas Overseas (Nigeria) Petroleum Ltd.
- Union Oil Nigeria.

It should be noted that in the competitive multinational corporate arena—the global oil industry typifies this—mergers, acquisitions and other market expansion/domination strategies, as well as national politics, frequently force companies to adopt new names, or what sometimes is a confusing welter of compound names. For example, Gulf Oil, founded in 1901 as Guffrey Oil and Gulf Refining Company, was bought over by Chevron in 1984. Chevron announced its merger with Texaco in October 2001 and operated as ChevronTexaco until early May 2005, when it issued a press release declaring that 'effective immediately' the name would revert back to Chevron Corporation, to 'present a clear, strong and unified presence in the global marketplace' (Chevron, 2005).

Mobil traces its corporate roots to The Vacuum Oil Company (incorporated in 1866) and especially to 1882, when John D. Rockefeller organised his disparate oil interests under the umbrella name Standard Oil—which was to break up into some 34 different companies three decades later following an Anti-trust ruling. Although Socony (one of Standard Oil's offshoots) registered Mobiloil as a trademark in 1920, a company by the name of Mobil Chemical Company was only formed in 1960. Numerous expansion initiatives later, Mobil announced plans in 1998 to merge with Exxon, and today operates as ExxonMobil (see ExxonMobil 2004). Similarly, the company that

was to be known in the English-speaking world from 1954 as Total, was established in 1924 in France as Compaigne Française des Petroles (CFP) (see Chapter Seven, Section 7.2.1D). In 1999, following a merger with Belgium's Petrofina, it became Totalfina, and in 2003, when ElfAquitaine joined the fold, TotalFinaElf resulted. That same year, however, the company was again renamed Total (See TotalFinaElf, 2003). Anthony Sampson (1988) has noted that as a result of mergers and acquisitions, the world's seven most powerful oil companies, often collectively referred to as the *Seven Sisters*, became five by the 1980s. One can only add that five is not the last word, because the mutations are continuing.

The imprints of the various corporate mutations are all too evident in the Nigerian oil industry. While some foreign oil firms no longer operate directly in Nigeria, others operate today under names that are different from what they were initially known in the country. Thus, as of 2005 Shell, ExxonMobil, ChevronTexaco, Agip, Total and Phillips dominated the country's upstream oil sector.

It is believed in the oil industry and in government circles that besides the Niger Delta and the deep offshore fields, there could be commercial oil deposits in the Anambra, Benue, Bida and Sokoto troughs as well as in Lake Chad, and companies have acquired prospecting blocks in these locations. To date, however, neither the prospecting companies nor the government has confirmed any such deposits.

On the whole, Nigeria's crude oil was produced from about 5,284 wells located in about 1,500 communities in 2003. The crude oil was processed in 257 flow stations (NDDC, 2004). The wells were grouped into about 280 oilfields, although about 120 fields were active during the same period. Some of the major oilfields are Cawthorn Channel, Ekulama, Forcados Yoriki, Jones Creek and Nembe (operated by Shell); Edop, Oso and Ubit (operated by ExxonMobil); Escravos Beach, Forcado (Mobil offshore); Meren and Okan (operated by ChevronTexaco) (UK Trade and Investment, 2003; NBR Services, 2004).

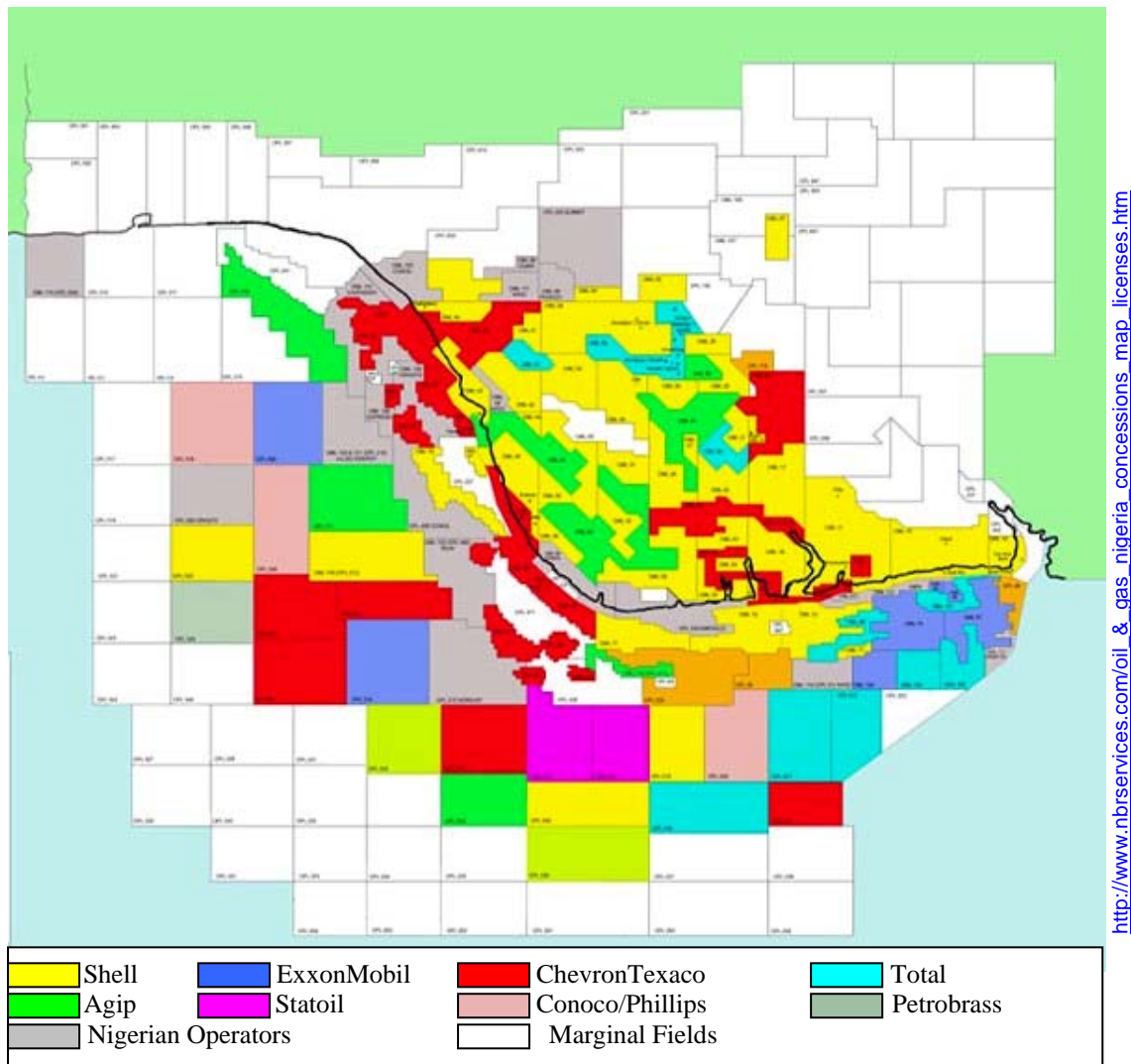


Figure 6-1: Map of oil prospecting and mining concessions in Nigeria

According to OPEC (2004) Nigeria’s proven reserves stood at 32.255 billion barrels in 2003 (capable of lasting another 43 years at 2003 production levels). This was about three per cent of the world’s total proven reserves. Going by the United State’s Energy Information Administration (EIA) statistics—and EIA figures are sometimes not in agreement with those of OPEC—Nigeria produced 2.25 million barrels per day in 2003, representing about two and a half per cent of global daily output of 77.9 million barrels. This places the country among the world’s top thirteen oil producing (and top eight oil exporting) countries. Within OPEC, Nigeria ranks fifth as an oil producer, and sixth as an exporter.

Table 6-1: Leading oil producing and oil exporting countries (2003)

Top World Oil Producers			Top World Oil Net Exporters		
Rank	Country	Total Production (Million Barrels/Day)	Rank	Country	Net Export (Million Barrels/Day)
1	Saudi Arabia	9.95	1	Saudi Arabia	8.38
2	United States of America.	8.84	2	Russia	5.81
3	Russia	8.44	3	Norway	3.02
4	Iran	3.87	4	Iran	2.48
5	Mexico	3.79	5	United Arab Emirates	2.29
6	China	3.54	6	Venezuela	2.23
7	Norway	3.27	7	Kuwait	2.00
8	Canada	3.11	8	Nigeria	1.93
9	United Arab Emirates	2.66	9	Mexico	1.74
10	Venezuela	2.58	10	Algeria	1.64
11	United Kingdom	2.39	11	Libya	1.25
12	Kuwait	2.32			
13	Nigeria	2.25			

Source: Energy Information Administration (EIA), U.S. Department of Energy, 2003.

6.3 From sole concessions to joint ventures—fiscal regimes in the Nigerian oil industry

I indicated at the beginning of this chapter that transnational oil companies in Nigeria generally hold the view that ordinary Nigerians who protest their conduct in Nigeria—and especially in the Niger Delta—do not fully understand the factors that inform such conduct. This necessitates a detailed discussion of the statutory/institutional framework for petroleum operations in the country and the obligations imposed on the operators—and indeed on the government. Before going into that, however, it is pertinent to provide some further background. First, there is the thinking in the Niger Delta—and I picked this up during the fieldwork—that ‘Shell is government and government is Shell’⁵ (see Chapter Eight, Section 8.2), which is indicative of the outlook in the communities that there is no real distinction between the transnational oil companies and the Nigerian government. Second,

⁵ The term ‘Shell’ as used in the study communities is quite loaded, and a researcher must pay very close attention to the context of use to be able to deconstruct it—since it can mean ‘Shell Nigeria’ (the oil company), ‘the Nigerian oil industry’, or indeed, ‘the Nigerian government’! See Chapter Eight (Section 8.2).

during one of my interviews at Shell I was informed that the grassroots discontent in the oil province had more to do with the Nigerian government than with oil company misconduct. As one interviewee put it, many ‘agitators’:

have told us that the real target of their agitation is not Shell but government. But they use a strategy which even if it is not working at present, has the potential of eventually bringing them the required attention from the Nigerian government. The strategy is simply: pull a person’s ear [the oil company] and his head [the Nigerian government] will turn.

Third, as we shall see presently, the Nigerian government sometimes gives the impression that it does not derive the right amount of benefits from the country’s petroleum resources and that this hampers its ability to fully discharge its responsibilities to the citizens. One way to gain some insight into these various issues, even before we explore the legal/institutional framework for petroleum operations in Nigeria (which I do in the next section), is to examine how the country’s oil fiscal regimes have evolved since the discovery of oil in 1956. This is because the fiscal regimes continue to impact on grassroots discourse in the oil province and in Nigeria as a whole.

One of the principal objectives of fiscal regimes in the oil industry is the maximisation of the economic benefits accruing to the government of an oil- and gas-producing country for the exploitation of these resources. Such benefits are often inappropriately termed ‘economic rent’—inappropriate because the term gives the erroneous impression that all that an oil-producing country does is enjoy oil revenues without in any way engaging in direct productive activities. The concept of ‘rent’ legitimises in effect the revenues accruing to the oil companies, since they are the petroleum ‘producers’. Rentierism in this ideal sense would not apply to Nigeria, because, as shown later in this section, the state-owned Nigerian National Petroleum Corporation (NNPC), operates much like any other oil company, besides being the holding company for Nigeria’s petroleum resources.

Within the context of fiscal regimes, governments juggle the risks and incentives for oil exploration and development in such a way that the fraction of ‘profit oil’ ultimately accruing to the state (‘government take’) and the fraction accruing to an oil

producing company ('oil company take') justify the state's status as the resource owner. Generally, fiscal regimes in the oil industry reflect the inelastic nature of oil supply—that is, the fact of its scarcity and non-renewability; or the non-competitive nature of the industry. This is unlike what obtains in a sector like manufacturing, which, in theory, operates what economists call 'normal profit'.

In Nigeria, two broad fiscal systems have historically been in operation, neither of which have gone unchallenged, at least at the level of ordinary people. These are sole concessions and a contractual system represented by joint ventures (JVs) and production sharing contracts (PSCs). The two systems have also historically defined the patterns of foreign oil company participation in the country's upstream sector. The evolution from a concessionary to a contractual system mirrors, among other things, Nigeria's political development. During the colonial era, when the Nigerian oil industry was a British monopoly (in line with the colonial policy of having all natural resources in the colonies under imperial control), the fiscal regime in operation in Britain was extended to Nigeria. The key issue, however, was that Nigerian involvement in the industry was not allowed, and British monopoly was substantially broken only after the country gained independence in 1960.

In a concessionary system, oil companies apply to the state to purchase petroleum rights in a given territory. If the rights are granted, they become private owners of the petroleum resources in the designated concessions and bear the full financial risks of its exploitation. In return, they pay royalties on the value of the oil produced, in addition to paying corporate income taxes to the government (Mulder *et al*, 2004). The practice in Nigeria during the colonial era was that large territories were granted to the concessionaires (Shell's initial sphere was the entire Nigerian mainland) and each lease lasted for 30 years.

One writer has suggested that 'the seemingly poor prospects of discovering petroleum in Nigeria' was the principal reason the British opted for this fiscal regime (Pearson, 1970:13). However, once it is accepted that Britain was the 'sole owner of all subsoil minerals in Nigeria', that the concessionary system was the main fiscal regime in operation in Britain, and that existing laws (such as the Mineral Oils Ordinance of 1914, which regulated the exploitation of this resource) precluded any form of local

participation in the oil industry, it becomes trite to ask why British companies did not seek ways of forging partnerships with Nigerians, and why local capacity was not developed early in the day (see Ebeku, 2001).

Even among otherwise well-informed Nigerian writers, the oil industry has for long been perceived as one huge mystery. Some analysts are awed by the mere thought that local expertise and resources could ever be available to crack the ‘formidable’ risks and expertise involved:

The financial, technical and managerial expertise required to establish a large modern mine is considerable... Exploitation is risky, and expensive; thus, large companies which have capital to commit and are able to spread the risk globally are at an advantage. Mine financing and development is also an expensive proposition requiring much technical expertise. Here too, the multinational mining companies and seasoned multinational contractors have a distinct edge. At the stage of mine management and international marketing of the minerals, the companies with their contacts, size and experience again have an advantage. At the stage of mineral processing and finally, the integrated multinational companies and other firms of the industrialised countries retain formidable control (Igwe and Edozien, 1986:122).

Such arguments naturally support the position that ‘technically less advanced’ countries (Pearson, 1970:13) have no choice but to depend (even to their detriment) on the technological and financial prowess of foreign private companies—Shell for example. The arguments justify, among other things, operating arrangements hinged on the dominance of private foreign oil firms. However, Michael Tanzer (1980:89-98) has since dismissed this line of argument as ‘falsehood’:

In today’s world, most oil exploration efforts, both onshore and offshore, are *not* carried out by the big international oil companies, like [ExxonMobil] but by smaller specialized drilling firms which sell their services to anyone, usually for a flat fee and not for a share of the profits. While it is true that in the underdeveloped countries these drilling firms work to a large extent for the big oil companies, this is so because the governments of these underdeveloped countries usually leave the control of exploration to the oil companies under the production sharing arrangements [emphasis in the original].

Tanzer further argues that while petroleum development is a capital-intensive endeavour, only about five per cent of the required capital is for the riskiest aspect of the operations, which is prospecting. Actual field development can easily be financed

through ‘favourable’ loans from banks, equipment suppliers, international agencies and oil companies desirous of securing their supply of crude oil. Tanzer notes that a proven commercial reserve of crude oil ‘is an extremely bankable asset’, and so an oil producing Third World country ought to be able to invest in oil operations without excessive reliance on the so-called ‘Seven Sisters’.

The system of sole concessions was scrapped via Decree No. 51 of 1969, which abrogated the colonial Mineral Oils Ordinance and laid the foundation for a contractual system based on joint ventures between the Nigerian government and transnational oil companies. In 1971 the Nigerian National Oil Corporation (NNOC) was established to represent government’s interests in all oil operations in the country. The Corporation went ahead to acquire 35 per cent stakes in the multi-national oil-producing firms operating in the country at the time. This arrangement initially meant that the total quantity of oil produced would be proportionately shared between the Nigerian government and the multinational oil companies. Until 1976, it was common practice for government to sell back its own share of the oil at discounted rates to the oil-producing firms; later, such a sale could only be made at whatever market rates ruled. In 1975, as a way of further strengthening its grip on the petroleum sector, the Hydrocarbons Unit was separated from the Ministry of Mines and Power and upgraded into a full-fledged government department, named Ministry of Petroleum Resources. In 1977, in terms of Decree 33, NNOC and the Ministry of Petroleum Resources were merged, to form the Nigerian National Petroleum Corporation (NNPC) (Nelson, 1981:143-144).

As indicated earlier, NNPC makes the Nigerian government an active participant, rather than merely a ‘rent taker’ in the oil industry. It operates just like any other oil company, with powers and interests in exploration, field development, refining, petrochemicals, pipeline transport and marketing.⁶ One of the first actions taken by NNPC upon inception was to increase to 60 per cent by mid-1977 its stakes in some of the transnational oil companies operating in the country then. Today, the Corporation is the Nigerian government’s representative in the various joint ventures (Table 6-2), which account for about 95 per cent of crude oil production in the

⁶ For the full extent of NNPC’s mandate, see the Corporation’s website <http://www.nnpc-nigeria.com>.

country. Logically also, its activities expose the Nigerian government to as much contempt as, if not more than, say, Shell. As one activist told me during an interview in Port Harcourt, NNPC ‘sees itself as government and thinks that, like the Nigerian government, it is above the law’.

Neither the governments of the oil-producing states nor specific stakeholders within the oil-producing communities are parties to a joint venture. This point is important in understanding some of the agitation in the Nigerian oil province, especially, why for many local people, Shell (meaning in many cases, as shown in Chapter Eight, the oil industry) is indistinguishable from the Federal government of Nigeria.

In a joint venture, the Nigerian government (through NNPC) shares in the financial risks of upstream oil operations—from exploration to production. This level of involvement in the petroleum business, as mentioned earlier, makes it inappropriate to describe Nigeria’s petroleum earnings as ‘economic rent’. Two principal instruments formalise a venture. These are: a) Joint Operating Agreement (JOA) between NNPC and the private firms, and b) Memorandum of Understanding (MOU) between the joint venture partners and the Nigerian government. In terms of a JOA, NNPC provides between 55 and 60 per cent of the operating costs of a joint venture while the ‘operator’⁷ of the joint venture (and its partners, if any) contributes the remaining fraction, becoming legally, a stakeholder of not only the oil it extracts but also of the yet-to-be-tapped crude oil in a given acreage. As Table 6-2 shows, Shell operates the biggest of the joint ventures (NNPC/Shell/Total). Agip operates, in addition to its interests in the NNPC/Shell/Total joint venture, a separate joint venture with NNPC—with Phillips as its partner.

While not as clear-cut as the cost-sharing equation of joint venture operations, the sharing of petroleum revenues between the Nigerian government (via NNPC) and the joint venture ‘operators’ essentially follows the same logic—that of government taking the bigger share, as the ‘owner’ of the petroleum. But the practicalities of the logic are given expression in a principle known in the Nigerian petroleum industry as

⁷ Whether in a bipartite joint venture agreement (between NNPC and one foreign partner) or in a multipartite arrangement (involving NNPC and two or more partners), a joint venture agreement recognises and designates only one ‘operator’ in each case. For example, Shell is the ‘operator’ of the multipartite NNPC/Shell/TotalFinaElf/Agip joint venture.

‘Split of the Barrel’. Shell’s 2003 *People and the Environment* Report sheds some light on how this sharing formula works:

The terms of the Memorandum of Understanding (MOU) signed in 2000 between the Government and the major oil companies continued to form the basis for sharing oil revenues between the joint venture partners in 2003. Under the terms of the MOU, the companies...receive a fixed margin within an oil price range of \$15 to \$19 a barrel... For example, at an oil price of \$19 per barrel, the Government’s take in taxes, royalties and equity share is \$13.78 per barrel. Of the remaining \$5.22, operating cost and future investment take the lion’s share, with about \$1.22 left to be shared as a margin among the private shareholders... At \$10 per barrel, the government’s take falls to just over \$5.12 per barrel, whilst the margin to be shared amongst the private shareholders reduces to 88 cents. At \$30 per barrel, the Government’s take increases to \$24.13 per barrel, while the margin shared by the private partners increases to \$1.87 (SPDC, 2003:4).

While a 60-40 joint venture equation portrays the NNPC (and hence the Nigerian government) as the ‘senior partner’, the operational aspect of joint ventures is another matter. The joint venture ‘operator’ (the transnational oil company) handles most of the sensitive aspects of the business. These include: the drawing up and implementation of operating budgets (subject, though, to NNPC’s approval); exploration, drilling, laying and maintenance of pipelines, and production; custody of both the crude oil and the storage tanks; operation of oil export terminals; and oil lifting (Ude, 2002). The implications are that:

- Available data on petroleum infrastructure, production, and community projects costs in Nigeria, as well as crude oil and natural gas production and export quantities, among others, are basically data emanating from the oil companies.
- Nigeria’s upstream petroleum earnings are to a large extent determined by the operators.
- NNPC, DPR and other state agencies must be exceedingly efficient, transparent and accountable to be able to effectively monitor petroleum operations.

I found during my fieldwork that many local people were generally familiar with these issues, although in a number of instances—such as during interviews with local leaders in Ebubu and Iko—I sensed that residents did not want to be drawn into ‘debates’ as to who was responsible for development project delivery in the communities. ‘Shell is government and government is Shell,’ was always the response when interviewees felt that a question could lead to such debates, and there was always the tendency to hold ‘Shell’ responsible for the social ‘neglect’ in the communities and for ‘reckless’ corporate conduct (see Chapter Eight). Civil rights activists in the Niger Delta generally deride the operational asymmetry in the relationship between NNPC and the operators by referring to Nigeria as a ‘colony of Shell’.

Table 6-2: Major joint ventures in the Nigerian upstream oil sector

Operator (% interest)	Other Partner (% Interest)	NNPC Interest (%)	Major Producing Fields	Estimated Output (Barrels per Day)
Shell (30%)	TotalFinaElf (10%) Agip (5%)	55 [^] %	Bonny or Eastern Division - Nembe, Cawthorn Channel, Ekulama, Imo River, Kolo Creek, Adibawa and Etelebou Forcados or Western Division - Forcados Yorke, Jones Creek, Olomoro, Otumara, Sapele, Egwa and Odidi	1,100,000 ^a
ExxonMobil (40%)	None	60%	Edop, Ubit, Oso, Unam and Asasa	570,000 ^a
ChevronTexaco (40%)	None	60%	Meren, Okan, Benin River, Delta/Delta South, Inda, Meji and Robertkiri Funiwa, Middleton, North Apoi, Pennington and Sengana	485,000 ^c
Agip (20%)	Phillips (20%)	60%	Obama, Obiafu, M'Bede, Abgara and Oshi	150,000 ^c
TotalFinaElf (40%)	None	60%	Obagi, Aghigo, Okpoko, Upomami, Afia and Obodo-Jatumi	150,000 ^b

Sources: ^aEstimated daily output in 2004 (EIA, 2005); ^bEstimated daily output in 2004 (Total, 2004:62); ^cEstimated daily output in 2003 (EIA, 2003).

There is evidence that the Nigerian government (especially under Olusegun Obasanjo) has not been at ease with such asymmetries—or indeed, with the NNPC, its own oil company. One lingering problem in the relationship is NNPC’s inability to timeously release funds to the ‘operators’ as its part of the funding obligations in a joint venture—an issue known throughout the industry as ‘cash call problem’. Joint venture cash calls sometimes fall into arrears of several hundred million U.S. dollars (Asiodu, 2001; *Nigeria Exchange News*, 2000). The very nature of a joint venture relationship (the fact of sensitive operational responsibilities falling on the transnational oil companies, and budget-approving and monitoring powers vested in NNPC) calls for utmost transparency and accountability at the levels of the ‘operator’, NNPC and government officials. Indeed, the relationship presupposes that political governance and the *background institutions* governing the petroleum industry in particular are above reproach. However, public perception of NNPC is that the corporation is ‘notoriously untransparent’ (*Financial Times*, 2005:3)—a view that is widely held in the communities I studied. Also, while the allegation by Transparency International (2004) that much of Nigeria’s oil revenues are in the private ‘pockets of foreign oil executives, middle men and local officials’ might not specifically refer to an opaque joint venture accounting system, it is an indictment on the broader petroleum sector management system of which joint ventures are a part.

Another interesting angle to the cash call problem—one that would seem to reinforce local notions of Nigeria as a ‘colony of Shell’—is that accumulated defaults on the part of NNPC have led to a situation where the oil companies have devised a system of lending money to NNPC for use in meeting its cash call shortfalls! The extent to which such financing mechanisms have put the Nigerian government under obligation to the transnational oil companies is likely to remain conjectural. However, a pattern of financial relationship in which oil companies become lenders to their ‘senior partner’ could theoretically hinder the ‘senior partner’s’ ability to exercise its full regulatory and monitoring powers over the lenders. It is surprising that rather than view financing mechanisms of this kind as capable of hindering effective regulation and monitoring in the oil industry, some economists view them as ‘particularly innovative’, even suggesting that such mechanisms ‘may well become templates for future fiscal terms relating to the industry as a whole’ (Davies, 2001:206).

A major government response to the intrinsic drawbacks of joint ventures has been the institution, since the early 1990s, of another strand of contractual fiscal regimes, the production sharing contract (PSC). This model is in use in countries like Gabon, Indonesia, Malaysia and India. The Nigerian Investment Promotions Council (NIPC, 2004) states that PSCs (which cover NNPC acreages previously outside joint venture agreements, as well as new blocks) put all the financial risks and burdens of prospecting for oil and developing a reserve, if one is found, entirely on the oil companies (contractors). This is the distinguishing feature: NNPC does not make direct financial contributions towards exploration or production and does not have any cash-call obligations to PSC contractors. Through stipulated fractions of the total quantity of oil produced, the contractor is expected to recover its costs and make a profit if exploration proves fruitful, while paying taxes and royalties to the government. Exploration and development costs are recovered in what is known as ‘cost oil’, and taxes and royalties are paid in ‘tax oil’ and ‘royalty oil’ respectively. Whatever remains after these various obligations have been met is ‘profit oil’, which is split between NNPC and the contractor. Like joint ventures—but in production sharing contracts more so—operational procedures are in the corporate domain of the contractors. The common view among the human rights activists I had conversations with in Port Harcourt was that unless public transparency and accountability were enforced, the practice of ‘double invoicing’ could jeopardise the process—that is, contractors could devise a system of invoicing the true production and export figures for their own accounting, while declaring false figures to the authorities. In effect, NNPC (the Nigerian government) waits in vain for ‘profit oil’!

A production sharing contract obviously anticipates such problems, hence it subjects the contractor to a strict work programme. It stipulates a ten-year period within which it can conclusively be said that an oil exploration venture has been successful and that actual petroleum development can begin—or that a given acreage is oil-barren. Should the contractor strike oil in commercial quantity during the first three years, it is entitled to ‘cost oil’ to the value of \$24 million. Should exploration be extended another three years, a further \$30 million is the maximum that the contractor can claim as expenses. For an additional four years within the allowable ten-year exploration period, the maximum expenditure cannot exceed \$60 million. NNPC may terminate the contract if the contractor has failed to implement the work programme

within six years, although (in terms of relevant provisions of the contract) either party can terminate the contract at any stage provided a 90-day notice has been given to the other party. The contract is automatically terminated if no exploitable reserve is found in an allocated block within the first 10 years. Overall, according to NIPC, the duration of a PSC is 30 years, inclusive of the ten-year exploration period.

In terms of a PSC, royalty payments on offshore fields operate on a sliding scale, based on water-depth—with fields located in shallower areas incurring more royalties. Thus, royalty oil on fields located within a water depth of 200 metres is 16.67 per cent of the total volume produced; between 201 and 500 metres, 12 per cent; between 501 and 800 metres, eight per cent; and four per cent for fields located within a water depth of 801 to 1000 metres. Beyond 1000 metres, no royalty is payable (NIPC, 2004).

According to Edmund Kaudoru, Nigeria's presidential adviser on petroleum and energy, unless these various conditions are strictly enforced, nothing prevents a contractor from recovering 'its cost fully before there is [any] oil left to be shared as profit oil' (quoted in *ThisDay*, 2004c). The transparency problem in the Nigerian oil industry is that real.

Since its introduction, production sharing contracts have been basically targeted at shallow offshore, deep-water and ultra-deep water operations, although there is probably a strategic plan in government circles to convert existing joint ventures into production sharing contracts as time goes on (*ThisDay*, 2005b). Recent trends indicate that deep-water (and ultra-deep water) operations—as exemplified by Bonga, Agbami and other newly discovered reserves—represent the growth area in the Nigerian petroleum industry, and hold the key to Nigeria's ability to sustain higher oil output levels should OPEC accede to its bid to increase its production quota by 25 per cent (see ExxonMobil, 2002). As at 2004, most of the major joint venture operators in Nigeria (Shell, ExxonMobil, Chevron, Agip, Total) were also PSC contractors, operating in partnership with one another or with other foreign firms. There are a number of Nigerian PSC operators, such as Yinka Folawiyo Petroleum and Famfa—the former working in partnership with Canadian firm, Abacan Resources; the latter

with Texaco. Yinka Folawiyo Petroleum operates the Aje field (OML 113) while Famfa operates the Agbami field (OPL 216) on behalf of NNPC.

People in the three communities I studied avoided debates on who should shoulder the responsibility for the development of their communities partly because, in their view, ‘Shell’ and the Nigerian government had derived such huge revenues from their areas that they should not in any way consider community investment a problem. As one respondent in Iko emphasized, the oil communities:

are very tiny in terms of both population and physical size [landmass] and even if [an oil] company or whoever embarked on an all-out investment in social infrastructure and human capital development – just to compensate them for the resources they’re extracting from there, they would still have spent a pittance from their total revenue.

Such ‘grammar’ of discontent is discussed at length in Chapter Eight, and the social justice underpinnings of grassroots discourse are taken up in Chapters Eight and Nine. What should be underscored at this juncture is that joint ventures and production sharing contracts together furnish a picture of Nigeria’s oil revenue earnings. Table 6-3 below shows, among other things, the country’s export earnings from crude oil between 1983 and 2003.

Table 6-3: Statistics of Nigeria’s crude oil—proven reserves, production and export value (1983-2003)

Year	Proven Crude Oil Reserves (Million Barrels)	Crude Oil Production (Thousand Barrels)	Value of Crude Oil Exports (Million US\$)
1983	16,550	1,235.5	9,941
1984	16,650	1,388.0	11,534
1985	16,600	1,498.9	12,568
1986	16,066	1,466.6	4,770
1987	15,980	1,323.0	7,024
1988	16,000	1,341.3	6,267
1989	16,000	1,716.3	7,470
1990	17,100	1,726.7	13,265
1991	20,000	1,893.1	11,792
1992	20,991	1,957.0	11,642
1993	20,991	1,905.2	10,859
1994	20,991	1,820.9	11,040
1995	20,828	1,842.6	11,512
1996	20,828	1,863.1	14,888
1997	20,828	1,876.7	14,391

Year	Proven Crude Oil Reserves (Million Barrels)	Crude Oil Production (Thousand Barrels)	Value of Crude Oil Exports (Million US\$)
1998	22,500	1,939.0	8,754
1999	29,000	1,781.5	12,453
2000	29,000	2,053.6	20,040
2001	31,506	2,017.6	17,188
2002	34,349	1,801.7	17,083
2003	35,255	2,166.3	22,184

Source: *OPEC (2004)*.

Nigeria's total petroleum earnings come from the government's direct joint venture dividends as well as from royalties and petroleum profit taxes paid by the oil companies, and from gas and domestic crude oil sales. Beyond these, the oil companies also make mandatory contributions to the education tax fund and to agencies such as NDDC. The personal income tax of oil workers is another way in which petroleum development generates revenue for the Nigerian economy.

6.4 Legal/institutional framework for petroleum operations in Nigeria

As we have seen in the above section, fiscal regimes in the Nigerian upstream petroleum industry have evolved from sole concessions to contractual systems characterized by joint ventures and production sharing contracts. This evolution reflects at once Nigeria's political development and the government's increasing awareness of the value and opportunity costs of petroleum development. However, we still have not sufficiently grasped the subtle connection between the economics of petroleum production (and petroleum revenue sharing between the national government and the regions) and the sociology of petroleum (the social crisis it has spawned in the Delta region, for example). Fiscal regimes alone do not fully reveal the reasons for the anger in the Delta region. This is partly because joint ventures and production sharing contracts are hinged on a broader legal and institutional framework that defines oil resource ownership and control, spells out obligations that must be met by various stakeholders, and more importantly, defines the relationship between people and the biogeophysical environment. Still guided by the analytical perspective introduced in Chapter Three (Section 3.3), let us now examine this framework, and why it is crucial for understanding the social character of the Niger Delta struggles.

6.4.1 Petroleum laws: abuse of eminent domain?

The Nigerian petroleum industry is governed by a plethora of laws. The Department of Petroleum Resources (DPR) identifies on its website⁸ more than 35 of these under what it calls ‘principal’ and ‘subsidiary’ pieces of legislation. These include the Oil Pipelines Act of 1956, Petroleum Control Act of July 13, 1967, Petroleum Act No. 51 of November 27, 1969, Offshore Oil Revenue (Registration of Grants Act) of April 1, 1971, Exclusive Economic Zone Act of October 2, 1978, and the National Inland Waterways Decree of 1997. For the purposes of this thesis, the most viable approach to analysing the legal/institutional framework for petroleum exploration and development in the country is to examine the pieces of legislation that govern ownership and control of petroleum resources.

A. The Petroleum Act

The most important petroleum ownership/control legislation in Nigeria is the 1969 Petroleum Act (originally Decree 51), which explicitly and intricately defines the issues of petroleum resource ownership and control. This Act repealed the 1914 Mineral Oils Ordinance (the first oil-related legislation since Nigeria formally became a colony), which had forbidden the participation of non-British citizens or companies in oil prospecting and exploitation. It also repealed, among other colonial laws, the Minerals Act of 1945, which had vested ownership and control of:

all mineral oils in, under or upon any lands in Nigeria, or of all rivers, streams and water courses throughout Nigeria... in the [British] crown, save in so far as such rights may in any case have been limited by any express grant made before the commencement of this Act (quoted in Ebeku, 2001).

The 1969 Petroleum Act (the defining legislation in this discussion) transferred the rights cited above to the Nigerian government. This right is enshrined in Nigerian Constitution, but it is the Petroleum Act that provides the enabling details. Section 4.4(3) of the 1999 Constitution states thus:

Notwithstanding the foregoing provisions of this section, the entire property in and control of all minerals, mineral oils and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and the Exclusive

⁸ <http://www.dprnigeria.com/legislation.htm>.

Economic Zone of Nigeria shall vest in the Government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly.

The Petroleum Act set the stage for the participation of Nigerian companies and Nigerian citizens in the oil enterprise and gave the state the legal basis to promote operating, policy and fiscal environments that would best serve the development needs of the Nigerian society. But, as shown presently, reality is not always a true reflection of intentions.

The logical consequence of the Nigerian government's right to 'the entire property in and control of all minerals, mineral oils and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters' is that the government can condemn private land for any aspect of petroleum development. In other words, while individuals' surface improvements to land (in the form of, say, buildings, crops, tombstones, shrines and ancestral cemeteries) remain private, 'minerals, mineral oils and natural gas in, under or upon' the land are viewed by the state as public goods and government's intervention in their exploitation becomes simply a case of public use.

Such a right is not new. It flows from what is commonly known as *eminent domain*—an 'ancient attribute of sovereignty' (Jacoby, 2004) by which power the state can 'condemn private property and take title for public use' (Cato Institute, 2002). Eminent domain is the power by which the state directly controls land or aspects of it, or can expropriate land from private owners for projects ranging from oil and gas pipeline rights-of-way and airports, to public highways and sports stadia. For example, in the petroleum-rich Alberta province of Canada, the Surface Rights Act (enacted in January 1977) vests mineral rights on the government of the province: individual landowners control only the 'land surface and the right to work it, in addition to any sand, gravel, peat, clay or marl which can be excavated by surface operations' (Alberta Department of Energy, 2004). Accordingly, the right to 'explore for and produce oil, gas, and other minerals' rests with the state—although a fundamental difference with Nigeria is that Alberta's mineral rights vests in the government of the oil-producing province, not in the Canadian government as such.

The problem with the exercise of this power—one that has become a major subject of social justice activism the world over—is the ‘justness’ or otherwise of the compensation paid to affected individuals or groups. This is because the power of eminent domain has historically been restrained by the need to pay ‘just compensation’ to the landowners. According to the Washington DC-based public policy research body, Cato Institute, eminent domain is prone to abuse in the sense that a government can ‘take property from one owner, often small and powerless, and transfer it to another, often large and politically connected, all in the name of economic development....’ The Institute further notes that contemporary eminent domain-related activism in many parts of the world is aimed at putting ‘teeth back into public-use restraint’.

Nigeria’s Petroleum Act spawns discontent in the oil-producing communities partly because it stipulates no clear benchmarks as to what should be paid as compensation. Section 77 of the Act expects an oil operator to pay to the landowner:

such sums as may be a fair and reasonable compensation for any disturbance of the surface rights of such owner or occupier and for any damage done to the surface of the land upon which his prospecting or mining is being or has been carried on and shall in addition pay to the owner of any crops, economic trees, buildings or works damaged, removed or destroyed by him or by any agent or servant of his compensation for such damage, removal or destruction.

While probably laws such as this might not be expected to be explicit on actual minimum or maximum amounts payable, I found that local residents in the study communities were generally not aware of what anyone affected by any aspects of oil exploitation might legitimately expect to be paid. Despite the protracted conflict associated with petroleum production in Nigeria, I found no clear government or NNPC outreach programmes through which communities were periodically enlightened about their entitlements on matters pertaining to mineral rights, surface rights and compensation (cf: Alberta Department of Energy, 2004; Alberta Department of Agriculture, Food and Rural Development, 2004). The Petroleum Act’s silence on compensation benchmarks as well as the absence of outreach programmes leave a penumbra, a grey area, over which affected parties could amicably negotiate with petroleum operators or, otherwise, be plunged into protracted conflict. Even so, Georg Frynas’s (2000:225) study of litigations between oil-

producing and transnational oil companies in Nigeria showed that compensation-related court cases were almost always decided in favour of the oil companies. The reasons Frynas proffered for the ‘bias’ were: a) the elaborate relationship existing between the companies and the Nigerian government, and b) the considerable influence the government exercises over the judiciary.

An officer at Shell Nigeria disclosed at one of my interviews that in the face of a lack of clarity on what is legally ‘fair’ or ‘just’, the oil companies traditionally adopted three payment types; namely, payments for:

- Land Value
- Economic Trees/Crops, and
- [Physical] Structures.

He explained that if they were to follow the law strictly, payment for ‘land value’—which in many cases meant ‘payment for loss of value’—would not apply, because the law did not require the oil companies to incur such costs. (In the subsection ‘Whose Land’—Subsection 6.4.1.C below—I discuss the law that most directly supports this attitude, and the related contestations.) They incurred these costs because ‘it is extremely risky to adopt a legalistic attitude when it comes to dealing with the communities’. As a rule, amounts paid are determined by the ‘current market value of the land’. However, because most petroleum exploration and production activities took place in very rural communities, the market value for land was often very meagre—if land had any ‘market’ value at all. I was given a copy of a document (OPTS, 1997) which showed that annual rentals for land acquired for petroleum drilling or related activities varied from \$3.85 per hectare (in the case of ‘swamp’ and ‘sand beaches’) to \$7.69 per hectare (‘dry land’). These amounts were covered by decennial leases. In the event of permanent damage to land, the oil company was expected to ‘capitalise’ the applicable rental amount ‘for a one-time payment... for a term of 20 years at a rate of 5%’ (OPTS, 1997). Thus, a ten-hectare parcel of ‘dry land’ currently worth \$76.9 in yearly rental would, in the event of ‘permanent damage’, bring its owner a one-off payment of \$209.04, being five per cent of the annual rental compounded for a period of 20 years!

Concerning the payment for crops damaged, the companies also relied on the Oil Producers' Trade Section's (OPTS) recommendations. OPTS is the organ representing the interests of petroleum producers in the Lagos Chamber of Commerce and Industry (LCCI). OPTS's recommendations were in turn guided by government rates—that is the rates used by state when its 'public interest' projects encroach on private 'surface rights'. However, according to the Shell interviewee, OPTS's rates were slightly higher than those used by any of the nine Niger Delta state governments. To make the rates 'realistic', the oil companies, like the state, typically made artificial distinctions between crops of 'economic' or 'cash' value (mainly tree crops), and those of 'consumption' or 'food' value (mainly shrubby/tuberous plants and vegetables). The former attracted higher rates. Likewise, seedlings were considered less valuable than mature crops.

I further learnt that in making distinctions between 'economic' and 'food' crops, little attention was often paid to the fact that some crops that might not have high 'economic' value had important cultural significance for local people. For example, in local marriage, funeral and initiation ceremonies, for example, only in very rare cases would cash be accepted in lieu of certain required items. Many such items were often part of the local ecology. Examples are *pami* and *kaikai* (local wines sourced from raffia palm—see Chapter Five). The 'finest' wines, brandies, whiskies and beers would normally not be regarded as substitutes for *pami* and *kaikai*. Also, a grove of wild oil palm trees (*Dura*) often served as an income source for a family for generations; in many cases, it helped to define a family's status in the community. Economistic compensation criteria would normally not take into cognisance the intergenerational economic and cultural importance of certain local 'economic' trees/crops.

Table 6-4 below has been constructed with data from the OPTS document referred to above. The table gives an indication of how much, in monetary terms, an affected community, family or individual could have earned in 2003, and shows how farmers could be affected should they stick to indigenous food crops rather than plant for cash. It provides a useful basis for understanding the anger among ordinary people in the study communities and further helps us comprehend their narratives (in Chapters

Eight and Nine). In short it forms a basis for challenging the assumption that the struggles in the oil province are fundamentally ethnic. I extracted from the OPTS document ‘cash’ and ‘food’ crops commonly found in rural Niger Delta.

Table 6-4: Oil industry compensation rates (for selected crops)

Crop	Maximum Amount Per Hectare of Crop (US\$)	Alternative Criterion (Maximum Amount Per Crop/Stand – US\$)
Maize	58.84	-
Beans	82	0.02
Yam	369.23	0.31
Cocoyam	123.08	-
Cassava	136	-
Pepper	76	-
Sweet Potato	50	0.02
Pumpkins	-	0.08
Okro	-	0.04
Bitter Leaf	-	0.10
Tomatoes	100	0.10
Melon	90	0.06
Pineapple	-	0.15
Waterleaf	-	0.004
Mango (hybrid variety)	-	7.69
Coconut	-	4.62
Guava	-	1.54
Pawpaw	-	1.54
Banana	-	2.36
Plantain	-	2.46
Orange	-	4.62
Raffia palm	-	2.46
Rubber	-	3.08
African Pear	-	2.46
Cocoa	-	7.69
Oil Palm (hybrid)	-	4.62
Oil Palm (indigenous)	-	7.69

Source: Oil Products Trade Section (OPTS), Lagos Chamber of Commerce and Industry (1997)

A second source of discontent relates to environmental protection. The Petroleum Act requires operators to ‘adopt all practicable precautions’ to prevent land and water pollution. Should such precautions fail, companies are required to ‘take prompt steps’ to contain the effects of pollution. Operators are to perform these duties in a ‘proper and workmanlike manner in accordance with the regulations and practices accepted as “good oilfield practice”’ (see Gao, 2003). The Act contains no threat of

serious sanctions against polluters. As a result of such ‘silence’ oil operators have on occasion contravened even DPR’s ‘Let Polluter Pay’ principle. For example, the claims procedures pertaining to the January 12, 1998 oil spill at Idoho, Eket (Akwa Ibom State) was, according to the Nigerian scientist Alfred Susu (1998), fundamentally flawed. According to Susu, the polluting company presided ‘over the ultimate process of determining the quantum of compensation payable to aggrieved individuals or communities’, in addition to the fact that the entire claims process failed to take into account ‘immediate, short-term and long-term damage of oil spills’.

An interesting dimension to the conduct of oil companies vis-à-vis the payment of compensation for third-party property damaged as a result of oil spillage, is that the operators regard the occurrence of spills as the petroleum industry’s equivalent of a ‘fire disaster’. In their thinking, oil spillage is not an occurrence over which a company should be threatened with sanctions or pestered for compensation. A local Chevron Community Relations Manager explained this to a gathering of senior energy correspondents in Nigeria in 1996:

Let us imagine that one of your organizations suffered a fire incident in which some offices were totally burnt and equipment worth millions of Naira [Nigerian currency] destroyed. I believe it would be your fair expectation that some sympathizers will call on you offering their commiseration and praying that such incidents never happen again (Haastrup, 1996)

The above is not to suggest that there are no environmental laws in Nigeria dealing with the adverse consequences of petroleum exploitation and other human activities, or that the country has no environmental policy: there are several pieces of legislation aimed at protecting the environment. As examined in Chapter Seven there are laws targeting oil pollution in navigable waters, harmful waste disposal, and damage to sea fisheries, among several others. A Federal Environmental Protection Agency (FEPA) Decree was enacted on December 30, 1988 as the legislation on which a new environmental policy was to be based. An Environmental Impact Assessment Decree came into existence in 1992, and in June 1996 a Federal Ministry of Environment was created. There are also laws directly aimed at promoting development interventions in the oil region—such as those that set up the now-defunct Oil and Minerals Producing Areas Development Commission and the Niger Delta Development Commission. Since specific issues relating to these laws, especially the

contradictions hampering their effectiveness, are discussed in detail in Chapter Seven, what this section does is to provide a background for understanding the view that the government over-relies on the oil companies' volition and resources on matters affecting community interests and well being instead of providing leadership in such matters (see Gao, 2003; ITOFF, 2002; *The Guardian*, 1998).

As I found in the field, a third issue with the Petroleum Act was that citizen discontent was not simply about the amount of compensations, but more fundamentally about the way land is defined. The Act defines land in such a way as to limit people's claims to crops, shrines, tombstones and other physical improvements, rather than also to the minerals under the land. This issue was acknowledged during an interview at Shell:

The fundamental problem is the definition of 'land'. Except this is addressed, nothing significant will happen in favour of the communities. I believe the agitation in the communities is fundamentally about changing the definition of land, which in terms of existing laws, is very disgusting. Land should mean everything on and underneath the surface, and not just 'surface rights' as stipulated in existing laws. License for [petroleum] operations should be obtained from the government with the consent of the owner of the land. The duty of government should be to tax both the landowner and the oil operator. But the company tries to do what the Nigerian law says, not what I or any other officer here thinks.

The ethnographic beliefs of people in the area concerning land have been documented; by limiting the definition of land to the visible surface, the Petroleum Act is bound to spawn conflict. According to Ebeku (2001):

The exclusive use and enjoyment of the land usually carried with it full rights to minerals, subject of course to the requirements of the prevailing custom and the relation of the particular occupier to the land; land usually included minerals.

Uchendu (1979) also points out that to people in rural Southern Nigeria—especially those with limited experiences of conquests and displacements—land is not a mere 'piece of earth', but a 'piece of earth' that produces a sense of pride and attachment that is out of all proportion to the mere two hectares a family might hold. Land embodies:

mystical qualities. For our people, land embodies the spirit of the Earth deity, a revered mother who blesses land with her bountiful gifts. Land is also the burial place for the ancestors, those invisible father-figures who bequeathed their land to a ‘vast family’ which includes the dead, the living, and the unborn (Uchendu, 1979:64)

I figured during interactions with local residents that such a ‘folk image’ of land—as Uchendu calls it—had implications for their day-to-day dispositions towards laws and compensation regimes that made economics the defining criterion. But even at the level of economics, I deduced from conversations with local residents that on account of the laws that gave Nigerians only ‘surface rights’ to land, a person would remain poor even if vast petroleum reserves were struck under his or her bedroom.

B. Dichotomising the source?—‘onshore’ and ‘offshore’ petroleum

‘Can the Nigerian government claim to own “offshore” petroleum if the Niger Delta region was geographically and politically not part of Nigeria?’ This rhetoric, which I heard repeatedly in the study communities, lies at the heart of the agitation that has trailed the Offshore Oil Revenue (Registration of Grants) Act, enacted by the General Yakubu Gowon regime as Decree 9 on April 1, 1971. The Decree’s intention was to set apart an economic petro-zone for the federal government—a zone whose petroleum resources the littoral states of the Delta could legitimately make no claims on. At present these states are Bayelsa, Akwa Ibom, Cross River, Delta and Ondo—although the impact of an onshore/offshore dichotomy would be most felt by Akwa Ibom and Ondo, the two states whose oil reserves are mainly offshore. The Act put offshore resources entirely in federal territory, thus amending the section of the 1963 constitution that had defined the continental shelf of a littoral state as part of that state. In terms of this Act, any revenue derivation claims by affected littoral states could only be legitimately made on the value of petroleum sourced on land and in shallow waters. I discuss the derivation debate in detail later in this chapter.

The first notable response to years of overt and covert resistance to the law occurred in June 1992 when the Babangida administration enacted Decree 23 to abolish it. However, it was in 1994, under the General Sani Abacha regime, that the abolition came into effect. With the return to civil rule in 1999 and the eventual adoption of a new constitution, the debate re-emerged. Although the 1999 Constitution allowed for

derivation funds of ‘not less than 13 per cent of the revenue accruing to the Federation Account directly from any natural resources’, the new government based such revenues only on onshore ‘natural resources’. As indicated earlier, this policy had the effect of nearly crippling Akwa Ibom and Ondo States financially, since, as mentioned above, the two states’ petroleum resources were (and still are) predominantly offshore.

Following widespread protests, the federal government instituted a case against the 36 states of the federation, asking the Supreme Court to interpret what constituted the seaward boundary of a littoral state in Nigeria. In April 2002, the court gave a ruling that effectively resuscitated the controversial 1971 Decree that had only in 1992 been abolished! The Supreme Court ruled that ‘the seaward boundary of the country’s... littoral states terminated at their low-water mark’, thus ‘effectively giving the federal government control over the offshore oil and gas resources’ (Professor Itse Sagay, quoted in *Africa Action*, 2005). Any state that had before the ruling received derivation revenues on oil and gas resources beyond ‘their low-water mark’ would have to refund the federal government! According to Sagay, a Senior Advocate of Nigeria (SAN), the ruling negated ‘rules of international law, under which the continental shelf is an inalienable and inherent part of the coastal state’. It constituted, in his words, ‘a blatant expropriation of the natural resources’ of the littoral states. Not surprisingly, it ignited a new spate of protests in the oil region.

Eventually, to avert a wave of resistance that could truncate the country’s new democracy, the federal government struck what it called a ‘political settlement’ with the oil states. An Onshore/Offshore Dichotomy Abrogation Act of February 20, 2004 made it possible for the littoral states to receive derivation revenues on petroleum resources lying within a water depth of 200 metres. President Obasanjo explained at the time that 200-metre depth made sense since generally sea boundaries were indeterminate. As he put it, the federal government was in a better position (than any state government in Nigeria) to handle any international disputes that might arise in relation to sea boundaries. An indication, however, of how this ‘political settlement’ is far from resolving the question of ownership and control of petroleum resources in Nigeria—and thus continues to feed into the ‘grammar’ of discontent in the Niger Delta region—can be gleaned from the following remarks by Professor Itse Sagay:

By far, the most disturbing consequence of the coastal states' limitation to a 200-metre depth belt for derivation purposes is that all the major off-shore oil and gas finds are now in the deep off-shore zone between 1,000 and 2,500 metres as against the 200-metre limitation for coastal states...

Moreover, some gigantic oil and gas fields have been discovered in the deep sea bed since 1996. These include [Bonga, Bosi, Agbami, Erha and Akpo]...

“It is, therefore, clear that the deep off-shore will progressively bring an increasing proportion of Nigerian oil and gas. As the land and shallow off-shore (200 metres) reserves are going exhausted, the deep off-shore reserve beyond 200 metres will keep on increasing. In short, the future of the Nigerian oil and gas exploration and exploitation lie in the deep off shore outside the derivation zone to the coastal states under the [Onshore/Offshore Dichotomy Abrogation Act] (quoted in *Vanguard*, 2005).

C. ‘Whose land?’—encountering Nigeria’s Land Use Act

The last piece of legislation I shall touch on in some detail vis-à-vis the eminent domain controversy in the Niger Delta, especially the way I encountered the discourse in the field, is the Land Use Act, enacted as a military decree in 1978. This law is often not listed among ‘oil-related legislation’ in Nigeria—although, as I elaborate presently, specific issues I came across in the field indicated that analyses of the institutional framework for oil operations in Nigeria should take its provisions seriously. Generally, many Nigerians (especially in the south) view this law as having ‘radically’ redefined the relations between communities and the biogeophysical environment in Nigeria. For this reason, it is regarded as one of the most ‘controversial’ pieces of legislation in the country (see Uchendu, 1979:69; Taiwo, 1992:326). My field findings point to the possibility that the Petroleum Act and the onshore/offshore petroleum laws as they operate in contemporary Nigeria draw some strength from the Land Use Act. Indeed, it is in looking at these various laws as a totality (not necessarily in a chronological sense of which laws came first but their cumulative impact) that one gains a better insight into the allegations of entitlement deprivation in the oil-producing areas.

Petroleum operations in the Niger Delta technically involve the leasing of land from communities and families. As I learnt at Shell, this process begins when the company receives an ‘Area Advice’ from its relevant field team. An ‘Area Advice’ is a detailed map showing coordinates (longitudes and latitudes), pillars, and other geographic

attributes of the proposed operational area. Once an area is confirmed as a possible site of operations, community liaison officers embark on the process of ascertaining the land tenure system in place, verifying owners and negotiating compensation issues with the affected communities' or landowning families' counsels. In the company's experience, communities and families typically own land in the rural Niger Delta. This has been confirmed by ethnographic research. For example, Uchendu (1979) has pointed out that land was 'owned' by the lineage, village or community and that control and management of land always vested in the heads of these various units. As such even though marriage, descent and other logics of kinship bestowed land rights on individuals, people enjoying such rights were subject to specific communal obligations—and thus to what Uchendu calls the 'political' or sovereign attribute of land (see also Ebeku, 2001).

'Swamp land', a key informant at Shell whom I shall call Dandee pointed out, was mainly communal, although 'reclaimed land' could change status from communal to family land. This 'tenure shift'—especially through the process of reclamation—is itself an issue in the tension in the communities, although the data discussed in Chapter Eight indicate that such tensions are exacerbated and sustained by the underlying corporate policies guiding compensation. According to Dandee:

much of what we acquired in the 1960s as 'community land' is now being claimed by families and many of the disputes we have now are as a result of this kind of tenure shift. In the Niger Delta there is hardly a place you acquire land that there won't be trouble... trouble between community and family, and between leaders and the community as a whole.

The verification process, Dandee continued, would be followed by a valuation of the 'surface rights' (to determine the 'market value' of man-made structures, crops and fishing ponds). Compensation would thereafter be paid for these items and the land leased. I have earlier given an idea of the monetary worth of these transactions. From a royal archive at Oloibiri I found documents showing that rents were paid for the sites of the oil wells between 1962 and 1972. I expressed interest in acquiring telephoto images of these documents with my digital camera but was prevented from doing so. A particular family whose land was acquired was paid one British Pound for the period 1954-1956. Other documents showed that people received only one Pound between 1962 and 1972.

How does the Land Use Act intersect with these processes?

In Oloibiri and Ebubu, residents pointed out that rent payment to landlords ‘stopped absolutely’ after the enactment of the Land Use Act. Respondents were aware that the Act technically made land the property of the Nigerian government. The reader may recall that land expropriation was implicit in the 1969 Petroleum Act, which vests mineral rights in the Nigerian government. However, it was difficult to confirm at first whether the ‘absolute stoppage’ of rent payments derived from the Land Use Act or from the Petroleum Act. What could be fairly clearly established from conversations in the community was that local residents themselves were not aware of the financial implications of the Petroleum Act for their status as ‘landlords’. One interviewee in Oloibiri maintained that there was no way of knowing, since the leases were decennial: further discussions on matters of rent would not occur until after 10 years. Residents began to be aware of the implications when the leases were due for renewal in the 1970s but were not renewed, and yet petroleum activities continued on the land. Comments from interviewees revealed a strong disdain for the Land Use Act and in some sense confirmed an observation made by Human Rights Watch (1997:77), that the Land Use Act, Petroleum Act, onshore/offshore laws and others:

Allow the government to expropriate land for the oil industry with no effective due process protections for those whose livelihood may be destroyed by the confiscation of their land. (HRW, 1999:77).

Despite the land acquisition, ownership verification and compensation payment processes discussed above, it is not entirely correct to suggest, as Human Rights Watch (HRW, 1999:77) does, that the decisions affecting these various processes are ‘made by the oil industry itself’. When I sought to confirm how Shell viewed the ‘absolute stoppage’ of rent payment, Dandee said the company was ‘at a loss’ as to why expired leases in its ‘host communities’ should not be renewed. There seemed to be conflict regarding how the company would want community matters (such as land acquisition and compensation issues) handled and how the government expected the oil operators to apply the law in handling such issues. On the specific issue of ‘land reacquisition’, Dandee disclosed that:

we are at this moment at loggerheads with NAPIMS [National Petroleum Investment Management Services—a subsidiary of NNPC] over the issue of reacquisition of expired leases. They feel there is no need for ‘reacquisition of expired leases’. According to them why do you have to ‘reacquire’ what already is government’s property. But we know that it is extremely risky to adopt such legalistic attitude when it comes to dealing with the community. We are the operators, we are right there in the field, we wear the shoes and do know where they pinch.

I was shown a letter from NAPIMS warning Shell not to incur any land reacquisition costs—unless, of course, Shell wished to shoulder such costs alone. It was not so obvious whether the Nigerian government’s *power* to think and act this way derived from the Petroleum Act or the Land Use Act, but it seemed quite likely that it derived from both laws and more.

Shedding some light on how the Land Use Act could contribute to the conflicting perspectives illustrated above, and in particular how the law could justify the ‘absolute stoppage’ of rent payment, Uchendu (1979:69-70) had argued a year after the enactment of the law that the Act makes the Nigerian land user:

a tenant at will on state land... The land user loses any proprietary interests in his land and his claims are restricted to improvement he made on land. Thus his previous proprietary interests in land become a wipeout captured by society (Uchendu, 1979:69-70).

Niger Delta activists generally believe the Land Use Act has exacerbated social exploitation in the area. The view is that whereas the 1969 Petroleum Act vested mineral rights in the Nigerian government and contemplated the payment of compensation to the landowner for the disturbance of ‘surface rights’ resulting from the extraction of the minerals, the 1978 Land Use Act made the state the landowner in the first place. However the reason given by the General Olusegun Obasanjo regime for enacting the law in 1978 had been that the country needed a ‘developmental’ land tenure system, one that would give the state unrestricted access to land for ‘public interest’ activities. Since state control of land had been in operation for a long time in northern Nigeria by this time, the idea of forging a ‘developmental’ land policy was in effect that of altering the legal status of land in southern Nigeria and harmonising it with the tenure system already in operation in the north. The Decree achieved this aim by vesting ‘all land comprised in the territory of each State in the Federation... in

the Military Governor of that State [to be] held in trust and administered for the use of common benefit of Nigerians'. Consequently, the 1978 Decree technically nullified the trusteeship of 'corporate groups, families, and chiefs'—the existing system in much of southern Nigeria at the time (Uchendu, 1979:69).

As discussed further in Chapter Nine local opposition to the Petroleum Act, Land Use Act, and the onshore/offshore petroleum laws came across as 'social justice' grievances directed principally at the Nigerian government—and at 'Shell'. It is from this 'vertical' framing of grassroots grievances that I gleaned how the Nigerian government's exercise of its power of eminent domain resonated at the grassroots. It is, as I shall show, a strong basis for looking beyond ethnicity in making sense of the social character of the Niger Delta struggles.

6.4.2 Bringing the community back in?—petroleum operations and environmental impact assessment (EIA)

A comparatively recent input into the legal/institutional framework for oil operations in Nigeria came as a response to a mandate by the 1992 United Nations Convention on Biological Diversity to signatory countries to enact laws and/or create non-law instruments to compel industries, organisations and state agencies contemplating major developmental projects to ensure that their operations supported environmental conservation. Nigeria was one of the 157 signatory countries to the Convention. Article 14 of the Convention not only specifically addresses the issue of Environmental Impact Assessment (EIA), it also underlines the importance of community participation in the process:

Each Contracting Party, as far as possible and as appropriate, Shall...[i]ntroduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures [and introduce] appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account...

In December 1992 the Nigerian government enacted an Environmental Impact Assessment (EIA) Decree No. 86, to further strengthen the activities of the Federal

Environmental Protection Agency (FEPA), established in 1988. In terms of the Decree FEPA became the supervisory and accrediting organ for all environmental assessments conducted in the country.

The Decree makes it mandatory for petroleum-related projects such as oil and gas field development; construction of offshore pipelines; construction of oil and gas separation, processing, and storage facilities; construction of oil refineries; as well as production depots for petrol, gas, or diesel storage, to be preceded by EIAs. In the non-oil sector, EIA is mandatory for projects such as land conversion for agricultural development, airport construction, drainage/irrigation, coastal land reclamation, construction or expansion of fishing harbours and forest conversion. Other projects include major housing development, major industrial plant development, mining, power generation and transmission, quarries, construction of railway lines, building of rapid transport infrastructure, construction of recreational/hotel resorts, as well as waste disposal plants, dams and other major water supply infrastructure (Olokesusi, 1998:163-164).

There is no doubt that the Decree has had beneficial impacts on a country where the very idea of environmental conservation had been treated with levity in many industrial sectors before the establishment of FEPA, but particularly before the enactment of the EIA Decree. For one thing, project developers in the sectors identified by the decree know that environmentally intrusive projects cannot proceed unless steps have been taken to satisfy the authorities that any adverse impacts would be adequately contained.

Despite such logic, however, studies have found that abuses have become an integral part of EIA processes, especially in Nigeria. Although not exclusively targeted at the petroleum sector, the EIA Decree—and the administrative processes through which it is translated into action—is caught in a number of contradictions, some of which could be associated with the eminent domain controversies highlighted in the previous subsection. One striking feature of the decree, for example, is that it exempts the Nigerian government from a number of its key provisions. According to Section 15 of the Decree no EIA is required if:

- ‘the project is in the list of projects which the President, Commander-in-Chief of the Armed Forces... is of the opinion that the environmental effects of the projects is [*sic*] likely to be minimal’;
- ‘the project is to be carried out during national emergency’, and if
- ‘in the opinion of the [Federal Environmental Protection Agency, FEPA] the project is in the interest of public health and safety’

‘For greater certainty’, says the same Section of the Decree, EIAs are not required where the government ‘performs a duty or function for the purpose of enabling projects to be carried out’. This is particularly important if:

- ‘the project has been identified at the time the power is exercised or the duty or function is performed’, and if
- ‘the [government] perform[s] functions in relation to the projects after they have been identified’.

When it is noted that the Nigerian government is the ‘senior partner’ in all upstream petroleum operations in the country, then the wider implications of these carefully worded exemptions fall into perspective. Olokesusi (1998:171) has pointed out that the above exemptions prejudice the law in favour of the Nigerian government, which often confuses its power of eminent domain with that of a stakeholder that is above the law. He cites the example of the EIA report backing the Liquefied Natural Gas (LNG) project at New Finima⁹, in Bonny (Rivers State)—one of the first few projects in Nigeria to be reviewed by ‘independent’ assessors since the law came into force. In his view, what probably forced the authorities to accredit the report was the Ogoni resistance that had turned the world’s attention on the Niger Delta.

According to another study, while in many countries EIAs inspire little community participation and public confidence, EIA processes in Nigeria seemed particularly compromised. Not only is the level of public participation ‘below a level that would have widespread impact’, people also generally ‘distrust the intentions of government’ and of private project proponents (Ademokai and Sheate, 2004:513).

⁹ As mentioned in Chapter Seven, Finima is the Niger Delta town where an entire community was forcefully removed to make way for petroleum activities (HRW, 2002:11). New Finima is the site where people were forced to relocate.

Besides, the various stakeholders (FEPA, project proponents, consultants, and community representatives) often accuse one another of participating in the process ‘with motives that differ from the issue at hand, with no intention of protecting the environment’ (Ademokai and Sheate, 2004:514; see also Echefu and Akpofure, 2003:72-73).

Furthermore, a cursory look at the wording of the Decree reveals such serious grammatical errors that it would be a surprise if, in the event of a dispute, complete reliance on the letter of its provisions would not prove a legal risk. The following are examples of sections riddled with grammatical errors:

- The objective of any EIA is ‘to establish before a decision taken by any person, authority corporate body or unincorporated body including the Government... intending to undertake or authorise the undertaking of any activity that may likely or to a significant extent affect the environment or have environmental effects on those activities shall first be taken into account’ [Section 1(a)]
- ‘The public or private sector of the economy shall not undertake or embark on public or authorize projects or activities without prior consideration, at an early stages, or their environmental effects’ [Section 2(1)]
- ‘Where appropriate, all efforts shall be made to identify all environmental issues at an early step in the process’ [Section 3(2)]
- ‘The environmental effects in an environmental assessment shall be assessed with a degree of detail commensuration with their likely environmental significance.’ [Section 5]

During the fieldwork, I tried to ascertain from my research assistant—the geologist I introduced in Chapter Four who runs his own drilling company—the rigour involved in the production of environmental assessments. He was very knowledgeable about such processes, having been involved in projects requiring EIA reports and in some of the processes leading to the production of the reports. He explained that although EIA was an important ‘planning tool’ for mitigating the adverse impacts of certain projects, his experience was that the process of its production did not always strictly adhere to the necessary rigour. EIA reports, he said, were often:

doctored to reflect the wishes of the project developers and government as well—to the detriment of the community. Ideally, consultants who prepare EIA reports are supposed to be free from all sorts of outside interference, and

those who accredit EIA reports should be uncompromising. But from what I have personally experienced, I doubt if that level of independence is possible here.

These views were similar to the observations contained in a case study of EIA practice in Nigeria published by the United Nations Environmental Programme (UNEP). It points out that the process of EIA accreditation in Nigeria, ‘apart from being time-consuming, cumbersome and arduous, encourages fraudulent companies to engage the services of mercenaries for the purpose of answering interview questions’ (Echefu and Akpofure, 2003:73). There is also the view that the petroleum sector regulator, DPR, finds the activities of FEPA—the EIA accrediting agency—as undermining its mandate, especially with regard to environmental assessments in the petroleum industry. With lurking contestations between the two agencies, project proponents in the petroleum sector often appear not to know whose environmental guidelines to adhere to. This further exposes the environmental assessment process to compromise (Olokesusi, 1998:171).

In Chapter Seven I discuss how, despite the existence of the EIA Decree and other environmental laws, there is still considerable public indignation towards environmental practices in the Nigerian petroleum industry. The data in that chapter show, in particular, that the ‘grammar’ of discontent in the study communities is replete with denunciations of the ‘reckless’ environmental conduct of the oil companies.

6.5 A search for ‘fairness’?—petroleum revenue sharing in Nigeria

Since the legal/institutional framework for petroleum operations also necessarily intersects with the principles guiding how the three tiers of government in Nigeria (federal, state and local government) generate and/or attract their budget revenues—at least in the era of excessive petroleum dependency—this section looks at how the Nigerian government has historically sought to balance the competing claims in the revenue sharing process. The aim is to show how this ‘balancing’ process has tended to exacerbate discontent in the petroleum-producing region.

The quest for ‘fair’ principles of revenue sharing among the three tiers of government in Nigeria has been a long and checkered one. In this quest, which is both ongoing

and contentious, some idealised principles of ordering such relations in federal systems have been invoked at one time or another. Among these are:

- The imperative of recognising that the developmental problems of federating units are often framed by culture, ecology and immediate socio-economic circumstances (diversity principle);
- The need to recognise that federating units require a measure of regional/local control of territorially-derived resources in order to be able pay their ‘debts’ to present and future generations (derivation principle);
- The need to maximise efficiency in resource generation and utilisation across the various tiers of the system (efficiency principle); and
- The need to provide a minimum level of public goods across the society (essential public goods principle) (Ekpo, 2004).

Underpinning these principles is a need, in theory at least, to ensure that the federal centre does not have an over-abundance of resources while the regions are draped in lack, and that some regions or units do not wallow in poverty and unemployment while there is excess supply of resources elsewhere in the federal system. Such situations, if not properly addressed, it is conventionally assumed, could destabilise the entire system. These latter concerns are often captured as ‘centralized redistribution’ and ‘centralized stabilization’ principles (Traub, 2002:4-5; Ekpo, 2004).

The long period of military rule in Nigeria (1966-1979 and 1983-1999) exposed these principles to considerable pressure. Itse Sagay (2004:92-93) refers to it as the ‘unitary period’ in Nigeria’s ‘federal’ existence:

With the military takeover in 1966, centralization of governmental powers followed the centralization of military command... The very first decree issued by every successive military regime usually undermined the foundations of federalism... The first federal military government completely vitiated the federal nature of Nigeria by giving itself the power to make laws for the whole of Nigeria with respect to any matter whatsoever... The 1979 and 1999 constitutions maintained the trend toward centralization, even though they were made by the people for a democratic and federal system of government.

Most Nigerian analysts believe that despite claims to the contrary, especially by successive Nigerian governments since the first military takeover in 1966, there was no federalism in Nigeria between 1966 and 1999. It is also the view of many that

much of the instability and tension in contemporary Nigeria (including the Niger Delta conflict) is directly attributable to the structural flaws entrenched during the colonial and ‘unitary’ periods. The field data in Part III (especially Chapter Nine, Section 9.2.1) will enable us to reflect further on these issues. This is because the data point to some of the intersections between the ‘grammar’ of discontent in the study communities and broader social justice debates in contemporary Nigeria, and hence throw light on the social character of the Niger Delta struggles.

If intergovernmental fiscal relations represent a crucial challenge for federal states, the Nigerian experience verges almost on the extraordinary. Much of the social justice contestations over revenue allocation have been hinged on the derivation principle—contestations that have deepened over the years as a result of the country’s inability to break its near-total dependency on petroleum. In Nigeria, derivation is the practice whereby states retain (or receive as federal transfers) a portion of the revenues generated in their territories. There are analysts who hold the view that, for Nigeria in particular, derivation is the single most important ‘pro-development’ principle of intergovernmental fiscal relations. If nothing else, these analysts argue, its strict application forces both the federal government and the ‘non oil producing states to develop other human and natural resources which they have long abandoned in the struggle for their share of the oil money’ (Uche and Uche, 2004).

Instructively, emphasis on derivation was the norm in pre-oil Nigeria. For instance, a revenue commission known as the Phillipson Commission, which was set up in 1946 and headed by the then Nigerian Colony’s Financial Secretary, Sir Sydney Phillipson, recommended a revenue sharing arrangement in which the regions should receive 50 per cent of all revenues sourced in their territories. The rest of the revenues, the Commission maintained, should go into a ‘distributable pool’, with the regions (including the source regions) taking 35 per cent and the central government 15 per cent. To make for ‘equal progress or equal development’, the East was entitled to 24 per cent of the regions’ share, while the West and the North received 30 per cent and 46 per cent respectively (Ekpo, 2004). At the time Phillipson predicted the future of intergovernmental fiscal relations thus:

The natural and... desirable development of the new constitution will be towards progressive devolution, and the time may well come when the Regions

will exercise, within their areas, powers akin to those normally exercised by Colonial Governments, the general government retaining direct authority in practice only over services not transferred to the Regions (quoted in Uche and Uche, 2004:11).

Although contemporary Nigeria is administratively divided into states and local government areas, the level of ‘progressive devolution’ imagined by Phillipson is still a long way from being achieved—in fiscal matters at least. Given the fragmented state structure in Nigeria, it is even debatable if such ‘progressive devolution’ is desirable, although there are many in Nigeria today who are strongly in favour of the idea. What is worthy of note, especially within the problematique of this thesis, is that the Phillipson Commission laid what is generally considered the formal foundation for fine-tuning the derivation principle, to make it realistically developmental in the Nigerian context.

Such fine-tuning came via the report of the Hicks-Phillipson Commission,¹⁰ which was set up in 1950. The Commission affirmed the principle of derivation established in the earlier report, but revised the recommendation that virtually made derivation the *sole* principle of revenue allocation. Applying an organic logic, the Hicks-Phillipson Commission contended that it was difficult, if not impossible, to ‘measure what one Region owes to the efforts of its people past and present’ let alone measure what a region ‘owes to the efforts, past and present, of the peoples of the other Regions, but it is clear that the second debt exists’ (quoted in Uche and Uche, 2004:13). The argument here is that while the derivation principle helps a federating unit to pay its debt to its own people, the very idea of federalism, which is what was envisaged for independent Nigeria—as opposed to a loose confederation—necessarily puts upon every unit something of a ‘second debt’ (to the peoples of other federating units). Should the derivation principle be applied too strictly, the Commission argued, it would please resource-rich regions (like the then cocoa-producing Western Region of Nigeria) but it would effectively rob every federating unit of the ability and opportunity of paying the second debt.

Accordingly, the Hicks-Phillipson report recommended and emphasised ‘limited derivation’ alongside national interest, and recommended that more revenue

¹⁰ As the name of the Commission implies, its members were Sir Sydney Phillipson and Dr. John Hicks. Another member, D.A. Skelton, tragically drowned in Lagos, Nigeria, before the Commission’s task was completed (see Uche and Uche, 2004:13).

generating powers be given to the regions. No doubt, these recommendations did not go down well with the cocoa-rich Western Region, which saw the whole 'second debt logic' as tendentious and meant to unduly favour the 'unproductive' North, a region that the West felt enjoyed considerable political favour with the colonial authorities and was determined to unfairly live off the economic resources of the other regions through such political capital.

Three Commissions, set up between 1954 and 1964,¹¹ all laid emphasis on derivation, while also stressing such criteria as need, balanced development and minimum public goods provisioning. According to the Louis-Chick Commission, regions should keep all personal income tax revenues, while the central government was entitled to all company income taxes as well as 50 per cent of custom/excise duties on tobacco and on all products other than petrol. All import duties on petrol and half of all excise and import duties on tobacco were shared among the regions according to their actual consumption of these products. Half of the import duties on all other goods were shared in the ratios of 40 per cent (West), 30 per cent (North), 29 per cent (East) and one per cent (Southern Cameroons) (Ekpo, 2004).

The Raisman-Trees Commission, emphasising derivation as well as balanced development and the minimum public goods principle, recommended the allocation of 50 per cent of mining rents, royalties and import duties to the source regions of such revenues, while the central government was entitled to 30 per cent. 20 per cent of mining rents and royalties and 40 per cent of import duties went to the distributable pool account, with the West taking 31 per cent, the North 40 per cent, and the East and Southern Cameroons 24 per cent and five per cent respectively. Except for slight adjustments to the sharing ratio of the distributable pool account (such as the North now taking 42 per cent, West 20 per cent, mid-West eight per cent, and East 30 per cent), the 1964 Binn Commission made little change to the Raisman-Trees formula (Udeh, 2002).

Coinciding with the emphasis on derivation, and probably underpinning it, was the fact that before the advent of oil, agriculture (and mercantile activities largely related to it) was the mainstay of the Nigerian economy, and government revenues flowed

¹¹ These were Louis-Chick Commission (1954), Raisman-Trees Commission (1958) and Binn Commission (1964).

from the sweat of farmers and merchants (in the form of taxes). By privileging the derivation principle, fiscal federalism experienced no major crisis in colonial and immediate post-independent Nigeria. In a sense, intergovernmental fiscal relations stoked relatively little fury among the different units of the Nigerian federation.

The lure of oil, however, toppled the delicate balance, setting in motion a chain of events. Agriculture became weakened, cocoa lost its place (since around 1965) as Nigeria's principal foreign exchange earner, national mercantile impulses became compromised, military adventurism became (since 1966) a strategy for gaining political and economic power in Nigeria, and, before long, unitarism replaced federalism in intergovernmental fiscal relations. Analysts continue to speculate about what could have been the true reasons for the nine military coups (attempted, successful and 'intended') between 1966 and 1993, since in the common experience of most Nigerians, none ushered in a government that took the social conditions of ordinary Nigerians seriously. What some analysts have suggested is that the various coups might have been motivated to a large degree by the desire by some military officers and the political and business elite—along with external interests linked to this elite—to gain privileged access to Nigeria's petroleum wealth. The late eminent Nigerian journalist, Dele Giwa (1985:10) made the following lyrical comments:

Before oil was lifted in this country in 1958, Nigeria lived in order and planned with a cool head. The farmers tended their farms. Everybody was happy, and those who were wealthy knew they were wealthy because they worked hard. Then oil came and everything went haywire. The farmers left the farms and the youth came to town. Nobody wanted to touch dirt and carry baskets of cocoa and groundnuts and palm kernels on his head... Life was too easy, and nobody waited long enough to ponder the question of where oil was leading the nation. Oil made everything possible, including the Nigerian civil war (Giwa, 1985:10).

The above quote must not be taken as an endorsement by the present researcher of the notion of 'resource curse'. This is because the proper utilisation of mineral revenues is principally a function of political leadership and governance ethos in a given society. For example, Botswana, once one of the world's poorest countries, has been transformed into a flourishing middle-income economy through sound democratic governance and transparent utilisation of diamond wealth.

As shown in the graph below (Figure 6-2), since the mid 1960s, when oil replaced agriculture as the main source of foreign exchange and government revenues, and especially since the oil price boom of the early 1970s, the derivation formula has virtually been on a roller-coaster; falling from 50 per cent (1964) to 10 per cent (1966), rising again to 45 per cent (1970), and then falling to 20 per cent (1975). Between 1977 and the 1990s, based on the recommendations of different revenue commissions, the derivation formula fluctuated between zero and two per cent, rising again to 13 per cent from 1999.

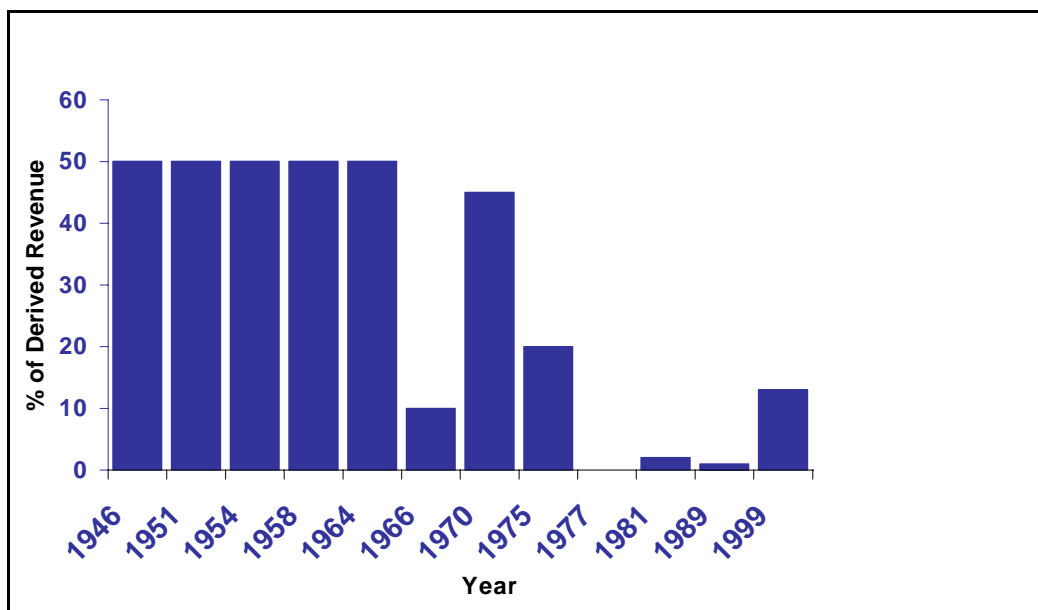


Figure 6-2: Percentages of derived revenue in Nigeria—fluctuations through the years

Arguably, fluctuations in the derivation formula became an important signpost that, from the point of view of the Nigerian government, what should be the basis of intergovernmental fiscal relations were factors such as ‘national interest’, ‘national integration’, population, as well as landmass and terrain—rather than simply relative local/regional resource control, financial responsibility at the level of the region/state, and minimum social goods provisioning.

I found during the fieldwork that residents of the study communities particularly disdained the consideration the federal government gives to criteria such as ‘landmass’ and ‘physical terrain’ in the allocation of revenues to the federating states. According to one interviewee in Oloibiri:

It is strange and disgraceful that a government should allocate money to a state on the basis of its landmass. Why should people be paid money for an empty desert [in apparent reference to the fact that this criterion 'benefited' the northern states]. If they allocate money based on landmass, then we in the Niger Delta deserve to receive special grants for our 'sea-mass'! If people are rewarded for their desert sands, then we should be rewarded for the sea. At any rate we rely more on the sea for our existence than anyone relies on the desert.

All my key informants in Port Harcourt confirmed that this was a sentiment that was widely held in the area.

The legal basis for the new emphasis on 'national interest', 'national integration', landmass and such other criteria was Decree 13 of 1970, which effectively overruled the recommendations of the first 'truly Nigerian' revenue allocation commission in the country (the Chief I.O. Dina-led Interim Revenue Allocation Review Committee) set up in 1966. Another legal basis was the Offshore Oil Revenue (Registration of Grants) Decree of 1971 discussed in the preceding section.

A key recommendation of the Dina Committee Report, submitted in 1969, had been that all 'onshore' oil rent should accrue to the states from which it was derived. This, Chief Dina and his colleagues reasoned, would instil a strong sense of 'financial responsibility' in all the units of the federation and compel them to 'cut their coat according to their cloth' rather than base their development aspirations on unjustifiable federal transfers (quoted in Uche and Uche, 2004:11). In jettisoning the Dina Report, the military government of General Yakubu Gowon decreed that only 45 per cent of onshore revenues should accrue to the source states, while 50 per cent should go to the distributable pool account and the balance of five per cent (and all 'offshore' oil revenues) to the federal government.

When another revenue committee, set up in 1977, submitted its report to the central government, derivation as a principle of resource allocation was thrown out altogether. Consequently, the oil producing states went without this strategic entitlement from 1977 to 1982. From 1982, the Revenue Act that was passed in 1981 by the civilian administration of Shehu Shagari became operative. The Act stipulated a three-and-half per cent derivation formula, of which the oil states were only directly entitled to two per cent (as shown in Figure 6-2 above) while the

federal government administered the remainder for ‘development interventions’ in the oil producing areas. A further one per cent was designated ‘ecological fund’ and also administered by the federal government.

The Shehu Shagari revenue sharing regime was superseded eight years and two military regimes later. This was in 1989, when a commission set up by the General Ibrahim Babangida government (and chaired by Major General Theophilus Danjuma) slashed the derivation formula directly accruing to the oil states to one per cent and raised the fraction meant for federal government’s ‘development intervention’ in the oil areas to one and a half per cent (Ekpo, 2004).

On taking office in 1999, the Obasanjo administration initiated some dialogue that eventually saw the derivation formula moving up to, according to Section 162(2) of the 1999 Constitution, ‘not less than 13 per cent of the revenue accruing to the Federation Account directly from any natural resources’. This was the formula in force as of 2004. As mentioned in the preceding section, a Supreme Court ruling that the federal government should apply this formula only to onshore petroleum revenues could not be sustained politically. Therefore, as a ‘political compromise’ between the oil states and the federal government, the 13 per cent is currently applied to revenues from onshore petroleum and from an ‘offshore derivation zone’ of up to 200 metres water depth.

With regard to the allocation and utilisation of petroleum revenues, contestations around the principles of intergovernmental fiscal relations in Nigeria could be as a result of underlying problems of ‘background fairness’ (to use a famous Rawlsian phrase). These revolve around the issues of petroleum ownership, control and management discussed in the preceding section. It is partly on account of such underlying problems that, according to one survey, a majority of Nigerians believe Nigeria’s federalism is ‘defective’ (*The Guardian*, 2004b).

6.6 Conclusion

What we saw in Chapters Two and Three of this thesis was a view of grassroots struggles in the Niger Delta and some other parts of Nigeria as being driven by primordial concerns. Those chapters highlighted the view that local grievances were at bottom anger against the major ethnic groups—and in the case of the Niger Delta, anger against the non-oil producing ethnic groups. Such a view would seem self-evident in view of the history and evolution of the state in Nigeria, which ordinarily predispose the state to manipulation by ethnic, class, group, corporate as well as foreign interests (see Ake, 2001:14). However, as Andrew Apter (2005:267) has suggested, in order to understand how petroleum operations affect the social circumstances and destinies of ordinary Nigerians, ‘we need to look past the limits of ethnic politics’. This basically is the analytical attitude adopted in this thesis. What this chapter has done is to look beyond ethnic politics and examine the legal and material basis of social discontent in Nigeria’s oil-producing communities. I have attempted to show that the history of petroleum extraction in Nigeria has been one frenzied pursuit of economic gains; or, might one say, the ascendancy of commerce over community. To maximise the gains, there have been constructions and reconstructions of the relations between the state and the community on the one hand, and between the community and the biogeophysical environment on the other.

The chapter has examined the legal/institutional framework for oil operations and oil revenue sharing in Nigeria, and in particular the discontent around this framework as I encountered it in the field. I have drawn attention to specific ‘oil-related’ laws and practices in the Nigerian petroleum industry and how (at least from the perspective of ordinary people) they tend to cast the Nigerian government as a stakeholder that is prone to abuse its power of eminent domain. As I learnt in the field, this abuse is implicit in the fact that in the bid to safeguard the Nigerian government’s interests in petroleum, little attention has been paid to community sensibilities and interests. I encountered clear contestations around the issue of ‘fairness’. This is an issue the federal government itself has been grappling with through the occasional striking of ‘compromises’ with provincial authorities and through its long and checkered search for a ‘just’ basis for intergovernmental fiscal relations. It is particularly in the ‘vertical’ nature of these ‘national level’ contestations, and others to be further

explored and amplified in Chapters Seven, Eight and Nine, that it makes sense to speak of the 'not-so-primordial' and 'not-so-exclusionist' dimensions of the the Niger Delta struggle.

CHAPTER 7

Social and Environmental Impacts of Petroleum Exploitation in Nigeria

I want to stamp on the ground hard enough to make that oil come out. I want to skip legalities, permits, red tape, and other obstacles. I want to go immediately straight to what matters: getting at that oil.

- Rick Bass, quoted in Judith Kimerling, *Amazon Crude* (cited in Bassey, 1997:35).

I do not care under what system we keep the oil, but I am quite clear it is all-important for us that this oil should be available'

- British Foreign Secretary, Arthur Balfour's announcement to the Prime Ministers of the British Dominions in 1918 concern Iraqi oil (quoted in Paul, 2002).

7.1 Introduction

We have just seen, in Chapter Six, how the Nigerian government's eminent domain powers are expressed in the legal/institutional framework for petroleum operations. We saw how this framework—and the operational practices it bolsters in the country's upstream petroleum industry—presents difficulties for communities, and how people attempt to protect their socio-cultural and ecological spaces and seek 'just' compensations in the face of 'intrusions'. This interface (between petroleum operations and community concerns) will now be further explored, as it may reveal more about the social character of the Niger Delta struggles. At least it will highlight the circumstances under which certain 'locale-specific' struggles can have redeeming significance for the broader society. The two inter-related questions to be addressed in this chapter, therefore, are: a) what are the socio-ecologic impacts of petroleum exploitation, and b) what are the roles of the legal/institutional framework and region-specific interventions in mediating such impacts, especially in the Niger Delta?

7.2 Social impact of petroleum operations

While it is impossible to accurately isolate the impact of any single development process on another social process or on society as a whole—and most accounts of the 'social impacts' of oil operations are informal or based on anecdotal evidence (see

Goldsmith, 2002:9)—it is inconceivable that a robust petroleum industry such as Nigeria’s would fail to leave clear imprints on the social order. But then the intention of this chapter is not to convey the impression of a neat distinction between the ‘social’ and the ‘environmental’. Especially in the Niger Delta, where ‘forests are not merely a collection of trees and the abode of animals but also, and more intrinsically, a sacred possession’ (Mitee, 2002), it is important to see the social and the environmental as extensions of each other (see Chapter 5). The ‘distinction’ suggested by the title and organisation of this chapter is, therefore, merely for analytical purposes: environmental impacts are *also* social impacts in the communities where the study was conducted.

It is important at this point to first give an indication, however, scantily, of how petroleum extraction has impacted other societies.

7.2.1 Lessons from other extractive economies

A. The Netherlands—‘dutch disease’

An interesting starting point into a discussion of the social impacts of extractive economies is to reflect briefly on a concept that has become widely associated with such impacts, namely, ‘Dutch Disease’. This ‘disease’ is traced to events in the Dutch economy in general, and the petroleum sector in particular, during the 1970s. Following the discovery of the Groningen gas field, and the eventual increase in trade in North Sea gas, the value of the Dutch currency appreciated to levels that made the export of locally manufactured goods unviable, as Dutch goods became uncompetitive in the international markets. As a result businesses shifted focus to hydrocarbon trade and a massive de-industrialisation of the Dutch economy ensued. This is how the term ‘Dutch Disease’ was born—a concept that scholars would later apply to the neglect of agriculture and other productive sectors of the economy by oil producing developing countries, including Nigeria (Stevens, 2003:6; World Bank, *et al* 1998:9). Strikingly, the Dutch recovered fairly quickly from this ‘disease’ while many developing countries have remained trapped in it (Gylfason, 2001:3).

B. Venezuela—‘the devil’s excrement’

The destabilising impact of oil on the economy and society goes back further than the Dutch situation in the 1970s, and this is best illustrated by the experience of Venezuela.

There is no doubt that petroleum has made Venezuela an important economy in South America: between the 1950s and early 1980s, it was the ‘strongest’ economy in the region (Nation Master, 2005). Venezuela is currently an upper-middle income economy and owns *Petróleos de Venezuela (PDVSA)*, one of the biggest and most successful state-owned oil companies to operate from the ‘Third World’. However, Venezuela has grappled with overdependence on oil and attendant socio-political crisis since the 1940s, when it was ‘the world’s most important petroleum-producing nation outside the United States... and the world’s most important oil exporter’ (Odell, 1974:68). The country lost those positions to Saudi Arabia and Iran only in 1970. (Commercial oil reserves were first struck in Venezuela in 1914.)

Foreign companies began to participate in the exploitation of Venezuela’s petroleum resources from 1918, under the long reign (1908-1935) of the military dictator Juan Vicente Gómez. Such was the petroleum-induced liquidity in Venezuela that the Gómez government was able ‘to pay off the nation’s entire foreign debt and to institute a public works program’. However, the period from 1918 to the early 1960s was one of considerable instability in Venezuela, a problem linked in part to the transnational oil companies’ resistance to the state’s move to exercise effective control of its land and mineral resources and the companies’ determination to support regimes that would maintain the status quo (see Coronil, 1998). One notable example of this conflict was the military coup in November 1948 that toppled the Democratic Action (*Acción Democrática—AD*) government of Rómulo Gallegos, barely 10 months after the president was sworn in following the party’s success at the presidential and congressional elections in December 1947. Although the immediate ‘causes’ of the coup included AD’s sweeping land reform proposals, reduction of the number of military cabinet members, and plans for a reduced military budget—all of which were perceived by the relevant segments of the Venezuelan society as alienating (US Library of Congress, 2003b)—some observers also saw the hands of the transnational oil companies in the coup. According to Odell (1974:68), the coup was ‘almost certainly... possible so quickly with the active help of at least some of the oil companies concerned’.

By the 1950s, under the brutal dictatorship of Pérez Jiménez, Venezuela had already gained the distinction of being the ‘archetypal home of Latin American dictators’ (US

Library of Congress, 2003b). Having exiled or killed many leaders of the political opposition in the wake of the coup, the military authorities reversed all the laws and policies that were intended to weaken foreign hold on the country's petroleum resources. A period of unprecedented profligacy then ensued. Ostentatious projects (such as a replica of New York's Rockefeller Center, an extravagant mountain-top hotel, and 'the world's most expensive' military officers' mess) were constructed to immortalise the Pérez Jiménez legacy while social spending was largely ignored. All the while, the dictator enjoyed the foreign oil companies' and American government's support and was projected as the best equipped to help America fight communism in Latin America! In January 1958, when the Pérez Jiménez dictatorship fell, the military ruler reportedly fled the country 'carrying most of what remained of the national treasury' (US Library of Congress, 2003b).

By 1959, when Acción Democrática returned to power, petroleum's grip on the Venezuelan economy had been such that the party could not pursue the nationalisation of the industry at the speed that its manifesto envisaged. Any such step, analysts believed, would instigate the oil companies to halt or withdraw their investments and this would spell doom for the country. 'Nationalisation' had to be phased in gradually during the 1960s through a policy of discontinuing the granting of concessions to the private oil firms, a process that was completed in the early 1970s (PDVSA, 2005). PDVSA was created in 1976. To a large extent, Venezuela's experience with petroleum has been one of waste during times of boom and crisis when the boom subsides. 'I call petroleum "the devil's excrement"', an analyst once remarked about Venezuela's oil. 'It brings trouble, waste, corruption.... Our public services are falling apart... and debt we shall have for years. We are drowning in the devil's excrement.' (cited in Watts, 1987a:8).

Petroleum accounted for about one-third of Venezuela's gross domestic product, 80 per cent of export revenues and more than 50 per cent of the state's budget revenues in 2004. Mining operations in Venezuela are generally described as 'irresponsible' (CIA, 2005a). It is partly as a result of the country's poor environmental performance and the absence of firm grassroots participation in decision-making affecting the petroleum industry that the Warao people in the oil-rich Orinoco delta are said to be hesitant about 'welcoming oil activities in their land' (Bassey, 1997:36).

C. Malaysia—diversification as key

Malaysia is another developing country where one might draw some lessons regarding the way petroleum exploitation impacts on the society. Here, like in Venezuela and Nigeria, the central government owns and controls petroleum resources (or at least has done so since the early 1970s), in addition to owning its own oil company—in this case Petroliam Nasional Berhad (Petronas). The Malaysian government's petroleum rights are enshrined in the 1974 Petroleum Act, which also vests in Petronas the power to regulate activities in the upstream petroleum industry.

After a long search for oil in neighbouring areas, Shell discovered commercial reserves in the town of Miri, about 513 kilometres northeast of Kuching, the capital city of Sarawak State. The discovery was in 1910. Like in Nigeria's Oloibiri, the Miri oilfield remained productive up to the 1970s (Miri's last oil well, of a total of 624, was drilled in the early 1970s) (*The Star*, 2005). As part of a 'nationalisation' drive, Petronas was established in 1974 and is today one of Asia's leading transnational oil companies. (Nigeria's NNOC was established in 1971, and transformed in 1977 to NNPC.) In Malaysia—as in Venezuela and Nigeria—a dedicated government ministry supervises and articulates policies for the petroleum industry. (A similar ministry existed in Nigeria until the mid-1990s, when its functions were taken over by the Presidency.) While Nigeria favoured the contractual system of joint ventures following the termination of sole concessions in the early 1970s, Malaysia opted for production sharing contracts between Petronas and private oil companies.

Malaysia has managed to effectively mediate the social impact of petroleum exploitation and has substantially avoided the path of 'Dutch disease'. This has been done mainly through aligning the oil industry to agriculture and using petroleum revenues to consolidate agricultural development. A globally acknowledged leader in palm oil, rubber and timber production, Malaysia is a highly diversified and export-based middle-income economy that maintains a careful balance between the potentials of the petroleum industry and agriculture. Malaysia is one of Asia's 'economic

Tigers’,¹ with manufactured goods accounting for over 85 per cent of total exports. From being a producer/exporter of primary commodities, the country is ‘today one of the world’s leading exporters of semiconductor devices, computer hard disk drives, audio and video products, and room air-conditioners’ (Multimedia Development Corporation, 2005). Malaysia has an oil depletion policy whereby annual production restrictions and sometimes deliberate production stoppages of up to five years are enforced (Ikein, 1990:124)—a policy that works because the economy is not dependent on petroleum. In Venezuela, by contrast, even a two-month oil sector strike has the potential of bringing the entire economy to a halt, as happened between December 2002 and February 2003 (CIA, 2005a).

The utilisation of petroleum revenues is generally known to stoke feelings of injustice in the oil-rich sections of the producing country, and this has happened in the Malaysian oil states of Sarawak and Sabah. However, although social tension is believed to have heightened in recent years in these states as a result of perceived inadequacies in the sharing of petroleum revenues (IAS, 2004), the overall effects of such conflict have not been described as ‘destabilising’. For one thing, many of Malaysia’s major agricultural interventions occur mainly in these regions. Sarawak, which holds about 25 per cent of Malaysia’s proven oil reserves, has been described by one commentator as ‘Asia’s next powerhouse’, brimming ‘with expectation and confidence’ (Tsuruoka, 1994). Such a strong prognosis underscores the notion that Malaysia’s petroleum industry is more or less an adjunct of agriculture—and this is exemplified by the role petroleum plays in the development of agriculture and forestry in the oil province.

The social conditions in the premier oil town of Miri also strikes an interesting contrast with what obtains in Nigeria’s Oloibiri, as the following qualitative descriptions of the two communities illustrate:

Miri (Malaysia)

- Declared as Malaysia’s newest city in 2005.
- First oil well is a state monument and a major tourist attraction

¹ The phrase ‘Asian Tigers’ describes that cluster of eastern Asian countries (Taiwan, Hong Kong, South Korea, Singapore, Malaysia, etc.) regarded poor in the 1960s but transformed through aggressive and rapid export-focused industrialization into models of sorts for the ‘developing’ world.

- Site of Malaysia's first oil refinery (built by Shell in 1914, but relocated in 1916 to a neighbouring town).
- The town in Malaysia where gas was first piped (1965) to homes
- Bustling oil town and commercial centre
- Regarded as home of Sarawak's oil industry
- Has modern high-rise shopping complexes (*The Star*, 2005)

Oloibiri (Nigeria)

The little sandy town... in Nigeria's... impoverished Bayelsa State welcomes [the visitor] with a weather-beaten signpost. 'This is Oloibiri', it says, 'the Goose that lays the Golden Egg'. Oloibiri today is strewn with evidence of neglect and abuse. There are no roads, no hospital, no potable water and not a single modern industry. Pollution has turned the surrounding creeks into oily and turbid dead seas. The town consists of thatch houses, shanties, dirt tracks and angry men and women (Akpan, 2004:5).

D. Iraq—'old fashioned imperialism' and 'crowded theatre of [war] operations'

As far as petroleum-induced socio-political crisis is concerned, perhaps no region of the world has been more 'unlucky' than the Persian Gulf. To use Iraq as an example, conflict associated with petroleum exploitation has been endemic in the country since the 1920s. Because Anglo-Persian Oil Company (renamed Anglo-Iranian Oil Company, and later British Petroleum) was already exploiting petroleum in Iran (Persia at the time), having struck oil there in 1908, Britain clearly had a foothold in the Gulf. It only needed to expand its control especially into Mesopotamia (as Iraq was then called), which had the same geological features as its eastern neighbour. There is a story of how in those days France and Britain became enemies as a result of the prospect of striking oil in Iraq, and of how upon resolving their differences and forming an oil-exploration alliance, the two countries fell into even deeper acrimony with the United States—all in the quest to control Iraqi oil.

The major setback for Britain in its quest for oil Iraq—and the reason for its dispute with France in those days—was that it had ceded to France the area of Kirkuk (in northeastern Iraq), where the first lucrative reserves would be struck on October 15, 1927. To have back that region, including Mosul (Iraq's third largest city on the northwestern border), it needed a special manoeuvre, which it effected by simply ordering its forces to 'capture' Kirkuk and its surrounds. 'I do not care under what system we keep the oil,' the British Foreign Secretary, Arthur Balfour, announced to

the Prime Ministers of the British Dominions in 1918, ‘but I am quite clear it is all-important for us that this oil should be available’ (quoted in Paul, 2002). The ensuing British conflict with France was eventually settled when the two agreed that Britain should colonise Mesopotamia (Iraq). France for its part was given 25 per cent ownership stake in the British-controlled exploration firm, Turkish Petroleum Company (TPC)—established in 1912 by rival groups that had momentarily buried their rivalry just in order to ‘outflank American concession seekers’ (US Library of Congress, 2003a:53).

In the 1920s, the British-French accord would be attacked by the United States as ‘old-fashioned imperialism’, a condemnation backed by the threat of sanctions meant to compel Britain to allow American participation in TPC. Britain eventually bowed to the pressures, and American companies finally bought into TPC in 1928 (Paul, 2002). In 1929, TPC was renamed Iraq Petroleum Company (IPC). IPC remained Iraqi only in name, because its real owners were British, French and American petroleum companies. In 1932, when Iraq gained independence, IPC was granted a 70-year concession from the Iraqi government, which meant that in theory, British, American and French control of Iraqi oil would stretch into the early years of the 21st century (US Library of Congress, 2003a:53)!

Nationalisation of the Iraqi petroleum industry began in 1964, with the establishment of Iraq National Oil Company (INOC). Now vested with the exclusive rights to exploit petroleum in Iraq, INOC took over the concessions earlier held by IPC. Generally, however, the industrialisation of the non-oil sectors of the economy remained slow even after the government announced a policy of import substitution in the early 1970s. In the end, hobbled by inadequate public infrastructure, the country began a process that defeated the very aim of import substitution. Iraq embarked on large-scale importation of finished products and materials needed locally, thus ‘making the large extractive industries somewhat redundant’ (Library of Congress, 2003a:56).

By the end of the 1970s, age-old rivalries between Mesopotamia (Iraq) and Persia (Iran) had again come to the fore, as the two countries sought control of the Persian Gulf and the Arab world. This time, huge oil resources on both sides had made it possible to stockpile state-of-the-art war machines, with each side regarding the

destruction of the other's oil infrastructure as an effective war strategy. On September 22, 1980, war broke out between Iraq and Iran. By August 20, 1988, when the war ended, the Gulf had become 'a crowded theater of operations', with 'at least ten Western navies and eight regional navies... patrolling the area' (Library of Congress, 2003a:105). Besides the American government, USSR and France, at least 24 American oil companies were allegedly involved in one way or another in arming Iraq before and/or during the eight-year war (see King, 2003; Reynolds, 2003).

By the late 1980s, Iraq's economy had been reduced to the point where oil remained virtually its only export. But more crises lay in wait—all linked to petroleum. On August 2, 1990, the Saddam Hussein regime invaded Kuwait, declaring it an Iraqi territory. The stated Iraqi position was that Kuwait was sabotaging Iraq's economy by overproducing oil and illegally pumping oil from one Iraqi oilfield. Defiant of United Nation's trade embargo and calls by the UN Security Council to withdraw from Kuwait, Iraq was to soon suffer heavy damage to its economy and infrastructure when the Security Council mandated an attack. 'Operation Desert Storm' was declared on January 18, 1991, led by the United States. With Iraq forced out of Kuwait, after heavy infrastructure damage in the two countries, President George H.W. Bush (father of the present American president, George Bush) declared a cease-fire on February 28, 1991. Bringing down the Saddam Hussein government, even without the United Nations approval, would be carried out by the United States and Britain in March 2003 in a controversial operation tagged 'Operation Iraqi Freedom'.

Some of the reasons the United States advanced for invading Iraq in 2003 later turned out to have been based on 'faulty' intelligence. The stated military objectives of the invasion were:

- Regime change in Iraq—that is, ending Saddam Hussein's rule
- Finding and eliminating Iraq's 'weapons of mass destruction'
- Apprehending terrorists, and finding leads to those connected to the September 11, 2001 attacks on the World Trade Centre
- Collecting intelligence on terrorist networks and on networks associated with 'weapons of mass destruction'

- Ending sanctions and delivering aid to Iraqis affected by the invasion,
- Securing Iraqi oil fields
- Establishing democracy in Iraq (Global Security, 2005).

Many critics of the invasion derided the entire effort as simply ‘OIL’ (a mock acronym for ‘Operation Iraqi Liberation’), and believed that the operation had more to do with controlling (as opposed to ‘securing’) Iraqi oil fields than anything else. This view was further strengthened by the fact that, besides the toppling of the Saddam Hussein regime, no weapons of mass destruction were found in Iraq, and no clear links seemed to exist between the Saddam Hussein government and the Al-Qaeda terrorist networks. Many people also believe that the ‘democracy’ that has been established in Iraq subsequent to the invasion has been anything but ‘genuine’. By the end of 2004, a country once made rich by petroleum had become an economic and political disaster largely on account of the ways in which its petroleum resources were perceived, exploited and utilised.

It is against the backdrop of such large-scale impacts—on politics, economy and social relations among different groups within and across societies—that the social impact of petroleum operations in Nigeria becomes an even more engaging subject.

7.2.2 Social impact of petroleum operations—the case of Nigeria

Besides revealing the lengths to which local and foreign interests are prepared to go just to ‘get at that oil’, the extent to which they are willing to ‘stamp on the ground... to make that oil come out’ (Kimerling, in Bassey, 1997:35), the above sketches indicate that a discussion of the social impact of oil operations can be done at different levels. In Nigeria one can examine, for example, the contributions of the oil sector to Nigeria’s overall socio-economic development. Such an examination could focus on the extent to which the oil sector has bolstered or suppressed the development of the productive and other sectors of the Nigerian economy (forward integration), as well as the extent to which other sectors have been developed to add value to the oil industry (backward integration) (see Igwe and Edozien, 1986:120-121; Watts, 1987a,b).

Another level of analysis—and this is not entirely divorced from the first cluster of concerns—could be to interrogate the impact of oil on politics, modes of accumulation, socio-political relations among various groups and social classes in the country, as well on state-society relations (see Frynas, 2000; Obi, 1997; Watts, 1987a,b; Berry, 1987; Turner, 1980).

At yet a different level, one could ask what role crude oil exploitation has played in reinforcing the image of a country long regarded, along with many other Third World countries, as an enclave of cheap natural resources and raw materials for Western industrial economies. Here interest would be on the role of oil in defining Nigeria's place in the global capitalist system (see Igwe and Edozien, 1986:120-121; Turner, 1980).

Although the discussion in this subsection connects in some ways to each of the foregoing broad levels of analysis—and local resistance and oppositional discourse in the Niger Delta can still be illuminated from any of those positions (rather than simply from the perspective of ethnicity)—the approach adopted in this subsection is to examine the impact of petroleum operations on social existence and social relations in the Niger Delta, where the Nigerian petroleum industry is geographically concentrated.

A study conducted by Augustine Ikein (1990) tracked changes in specific social sectors in the Niger Delta and tried to relate these to the impact of petroleum development. Although Ikein's research questions were framed in a somewhat linear format (*'the indigenous population will/will not benefit...'*, *'oil production has/has not made a significant difference in education'*, etc), the study made some noteworthy findings. One of these is that oil had no 'reasonable' impact on the development of sectors such as education, health, housing, power, roads and water in the oil province between 1964 and 1982. The coefficients of the relationship between oil and changes in these social services in various periods between 1964 and 1984 are summarised in Table 7-1.

Table 7-1: Statistical relationships between petroleum production and social development nationally and in the oil province.

PERIOD	RELATIONSHIP BETWEEN OIL PRODUCTION AND DEVELOPMENT OF SOCIAL SERVICES											
	EDUCATION		HEALTH		HOUSING		POWER		ROADS		WATER	
	NATIONAL	OIL REGION	NATIONAL	OIL REGION	NATIONAL	OIL REGION	NATIONAL	OIL REGION	NATIONAL	OIL REGION	NATIONAL	OIL REGION
1964-84 (Boom and Burst)	6.53129*	0.07505	19.72938*	1.25294	37.58322*	0.40489	2.72522	0.04739	12.95522*	1.30330	22.99085*	0.7787
1964-67	0.02784	0.36224	1.35667	0.00565	5.28499*	0.88209	1.73036	0.41307	4.15008*	0.31442	3.13830	0.15858
1968-75	2.12804	0.41220	4.11986*	0.93316	8.00161*	0.74156	1.65274	0.21132	5.30990*	0.83654	6.53115*	0.55109
1976-84	2.68126	1.82648	7.85540*	0.51227	11.19160*	0.01136	0.22849	0.14926	2.34649	0.04786	6.47985*	0.00091
1975-80 (Oil Price Boom)	0.67034	0.95152	7.90504*	0.08014	11.04624*	0.28908	0.69535	0.01895	3.13242	0.01895	6.12971*	0.12325

*Significant at 5 per cent level.

Source: Ikein, 1990:165

Ikein (1990:162) revealed that except for road development in ‘selected urban locations such as Lagos’, positive oil impact on social sectors like education, roads and water nationally was not ‘necessarily highly significant’ between 1964 and 1984. In the oil-producing region, all the social sectors investigated suffered considerable social neglect. It was a case of the oil areas yielding their natural resources to the federal government and ‘suffer[ing] doubly due to the existing socio-economic disparities’. The region’s ‘poor conditions’ he said ‘are only exacerbated by the activities of the oil industry’ (Ikein, 1990:164).

Many years after Ikein’s study, Human Rights Watch (HRW, 2002) would point out that expected oil production ‘dividends’ were still substantially absent in the Niger Delta.

Arguably, one of the oil production-related processes by which (to use Ikein's phrase) 'poor conditions' in the oil province are 'exacerbated' is land use. Available data suggest that a fairly substantial amount of land in the oil-producing region is under the control of transnational and national oil interests. This is partly because key aspects of the business (like pipeline laying, road and helipad construction, industrial and residential housing, and hydrocarbon waste disposal) require large tracts and parcels of land. According to one estimate, the length of oil and gas pipelines in the Niger Delta is over 7,000 kilometres—and traverses a land area of about 31,000 square kilometre (NDDC, 2004:22). Another important reason for the heavy petroleum-related land use is that unlike the Persian Gulf (and the North Sea countries, where oilfields are mainly offshore) 'Nigerian oil occurs in small fragmented pools' across the entire region (Udo, 1970:62). As result, full petroleum exploitation entails practically littering villages, farms, forests and streams with oil installations (Plate 7-1)—and oil wastes. About 5,284 oil wells were drilled in more than 1,500 communities as of 2003 (NDDC, 2004:22). Shell reportedly held about 400 square kilometres of land for its operations as of 2001, most of it reserved for future use. This excluded land acquired for 'short-term' purposes (such as for seismic projects and temporary staff housing) (SPDC, 2001:11) and land not acquired for petroleum development but, nonetheless, rendered useless as part of ecological collateral damage arising from oil operations. Chevron's operations reportedly spanned 'over 5,000 kilometres offshore and 2,600 kilometres onshore' as of 1998 (Ajayi *et al*, 1998).



Wilson Akpan

Plate 7-1: Piped round—unburied oil pipelines traverse an Ebubu homestead

The oil companies, like Shell, typically maintain that they uphold a policy of minimal landholding (SPDC 2001:11), a position often meant to downplay the implications of oil industry landholding on traditional agricultural practices, but which hardly obscures the level of intrusiveness of oil operations in the Niger Delta. A view widely held in the region (and in Nigeria generally) is that the construction of oil rigs, field camps, helipads, and the problem of oil spills—among other forms of intrusion—have led some affected farmers to abandon whole farmlands, often in return for paltry material compensations (see *Tempo*, 1998:8; *The Guardian*, 1997:7). As happened in Finima town in Rivers State in the 1980s, entire villages have in the past been forced to relocate to make way for oil activities (HRW, 2002:11). Against the background of very low average landholding per farming family (see Chapter Five), the adverse effects of land abandonment cannot be overemphasised. Land abandonment and occupational dislocation create conditions for unsustainable people-environment relationships (as exemplified by over-cultivation of marginal land, over-fishing, the denuding of forests, and land disputes). Rural occupational dislocation worsens the problem of rural-urban migration and gives frustrated rural youths an excuse to vandalise oil pipelines in order to access crude oil and financial ‘fortune’ (see Ibibia, 2003:23).

Furthermore, as discussed in Chapter Six, until the enactment of the Environmental Impact Assessment (EIA) Decree (No. 86 of December 1992²), companies involved in environmentally threatening operations were not legally required to carry out impact assessments or consult communities before taking any environmental decision. Land acquisition and the setting up of oil infrastructure proceeded without, for example, botanical and heritage studies aimed at preserving or reconstructing local cultural and socio-ecologic histories that could be adversely impacted. Thus, ‘like the grass on which the dancer trod’ (to use Joe Mutiga’s poetic imagery), the Niger Delta may have had important parts of its cultural history dug up and thrown away just to make way for oil pipelines and industrial and residential facilities. This is not implying that oil operations have become more locally sensitive post 1992, or that the oil-producing communities (and the wider Nigerian public) have become an integral part of whatever impact assessment systems there now are. As highlighted in Chapter Six, local residents still do not feel any meaningful sense of participation in EIA processes: ‘there is little improvement in the way in which some companies inform us about projects [and we are] unconvinced that our inputs are used when decisions are taken, with regards to environmental issues that affect us’ (Adomokai and Sheate, 2004:508).

In most oil producing regions around the world, inward migration is seen as a major issue (see SCF, 2003:7). This is also true of the Niger Delta, where a number of associated factors pose threats to social existence, especially among ordinary people. That Port Harcourt, for example, is regarded as Nigeria’s ‘oil capital’ has ramifications beyond simply the appellation. During my fieldwork, I learnt that the price of ‘everything’ in Port Harcourt was marked with an eye on the purchasing power of oil workers. I was informed that house rental in Port Harcourt was on average substantially higher than what obtained in most other major cities in the country—a point I could not easily dismiss, having personally lived in Port Harcourt, Ibadan, Lagos and Calabar at different times between the mid-1980s and late 1990s. During the

² This decree came as a response to a mandate by the 1992 UN Convention on Biological Diversity mandate to signatory countries to enact laws and/or create non-law instruments to compel industries, organisations and state agencies contemplating major developmental projects to ensure that their operations met the standards of environmental friendliness. Article 11 of the Convention specifically required all development projects that might impact negatively on the ecology or the community to be preceded by an EIA spelling out the nature and scope of such adverse effects and ways of containing them.

fieldwork I heard remarks that ‘ordinary’ leaseholders in Port Harcourt lived with the constant threat of eviction or sudden and ‘arbitrary’ rental increases—as there were always would-be tenants ‘willing’ to pay the high rent mark-ups. While high rentals might be a function of high housing demand against supply in the city, the comment I commonly encountered was that ‘Port Harcourt landlords are heartless’ and that teachers—and certain other categories of civil servants—stood the risk of being denied private rental accommodation because of the belief among landlords that they were incapable of meeting rental obligations, let alone coping with ‘sudden’ rent increases.

Urban legends abound concerning many of the smaller oil towns. The island town of Bonny, which hosts a Shell-operated oil export terminal as well as the Nigerian Liquefied Natural Gas (NLNG) plant, is reputed to be a gathering point for ‘prostitutes’ (in the Delta they are not called ‘sex workers’), who flock there from all over the country (Semenitari, 1998; Olukoya, 2003). Anecdotal evidence suggests that this town has a high incidence of single mothers and ‘fatherless’ children. The ‘fathers’ of such children are allegedly migrant oil workers, oil contractors and other ‘fortune-seekers’ who may have left the town. These findings were similar to those documented about the oil-rich Shetland Isles in Scotland, where during the 1970s, the influx of oil workers exerted such impact on the local social fabric that local customs appeared threatened. According to one account, ‘the police force doubled and reported crimes [in Shetland] increased by over 250%’. (SCF, 2003:7).

Probably more drastic than what one study described as the increasing division of people into ‘the waged and non-waged’, as well as ‘alterations in patterns of consumption and political behaviour’ in the Scotland’s Shetland islands (SCF, 2003:7), is the fact that there is now in the Niger Delta what one might term the *over-monetisation of everything*. It is a phenomenon that exerts strain not only on social relations broadly, but specifically on the ability of indigenous authority structures to function properly. As hinted in Chapter Four, and elaborated with empirical data in Chapter Eight, maintaining some relationship with the transnational oil companies or the various oil-related public institutions is considered crucial to influencing community governance. Indeed, the swindles that characterise such relationships have become integral to what the petroleum companies regard as ‘stakeholder engagement’

or ‘building social partnerships’ in the oil communities. There is a jostling by every segment of the Niger Delta society for the material opportunities (real or imagined) the oil industry and associated institutions offer—this more so, since existing oil-related laws make no clear stipulations as to what community service obligations the oil companies should abide by. During a visit to one of the study communities, this researcher learnt of how an ‘ungrateful’ oil company declined a traditional ruler’s request for funds to ‘complete’ the building of his residence. The company declined the request on the grounds of ‘financial constraints’.

An important dimension to the above problem is that in the quest for perceived material promises of the oil industry, merely being a ‘chief’ or an ‘elder’ in a community no longer conveys sufficient status, due to a breakdown of trust between different segments of the community—notably the ‘youth’ and the ‘elders’. Money is a crucial determinant of status. Besides, a prime expectation of many youths is that the ‘elders’ exercise their authority in such a way as to enhance rather than stifle whatever material benefits could accrue to them directly. The delegitimation of indigenous authority, as I would call this problem, could be seen as a ‘peace and conflict impact’ of oil production. Indigenous authority-bearers seem to have lost their ability to enforce local norms or mediate in disputes, as illustrated by the following account concerning a ‘peace-building’ effort in the crisis-ridden town of Warri in Delta State:

The youths attacked the militarymen while talks were going on between [oil company] representatives... and a contracting firm... on one side and the elders of the community on the other. Although the discussions were aimed at settling their differences, the youths who had grown wary of the outcome of such meetings saw that occasion as another waste of time.... [T]he meeting was meant to create the right atmosphere for the companies and the community leaders to draft a Memorandum of Understanding (MOU) that would in turn facilitate the peace process. In the course of the deliberations, however, the youths were said to have learnt that important aspects like employment and youth empowerment were not on the priority list. According to reports, efforts by the elders to calm the aggrieved youths down failed and chaos set in. Military authorities explained that the soldiers shot because they were enraged... The youth leaders, however, issued a release saying that 20 of them had been killed by the soldiers....(*ThisDay*, 2004d).

The quest for ‘oil money’ (the local slang for any sudden, substantial material accumulation) may have impacted the region in a physical way as well. For instance, the Delta’s contemporary urbanscape is characterised by busy shanty and roadside

markets, streets perennially congested by hustlers, and squalid residential neighbourhoods. The urbanscape also has the unmistakable hallmarks of opulent Nigeria—palatial mansions (many in neighbourhoods with no health facilities, public power, water, sanitation, fixed-line telephony, motorable roads or recreational facilities), elegant corporate premises, expensive cars, and thousands of upmarket residential and office buildings ‘under construction’.

There are also public health issues, and these are discussed in detail in the next section. The issues are associated with underground water pollution, gas flaring, oil spills, and heavy vibration from rock-blasting activities, among others. Scientific studies have shown, for example, that:

While CO₂ [carbon dioxide] is a ‘green house’ gas, CO [carbon oxide] and NO [nitrogen oxide] are known to have severe health impact on man. These gaseous products from several gas flares operated on [a] daily basis in the Niger Delta area of Nigeria are released to their immediate environment or transported via plume to some locations far away from emission point. In either case, man is exposed to these emission products... this may eventually lead to death... (Sonibare and Akeredolu, 2004:1664).

A visitor to Iko in 2003 would have noticed an oil company-sponsored community water borehole whose stench extends beyond the town. The wellhead was ingrained with brownish, slippery substances (Plate 7-2), possibly a consequence of underground water contamination. Residents informed me that they avoided the water ‘because of its horrible smell’, and that they continued to fetch drinking water from the creeks—which was equally foul-smelling.



Wilson Akpan

Plate 7-2: Water colour—an oil-company sponsored community water borehole in Iko town

In the same community, I was conducted round an entire district characterised by badly damaged residential buildings (Plate 7-3).



Wilson Akpan

Plate 7-3: Walls apart—impact of oil activities on walls and rooftops in Iko town

Several buildings had cracked walls and charred corrugated-iron roofs. Under normal circumstances, they would be considered unfit for human habitation. Residents attributed the wall damage to the effects of seismic blasting activities, and the corrosion

and charring of the roofs (which allegedly could occur within two years of building a house) to ‘acid rain’ associated with incessant gas flaring in the area.

In another section of the town, an uncompleted building described on a signpost as a ‘community health centre’ stood derelict and overgrown with weeds and creepers. Strikingly, this community project appears in Shell’s 2001 Report as having been ‘taken over/renovated’ by the company (SPDC, 2001:18).

One geoscientific study has estimated that at least 45.8 billion kilowatts of heat is pumped into the Niger Delta atmosphere daily through gas flaring—a phenomenon that is discussed in detail in Section 7.3.2. This is about 8.84 million kilowatts of heat per square kilometre per day (cited in Ojah, 1999:15)! The major inference from the study is that such emissions could be a factor in the ‘severe discomfort and misery’ that the Niger Delta residents suffer, especially people in downwind locations, who are daily bathed in fumes, odours, heat, and combustion gases (NEST, 1991:45).

Beyond public health hazards (the ramifications of which are so many) and the threat to local livelihoods and indigenous authority structures, there are still other processes by which social conditions in the Niger Delta have been negatively impacted by oil operations. It was hinted in the opening chapter of this work that human rights abuses have remained a major concomitant of both oil production and the politics of oil resource allocation. In that chapter, I highlighted the ‘Ogoni travails’ of the 1990s, especially the hanging of the environmentalist Ken Saro Wiwa and eight of his colleagues. Of special interest to the human rights community is that oil production seems to have brought the Nigerian state and the oil companies into strange patterns of what some regard as anti-community collusion. For example, researchers have found that the justice system is skewed in favour of multinational oil interests (Frynas, 2000). Also, there was a strong notion during the 1990s that the most strategic role of the Nigerian government (as a joint venture partner in upstream oil operations) was that of providing armed security for the multinational companies. However, because the oil companies supplied the guns, ammunition and patrol boats used to guard their facilities, the military and police personnel (known locally as ‘Shell Police’, ‘Mobil Police’, and so on) became widely perceived as agents of repression, or ‘corporate killers’ (CCPA, 2003; Associated Press, 2001). While such collusion had in the past only been a matter of speculation, there is now some certainty about it. In 2001, Shell confessed before a

human rights commission set up by the Obasanjo administration that it had in the past supplied arms to members of the Nigerian security forces guarding its facilities, although the company denied knowledge that any of these items had been used for repressive purposes (Associated Press, 2001). Not even the 'return of democracy' seems to have displaced the spectre of intimidation and human rights abuses in the oil province, as the sacking of Odi town on November 20, 1999 by the Obasanjo administration demonstrates.

Overall, although it is impossible to isolate oil operations as the sole associative factor in the foregoing social impacts, it would be difficult to find another industry in contemporary Nigeria with so profound an influence on debates about social existence, and about the environment.

7.3 Environmental impact of oil operations

I mentioned earlier that the distinction between the 'social' and the 'environmental' in a discussion of oil impacts is not to be taken as denoting binary categories. It will be revealed as the discussion in this section unfolds that the 'distinction' has been adopted in this chapter merely for analytical convenience. Many of the 'social' impacts of oil operations in the Niger Delta derive from the ineffective management of 'environmental' impacts, and some 'environmental' impacts (like those resulting from vandalism of oil installations) cannot be divorced from local dissatisfaction with the existing regime of petroleum revenue utilisation. Generally, if oil operations (again, the focus is on upstream operations) have impacted adversely on the social conditions of producing areas around the world, it is often because the environmental hazards are also largely localised.

Research has also shown that rather than impose strict 'command and control' measures to force oil companies to cut down on the severity of the industry's environmental excesses, many oil producing countries tend to operate mild regulatory regimes (Ekpu, 2005), relying in many cases on the presumed efficacy of 'international operating standards' (Wawryk, 2002). It would seem also that the lack of capacity (both political and moral), by developing countries especially, to regulate, monitor and enforce compliance, intersects with the tacit belief in these countries that 'international

standards' are inherently effective. These 'standards' refer to the flexible and largely voluntary principles and guidelines that have developed over the years as a result of demands and pressures by international environmental activists, and the ethical codes drawn up by the oil companies themselves³. 'International standards' in the petroleum industry also derive from the guidelines of American Petroleum Institute, International Standards Organisation (ISO), the World Bank⁴, declarations of United Nations agencies, and instruments such as the UN Global Compact. Useful as these codes, charters and guidelines are in gauging operational conduct among big industrial corporations, they are not in all cases enforceable legal instruments (Wawryk, 2002). At best, they are indicative of the desire across the world for business to act responsibly towards the community and the environment. The following disclaimer that accompanies the Australian Petroleum Production and Exploration Association's (APPEA) code of environmental practice speaks to the 'soft' legal status of the code:

APPEA does not accept any responsibility or liability for any person's use of or reliance on the guidelines, or for any consequences of such use or reliance. *The guidelines have not been approved by government bodies or regulators and do not have legal force or effect. Therefore, compliance with the Guidelines will not necessarily mean compliance with legal obligations.* Each person accessing the Guidelines must acquaint itself with its own legal obligations (Quoted in Wawryk, 2002—emphasis added).

Every facet of upstream oil operations—from exploration to development—has consequences for neighbouring human communities and the broader ecosystem. Exploration, for example, entails such environmentally intrusive activities as geophysical and seismic surveys, the use of explosives, the opening up of pristine forests, the creation of canals to facilitate human and machinery movement, and exploratory drilling. In the Niger Delta an estimated 60,000 kilometres of seismic lines have been opened since the search for oil began in the region (HRW, 1999:69). Whereas such activities have gone on for several decades, it was only with the coming into effect of the EIA Decree in the mid-1990s that companies were legally required, for the first time, to report and take steps to remedy the resulting biodiversity loss.

³ Enron's *Book of Ethics* and Chevron's 'Policy 530: Protecting People and the Environment' would be considered among such corporate 'Bibles'. Ironically, despite claiming to operate by its 64-page *Book of Ethics*, Enron went bankrupt and collapsed under the weight of what some have called 'over-ambition and its propensity to cut corners in search of glory' (Srinivasan, 2001).

⁴ An example of this would be the World Bank's *Pollution Prevention and Abatement Handbook 1998: Toward Cleaner Production* (World Bank, 1999).

Also, it is only in the midst of the 1990s environmental and social justice activism in the Niger Delta that some of the oil companies, such as Shell, considered replanting the seismic lines created several decades before. In countries with strict environmental regulations, replanting and rehabilitation of land opened for seismic surveys are often regarded as an integral remedial aspect of environmentally invasive industrial operations, as the following Greenpeace report illustrates:

Between 1983 and 1991, three pipelines were laid through the dunes near Callanstoog for the transportation to land of North Sea gas. Under expert supervision, cuttings were taken from the plants present in the area and planted elsewhere. At the same time the dune profile was recorded photographically. After excavating the dunes and laying the pipelines at the appropriate depth, the dunes were returned to their original state. Although these were major operations, after just one season, there were few visible signs of the work left (cited in Ekoriko, 1997).

A similar level of environmental sensitivity is evident in the following report about a 'catch and release' conservation programme sponsored by a mining company in South Africa:

The programme targeted small mammals and reptiles. Traps were placed strategically within the area [of new mining operation], for both mammals and reptiles, funnel traps for lizards and snakes. Following their capture, they were then relocated to safety at a nearby Marikana mine...It might look like taking conservation to extremes, but the mine believes the effort is not only worth it, but is as necessary as is justified. The new initiative is aimed at conducting mining operations while minimizing disruptions to the environment (*SABC News*, 2004).

Drilling and actual hydrocarbon extraction (to mention just two key aspects of the development phase) also take a heavy toll on the immediate environment. A distinct problem for any community hosting an oil or natural gas drilling facility is drilling noise and vibration, and heavy and often toxic gaseous emissions. While the nuisance of onshore drilling noise and the risks of respiratory disorders associated with a persistent fog of gaseous emissions are obvious human impacts, studies have shown that drilling operations also pose risks to wildlife. Underwater oil drilling, for example, could emit up to 210 decibels of sound (louder than noise from a rocket launching pad) (Boyd, 1996), and this has been found to adversely affect the hearing and sensitivity responses of whales, dolphins, seals and other marine animals that naturally emit

sounds as part of their communication behaviour. Such impacts include ‘attraction or avoidance behaviour, panic and increases in the intensity of vocal communication’. Extended exposure could lead to permanent damage to internal organs (Vella *et al*, 2001:vi). Whales typically respond by relocating.

Analogous to sawdust generated by a sawmill, huge quantities of waste are generated as an oil drill makes its way towards crude oil encased within reservoir rocks. These wastes are composed of silt and gravel (called drill cuttings), drilling fluids (muds) and other toxic substances. While mud engineers, analysts, archivists and other specialists at the site of a drilling operation rely on drill cuttings for vital seismic data, drilling presents oil operators with a waste disposal nightmare both in terms of cost and disposal space, and there are unfinished debates as to how best to manage drilling wastes so as to minimise their environmental and public health impacts.

Studies have shown that the hazards of drill cuttings are a function not only of their quantities but also of the chemical contents of the muds used in a drilling operation. For example, although oil-based muds are more efficient than water-based muds—in the sense that oil-based muds are well suited for ‘difficult or extended reach wells, minimise the incidence of stuck tools, create lower volume of drill cuttings’ and can be recycled—they are ‘typically harmful to the environment and may require complicated disposal procedures, whether drilling is on land or offshore’ (Oiltracers LLC, 2004). On the other hand, synthetic muds (made up of carbon, hydrogen and oxygen), which are believed to be biodegradable and less toxic than oil-based muds, pose a certain underwater risk: they do not break down naturally in seawater ‘as quickly as expected’. This is why, despite their relative inefficiency, water-based muds are the drilling fluids preferred by regulators, especially for offshore operations. They are by nature ‘easily separated from the cuttings in the cleaning process’. Indeed, in the United Kingdom, synthetic and oil-based muds may only be employed for offshore drilling ‘after consultation with UK Government departments’ (UKOOA, 2002).

Petroleum operators in the Niger Delta employ both water-based and oil-based muds, and although DPR guidelines require detailed documentation regarding the toxicity of spent drilling muds and drill cuttings (Ukoli, 2001), there has been little in the region to suggest full compliance to, or strict enforcement of, the guidelines. For one thing, a study carried out in the Niger Delta has shown that soil moisture tends to be lower in

the vicinity of drill cuttings dumps (reserve pits), and that the same vicinity contains higher salinity, alkalinity and heavy metals than outlying areas (Kinigoma, 2001). These factors are associated with the 'poor nature of plant and soil microbial life around the vicinity of the drilling sites'. The research further points out that drill cuttings on land 'will prevent plant growth until other natural processes develop new topsoil', and if underwater, the additives in the drilling fluids will kill fish 'by inhibiting their gill action' (Kinigoma, 2001:60-61). Findings like these become more noteworthy against the background that dumping drill cuttings into open pits (rather than injecting them into the ground) is a major mode of drilling waste disposal in the Niger Delta. Some estimates put the number of reserve pits in the region at about three thousand—in addition to the fact that the open sea also serves as a waste disposal site (Ekoriko, 1997).

There have been indications that the Nigerian government has been embarrassed by the regulatory and enforcement laxities in the petroleum industry. What heightened this embarrassment, according to media reports in 2004, was government's 'discovery' of plans by 'some oil producing companies' to extend hazardous-waste dumping to whatever other 'remote locations' in the country they might find space (*ThisDay*, 2004e). This prompted the Obasanjo administration to make public its intentions to revise the country's oil industry environmental guidelines (which were first issued in 1991). In November 2004, the Presidential Adviser on Petroleum told a media gathering that the envisaged revision would include (for the first time) 'clauses for the prosecuting of defaulters' (quoted in *ThisDay*, 2004e).

Let us now examine some of the environmentally exacting aspects of hydrocarbon extraction—such as the discharge of oil-contaminated 'produced water', oil spillage, and the flaring and venting of 'associated gas'. We should continue to bear in mind the fact that people are not that separate from the environment, and that the 'environmental' impacts discussed entail considerable public health impacts. Direct reference will be made to some of health impacts but many will be implied.

7.3.1 Produced water

When oil is pumped from the ground during normal production, the fluid that comes out is actually a mixture of crude oil, water and gas. The oil must be carefully

separated from the water, and the toxic produced water disposed of. Over the life of an oil well or oilfield, about three to six times as much water as crude oil is produced (Juniel, 2003), and because there is at present no commercial or practical value for produced water, it constitutes not only ‘the largest waste-stream source in exploration and production processes’ (Benka-Coker *et al*, 1996) but also a major economic issue for oil operators. The economic issue involves the cost of treating the water to make it safe enough to be disposed of, and the cost of disposal—this being closely associated with the disposal method used.

In countries with strict environmental regulations (such as the United States and Norway), two main methods are permitted: inject the water into a production formation for enhanced future oil recovery, or inject it into disposal wells (Juniel, 2003). Either way, the water must first be treated to make it safe for the ecosystem. In the absence of strict regulations or enforcement, operators could discharge the water, untreated or poorly treated, into freshwater bodies in order to save cost and time. In the United States, discharging untreated oilfield produced water into the environment is illegal. Even in Wyoming, one of the few states in the U.S.A. where the discharge of oilfield produced water is allowed (for agricultural and wildlife propagation purposes) the practice is strictly controlled and monitored. The discharged water must meet stringent safety standards. In this way the state has been able to create ‘beneficial’ and relatively safe ‘artificial wetlands’ and water streams for agriculture and wildlife (Ramirez 2002:1). In Norway, Statoil claims a high water treatment success: its produced water reportedly contains ‘just over two teaspoons of oil per 100 litres of water [or] 2.3 grams per barrel’ (Fjell, 2002). While such levels of compliance could suggest that the oil companies have genuinely and voluntarily bought into the principle of environmental protection—as good ‘corporate citizens’—the Norwegian environmental achievement is obviously largely due to the fact that the country’s pollution-control authorities make it mandatory for companies to ‘report the total environmental effect of the produced water released to the sea’ in addition to ‘fulfilling (and reporting according to) the dispersed-oil regulations’ (Denney, 2004). Besides, the companies *know* that the regulators can, and will, effectively monitor compliance.

Studies have shown that trace elements and hydrocarbon compounds present in untreated or improperly treated produced water pose serious health threats to aquatic

birds and other wildlife—essentially because these creatures easily mistake waste streams for part of their wetland habitats. As Ramirez (2002:1) further reports, ‘female aquatic birds returning to their nests with oil on their feathers may transfer the oil to their eggs and cause embryo mortality’.

In the Niger Delta, operators often take up space in the national media to advertise the fact that ‘before we... return [produced] water to nature... we use special equipment to remove oil from the water, making it safer for the environment’⁵—although in reality, this level of environmental sensitivity might be true in only a minority of cases. Such advertisements could be an indirect way of signifying compliance with DPR’s guidelines and relevant national and international environmental laws—such as the Harmful Waste Act, Oil in Navigable Waters Act, the Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matter (of which Nigeria is a signatory), among others.

However, a scientific analysis of produced water samples obtained from six land-based flow stations over a six-month period in different locations in the Niger Delta in 1993 showed an ‘abundance’ of sulphate-reducing bacteria (SRB) in all the water samples. SRB thrive in oxygen-free conditions, and commonly proliferate in situations where produced water has not been adequately rid of crude oil. SRB corrode production platforms, plug injection wells and are a major health hazard for platform personnel (Benka-Coker *et al*, 1996:151). The high prevalence of these organisms in all the water samples indicated to the researchers that produced water in the Niger Delta was ‘polluted’, underscoring the need, according to the study, for further research to determine the far-reaching ‘ecological and economic impacts’ of this aspect of oil development (Benka-Coker, 1996:153). Untreated produced water pollutes rivers, streams and aquifers.

Anecdotal evidence suggests that in addition to not adopting ‘proper pollution-reducing techniques’ oil companies in Nigeria discharge at least one million barrels of produced water daily (Ekoriko, 1997) ‘directly into fresh-water bodies’ (TED, 1997). In a region like the Niger Delta, where most people (coastal dwellers) source their drinking water

⁵ This was part of a media campaign of a major multinational oil company in Nigeria in 1997. The campaign was titled ‘Water is Life’ (See *The Guardian*, June 5, 1997).

from the open creeks, the public health hazards of produced water must be particularly severe.

7.3.2 Associated gas

As indicated earlier, an oil well yields crude oil, water and natural gas. The gas comes 'either dissolved in the oil or as a cap of free gas above the oil'⁶. In the absence of economically viable markets, or indeed the infrastructure to channel the gas to countries where they might be better utilised, petroleum companies in developing countries have traditionally regarded associated gas as a crude oil by-product—to be burnt and vented. The World Bank (2004:1) estimates that globally about 110 billion cubic metres of associated gas is flared and vented annually, and Africa flares and vents about 34 per cent of that—more than double the power consumption of Sub-Saharan Africa (excluding South Africa). The flaring and venting of associated gas is a major problem in Third World oil-producing countries; eight of these countries (Algeria, Angola, Indonesia, Iran, Mexico, Nigeria, Russia, and Venezuela) contribute about 60 per cent of the total volume of gas flared and vented worldwide. Nigeria reportedly flared about 25 per cent of the world's total flared gas volume in 1996 (SPDC, 1996:1), making it the world's leading gas-flaring country. By comparison the United States flares and vents about three per cent of the global dissipated volume, or less than half a per cent of its associated gas production (Christen, 2004).

Associated gas is on average about 90 per cent methane: this is what is released into the atmosphere when natural gas is dissipated by venting. When flared, the non-methane gaseous emissions are carbon dioxide (CO₂), sulfur dioxide (NO₂), nitrogen dioxide (NO₂) and other oxides of nitrogen (NO_x) and carbon. A number of other by-products can be emitted if the waste fuel that finds its way into the flaring facility contains impurities. Such additional emissions include particulate matter, volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAH) and 'small quantities of sulphur compounds such as carbon disulphide (CS₂) and carbonyl sulphide (COS)' (Environment Canada, 2001). A point that is of particular relevance for the public health implications of associated gas flaring in the Niger Delta is that the proportions of

⁶ See the entry 'Associated Gas' in ConocoPhillips Energy Glossary, online <http://www.conocophillips.com/utilities/glossary/glossary.asp>.

the non-methane gaseous emissions depend not only on the type of associated gas, but on what is known as flaring efficiency. Flaring efficiency is a function of the combustion technology as well as the state and age of flaring facility (Sonibare and Akeredolu, 2004). More will be said on this shortly.

The prevalence of gas flaring and venting practice is increasingly being viewed internationally as not just a matter of whether or not there are material incentives to exploit associated gas. It is an issue that hinges on the *background institutions* in the oil-producing country—that is, on the national policies defining flaring and venting, the nature of anti-flaring and anti-venting regulation in force in a given country, and the actual performance of regulatory procedures and operational processes (World Bank, 2004:1-2; UNDP/World Bank, 2004:18). This point is important for understanding gas flaring and venting practice in Nigeria, and it is central to the discussion in this chapter. This is mainly because technologies for making associated gas utilisable—or indeed for re-injecting it into the earth for future recovery—is now internationally available. To put it simply, oil-producing countries are today in a much better position to decide whether or not associated gas should continue to be dissipated as a byproduct of oil production, or properly exploited *now* as an economically viable energy source, or injected back into the reservoirs for future extraction—or, as environmental rights campaigners sometimes advise, left where nature stored it, away from the claws and fangs of capital.

Described as ‘more of a gas than an oil province’ (UNDP/World Bank, 2004:1), Nigeria has estimated **ultimate** gas reserves of about 8,500 billion cubic metres, **proven** reserves of about 4,250 billion, and currently produces about 21 billion cubic metres. The country flares about 86 per cent of its total natural gas production (Oguejiofor, 2004) and 95 per cent of associated gas (HRW, 1999). There are at present no hard scientific data to show how the flaring and venting of associated gas ‘exacerbates’ the ‘poor conditions’ in the Niger Delta (to still borrow Ikein’s usages) although anecdotal evidence suggesting that kind of relationship abounds. Excessive atmospheric heat, as indicated in the previous section, is a major problem in the Niger Delta. A white flag hoisted anywhere in the Delta goes black with soot within a few months. During my fieldwork, I occasionally had opportunity to recreate at the Staff Club of a major oil company in Port Harcourt. On one of those occasions, a lifeguard

at the swimming pool (a non-Nigerian) drew my attention to one such ‘white’ flag waving in the wind at a poolside. Considering that the Staff Club is located in an otherwise idyllic, ‘first world-like’ residential estate, the blackness of the ‘white’ flag is a striking commentary on the air quality in the Niger Delta.

I now return to an earlier point about the public health hazards of gas flaring and the issue of combustion technology. A major transnational oil company in the Delta once acknowledged that local residents widely linked gas flaring (and attendant air pollution) with asthma, bronchitis, skin and breathing problems, miscarriages, and crop and corrugated-iron roof damage. The company, however, insisted that no connection existed between these health problems and gas flaring (see Huang, 2002a). Incidentally in the Delta, and Nigeria generally, few ordinary people consult modern medical practitioners for specialist pronouncements on ‘everyday ailments’—that is, assuming advanced medical practice were that easily available and accessible. Instructively, similar ailments to those mentioned here are well known in oil producing communities in Alberta (Canada) where, as in the Niger Delta, ‘many oil and gas operations are located near towns and farms, sometimes less than a kilometre away’ and gas flaring and venting are part of everyday life (Huang, 2002b).

Transnational oil corporations in Nigeria have made a premium of the fact that Nigerian petroleum has low sulphur content, and that the flared associated gas contains low quantities of the harmful oxides (NO_x and SO_x) which, when exposed to atmospheric moisture, result in acid depositions (‘acid rain’).⁷ Much of the celebration of low sulphur (or ‘sweet’) petroleum has enjoyed the support of corporate science, which typically plays down the fact that the socio-ecologic impact of gaseous emissions from even low-sulphur gas flares is not a function of the *type* of natural gas alone. The volume of gas flared, persistence of the practice, combustion efficiency, height of flare stack and age of the flare infrastructure also play a role (see Sonibare and Akeredolu, 2004; Oguejiofor, 2004; Environment Canada, 2001). To take the parameter of flaring efficiency as an example, Michiko Ishisone (2004) has pointed out that because combustion depends on factors such as ‘wind speeds, stack exit velocity, stoichiometric mixing ratios, and heating value’, full combustion—or put differently, non-polluting

⁷ With gravity of between 21.API and 45.API (about 65 per cent has gravity of 35.API) and very low sulphur content, Nigeria’s crude oil is celebrated internationally as ‘sweet’ petroleum (BPE, 2003).

flaring—is rarely achieved in reality. Globally, flaring efficiency ranges between 62-99 per cent (Environment Canada, 2001). Ishisone notes that on average, gas flaring in the Niger Delta is incomplete combustion, which typically emits ‘methane, propane, and hazardous air [pollutants] such as volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and soot’. In Alberta, 95 per cent flare efficiency has been generally achieved (Environment Canada, 2001).

Whereas the minimum permissible flare stack height—even for ‘sweet’ gas—is 12 metres in Alberta, Canada (Ishisone, 2004), I found during my fieldwork that a number of flare points in the Niger Delta were nothing short of bush-burning—the flare stacks were savagely close to the ground, and to people’s homes and farms (Plate 7-4). On my road trips between Yenegoa and Oloibiri (subsequent to the speedboat experience I narrated in Chapter Four) I found that thick, smoky gas flames were in a very literal sense, part of people’s life—and perhaps death as well. On the narrow roads, a minibus taxi passenger could feel the heat from ‘burning bush’ scenes similar to those in Plate 7-4.

Gas venting—the process whereby the methane in the associated gas is released into the atmosphere—is equally hazardous. In the troposphere (the ground level of the atmosphere, where weather changes typically take place) ‘methane is one of the reactants in the photochemical reaction for the formation of ground level ozone and photochemical smog’ (Oguejiofor, 2004). According to the same source, when methane mixes with other reactants, the results are ‘atmospheric pollutants, namely, ozone, peroxyacyl nitrate, formaldehyde and nitric acid’. Oil operators in Nigeria released an estimated 450,000 tonnes of methane into the atmosphere between 1998 and 2002.

Even more noteworthy is the role of background institutions in the mediation of the social and environmental risks associated with gas flaring and venting in the Niger Delta. As (Ishisone, 2004) writes:

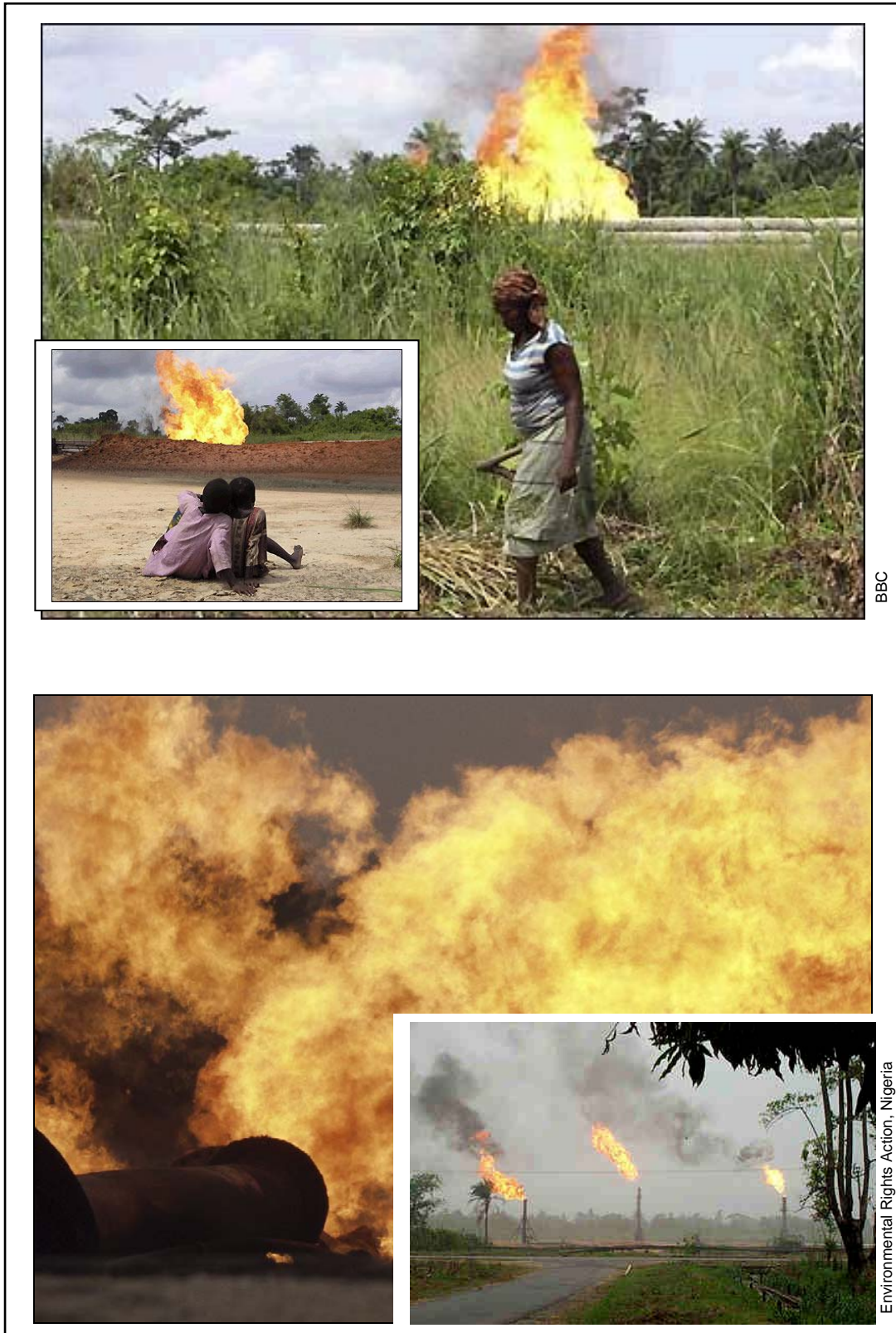


Plate 7-4: Playing with fire?—the flaring of Nigeria’s ‘sweet gas’

[B]ecause the Nigerian government is politically unstable and non-transparent, it is difficult for them to enforce the proper policies and to make coherent government policies. Plus, oil companies and the government are willing to gain... short-term profits rather than long-term profits. These driving forces have led to keep[ing] the oil flowing at minimal cost [with little consideration to the] local environment and people, and the gas flaring is a consequence of cost minimization strategy. There is no question that gas flaring is ubiquitous in the Niger Delta.

Similarly, Davies (2001:219) has noted that although ‘fines were introduced during the 1980s to penalise companies that continued to flare gas’, such ‘initiatives were not particularly serious or successful because they provided for exemptions to the rules, and the fines imposed were never set at levels that would be a real deterrent’.

Despite having set 2008 as flare-end date, the Nigerian government’s most promising endeavours that might help to make a dent on gas flaring by that date seem to be the Nigerian Liquefied Natural Gas (NLNG) project, completed in 1999, and the sub-regional West Africa Gas Pipeline Project (WAGP), through which gas from the Delta is to be pumped to Ghana, Togo and the Republic of Benin. Even so, meeting this deadline is highly dependent on WAGP taking off in December 2006 as currently envisaged (*The Guardian*, 2004c) and being executed in a way that would not instigate and spread community conflict in the participating countries. Another project that could affect gas flaring and venting in the Delta is a gas-to-liquid plant known as SasolChevron Gas to Liquid (GTL) Plant. Located at Escravos (Delta State) and jointly operated by ChevronTexaco and the South African synthetic fuel giant, Sasol, the plant aims to produce about 34,000 barrels of oil per day from natural gas starting 2007.

7.3.3 Oil spill

Easily one of the most studied and most publicised issues in oil production is the problem of oil spills. Among the many issues of interest to researchers are the toxic effects of oil spills on living organisms. Spills disrupt the neurosensory acuity of living organisms, retard their normal development, damage their respiratory functions and can affect fertility—that is, where organisms are not killed outright (Bhattacharyya *et al*, 2003:205). Another issue of interest is that the effect of oil spills often lasts many years; indeed, seepages from a spill can be spewed into the environment and cause

fresh damage several years after the initial spill. Yet, between the initial spill and its resurgence, only pollutant-resistant organisms survive and breed in the affected ecosystems (Bhattacharyya *et al*, 2003:205). The impact of spill-cleaning methods has also been of interest to researchers. For example, some solvents employed for clearing up marine spills have long been found to have narcotic and anaesthetic effects on marine wildlife (Onabamiro, 1980:167). A key social effect of spills is that they can contaminate drinking water sources, throw entire farmlands into desolation, and turn once thriving fishing grounds into dead seas—all of which have direct implications for local livelihoods.

Any combination of factors can create conditions for an oil spill. Such factors, which are characteristic of petroleum operations in the Niger Delta, include broken pipelines, ageing infrastructure, unscrupulous dumping of untreated produced water by oil operators or their contractors wanting to cut costs, fires, vandalism, explosions, equipment breakdown (at an oil terminal for example), tanker leakage, and wartime incidents (such as sabotage). This is one of the areas in which ‘social’ and ‘environmental’ impacts of petroleum operations become inextricably linked. Globally and historically, the oil industry has not been considered a major direct source of oil spills (Figure 7-1); according to the International Tanker Owners Pollution Federation (ITOPF, 2004) some of the world’s worst and most publicised spills have had to do with crude oil transport—that is, with problems of tanker loading/discharging, tanker collisions, groundings, hull failures and related incidents. Accordingly, some of the stringent laws against oil pollution in the industrialised oil producing countries, like the USA’s 1990 Oil Pollution Act, have been directed at curbing the environmental and social hazards associated with crude oil transport.

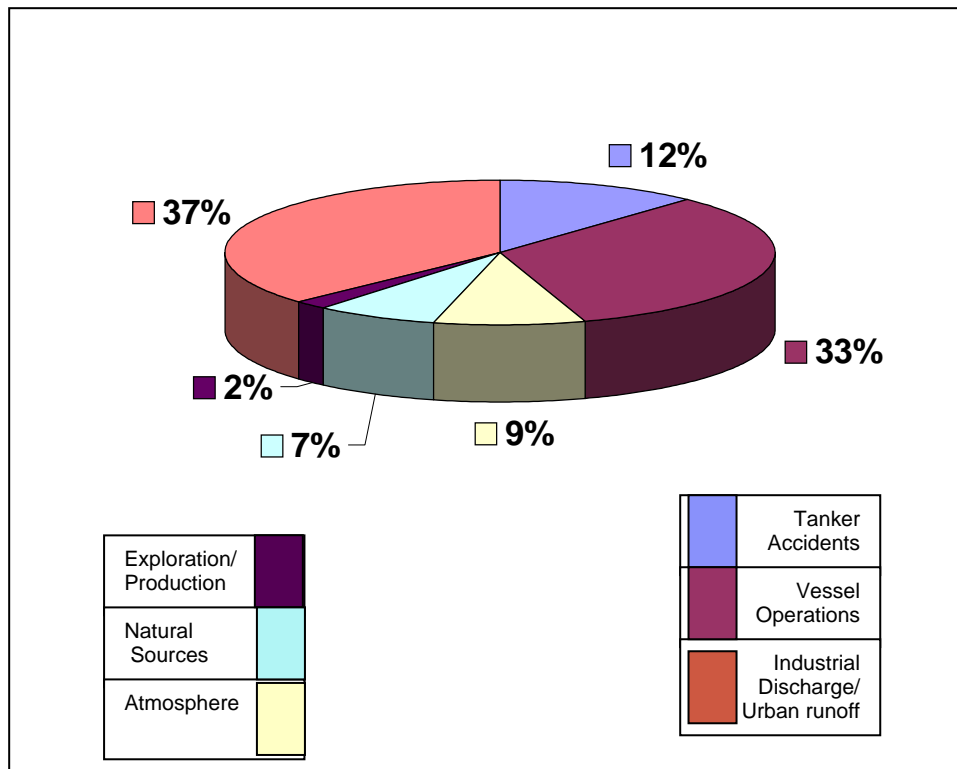


Figure 7-1: Sources of Oil in the Sea

Source: <http://www.world-petroleum.org/education/ocean/index.html>

However, ‘global’ pictures typically say very little about local realities, and as the United Nations Environmental Programme rightly points out, in Nigeria the oil industry constitutes a ‘primary source’ of oil pollution (UNEP-WCMC, 2002). The Niger Delta—a naturally moist, saline and corrosive environment—is strewn with a network of pipelines laid since the late 1950s. The pipelines function in a legal/institutional environment where operators face no threat of prosecution and other enforcement consequences should they fail to document and report periodically on pipeline deficiencies—or, as in Alberta (Canada), should they fail to develop and strictly adhere to monitoring or mitigation programs aimed at keeping specific pipeline networks in non-environmentally threatening condition. Indeed, in the case of Alberta, where 87 per cent of all pipeline failures between 1980 and 1997 were caused by leaks (63 per cent of these attributed to corrosion), the Energy and Utilities Board (EUB, 2001:2) makes it compulsory for operators to meet or exceed national regulations and standards by having the right pipeline maintenance infrastructure, or face stiff penalties. In the Niger Delta pipeline integrity is a key factor in the numerous ‘small-scale spillages... most [of which] are not monitored [and] many [of which] are not even reported’ (Snowden and Ekweozor, 1987:599).

While large-scale oil spills often make the headlines both nationally and internationally, research has indicated that in the case of the Niger Delta, it is the numerous ‘small scale spillages’—‘a frequent occurrence’ in the region—that should give cause for concern:

Small spillages, although minor when considered individually, become much more serious when they occur repeatedly, as is often the case along oil transporting routes. This can lead to chronic oil pollution, which has been shown to have greater detrimental effects than the more visible, large-scale spillages associated with tanker accidents and blowouts (Snowden and Ekweozor, 1987:599).

Another important, albeit quite controversial, ‘cause’ of oil spills in the Niger Delta is sabotage, or what has become commonly described by transnational oil companies in the area as ‘general crime and lawlessness’ (SPDC, 2001:10). Companies sometimes make such declarations before the relevant agencies have investigated the cause of spills (Fleshman, 1999). Sabotage is one associative factor that has become unprecedentedly prominent since the 1990s, when the Niger Delta struggles entered what one might refer to as a militant phase. Shell attributed about 64 per cent of spills occurring in its land and swamp operations in 1996 to this factor alone. Causes associated with pipeline corrosion and operational activity were given as 11.5 per cent and about five per cent respectively (Davies, 2001:218). With regard to sabotage, other transnationals have made attributions similar to those of Shell (HRW, 1999:8). As a policy, petroleum companies in Nigeria do not pay compensations for spills traced to sabotage (Haastrup, 1996). Although the huge proportion attributed to sabotage did probably correlate with the high spate of community protests during the period, a popular notion in the Niger Delta—and Nigeria generally—has been that such explanations are specious and only help the oil companies to avoid the payment of compensation to oil spill victims. It should be pointed out that during the 1980s, when the Delta was relatively ‘quiet’, sabotage was found to be the ‘smallest’ associative factor in spills, accounting for less than two per cent of all spill occurrences (NEST, 1991:44).

Against the background of unreliable data, estimates of the volumes of oil spilled and number of spill occurrences in the Niger Delta vary widely among sources. The main reason for this is that the oil companies (and corporate science) are the principal source of spill data. Even so, the popular view in Nigeria is that oil companies would stop at

nothing to conceal the true environmental and social impact of their activities. According to the Nigerian Environmental Study/Action Team (NEST, 1991:44) only one spill (involving about 150 barrels of oil) was reported in 1970⁸. Between then and 1982 a cumulative total of 1,581 spills was recorded, involving several hundred thousands of barrels of oil. The Nigerian oil industry regulator, DPR, puts the number of incidents at 4,835 for the period 1976-1996, involving a total of 2.45 million barrels of oil. Still another estimate, based primarily on oil company figures, put the figure at 1.07 million barrels for the period between 1960 and 1997 (HRW, 1999:59). Figures from the Ministry of Environment show that 2,796 spills occurred between 1976 and 1990, involving 2.105 million barrels of oil (Davies, 2001:217). According to the World Bank, at least 3,000 oil spills occurred in the Niger Delta between 1990 and 1995 in which about 1.5 million barrels of oil were discharged into the environment (*ThisDay—The Sunday Newspaper*, 1998:14). In the course of my field work, I found evidence of oil spills in every oil community I visited. In Ebubu, I went to the site of a spill which occurred in 1970. The unrestored site was as soggy, desolate and barren as though the spill occurred yesterday. On the different occasions when I canoed with local youth through the oily and smelly Delta creeks, which looked like dead seas, I was repeatedly told that fishing was now a ‘dead’ occupation and that ‘floating oil’ had ‘killed all the fish’.

Nigeria has an underdeveloped oil spill contingency infrastructure, which many might find surprising given the level of petroleum activities in the country (ITOPF, 2002). The country’s environmental laws require operators to be adequately equipped to respond to spills, and, as a first-choice spill disposal measure, to separate and recycle the spilled oil. Only where this is not possible may they undertake ‘controlled burning’ at sites approved by Federal Environmental Protection Agency (FEPA). The least recommended method is burial (ITOPF, 2002). On the whole, however, the country almost entirely relies on the clean-up capacities and initiatives of the petroleum companies, and official monitoring is weak or compromised. This explains why, when faced with pressure, the companies ‘create employment’ by hiring villagers to sop up

⁸ This estimate obviously does not take into account the massive spill that occurred in Ebubu in 1970, destroying a large segment of forest and farmland (Plate 7-6). This spill was described in Chapter Three of this work.

entire streams of spilled crude oil with rags and plastic buckets and no protective clothing (Plate 7-5)—for a daily wage of five U.S. dollars (Fleshman, 1999).

As mentioned earlier, one of the more devastating and widely publicised spills in the Delta occurred in Ebubu towards the end of the Nigerian Civil War in 1970. No clean up had ever been undertaken and the vast expanse was still soggy and sterile (Plate 7-6).

Other widely publicised occurrences include the following:

- 1976—ExxonMobil platform explosion (which discharged about 200,000 barrels of oil into the Delta);
- 1979—Spill in the Forcados estuary (with about 570,000 barrels of oil discharged);
- 1984—Brass-Ogada pipeline spill (which left some local clean-up workers dead);
- 1997—Spill at Ndele (which damaged farms, forests and fishing grounds);
- 1998—Spill at Idoho (Eket) mentioned earlier, whose effects spread beyond the source state of Akwa Ibom, to Bayelsa and Delta States (HRW, 1999).



Michael Fleshman

Plate 7-5: Handiwork—oil spill clean-up in the Niger Delta in 1999



Plate 7-6: Scorched earth—site of a 1970 Ebubu Oil Spill as seen in 2003

Interspersing the major spills are the ‘frequent’, more damaging ‘small-scale spillages’ (of 24 barrels or less) to which reference was made earlier. These various, even conflicting, figures give an indication of the environmental health of the Niger Delta seen from the standpoint of oil spills. They also provide a fairly realistic basis for assessing the worth of Haastrup’s (1996) argument that oil spills are the oil industry’s equivalent of a fire disaster, over which affected companies should be flooded with public sympathy rather than be confronted with stiff sanctions or demands for compensation. Despite the experience to the contrary in Nigeria, the international trend (as highlighted with the case of Alberta), is that increasingly oil-producing countries view oil spills as a private business risk and, through tough laws, hold oil companies responsible for the environmental and public health hazards of their business.

The final angle from which I shall look at the social and environmental impacts of petroleum operations is to examine how countries try to mediate such impacts, beyond the enactment of laws that spell out compliance parameters, and the imposition of penalties on erring firms. This angle relates to steps taken by oil-producing countries to directly intervene in the socio-economic development of the oil province in order to mitigate the adverse socio-economic and ecological impacts of petroleum production.

Drawing some lessons from some other extractive economies, I now examine how this has been done in the Niger Delta.

7.4 Mitigating the adverse impacts: region-specific development interventions in oil-producing provinces

7.4.1 Lessons from Alaska (USA) and the Shetland Isles (United Kingdom)

One way in which some countries have tried to mediate the impacts of petroleum development is by setting up special trust funds with which to make specific development interventions in the oil region. A spectacular example of this form of impact mediation is the Alaska Permanent Fund Dividend (PFD) in the United States of America. I call the initiative spectacular because when it was first introduced in 1976, it distinguished Alaska as the only place in the world where, through a democratic consensus, a portion of government's oil revenues was kept away from politicians and shared directly and *equally* among *all* the residents of the oil-producing region (APFC, 2001:9). The distributable funds are actually a portion of the earnings from a 'permanent fund principal' invested in stocks, U.S. treasury bonds as well as relevant domestic and foreign securities, and real estate (which often functions as a hedge against inflation). The other portions of the earnings go into 'inflation-proofing' (the cushioning of the effect of inflation on future earnings) and 'other uses' (APFC, 2001:19).

In order to produce 'a stable flow of dividend amounts from year to year', the Permanent Fund Dividend Division of the Alaskan Revenue Department works out a given year's payout by summing up the previous five year's net earnings (from the various investments), multiplying it by 21, and dividing the product by two. The result is then divided by the total number of applicants, and the quotient is the amount each resident receives as dividend (APFC, 2001:28-29). Between 1982 (when the first dividend cheque was issued) and 2004, average dividend per resident was US\$1,040.42, reaching a high of US\$1,963.86 (in 2000), and a low of US\$331.29 (in 1984). Since 1996, however, the dividend has not been lower than US\$1,100, except for 2004, when it fell slightly to US\$919.84 (APFC, 2001:28-29). Goldsmith (2002:2) remarks that:

The mistrust of the politicians was grounded in the fact that [a] \$900 million payment to the state by the oil companies [in 1969] for the right to explore for oil, when left in the hands of the legislature, seemed to disappear overnight, leaving behind not a legacy of new assets, but rather one of bigger government without an enhanced ability to pay for it.

Although the \$900 million had probably not been wasted, ‘it was difficult’, says the *Alaskan’s Guide to the Permanent Fund* (APFC, 2001:3), ‘for the average citizen [of a state that still lagged behind the rest of the country in most basic infrastructure] to appreciate where all the money had gone’. This is the background against which the Fund was created.

Because of the path-breaking nature of the PFD, some scholars who have studied the social impact of oil operations in Alaska have restricted themselves to analyzing the socio-economic imprints of the Permanent Fund. Scott Goldsmith (2002:7-11) has reviewed a number of findings in this regard:

1. People commonly say the dividend helps them to ‘buy winter coats for the children’—a remark Goldsmith (2002:9) cautions should not be taken too literally, since, without the fund, no sane parents would leave their children running naked in the harsh, icy Alaskan weather. Rather, he suggests, such comments underscore the deep importance and value ordinary people attach to the dividend. The point, according to Goldsmith, is that the dividend—and particularly the inclusive, transparent way in which it is managed—gives people a genuine feeling of co-ownership of the state’s oil wealth. Most importantly, Alaskan citizens do not regard the PFD as government spending but as their *entitlement*, for which they do not have to thank the government.
2. The fund increases ordinary people’s purchasing power and boosts economic activities in the state of Alaska. This assertion is reportedly supported by anecdotal evidence showing that auto dealers, furniture and appliance stores, travel agents, financial advisors and a wide array of other service providers become unusually busy around the Christmas shopping season when the dividends are paid.

3. Although the dividend amounts ostensibly impact negatively on average real wage in Alaska (because employers seem inclined to bargain down wage contracts), Goldsmith (2002:9-11) argues that there is little likelihood that such consequences has any substantial effect on the Alaskan macro economy. As he sees it, the overwhelming majority of dividend beneficiaries are not people in the labour market.
4. While the dividends seem to attract U.S. citizens (especially low-income people with large families) from other states to Alaska, the dividend makes its major migration impact by keeping young Alaskan adults and retirees in their home state (Goldsmith 2002:10). The economic effects of in-migration are moderated by the fact that people become entitled to PFD after an uninterrupted one-year residence.

For the purposes of this thesis, probably the most important impact of the dividend is on the ‘grammar of politics’. Since the introduction of the dividend, both the government and the governed appear increasingly converged on issues of democratic, grassroots participation in public decision-making (especially on public revenue utilisation), grassroots-oriented political governance, transparency, equity and fairness. In other words, rather than promote corruption and fiscal recklessness, petroleum operations in Alaska seem to bolster a governance ethos in which the sustainable and pro-people use of resources is considered paramount. Goldsmith (2002:7) puts it thus:

As the dividend has grown in size and become a regularly anticipated part of the budget of Alaska households, support for it among politicians has solidified. Most now consider it political suicide to suggest any policy change that could possibly have any adverse impact today, or in the future, on the size of the PFD. It has been extremely successful in creating a political constituency for the Permanent Fund that did not previously exist. Since the establishment of the PFD, there have been virtually no suggestions that the Alaska Permanent Fund be dissolved, with one recent exception. There is a strong feeling among a portion of the population that the state owned oil resource belongs to them as individuals rather than to all citizens collectively. This has strengthened the notion that the dividend is entitlement rather than government expenditure.

Finally, bearing in mind the sustainability dilemma that confronts many oil-producing societies, it is noteworthy that the Permanent Fund initiative has a bearing on the sustainability question. While oil revenues stood at US\$25 billion in 2001, income

from the PFD investments stood at US\$55 billion. The Alaska Permanent Fund Corporation (APFC) projects that by 2026, Fund income would have increased to US\$75 billion while oil revenues would have dwindled to US\$20 billion. This clearly indicates that through PFD the state of Alaska could be breaking its dependence on oil and laying a foundation to 'generate renewable wealth from a non-renewable resource' (APFC 2001:41-42). As the Corporation acknowledges:

Oil is a non-renewable resource and one day it will be gone. But when that day arrives, the Fund will still be here. For this reason, it is clear that the creation of the Permanent Fund represents perhaps Alaska's most important step toward real and long-lasting economic diversification and stability. As time goes on, it may be the size of the Fund more than any other single factor which will determine the state's level of prosperity (APFC, 2001:43).

In Britain, studies have shown that besides the contribution of the oil sector to the British economy generally, oil operations have had positive region-specific social impacts on the North Sea oil heartland of Aberdeen (Scotland), and specifically on the remote Shetland Isles (traditionally a fishing and farming area), from where about 50 per cent of British oil is pumped. Increase in total employment, rise in the average income of employees, and a boom in the housing market have been reported as some of the associated positive imprints of oil operations in Aberdeen. However, in the past, these positive impacts led to a situation where Aberdeen became over-dependent on oil fees and royalties, and the non-oil sectors of the local economy fell into neglect. Unable to pay the high rents demanded for business premises, for example, many companies in the non-oil sector folded up. The emergent oil-dependent economy saw its first real crisis in 1985, when the price of North Sea oil crashed, throwing many companies into bankruptcy and creating high unemployment, especially in the supply sector (SCF, 2003:7).

Among the steps taken to mitigate the 'long-term economic disruption and the longer-term problems that the eventual departure of the oil industry would cause' were the establishment of a trust fund 'that accumulated from the operation of the Scapa Flow and Sullom Voe ports', and the setting up of a charitable trust into which 'Oil Disturbance Monies' contributed by the oil companies were paid. With these funds the Shetland and Orkney local councils could invest in local industry, offer incentives to local businesses and attract new industries, which ultimately encouraged local socio-

economic and industrial growth (SCF, 2003:7). Even so, the British Oil And Gas Industry Task-Group maintains that the industry has ‘integrated Scottish coastal interests into its operations since the inception of sector activities in the UKCS [United Kingdom Continental Shelf] long before many [relevant] statutory UK and European regulations... were set in place’ (SCF, 2003:1). This position finds strong resonance in a 1980 scholarly study by Dan Shapiro and colleagues—a study conducted when oil production in Shetland was still in its first decade:

[C]ontinuous involvement of the local authority as the agency maintaining control over the direction of oil-related development has enabled the local residents to profit from the presence of oil industry through specific agreements favouring community interests. Residents of the community took steps to safeguard their interests through their communal power to refuse, permit, or delay any company activity within their area. On the whole, the Shetland community maintained its interests and oil firms complied (cited in Ikein 1990:112).

The reader may note that while the ownership of oil and gas in the United States is vested in the regional governments (Alaska State, for example), in Great Britain, the same right is vested in the Crown. That region-specific development interventions are pursued in both systems obviously speaks to the recognition of an obligation that borders on ethics, or what John Rawls called ‘background fairness’. The transparent and effective pursuit of such interventions might be an acknowledgment of the ethnographic affinity of the local population to their immediate physical environment, and a recognition that petroleum development carries with it territorially localised socio-ecologic consequences that are hazardous. Let us see how region-specific development interventions have worked in the Niger Delta.

7.4.2 Region-specific development initiatives in the Niger Delta

While there have been both region-specific development initiatives and those targeted at Nigeria as a whole, those aiming to address the development challenges in the Niger Delta readily stand out (locally and internationally) because, as implied in the preceding paragraph, there are long-standing perceptions and feelings of entitlement deprivation in the oil province. In other words, because they have direct relevance to the way the Nigerian petroleum industry impacts the oil-producing region, there is a sense in which

region-specific development interventions feed into grassroots discourse in the study communities.

The earliest formal intervention, the Niger Delta Development Board (NDDDB), established in 1960, came out of protests that were not directly associated with oil exploitation—but developmental nonetheless, and would later prove strategic in oil-related discourses (reference was made to this in Chapter One, Section 1.2.1). It was one of Nigeria's immediate post-colonial responses to the 'fears' of the 'Eastern' minorities as documented by Henry Willink and his colleagues in a report they submitted to the Secretary of State for British Colonies in 1958. NDDDB began on a promising note, conducting investigations into the 'agricultural potential of the delta [and] the means of developing forestry, fisheries and transportation'. It also started 'experimental farms... at various points where the yield of economic crops including rubber, cocoa and oil palm' showed potential (Udo, 1970:64). By 1966, the Board's observation farm in the town of Amassoma was blossoming with rice, jute, maize, soya beans and cowpeas—and a successful pilot irrigation project made it possible to grow these crops even in the dry season. The Board even investigated the possibility of producing paper from mangrove pulp, although the results showed that mangrove was not a source of good quality pulp for paper production (Udo, 1970:65).

With two military coups in 1966, NDDDB's various initiatives began to flounder, and came to an abrupt end in 1967, when the Nigerian Civil War broke out. By 1970 when the war ended, oil had assumed a strategic significance in the Nigerian economy, and was bringing Nigeria more in export earnings than agriculture. By 1973, an 'oil boom' was upon the country—the country's oil earnings quadrupled (NDDC, 2004:51). But the developmental priorities had changed. The transnational oil companies would exploit oil with no clear community service obligations and with no real punitive measures to be wary of. With the military now firmly in power, region-specific development interventions with entitlement connotations would become irrelevant. Such interventions would increasingly become acts of federal benevolence, trickling in mainly through a continuously mutating 'derivation formula'. In short, NDDDB would not be revived (NDDC, 2004:51). As far as oil operations were concerned, commerce would supplant community, economics would define ecology and undermine background fairness.

Another region-specific development initiative known as Oil and Minerals Producing Areas Development Commission (or OMPADEC) was created under Decree 23 of 1992, and became operational in 1993. As its name suggests, it had something to do with *giving back something* to the oil-producing region. Created by the General Ibrahim Babangida administration, the Commission became operational in January 1993, with a mandate to tackle ecological problems associated with oil exploration and production, work out acceptable modalities for embarking on development projects in the oil communities, and ensure equity and fairness in the distribution of development projects. Through these, the Babangida regime hoped, OMPADEC would stem the tide of community protests in the Niger Delta.

Between its inception in 1992 and its disbandment in 1999, the Commission reportedly expended about US\$161.42 million dollars⁹ on projects ranging from water supply, land reclamation, landing jetties, shore projection, and road construction/rehabilitation, to electricity, hospitals, markets, schools, and drainage in different parts of the Niger Delta. OMPADEC funds came from the derivation revenues that ordinarily would have been transferred to the oil-producing states. The Presidency's setting up of an agency to manage the oil region's derivation funds was itself controversial. Residents of the region felt it undermined the principle of 'fairness' and would only worsen the Niger Delta crisis (the reader will recall the detailed treatment of the derivation question in Chapter Six). However, the military regime was undeterred. A yearly breakdown of monetary allocations to the Commission was as follows:

- 1992 - US\$51.6 million
- 1993 - US\$30.68 million
- 1994 - US\$35.17 million
- 1995 - US\$43.97 million

In each of my three fieldwork sites, there were relics of 'OMPADEC projects' (to this day, this is how Niger Delta residents identify projects undertaken by the agency). One was the Eleme Gas Turbine project that, according to Ebubu residents, was initiated during the mid-1990s in the heat of the Ogoni agitation. It was intended to

⁹ US\$161.42 million is the dollar conversion of 11.57 billion Nigeria Naira (see *Tempo*, 1998:7), using the ruling 'parallel market' exchange rate in 1994 of 71.7 Naira to the dollar (see Aluko, 2001).

generate electricity for the whole of Ogoniland (including Ebubu). However, it remained uncompleted in 2003 when the fieldwork was conducted. Interestingly, I learnt from local residents that the then head of state, General Sani Abacha, had commissioned the project and at the commissioning ceremony had announced to Nigerians and the international community that Ogoniland had now been electrified! In Oloibiri, a community water scheme initiated by OMPADEC also remained uncompleted at the time of the fieldwork. The 'politics', manipulation and communal tension surrounding this project are touched on briefly later in this subsection, but are explored in greater detail in Chapter Eight. They highlight the contradictions driving region-specific development interventions in the Niger Delta.

Generally, OMPADEC remained very unpopular in the Niger Delta up till its disbandment by the Obasanjo government in 1999. A key reason for its lack of popular acceptance was that it was a 'patronising' initiative. To begin with, the ruling framework for oil operations in Nigeria generally does not recognise the oil region as co-owners of the resource and, unlike the Alaska Permanent Dividend Fund discussed earlier, the management of OMPADEC was riddled with public accountability and transparency questions:

OMPADEC suggests that the people of the Niger Delta are invalids, they are imbeciles, incapable of developing themselves. You hear statements like 'oh this is a difficult terrain'.... God that gave these people difficult terrain gave them the rich oil deposit so that they can use it to develop themselves. But somebody comes and takes this oil.... Then you now tell me you want to create OMPADEC with three per cent of that money to come and develop these people. Are these people asking you to develop them? These people are saying that we are eminently capable of developing ourselves if you will leave us alone with our resources. Until this happens, the restiveness that has started in the Niger Delta would be extremely difficult to stop (Victor Attah, in *Nigerian Tribune*, 1999:29).

OMPADEC was also deemed grossly underfunded, especially against the background of huge development backlogs in the oil province. For instance, the Commission reportedly received project proposals amounting to about US\$948 million from communities in *some* of the oil states in 1993 alone, and yet was allocated US\$30.68 million for the same period. Faced with such contradictions, OMPADEC resorted to the prioritisation of projects, but in the process awarded 'a number of contracts not

strictly within the limits of its resources’, as a way of ‘calming nerves’. (*Tempo*, 1998:6).

In the confusing and tense fiscal and political milieu, awarded projects either never commenced or were abandoned midway—or were poorly executed. Communities found themselves unable to queue behind one another for available project funds (this exacerbated by a fear that OMPADEC might not last). A band of ‘crony contractors’ emerged, with strong connections to the federal capital. Nigeria became awash with allegations that the military rulers grew contractors of their own and were releasing funds to OMPADEC only on condition that these cronies be first served. Reports of opportunism and corruption became rampant, and before long OMPADEC became widely perceived as carrot for communities whose local elite supported military dictatorship and a stick for those in opposition.

There was also a strand of opinion in Nigeria that the entire initiative was a swindle: the military rulers intended OMPADEC to serve as machinery for weakening opposition to military rule, and only residually (if at all) as a development agency. As one writer put it a year before it all ended, ‘the script of the fall of OMPADEC had been written long before the commencement of the play’ (*Tempo*, 1998:7).

By the time OMPADEC was scrapped in 1999, a number of roads, narrow bridges, landing jetties, and community water projects had been successfully undertaken in several communities. However, the oil region had been littered with so many uncompleted and abandoned projects that for several years after the creation of a new agency—the Niger Delta Development Commission (NDDC), established in December 2000—the new agency hardly initiated new projects. There were simply too many OMPADEC projects to either re-start or complete, and ‘huge’ OMPADEC debts to settle (NDDC, 2004:52). Like OMPADEC, NDDC is an agency in the Presidency.

NDDC’s ‘vision’, as stated on its official website, is to ‘offer a lasting solution to the socio-economic difficulties of the Niger Delta Region’ by facilitating it into ‘a region that is economically prosperous, socially stable, ecologically regenerative and politically peaceful’. Compared to OMPADEC, it has a funding framework that

probably justifies its ‘vision’. The NDDC Act stipulates the following funding arrangement:

- Federal Government contribution—amount equivalent to 15% of the monthly statutory revenue allocations to the NDDC members states.
- Contribution from petroleum companies—3% of their total operating budgets.
- Contribution from a special account known as Ecological Fund—50% of the amount normally due to NDDC members states from this Fund would now go to NDDC
- NDDC’s own funds—sourced from own assets, grants-in-aid, gifts, loans and donations (NDDC, 2004:52).

The extent to which the NDDC realises its ‘vision’ will possibly be judged by the extent to which its ‘Niger Delta Regional Development Master Plan’—which was at a public-comment stage as of September 2004 – is implemented. This itself will largely depend on the extent of democratic, grassroots participation in its decision-making processes, and the extent to which it is accountable to ordinary people in the region. It will also depend on the political will to pursue the ‘vision’ of a region-specific development that is based on equity and fairness, the extent to which the funders fulfil their statutory mandate, and the extent to which ordinary people in the oil region perceive NDDC as a sustainable, fair and workable approach to making the region ‘economically prosperous, socially stable, and ecologically regenerative’.

A point that is taken up in detail in Chapter Eight (Section 8.3) of this work is that some of the ways in which NDDC has so far sought to ‘appease’ the communities reveal the contradictions underpinning its operations. Just to offer a quick glimpse, two uncompleted projects in Oloibiri—a community water scheme and a concrete landing jetty—portrayed in the agency’s full-colour newsletter during the first quarter of 2003 as completed (and purportedly endorsed as such by the King) were actually not completed, and there were no ongoing construction activities at the sites throughout the period of my fieldwork. Indeed, many local residents believed the two projects had been abandoned. Some of the residents I showed a copy of the newsletter believed the King must have been ‘tricked’ by the agency into ‘singing their praises [in the

newsletter] so that they would have something' with which to 'deceive the Presidency and cover up their non-performance'.

7.5 Conclusion

As the last of the three chapters that make up the 'Petroleum, People and the Environment' part of this thesis, the present chapter has assembled and discussed another set of issues relating to grassroots discontent in the study communities, issues arguably forming part of the constellation of factors driving oppositional struggles in Nigeria's oil-producing region. While the discussion focused on how petroleum operations impact on socio-economic conditions and social relations between groups in the Niger Delta, the chapter adopted a somewhat 'global' perspective. This was in an attempt to highlight the experiences of other extractive economies, especially how those economies have confronted (or failed to confront) the ecological, socio-economic and political dilemmas associated with petroleum exploitation. The key point was that in recognition of the economic potentials of petroleum and the socio-economic, political and ecological challenges that its exploitation throws up, different countries adopt different measures to mediate the impacts. Among these measures are strict laws, threats of serious violation consequences, and region-specific development interventions. However, because these measures address only an aspect of the dilemmas, the importance of democratic, grassroots participation in public decision-making (especially on issues of petroleum revenue utilisation), transparent management of relevant public institutions, 'equity', and 'fairness' has also been widely recognised, although not always successfully or consciously pursued.

Alongside Chapter Five, which essentially was a Niger Delta anatomy *as if oil did not matter*, and Chapter Six, which expounded on the legal/institutional framework for petroleum operations in Nigeria, this chapter has revealed how petroleum operations impact people's lives in the Niger Delta. It provides a picture of the Niger Delta with a bit of oil imprints. It is, in a sense, an anatomy of the Niger Delta *as if oil mattered*. Without these three chapters, it becomes impossible to adequately interrogate the portrayal of the struggles in the region as the pursuit of a primordial agenda and a struggle whose pivot is 'ethnicity'. Taken together, the three chapters in the 'Petroleum, People and the Environment' cluster lead us into an empirical analysis of how so-called 'sectional' struggles in the Niger Delta intersect with some of the key

national debates in the contemporary Nigerian society. Even so, what does the ‘grammar’ of grassroots discontent tell us about the social character of the Niger Delta struggles? This analysis forms the core of the third (and last) cluster of chapters. I have titled this last cluster of three chapters, ‘When “Sectional” Intersects with “National”’.

CHAPTER 10

Niger Delta Struggles—‘Emancipatory’ Struggles?

10.1 Introduction

What this thesis has so far sought to show is that there is a dimension of the Niger Delta petroleum-related struggles that is crucial for understanding Nigeria’s contemporary developmental predicament, but which the dominant explanatory model—the ethnic model—has largely obscured or distorted. Indeed, the thinking that has guided the development of the thesis is that for the social character of ‘locale-specific’ struggles in a multi-ethnic, oil-rich society like Nigeria not to be distorted, analysts must take into account at least four issues, namely:

- a) Ordinary people’s everyday idioms of discontent, as well as their stories and lived worlds—in other words, their voices rather than merely those of activist organisations acting ‘on their behalf’;
- b) Specific issues around which grassroots struggles are waged; for example, how the legal/institutional framework for petroleum resource utilisation manifests in day-to-day petroleum operations in the communities;
- c) The mainstream of civil discontent in the country as a whole, vis-à-vis the stories and lived realities of ordinary people in the region or locality where the struggles occur; and
- d) In the specific case of the Niger Delta, a willingness to shift focus away from news-making activist organisations, and from the activities and rhetoric of ethno-political entrepreneurs—people who generally provide societal leadership, but who also often exploit the vulnerabilities of the socio-political system to further their personal ambitions (see Ake, 2000:22; Taewook, 2003).

I now summarise how the various data and discussion chapters of this work brought out these issues. Thereafter, I make some deductions based on the findings, and draw some conclusions.

10.2 Summary of key findings

To provide a basis for going beyond the view that the Niger Delta crisis revolves on an ethnic pivot and therefore is ‘perverse’—a view explored in depth in Part I (especially Chapters Two and Three)—Part II focused on an anatomy of the province. In the three chapters of Part II (Chapters Five, Six and Seven), the reader was not only introduced to the socio-cultural and ecological setting of the Delta but more importantly, made aware of the social and environmental imprints of petroleum production in the region.

Chapter Five, for example, drew attention to the region’s ecological fragility, and showed why conservationists urge an oil exploitation and industrialisation strategy predicated on a strict and sophisticated regime of environmental and social controls. It showed how, in the quest for uninterrupted petro-revenue flows, successive Nigerian governments (and their transnational oil partners) seemed to have reified the hackneyed ‘scientific’ portrayal of the oil province as a region that was ‘unlikely ever to be highly developed’ because it was a ‘difficult terrain’ (Udo 1970:55). The chapter demonstrated that when I carried out the fieldwork in 2003, the Delta was an infrastructurally challenged and socio-economically depressed rural province.

Profiling the legal/institutional context of petroleum operations in Nigeria, Chapter Six presented evidence that despite hopes that the transition from sole concessions to contractual fiscal regimes during the early 1970s would propel Nigeria to desired levels of socio-economic development, such gains have simply not materialised. On the contrary, existing fiscal regimes (joint ventures and production sharing contracts) have continued to fuel a pattern of accumulation whereby economics defines ecology, commerce takes pre-eminence over community interests, and social upliftment lags behind oil sales statistics. What further complicated this picture, the chapter pointed out, were:

- a) The absence of statutory community service obligations and compensation benchmarks compelling petroleum companies to forge genuinely developmental social partnerships with the communities in which they operate.

- b) The economic criteria by which oil operators valued local natural and cultural heritage for the purposes of ‘compensating’ communities, families and individuals for alterations to local land use brought about by petroleum operations.
- c) The lack of broad-based consensus on ‘fairness’ and ‘equity’ in the distribution and utilisation of petroleum revenues in Nigeria, and especially the absence of democratic, grassroots participation in decision-making affecting the petroleum industry.

If the legal/institutional framework exacerbates the adverse social and environmental consequences of petroleum operations in the producing province, as some researchers have suggested, concrete evidence for this was provided in Chapter Seven. The following social and ecologic imprints were discussed in detail:

- a) Alienating land condemnation policies and practices, and attendant threats to indigenous occupational systems;
- b) Social disruptions associated with an over-monetised pattern of social relations, and the desecration of indigenous authority structures;
- c) Social exploitation associated with the lack of clarity on oil companies’ developmental and restitutive obligations towards their ‘host’ communities;
- d) Human rights violations associated with, among other things, the Nigerian government’s commitment to ‘safeguarding’ its economic interests and those of its joint venture partners;
- e) Weak and compromised oil-sector regulatory environment, as evidenced in reckless hydrocarbon waste disposal and related operational practices, and in the prevalence of antiquated pollution-reducing techniques.

In Part III—the main empirical section of the thesis—the voices of ordinary people in the study communities were amplified. Chapter Eight, for instance, elucidated on how ordinary people grappled with an array of issues relating to petroleum resource

utilisation, and on oil company-host community relations. The chapter showed how failed community development, a chaotic and opportunistic milieu of development intermediation, community fragmentation, as well as the concrete reality of environmental abuses and social impoverishment, fed feelings of exclusion and powerlessness in the study communities. More importantly, the chapter showed that although conflict was an important feature of social relations in the study communities (much of it rooted in the parameters of communal identity and difference as well as developmental yardsticks imposed by the oil industry), the major target of ordinary people's anger was the Nigerian political leadership (in its varied guises) and the petroleum companies. Ordinary people in the study communities were not necessarily in opposition to 'other' ethnic groups purportedly enjoying the 'lion's share' of Nigeria's petro-revenues.

Grassroots frustration with the quality of socio-political and environmental governance in Nigeria was not unique to the oil-producing areas, which then would have probably underscored the 'ethnic' and 'exclusionary' character of the quest for redress. As Chapter Nine showed, for every major grievance in the study communities (such as failed community development, environmental neglect, lack of transparency in resource utilisation, dysfunctional federalism, political opportunism, and 'social exploitation') there was similar discontent in one or the other non-oil producing area of the country. The discourse matrix in Chapter Nine demonstrated that discourses of equity and fairness in the study communities broadly coincided with national-level discontent around 'the national question', environmental (regulatory) permissiveness, governance failures, and opportunistic political leadership.

10.3 Major deductions from the findings

Taken together, the data in this work provide a strong basis for making background institutions—or what John Rawls would have called 'background fairness'—the pivot of the Niger Delta conflict. While for Rawls, the national constitution and the political process were the pillars of 'background institutions', for the purposes of this thesis, emphasis has been placed on the legal/institutional framework governing resource ownership, control and exploitation, as well as on regulatory issues. The key issue, as shown in the examples drawn from different oil-producing countries

(Chapter Seven), is not that local or national resource ownership and control automatically brings about environmentally just and community-friendly petroleum operations. Rather, what the discussions in Parts II and III of this work have shown is that the framework for petroleum must be deliberately designed and deployed, with the full participation of local communities, to benefit ordinary people and give communities a genuine sense of co-ownership of resources. Above all, the framework must harmonise with local socio-cultural and ecologic sensibilities. Thus, the thesis has highlighted not merely resource ownership-related controversies, but also the principles guiding revenue distribution and utilisation, and the crucial issue of governance ethos.

Parts II and III of the thesis demonstrate how the nature and operation of background institutions in a multiethnic, mineral-rich society could serve not only to deprive and oppress ordinary people, but also how they can be deliberately manipulated to create a sense of incoherence and stoke antagonisms among different social groups. However, no matter the contestations or the severity of apparent inter-group antagonisms, Ake (2000:96) and Dungaciu (1999:4) advise that analysts should be careful not to scream *eureka* over having identified an ‘ethnic pivot’ (cf: Watts, 2000:3-9). This is because ‘there is nothing inherently conflictual about ethnic relations’; an ethnic group is ‘no different from any other social group’ (Ake, 2000:96). Ethnicity need not be the only or even principal reason why ordinary people take on the state. In this thesis, mention has been made of Botswana, a diamond-rich, multiethnic country that has not, on account of its diamond wealth and cultural heterogeneity, become torn apart by ‘ethnic conflict’ or fallen under so-called ‘resource curse’. On the contrary, Botswana has not only ‘maintained one of the world’s highest growth rates since independence in 1966’, but also has consistently been ranked the ‘best investment risk in Africa’ precisely because of relatively ‘clean’ political governance and sound management of mineral revenues (CIA, 2005b).

Ikelegbe (2001:1-24) has argued that for the social-democratic space in African societies to be broadened, citizen mobilisation is important. This insight has been noted in this thesis. However, in portraying the Niger Delta mobilisation (and such other grassroots struggles in Nigeria) as ‘perverse’, ‘sectional’, ‘anarchic’, ‘parochial’, and ‘ethnic’, Ikelegbe and others relying mainly on an ethnic episteme underscore the

fundamental perception crisis that has come to be associated with the ways in which Western civic globalism and Eurocentric scholarship influence the understanding of what constitutes ‘authentic’ citizen mobilisation in Africa. For example, in Nigeria and many other Sub-Saharan African countries, the term ‘civil society organisations’ is now widely portrayed as being synonymous with Western-style non-governmental organisations (NGOs). Indeed, given the prevailing Atlanticist notions of ‘civil society’, it is improbable that anyone will be readily regarded as being involved in ‘genuine’ citizen mobilisation or doing ‘civil society work’ in Nigeria unless he or she: a) has links with a formal NGO, b) is university-trained, c) has an urban-based office and an Internet address, and d) can do ‘modern’ social advocacy (such as speaking at foreign conferences, writing press releases, funding proposals and programme reports, and maintaining a strong media presence).

The position of this thesis is that ‘civil society’ is not a unitary sphere. Even so, without in any way belittling their contributions to the democratisation process in Nigeria, one cannot ignore Ukpong’s (1993:51) assertion that many ‘modern’, Western-style ‘civil society’ organisations in Nigeria are in a different social location than the grassroots populace ‘on whose behalf’ they act. As Ukpong’s study has showed, ‘modern’ Nigerian civil society organisations are socially (and in some cases physically) distant from the poor, operate in a sector that has become increasingly fragmented, and lack financial and ideological autonomy (because of their excessive dependence on the financial resources of Western aid agencies and private foundations). Ukpong argues that because of these features, ‘modern’ Nigerian NGOs are not as effective as they should be (see also Bazaara, 2000:36). It is tenuous to suggest that Western-style ‘civil society’ organisations in Nigeria offer the hope of ‘inclusivity’ and ‘civility’ where indigenous forms of citizen action offered merely ‘anarchy’ and ‘parochialism’.

What Ukpong, Bazaara and others are essentially emphasising is that with ordinary Nigerian rural dwellers, community action and civil protest strategies are not always very ‘smart’, intermediary associations not always very ‘broadbased’, the grammar of discontent not always in accord with ‘global’ terminologies, and overall *modus operandi* not always particularly intelligible to the ‘modern’ ear. Yet they are authentic ‘civil society’ actions. Ukpong (1993:61) would even suggest that it is the

‘unintelligibility’ of the form and content of grassroots mobilisation in many African societies that has made some analysts to classify rural (grassroots) mobilisation impulses as community-based organisations (CBOs), to distinguish them from ‘normal’ NGOs (see also Hasan, 1990:82). With such a dichotomy, campaigns championed by rural CBOs have generally been prone to being characterised as parochial and centrifugal, while only ‘normal’ NGOs are thought of as being involved in ‘authentic’ (inclusive and emancipatory) mobilisation. For Ukpong (1993:61), the distinction between CBOs and NGOs—for the purposes of labeling the one ‘parochial’ and ‘centrifugal’ and the other ‘emancipatory’ and ‘civic’—is tenuous and ‘ideologically biased’.

Some of the data in this thesis lend support to Ukpong’s arguments. It is of analytical (and even policy) consequence how scholars tag a band of poor, barefooted elderly women from a Nigerian village self-help association who, brandishing palm fronds and chanting abusive songs, besiege the premises of a transnational oil giant and demand jobs for their children and water boreholes in their village—with threats of public nudity should their demands not be met (refer to Chapter One). In such an instance, the insight that this thesis offers is that despite the ‘rudimentary’ nature of a village self-help association and the apparent ‘localised’ and apparently exclusionary nature of the protesters’ demand (see Cesarz *et al*, 2003:2), such mobilisation cannot simply be dismissed as ‘parochial’ ‘perverse’ or ‘primordial’. The issues at stake could be directly linked to a national, state-defined extractive industrialisation framework and public governance ethos that have immediate and long-term counter-developmental consequences for local people.

Similarly, one must be careful not to simply dismiss as ‘exclusionist’ and ‘primordial’ youth groups from contiguous communities disputing each other’s right to host a major development project. What the data in Chapter Eight of this work have revealed is that such disputes could be linked to community fragmentation and conflict-engendering development yardsticks hidden within what a company like Shell Petroleum promotes as ‘world-class standards of community development’. As Chapter Eight further showed, community fragmentation is often traceable to: a) ambiguities and vulnerabilities in the legal/institutional framework governing how companies contribute to community development, and b) the excessive freedom of

choice that industrial organisations enjoy in actualising their notions of what should be the relationship between business and the broader community.

An important deduction can also be made from the data and discussion in Chapter Eight concerning demands by community groups for the right to greater control of territorially-based economic resources—what in Nigeria is known as ‘resource control’. Analysts have essentialised these demands as ‘minority rights’ struggles, or ‘the minority question’ (see Obi, 2000), rather than simply a struggle to remedy perceived and immanent equity deficits in the country. The emphasis on ‘minority’ obviously suggests that the demands turn on identity and existential issues, but it is a narrow reading of the issues, as the grassroots discourses of equity and fairness reported in Chapter Eight showed. What this thesis has shown is that in Nigeria, horizontal tensions (such as those implicit in the struggle for local ‘resource control’) are in part indicative of the extent to which the term ‘resource’ in Nigeria has been narrowed down to oil and gas. In the three fieldwork communities, ordinary people were surprised that the term ‘resource’ as used in Nigeria seemed to exclude ‘palm trees, coal, whatever’. As one respondent put it, ‘control’ ought to mean making it possible for communities to ‘benefit commensurately from the resources extracted from their areas’. Much in line with Ake’s (2001:128) observation, Chapter Eight showed that calls for ‘resource control’ were indicative of ‘vertical tension’; that is, tension in the relationship between Nigerian citizens (not just minorities) and the Nigerian state. On the whole, demands for local mineral rights give us an idea of how Nigeria’s petroleum-related laws, the regulatory environment and what I might term the capricious omnipotence of petroleum operators, resonate at the grassroots.

Resource control demands draw on and feed into national-level (not just sectional) discourse on ‘true’ or ‘functional’ federalism. ‘True federalism’ (a phrase that is quite popular in Nigeria) is the desideratum that many Nigerians believe can help to check the ‘privatisation’ of the state and help to resolve the problem of ‘how much each group contributes to the system, how much each group is taking, and whether what is being taken is commensurate with what is contributed’ (Yoroin, 1999:50). The popular belief in Nigeria is that it is the concentration of political and economic resources at the federal centre (and the attendant abuse of this power) that deprives ordinary Nigerians (not just those in the minority nationalities) of power and meaning.

A final major narrative to which the findings of this research connect is environmental justice. As shown in Chapter Three of this work, this narrative has broadly served to draw attention to the fact that contrary to their conduct in their home countries, transnational oil companies operating in Nigeria have not shown due care for the local environment. Interestingly, during the lead up to the 15th World Petroleum Congress in Kyoto, Japan in October 1997, one senior oil company official seemed to confirm this suspicion when he advised Third World leaders to ‘avoid environmental controls’ that could discourage foreign investment and hinder development in their countries (*Down to Earth*, 1997:69).

However, the local strand that ‘ethnicises’ the discourse by alleging ‘selective’ environmental and ethnic victimisation of the Niger Delta obscures the problem of dismal environmental governance in all parts of Nigeria. It gives the misleading impression that only foreign (oil) companies abuse the Nigerian environment and that the Nigerian government does take steps to ensure that the country’s non oil-producing areas are environmentally resplendent (Abe and Ayodele, 1986:95; Agbola and Alabi, 2003:270).

What this thesis has shown is that while environmental problems in Nigeria’s non oil-producing areas may pale into insignificance when compared to the environmental and public health hazards of gas flaring, oil spills and other forms of hydrocarbon pollution in the Niger Delta, environmental problems in this region are only emblematic of the bigger problem of permissive environmental governance in Nigeria as a whole. As shown in Chapter Nine, evidence of environmental permissiveness is found in the north, south, east and west. It is also a fact that environmental abuses are perpetrated by private and public, foreign and indigenous as well as big and small enterprises in all parts of Nigeria.

All of this leads us to the most important deduction: the discontent in the study communities revolves, in the main, around vertical issues. These include the excessive economic and political power of Nigeria’s federal centre, ethnographically insensitive petroleum-related laws, compromised state mechanisms for enforcing social and environmental controls in the petroleum industry, governance failures, and the lack of a people-driven framework for the utilisation of petroleum revenues at the

federal, state and local levels. Social deprivations in the study communities are rooted in these and other ‘defects’. Thus, while not portraying ethnicity and the mobilisation for social equity as dialectical opposites, or dismissing the role ethnic politics or other forms of identity politics could play in mediating grassroots conflict and social justice struggles, this thesis locates the social character of the Niger Delta struggles within the attempts by ordinary people to challenge certain ‘vertical defects’ in the way Nigeria is administered. It also situates the struggles in the attempts by ordinary people to influence for good the grammar of politics and governance in Nigeria as a whole.

What this also means is that, at least in Nigeria, it is diversionary to suggest that authentic, democracy-inducing citizen mobilisation occurs only when ordinary people’s ‘ethnic’ impulses have become ‘thinned’ or ‘universalised’ (Kaufman, 2000:1096) or when village-based associations have become ‘modernised’ and ceased to ‘masquerade as civil society’ (Ikelegbe, 2001:22). As Mamdani (1996:18) has pointed out, the genuineness of emancipatory struggles is not necessarily directly proportional to the geographic spread of the group or groups championing them.

10.4 Conclusion

It is Claude Ake (2000:32) who argued that Africa has been:

one long emancipatory struggle against all manner of oppression—by Portuguese and Arab slave traders; overzealous missionaries; French ideologues and British colonisers; homegrown dictators and foreign imperialists; intensifying underdevelopment and development bureaucracies. *Through it all [these struggles were hardly] accorded the status of democratic struggles* (Ake 2000:32 – emphasis added).

No doubt, this struggle is not just occurring but intensifying in many parts of contemporary Africa. This assertion is probably truer of the mineral-rich countries. However, as countries like Nigeria grapple with the ‘new’ language of public accountability, transparency, environmental sustainability, and ‘socially accountable capitalism’, among others, it seems unclear to many scholarly analysts how this language has come to gain its particular urgency. No one would probably doubt the role of civic globalism, and of ‘formal NGOs’ in promoting the ‘new’ language.

However, there is lurking skepticism over the role of grassroots, village-based or so-called ‘locale-specific’ struggles in shaping the new orthodoxy in a country like Nigeria. In a multi-ethnic society like Nigeria, the oppositional activities of ordinary people too easily get stigmatised as primordial—or as ‘ethnic’ masquerading as ‘civic’.

This research highlights the difficulty that arises when analysts lean excessively on the dominant modernist/essentialist narratives about Africa, or concern themselves with how broadbased local struggles should be for them to be accorded democratic status or regarded as ‘civic’. It highlights the danger of not properly deconstructing the ‘grammar’ of grassroots narratives. The dominant explanatory models seem to reinforce a long-held view that when ordinary people in Africa mobilise, it has to be in furtherance of some particularistic, primordial and exclusionist cause rather than for the advancement of the wider society. The insight that this thesis offers is that there is no better place to try to understand the social character of citizen struggles than at the level of ordinary villagers and city dwellers, outside the context of formal activist organisations. Where major mineral extraction operations are concerned, this approach is particularly important.

Adopting a background institutions approach, the thesis has tried to make sense of grassroots narratives and the lived worlds of ordinary people in three oil-producing communities in Nigeria, as well as some contemporary social justice debates in the wider Nigerian society. The thesis has tried to complement existing debates about petroleum-related struggles in Nigeria by highlighting the fact that, under certain conditions—such as conditions of large-scale social justice deficits—so-called ‘sectional’ struggles could help to define for the ‘deprived’ regions and for the country as a whole a more socially sensitive development and democratisation trajectory.

The discussion in this chapter has been done under a question headline: ‘Niger Delta Struggles—Emancipatory Struggles?’ The chapter title gives an indication of the research themes that could be explored at the postdoctoral level or by a researcher interested in understanding how ordinary people impact the grammar of politics and governance in different societies. For this researcher, the question is about how

ordinary people can free themselves from the yokes of a ‘privatised state’ and from the shackles and manipulative operational ethos of business corporations (both national and transnational), who aided by compromised state institutions and functionaries, practically write the lax laws under which they trample on the socio-political and economic rights of ordinary people. I intend to explore, at the postdoctoral level, how ordinary people can influence the design of frameworks and grassroots governance systems that make them owners rather than simply beneficiaries of the wealth generated in their societies. The thesis has also pointed to the need for more rigorous studies by social scientists of the environmental and social impacts of extractive industrial operations. There is at present an over-reliance by researchers on anecdotal evidence of such impacts.

PART III

WHEN 'SECTIONAL' INTERSECTS WITH 'NATIONAL'

CHAPTER 8

Discourses of Equity and Fairness at the Grassroots—Field Findings

8.1 Introduction

It should be reiterated that oppositional campaigns by groups like Movement for the Survival of the Ogoni People (MOSOP), Ijaw National Congress (INC), Ijaw Youth Congress (IYC) and, more recently, the Asari Dokubo-led Niger Delta People's Volunteer Force (NDPVF) constitute the main basis for the characterisation of the Niger Delta struggles as 'ethnic' and 'sectional'. These are groups widely known to speak and act 'on behalf' of the Niger Delta populace. We cannot claim to fully understand the driving forces and broader societal significance of grassroots struggles if we only focus on the campaign strategies and 'agendas' of organisations speaking and acting 'on behalf' of ordinary people. The basic reason is that the protest strategies, thematic emphases, organisational imperatives, logistical concerns and the politico-ideological orientations of activist organisations and of their leaderships constitute constraints to their ability to fully or accurately represent the nuances of grassroots discourses and discontent. This is a classical problem of 'speaking' and 'acting' for others. To gain a deeper sense of the social character of the Niger Delta struggles and the deepening crisis in the oil region, we must sometimes—indeed, it is imperative that we—begin from the position that the claims and campaign agendas of the various activist groups are not necessarily self-evident.

Rather than focus on the activities of the oil province's activist groups, the research concerned itself with understanding the Niger Delta struggle at its most basic level—the level of the ordinary man and woman in an oil-producing community—since, as pointed out in Chapter One, it is the concerns and discontents at this basic level that presumably feed into the overt resistance activities of MOSOP, IYC, INC, NDPVF and others. My aim, in other words, was to understand how ordinary people in the study communities articulated their concerns and how they linked these to petroleum production and petroleum revenue utilisation in Nigeria.

The field data in the present chapter, therefore, relate to:

- What ordinary people in the study communities (Iko, Ebubu and Oloibiri) were saying (rather than other ways in which they articulated their discontent);
- The underlying significance of ordinary people’s everyday narratives; and
- The lived worlds of ordinary people in Iko, Ebubu and Oloibiri as encountered during my fieldwork.

Also presented are relevant data from in-depth interviews and extensive conversations conducted with key informants at the Port Harcourt offices of Shell Petroleum (the major oil operator in the study communities), as well as interview data obtained at one of the regional offices of Nigeria’s oil industry regulator, Department of Petroleum Resources (DPR).

As far as possible, verbatim quotes from respondents are used anonymously in this thesis, and this chapter in particular, in line with an established social research practice of protecting respondent identity. Where pseudonyms are used for purposes of easing the textual flow, especially where a source is quoted more than once, this is so indicated. Where descriptive statistics (percentages) are used, they relate to formal in-depth interviews conducted with 96 interviewees in the three study communities (as discussed in Chapter Four). The findings are presented thematically.

8.2 Community development—what is it and who delivers?

The Nigerian and international media frequently report cases of vandalism of oil company installations, as well as harassment and abduction of oil industry personnel by community groups in the Niger Delta. Even more commonplace, such incidents are typically reported as resulting from community bitterness over ‘lack of development’. Against this background, the various in-depth interviews and FGDs, as well as the researcher’s overt and covert participation in everyday interactional situations in the communities (see Chapter Four; Hammersley and Atkinson 1995:1), sought to establish ordinary people’s understanding of community development, and more importantly, who they considered the legitimate agent(s) in its delivery.

One key finding from the various research approaches was that local residents defined community development not only in terms of what they were ‘deprived of’, but also

in terms of what the concept entailed for their social conditions *now* and in the *future*. Respondents defined development as social infrastructure, as empowerment, as reparation, and as sustainability. Table 8-1 provides a breakdown of these response categories.

Table 8-1: Development as ‘past present and future’—summary of respondents’ views

	RESPONSE CATEGORY	RESPONSE PARTICULARS
1	Development as social infrastructure	Motorable roads, water, sheltered markets, electricity, health centres, post offices, community halls, schools, drainage, decent housing
2	Development as empowerment	Cottage industry, educational scholarships and bursaries, employment, skills acquisition, microenterprise loans, agricultural inputs, service contracts in the oil industry, poverty reduction
3	Development as reparation	‘Fair’ compensation for environmental damage, for expropriated land, and for petroleum resources extracted, protection against environmental hazards (for example, shore protection)
4	Development as sustainability	Access to decision-making positions in the oil industry, co-determination (with other stakeholders) of the content, direction and outcomes of community development initiatives, non-oil enterprise development, mineral resource rights, ownership

Respondents constantly spoke of being ‘entitled’ to items in the various development categories, especially those in the ‘empowerment’, ‘reparation’ and ‘sustainability’ categories. These categories include projects like motorable roads, water, health, sanitation, sheltered markets, decent housing, electricity, as well as issues such as sustainable avenues for poverty reduction and wealth creation. Participation at decision-making levels in the oil industry, and resource rights also formed part of respondents’ views on community development. Respondents spoke of items in

category one ('development as social infrastructure'), category two ('development as empowerment') and category four ('development as sustainability') in terms of these being 'our right'. They attributed their feelings of deprivation to the absence of this 'right'. This echoed Amartya Sen's (1981:45) argument that poverty is principally a result of people's inability to 'command' enough resources through a legitimate means, rather than merely a result of people's inability to 'avoid' situations of lack. Indeed, this is how Amartya Sen uses the term 'entitlement'.

Reparation issues (category three) were not viewed as 'entitlement'. This could be because compensation for environmental damage, for expropriated land, and for petroleum resources extracted, as well as protection against the hazards of petroleum operations were relatively straightforward 'restorative justice' issues. For some respondents, the matter was as simple as: 'if you polluted my land, why should I have to thank you for paying the necessary damages'. Residents felt reparation as a community development strategy would not only help victims to deal with the trauma of 'dispossession' or pollution, but also would make it possible for companies to operate in the communities with a clear conscience. There was also the view that reparations would help companies to develop 'meaningful' partnerships with local people.

Could William Davies (2001:199) have been right in positing that there was a 'culture of expectation' in the Niger Delta with regards to community development—a 'culture' he linked to the return of democracy in Nigeria in 1999¹? I found little in the study communities to support the notion of a 'culture of expectation'. Davies' position was probably based on what is referred to in Table 8-1 as 'development as infrastructure'. Viewed in the context of social infrastructure provisioning, community development had more to do with local notions of 'equity' and 'fairness' than with a 'culture of expectation'.

Residents in the study communities commonly associated community development with oil production. For example, when the question, 'what does the term community

¹ The reader may wish to discountenance Davies' description of an event that allegedly only began to occur in 1999 as a 'culture'.

development mean to you?’ was put to one respondent in Ebubu, the response was tinged with anger:

Ebubu has 58 oil wells. Look at the sort of houses people live in! Mud house everywhere. No drinking water... and you ask me what development means. Our boys who are graduates are not even [oil company] workers. They’re not benefiting. If you go to [a specific oil company’s] office or location now, you’ll not find two Ebubu men who are workers. Do you know how many [oil company] registered contractors we have who hail from this town? None!

In Oloibiri, an erudite octogenarian showed the researcher his archived copy of a letter through which he had implored a regional development agency to intervene in the community’s appalling social conditions. In the letter, Oloibiri’s petroleum endowment was projected as being synonymous with development:

Official oil exploration began as early as 1956, running to the 1970s. But there is no physical structure to show the [*sic*] magnitude of wealth accrued from it. A view at [*sic*] Johannesburg being the premier goldfields in South Africa shows the fact of development due to wealth from gold mining. Oloibiri on its part being the cradle of oil exploration ought to have enjoyed such [success] but the reverse is the case. It has been a woe and nothing to write home about.

Similarly, a ‘youth interviewee’ (see Chapter Four) in Oloibiri emphasised that:

This is a very important town. It is the first oilfield in West Africa. Now there is no benefit for the youths. There is no completed project here, except for the so-called six-classroom block at the [local grammar school]. There is a road project and a bridge – which is supposed to link Ogbia and Oloibiri...It will surprise any visitor to this place that all these years – from 1956 – all that one talks of is a bridge that is just being constructed, and a jetty. Someone might even feel that this place was a forest when oil was first discovered. But there has always been a thriving village here. Oloibiri was not a virgin forest, yet it has taken so long for any form of visible development to get here.

With local people holding such ideas about petroleum, I was not surprised to find that they expected it to play a positive role in their collective and individual existence, for as the dictum goes, ‘while money cannot buy happiness, it is a good downpayment’ (see Stevens, 2003:5). What, however, was surprising was the predominant belief among the 96 formal in-depth interviewees that the oil companies should take the lead in development delivery. When asked to rank ‘government’, ‘oil companies’, ‘NDDC’ and ‘the community’ in terms of the extent to which they should invest in local development, 51 per cent of respondents felt the oil companies should play the

leading role, as opposed to 26 per cent who felt government should play that role. NDDC ranked next (19 per cent), while four per cent of respondents indicated that it was the community that should take the lead in development delivery.

In assigning a lead role to the oil companies, a number of responses illustrated the confusion that could arise when the respective roles of government and industry are not clearly spelt out in the statutes, let alone when they are not clear to ordinary people in whose vicinities certain industrial activities occur. With regard to whether people were aware of the existence or otherwise of legally binding community service obligations on the oil companies, a respondent in Ebubu remarked:

We haven't gone into all that... we don't have time for that. But I think the fault will not be with the federal government, whether or not there is a contract that says this is what government must do and this is what the oil company will do. I think we cannot blame the federal government. For example, I work with [a named oil engineering firm] at Onne [a neighbouring community that hosts a container port]. A contract was given to [this company] around 1995 by the FG [federal government]. When the company started their work, they approached the chiefs of Onneland to work out the percentage of local people the company would employ per year to work for them... As far as I'm concerned, Shell is government and government is Shell! Nigeria is Shell. I don't think government can do anything at any rate, because Shell is government.

One issue should be clarified at this juncture concerning the response, 'Shell is government and government is Shell'. It relates to the point made in Chapter Four that in field research, it is important to pay attention to both the comments made by respondents and the hidden suppositions behind those comments. As I found during my fieldwork, ordinary people in the oil communities rarely use the terms 'oil company', 'transnational', and 'oil industry' in their everyday conversations. Local people refer to the oil companies operating in their midst by their first names. A researcher frequently encounters terms like 'Shell', 'Agip', 'Chevron', 'Mobil', 'Shell community', 'Agip community', 'Shell police' and so on, depending on which community he or she is in. While the use of corporate first names reflects the fact that the oil companies have become part of the lived worlds of local people, a researcher must pay close attention to the contexts in which these first names are used, because in many cases these terms are local constructs whose meanings go beyond mere

corporate identities. Respondents could be using the word ‘Shell’ when in reality they are referring to the oil industry as a whole rather than to any specific transnational. There are times when the usage ‘Shell’ means ‘government’.

To return to the question of whether it was important for companies to embark on community development as a matter of statutory obligation, one elderly respondent in Iko indicated that the existence or otherwise of statutory obligations was irrelevant. Business corporations, he said, must on their own imbibe the spirit of investing a significant part of their earnings in their host communities:

When a company operates in a community it ought to do something for that community, because that community becomes the *host* community to that company. It may not be a law. But ‘social responsibility’ should make sense, and should go beyond insulting tokens. Companies must learn to have a heart for the communities they work in. They should view corporate social responsibility as a ‘natural law’, because that really is what it is.

The same respondent indicated, however, that the Nigerian government directly exacerbated the confusion by ‘always telling us we have asked the company to develop your area; if they are not doing it, you should get them to do it’. When the researcher approached Shell with this allegation, a senior officer dismissed it as baseless:

By law it’s not the duty of the oil companies to develop any community. The law governing their operations did not mandate them to get into community development. The companies pay tax, royalties, etc., and government should use this to develop the community. At all levels we have a collapse of government. Government is absent in these communities. Government gets its share [of petroleum revenues] and disappears; all the community sees is the oil company. It is now something of a fad in Nigeria for the oil communities to be referred to as *stakeholders* but no one in government has ever bothered to define what really the *stake* is. When did the government, the oil companies and the communities agree on what the stake is? When there is no agreement on what the stake is for each party, you leave the community with no other choice than to define it for itself and for everyone else and to then seek to realise it.

The view that oil companies owe local communities no obligations is one that seems deeply entrenched in the Nigerian upstream petroleum industry. As a Nigerian Chevron community relations manager once put it:

Chevron's core business is finding and producing oil at a profit for the benefit of the Company...[D]evelopment is not the primary duty of our Company or any production company for that matter and we should not be expected to take over the duty and role that is better suited to government (Haastrup, 1996).

Perhaps as a result of this attitude (of development not being 'the primary duty' of the companies) a number of 'community development projects' I saw in the study communities could hardly be regarded as *additions* to the communities' social assets. The community water project in Iko, for example, could have been a *substitute* for the polluted and turbid creeks that served as water sources. But, as discussed in Chapter Seven (see Plate 7-2), it was a very poor substitute. Not only was it not utilised by local residents because of its 'horrible smell', it was a public health hazard in its own right. Although the oil companies commonly believe they are helping communities to move forward by providing 'development projects', there are instances when such 'forward movement' is nothing but movement on an exercise treadmill!

Brian Ward, a Shell Executive Officer in charge of Africa, has pointed out in a television documentary entitled 'Oil's Well?...' that community development, environmental protection and biodiversity partnerships have historically been for his company more of 'a reactive response to what we [were] doing' than as issues that should be made part of project design (quoted in TVE, 2003). Business was based on what a former Managing Director of the company called a 'Decide, Announce, Defend' (DAD) decision-making approach, rather than on a Dialogue, Decide, Deliver' (DDD) model (Jeroen van der Veer, quoted in Einsiedel, 2004). Brian Ward points out in the TVE documentary that the company has embarked on a fundamental review of this operational policy 'latterly, [since] the nineties'. On community issues in the Niger Delta, Shell (2001:15) speaks of a 'strategic' policy shift, since 1997, 'from a community assistance (CA) approach to community development (CD)'. Jaydee, one of my key informants at Shell Port Harcourt, explained that the 'defunct' model was simply an effort by the company to site community development projects 'here and there without getting involved in community issues and dynamics. The new model waxes together community issues/dynamics with community projects'. As the story goes, Shell initiated a paradigm shift because of:

the need for communities to be in charge of their own development, and to foster greater partnership with development agencies and NGOs in capacity

building within communities. The aim was to promote the application of best practice in community development to boost family incomes and improve community welfare in the Niger Delta (SPDC, 2001:15).

According to Jaydee, government played no role in compelling the paradigm ‘shift’:

I do not think that the government has any blueprint, understanding or priority. There is no presence of government in these communities, properly speaking. But if we tell this to government, we risk losing our production quota, or having it slashed... Oil production in Nigeria is a difficult business – because the government wants to leave the communities out.

Against the background, therefore, of communities pursuing their ‘self-defined’ concepts of petroleum industry ‘stakeholding’, of oil companies becoming ‘proactive’ in seeking social partnerships with communities, and of government allegedly transferring its developmental role to private companies, what has emerged in the Niger Delta is a unique approach to corporate social responsibility and industry-driven community development capable of breeding even more confusion. The data in the next section bring this confusion to light.

8.3 Extractive capitalism and community partitioning—superimposed parameters of identity and difference

8.3.1 ‘Settlement’ versus ‘community’

In monetary terms, corporate social spending in the oil-producing communities allegedly runs into several millions of U.S. dollars annually. Chevron, for example, reportedly ‘allocated US\$28 million on community development and other assistance to its host communities’ between 1990 and 1997 (Bustany and Wysham, 2000). Going by corporate reports, more resources are invested every year. Even so, in keeping with a ‘new’ policy of ‘bringing world class standards of CD [community development] to the Niger Delta’, the trend is towards not only increased community spending by companies but also independent community development performance monitoring and quality assurance (see SPDC, 2001:15-29). Were this the reality of corporate involvement in communities, why then does the Niger Delta crisis seem to be deepening?

I found during the fieldwork that the discourse of discontent in the study communities is embedded in the desire among ordinary people for companies to ‘have a heart for

the community’. Local discontent also stemmed from frustration with an expediency-driven model of corporate responsibility and social investment that splits communities into small, tightly labeled, economically defined, and often mutually exclusive fractions.

For example, since many oil wells in the Delta are located in very remote, thinly populated communities—partly as a result of the geologic fact of fragmented oil pools referred to in Chapter Seven—the oil companies reckon that the financial burden of ‘corporate social responsibility’ would be excessive if every oil-producing village or community exposed to oil pollution were to be recognised in its own terms. Consequently, the companies tend to adopt what I would call ‘strategic doubt’. They doubt that a tiny, isolated village in the deep swamps, with only a few dozen men, women, children and livestock could be anyone’s permanent habitation: these people must have a permanent home somewhere. Writing on behalf of Chevron, Haastrup (1996) calls them ‘migrant fishermen and women or part-time farmers looking for better land to build their homes and plant some crops’. Corporate inclination is to evict the ‘squatters’, since ‘one day the so called community will come to demand what it terms as its right as an oil producing community’ (Haastrup, 1996).

However, because eviction often proves fruitless and could further spawn local anger, what the companies do is to tackle the problem ‘ethnographically’. This is through the creation and mobilisation of conceptual tools in their corporate ‘social responsibility’ administration. Such terms as ‘community’ and ‘settlement’ are thus commonplace.

In corporate lexicon, a ‘settlement’ is a little village inhabited by assumed ‘settlers’ and ‘squatters’—people whom the companies believe have permanent homes in some ‘community’ and who are just a nuisance in the vicinity of oil production activities. ‘Settlers’ and ‘squatters’ persist in their present habitation at their own risk: oil companies do little or nothing to mitigate the hazards of petroleum operations in ‘settlements’. Jaydee, a Shell officer, emphasised during an in-depth interview that:

We do not recognise *settlements*; we recognise only *communities*. Or rather we recognise settlements only as *part* of communities. They [settlements] do not

have independent existence. If a *settlement*, by virtue of population is large [and ‘large’ *settlements* are a rarity in the Niger Delta swamps], we site some projects there. But we must ensure the project is beneficial to the entire *community*.

Oil companies do not expect inhabitants of a ‘settlement’ to demand any special protection from the hazards of oil production. ‘Settlers’ and ‘squatters’ are expected to seek out their permanent homes (‘communities’) and enjoy whatever social amenities have been provided there.

I found through prolonged engagement with people in and around Iko town, that what the oil companies call ‘settlements’ are not ‘squatter camps’ in the urban sense of this phrase. Some of the villages so described are what the local people regard as their ‘traditional’ industrial hubs. A ‘fishing port’ fits this description. It is a seasonal outpost located at the mouth of the Atlantic Ocean and used as a fishing settlement continuously for about six months every year. From an ethnographic point of view, a ‘fishing port’ serves the same purpose for local fisherfolk as does the city of Port Harcourt for urban residents—because market-oriented fishing in the Niger Delta takes place not in the creeks and shallow waters but in the open sea. Whereas the majority of Port Harcourt residents (bankers, lawyers, engineers, oil workers, teachers, traders, artisans, and the unemployed) are migrants, they are not automatically treated as ‘squatters’. This is how the local people view communities that the oil companies tag ‘settlements’. It will be shown as this discussion unfolds, how the tagging of communities in this way exacerbates social conflict.

A community known as Olokpon in the Iko area is a ‘fishing port’. It is located on the mouth of the Atlantic Ocean. This is where the experienced fishermen migrate every January—to take advantage of its proximity to better fishing grounds. The fishermen return home around June, when high water sets in. This cycle forms part of what Udo (1970:57) calls the ‘economy of the watermen’—that is, the fisheries-based economy of the Niger Delta’s coastal communities. Despite its relatively thin population and seasonality, an outpost of this kind enjoys considerable economic significance for local people. Indeed, a ‘fishing port’ is a culturally robust village in its own right, attracting fisherfolk (and their families) from different communities across the Niger Delta and beyond. It has an identifiable social organisation and is

ruled by a ‘village head’. However, it remains organically linked to a ‘permanent’ town—like Iko, Okoroette, Donwin and other neighbouring communities. Apparently, it is this link to a ‘permanent’ town that confuses the transnational oil operators. However, understanding the link (and the sensibilities involved) is nothing very complex, and the the quandary as to whether a ‘settlement’, like Olokpon (as opposed to a ‘community’, like Iko, Okoroette or Donwin) merits protection against the hazards of oil exploitation is something that can be resolved fairly easily. As one resident further explained:

Ghanaians, Cameroonians, Ilajes and some Igbo fishermen are all attracted to these [‘settlements’]. You can’t say you ignore them or that you’re only interested in the permanent villages where the fishermen come from. Wouldn’t it be terribly absurd to say that you are only interested in the villages in which migrants to Port Harcourt city come from?

When asked why Shell, for example, should look after the interest of a ‘fishing port’, the same interviewee (a science graduate) said:

Oil activities hit [fishing port inhabitants] directly—sometimes more directly than those living in the permanent villages. The ships generate waves; dredging activities destabilise the behaviour of the shoreline. A whole lot of activities (many of them linked to oil production) disturb the shoreline and bring about sea incursion, and cause it to recede—sometimes to the point where a fishing port shrinks and successful fishing activities become extremely difficult. The first thing an oil company should do is shore protection—because of the effect of the ocean. The people also need water. The water used there is from hand-dug wells... sometimes only six feet deep. There is high mortality and it is from water-borne diseases. The water is salty and unclean. There is also a need for electricity and a cold room for storage of fish. The one sited in Iko [a ‘permanent community’] is a waste because it is sited in the wrong place. It is not being patronised, because it is too far from where the fish is produced.

According to Augustine Ikein (1990:40), there are other options for dealing with the social and ecological problems of oil extraction, but such options presuppose that appropriate studies had been conducted to determine their adverse impacts on the local population even before the start of operations, and that there is a willingness on the part of the Nigerian government to a promote socially and environmentally sustainable oil economy. One such option is to resettle affected communities, but this is not a task to be left to private companies: the state must have a ‘sustainable standing plan’ and adhere strictly to it:

Before Bussa (a city in central Nigeria) sprang up as the town for the people displaced as a result of the [construction of the] Kainji dam, and before Suleja was chosen as the new town for people displaced in Abuja [Nigeria's federal capital city], a lot of scientific research was undertaken to assess the suitability of these towns. It is surprising that even though the oil exploration hazard had been well known before oil exploration started, nobody, especially the federal government, thought it fit to undertake a study of the effect of oil exploration on the affected Nigerians.

8.3.2 'Key' versus 'non-key' communities

Other concepts devised by the oil companies to moderate community spending are 'oil well community', 'pipeline community' and 'landlord community'. 'Oil well communities' fall under what Shell, for example, refers to as 'key communities'. These communities receive priority attention. A 'pipeline community' has a right-of-way passing through it, while oil company's staff quarters, helipads and other industrial facilities are located in a 'landlord community'. As a rule, communities whose oil wells have been decommissioned² receive as little attention as the oil companies can get away with, because, as one key informant at Shell that we will call Godwell pointed out, 'it is the quantity of oil produced in an area that determines what projects go into that area'. Oloibiri—Nigeria's first 'oil well community' comes—under this category.

In-depth interviews and informal conversations at Shell revealed that these various strategies were driven by a desire to keep operating costs low and competitive, especially since community development was a 'low-priority issue' for the Nigerian government. According to Godwell:

² The term 'decommissioned' is used advisedly here. As used by environmental and social impact analysts, it refers to specific important processes for declaring an environmentally intrusive project with a finite life span (such as a dam or an extractive industrial operation) closed. These processes include, in the case of an extractive operation, dismantling the industrial equipment, closing the mining pits, clearing any waste dumps, replanting any paths created, returning the environment to its original state, and monitoring the operational area to ensure that there are no lingering hazardous impacts (see SAIEA, 2003). All of these are difficult to achieve if no initial study had been conducted to capture the ecological and cultural profiles of the project area in question. At Oloibiri, where oil wells allegedly ran dry since the 1970s, a number of oil-extracting equipment could still be seen in 2003, and certainly the environment had not been rehabilitated. Thus, when in June 2004 Shell reported that it had managed to contain an oil spill at one of its wells in the community, an obvious impression was that the community's oil was still being pumped from a remote location (see Akpan, 2004; *ThisDay*, 2004f). Technically, therefore, it would be incorrect to say that Shell's operations at Oloibiri – or indeed any other erstwhile oil-producing community in the Niger Delta—had been *decommissioned* as of 2003.

Government strangulates the oil companies in so many ways. Of recent they introduced production quotas—a system whereby, according to them, the companies with the lowest operating costs get the highest production quotas. What the government does not know is that Shell operates mainly onshore and encounters more of the consequences of its absurd laws, and thus spends more on community pacification. But government says our operating cost is too high, that we are too expensive, and as a result it has systematically reduced Shell's market share over time.

His colleague, Jaydee, put it more bluntly: 'we do whatever we can [to get by in the communities, and] to keep our licence, otherwise we lose it to the competition'.

Certain developments could not be divorced from the splitting and tagging of communities, and the social investment 'gamble' that accompanied the process. I found, for example, that in devising concepts that help them moderate community spending, the oil companies have unwittingly made negative inputs into the communities' everyday discourses. Communities seemed preoccupied with *othering* (constructing and reconstructing) their neighbours, co-opting terms like 'settlers', 'oil well community', and 'landlord community'—usages with a clear bearing on inter-community tensions.

Let us take the case of Iko town and its neighbour, Okoroette, where inter-communal conflict draws on superimposed identities brought about by the Utapate oilfield. The flow station serving this oilfield and five oil wells (the most for any single community in the local area) are located in Iko. With these assets, Iko merited the status of an 'oil well community'. The 'fishing port' described earlier—despite having one oil well—became tagged as a 'settlement'. Okoroette, with four oil wells, became viewed as a 'lesser' community than Iko—despite being the seat of (Eastern Obolo) local government. Then came the co-optation and mobilisation of these idioms. Okoroette residents believe that the tension between their town and Iko was heightened by the way the various 'labels' were utilised. According to one resident, things took a turn for the worse when Shell:

began emphasising that Iko was the only oil producing community in the area, despite the obvious fallacy of such an assertion. The bias affected the delivery of community development projects, and other oil-well communities began to

see the bias as being instigated by Iko. This is the genesis of the tension in the area. But such a bias is in line with Shell's history in Nigeria. They fragment communities and devalue the contributions of communities so that they save money by spending less in the provision of amenities. It's a strange kind of corporate responsibility.

To challenge their perceived marginalisation, Okoroette began to 'prove to the whole world' that Iko indigenes were 'settlers' on Okoroette land—and that Iko had no right to the benefits of oil extraction. According to the Okoroette interviewee quoted above:

The entire Local Government Area here [Eastern Obolo] is something of a 'one-family' community—so small, so close knit. The only people who are different are the Iko—who don't speak the Local Government's Andoni language. Iko people speak what they call Iko language. Where Iko presently is, used to be a thick forest—an Okoroette reserve. The early Iko settlers were boat carvers. Fishing is the major occupation of the Andoni communities [of which Okoroette is one]. Up to this day, Iko people are not effective fishermen. They are menial farmers. They no longer carve boats.

However, in Iko, which was just as 'underdeveloped' as—if not more so than—Okoroette, the above remarks were ridiculed:

They [Okoroette indigenes] always claim that we are settlers—that they gave us the land we inhabit today; in fact, that Iko is a village of immigrants and they are the landlords. Isn't it funny? You claim to have given us this land; how sensible is it for you to give *itak akpa* [literally: 'seaward community'], which is so rich in resources—being just by the Atlantic Ocean—to a settler? Common sense dictates that a landowner would hold on to *itak akpa*, and the settler would be pushed further inland. Even by such logic, it is clear that they are making a ridiculous claim. But then it is probably on account of such a ridiculous claim that many of them get jobs at Shell and NNPC under the pretext of being Iko indigenes. Because of this employment matter, we once had to chase away a Shell Production Manager who came in here sometime ago by helicopter. We told the man then that he must go tell his company to reverse the terrible injustice that Shell had meted out to this community. Can you believe that not even a gardener from this town is sure to get a job at Shell?

When confronted with the *itak akpa* ['seaward community'] logic, the Okoroette respondent retorted:

There is no village in Andoni (at least the traditional locations) that is not by the sea. At any rate, men don't fish in creeks; they fish in the ocean. The entire shoreline, from Ibeno to Bonny Terminal, even towards Bakassi, is dominated by Andoni fishermen. It is nonsensical to argue that Okoroette is an upland community.

I encountered similar contestations in Oloibiri—especially in its relations with a neighbouring community called Ogbia. The contestations were also woven around a superimposed 'commodity of discourse' (Fetterman, 1989:48); that is, the co-optation by local people of superimposed parameters of difference. Historically, Oloibiri has enjoyed heuristic prominence, being Nigeria's premier 'oil well community'. With its oil wells having allegedly gone dry, the 'key community status' began to wane, and the town's overall profile began to decline. Since the early 1980s, political attention in the area has shifted to Ogbia, a supposed 'neutral' town built as a centre of 'love and unity' for the Ogbia-speaking communities of present-day Bayelsa State of Nigeria (Folaranmi, 2004). Ogbia is the headquarters of a Local Government Area (LGA) by that name. Oloibiri residents generally feel their town—a premier oil community and an erstwhile 'key community'—should be the political and economic nerve-centre of the LGA. According to one respondent:

Oloibiri is the ancient town and *traditional headquarters* of Ogbia Local Government; it was in times past the only town in this area. Other villages sprang from here. Ogbia [town] only began to gain prominence during the regime of Melford Okilo [civilian governor of Rivers State, 1979-83]. Oloibiri should be the *national headquarters* of the Ogbia as a people. Oloibiri is the aboriginal hometown of all Ogbia-speaking people.

These findings are not unique to the three study communities. Research done in other parts of the Niger Delta, such as in the towns of Ke and Bille in Degema LGA (Rivers State) found that residents of the two neighbouring oil communities had been in protracted conflict since 1998 over the developmental consequences of superimposed parameters of identity (von Kemedi, 2003).

It may be necessary at this point to reflect on what Mahmood Mamdani (2001:79) has said concerning these kinds of communal contestations. Both Iko and Ogbia (regarded by their 'aboriginal' neighbours as 'immigrant' communities) may have ancestral origins different from their current locations. However, as Mamdani has

pointed out concerning the Tutsi of Rwanda, ‘they did not see this as a politically significant fact’ and no member of the two communities traditionally went about thinking himself or herself as a foreigner or immigrant. In the case of Iko and Ogbia (and their neighbours), what has tended to awaken ancient myths of origin is the manner in which oil communities are labeled, as well as the developmental consequences of such labelling. While communities have been literally forced into the pastime of constructing the other, some interviewees expressed disappointment that community development had become such a divisive issue in the Delta. One respondent in Iko remarked in exasperation:

What really is the point of all these labels? These communities are very tiny in terms of both population and physical size [landmass] and even if [an oil] company, or whoever, embarked on an all-out investment in social infrastructure and human capital development – just to compensate them for the resources they’re extracting from there, they would still have spent a pittance from their total revenue. How big is the whole of Eastern Obolo [local government area]? The whole area should be taken as a totality. You create conflict when you keep manufacturing these labels.

Superimposed parameters of identity and difference (such as ‘community’, ‘settlement’, ‘key community’, ‘landlord community’, ‘pipeline community’ and the like) almost always reproduce themselves. This occurs mainly through the co-optation and internalisation of the parameters by the people to whom they refer, and through the mobilisation of the imposed idioms in word and deed. In certain cases, local people complement imposed parameters with existing logics and subjectivities (‘**they** are the only people in this area who **speak a different language**’; ‘**this community** is the **aboriginal hometown** of all Ogbia-speaking people’). When communities do this, it is simply to cast themselves as legitimate claimants to the development resources that occasionally trickle into the area.

The co-optation, internalisation and mobilisation of superimposed parameters of difference in everyday discourse were indications that oil operations had impacted the lived worlds of people in the oil communities in very profound ways. The study found that besides feeding into the grammar of local resistance against oil companies and the Nigerian government, superimposed parameters of difference could be an

important hidden factor in what is often described as ‘ethnic conflict’ and ‘communal instability’ in the Niger Delta (see Davies, 2001:200).

8.3.3 Community ‘fragmentation’ by other means?

Besides the creation of strategic idioms by the oil companies, and the co-optation and mobilisation of superimposed parameters of difference by ordinary people, the study also found what seemed like community fragmentation by other means, namely the proliferation of ‘local development intermediaries’. These are individuals and groups acting (or seeking to act) as links between a community and oil companies, the government, and development agencies such as Niger Delta Development Commission (NDDC). Although, as stated in Chapter Four, each community has an organ known as Community Development Committee (CDC), this organ is only one of such intermediaries—and usually the least utilised and least effective. Intermediation is about winning ‘contracts’ and ‘projects’ ostensibly for the community. It often entails a rivalrous jostling for local legitimacy by different groups—local kings, ‘youth leaders’, local politicians, militant organisations, influential local elite, urban-based ‘cronies’ of oil company workers, and individuals possibly serving as fronts for government functionaries. The hustling does not always result in contracts or pacification payments. As confirmed in Oloibiri, there are instances when the intermediaries receive a blunt ‘regret...we cannot assist...’ from the oil companies or government agencies.

In a bid by various organs in the development delivery process to do business with as little commitment to community development as possible, there is constant manipulation of one group against another. This was the case in Oloibiri. At the centre of the manipulation were two uncompleted community projects, a community water scheme and a landing jetty in Oloibiri—of which brief mention was made in Chapter Seven. I first learnt of the two projects from NDDC’s full-colour newsletter, which I obtained from the agency’s corporate affairs department shortly before the commencement of my community visits. The front page of the newsletter featured the Oloibiri monarch’s effusive gratitude for the agency’s ‘achievement’ in his community:

My Council of Chiefs and I, as well as the entire people of my kingdom want to use this medium to say a big thank you to the Niger Delta Development Commission for making us enjoy the benefits of oil exploration in our community for the first time... The NNDC have [*sic*] provided our community with a 100,000-gallon capacity water works and the largest jetty in Bayelsa State. We are all very grateful to Mr. President... The NDDC has been able to partly wipe out the tears of our people occasioned by over 46 years of neglect by both the oil companies and successive intervention agencies... Our community will be eternally grateful to the NDDC... for saving us from getting our drinking water from germ-infested streams... NDDC has brought additional meaning to our existence (quoted in NDDC 2003:1).

Upon visiting Oloibiri, however, I found that the King was actually referring to uncompleted projects—indeed two projects that many local residents believed had been abandoned! When I showed the NDDC publication to some respondents in the community, many wondered how ‘they got him [the King] to say those things’. ‘But that’s the way of these people’, one elderly interviewee said, adding:

They trick an important person in the community into singing their praises so that they would have something [with which to] deceive the Presidency and cover up their non-performance. With such words, Abuja will believe the job has been satisfactorily done. What will ever bring NDDC back here to complete the projects?’

On account of some of the dynamics associated with the proliferation of local ‘development intermediaries’, an analyst at the Port Harcourt-based Centre for Advanced Social Science (CASS)—located in the same suburb as NDDC—suggested to this researcher that the NDDC headquarters had lately become a ‘maximum-security zone’:

If you go to [NDDC headquarters] you’ll see that the height of the perimeter fence is being seriously increased—barbed wires and all. In fact, they have had to break down the fence to construct something almost impenetrable. The youths from the communities are always coming and when they come, they are given what is now popularly known as *transport fare* [a local euphemism for pacification payment] to go back. NDDC is supposed to have a presence in the [various Niger Delta] states and even further down, and each of these levels is supposed to be adequately equipped to deal with the immediate development needs of their areas. But the present state liaison offices are, in my view, basket cases; which is why all protests are brought [to the headquarters].

In Oloibiri, the study found seething animosity between groups jostling for local legitimacy and for recognition as development intermediaries. A youth interviewee in the town said:

You know, some of our chiefs don't want us to know what is going on. You know that present-day chiefs are quite enlightened, and they feel they don't want us to know the details of what is going on as regards the development of the community. They don't want us to know the secrets. They are the people communicating with the contractors, and government, Shell, and all such.

When confronted with the above allegations, an elderly and influential community member, whose class the above-quoted youth interviewee referred to as 'chiefs', remarked that the town had no youth group 'recognised by the elders' and that the young men 'parading themselves' as youth leaders were a 'disobedient lot':

They have been causing a lot of trouble in this town... shooting guns at night to intimidate people. If the alleged leader and his boys want to develop Oloibiri, let them keep records. Let them come and show records; it's not by talking. You cannot just talk; back up your talk with records! Then you will be taken seriously both here and outside. Anyway, there is no functioning youth group here.

In Iko, one elderly man said he did not mind kings bidding for contracts from the oil companies or even from government, 'so long as that king is a professional contractor. If the king can do the job, he should be awarded a contract'. In Ebubu, one elderly resident made a particularly revealing remark about why there seemed to be so many 'development intermediaries' in the communities:

What I see is that Shell has one principle: divide and rule. If Shell finds that I am pressuring them to invest in the community, they'll bypass me and pick someone else—or simply create a contractor in their own image. Before you know it those people will be called *indigenous contractors*. These are the people Shell feels comfortable with; they are the people who suddenly become 'the voice' of the community. What is happening between them and Shell even the local chiefs, who are supposed to be registered as contractors, do not know. They bypass those they believe can enlighten the community, and set up those they can rely on to be their eyes and ears in the community. In a sense some elders in the community, including myself, are considered a *security risk* to [oil interests].

No evidence of ‘world class’ standards of community development was found in the study communities, if ‘world class’ means a standard of social partnership that is in harmony with community sensibilities and interests. On the contrary, there was evidence of uncompleted and abandoned projects, of abandoned projects passed off in corporate reports as ‘renovated’, of projects deemed unsuitable for community use (such as the foul-smelling pump-water in Iko), and of squabbling among different segments of the community over the possible embezzlement of funds meant for community projects. If, according to a confession attributed to a Shell official, the company ‘spent more money on bribes and corruption than on community development projects’ during the 1990s (quoted in Bustany and Wysham 2000), there was ample evidence in the study communities to suggest a lack of commitment to genuine community development. From such evidence, one could agree with Chevron’s claim that it ‘wasted’ its US\$28 million community development budgets in other parts of the Delta between 1990 and 1997 (Bustany and Wysham, 2000).

Overall, the study found that while oil companies devise specific idioms to facilitate corporate ‘social responsibility’ administration, such idioms have ethnographic consequences: they feed into the ways that the communities construct themselves and their neighbours. Even so, the strategies of corporate inducement and pacification that complement such idioms have the latent consequence of stoking greed and opportunism, bringing different segments of a given community—or even different communities—into conflict, and giving the picture of a divide-and-rule corporate and state policy.

8.4 Community partitioning, and the ‘reluctant regulator’

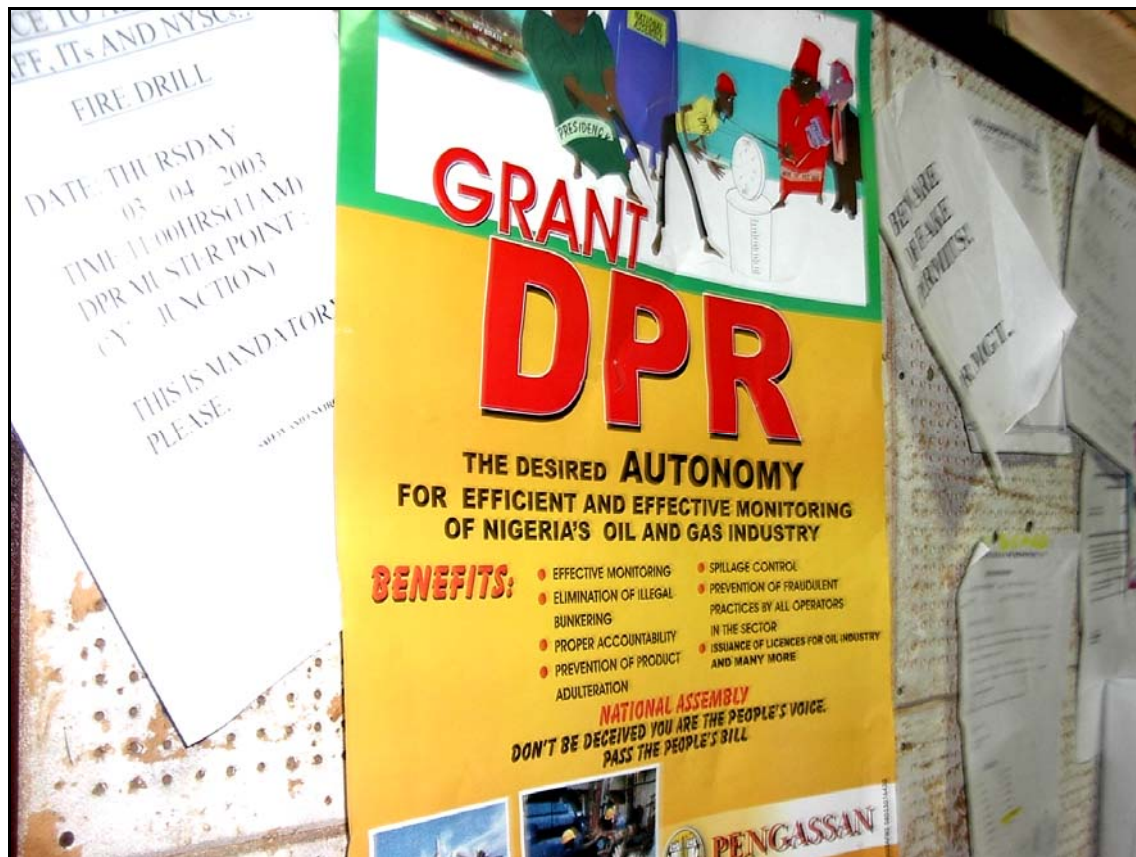
In the light of the above findings, it became necessary to find out more about the role and functioning of the Department of Petroleum Resources (DPR), the Nigerian oil sector regulatory agency. The Port Harcourt offices of the agency are located within a multi-storey building that serves as the eastern regional headquarters of Nigerian National Petroleum Corporation (NNPC). Asked to explain the agency’s role in curbing community fragmentation and local opportunism in the oil companies’ drive to ‘develop’ their host communities, a senior DPR officer indicated that there were no community development benchmarks and that DPR did not monitor the companies on

contract awards pertaining to community development. He stated, however, that no oil company would act ‘recklessly’ in a community without the collusion of local residents:

If there’s a ‘rip-off’ of the community, the community’s representatives are the ones to blame. They know about the origins of any rip-off...in fact, they [local representatives] are likely [to be] the ones ripping off their people. There’s no way a statutory body like DPR can allow an [oil] operator to rip off the community.

Further investigations revealed that although the DPR was aware of the controversial strategies employed in local development delivery, the agency had difficulties discharging its responsibilities as an ‘independent’ regulator: it operated more as a *part* of the petroleum industry. Indeed, one writer has described DPR as a victim of ‘regulatory capture’ (Ibironke, 2004). Regulatory capture is a problem that arises when regulators serve the interest of those they should be regulating at the expense of the public. The problem evolves from less ‘damaging’ stages where ‘regulatees’ exploit the regulator’s weaknesses and perpetrate violations knowing they would escape sanctions since the watchdog is on a leash of some sort. Increasingly, the regulator is drawn ‘in directions that the public is likely neither to understand nor to feel represents the original intent of the legislation that created the agency’. A point of capture is reached when the day-to-day operations of the regulatory agency become ‘strongly congruent with the interests’ of the major players in the industry (Baugh, 2002; Kolko, 1967).

The problem of lack of independence was a point of dispute between DPR employees and the state-owned oil company, NNPC. Throughout the period of my fieldwork, DPR employees were mobilising to ‘free’ the agency from NNPC (Plate 8-1). Their campaign tagged ‘Grant DPR the desired autonomy’ took place under the aegis of the Petroleum and Natural Gas Senior Staff Association of Nigeria (Pengassan).



Wilson Akpan

Plate 8-1: Who caged the watchdog?—oil sector workers protest DPR’s regulatory failings

From the protest posters displayed at strategic points within the NNPC premises and in the offices of DPR, and the researcher’s conversations with some DPR employees, it was evident that many employees deplored the agency’s role conflict. Specifically, they felt that regulatory autonomy would translate into a more socially and environmentally accountable petroleum sector, as the agency would then be in a position to effectively monitor oil spillage and illegal bunkering, check ‘fraudulent practices by all operators in the [oil] sector’, prevent product adulteration (in the downstream oil sector), and ensure that the issuance of prospecting and operating licenses was done in a transparent manner.

8.5 In whose name?—‘accountability’ and ‘transparency’ in oil resource utilisation

One of the often-referenced aspects of the so-called ‘resource curse’ hypothesis is that oil, diamond, and other ‘strategic’ minerals enhance corruption—and thus hamper growth and development—in the producing country (see Stevens, 2003). The present

research does not subscribe to this view, as there is no conclusive evidence that minerals in themselves enhance corruption or hamper growth in a mineral-producing country. Indeed, the relative economic success of ‘diamond-dependent’ Botswana in some way debunks notions of minerals as a curse. The ways in which certain *background institutions* operate within a given country is what mediates the relationship between minerals and development in the particular country. This position has been re-echoed in Dietz *et al* (2005), who argue that policy and/or ‘institutional failure’ rather than the mere fact of mineral endowment, is at the root of ‘slow growth’ in mineral-producing economies. In fact, for Dietz and colleagues, corruption is merely an ‘indicator’ of ‘institutional quality’ (see also World Bank, 2005).

What this research sought to establish, rather, was how the issue of ‘accountability’ and ‘transparency’ in the utilisation of oil resources resonated in the study communities. One of the questions put to all 96 formal in-depth interviewees was: ‘Looking at the social conditions in this community, would you say corruption plays any role in the way oil revenues are utilised?’ Although each interviewee responded in the affirmative, what I found noteworthy was the manner in which many of the interviewees reduced the oil issue in Nigeria to that of ‘lack of accountability’. Instructively, respondents emphasised ‘lack of accountability’ to ordinary Nigerians, and not just ‘lack of accountability’ as such—because, in the view of many residents, it was not possible to ‘waste’ or ‘squander’ petroleum resources the way ‘our leaders have done’ without being ‘accountable’ to some ‘hidden’ forces. One respondent said:

Between 1999 and early 2002 [when a new 13 per cent derivation formula came into force] the Niger Delta states earned much, and we are in the process of taking up the State governments on the use of this money. We are fighting for transparency in the use of revenues. Oil funds should not be used to develop only the cities. After all oil wells are not in the cities. One of these days our own local representatives, our own state governments, are going to be held to render account. Maybe they are rendering such account to their various political cliques and ‘godfathers’, one of these days, they are going to render the account to ordinary people!

In Iko, a youth leader drew my attention to a project that he said was at the centre of some of the bickering in the community:

Do you see that little court building over there—the one close to the police station? Elf [now Total] sponsored its construction, but would you believe that the former [local government] Chairman claimed the project cost four million Naira [about 31 thousand U.S. dollars]? You wouldn't believe how much problem we are sitting with in this community.

Concerning the problem of 'regulatory capture'—the reluctant regulator—referred to earlier, a respondent portrayed it as simply a consequence of corruption:

The only reason no one actually polices the oil companies is that the various agencies that should be doing that are sold out. Does DPR know the actual quantity of oil shipped from Nigeria daily? Do they know of something called 'double invoicing'? Are DPR officers who should inspect and report on actual export quantity reporting correctly and sincerely? Do they even know what their jobs entail? Isn't it possible those fellows, including officers from customs, NNPC, and security services—who all are part of the inspection machinery—simply fill out and sign forms whose contents are false?

This particular response echoed a long-standing public sentiment in Nigeria that petroleum production and export—as well as the utilisation of petroleum revenues—was so bedevilled by mismanagement that not even the Nigerian government knew how much oil the country produced or what quantities of oil were shipped daily on its behalf to the international markets (see *ThisDay*, 2003a). Before the former head (1999-2003) of NNPC, Mr. Jackson Gaius-Obaseki, was dismissed, the Nigerian parliament had given indications that his dismissal was unavoidable. Leaders of the country's two parliamentary chambers had alleged 'improper and inadequate declaration of the crude oil produced and sold by the NNPC on behalf of the country':

It is necessary to know how much income Nigeria realises from oil [so the country could] be [properly] guided in... budget process... We want [the NNPC management] to come and tell us what actually we are getting from the sale of oil [and] the OPL [oil prospecting licenses]... We are saying that the government has no money to run the affairs of the country and the NNPC is the major income earner of this country so they have to come and tell us how much we are selling from oil (quoted in *ThisDay*, 2003a).

Shell has also reportedly indicated that its business activities in Nigeria are tainted with lack of integrity, and that it had no way of knowing if funds released for community development projects in its host communities were serving that purpose,

because ‘once you put cash into a community it’s hard to know where it goes’ (*BBC News*, 2004b). These assertions were part of the company’s assessment of its role in feeding ‘conflict, poverty and corruption’ in Nigeria. This confession should be read alongside the points made earlier, that: a) Shell self-reportedly invests more in bribing Nigerian politicians, petroleum-sector government functionaries and community intermediaries than in developing its host communities, and b) Chevron’s community spending in the 1990s was ‘largely misused’ (Bustany and Wysham, 2000).

I encountered many allegations and counter-allegations in the study communities, among which were that:

- Local chiefs blocked ‘genuine’ community protests so as not to ‘jeopardise their *additional* status as contractors’;
- Community roads became dilapidated within four months of being built because contractors spend only a ‘tiny fraction’ of funds on projects and ‘pocketed’ the rest;
- Contractors received payments for community projects not undertaken;
- Youth groups were often ‘bribed’ to provide cover for errant contractors;
- Local politicians ‘shared’ among themselves money meant for community development.

When it is said that Nigeria has languished at the bottom of Transparency International’s rankings of ‘clean countries’ since 1996 (when it first featured in such rankings), or that much of the country’s oil revenues can be traced to ‘the pockets of foreign oil executives, middle men and local officials’ (Transparency International, 2004), little is often revealed as to how the dynamics underpinning these assertions play out in the everyday experience of ordinary men and women in Nigeria, particularly in the oil-producing region. In the three communities studied, one could identify what may be termed corruption-suffused grassroots narratives. The transparency-related issues summarised in Table 8-2, formed part of the everyday narratives in the study communities:

Table 8-2: Key findings relating to transparency in oil revenue utilisation

Category	Transparency-related Claim	Source
Shell	Company's operational activities feed corruption, opportunism and conflict in the oil-producing region and in Nigeria as a whole. 700 employees worked in 'high risk' (corruption-prone) business areas in 2003. Company recorded 174 cases of 'inappropriate behaviour' in 2003, leading to the dismissal of 29 officers and de-registration of 16 contractors.	SPDC's Annual Report (2003:13), <i>BBC News</i> (2004b) review of the Report.
	Company 'spends more on bribery and corruption' than on community development.	Remark attributed by <i>Sunday Times</i> (of London) to a Shell official (see Bustany and Wysham, 2000)
	Although company discourages employees, agents and contractors from 'giving bribes—including facilitation payments'—company has yet to 'overcome... corruption' and to operate transparently and with integrity in Nigeria.	SPDC's Annual Report (2003:13), <i>BBC News</i> (2004b) review of the Report.
Nigerian Government	Is in the dark as to the true value of oil export or true oil export quantities. Is suspicious that NNPC (state-owned oil company) is run like the 'private business' of its management team.	Outcome of meeting of principal officers of the Nigerian National Assembly in September 2003 (<i>ThisDay</i> , 2003a).
	Core of the Obasanjo administration's 'economic reform' programme is fighting corruption and improving 'transparency in oil and gas accounts' ³ . A member of the Extractive Industries Transparency Initiative (EITI) since November 2003, the Nigerian government is faced with the challenge of publishing 'all information and data on the extractive industries through a grass-root based communication strategy and through the engagement of rural communities and regional civil society groups'.	See Federal Ministry of Finance (2004), EITI (2004).
Oil Sector Regulator	A possible victim of regulatory capture. Not independent of state, NNPC and private oil interests. Is perceived as a reluctant regulator.	Ibironke (2004), field data.

³ One major concern about 'economic reform' under the Obasanjo administration is that it seems to be aimed more at winning debt relief from the Paris Club (see Peel, 2002) and 'proving to the West' that the administration 'can safeguard good governance and democracy' (*BBC News*, 2005c), than at winning ordinary Nigerians' trust in public institutions and the political process.

Category	Transparency-related Claim	Source
Citizen Perception	The management of revenue utilization processes is not accountable to ordinary Nigerians. Oil industry is riddled with 'fraudulent practices'. Governments of oil-producing states do not spend oil revenue transfers in a manner that ordinary people feel represents their interests.	Field data (including citizen protest billboard on the Uyo-Calabar highway, and protest posters by the oil sector senior staff association (Plates 8-1 and 8-2).
	'Money-sharing' (among politicians) is perceived as the methodology of governance. Governance and politics are about 'eating'. Governance equals predation	Conversations with local residents.
	International Perception	Nigeria is regarded as one of the world's most corrupt countries—ranked third in 2004. With no proper national accounting, billions of petrodollars could be traced to personal bank accounts of 'foreign oil executives, middlemen and local officials'. No proper accounting for billions of petrodollars

8.6 Resource control

The protracted demand for local resource rights in the oil-producing region (so-called 'resource control' agitation) has been part of the reasons some scholars portray the Niger Delta resistance as an ethnic/sectional project. Although the term 'resource control' came into popular use during the early 1990s, the clamour for it is nothing new in Nigeria; it has been part of Nigeria's 'national question' for several decades. Historically, the agitation first emanated from the Northern region of the country during the pre-1960 independence negotiations. The political sensitivity attached to the term in the contemporary Nigerian society is possibly only an indication of the extent to which the term 'resource' has been narrowed down to oil and gas (see Chapter Seven).

Despite its popular use in Nigeria, the term 'resource control' does not yet have a unanimously accepted definition. Some view it as 'the practice [whereby] the... units [of a federal system] express their rights to... control the natural resources within

their borders and make agreed contribution towards the maintenance of common services of the government at the centre' (Dafinone, 2001). It is from this perspective that resource control is a fundamental federal principle, representing, according to its Nigerian proponents:

'the most efficient means of unbinding all sections of Nigeria from the shackles that have weighted them down since the first military misrule, thus making it possible for us to harness our vast economic potentials towards rapid development and progress of our nation. There can therefore be nothing as potent as resource Control for the economic growth of [Nigeria] (Attah, 2004).

However, contestations persist in the Delta about whether the 'federating units' in the above definition should be the existing administrative divisions of the Nigerian federation (that is, state and local government areas), or whether the right-bearers should be village communities, or even families and individuals. Indeed, it is against this background that Obi (1997:26) posits that:

'the problematic is one of reaching a consensus on a just and fair basis for sharing the oil rents between the diverse nationalities that make up Nigeria. This is the kernel of oil and the national question, and on it hinges the future stability of Nigeria'.

Since the early 1990s, therefore, the demand for resource control has been complemented by calls (from across the Nigerian society) for the convocation of a (sovereign) national conference. This is a forum where representatives of citizen groups would debate the 'national question' and establish new, 'equitable' terms of association among Nigeria's diverse nationalities. Such agreement, it is believed, would constitute the basis for dismantling the present 'acquisitive, unbalanced and exploitative' federal system (Wole Soyinka, quoted *Weekend Sketch*, 1999:4).

With regard to 'resource control', this thesis sought to understand the ways in which ordinary people in the study communities used the term. For example, a 'divisive' or 'exclusionist' usage of the term would ordinarily lend support to the thinking that the oil province was engaged in a 'sectional' project.

One interesting finding was the place of 'resource control' in Niger Delta folklore. A particular folklore—we will call it the *ukodo* folklore—associates this term with 'self-

reliance’, ‘equity’ and ‘cooperation’. *Ukodo* is a popular Itsekiri cuisine, whose variants can be found in many other parts of the Niger Delta. It is prepared with chillies, meat, yam and palm oil. It probably dates back to the time:

when boys [hunted] for small animals in groups. When a group of boys have killed a rabbit..., the raw meat was usually not shared out to each member of the group. Each boy was instead, asked to bring a piece of yam...to be used in the preparation of the *ukodo* dish. When it was ready, only the meat was shared out equally. The yam or plantain each person had brought was given back to him intact... (Maduku, 2003).

A popular saying, ‘what you contribute towards the making of *ukodo* is what you get out’ revolves around this cuisine. The adage at once highlights self-reliance (the yam contributed by each boy) and collective well-being—similar to the ‘second debt’ logic discussed in Chapter Six. Relating the *ukodo* folklore to the Delta’s demand for resource control, Maduku (2003) argues that:

unlike the boys who first went... hunting together for the main item (the meat) for their *ukodo*, [in Nigeria, every] unit is sustained as it were, with the meat, plantain and yam, from one area.

An interviewee in Iko shed more light on the self-reliance and collective sustenance argument:

It is true that some people in other parts of Nigeria might feel cheated if they perceive that we have a stronger hold on oil or that special development is occurring here. But that to me is funny. The true situation is that if government develops this area on account of its oil wealth, or if we are allowed to control our own resources, it should make other areas look inward to see what they have that can attract special developmental attention. But don’t ask me why this logic is not catching on. Personally, I feel it’s only God that can touch the hearts of people to make them see that we are fighting a just cause and that it’s for the benefit of the whole country. I know that I’m fighting for the whole country, and my group is fighting for the whole country. The truth is that what the government does to or for us is what it will do to or for any other community.

In Ebubu, a respondent remarked as follows:

The problem in the Niger Delta should teach government the language of justice. Let communities have greater access to the resources in their environment, let them benefit commensurately from the resources extracted from their areas—whether the resources are palm trees, oil, coal, whatever.

Never take from any community unless you are willing to plant back the seed of development in that community. That is what resource control is about. I am sure the Niger Delta struggle will succeed. Why I say so is that no person, whether here or anywhere, likes to be cheated. So, no person will obstruct the idea that people should benefit justly from resources in their environment. No sane person will oppose such an idea.

Besides equity and fairness—the underlying issues in the above usages of and remarks about ‘resource control’—the research also found that the term was used as a special protest idiom: it was the local people’s way of expressing contempt towards what they perceived as lack of democratic, grassroots participation in decision-making affecting the utilisation of petroleum resources in Nigeria. Furthermore, although there was no clarity or consensus about which segment of the federating unit should exercise ‘resource control’, respondents felt that a greater measure of local control would bring about a resource utilisation regime that reflects the yearnings of ordinary people. This narrative had its most concise expression on billboards erected at strategic locations in Akwa Ibom State (Plate 8-2).

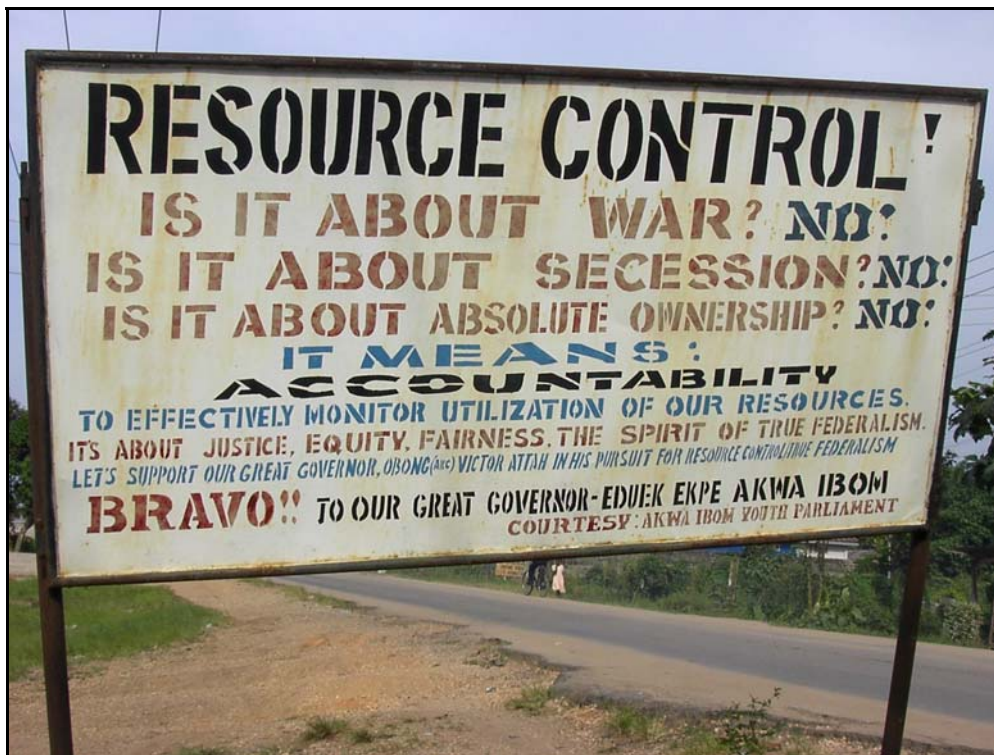


Plate 8-2: Talking points—a roadside billboard clarifies a key discourse

8.7 Conclusion

Discourses of equity and fairness in the study communities strike a poignant resonance with Amartya Sen's (1981) concept of 'entitlement'. Indeed, little in ordinary people's concerns around community development, democratic (grassroots) participation in decision-making, and 'resource control' is illustrative of exclusionist covetousness or a 'sectional'/'ethnic' agenda to prevent the broader community of Nigerians from sharing in the country's petroleum wealth. What stands out in the discussion in this chapter is a yearning by ordinary people for 'fair', 'equitable' and institutionalised principles through which different parts of Nigeria can develop through legitimately 'commanding' resources, rather than groping in perpetuity for ways of 'avoiding' lack (Sen, 1981:45). Concerns around community fragmentation, local opportunism, 'regulatory capture', and manoeuvres by various development actors (oil companies and development agencies, for example)—all illustrate the absence of democratic, grassroots participation in (petroleum) resource utilisation processes in Nigeria. They are concrete, present-day social justice and governance concerns that cannot simply be attributed to Nigeria's cultural or ethnic make-up (see Dungaciu, 1999:4) and which may not always be fully and adequately represented by organisations acting 'on behalf' of the grassroots. It may even be suggested, as the discussion in Chapter Nine does, that concerns and narratives picked up in the study communities are but the tip of a broader social justice and governance discourse in the contemporary Nigerian society.

CHAPTER 9

Intersections—‘Sectional’ and ‘National’ Discontents

9.1 Introduction

To argue that the struggles in Nigeria’s oil province cannot simply be reduced to an ethnic, ‘sectional’ or exclusionist movement is to suggest, among other things, that there are identifiable intersections between the discontents encountered in the study communities and concerns of ordinary Nigerians irrespective of residence or ethnic origin. In other words, grassroots discontent in the study communities are in no way idiosyncratic: they resonate contemporary debates in the broader Nigerian society, and could be signifiers of what Cyril Obi (2005:2) calls ‘revolutionary pressures from below’. It is these ‘pressures’ that bring into the purview of public discourse such issues as the functioning of Nigeria’s federalism, the state of grassroots participation in resource utilisation processes, the character of political leadership, and Nigeria’s contemporary environmental crisis. This chapter reflects on these intersections.

9.2 Grassroots discontent and some national-level discourses in contemporary Nigeria

Because of the complex array of interests (both national and transnational) that often masks ‘civic’ debates in the domestic arena, it is hardly a straightforward task to condense the vast plurality of debates in a country into a few themes, let alone to determine how local idioms of discontent in sections of the country connect to them. However, there are historical watersheds in a country when the main issues in contention become fairly discernible. For Nigeria, the tumultuous decade of the 1990s was one such moment. For example, it was during the 1990s that, for the first time in Nigeria, national elections globally adjudged free and fair were annulled by a military dictatorship and the acclaimed winner (rather than being installed as the country’s president) was arrested, incarcerated, and died in detention. His wife (a pro-democracy campaigner) was shot dead by unknown gunmen during the same period. It was also during the 1990s that an internationally acclaimed environmental activist Ken Saro Wiwa (along with his eight colleagues) was hanged following a ‘rushed’ guilty verdict by a military tribunal. In the country’s oil region, the 1990s

witnessed the most infernal protests by resource rights campaigners and the most sustained gale of arrests, torture, harassments and detentions.

As highlighted in Chapter One, issues (such as ‘true’ federalism, participatory resource utilisation, and environmental conservation) that had traditionally been championed on a national scale by ‘militant’ labour and student unions, the ‘radical’ press and the nation’s intelligentsia became, literally, everyone’s preoccupation during the 1990s. Following the annulment of the June 12, 1992 general elections, labour unions, civil rights organisations, church groups, academic unions, market women, students, and the unemployed became ‘radicalised’ in ways never before witnessed in Nigeria. Put simply, the 1990s marked a turning point in the history of grassroots struggles in Nigeria. I now examine some of the major debates in contemporary Nigeria and how they intersect with concerns in the study communities.

9.2.1 Dysfunctional federalism?—Nigeria’s ‘national question’

Nigeria, as shown in Chapters One, Four and Five of this work, is an amalgam of different nationalities. Without going into detail about the country’s pre-colonial history (see Chapter Four), it is important to state that ‘modern’ Nigeria came into formal existence in 1914, with the amalgamation of what were then British Protectorates of Southern and Northern Nigeria. This gives us an idea of an important distinguishing feature of Nigeria’s federalism: the country did not come about through a voluntary contract among contiguous ‘nations’ (as in the United States of America), nor was it formed through the ‘internal splitting of a unified initial whole’ (Agiobenebo and Aribaolanari, 2001:415). Following the 1914 amalgamation, the country was divided into three regions: Northern, Western, and Eastern—with a fourth (Mid-Western) region carved out of the Western Region in August 1963, three years after independence. As mentioned earlier, the regional structure was abolished in 1966 by the General Yakubu Gowon’s administration and superseded by a twelve-state structure in May 1967. The number of states was subsequently increased to 19 in 1976 (under General Olusegun Obasanjo), 21 in 1987 (under General Ibrahim Babangida), 30 in 1991 (also under General Babangida) and 36 in 1996 (under General Sani Abacha). The country’s present 36 states are grouped into six geopolitical zones (Northeast, Northwest, Northcentral, Southeast, Southwest and

South South). The Hausa-Fulani (of the North), the Igbo (of the Southeast) and the Yoruba (of the Southwest) are Nigeria's majority nationalities.

The reader may recall the point made earlier (Chapter Six, Section 6.5) that following the incursion of the military into politics, significant distortions were introduced into the Nigerian federal system. The major issue to which mention was made was the 'centralization of governmental powers', which 'followed the centralization of military command' (Sagay, 2004:92), and the fact that the country's democratic constitutions (those of 1979 and 1999) have 'maintained the trend toward centralization, even though they were made... for a democratic and federal system of government'. This distortion continues to dominate debates on the so-called 'national question' in Nigeria. On the need to remedy the distortions (and it is a major issue in the oil province) such that citizens would enjoy a greater sense of belonging, various segments of the Nigerian population have generally been in agreement. Even so, as shown presently, a major issue in this debate is not necessarily about horizontal inequality among different nationalities; what many analysts seem more concerned about is the concentration of power and economic resources in the federal centre. As the argument goes, it is the struggle for the control of the resources at the centre that is at the root of Nigeria's decadent politics and breeds instability and tension in the entire system. Dominic Aboro's (2005) remark sheds more light on this vertical imbalance:

The situation we have here is one in which the federal government appropriates to itself the wealth from all the states in the federation and sharing it out as it pleases in proportions that smacks of injustice. That makes the federal government very rich and leaves the states and Local governments so poor that they are perpetually beggarly and incapable of affecting any development programmes without federal government assistance. They cannot generate any internal revenue and live only on the statutory allocation from the federal government. What type of federalism is that? Is it sustainable, where the state governments troop every month to the federal government to collect unearned and unmerited monies and wait until another month for another pilgrimage to Abuja? This system is not sustainable. It is bound to crash.

In an editorial opinion entitled, 'Discourse on Federalism', the Federal government-owned *Daily Times* (1993) expressed dismay over what it called 'indifference to demands for rectification of iniquitous structures' in the Nigerian federation. The paper urged the federal government to seek 'fresh insights about how to reorganise

and operate the federal system in ways that can guarantee a stronger sense of belonging to all groups, big or small'. In an obvious reference to demands in different parts of the country for resource (including mineral) rights, the paper urged the government to find 'just remedies to problems generated by [a] national revenue [distribution formula that failed to] adequately recognise national endowments, volume of contribution and attendant deprivations'.

A decade after those comments, a Guardian Opinion Poll (GOP) sought to 'gauge the mood of the nation on national issues', in particular the feelings of citizens about Nigeria's federal system (*The Guardian*, 2004b). *The Guardian*, it must be pointed out, is widely regarded as Nigeria's most authoritative and most influential daily newspaper. The poll question was, 'to what degree is government in Nigeria federal in structure?' and it was posed to a random sample of 2,658 Nigerians. The results showed that more than 70% of respondents believed Nigeria was operating a dysfunctional federal system. The poll further showed that this proportion of respondents deplored the 'concentration of power in the centre', and that although this feeling was 'common to all the geo-political zones', it was more widespread among respondents in the Southeast (73%), Northcentral (70%), Northeast (69%) and Northwest (64%)—and less widespread (53%) among respondents in the South South (Niger Delta), and Southwest (44%). A year earlier, the same newspaper had conducted an Internet-based survey to find out if Nigerians supported the idea of restructuring the federal system so as to reduce the power and 'unhealthy' dominance of the central government. 1,615 (95%) of the 1,688 respondents favoured the idea, 42 (2%) were against it, while 31 (1%) were 'indifferent' (*The Guardian*, 2003). The Internet poll had indicated that Nigerians generally believed the country's federalism was not functioning properly—again supporting Nobel Laureate Wole Soyinka's description of the central government as 'acquisitive, unbalanced and exploitative' (quoted in *Weekend Sketch*, 1999:4).

Perceived vertical and horizontal imbalances (that is, imbalances between the federal centre and the federating units, and among the federating units) is at the core of Nigeria's 'national question'. While it is not difficult to find association between grassroots discontent in the oil province and the 'national question', some analysts have pointed out that grassroots struggles in Nigeria have not been sufficiently

portrayed as having to do with an ‘acquisitive centre’ (see Soyinka, in *Weekend Sketch*, 1994:4). Instead, the tendency has been to treat the issue of oil and the national question as though grassroots struggles suggested incompatibility among Nigeria’s diverse nationalities. Momoh (2002:17) has argued that Nigeria should look for answers to its problems not in its ethnic groups but ‘in the character of the colonially constructed state... in the interest of the emergent ruling classes... in the nature of development policies... [and] in the nature of politics and the use to which political power is put’ (see also Ake, 2000:44). Radical Nigerian historian, Bala Usman, recently echoed this view when he rejected his nomination to participate in a national ‘political reform conference’ organised by the Obasanjo government to debate ways of addressing, among other issues, the ‘national question’. Said Usman:

I believe the [issue is] being diverted deliberately to show that the problems of Nigeria are between Ijaws, Urhobos, Hausas, Ibos and Yorubas. You see, the problem with Nigeria is, ‘how do you make these present leaders in power accountable?’ So, I am not going to join a conference which has the same problems with those of [Sani] Abacha and Shehu Yar’ Adua in 1994 (Quoted in *The Guardian*, 2005).

As highlighted in Chapter Seven, grassroots concerns in the study communities—whether about community development and the fragmentation of communities, or about public accountability, ‘transparency’ and ‘resource control’—are at bottom concerns about democratic, grassroots participation in decision-making generally and the issue of equitable and people-based resource utilisation in particular. If such participation is hampered by the concentration of power in the central government, it follows that the everyday concerns of ordinary people in some ways intersect with the broader problem of ‘dysfunctional’ federalism in Nigeria (see Figure 9-1). This necessarily casts doubt on the notion of the Niger Delta struggles as an ethnic/sectional project.

9.2.2 ‘Governance as eating’?

The remarks by Wole Soyinka, Abubakar Momoh, Claude Ake and Bala Usman referred to above illustrate the increasing concern among Nigerians about not just federalism but also the problem of governance and public accountability. Such concerns are mirrored in attempts (of which the African Union’s peer review initiative

is an example) to explain underdevelopment from the point of view of governance and of people-driven utilisation of national resources (see Malik, 2002:2). The United Nations, World Bank, and IMF have also in recent years intensified their campaign for the improvement of public governance globally—although the impression is sometimes given that it is only developing countries that need it (to qualify them for foreign aid, debt relief and foreign direct investment) (see Chang, 2002). The discourse matrix (Figure 9-1) below is an attempt to map the linkages between the ‘grammar’ of discontent in the study communities (discussed in Chapters Seven and Eight) and some key ‘oppositional’ debates in contemporary Nigeria, namely: governance, national budgeting and spending processes that are accountable to the masses, federalism, and the environment.

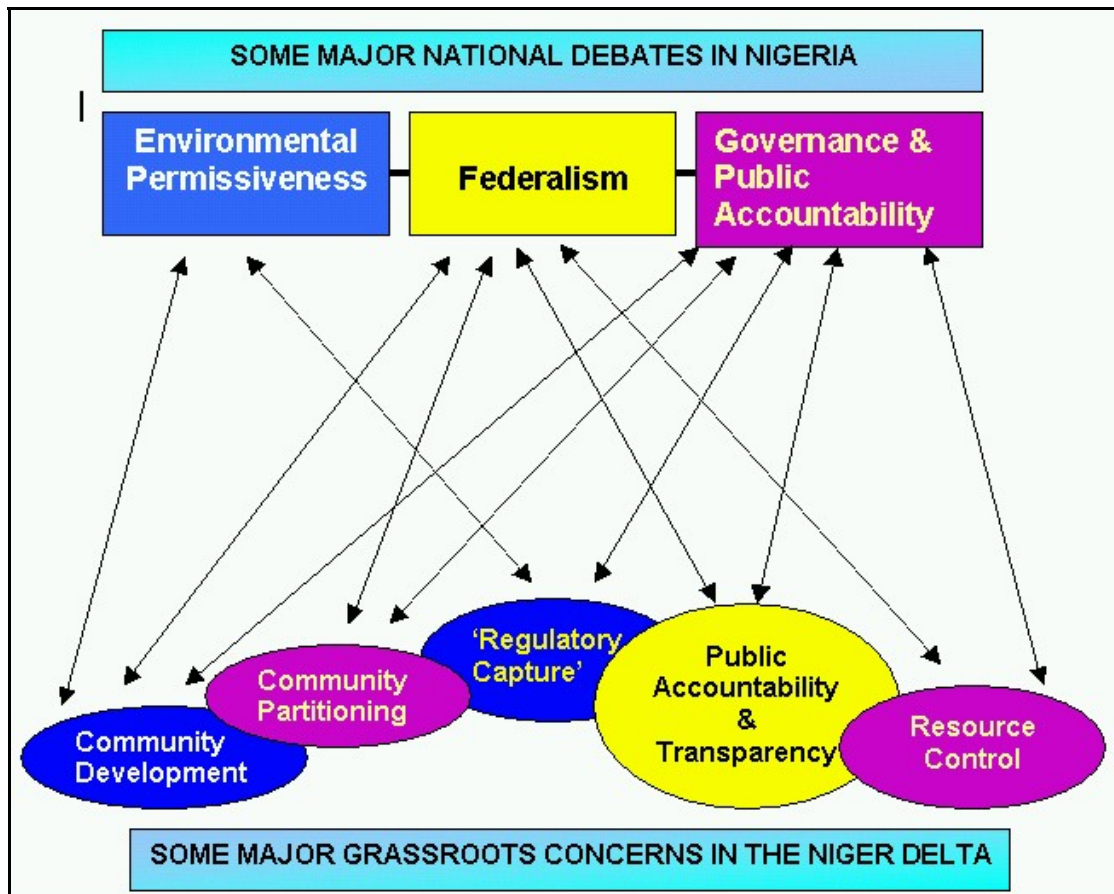


Figure 9-1: Discourse matrix—intersections between local and national-level discourses

While this thesis does not subscribe to notions of ‘good governance’ as an exclusively Third World issue—because it is not—it is important to highlight how the concept helps to explain underdevelopment, and why, as discussed in Chapter Eight,

some respondents in the study communities felt their political representatives must be made to account for their roles in government. According to Malik (2002:2) developmental questions that could be answered from a governance perspective include the following:

How do institutions contribute to the evolution of national and world income distribution?... Can governance account for differences in cross-country growth rates?... Can the poverty of poor countries be devoted to lack of inputs and technology differences only? How important is the role of institutions in keeping nations poor? From the civil wars in Africa to the worsening income distribution in Latin America, from the economic transition in Russian and East European states to the success of economic reform in developing countries, governance affects the way governments design and implement public policies (Malik, 2002:2).

For the World Bank, the concept of governance—or put normatively ‘good governance’—entails sound and transparent development and economic management. The United Nations Development Programme (UNDP) uses the concept to advocate for a development process that prioritises the poor, women and the environment. For the Asian Development Bank, ‘good governance’ is about how people in positions of power utilise that position: do they utilise it for the public good or mainly for their personal enrichment (Basu, 2002:3-4)? These various dimensions of the concept of governance are issues of public debate in contemporary Nigeria. Below is an example.

President Obasanjo has publicly commented on the protracted governance drama in Nigeria’s Southeastern state of Anambra, where the governor and his political godfather (a businessman, with no political office) have since the conclusion of the 2003 general elections been locked in conflict over who should control the state and its finances! Anambra is not one of the oil-producing states, but this example is still appropriate because it is widely known that ‘most of the resources financing the Federation account [on which all 36 states in Nigeria rely for their budget funds] are oil revenues (Ahmad and Singh, 2003:23). Reportedly behind the Anambra crisis was a pre-election ‘agreement’ in which, in return for the godfather’s ‘investment’ in his gubernatorial career, the governor had put himself under obligation to the godfather. The obligation would be discharged through giving the godfather elaborate access to

the state's finances, appointing the godfather's candidates into key cabinet positions, and awarding important government contracts to companies nominated by the godfather (see Nnanna, 2005). Upon assuming office, however, the governor reportedly reneged on these undertakings—a clear affront to the godfather, who now must prove the extent of his powers and political connections.

The first major fallout of the crisis was that 'just after his election in 2003, Mr Ngige [the governor] was kidnapped and forced to write a resignation letter at gunpoint' (*BBC News*, 2005b). Eventually, the governor did not resign. In 2004, the governor narrowly escaped assassination when his office was bombed by 'unknown' individuals. In the same spate of lawlessness, broadcast transmitters belonging to Anambra State Broadcasting Service and a number of public buildings in different parts of the state were burnt down (Anikpe, 2004). The police made no arrests.

Amidst widespread criticism that Anambra was sliding into anarchy under his watch, President Obasanjo made an interesting revelation. He likened the Anambra governor, the governor's godfather and a segment of the local political elite to armed robbers. In his letter to the Chairman of his ruling People's Democratic Party (PDP), Obasanjo made the following comments:

There has been accusation and counter-accusation as [to] reasons for such ungainly behaviour [by the Anambra State Governor, Chris Ngige, and his godfather, Chris Uba]. When the two of them came to see me [at the Presidential villa in Abuja]... I got the real shock of my life... Chris Uba looked Ngige straight in the face and said, 'You know you did not win the election' [that brought PDP to power in the State in 2003] and Ngige answered 'Yes, I know I did not win'. Chris Uba went further to say to Ngige, 'You don't know in detail how it was done.' I was horrified and told both of them to leave my residence...

I told Ngige that the only way I could live with this moral dilemma since he had been constitutionally declared as governor is that I will continue to deal with him in his capacity as the governor of a State in Nigeria purely and strictly on formal basis either until he runs out his term, he decides to follow the path of honour or until any competent authority declares otherwise. That remains my position to date...

Furthermore... I told Chris Uba and Ngige that their case was like the case of two armed robbers that conspired to loot a house and after bringing out the loot, one decided to [cheat] the other... and the issue of fair play even among robbers became a factor. The two robbers must be condemned for robbery in

the first instance and the greedy one must be specially pointed out for condemnation to do justice among the robbers (Obasanjo, 2004).

There is more to how public governance in Nigeria works—and how it dominates ordinary people’s ‘grammar’ of discontent. In an article titled ‘Ngige—the Dealer Who Exposed the President and the PDP’, Nnanna (2005) offers a more profound picture of what Obasanjo merely referred to as Anambra political actors’ ‘ungainly behaviour’:

Ubah [the godfather of Anambra State politics] developed a watertight plan. Number one was the pattern of selection of people to occupy all appointive and elective offices in the State. In picking [the governor] Ubah considered his lack of charisma, political base and his perceived servile disposition... Just to make assurance doubly sure, he arranged to have one of his elder sisters... as the [local parliamentary Speaker, so as to] make the impeachment of Ngige easy if he became recalcitrant. Ubah also appointed another close loyalist... as the Deputy Governor who would take over from Ngige [should the need arise]. Then he [made the governor and others swear] an oath of allegiance to him [at a notorious local shrine]. He made Ngige sign a resignation letter in advance and to voice it into a recorder.

When Ngige was sworn-in, Ubah gave directives that all his principal appointees, including his personal staff, must be cleared by him. He drew an organogram...in which he was placed at the top of the heap, with Ngige and a handful of others, including his Deputy, occupying the second layer of authority. In other words, Ngige [the governor] was just one of the boys at the second level. Since Ubah had a free licence from Abuja [the seat of federal government] to use the Nigerian Police Force as he saw fit, he retained their services and placed them at his beck and call. He had also forwarded the name of one of his elder brothers...to INEC [Independent National Electoral Commission] to swear in as one of the three Senators of the Federal Republic of Nigeria from Anambra State.

Being that most of the people Ubah put in elective and appointive offices did not even contest elections let alone winning or losing, the Ubah democratic magic was unprecedented in the history of Nigeria. The fact that it appeared to be allowed to stand made many people in the PDP to see this young man’s clout in the Party and the Presidency of Nigeria as an awesome one that was best cultivated rather than offended.

Claude Ake (2001:14) would describe the above scenario, which characterises politics in all the states in Nigeria, as one indication of the ‘maze of antinomies of form and content’ of the state in Africa:

the person who holds office may not exercise its powers, the person who exercises the powers of a given office may not be its holder, informal relations often override formal relations, the formal hierarchies of bureaucratic structure and political power are not always the clue to decisionmaking power.

In the case of Nigeria, as exemplified by the governance debacle in Anambra State and many others, the crisis is rooted in what is popularly referred to in Nigeria as ‘governance as eating’. This phrase captures the penchant among Nigeria’s political and governing elite to ‘enjoy in [and through] government what one could not provide for oneself in private life’ (Solarin, 2004). According to Abati (2004), Nigerian politicians believe ‘having power is about taking care of your own’. While this was the dominant ethos of governance during the military era, Abati derides the ‘eating syndrome’ in the democratic dispensation as a uniquely ‘Nigerian contribution to democracy’—a position obviously based on the fact that high-ranking public office holders, such as a former home affairs minister, have openly boasted on national television that their appointment into cabinet positions was an opportunity to ‘eat’. One senator declared to a prime-time television audience in 1999 that he was not in parliament to ‘spread poverty’ and decried public outrage over perceived avaricious conduct of politicians. In February 2005, the Nigerian media attributed the following remarks to a parliamentarian:

Whoever tells you there is no corruption in the House [of Representatives, the lower chamber of Nigeria’s bicameral national assembly] is in fact corrupt. Ministers and heads of parastatals are often asked to bring money by some Honourable members so that their budgets can be passed. [A named GSM network] bribes us every month. It brings [GSM prepaid calling] cards worth N7,500 [approximately US\$55] monthly to each member. I am not working for [the GSM network] so I see no reason why [they] should be doing that monthly. I want to write to the Chairman, House Committee on Communications that... we have 360 members, when you go to [the GSM company] to collect these things please collect for 359... Most of us are contractors. Most of us come here to make money, make what you can make and leave. Most of our debates are beer parlour debates. No research. We argue like ordinary people on our streets. Our debate is shallow (Quoted in Abati, 2005).

For making remarks deemed variously as ‘detrimental to the house and disrespectful to its members’, ‘coarse and disparaging’, ‘sweeping and generalised’, and ‘unprofessional’ (quoted in Abati, 2005), the parliamentarian was reportedly suspended for one month by the House of Representatives and a full-page disclaimer

published in several national newspapers—a novel display of political morality, by Nigerian standards.

As shown in the discourse matrix (Figure 9-1) above, citizen concerns about the character of political leadership and public governance in Nigeria are mirrored at the grassroots in a number of narratives, and some of these have been discussed at length in Chapter Eight. They include narratives around the regulatory dilemmas of the petroleum sector watchdog (the DPR), a people-driven petroleum resource utilisation regime, as well as manipulation and opportunism associated with community development.

9.2.3 Low environmental priorities?

Let us again refer to the discourse matrix (Figure 9-1), because it also points to the fact that narratives around environmental abuses in the study communities are becoming increasingly tied up with environmental discourse in the broader Nigerian society. Contrary to the suggestion that the Niger Delta region has been singled out (by oil corporations and the Nigerian government) for ‘victimisation’ (Agbola and Alabi, 2003:270; see Chapter Three, Section 3.2.1)—one of the bases for portraying the struggles in the region as ‘ethnic’—Nigeria as a whole is replete with evidence of environmental ‘recklessness’. Indeed, there is intensifying grassroots discontent everywhere in the country over the lack of effective policy and institutional measures to tackle the problem of environmental abuses.

For instance, there is as yet no effective strategy in place to redeem the image of Lagos (Nigeria’s industrial and commercial capital) as one of the world’s dirtiest cities. Abuja, Nigeria’s only ‘planned’ city, has for many years remained trapped in the contradictions of its status as Nigeria’s seat of government. Media reports abound of serious distortions to its master plan arising from opportunistic scramble for building and business sites—and of contentions arising from the new democratic government’s plans to enforce the master plan. In the scramble, some government offices were reportedly built on drainage routes, plots originally meant for parks were allocated for private housing development, and many indigenous residents displaced in the wake of the city’s development were yet to be properly resettled (Bassey,

2004). Some analysts have argued that without urgent government intervention, Abuja could end up as an environmental wreck.

In the far-northern sector, where desertification and deforestation are the major natural and man-made environmental threats, response by the authorities has traditionally been in the form of a once-a-year tree-planting campaign by government officials, essentially meant to inspire citizens to plant trees. However, the lack of a sustained programme, coupled with the local population's over-reliance on fuelwood for their everyday energy needs, has meant that annual tree-planting exercises cannot keep pace with forest loss. It has been reported that for every new tree planted, 10 are cut for fuel (Raufu, 2004). Even so, according to Raufu (2004), about 50 per cent of Yobe state (on Nigeria's northeastern border) has already gone under the sands of the Sahara desert.

In the southwestern Nigerian city of Ibadan, residents of three communities in the New Gbaji industrial area have been reported as becoming tipsy after drinking water from wells contaminated underground by untreated brewery effluents. One scientific study of random water samples from the communities showed that the water had specific polluting elements 'with values higher than the WHO, EU and USA standards tolerant levels' (Adediran *et al*, 2004:211). The study also found that stream and well water was contaminated and 'could probably be hazardous to human health when used primarily for domestic purposes'.

In central Nigeria, communities in Niger, Kogi, Kwara and Kebbi states are regularly reported as victims of dam failures. The Kainji¹, Jebba and Shiroro dams frequently unleash their water on neighbouring communities, causing devastating floods. Recently, there has been a Niger Delta-like movement in the area, with the establishment of a Hydroelectric Power Producing Areas Development Commission (HYPPADEC) as one of its main demands. Considering that Nigeria's electricity is generated in the region, the dam communities' demand for electricity (as well as roads, schools and bridges) comes across as a paradox (RAPNet, 2004). For the

¹ Measuring 66 metres in height and 550 metres in width, the Kainji Dam is the largest dam on the Niger River. Built between 1964 and 1968, it generates electricity for the country, eases river navigation, and controls the flow of the Niger, thus making it possible to construct a road across the river. The dam's waters also serve irrigation and fishing purposes (Encyclopedia Britannica, 2002).

purposes of this thesis, however, such demands serve to illustrate ordinary people's sense of 'injustice' and social exploitation, and the analytical difficulties that arise when local struggles are analysed in essentialist terms.

The socio-ecologic footprints of petroleum operations in the Niger Delta have been discussed in detail in Chapters Seven and Eight. They include social impoverishment associated with the dislocation of farming and fishing communities, human rights violations, delegitimation of traditional authority, social conflict associated with community fragmentation and local opportunism, as well as public health and environmental hazards associated with gas flaring, oil spills and hydrocarbon waste disposal.

The United Nation's Environmental Programme (UNEP, 2003) puts the state of environmental management in Nigeria in perspective when it states that:

Industrial pollution from over 5,000 industrial facilities and perhaps another 10,000 small-scale industries, some operating illegally within residential premises, is a growing problem in Nigeria. In places like Kano, Kaduna, Port Harcourt, Warri and Lagos, colored, hot and heavy metal effluent, especially that from the textile, tannery, petrochemicals and paint industries, is discharged directly into open drainages and channels, constituting severe dangers to water users and downstream. Also disturbing is the practice where some industrial facilities bury their expired chemicals and hazardous wastes in their backyards, threatening the water quality of innocent neighbours who rely on their dug-out wells for drinking water.

Such a grim report has been in spite of persistent protests by affected communities and the existence of numerous environmental laws and a federal agency (FEPA) charged with environmental monitoring. Given the spread of environmental abuses in Nigeria, therefore, one must proceed with caution when analysing grassroots protests associated with environmental abuses. For instance, Agbola and Alabi's (2003:270) assertion that the Niger Delta struggle is driven by feelings of 'selective' ethnic victimisation, and the 'fact' that the majority ethnic nationalities are enjoying a healthy environmental setting in addition to appropriating the 'lion's share' of Nigeria's petroleum revenues, could not be an accurate depiction of the issues in the struggle. It is an essentialist of interpretation of grassroots struggles.

While environmental problems (and social exploitation) in the Niger Delta might overshadow those in other parts of Nigeria—because of the logic of Nigeria’s excessive dependence on petroleum—it is probably more advisable to view differences in perceived environmental abuses as a matter of scale rather than of pattern. From the perspective of ordinary Nigerians, social exploitation and environmental ‘recklessness’ are not exactly region-selective, because the governance failures and ‘predatory’ socio-political processes that create social justice deficits in the country cast their impacts on ordinary people regardless of residence or ethnic origin.

9.3 Conclusion

While the Niger Delta’s socio-economic and environmental predicaments obviously warrant the attention they have received from analysts and commentators in recent years, the main challenge is to go beyond essentialist/ethnic analysis (Apter, 2005:267), and, as Mamdani (1996:187) puts it, to transcend the bifurcated nature of postcolonial politics that has beclouded much postcolonial theorising about Africa. In other words, while not entirely discounting ethnic dynamics in the analysis of Nigeria’s development predicaments, a central challenge for scholars is knowing when to move away from the distorting optics of ethnic analysis.

For one thing, the discussion in this chapter supports Claude Ake’s (2001:128) assertion that all parts of Nigeria—and not just the ‘ethnic minorities’ of the Niger Delta—have had their rights eroded by the state, or suffered serious socio-economic neglect. Indeed, for many ordinary Nigerians, the state (rather than ‘other regions’ or ‘other ethnic groups’) is the main source of discontent, and in matters of accumulation and redistribution, it is difficult to pinpoint entire geo-ethnic regions that have witnessed broad-based socio-economic development as a result of being the beneficiary of the ‘lion’s share’ of petroleum resources. It is well known, for instance, that despite producing most of Nigeria’s heads of state since independence in 1960 and being Nigeria’s most politically influential region, the north (a supposed beneficiary of the ‘lion’s share’ of the country’s petroleum resources) has remained Nigeria’s poorest region. While the Southeast, Southwest and South South have, respectively, attained 85 per cent, 89 per cent and 75 per cent in girl-child school

enrolment, the figure is about 23 per cent for the north (*Thisday*, 2005a). At more than 206 deaths per 1000 live births, infant mortality in the north is more than twice as high as in other regions of the country. Indeed, Nigerias' relatively high overall mortality rate of about 217 per thousand is blamed on the disproportionately high mortality levels in the north. Immunisation coverage in the region is also the worst in the country, at about 3.7 per cent. On August 8, 2005, President Obasanjo was quoted as describing as 'unfortunate' the fact that 'these two zones [the Northwest and Northeast] have the highest under-five mortality, the lowest immunisation and the poorest women literacy levels in the country' (quoted in *Thisday*, 2005a). Even so, the Obasanjo administration has recently brought to light the fact that one former head of state from that region made away with several billion dollars from the Nigerian treasury (see *Frontline World*, 2003). Development and governance predicaments such as these become distorted within an ethnic/essentialist frame of analysis. They are more understandable from a social justice (and specifically a 'background institutions') perspective because they demonstrate, among other things, that leaders do not necessarily embezzle 'the lion's share' of resources from 'other' regions on behalf of ordinary people in their ethnic regions.

From the point of view of national-level discourses about the functioning of Nigeria's federalism, governance ethos, and country-wide environmental management, the discussion in this chapter highlights one thing: the discontent in the study communities is essentially part of the groundswell of opposition by ordinary Nigerians against a 'predatory' and 'privatised' state—and I do not wish to belabour Claude Ake's usages. As further elucidated in the next chapter, these are struggles that an essentialist analytical model has the potential of distorting.

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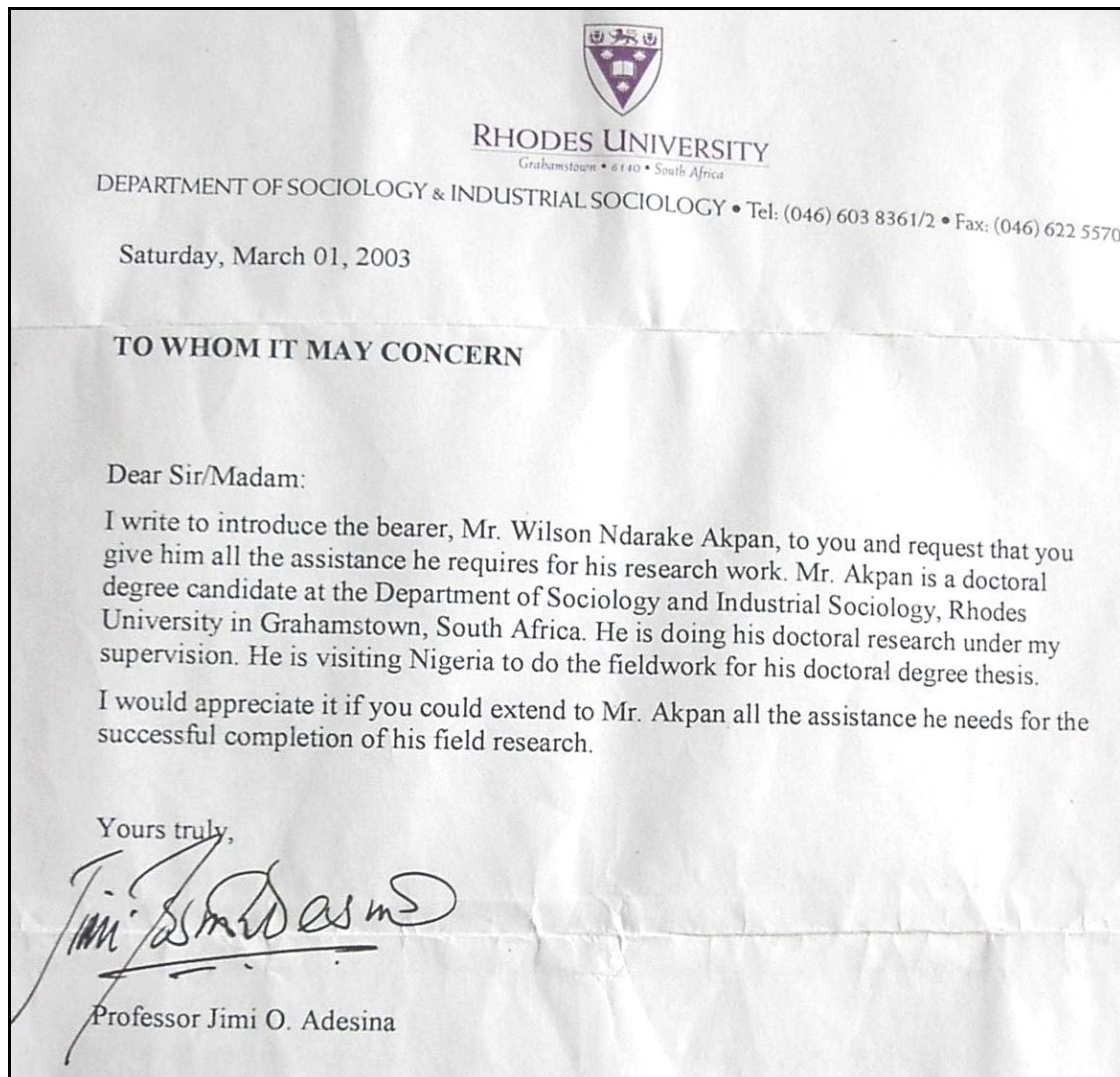
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APPENDIX A

Letter of Credence from the Sociology Department, Rhodes University




APPENDIX B

Research authorisation by Nigeria's oil industry regulator

The letter below is one of the prerequisites for obtaining academic data at any branch of the Nigerian oil industry. It is issued by the Department of Petroleum Resources (DPR), oil industry regulator, and is a prerequisite even if the subject of one's study is DPR itself. The authorisation is, however, not issued without a letter of credence from the researcher's institution (Appendix A).

MINISTRY OF PETROLEUM RESOURCES
DEPARTMENT OF PETROLEUM RESOURCES
49 MOSCOW ROAD
PORT HARCOURT.

P. M. B. No 5103
Telegrams PETRES
Telephone 332708, 331212, 335744
Telex 61139 NG.



Ref. No..... PI/PH.5090.14/1387
Date..... April 07, 2003

The General Manager, East ,
Shell Petroleum Development Company,
Rumuobiakani,
P. O . Box 263,
Port Harcourt.

Dear Sir,

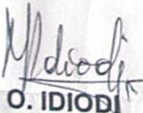
REQUEST FOR ACADEMIC DATA

MR. WILSON N. AKPAN is a PhD student in the Department of Sociology, Rhodes University, Grahamstown, South Africa.

He has applied for clearance to obtain data required for his research project titled:
"COMMUNITY AND IDENTITY MOBILISATION IN NIGERIA'S OIL COMMUNITIES".

In view of the above, please provide **MR. AKPAN** with the necessary data to enable him fulfil his academic requirement at the University.

Yours faithfully,


N. O. IDIOBI
FOR: OPERATIONS CONTROLLER.

APPENDIX C

FGD Guide Used in the Study Communities

1. What does the term 'community development' mean to you – especially in the light of this being an oil community?
2. Which agency do you think should play the lead role in the provision of development projects in this community? What role specifically do you think the oil companies should play? Are they playing this role currently?
3. What do you think are the major impediments to the flow of development projects in this community?
4. How would you assess the roles of the various traditional organs of this community (such as the council of chiefs, the community development committee, youth group, etc). Would you say they are performing their roles effectively?
5. How do you view the developmental role of the youth group (or elders) especially?
6. Looking at the development projects in this community, do you think they are in line with some minimum standards – in terms of quality and quantity? Do you think government has set any standards to be followed by providers of community projects?
7. Are there any members of this community who are registered contractors of any oil company? Would you say their role as contractors has further enhanced the standing of the community in terms of community development?
8. Would you say the neighbouring community is better off than your community in terms of community development? Why do you think so?
9. What are the major points of contention, if any, between your community and your neighbours?
10. How would you assess the role of local politicians as far as the development of this area is concerned; are they performing to your satisfaction?
11. Looking at the social conditions in this community, would you say corruption plays any role in the way oil revenues are utilised in Nigeria?
12. Does it matter to you that the non oil-producing areas of the country might not be fully in support of the Niger Delta struggle?
13. Is it right to share the wealth of this region with the rest of the country?
14. What does the term resource control mean to you?
15. Would you want to see Nigeria re-structured in any way? How does the present structure negatively affect your area? What should a restructured Nigeria look like?
16. Do you think the Niger Delta problems would be better resolved if Nigeria were restructured? How?

17. Do you think a restructured Nigeria would make the country a better place for all regions of the country? How?
18. Are you bothered that Nigeria might break up due to the Niger Delta's quest for resource control? Do you feel concerned about such a possibility?
19. What, in your view, does Nigeria as a whole stand to gain from the Niger Delta struggle?
20. In your view, are there any such gains already?
21. To what extent would you blame the non oil-producing regions for the development problems in the Niger Delta?

APPENDIX D

In-depth Interview Guide Used in the Study Communities

1. What are the major community development projects in this town?
2. In your view, which of these projects would you directly attribute to the fact of this being an oil community?
3. Do you consider the number and/or quality of projects 'fair' in terms of the community's oil-producing status? Why? Why not?
4. In your view, what kinds of community development projects or types of social investment would be fair?
5. Who is currently the principal provider of development projects in this community? Oil company? Government? NDDC? The community?
6. Which agency do you think should play the lead role in the provision of development projects in the community?
7. What do you think are the impediments to the flow of development projects in this community?
8. Could you please describe the organizational structure of this town?
9. How do you view the developmental role of the youth group (or elders) in this community?
10. Looking at the development projects in this community, do you think they are in line with some minimum standards – in terms of quality and quantity? Do you think government has set any standards to be followed by providers of community projects?
11. Are you a registered contractor of any oil company? Do you support the idea that traditional rulers should be registered as contractors?
12. What is the oil-producing status of (a specific neighbouring community)?
13. Would you say they are better off in terms of community development? Why? Why not?
14. What is the political/cultural relationship between it and your community?
15. Would you say your two communities are on the best of terms? Why? Why not?
16. What, in your view, is the role of local politicians as far as the development of this area is concerned; how do you think they have played that role?
17. Looking at the social conditions in this community, would you say corruption plays any role in the way oil revenues are utilised in Nigeria?
18. What, in your view, is the role of the state government as far as the development of this area is concerned? To what extent would you local politicians have played a role in the development or non-development of this region?
19. What if the non oil-producing areas of the country feel the Niger Delta region is asking for too much – that the region does not want to share the region's oil wealth with the rest of the country?
20. What does the term resource control mean to you?
21. Do you think all Nigerians deserve to share in the country's oil wealth?

22. Would you want to see Nigeria re-structured in any way? In your view, what should a restructured Nigeria look like?
23. Do you think the Niger Delta problems would be better resolved if Nigeria were restructured? How?
24. Do you think a restructured Nigeria would make the country a better place for all regions of the country? How?
25. Are you bothered that that Nigeria might break up due to the Niger Delta's quest for resource control? Do you feel concerned about such a possibility?
26. What, in your view, does Nigeria as a whole stands to gain from the Niger Delta struggle?
27. In your view, are there any such gains already? Explain.
28. To what extent would you blame the non oil-producing regions for the development problems in the Niger Delta?

APPENDIX E

In-depth Interview Guide—SPDC

As indicated in Chapter Three, key informants from three SPDC departments were interviewed for this study. For purposes of further safeguarding the anonymity of respondents, this interview guide is not organized to show what questions were asked in which departments.

1. How has the company been involved in community development in the oil communities, and how long has this involvement been?
2. What is the size of the community development budget you are working with this year? How is this different from previous year's budget? How sufficient is this budget vis-à-vis the development demands on the ground?
3. How supportive would you say the Nigerian government has been towards community spending?
4. To the best of your knowledge, would you say there has been friction in the relationship between the company and the Nigerian government? To what would you associate such friction, if any?
5. In your experience, would you say community development budgets have always been judiciously spent?
6. In investing in the communities, are there any government-defined benchmarks you try to follow?
7. In its efforts to invest in the communities has the company been constrained in any way by government requirements or regulations?
8. In the company's actual practice, how does community assistance differ from community development? Explain in detail.
9. What are the company's concepts of oil community and how do these concepts influence corporate social investment in the communities? Explain in detail.
10. Do you perceive any effects on the community of your application of such concepts of community? Explain in detail.
11. What type of relationship exists between your company and communities whose oil wells no longer produce?
12. How would you describe the relationship between your company and DPR?
13. Who should provide the lead in community development – oil company or government?
14. How does the company view the demands of the oil communities?
15. Please describe in detail the processes through which the company acquires land for its activities.
16. How are people compensated for land acquired for oil production activities? How are compensation rates determined? Please describe in detail.
17. Why, in the view of the company, is there so much tension in the relationship between this company and its host communities?

APPENDIX F

Letter of Self-Introduction

As mentioned in Chapter Four, instead of applying for a formal police protection, as suggested by some of my hosts in Port Harcourt prior to the commencement of the ethnographic phase of the research, I decided to arm myself at all times in the field with the self-introductory letter below. Although I had already begun the processes of obtaining formal police protection by speaking to the personal assistant to the Rivers State Police Commissioner on the issue, I finally decided that having the letter below (alongside the ones from my University and the Department of Petroleum Resources) on my person at all times in the communities would, in the event of any clash with law enforcement agents, serve to communicate to the appropriate authorities the object of my mission in the communities. This decision was further informed by the fact that I would have had to obtain formal police protection not only in Rivers State, but also in Akwa Ibom and Bayelsa—where the study communities are located. I considered it a cumbersome process given the bureaucratic delays, and the limited time and funds I had for the research.

March 10, 2003

To Whom It May Concern:

Self-Introduction

My name is Wilson Akpan. I am a Ph.D student and Ford Foundation International Fellow at Rhodes University, South Africa.

I am currently in Nigeria to collect data for my doctoral research, and shall be spending several months in the Niger Delta region. My research focuses on community mobilisation activities in the oil producing communities. My study shall take me to some oil producing communities in Rivers, Akwa Ibom and Bayelsa States.

Because of the nature of the data collection techniques I'm using, I might find myself studying a group during a protest march.

In case I am apprehended along with protesters during a police raid, please let this letter serve to inform the appropriate authorities that I am a field researcher and that I am in no way associated with any activities that might be deemed illegal or a threat to public peace.

Thank you.

Wilson Akpan

My Contact Address in Nigeria:

C/o The Director
Centre for Advanced Social Science (CASS)
Moscow Road
Port Harcourt

Or:

C/o Barrister Jerry Edemeka
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