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The Dynamics of Nigeria's Oil and Gas Industry's Environmental Regulation: Revealing/Storying Neglected Voices and Excluded Lives of Environmental Encounters and Affects

Bello, O.

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***The Dynamics of Nigeria's Oil and Gas
Industry's Environmental Regulation:
Revealing/Storying Neglected Voices and Excluded Lives
of Environmental Encounters and Affects***

Olalekan A. Bello

***A thesis submitted in partial fulfilment of the requirements
of the University of Westminster for the degree of Doctor
of Philosophy.***

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Abstract

The complex interaction of politics, power, economics and 'subjectivisation' of the human in natural resource exploration and production has demonstrated their impacts on the environment and ecosystem in anthropogenic and Anthropocenic dimensions. In Nigeria's Niger Delta, these impacts have constantly materialised in the conflicts in the oil communities. This reality underscores the basis for this research's narrative/analytical approach: the need to find a different way of narrating and dealing with the decades-long cataclysmic effects of oil and gas exploration on the people, environment, and ecosystem. The methodological approach adopted, autoethnography, will be justified through the view that within the gamut of qualitative methodology, autoethnography presents the most veritable avenue to reflexively create a forum for sharing with the world, the untold stories, and narratives of the people of the Niger Delta who exist in zones I refer to as zones of 'exclusion'.

From these zones, I engage with the voice of an imagined character, 'O', whose journey's narratives as first order observer, rouse my own memory of a difference between system and environment. The narrative's reality, viewed from systems theory, is a fluctuation between the immersion in, and distance from, the observed, observing, and self-observation, yet with the increasing realisation of the interconnectedness and interaction between man and his natural environment. This folds into an affect that is immanent on the human psyche, particularly in ecological terms. It also results in the search of transcendent justice that will achieve relational and social interaction mechanisms among all stakeholders to minimise and manage environmental incidents that may imply degradation and severe damage to the ecosystem, the socio-economic linkages to the environment, and human health and life.

TABLE OF CONTENTS

Abstract.....	ii
Table of Contents.....	iii
List of Abbreviations.....	viii
Acknowledgments	ix
Declaration	xi
Chapter One: Introductory Matters	
1.0. Introduction to the Study.....	1
1.1. Hydrocarbons as Resources of Life and Death.....	19
1.2. A Brief Comment on the Thesis' Theoretical Framework.....	23
1.3. Research Questions.....	26
1.4. Justification of the Study.....	28
1.5. Thesis Originality.....	35
1.6. Thesis' Intended/Targeted Outcomes.....	39
Chapter Two: Nigeria: Oil, Law, Regulation and Crisis	
2.0. Nigeria- Its Oil and Environment in Focus.....	44
2.1. Hydrocarbons: Politics, Topography and Environmental Impact on Nigeria....	44
2.2. The Review of Nigeria's Environmental Regulation of Hydrocarbons.....	50
2.3. Overview of the Legislative Structure of Nigeria's Hydrocarbons Industry.....	52
2.4. Review of Extant Literature on the Niger Delta Oil Environment.....	57
2.4.1) The Current Perspectives on the Niger Delta Oil Environment.....	58
2.4.1.a.) The Accountability Perspective.....	58
2.4.1.b.) The Conflict Causal Factors and Resolution Perspective.....	59

2.4.1.c.) The Conflict Communications Perspective.....	61
2.4.1.d.) The Political Economy Perspective.....	62
2.4.1.e.) The Remediation Thesis.....	63

Chapter Three: Theoretical/Methodological Tools

3.0. Theoretical and Methodological Overview.....	68
3.1. Foregrounding Theoretical/Methodology: Preliminary Observations.....	69
3.2. Layout of General Methodology.....	85
3.3. Justification of Autoethnography as Methodology.....	88
3.4. Ethical Considerations in Autoethnography.....	97

Chapter Four: Theory/Methodological Tools 1- Luhmann's Systems Theory

4.0. Theoretical Tool 1: Luhmann's Systems Theory.....	104
4.1. Luhmann's Social Systems Theory: An Overview.....	105
4.1.1.) Luhmann's Ecological Communication.....	111
4.1.2.) The Limits of Luhmann's Theory: Eurocentrism v Legal Transplant.....	115
4.1.3.) Network Governance: Teubner v Luhmann's Ecological Communication?.....	120
4.2. Methodological Tool 1: Autoethnography and Second Order Observation Method.....	132
4.2.1.) An Autoethnographer's Second Order Observer Narrative in the Delta....	138
4.2.2.) The Impact of Memory on the Second Order Observer in Autoethnography.....	146
4.3. A Possibility of Ecological Communication?.....	152

Chapter Five: Theoretical/Methodological Tools 2: Deleuze’s Affect and Immanence	
5.0. Deleuze’s Theoretical/Methodological Tools.....	155
5.1. Theoretical Tool 2: Deleuze’s Affect.....	156
5.2. Methodological Tool 2: Deleuze’s Affect and Affective Narrative.....	165
5.3. Affect and the Niger Delta Environmental/Ecological Dynamics.....	171
5.4. Autoethnography of Life and Death: Affect in the Delta.....	174
5.5. The Impact of Memory on the Affective Narrator in Autoethnography.....	181

Chapter Six: Theoretical/Methodological Tools 3- Foucault’s Biopower

6.0. Theoretical/Methodological Tools 3- Foucault’s Biopower.....	185
6.1. Theoretical Tool 3: Foucault’s Biopower and the Environment.....	185
6.2. Methodological Tool 3: Biopower and Content/Textual Analysis.....	190
6.2.1. Biopower- Content/Textual Analysis of the Niger Delta.....	195
6.2.1.a.) Ken Saro-Wiwa’s <i>Genocide in Nigeria: the Ogoni Tragedy</i>	199
6.2.1.b.) The UNEP: Environmental Assessment of Ogoniland.....	203
6.2.1.c.) Helon Habila’s <i>Oil on Water</i>	205
6.2.1.d.) Shell’s Spill Response, Prevention and Sustainability Report 2017.....	207
6.2.1.f.) NOSDRA’s Oil Spill Recovery, Clean-up, Remediation and Damage Assessment.....	210
6.3. The Impact of Memory on Content/Textual Analysis in Autoethnography.....	214
6.4. Foucault’s ‘Ecogovernmentality’ in the Niger Delta.....	218
6.4.1. Relational Entrepreneurship.....	219
6.4.2. Relationality of Power.....	222

Chapter Seven: Hydrocarbons in Nigeria: Power, Knowledge, Subjectivity and Control

7.0. The Nature of Power and Subjectivity: Foucault, Luhmann And Deleuzian Thinking.....	225
7.1 Changing Life Through Oil: The Nature of Power.....	226
7.1.1. Changing Life Through Oil: The Effect of Power.....	232
7.1.2. Changing Life Through Oil in the Delta: The Knowledge and Subjectivity....	235
7.2. The Biopolitical, System/Autopoietic and Affect Turn in Power in the Niger Delta.....	241
7.2.1. Biopolitics: The Biocapital and facts of life in the Oil Creek.....	248
7.2.2. System/Autopoiesis: Incongruence of Power in the Oil Environment.....	252
7.2.3. Changing life to Subject: The Affect Turn in Power in the Niger Delta Oil Creek.....	258
7.3. The Epistemologies of Life in the Niger Delta: The Effect of Corruption.....	264

Chapter Eight: Concluding Thoughts

8.0. Concluding Thoughts.....	286
8.1. Luhmann's Trust Principle: Putative distinctions for Justice as a Psychosocial System of Humanity.....	291
8.2. Making Affect in the Delta Storyworld.....	294
8.3. Beyond the Buck-passing and Blame Game: Avenues for Achieving Ecogovernmentality.....	297
8.4. In search for Measures of Transcendent Justice.....	300

Chapter Nine: Epilogue on the Delta

9.0. An Epilogue on the Delta.....	303
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9.1. Yearning for Access.....304
9.2. A Dance with the Ancestors.....305

BIBLIOGRAPHY

Books.....310
Articles in Books.....316
Journal Articles.....325
Official/NGO Publications.....340
Research Papers/Publications.....341
Newspapers and Magazines.....343
Lectures/Paper Presentations.....343
PhD Theses.....344

List of Abbreviations

- **AI**- Amnesty International
- **AGIP**- Azienda Generale Italiana Petroli (General Italian Oil Company)
- **CDC**- Community Development Committees (Niger Dela Communities)
- **DPR**- Department of Petroleum Resources (Nigeria)
- **EGASPIN**- Environmental Guidelines and Standards for the Petroleum Industries in Nigeria
- **EIA**- Environmental Impact Assessments
- **ERA**- Environmental Rights Action
- **FEPA**- Federal Environmental Protection Agency
- **FME**- Federal Ministry of Environment
- **HYDREP**- Hydrocarbon Pollution Remediation Project
- **JIV**- Joint Investigation Visit
- **NDDC**- Niger Delta Development Corporation
- **NGO**- Non-Governmental Organisations
- **NNPC**- Nigerian National Petroleum Corporation
- **NOSDRA**- National Oil Spill Detection Response Agency
- **NYSC**- National Youth Service Corps (Nigeria)
- **OMPADEC** - Oil Mineral Producing Area Development Commission
- **ROI**- Return on Investment
- **SPDC**- Shell Petroleum Development Company
- **UNDP**- United Nations Development Programme
- **UNEP**- United Nations Environmental Programme

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Declaration

This thesis is submitted to the Westminster Law School, University of Westminster, in partial fulfilment of the requirements for the degree Doctor of Philosophy. I declare that all the material contained in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the work.

Signed: OBellii

Dated: 28 April 2021

CHAPTER ONE

1.0) Introduction to the Study

What is more important is not only the writer's honesty and faithfulness in capturing and reflecting the struggles around him, but also his attitude to those big social and political issues...the worldview embodied in his work... (the) imaginative leap to grasp reality...aimed at helping in the community's struggle for a certain quality of life free from all parasitic exploitative relations...¹

The insight and arguably the rationale for Thiong'O's assertion reflected above is that, as a rule, the researcher is trained to avoid getting entangled in self-driven perspectives or being subjective during his/her research endeavour.² Despite this, it is equally an inevitable reality that research is an extension of researchers' lives. This makes such rule against subjectivity a nearly impossible task because there is an intricate connection between the researcher's self-personal interest, experience, and familiarity and scholarship.³ It is these nuanced connection and interactions between the researcher and his/her study that account for my adoption of autoethnography as phenomenological research approach⁴ to re-present the Niger Delta story. From the univocal narrative of the fictional character I have created, 'O', I invite the reader to

¹ Thiong'O, N.w., (1981) *Writers in Politics*, London: Heinemann, pp74–75

² Ngunjiri F.W., Hernandez K-A.C., & Chang H., (2010) "Living Autoethnography: Connecting Life and Research [Editorial]", *Journal of Research Practice*, 6(1), Article E1, p1

³ Id

⁴ See generally, Pitard J., (2016) "Using Vignettes within Autoethnography to Explore Layers of Cross-Cultural Awareness as a Teacher", 17(1), *Forum: Qualitative Social Research*, Art. 11

engage with a journey into story of the Nigerian oil environment, floating between O's primary narrative and the stream of his consciousness.

By using vignettes to recalibrate my memory and place myself at the centre of the Niger Delta socio-cultural and environmental milieu, I am also exploring the impact such narrative has on me as researcher. My choice of a fictional narrative to retell the Niger Delta environmental degradation story is therefore based on my aim to achieve "multiplicities" or "deterritorialization" of the discourse, taking inspiration from Deleuze and Guattari. This will be achieved through writing that presents on a plane of exteriority, the lived experiences, historical determinations, and social formations⁵ of the indigenous communities of the Delta, beyond the established strict and formal research dynamics with its ethical dimensions.

My awareness of the ethical challenges of narrating the lived experiences of Niger Delta indigenes is what has culminated in the adoption of strong fictional characters such as O to engage the narrative. By not specifically referring to identifiable personalities, I am able to, as Knight seminally guides us through this imaginative process and stylistic approach, create an understanding of the indigenes' points of view, thoughts, and feelings⁶, and thus attempting to generate empathy for them. This is made possible through narrative writing's purpose of attempting to highlight the

⁵ See particularly, Deleuze G., & Guattari F., (1987) *A Thousand Plateaus: Capitalism and Schizophrenia* (Translated by B. Massumi), Minneapolis: University of Minnesota Press, p9; the writing of these lived experiences, historical determinations, and social formations Deleuze and Guattari talk about as "a broken chain of affects and variable speeds, with accelerations and transformations, always in a relation with the outside lived events, historical determinations, concepts, individuals, groups, social formations."

⁶ Knight A., (2011) "Research Methodologies Employed by Writers of Fiction", Ethical Imaginations: Refereed Conference Papers of the 16th Annual AAWP Conference, 2011, p6.

understanding of the human psyche.⁷ This way, my approach, taken from the Knight and Brophy perspectives, rests on using literature's fictional writing to make the reader have a different understanding of the hitherto undiscussed perspectives and experiences of the people of the Niger Delta.

Thus, as we shall see throughout this research work, in O's narrative's setting in the Niger Delta revealing the undiscussed perspectives and experiences, numerous untold incidents of environmental damage and degradation have rendered life in the Delta almost meaningless. The narrative comes from the voices of the neglected who live a 'cramped and choked' life. This makes it imperative for the writing of such scale to be creative, fluid, and spontaneous given that the normal human perception and opinion are solid, geometric.⁸ I find creativity in this context, connecting between impossibilities which make way for inventiveness in choked passages for the creator. This is because without a set of impossibilities, the writer cannot locate his or herself in a position of power of falsity that is truth.⁹

This approach also offers me a possibility, through inventiveness of thought, meaning, methodology, and form¹⁰, to unpack the complexities surrounding the exploration of Niger Delta's hydrocarbons resources. In these dynamics, I perceive the state, oil multinationals, community governance groups, militants, and other stakeholders jostling for the corporeal and economic control of the resource. This jostling takes

⁷ Brophy K., (1998) *Creativity: Psychoanalysis, Surrealism and Creative Writing*, Carlton, VIC, Australia: Melbourne University Press, p59. For this, Brophy opines that literature has been helpful in aiding Psychoanalysis to have a deeper understanding of the human psyche in the process of announcing itself as the new, scientifically reliable authority on the human psyche. This view is also cited by Anneli Knight above.

⁸ Deleuze G., (1995) *Negotiations*, New York, NY: Columbia University Press, p133

⁹ Id

¹⁰ Bridges-Rhoads S., (2015) "Writing Paralysis in (Post) Qualitative Research", *Qualitative Inquiry*, 21(8), p705.

place, however, at the expense of human and environmental health, as well as the ecosystem. This has manifested, on the one hand, in an inevitable outcome- the failure of the law to achieve a genuine regulatory system in the Nigerian oil and gas industry. On the other hand, it has exposed the perils of the abandonment of the intricately connected human, environment and ecosystem trilogy, and the vulnerability of the ecosystem. These realities place the Niger Delta environment in a plurality of sites and modes of lively materiality that eschew the notion of a stable subject-object split. In this split, we see the exercise of the ‘human’ rational agency at work, relegating the Delta environment to a “passive backdrop” where oil extraction is the only real action that matters¹¹, to put it in Gear’s context.

To unpack this flux in the human/environment relationship into the Niger Delta environment therefore, I argue that it becomes imperative to make environmental law and regulation free from being locked down in a juridical future in linear terms.¹² Achieving this will also enable environmental law to become more responsive to a shifting situation in the context of its own nature and institutional dynamics¹³ as those in the Niger Delta exemplify. And through O’s narrative, presented via vignettes, I locate myself as a researcher within the Delta society’s social context. In the process of exploring my positionality, there is room for me to take a step back to carefully self-monitor the impact of any traces of the biases, beliefs, and personal experiences¹⁴ that may infiltrate into the phenomenon being investigated. This equally allows the

¹¹ Gear A., (2017) “Foregrounding Vulnerability: Materiality’s Porous Affectability as a Methodological Platform”, in A. Philippopoulos-Mihalopoulos and V. Brooks (Eds.) *Research Methods in Environmental Law: A Handbook*, Cheltenham: Edward Elgar Publishing Limited, p25; adopting Fineman’s concept of vulnerability, Gear (p11) engages questions of material relations and to relativities of resilience mediated by institutions which are to bear the responsibility of even-handedness towards a political community of universally vulnerable – but unevenly situated, that is, subjects.

¹² Id

¹³ Id

¹⁴ Pitard J., (2016), note 4, p1.

reader to engage with O's narrative through the revelation of the kinds of awareness and experiences that might otherwise remain concealed.¹⁵ It starts this way:

VIGNETTE 1: Sunday August 3, 2003- (Lagos) Daydream/Reverie (The Quest for Riches)

9:30pm August 3, 2003:

At the motor park where he is to take a luxury bus to Port-Harcourt in Rivers State in the Niger Delta region in Nigeria, O is overcome with a tingling excitement. He is making his first trip to the South/South, a zone famed with fresh fish pepper soup joints, sprawling gardens and tarred roads. (In his head, he debates how he is going to spend the next one week after his assessment- *I will paint the town red, with the job to come, I will be made for life...hmmm, oil money...*) To him, the ticket to the "good life" has been handed to him as the oil boom is still well and truly alive in Nigeria. Soon, he would become the envy of his friends, contemporaries, and family members alike!

An impressionable young man, O is obsessed with living in prosperity. After receiving the notification from Shell Petroleum Development Company (SPDC), the oil giants operating in Port-Harcourt and Ogoniland, to come to write an assessment as a Community Liaison Officer for the company, he is riveted by how much will go to his bank account each month. To be an employee of a big oil company, his life will never be the same again! On this night of his trip to the oil-rich region

¹⁵ Id

of Nigeria, he ensures he has packed in his luggage, all the necessary documents stipulated in the letter- his BA degree and national youth service (NYSC) certificates, without which he will not be allowed to write the assessment. But as he sits on the bus, he becomes restless; he wishes they were already on the move as the journey takes at least eight hours, barring any unforeseen emergency on the way. He does not want to arrive at Port-Harcourt and get stranded as the man to house him, Jay, a friend of his father's may have left for work.

11:00pm: O's restlessness is at an end. The last three passengers expected eventually arrive and the bus is prepared for departure. As the driver of 'Young Shall Grow' bus (name of the transport operator) departs from the garage, O starts humming to himself in anticipated joy and happiness to come. By 12 midnight, when the bus arrives in Benin City, he is drifting in and out of sleep.

6:05am Monday August 4, 2003 (Port-Harcourt):

With the city of Port-Harcourt on the horizon, with excitement and anticipation, O becomes restless. He feels he is getting nearer and closer to the dream, to the liquid gold called oil. He cannot wait to set his eyes on the beautiful coastal city. However, what confronts O on his arrival on the outskirts of Port-Harcourt, he is not prepared for. The billowing of heavy smoke in the air, gigantic fires raging in the air, the waterways along the road unusually coloured and shiny black, are something like what sociologists would call 'culture shock'. Despite not

exactly being pristine, the environment in the South West, from where he has travelled, is not chemically charged as the one he is now seeing in the Niger Delta's South-South (as the colloquialism goes in Nigeria). He has always imagined that the city where most oil corporates situate their headquarters would be of splendour, well-laid gardens, beautiful scenery, and a well-organised social life.

On arrival at his host (later to be his most crucial link with the Ijaw communities), Jay's house, he has become more restless, this time disturbed and disoriented by the shocking sights that have confronted him. The voice in his head keeps denying the reality of life in an oil city (*this cannot be true; what I have been told and shown on the television and read in the newspapers is that money and wealth flows around in the oil-producing states, that the cities and towns are beautiful. But what I am seeing is just a complete mess. No wonder the Ogonis keep fighting and will rather die than have the oil companies remain on their land!*)

Observing O's puzzled look and near-physical disorientation, Jay asks O, why the glumness and melancholy in his outlook? O's only response is that his vision of the environment is in stark difference to that which he is now seeing. Jay understands his plight straightaway. He is used to seeing people coming to the 'garden city' of Port-Harcourt in high spirits and full of hope and expectations only to be thoroughly disappointed.

However, Jay assures him that there would be a change in O's perception once he arrives at the test centre at the Shell's office in the city centre. And once he secures the appointment for which he has come to write the assessment, he will just go with the flow as many have done. The luxury and security offered by the job with Shell make the sights of oil pollution, gas flaring, toxic smoke in the air, the palpable poverty and the restlessness of the youth and the militants forgotten. O's look in response to Jay's admonition is more of astonishment and anger, not with Jay, but with the fatalistic acceptance by the average resident of the city, of life lived in health hazards, short lifespan and a hopeless wait for government or state intervention.

8:45am Tuesday August 5, 2003 (Shell's Corporate Headquarters, Port-Harcourt):

True to Jay's words, the lush environment of the Shell offices is insulated from the environmental miasma that has confronted O since his arrival a day earlier. On his arrival, he is greeted by a well-dressed staff, ushered into the waiting area, and offered breakfast and coffee. The rooms were a bit chilly for O because he is not used to the air conditioning system fitted into the offices (the voice in his head takes over again- am I dreaming? Is this place not a part of the Port-Harcourt I came to yesterday? Is it not the activities of this company I am writing an assessment with that bring both the wealth and devastation I have seen so far? What a paradox here!

As the group was given the assessment papers, O is already in two minds. Even as he writes the assessment, he is wandering in his thought flow: *so, this is all a façade, all the money, abundance that will come with the job all at the expense of the average person in the street? Well, it looks like the case of 'if cannot beat them, you join them'; but me, join in the destruction of people's livelihood? I don't think I'm up for this, or am I?* By the time the assessment is declared over, O is not sure if he had done more than 60% of the questions. But by this time, he does not care anymore as his new experience is quickly brewing inside him, a detachment from this type of 'dirty' wealth: the hell with it, he says to himself. I'd rather stay poor than being a part of the dirty money earners from crude oil.

On his way back from the assessment, he further notices that the streets of Port-Harcourt are filled with hungry-looking young men, and women (old and young) engaging in petty trades by the roadside and in the street corners. In the stream of his consciousness, O says, *but this is meant to be the oil city where everyone is meant to live comfortably, where the air will be clean, where oil wealth is expected to reflect on everyone, young and old. Why is it that the opposite is the case?*

It is easy to understand O's frustration and disillusionment as he narrates through the stream of his consciousness. Yet, it is also arguably apparent that he has always been naïve to believe that oil wealth is a harbinger of happiness, contentment, and good life. And as O is certain to soon discover, oil exploration, despite the limitless wealth it

brings, also connects closely with the refrains of “oil curse” and “resource wars”¹⁶, which became rife in the Delta after the extra-judicial killing of Ken Saro-Wiwa and his eight associates in Ogoniland.

From the perspective of the crucial relationship between neoliberal policy, resource extraction, and state power¹⁷, particularly in developing oil provinces, what constantly transpires are issues of poor governance, political instability, and low levels of social and economic development.¹⁸ When situated within the Nigeria’s oil and gas industry’s narrative of a resource curse state, the reality of corruption and powerplay in the process of sharing the national oil revenue¹⁹ looms large. On reportedly large scales, the syphoning of oil revenue with impunity has allowed different partakers in the corrupt exercise to overlook their accountability to the general population. This makes no difference, even if it results in frequent civil unrest and militancy which undermine the establishment of strong political and economic institutions²⁰ in the country.

VIGNETTE 2: 2:30pm Tuesday August 5, 2003- *Rumuokwuta- Post-assessment*

Disillusionment:

Upon his return from the assessment, Jay sits with O, after much prodding and persuasion, to narrate to him how the average inhabitant of the region copes with the oil-ravaged and smoke-charged environment. His story is even more startling and unsettling, because as

¹⁶ See generally, Rexler J. (2010) “Beyond the Oil Curse: Shell, State Power, and Environmental Regulation in the Niger Delta”, *Stanford Journal of International Relations*, XII(1), pp26-31

¹⁷ Rexler takes this view from James Ferguson’s paper, Ferguson J., (2005) “Seeing Like an Oil Company: Space, Security, and Global Capital in Neoliberal Africa”, *American Anthropologist*, 107(3), pp379-382.

¹⁸ Rexler J. (2010), note 16, p27.

¹⁹ Id

²⁰ Id

he claims, life in Niger Delta cities such as Port-Harcourt is like paradise, compared to what obtains in the creeks and riverine communities where much of the oil is explored. As Jay narrates to him,

The oil companies, particularly Shell go into the Ijaw and other communities where they find oil, and then promise them all good things of life. They never say how dangerous it is when oil spills into the sea that makes the life of the people turn into hell. But soon, people found that the farmlands started getting darkened with spilled crude oil, the crops dying out, and fishes from the river washing up to the land dead. And to make matters worse, people started developing diseases never heard of before in our land. The Ogoni crisis should tell you why people now desire to chase the oil companies out of the land before they kill everybody with the oil.

With this new angle becoming clear to O, he persuades Jay to take him to those other creek villages in Ijaw land, which he earlier revealed to him, enjoy little or no media, scholastic or institutional coverage currently enjoyed by Ogoniland. Relying on Jay being an Ijaw indigene himself, O believes he will be enabled to see first-hand, and partake in, the lived experiences of the people of an average oil-producing community. The reality of the situation has so suddenly struck O that he now cares little about the outcome of the assessment he had gone to write earlier. The

environmentalist in him comes alive, although not on the scale or proportions of the Saro-Wiwas or the burgeoning militants; rather, he wants to be able to tell the tales of the Ijaw displacement, exclusion, rejection, sacrifice, and abandonment via a medium of rationality, enlightenment, and education.

Therefore, his stream of consciousness resurfaces, making many questions to start coursing through his mind, *why is it that the voices being heard in the crisis are those of the state, oil companies, and 'enlightened' stakeholders, and the so-called Community Development Committees? Why are the vulnerable women, the farmers, the fishermen, and the neglected youth that fill the streets absent in the deliberations about the degraded environment as their narrative would better highlight the state of their environment?*

I liken the questions preoccupying O's mind about the Niger Delta above to issues arising in communities that have been referred to both as "absent communities"²¹, and "zones of exclusion".²² In socio-ecological terms, when perceived as "absent communities", the oil communities of the Niger Delta can be taken as those suffering from their inability to deal confront their segregation, exclusion as being different.²³ This, as O's narrative suggests, takes the Deltans on a course of palpable nostalgia, and feelings of loss in their communities, of their values and spirituality. They also lose

²¹ On this, see Philippopoulos-Mihalopoulos A., (2007) *Absent Environments: Theorising Environmental Law and the City*, Routledge-Cavendish

²² See generally, Kuletz V.L., (1998) *The Tainted Desert: Environmental Ruin in the American West*, Routledge

²³ Philippopoulos-Mihalopoulos A., (2007) note21, p147

their embeddedness with nature as they are constantly displaced from their ancestral roots when oil exploration fields expand. These feelings are those of losing something and therefore being lost, experienced in the domains of state power, politics, science, law.²⁴ However, in economic terms, for the communities, the most significant losses are those of their livelihood and ecosystem, with the sorrow of return pushing the communities to return, yet living in the palpable fear of returning.²⁵

When argued from their location in the “zones of exclusion”, I take the view that the indigenes of the Niger Delta region have been made to become the battering ram of the political, economic, and environmental decisions through instruments of exclusion in the so-called ‘national interest’. This ‘national interest’ has created a landscape of not only economic deprivation, health risks and hazards; it has also culminated in the devastation and eutrophication of the region’s coastal waters and ecosystem. In justifying my claim here, I adopt the narrative historical mapping strategies and the testimony of marginalised actors²⁶ to highlight O’s accounts of the Niger Delta as zones of exclusion. In these zones, the countless oil spillage sites, and the contamination caused, help to bring to the attention of the reader, the institutions and practices that serve to “legitimate” the “forces contributing to the creation of such ‘zones of sacrifice’.”²⁷ What is targeted for the reader to find from O’s narrative, is the possibility of people’s understanding the natural world and their relationship to it and contribute to “the ways in which they attempt to resolve environmental crisis.”²⁸

²⁴ Id, p155

²⁵ Id

²⁶ Kuletz V.L., (1998), note 22, P xv

²⁷ Id

²⁸ Id P xvii

From their first-hand experiences of their displacement, pollution, and environmental damage, it becomes discernible that the indigenes of the Delta's absent environment and zones of exclusion constantly seek to deal with their perception of dispossession and marginalisation.²⁹ In most cases, the communities which have been subjected to displacement in the Delta have mostly been those hosting oil installations and are constantly prone to violence over territorial control in the quest for oil-associated payments, and those election-related conflicts over political boundaries³⁰, as Zalik found in the Chevron and Shell evacuation programmes.

VIGNETTE 3: Wednesday August 6, 2003- 10:00am- Thursday August 7, 2003:

Rumuokoro, Port-Harcourt, en route to Gbaramotu Community Ijaw Land:

At the jetty in Rumuokoro to take the boat ride to Gbaramotu, O is puzzled to find that they can only travel by boat, and most of those he sees are rickety and battered. They are exclusively operated by individuals as their own means of livelihood and survival. He engages with the voice in his head again: *does it mean that there is no other means of transportation to the creeks? And why does it appear that the collection of the boat transport providers here are private individuals and organisations, without any visible input from the government? And I am to spend days in the place I am heading to?* He bares his mind to Jay who laughs almost hysterically. In his response, Jay says almost condescendingly:

²⁹ Id, Pxviii

³⁰ Zalik A., (2009) "Zones of Exclusion: Offshore Extraction, the Contestation of Space and Physical Displacement in the Nigerian Delta and the Mexican Gulf", *Antipode*, 41(3), p558 DOI: 10.1111/j.1467-8330.2009.00687.x

Lagos city boy, this is the Niger Delta where we do everything our own way. We have long accepted that the government cannot help us with the provision of the infrastructure that are provided in the big cities in the South West and North where the money from our oil, our resource, our life, our blood is being spent lavishly by those who have never been here to see how we have been abandoned. So, if you really want to see the real Niger Delta, this is your only means of travel. All is well.

And so, O jumps on the boat with Jay and arrives at this small community. What first strikes him is that apart from fishing boats, nets and baskets, there appears to be nothing else the indigenes rely on for their livelihood. This shows that the Ijaw are mostly farmers, anglers (fishermen in Ijaw culture), and petty traders. These activities, as he later finds out, have been the life of the community long before the oil companies started encroaching on their land in the search for crude oil. They have served the communities long before the discovery of oil made the government and the oil companies to push them further into the inner parts of the creek, while the oil companies started drilling into the water that serves the community in terms of drinking, washing, and doing all domestic work.

Yet to O's chagrin, the mangroves on waterways on the Atlantic Ocean were clogged with residue of crude oil that has apparently spilled on

many occasions into the sea. Yet, all around the edges of the jetty and landing of the village, crude oil residues waft on the water making the water surface black, the fishermen's canoes and the paddles glowing with the oil. As he battles with his inner voice, O reasons: *if these communities rely almost solely on the water for their livelihood, surely with oil spillage on this scale, these people have no life, or do they?*

In the narrative above, I present O as the first order observer whose dilemma engages my memory as both an autoethnographic researcher and second order observer observing O. Through this, I can make distinctions and give names to the experiences of the communities whose stories are being analysed. This helps to give validity to O's first order observations³¹ through subjective impressions from outside, rather from the inside of the lived experience of Niger Delta's local communities as O's narrative communications will reveal. What then constitutes the second order observation? From the constructivist perspective, it is the perception of what others say or do not say, a description of descriptions.³² Each observation operates within its own network, with each observer observing "the same thing" and making true or false statements.³³

One important aspect of the whole method is the act of observing myself through observing O in the act of observation. This is what Luhmann refers to as the observed observer guaranteeing the reality of his observing. By this I mean allowing a further observation by asking myself series of questions and gaining the power to construct

³¹ See Costa A.L., (2020) "Possibilities of Empirical Research with Luhmann's Systems Theory", in Marco Antonio Loschiavo Leme de Barros; Lucas Fucci Amato; Gabriel Ferreira da Fonseca (eds.) *World Society's Law: Rethinking Systems Theory and Socio-legal Studies*, Porto Alegre, RS: Editora Fi, p170

³² Luhmann N., (2013) *Theory of Society, Vol. 2*, Stanford: Stanford University Press, p100

³³ Luhmann N., (1993) "Deconstruction as Second-Order Observing", *New Literary History*, 24(4), p764.

the reality of what O, the first order observer, and I, as the second order observer take from O. This allows me to historicise and bring to the reader's attention, the nature, extent, and impact of the degradation of the Niger Delta environment. This shows in this context that from the system theory's approach, the function of memory is dual. On the one hand, memory links between the past and present through the processual ability of the system to reconstruct its past behaviour in the present.³⁴ On the other hand, memory provides a vital link between the present and the future through expectations of unperturbed repetition unless something else occurs that would interrupt those expectations.³⁵ Both apply to the Niger Delta with the relentless degradation of the environment for over sixty years being the expectation of unperturbed repetition of daily lived experiences.

VIGNETTE 4: August 8-12, 2003: *Gbaramotu Community- Living and Experiencing the Ijaw Life:*

Throughout the five days O spends in Gbaramotu, he notices that the Ijaw live a unique pattern of life, ranging from the hardworking to the carefree lifestyle among the old and young, men and women. Each morning, the young men follow their father to the jetty to navigate their makeshift boats and canoes to fish from the sea. It remains to be seen if at all there is any left as the oil spillages have literally wiped out the marine life; yet these determined men still sail as many as fifty nautical miles to find fish, even at the risk of life because the tides are unusually high after fifteen nautical miles, as Jay explains to him. This shows the

³⁴ Philippopoulos-Mihalopoulos A., (2007), note 21, p192.

³⁵ Id

stubborn and unyielding spirit of the Ijaw, even in the face of their environmental crisis.

As for the women, you cannot tell the difference in their expertise of boat navigation. They are the ones to go to the farms to till the land and cook for the family on the men's return from their often-perilous journeys. By 1pm, usually, the community centre becomes lively with those without anything to do sitting round tables to drink the local gin (*kainkain*) and discuss the previous night's activities of the soldiers and the ships berthing to load their massive tanks with crude oil.

For three consecutive nights, O notices massive ships berthed by the wellheads loading crude oil noisily till daybreak. These ships, as O is made to understand, are heavily guarded by the Nigerian army, paid by the oil companies to protect them. It is also needless to say that these activities by the oil-loading ships, and the military patrols disrupt the night and life of the Ijaw in untold ways. This puzzles O to the point of asking in his head, *if this is the average life these poor people live, surely, they cannot live that long, or can they? No wonder the mortality rate is as high as the Newspapers keep reporting!*

Memory lies at the core of learning from our experiences. It allows for a causal link between being and becoming, between what has happened in the past and how it is

remembered in the present.³⁶ Both the past and present indicating what we learn from our experiences, the effect on me as a researcher is the reality of a tangible gap in the existing scholarship on the Niger Delta environmental regulatory framework, dilemma, and crisis. This lacuna is the non-existence of the voice of the communities' dwellers and a narration of their daily-lived experiences. Instead, the most dominant feature of existing literature is the focus on the roles of the state, oil corporates, and the resistance movements in the management of the petrodollar economy at the expense of the environment from where the riches are derived.

1.1) Hydrocarbons as Resources of Life and Death

Whilst petroleum remains the most indispensable source of energy in today's global economy, in most developing hydrocarbons provinces, the economic approach to the resource overshadows the attention being paid to the ecological and environmental consequences it brings. In these emerging economies, the power and impact of hydrocarbons and petrodollar socially, politically, economically, and most significant, environmentally, is inestimable. This is more so because of the intrinsic connection between human livelihood and fossil fuels.³⁷ In Nigeria's case, what has been topical in the last three decades includes on the one hand, the daily encounters with gas flaring and oil spillages, and the absence of amenities and infrastructure to ameliorate their deleterious impacts. On the other hand, the spectre of youth militancy and 'gangsterism' has been profound. In addition to these, the kidnapping, hostage taking (now called environmental terrorism by the security agents), state violence, and repression as well as intractable violent inter-communal conflicts, have been common.

³⁶ Id; this is what Philippopoulos-Mihalopoulos refers to as the bridge between cognitive openness and operational closure.

³⁷ Bridge, G., and Le Billon, P. (2013) *Oil*, John Wiley & Sons, pp10-11

What I process from these, in conjunction with O's narrative so far, is that Nigeria's oil and gas industry's environmental regulation crisis is steadily tilting toward a dangerous, 'poromechanical zone'. This is likely to emerge into its economy, geopolitics, and culture through a mocking "Divine chronological time with the utmost irony and obscenity."³⁸ From this, I perceive oil as an all-conquering machine, not just for the Nigerian state but also for the capitalist world. It is a resource, yet autonomous chemical weapon capable of poisoning Capital with "absolute madness"³⁹ in the context of Negarestani's esoteric observation. Oil has also been likened to a pandemic, constituting a planetary plague using the technological singularities of advanced civilizations to bleed into economies.⁴⁰

Judging by O's close encounters with some of the oil communities in the Niger Delta, clear existential questions are being asked about the communities' daily life because of the wanton degradation of their land, water and ecosystem. However, for the state, the trillions of the petrodollar to prosecute governance is most important; while the oil multinationals jostle to take advantage of the resource to feed corporate greed. Yet, in the same breath, community leaders and other stakeholders who are exposed to the associated corruption, abandon the voiceless ordinary citizens, the subalterns, to their hopeless, unmitigated fate in devastated environments. To clarify this, I adopt the subaltern and its theoretical framework from Spivak's narratives of cultural self-representation through which people and communities construct their cultural

³⁸ Negarestani R., (2008) *Cyclonopedia: Complicity with Anonymous Materials*, Melbourne: re.press, p58

³⁹ Id, p16

⁴⁰ Id; for this, Negarestani presents oil as an autonomous terrestrial conspirator, with capitalism not a human symptom but rather a "planetary inevitability."

identity.⁴¹ The theory of the subaltern, to briefly point out, focuses on the need for a change within the narratives of the modes of production, and the transition from feudalism to capitalism⁴², as will be discussed in detail later.

O's narrative of the epicentre of the oil exploration and environmental degradation has had an impact on me as a reflexive autoethnographer. This impact is the quest and yearning for new ways of understanding or establishing knowledge of the stakeholders and regulatory ambit of the Nigerian oil and gas environment. These include the oil fields, the Niger Delta landscape, the Atlantic Ocean straddling the region, indigenous communities, oil corporations, and the state. This serves as my motivation to get the reader to perceive Niger Delta life differently from the ways it is currently being represented. The narrative, focusing on the real lived experiences of the inhabitants of creek communities strewn all over the Delta, I argue, should bring to global attention, the indigenes' wanting, denial, existence, and survival. This is despite being immensely blessed (or is it cursed?) with vast deposits of oil and gas reserves in their coastal waters and land.

The lived experiences I set out to narrate are situated within Spivak's subaltern who exist on the periphery of the society and have been visited with 'epistemic violence' through state power. As I see the Niger Delta subaltern through O's narrative, they come within the parameters of the identities and counter-histories of the voiceless and disenfranchised.⁴³ Their narrative highlights their historical social values and the

⁴¹ Spivak G.C. (1999) *A Critique of Postcolonial Reason: Toward a History of the Vanishing Present*, Harvard University Press, pp6-7

⁴² Spivak G.C., (1987) *In Other Worlds: Essays in Cultural Politics*, with a preface by Colin MacCabe, New York: Methuen

⁴³ Ireland C., (2004) *The Subaltern Appeal to Experience: Self-Identity, Late Modernity, and the Politics of Immediacy*, McGill-Queen's University Press, p4

contexts of reference with no theoretical limit to re-narration.⁴⁴ This is because as citizens on the one hand, Niger Deltans are forced to reconstruct their history in order to reassert their legitimacy as part of the wider Nigerian society. On the other hand, as advocates and partisans, they are forced into the contestations and factions among other citizens to write their histories⁴⁵ of acceptance, then exclusion.

As we shall see, the current Niger Delta narrative has mainly been told from the lens of the power players in the constant battle for the control of the country's hydrocarbons resources. These players, the state, oil corporates, the so-called community stakeholders (Community Development Committees or CDC), and the militants, are those who feed fat from the enterprise. However, the voiceless of the communities (the illiterate farmers and fishermen, the uneducated youth, the women, the vulnerable, and the aged) are nowhere to be found in the entire narrative. This is what engages their reference as the subaltern of the contemporary Nigerian state and society. By being the subaltern of the state, I present to the reader, the voiceless of the Niger Delta communities via the Spivakian concept of citizens who display a negative, peculiar, and troubling quality with their inherent status as non-subjects or non-agents.⁴⁶ Not only are they non-subjects or non-agents; the subalterns of the Niger Delta also appear to be the 'aporia' existing paradoxically in a non-place⁴⁷ within their own community.

⁴⁴ Pocock J.G.A. (1998) "The Politics of History: The Subaltern and the Subversive", *Journal of Political Philosophy*, 6, p219

⁴⁵ Id

⁴⁶ de Jong S., & Mascot M.H.J., (2016) "Relocating Subalternity: Scattered Speculations on the Conundrum of a Concept", *Cultural Studies*, 30, 5, p718

⁴⁷ Morton S., (2011) "Subalternity and Aesthetic Education in the Thought of Gayatri Chakravotry Spivak", *Parallax*, 17(3), p75

1.2) A Brief Comment on the Thesis' Theoretical Framework

There is a myriad of questions O's narrative engages, which in turn inform the research questions I intend to find appropriate answers to. To achieve this purpose, I decided to engage with a multiplicity of sociolegal thinkers to ground my theoretical framework. This multiplicity, situated within the concept of 'assemblage', seeks to account for multiplicity and change or becoming.⁴⁸ In this context, I use my chosen theories- Luhmann's systems theory, Deleuze's affect, and Foucault's biopolitics- as an assemblage to aid in establishing that there are many dynamics constituting the state of things in the Niger Delta which defy unities or totalities.⁴⁹

Underpinning Luhmann's systems theory are the notions of communication, system/environment distinction, autopoiesis, and reflexivity, among others. However, of most relevance for my research are the notions of communication and system/environment distinction through which we can establish that objects maintain the difference between themselves and their environment.⁵⁰ The system and environment are locked in an asymmetrical relationship because only the system operates through its own operations which constitutes its own environment.⁵¹ We see

⁴⁸ Coleman R., and Ringrose J., (2013) "Introduction: Deleuze and Research Methodologies", in Rebecca Coleman and Jessica Ringrose (Eds.) *Deleuze and Research Methodologies*, Edinburgh University, Press, p5

⁴⁹ Deleuze, G. and Parnet C., (2002), *Dialogues II*, trans. H. Tomlinson and B. Habberjam, London: Continuum, vii; for this we can engage with Deleuze's rationalisation of Spinozan 'Nature' as follows: "one Nature for all individuals, a Nature that is itself an individual varying in an infinite number of ways. What is involved is no longer the affirmation of a single substance, but rather the laying out of a common plane of immanence on which all bodies, all minds, and all individuals are situated"- see Deleuze G., (1988) *Spinoza: Practical Philosophy*, San Francisco: City Lights Books, p122

⁵⁰ Luhmann N., (1995) *Social Systems*, J. Bednarz, Jr. and D. Baecker, Trans., California: Stanford University Press, pp2-6; also see Cheng L.Y., (2012) "Ethnomethodology Reconsidered: The Practical Logic of Social Systems Theory", *Current Sociology*, pp1 –18, DOI: 10.1177/0011392111426193; and Boldyrev I.A., (2013) "Economy as a Social System: Niklas Luhmann's Contribution and its Significance for Economics", *The American Journal of Economics and Sociology*, 72(2), pp265-292, DOI: 10.1111/ajes.12013

⁵¹ Cheng L.Y., (2012) above, p6

here, Luhmann presenting the environment not as a spatial concept, but as a metaphor, meaning everything from which the system differentiates itself.⁵² This makes communication to be crux of social systems. My close and critical reading of Luhmann culminated in my decision to concentrate on his ideas of communication, in this context ecological communication, and system/environment distinction and adopt them for O's narration of Niger Delta's environmental dilemmas. At the ontological level, this implies that communication transcends both the economic resources of goods and services, and natural resources⁵³, the environmental impact of which forms this research's basis. What becomes deducible from Luhmann is an irreducibility of the social and the uselessness of looking for micro-foundations.⁵⁴

Deleuze, in his widely acclaimed theory of affect and immanence, presents immanence as being immanent only to itself (arguably the unspoken, the un-thought internal conditions of thinking), by capturing everything, and absorbing "All-One, and leaves nothing remaining to which it could be immanent."⁵⁵ Affect materialises through a body's capacity to "affect and be affected", through rhizomatic interconnections, assemblages, and a complex 'coming together' of things and beings.⁵⁶ When Deleuze talks about 'things' as assemblages, I take it that he refers to humans, non-humans, and for the purpose of my research, the environment and the ecosystem. All of them co-exist through complex interrelationships, entanglements, and propensities for

⁵² Boldyrev I.A., (2013) above, p269

⁵³ Id, p268; for Luhmann, economic and natural resources are both the objects and necessary conditions of communication.

⁵⁴ Id

⁵⁵ Deleuze G. and Guattari F., (1994) *What is Philosophy?* Hugh Tomlinson and Graham Burchell Trans., New York: Columbia University Press, p45

⁵⁶ Singh N.M., (2018) "Introduction: Affective Ecologies and Conservation", *Conservation and Society*, 16(1), p1

open-ended change.⁵⁷ The consequence of this co-existence is the affect- an embedded purposiveness of our experience of encountering complexly organised natural things.⁵⁸ Immanent then becomes the processes of becoming, or forms of subjectification or experience, that are constituted through habits.⁵⁹ Thus, in Deleuzean thinking, experience becomes immanent when it ceases to align with a transcendent instance regarding a stable subject or an outer-worldly being.⁶⁰

In Foucault's biopower, there is an intricate linkage among knowledge, power, and subjectivity, through which the state achieves absolute control of individuals and populations by ensuring that they are disciplined and normalised according to the state's expectations. Through biopower, the sovereign deploys reflected procedures of government on a population⁶¹ by taking control of life and biological processes of "man-as-species". This ensures that they are disciplined through the power of regularisation."⁶² Through this, we are able to situate biopower within a tripartite structure: first, at the micro-level, it individualises, making individuality the focal point of the state's various techniques of monitoring and applying disciplinary measures on the population.⁶³ Second, at the macro-level, it targets the population and treats individuals as statistical phenomena through the monitoring of collective health and

⁵⁷ Bennett J., (2010) *Vibrant Matter: A Political Ecology of Things*, Durham, NC: Duke University Press, p11

⁵⁸ Id

⁵⁹ Rölli R., (2004) "Immanence and Transcendence", *Bulletin de la Societe Américaine de Philosophie de Langue Franfais*, 14(2), p63

⁶⁰ Id, p64

⁶¹ Foucault M., (2007) *Security, Territory, Population: Lectures at the College de France, 1977-1978*, Translated by G. Burchell, London: Palgrave Macmillan, p75

⁶² Foucault M., (2003) *Society Must be Defended: Lectures at the Collège de France, 1975-1976*, Translated by D. Macey, New York: Picador, pp246-247

⁶³ Foucault M., (1978) *The History of Sexuality, Vol. 1: An Introduction*, Translated by R. Hurley, New York: Vintage Press, p143, also cited in Wallenstein S-O., (2013) "Foucault, Biopolitics, and Governmentality", in J. Nilsson & S-O., Wallenstein (Eds) *Foucault, Biopolitics, and Governmentality*, Södertörn Philosophical Studies 14, pp11-12, pp7-34

forms of reproduction and life.⁶⁴ Third, it makes the family the medium through which all individuals must navigate in order to become members of the reproductive body politic.⁶⁵

It is through these theories that I retell the story of the Niger Delta oil environment, inviting the reader to delve into O's journeys revealing the reality of law's failure to govern the energy industry's environmental, and health and safety dynamics. Luhmann's systems theory, I argue on the one hand, becomes instructive in explaining the constant breakdown in the relationship between the indigenous oil communities and oil multinationals. On the other hand, it helps to explain the long-standing face-off between successive governments and the indigenous oil communities. This equally reflects the immanent connection of the indigenes to their environment, and the affect emanating from their daily-lived experiences through oil spillages, pollution, and environmental degradation. Therefore, as we shall see in the theoretical/methodological tools chapters for each of them, I find these theories to present for me, the best avenues to achieve the retelling of the Niger Delta story.

1.3) Research Questions

Within higher education, there is evidence of constant innovation in the environmental governance and regulation of the oil and gas industry, especially in the developed oil provinces. However, the advances made into deep-water drilling and discovery of unconventional oil and gas have raised the level of risks posed by their production processes to the environment, human and marine life.⁶⁶ What underpins my research,

⁶⁴ Id, p12

⁶⁵ Id; Foucault posits that biopower "regulates the crucial link between the production of sex as individuating force and the production of sex in relation to the population, or to the collective entity"

⁶⁶ See generally, Rexler J. (2010), note 16.

therefore, is the necessity of reorientating the existing regulatory structures by narrating the persistent failure to remediate the environmental impacts on Niger Delta's oil-bearing communities. This becomes even more pertinent when considered in the light of the benefits of effective and transparent regulatory frameworks in developed oil provinces. Through my theoretical framework- Luhmann's systems theory, Deleuze's affect, and Foucault's 'ecogovernmentality'- I ask and will attempt to find answers to the following questions:

First, can it be argued that the conceptual and material absence of communication between the human and the natural within the Nigerian legal system is what continues to pose obstacles to an effective regulatory exercise of Nigeria's oil and gas industry?

Second, can it be argued that Nigeria's command-and-control approach to its oil resource management explains the autopoietic loss of system resilience to external perturbations? This is viewed within the paradigm of the 'pathology of natural resource management' resulting in the devastating impacts of Niger Delta's environment's degradation.

Third, given the uncertainty of its oil and gas industry's environmental regulation, can Foucault's ecogovernmentality provide avenues to achieve effective regulation and environmental remediation in Nigeria? This is considered within the context of the relationships between institutional capacities, coordination and coherence of economic processes, and social action.

Fourth, with high levels of corruption and weak government capacity to institutionalise effective regulation, can the idea of network governance provide opportunities to re-orientate the governance of Nigeria's hydrocarbons industry without hindrance? The network governance being considered in this context is that characterized by fairness, generalised reciprocity, leadership accountability, learning and trust participation among all stakeholders in the Niger Delta.

1.4) Justification of the Study

My narration of the Niger Delta oil environment situates O's encounters in the 'zone of exclusion'. It is a location where the rules and laws governing the environment pale into insignificance so long as the major players continue to accrue the gains from the petrodollar. This implies a palpable failure of the law in the face of the power and influence of corporeality and the oil resource. Thus, Nigeria's case is the archetype of states with a plethora of laws seeking to protect the environment. Yet, the existence of these laws, I argue, plays a mere lip service to the issues of global warming, resource depletion, ecosystem damage, and toxic air-water-land pollution.⁶⁷ The superficiality of the Nigerian environmental legal framework, as I perceive it, corresponds to the universal anthropocentric approach to the environment. Within this paradigm, the primacy of science and Capital to benefit humans at the expense of the environment humans live in⁶⁸ comes to the fore.

Through its anthropocentric nature, the law assumes a misguided human superiority, separation, and exceptionalism to nature and natural processes.⁶⁹ However, the Niger

⁶⁷ Laitos J.G. and Wolongevicz, L.J., (2014) "Why Environmental Laws Fail", *William & Mary Environmental Law & Policy Review*, 39, p1.

⁶⁸ Id

⁶⁹ Id

Delta narrative, I argue, can help to deconstruct this mistaken notion of humans' limitless power over planetary boundaries⁷⁰ to use science and capital to exploit the environment's resources. This is on the back of the dominance of traditional resource economists' *homo economicus* model's perception of the rational, self-interested economic person motivated by negative laws instructing humans about what not to do.⁷¹ In contrast, the current ecological epoch has presented resource economy/science community with evidence of the unsustainability of the anthropocentric approach to the environment. This is because no species acts alone, with humans and the assemblages of organic species and abiotic actors having always interacted together from time immemorial.⁷²

What I process from the current human-environment dichotomy is that the oil capital currently wields overwhelming 'biocultural', 'biotechnical', and 'biopolitical' influence to exploit natural resources. From the Niger Delta, the inevitable outcome of this influence on the environment has, however, shown to be debilitating. The Delta's environment exemplifies the depletion of the ecosystem, and the placing of extraordinary burdens of toxicity on lakes, rivers, and oceans.⁷³ These realities culminate in the justification of this research- the necessity of a rethink of the legal, political, relational, and communicational governance of the Nigerian oil and gas industry. When considered in the context of environmental regulation, the narrative of the devastation of the Delta's environment becomes imperative because its

⁷⁰ Id

⁷¹ Id

⁷² Haraway D., (2015) "Anthropocene, Capitalocene, Plantationocene, Chthulucene: Making Kin" *Environmental Humanities*, 6, p159; according to Haraway, "not even our own arrogant one pretending to be good individuals in so-called modern Western scripts, acts alone; assemblages of organic species and of abiotic actors make history, the evolutionary kind and the other kinds too."

⁷³ Id

ecosystem is tilting toward eutrophication and annihilation. What O's travels and narrative juggle in my memory, therefore, is the autopoietic perception of societal systems' description of themselves to realise the difference between the system and environment to create information.⁷⁴

With O as the first order observer and I as second order observer observing O, I fold this reality into an affect, which I refer to as the events or processes, through which the knowledge of lived experiences of the oil communities is presented. These experiences happen through the relationship that comprises⁷⁵ the fabrics of the systems operating in the Niger Delta. By this fold, I mean an integration of system/environment distinction and affect so that they become co-existent to generate both autopoiesis of difference and environmental proliferation.⁷⁶ While autopoiesis shows to be decentralised, its topology a moving itinerant, and the environment no longer context but matter⁷⁷, affect or immanence means flight.⁷⁸ The result of their fold into themselves is to yield a newly felt materiality.⁷⁹ Here, the coexistent coordinates engaged in the fold are the oil multinationals, the state, the oil communities, and the environment to realise new dimensions of materiality in governance and regulation.

⁷⁴ Luhmann N., (1989) *Ecological Communication*, Translated by J. Bednarz, Jr., Chicago: The University of Chicago Press, p9

⁷⁵ Deleuze G., (1981) "Sur Spinoza Cours Vincennes" in L. Lambert (2013) *The Funambulist Pamphlets Volume 1: Spinoza*, New York, Punctum Books, p71

⁷⁶ Philippopoulos-Mihalopoulos A., (2013) "The Autopoietic Fold: Critical Autopoiesis between Luhmann and Deleuze", in A La Cour A. & A. Philippopoulos-Mihalopoulos (Eds.) *Luhmann Observed: Radical Theoretical Encounters*, Palgrave Macmillan UK, pp60-81pp62-4

⁷⁷ Id, p62

⁷⁸ Id,

⁷⁹ Id, p64; as Philippopoulos-Mihalopoulos suggest, the result is one that takes standard systemic notions, such as closure, system, environment, distinction, communication, function and so on, and folds them into themselves in order to yield a torsion with a newly felt materiality. The outside is neither inferior to the inside nor dialectically opposite to it ('an opposition is no longer in question')

This felt materiality, I find in the Deleuzean 'subjectification' which culminates in the relations of the outside. This is then folded back to create a 'doubling' that allows a relation to oneself to emerge and constitute "an inside which is hollowed out and develops its own unique dimension."⁸⁰ Transposing this fold empirically into the Niger Delta oil environment, what becomes a possibility is an interface, or an 'infolding' and encounter of the stakeholders. This portends the yielding of the realisation of a historical, ongoing, dynamic, and situated embodiment.⁸¹ Embracing this embodiment therefore becomes an inevitable necessity to overcome the persistent environmental dilemmas which portend to ask existential questions about life itself.

VIGNETTE 5: 10:00am- August 13, 2003: *Egwa I, Warri South Local Government, Delta State-*

After chatting to Pa Ebidouwie, Jay and some of the community's youths take 'O' round the community to see the extent of the damage done to their coastal area and the land. One of the youths, simply called 'Gbe', speaks in a bitter tone to O. A believer in what he deems as the rich tradition of his people, Gbe gives the impression of an animistic/religious relationship and connection between the land, sea, and the people. As he speaks to O,

We are the Izon (Ijaw), the people of the high seas. We thrive on the water, its tides, its anger, its peace, and its productivity. The fertile land and rivers we used to have not only provided

⁸⁰ Deleuze G., (1988) *Foucault*, S. Hand (Trans.), Minneapolis, MN: The University of Minnesota Press, p100

⁸¹ Haraway D.J., (2008) *When Species Meet*, Minneapolis: University of Minnesota Press, pp249-50

sustenance for us, but we also regard it as a spiritual inheritance from our forefathers through the gods. It is because of this that we see the land and sea as gods, and they are worshipped as such. However, the oil companies have constantly defiled this land and our waters, and they have done so for over fifty years. Yet, no one has cared to hear our cries, felt our pain, and noticed our desperation. But the world needs to know what the government and the oil companies are doing to us. They are deliberately committing genocide on our people. That is why we are ready to fight to the death so that we can take our land and waters back. The gods are waiting for us to achieve this goal.

This passionate, yet seemingly violent fervour for the liberation of his tribe by Gbe because of his perceived state/oil corporate collusion to exterminate them in order to have perpetual control of the vast oil resource in the Delta jolts O into his stream of consciousness again. *What mythical 'gods' lay and live in the land and water as this young man keeps stressing? I think he is living a mirage. However, it appears I cannot talk this myth out of this young man and lot in the community, or can I? But we are talking about the reality of health hazards, environmental dynamics, and the impact of the modern-day driver of capital on a global scale; yet this idealist is still revelling in obsolete religious myths! Well, you have got to understand and accommodate the cultural dimension to this society. Indeed, you have to.*

1:00pm- August 15, 2003- *Back in Port-Harcourt!*

On the way back to Port-Harcourt, O resolves to come back to the Niger Delta to gain deeper understanding of what he has seen in just a short space of time on this first trip. He is convinced there is more to discover, not just about the devastation of the zone by oil spillages and wanton disregard for the communities by both the government and oil corporations, but also the uniqueness of the Ijaw spirit, and their doggedness in the face of the existential battle they appear to be involved in. It is a culture to really discover.

As he thinks to himself, is there an Ijaw part to me? Why am I so consumed by this desire to experience the life these people live? I just don't know. But then on the other hand, I thought the oil giants bandy around the idea of corporate social responsibility as central to their operations; but I haven't seen any in the places I have been to. There is hardly any sign of their presence in terms of giving back to these communities. Anyway, I think the oil wellheads they have erected in waters adjacent to the villages justify their presence!

Flowing from O's reverie as he traverses the oil-ravaged community is a reality: the impossibility achieving unity of purpose as the interaction between the oil multinationals and the communities will almost certainly yield no positive outcome. This can be read with the Luhmannian system/environment distinction's impossibility of a decisive intervention. With no such possibilities available to us because of the discordant communication dynamics, systems theory offers no opening for

remediation, as it does not attempt to change anything; it only describes.⁸² This is because autopoiesis does not align with the proactive nature of other critical theoretical strands.⁸³ The alternative that has been mooted to find some form of a system/environment alignment is the autopoietic/affect fold.⁸⁴ This Luhmannian/Deleuzian fold can be realised through a deeper exploration of systems theory's creative potential and then bringing it to an encounter with a radical outside.⁸⁵ The consequence of this folding process is that the systems theory, through system, environment, distinction, and communication, folds into 'affect' in order to yield a torsion with a newly felt materiality.⁸⁶

Another way of realising the Luhmann/Deleuze fold is through the fusion of the differentiation of the system from environment with the principle of articulation and individuation- '*agencement machinique*'.⁸⁷ This sees a machined process reproduced in a succession of self-sufficient operations, casting the variables of machine in a unique form and configuration.⁸⁸ This process yields a certain outcome: the system/environment distinction proposes a 'distinction theory', through the 'substantialist' "concepts of difference and identity to a theory of emergence."⁸⁹ However, a machine articulates its processes through a *unitas* multiplex- a unity as a multiplicity.⁹⁰

⁸² Philippopoulos-Mihalopoulos A., (2007), note 21, p217

⁸³ Id

⁸⁴ Pottage A., (1998) "Power as an art of Contingency: Luhmann, Deleuze, Foucault", *Economy and Society*, 27(1), pp1-27, DOI: 10.1080/03085149800000001; and Philippopoulos-Mihalopoulos A., (2013), note 76 "

⁸⁵ Philippopoulos-Mihalopoulos A., (2013), note 76, p60.

⁸⁶ Id, p61

⁸⁷ Pottage A., (1998), note 84, p19.

⁸⁸ Id, pp19-20

⁸⁹ Id, p20

⁹⁰ Id, citing Luhmann N., (1990) "The Cognitive Program of Constructivism and a Reality that Remains Unknown", in W. Krohn et al. (Eds.) *Selforganisation: Portrait of a Scientific Revolution*, Dordrecht: Kluwer, p68

It is through this multiplicity approach that I intend to justify this thesis. By telling the Niger Delta story through the lens of the deprived communities' narratives as O does, I invite the reader to appreciate why it is important to rethink Nigeria's oil and gas industry's regulatory process on the basis of ethically beneficial and problem-solving and solution-oriented practices.⁹¹ This is because the consequences of lax regulatory systems have culminated in damaged ecosystems, species and climate.⁹² We have also seen the more extreme human reactions in the forms of kidnapping, environmental terrorism and illegal bunkering by the militants and disaffected youths of the Niger Delta. What the Delta condition brings to my perception is the apocalyptic view of oil as corpse juice, a mortal entity accounting for "petro-masonic orders", a post-mortem production of organisms "bound to death."⁹³ However, with a new thinking of the governance of the oil and gas environment through problem-solving, the law's focus can expand to embrace other disciplines both theoretical and in applied manifestation, beyond its epistemic closure demanding a return to the law and its habitual mechanisms.⁹⁴

1.5) Thesis Originality

In my study of the body of work which has evolved in the last three decades covering the Niger Delta, there is sparse engagement with the voices of those without access to the extant scholastic discourse on the oil environment. This sparsity forms the basis of my autoethnographic methodological approach. Aligned with content/textual analysis, I see the retelling the Niger Delta environmental story from the voices of

⁹¹ Philippopoulos-Mihalopoulos A., (2017) "Critical Environmental Law in the Anthropocene" in L. Kotze (ed) *Environmental Law and Governance for the Anthropocene*, Oxford: Hart, p120

⁹² Morton T., (2010) *Ecological Thought*, Cambridge, MA: Harvard University Press, p4, also cited in Philippopoulos-Mihalopoulos A., (2007), note 21 above.

⁹³ Negarestani R., (2008), note 38, p16.

⁹⁴ Philippopoulos-Mihalopoulos A., (2017), note 91, p120

those in zones of exclusion through O's narrative. This can make the reader have a new, and possibly better understanding of the status and roles of all the stakeholders in getting the Delta to its current perilous state. These are the state, oil multinationals, militant agents, and oil communities. With a constant face-off between the state and the indigenous oil communities, I present these entities as function systems which generate a constant breakdown in communication between the human and natural entities they constitute within the legal system. The result of these, I argue, is an immanent jostling of our recognition of the grisly reality of the environmental disaster and human suffering in the Delta. This explains the urgency of seeking the means of achieving relational and socially constructed interactions among all stakeholders to minimise and manage environmental degradation, and damage to the ecosystem, and human health.

What indicates the originality of my study is its departure from the overconcentration on the analysis of the conflicts arising from petro-politics and petrodollar. This focus has constantly relegated the inhabitants of the environment to the dustbin of environmental discourse. Yet, from O's narrative, what we shall discover is the yearning of these communities to have their voices heard, their story to be understood, their environmental dilemmas and plight to be mitigated. The narrative involves stories about communities adjacent to oil companies' oil wellheads and facilities but without those companies' presence in the socially responsible context. In those settings, the only means of transportation is the use of makeshift boats and canoes. These boats and canoes are sometimes paddled by boys between the ages of 7 and 10 as their means of livelihood since the spillages have wreaked havoc on fish farming, their primary source of livelihood. This also involves the narrative about community dwellers

who depend on traditional medicine for treatment of basic sicknesses because of lack of access to orthodox hospitals. This equally involves narrative about communities where there is a high infant mortality rate and widespread water-borne communicable diseases.

Overall, the goal of my study is to fill the existing gap in knowledge of the environmental regulatory dynamics of the Nigerian oil and gas industry. My original contribution to knowledge, therefore, is to find avenues to achieve a remediation system involving all the stakeholders in the Delta. Through this, the government, oil multinationals, indigenous oil communities, NGOs, and women groups, can interact to create strong and binding expectations⁹⁵ about the environment. This will also ensure that the relationships among these entities are generally characterised by flexibility, dynamism, and informality.⁹⁶ Furthermore, this will aid the finding of the necessary answers to one of my research questions. This question is whether network governance can provide opportunities to re-orientate the Nigerian political class to govern the hydrocarbons industry without hindrance. This is more so given the stark reality of high levels of corruption, lack of transparency and weak government capacity to institutionalise effective regulation.

To make a preliminary note, network governance, despite its many critics, finds its validity and relevance in relationship building, mutual interests and reputation, less

⁹⁵ This will be tested on the idea of network governance (although it has its many critics) as we shall see in the latter parts of the thesis. For this see Teubner G., (2002) "Hybrid Laws: Constitutionalizing Private Governance Networks", in R. Kagan and K. Winston (eds.) *Legality and Community*, Berkeley: Berkeley Public Policy Press, p314

⁹⁶ Ellis J., (2011) "Network Governance for High Seas Fisheries: The Role of the Marine Stewardship Council", accessed on July 25, 2018 at <http://dx.doi.org/10.2139/ssrn.1905493>, p5

guided by a formal structure of authority.⁹⁷ The theory rests on economic transactions strongly influenced by ongoing social relations and concrete histories of personal interaction. Its implicit policy message is the strengthening of communal norms in economic transactions.⁹⁸ This system, I argue, is characterized by diffuse moral obligations, generalised reciprocity, leadership accountability, learning and trust participation, with a strong potential to provide concrete solutions to Niger Delta's ongoing environmental crisis.

With the incontrovertible negative consequences, the market economy has had on the global environment, I will argue for a move away, by the Nigerian state, from the corporeal and capitalistic objectives of oil exploration. This is because of the profound and potentially devastating impact such objectives portend for not just the Niger Delta, but also Nigeria's general environment and ecosystem. This reflects on the immanent connection of the Niger Delta people to their environment, and the affect emanating from their daily-lived experiences with oil spillages, pollution, and ill-health. It is in no doubt that the exploration of crude oil and fossil fuel, and other extractive and industrial processes are processes feeding the global industrial greed.⁹⁹ What is needed in the Delta instead, is the institutionalisation of a streamlined power structure of eco-governmentality to disrupt the current plurality of corporeal temporalities of "dematerialised and temporally compressed financial-juridical order."¹⁰⁰

⁹⁷ Teubner G., (2002), note 95, p314.

⁹⁸ Id, pp314-5

⁹⁹ Grear A., (2019) "Anthropocene "Time"?" – A Reflection on Temporalities in the 'New Age of the Human'", in A. Philippopoulos-Mihalopoulos (Ed.), *The Routledge Handbook of Law & Theory*, London: Routledge, pp297-315; on this, Donna Haraway coins the overconcentration on the capital at the expense of the environment, the 'Capitalocene' where the corporate world, in conjunction with States engage in "the extraordinary primitive accumulations and extractions of organizations of labour and productions of technologies of very particular kinds for the extraction and maldistribution of profit."- Haraway D., (2014) "Anthropocene, Capitalocene, Chthulucene: Staying with the Trouble", A lecture given by Donna Haraway at University of California, Santa Cruz, 5 September 2014, at 16.51

¹⁰⁰ Grear A., (2019), "Anthropocene "Time"?" above, p297

Furthermore, this thesis' originality stems from my desire to achieve ecogovernmentality in the Niger Delta in the manner postulated by Foucault. To achieve this, through the content/textual analysis of official documents and other texts, I will advocate a relational structure of environmental governance of the Nigerian oil and gas industry. This should be based on effective communication and management of the risk of pollution and environmental degradation. This comes with the background understanding of all stakeholders about their links, and the patterns of their dependence on the oil resource. It is also based on the communities' expectation about the specific qualities of their environment and climate, their relation to their customs and habits, and mitigation of accidents and misfortunes¹⁰¹ which are inevitably associated with oil exploration. This goes to the heart of my third research question: whether ecogovernmentality can provide avenues to achieve effective regulation and environmental remediation in Nigeria. This is viewed from the prism of the uncertainty of Nigeria's hydrocarbons industry's environmental regulation's weaknesses. These weaknesses manifest in terms of the relationships between institutional capacities, coordination and coherence of economic processes, and social action.

1.6) Thesis' Intended/Targeted Outcomes

A myriad of loose legislative frameworks exists in Nigeria purporting to regulate the oil industry. In this system, competing and rival government departments seek to take absolute control without clear legal remit to ensure effective regulation. This is in sharp contrast with developed oil provinces' frameworks. Thus, my research involves

¹⁰¹ Foucault M. & Gordon C., (1980), *Power/Knowledge: Selected Interviews and other Writings, 1972-1977*, New York, Pantheon Books, pp208-209

autoethnographic forays into the oil communities of the Niger Delta to ascertain the nature, processes and impact of oil and gas exploration. This is largely based on O's account of his observed lived experiences in Ijaw communities of Okpotuwari, Gbaramotu, Egwa I, Egwa II and Jones Creek. It also adopts the content/textual analysis of official and institutional reports on the Niger Delta environment. Therefore, my objective is to put to test, the possibilities of achieving for Nigeria's oil and gas industry the following theoretical objectives in alignment with my research questions:

First, I aim to establish the possibility of ecological communication to the effect that the state, oil multinationals, NGOs, the environment, and ecosystem emerge as communicating systems. This will culminate in a unity, whose organisation is defined by networks of production processes of substance transference.¹⁰²

Second, I aim to establish the possibility of a network governance structure where the various community stakeholders, NGOs, women groups, and others can partake in the readdressing and governance of the Nigerian oil and gas industry's environment. I seek this because of the capacity of network governance to strengthen "communal norms in economic transactions", taking into consideration, the interaction between economic transactions and ongoing social relations.¹⁰³

Third, I aim to establish the possibility of ecogovernmentality to enable relationships between the government and the governed, and the Niger Delta oil environment. This

¹⁰² Naruse M. & Iba T., (2008) "Ecosystem as an Autopoietic System Considering Relationship between Ecology and Society Based on Luhmann's Theory", paper presented at the Fourth Joint Japan-North America Mathematical Sociology Conference, May 2008, accessed on May 21, 2017 at <http://web.sfc.keio.ac.jp/~iba/papers/2008JJNAMS08-ecosystem.pdf>, p6

¹⁰³ Teubner G., (2002), note 95, p313.

seeks to establish links among wealth resource (oil), means of subsistence, and the territory with its specific qualities and climate.¹⁰⁴ This I propose, can help rescue the Niger Delta environment and ecosystem from its current deplorable state.

If all these- ecological communication, network governance and ecogovernmentality- are established, I will suggest in my conclusion, the following in order to create a different approach to understanding and dealing with the decades-long cataclysmic effects of oil exploration on the people, animals, environment, ecosystem, and property in the oil region of Niger Delta:

- a) An effective governance structure for the Niger Delta environment and the health and safety of the people based on coherent communication in ecological terms. In this system, all relevant stakeholders can engage in a discursive arrangement for accurate dissemination and communication of environmental decision-making. These stakeholders, the government, regulatory agencies, oil multinationals, indigenous oil communities, NGOss, youth groups, and women groups can also interact about potential oil spills and processes of remediation.

- b) Institutionalising an integrated system in such a dynamic that engages the knowledge, power, frustrations, and disaffections of deviant and violent groups in the Niger Delta. This will go a long way in recalibrating their negative perturbations in the communication dynamics. It will also help to reduce or eliminate the spectre of kidnappings, violence and environmental terrorism that have intensified in the last few years in Nigeria.

¹⁰⁴ Foucault M. & Gordon C., (1980), note 101, pp208-209.

- c) Institutionalising a coordinated government, oil multinationals, and oil communities' network governance of the industry, particularly the environmental and health and safety framework. This should see communities being granted legal leverage to actively engage in decision-making processes, reflecting fairness, rather than opportunism, and generalised reciprocity. It is only through this system that transparent economic and environmental practices can thrive and eschew the corruption which currently permeates Nigeria's officialdom. This will also culminate in economic and social growth, gaining the country the credibility it requires in attracting more investment in the hydrocarbons industry.
- d) The institutionalisation of a governance structure will translate into a system of 'ecogovernmemntality' where the power structure acknowledges and prioritises the complex interactions of all the stakeholders and people of the Niger Della. The Nigerian oil and gas industry stands to achieve good environmental practices and benefit immensely from such system through the mitigation of accidents and disasters within that environment.
- e) The creation and integration of stakeholder-led systems of justice that permeates the entire gamut of the Niger Delta environmental dynamics. These systems require their being 'transcendent' of all existing structures of mediation, reconciliation, reparation, and compensation. This is framed in the present context as a needed response to a perpetrated harm and disenfranchisement of people, given the 'affective' implications of their lived experiences. This is

derived both from their narrative and the discourse of their subjectivity to state power and control.

CHAPTER TWO

2.0) Nigeria: Its Oil and Environment in Focus

Globally, due to the level of importance and priority attached to oil resources and the vast revenue they bring, states have devoted significant energy to the resources' regulation. This has been achieved through copious legislative instruments, covering production, rent capture, and environmental protection. In the area of environmental protection, which forms the fulcrum of my research endeavour, the necessity of effective regulation has been accentuated through the activities of environmentalists, environmental advocates, and activists. We see these in the current waves of the Extinction Rebellion, Friends of the Earth and Greta Tintin Eleonora Thunberg, the Swedish child prodigy and environmental activist. For these interest groups, the message is to the effect that our planet continues to experience unprecedented environmental "crises". These crises which pose existential questions about the earth, include climate change, resource depletion, species extinction, ecosystem damage, and toxic air-water-land pollution¹⁰⁵, all of which demand responsible action to save the planet Earth from apocalypse.

2.1) Hydrocarbons: Politics, Topography and Environmental Impact on Nigeria

Despite the global challenges of climate change, it is now a historical reality that Nigeria, consequent to the euphoria of the discovery of oil in Oloibiri, Niger Delta in June 1956, has emerged as the world's eleventh largest producer and the eighth largest exporter of crude oil. It grosses 96% of its export revenues and almost half of

¹⁰⁵ Laitos J.G. and Wolongevicz, L.J., (2014) note 67, p1.

its annual GDP totalling \$50b¹⁰⁶ from crude oil exploration. However, because Nigeria is a mammoth entity given its landmass, huge population, multiplicity of cultures and ethnicities, it becomes pertinent to highlight the source of the country's oil wealth and power. What then is the geopolitical configuration of the oil belt known as the Niger Delta in Nigeria? A UNDP report reveals that the geographical mass of the Niger Delta region covers a total land area of about 75,000 square kilometres and 185 local government areas, distributed among nine oil-producing states of Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers.¹⁰⁷ The region, the UNDP report observes, contains the world's third largest wetland, with the most extensive freshwater swamp forest and rich biological diversity.¹⁰⁸ Over half of the area is criss-crossed with creeks and dotted with small islands, while the remainder is a lowland rainforest zone."¹⁰⁹

The oil haven created in Nigeria, however, has come with far-reaching ramifications in environmental and human governance terms, as the existing official documents on the Niger Delta region corroborate O's experiences in his narrative. This reality is predicated on the Nigerian state's prioritisation of the economic dimension of the oil resource- rent capture and maximisation of oil revenues. On the one hand, the UNDP puts the oil spillage record in the Niger Delta to be 6800, amounting to 3,000,000 barrels of oil between 1976 and 2001.¹¹⁰ On the other hand, Shell Petroleum Development Company, one of the leading oil multinationals operating in Nigeria and

¹⁰⁶ Watts M., (2009) "Crude Politics: Life and Death on the Nigeria Oil Fields", Department of Geography, University of California Berkeley Working Paper No.25 accessed on May 20, 2017 at http://oldweb.goeg.berkeley.edu/ProjectsResources/ND%20Website/NigerDelta/WP/Watts_25.pdf

¹⁰⁷ United Nations Development Programme (2006) Niger Delta Human Development Report, Lagos, Nigeria: United Nations Development Programme, accessed on June 18, 2018 at http://hdr.undp.org/sites/default/files/nigeria_hdr_report.pdf, p1.

¹⁰⁸ Id

¹⁰⁹ Id

¹¹⁰ Id

the foremost actor and alleged state collaborators in the environmental conflict and resistance, admitted that there were about 324,000 barrels of crude oil in 1500 incidents of spillage from its facilities between 2007 and 2013.¹¹¹

VIGNETTE 6: Rumuokwuta- August 16 - 20, 2003 The Fire and Quest for Knowledge about Oil as Source of Inequality!

Perhaps it is the facts that O familiarised himself with about oil wealth, that now drives him to his current state of shock, after seeing the source of production in abject devastation as reported in papers and books. However, at this point, the quest to find explanations to this labyrinth, rather than his thirst for wealth, riches and the good life gets ignited in O. Of course, just like everyone has read about the military/extra-judicial execution of Ken Saro-Wiwa and eight others over oil spillage issues in Ogoniland, O has always believed that those stories were exaggerated and that it was greed for power and money among the 'so-called activists' that resulted in the killings. However, as Jay makes him to realise, the killing of the 'Ogoni 9' has given birth to more violent reactions from the youths in the region and is taking a grip on the region. He is informed by Jay that they must tread carefully because the militants are becoming bolder, destroying pipelines and kidnapping in order to make their point to the state.

¹¹¹ Shell Petroleum Development Company (2014) Oil Spill Data, The Shell Petroleum Development Company of Nigeria Limited, accessed on June 18, 2017 at <http://www.shell.com.ng/enviromentsociety/environment-tpkg/oil-spills.html>

Yet, O is not deterred. He becomes obsessed not only with a curiosity to find the veracity of the claims, but also, it becomes a lifetime quest. He decides to stay longer and arranges with Jay to visit some of the Ijaw communities in the creeks to meet the young and the old, as well as women. Jay agrees to take him to Gbaramotu, Egwa I, and Egwa II, to see first-hand, how oil exploration has impacted on their daily lives.

From the existing literature on the region, the social consequences of devastating impact O is now discovering have culminated in the spectre of youth militancy and ‘gangsterism’, and environmental terrorism, occasioned by kidnapping and hostage taking.¹¹² They have also occasioned state violence and suppression, intractable violent inter-communal conflicts, increased poverty and destitution amongst indigenes, and reinforced human underdevelopment.¹¹³ All of these negative outcomes have led to a serious damage of the ecosystem, forcing the Niger Delta indigenes into concomitant new patterns of adaptation and survival.¹¹⁴ In the midst of all of these deplorable statistics, women’s social development has been established to be the most affected.¹¹⁵

Also, an assessment of the environmental and human governance reveals that between 2006 and 2013, across the onshore and offshore oil platforms in the Niger Delta, there were over 2,400 spills and undisclosed number of injuries and deaths.¹¹⁶

¹¹² Odoemene A., (2011) “Social Consequences of Environmental Change in the Niger Delta of Nigeria”, *Journal of Sustainable Development*, 4(2), pp125-129

¹¹³ Id

¹¹⁴ Id, p123

¹¹⁵ Id, p131

¹¹⁶ Eboh C., (2010) “Nigeria Cautions Exxon-Mobil on Offshore Oil Spills”, June 15, 2010, accessed on March 12, 2017 at http://234next.com/ps/cms/sites/Next/Home/5581321-146/nigeria_cautions_exxon_mobil_on_offshore.csp

Drawing from Ordinioha and Brisibe's account, these spills usually result in the contamination of the surface water, ground water, ambient air, and "crops with hydrocarbons."¹¹⁷ These include known carcinogens like polycyclic aromatic hydrocarbon and naturally occurring radioactive materials, and trace metals that were further bioaccumulated in some food crops.¹¹⁸ From these statistics, O's current state of shock and his quest to find explanations to this labyrinth, rather than his thirst for wealth, riches and the good life become understandable. This is because the health implications of these spills can be hugely significant. From Ordinioha and Brisibe's account, we can isolate how the human and animal contact with crude oil spillage can cause debilitating diseases, including cancer, hemotoxic and hepatotoxic conditions, and infertility.¹¹⁹ It is therefore bewildering that in the face of these staggering statistics, the state regulators' constant reaction to the endless spillages has been mere warnings to operators to control spills. It becomes even more perplexing to hear state officials admitting Nigeria's inadequacy of technological or regulatory capacity to address such issues.¹²⁰ This view appears incontrovertible, going by O's encounter with the indigenes of the creek village Egwa I in Warri South Local Government.

VIGNETTE 7: 10:00am- August 17, 2003: Egwa I, Warri South Local Government, Delta State-

On his last visit to the creeks with Jay before heading back to Lagos, they decide to go a bit deeper into the creek villages. So, on they go to

¹¹⁷ Id

¹¹⁸ Ordinioha B and Brisibe S (2013) "The Human Health Implications of Crude Oil Spills in the Niger Delta, Nigeria: An Interpretation of Published Studies", *Nigerian Medical Journal*, 54, p10

¹¹⁹ Id

¹²⁰ Alike E., (2010) "Oil & Gas: Charting New Course for Safe Operations" This Day Online, November 8, 2010, accessed on June 12, 2017 at <http://www.thisdaylive.com/articles/oil-gas-charting-new-course-for-safe-operations/74754/>

Egwa I in Warri South Local Government of Delta State. It is a typical Ijaw village where the main source of livelihood is fishing, farming, and petty trade. Close (about ten metres away) to the jetty is an oil wellhead that goes into the depth of the sea. The oil wellhead, as O is informed, has been there since 1974. Needless to say, is the accompanying massive residue of crude oil that has accumulated after years of exploration and spillage. The community has been a subject of close surveillance given that it is the birthplace of one of the region's most-feared militants. On the approach to the community, O finds it to be heavily militarised with an army outpost on one side of the community facing the entire the civilian population.

But that is not what bothered him at this moment. Rather, it is the health story of the community. He finds that there is no sign of a hospital, clinic or health centre in the village, and the voice in his comes alive again: *in the twenty-first century, to have no health infrastructures in a community that produces the country's wealth? This is incredible!* But the more shocking discovery for O is the account given by one of the elderly indigenes, Pa Ebidouwie, who is more than willing to tutor him in the history of the oil spillage and devastation in his community. He does not care about the risk of being arrested for inciting violence and insurrection, as the Nigerian security agencies like to refer any attempt to investigate the questions about the region to be. As Pa Ebidouwie recalled to him,

The oil companies drilling oil in this community first came in 1974. Before then, we had a great reliance on obtaining sustenance from the sea and land because these were the trades, we inherited from our forefathers. The sea was not contaminated, neither was our land. This made our harvest of fish and crops bountiful. But when the oil companies came with the white men and their machines and started digging into the sea, dark liquid, which our educated children found out to be oil has been flowing non-stop. The land has since become barren and non-farmable; the fish in the sea have almost totally washed up to the land dead. This has made us experience extreme poverty.

This revelation makes O to question the validity of Nigeria's many legislative enactments on not just the oil environmental but the country's environment in its entirety as most parts of the country are littered with dumps and other pollutants.

2.2) The Review of Nigeria's Environmental Regulation of Hydrocarbons

VIGNETTE 8: 10:00am- August 18, 2003: *Egwa I, Warri South Local Government, Delta State-*

As O continues to ruminate on the state of the communities he has been to, he debates in his mind about whether there is law that really governs Nigerian oil environment. Because if there were laws in place, *surely these communities will not be made to live in these oil-polluted areas for*

nearly all their lives? This prompts him to give a call to his lawyer-friend, Teejay in Lagos to enlighten him. Teejay more than obliges to list the many legislative instruments purportedly regulating the Niger Delta oil environment since the 1960s. But he is quick to let O understand that the laws are mere cosmetic designs to make the Niger Delta be perceived as a safe environment.

As O would have discovered from his friend, specifically talking about the environmental regulation of Nigeria's hydrocarbons resources, the state has incorporated many international environmental standards and laws specifically relating to natural resources into the national law. However, due to lax structures and environmental governance, high level of corruption, and poor, fragmented national institutional structures¹²¹, the myriad of laws in place in Nigeria has constantly been ineffectual. This is why most of the multinational oil companies operating in the Niger Delta region have failed to adopt sustainable practices to prevent environmental pollution.¹²² The regulatory framework that currently operates is based on the command and control approach to regulation, resulting in excessive bureaucracy and regulatory capture.¹²³ Thus, it is remarkable that an important global oil-producing state like Nigeria cannot boast of an independent regulatory body to institute civil or criminal actions against the oil MNCs for breaching the provisions of the laws in the oil and gas industry¹²⁴, as Ekhaton would want stress.

¹²¹ Ite A.E., Ufot U.F., Ite4 M.U., Isaac I.O., & Ibok U.J., (2016) "Petroleum Industry in Nigeria: Environmental Issues, National Environmental Legislation and Implementation of International Environmental Law", *American Journal of Environmental Protection*, 4(1), pp32-3

¹²² Id, p21

¹²³ Ekhaton E.O., (2016) "Public Regulation of the Oil and Gas Industry in Nigeria: An Evaluation", *Annual Survey of International & Comparative Law*, 21(1), p43

¹²⁴ Id, p89

2.3) Overview of the Legislative Structure of Nigeria's Hydrocarbons Industry

What O's friend would have been at pains to let him see is that legislation-wise, since oil multinationals commenced operating in the Niger Delta, a plethora of legislative instruments has been enacted to govern all spheres of the companies' activities.¹²⁵ Specific to the environmental and health and safety regulation, the first consideration of the environmental impact of oil exploration came in the Petroleum Act 1969, which stressed the necessity of oil multinationals operating in Nigeria to carry out environmental impact assessments of their activities in order to control pollution. The same conditions were stated in the Prevention of Pollution of Water Courses Act 1969. Section 25 of the Act mandates oil operators to put in place, the best environmental safety procedures throughout their operational spheres by providing up-to-date equipment to:

...prevent the pollution of inland waters, rivers, water courses, the territorial water of Nigeria or the high seas by oil, mud or other fluids or substances which cause harm or destruction to fresh water or marine life and where any such pollution occurs or has occurred shall take prompt steps to control and if possible, end it.¹²⁶

The other regulatory instruments worthy of mentioning in respect of crude oil exploration-related environmental degradation include the Oil in Navigable Waters Act

¹²⁵ The legislative exercise in respect of the oil environment has been undertaken through both decrees during military regimes (1966 to 1979, and 1984 to 1999) and Acts of the National Assembly during the First (1960 to 1966), Second (1979 to 1983), and the current Third Republics (1999 to date)

¹²⁶ Ss3-10 of the Petroleum Act 1969, Cap 350, Laws of the Federation of Nigeria 1990

1968¹²⁷; the Petroleum (Drilling and Production) Regulations 1969; and the Harmful Waste (Special Criminal Provisions) Act 1990.¹²⁸ There is also the seemingly revolutionary Federal Environmental Protection Act 1988 (FEPA), and its 1992 amendment.¹²⁹ The Act extensively provides on the prohibition of discharge of hazardous substances in harmful quantities into the nation's air, land and waters.¹³⁰ Particularly, sections 15 and 16 grant the Federal Environmental Protection Agency via recommendations to the President of the federation, the power to stipulate the limits of effluents and water quality standards for both new point and existing point sources.¹³¹

Another legislative piece, the Environmental Impact Assessment Act 1992 via its section 1 provides that any activity that may likely or to a significant extent affect the environment or have environmental effects, those effects shall first be taken into account before a decision taken on its approval or authorisation.¹³² On the face of it, it is arguable that the Act, to all intent and purposes, is a deliberate, structured and principled process targeted at gathering information about the potential impacts on the environment of a proposed project to decide whether to authorise, modify or cancel¹³³ the project. However, the Nigerian reality has been found to be that virtually all the laws and Regulations put in place in the last five decades have been more reactive

¹²⁷ S25 of the Preventive of Pollution of Water Courses Act 1969

¹²⁸ The Oil in Navigable Waters Act 1968, cap 337 Laws of the Federation of Nigeria 1990

¹²⁹ Federal Environmental Protection Agency Act 1988, cap 131 Laws of the Federation of Nigeria 1990

¹³⁰ Obagbinoko C.O., (2009) "The Crisis of Environmental Degradation in the Niger Delta Region: How Effective is the Law and Its Enforcements?" In V. Ojatorotu (Ed.) *Fresh Dimensions on the Niger Delta Crisis of Nigeria*, JAPSS Press, Inc., p184

¹³¹ Ss15 and 16 Federal Environmental Protection Agency Act 1988

¹³² S1 of the Environmental Impact Assessment Act 1992 which covers, "any person, authority corporate body or unincorporated body intending to undertake any activity" in the territory of Nigeria. Section 3 mandates the identification of the environmental issues and the seriousness of their impacts on the Nigerian environment prior to the commencement of oil exploration.

¹³³ Obagbinoko C.O., (2009), note 130, p185.

than proactive.¹³⁴ This is because the established western Environmental Impact Assessment systems were copied almost verbatim without local content or cultural considerations and exigencies, a reflection of the perils of legal transplant.¹³⁵

VIGNETTE 9: 10:00am- August 19, 2003: Egwa I, Warri South Local Government, Delta State-

Upon the discovery of the many legislative pieces in place in Nigeria to regulate the environment, O becomes disillusioned. As he starts to pore through some of these legislative pieces, his conviction is that not only has the law failed in protecting the Niger Delta communities from the harmful practices of the oil companies; the many laws in place regulating the environment are nothing but a façade to make the Nigerian state be perceived as one that takes environmental regulation very seriously. He cannot but recall the sadness in Pa Ebidouwie's voice that their land has become barren and non-farmable; the fish in the sea have almost totally washed up to the land dead, making them experience extreme poverty. The law has indeed, failed the region.

What becomes clear to O, and to researchers, is that the current regulatory system is not only deficient in its implementation, but it is also a showcase for official corruption.¹³⁶ This is so regrettably, with the Niger Delta communities constantly unable to make informed contributions and decisions on projects affecting their

¹³⁴ Ogunba O.A., (2004) "EIA Systems in Nigeria: Evolution, Current Practice and Shortcomings", *Environmental Impact Assessment Review*, 24, p648

¹³⁵ Id, p657

¹³⁶ Fatona P.O., Adetayo O., Adesanwo A. & Yusuf T.A., (2015) "Environmental Impact Assessment (EIA) Law and Practice in Nigeria: How Far, How Well?" *American Journal of Environmental Policy and Management*, 1(1), p13

environment in accordance with the laws of the land.¹³⁷ When the uprising against the degradation erupted, the oil multinationals responded by convincing the Nigerian government to send security agencies to the region to unleash naked terror on them¹³⁸ as seen throughout the 1990s in Ogoniland, and the 1999/2000 Odi massacre ordered by President Olusegun Obasanjo.

My perception of the oil companies' disdain for Nigeria's regulatory process also paradoxically stems from the law itself. This is because section 1 of the Land Use Act 1978 and s44(3) of the Nigeria Constitution 1999 (as amended) have been carefully and deliberately worded to put absolute control of the country's natural resources under state control. This effectively eliminates any possibility of indigenous communities' participation in the governance of the hydrocarbons discovered and explored in their communities. Thus, while the Nigerian government retains exclusive rights to the country's oil reserves, only a tiny proportion of the revenues from the reserves are allocated to the oil communities¹³⁹ through the so-called 'derivation formula'. Particularly, the wording of section 44(3) of the Nigeria Constitution 1999 (as amended) is couched to the effect that the entire property in and control of all mineral oils and natural gas in, under, or upon the territorial water and the "exclusive economic zone of Nigeria shall vest in the government of the federation."¹⁴⁰

¹³⁷ Id

¹³⁸ Id, citing Fatona P.O., Musah K.T. & Odumosu T. (2011) "Environmental Injustice and Human Rights Abuse: The Burden of Nigeria's Niger Delta"

¹³⁹ Boele R., Fabig H., and Wheeler D., (2001) "Shell, Nigeria and the Ogoni- A Study in Unsustainable Development 1: I. The Story of Shell, Nigeria and the Ogoni People – Environment, Economy, Relationships: Conflict and Prospects for Resolution", *Sustainable Development*, 9, p76

¹⁴⁰ The Constitution of the Federal Republic of Nigeria 1999 (as amended)

With the Nigerian government's assumption of absolute control of the oil resources, successive governments have given an almost free reign to oil multinationals in the technological, exploration, environmental, and health and safety regulation.¹⁴¹ This then poses several questions about the existence of regulatory bodies set up by the government, including the Federal Ministry of Environment (FME), and National Oil Spill Detection and Response Agency (NOSDRA) to control the oil multinationals.¹⁴² This self-regulation method, I therefore argue, has been the most significant causal link with the concept of 'oil curse' in the Nigerian context because the oil multinationals have enjoyed a sustained period of 'cherry-picking' in terms of what and where they wish to regulate. This has culminated in weak or ineffective policy enforcement, lack of political will, and over-centralization of regulation which provide a fertile ground for environmental degradation to persist¹⁴³, to reference Agbonifo.

The only conclusion that can be reached in respect of the existence of the plethora of environmental regulatory mechanisms in Nigeria is that it has amounted to exercises in futility. This is because they have not once been used to check or regulate the activities of the many oil multinationals who constantly engage in ravaging the Niger Delta environment without respite¹⁴⁴, yet with seeming impunity.

¹⁴¹ This starts from the time of awarding licensing rounds and allocation of oil blocs,

¹⁴² PFC Energy (2010), Memo: Offshore Regulations: International Responses to the GOM Spill June 23, 2010, accessed on June 17, 2017 at

<http://www.pfcenergy.com/download.aspx?idDoc=25224&idf=2>

¹⁴³ Agbonifo P.E. (2015) "The Dilemma in Nigerian Petroleum Industry Regulations and Its Socioeconomic Impact on Rural Communities in the Niger Delta", *International Journal of Management Science*, 2(5), p84

¹⁴⁴ Obagbinoko C.O., (2009), note 130, p180.

2.4) Review of Extant Literature on the Niger Delta Oil

Environment

As noted in the introduction to this study, hydrocarbons and the petrodollar wield enormous global power and influence economically and politically. Yet, it is equally incontrovertible that the volatility of the process of exploration and production of hydrocarbons makes safety and environmental protection considerations essential. In the case of Nigeria's oil and gas industry, however, what has constantly applied both in the upstream and downstream sectors is the spectre of accidents and deaths of industry operatives on offshore platforms due to lax and ineffective health and safety measures and governance. Regarding the environment, numerous incidents of spillage, pollution and contamination of the land and ecosystem have been reported. As part of the attempt to find out why the law has constantly failed in regulating the Niger Delta oil Environment, it becomes pertinent to examine the body of literature that has been devoted to the current crisis.

VIGNETTE 10: 10:00am- August 22, 2003: Warri, Delta State- Hotel Room

O has not really engaged with any form of literature on the issues of the environment as he has always believed that is not the remit of his profession as a Public Relations expert. Now he feels inadequate and wonders whether the Niger Delta question has been put to the serious evaluation it deserves to proffer appropriate recommendations for effective remediation. He does a quick Google search on his laptop. He is swarmed instantly with journal articles, research papers, and books to this effect! At the same time, he feels excited and almost foolish: excited because he can now enrich his knowledge; yet almost foolish for his

erroneous belief that matters of environment are not for PR specialists to engage in. But he happily embraces his new literature.

The literature on the environmental degradation of the Delta that O is confronted with, I equally found to be vast. All works engaged with are clear and detailed in their accounts of environmental degradation. Most of them centre on the extent, tendencies, and economic, social, health, and eco-systemic consequences of oil multinationals' activities on the Niger Delta environment. However, there is sparse, if at all there is any, engagement with the actual lived experiences of the creek communities, the extensive narration of which the character, 'O' makes available to us. I will therefore engage with a few of the approaches in the process of creating a new way of understanding and dealing with current dynamics in the Niger Delta environment.

2.4.1) The Current Perspectives on the Niger Delta Oil Environment

An extensive review of the extant literature on the discourse of Niger Delta's environment dynamics, both from academic and institutional angles, reveals a focus on the accountability, conflict causal factors and resolution, conflict communications, political economy, and remediation perspectives. These, I discuss sequentially below in a manner that corresponds with and reflects O's thought flow.

2.4.1.a.) The Accountability Perspective

From the accountability perspective, Enahoro (2012), Shinsato (2005) and Egbon (2014) suggest that the cataclysmic environmental impacts of oil exploration in the Niger Delta are primarily attributable to oil multinationals operating in that region. From Egbon's thesis, it is crucially important for these corporations to account for the

degradation and specify the nature of the ‘accounts’ they give on environmental incidents involving gas flaring and oil spills, and the corporate sense-making embedded within those accounts.¹⁴⁵ Core to Enahoro’s thesis is the necessity for agreed standard definitions for environmental spending and expenditure for the purpose of annual reports on environmental accounting in the oil and gas sector. The UN Environmental Management Accounting Standards should also be adopted in order to enable the formulation of a Generally Accepted Accounting Principle to realise effective environmental accounting practice.¹⁴⁶ However, the adoption of stricter universal standards of corporate liability and concomitant penalties is the crux of Shinsato’s thesis. This becomes vital with a view to encouraging corporations to adopt more sustainable business practices and consequently reduce human rights violations perpetrated through environmental destruction.¹⁴⁷

2.4.1.b.) The Conflict Causal Factors and Resolution Perspective

Another perspective on the state of the environmental regulation of the Nigerian oil and gas industry is the conflict causal factors and conflict resolution perspective. From this angle, the dominant theme is the resource control conflict. On this Obi (2009), Ikelegbe (2001), Agbibo (2013), Nwagbara (2010) all opine that the struggle of ethnic minority groups for the control of ‘their natural resources’ and the contradictions engendered by the oil multinationals operating in the region lie at the heart of the Niger Delta environmental dilemma. For Obi, the causes of the Niger Delta debacle are so

¹⁴⁵ Egbon O., (2014) *An Exploration of Accountability: Evidence from the Nigerian Oil and Gas Industry*, Thesis Submitted for the Degree of PhD at the School of Management, University of St Andrews URL, accessed on May 20, 2017 at <http://hdl.handle.net/10023/6537>, p1.

¹⁴⁶ Enahoro J.A., (2012) “Legitimacy for Accounting for Environmental Degradation and Pollution”, *European Scientific Journal*, 8(4), p198

¹⁴⁷ Shinsato A.L., (2005) “Increasing the Accountability of Transnational Corporations for Environmental Harms: The Petroleum Industry in Nigeria”, *North-western Journal of International Human Rights*, 4(1), p186.

complex that their roots and branches mutate over time in response to local, national, and global factors, all of which defy simplistic explanations or 'quick fixes'.¹⁴⁸ For a resolution to the conflict to be achieved, a root-and-branch examination of the conflict is essential. This is because, a reductionist approach to the complex causal factors that does not capture the nuances and specificities of the Niger Delta conflict may lead to misleading results.¹⁴⁹ However, Agbibo focuses on the need for the Nigerian government to address the political grievances relating to poverty and underdevelopment, and the alienation of local people from rights to land and resources in the Niger Delta.¹⁵⁰

Despite the sound logic of this perspective, I argue that its drawback stems from its failure to specify the structures and leadership to achieve the goal of effective environmental regulation of the oil and gas industry. This is what Nwagbara appears to allude to in his opinion that the current Niger Delta stalemate demands advocacy about effective leadership change that will bring about transformational leadership in the region. Also, there needs to be a paradigm shift from what previous administrations have done regarding the question of peace and sustainable development.¹⁵¹ This must centre on re-orientating oil multinationals and the political class on how to do business with corporate social responsibility at its core, aimed at ensuring the well-being of the region's biodiversity, ecology, and environment.¹⁵² Yet, while this is also sound logically, I believe that the leadership point made is already existent. What appears to

¹⁴⁸ Obi C., (2009) "Nigeria's Niger Delta: Understanding the Complex Drivers of Violent Oil-related Conflict", *Africa Development*, XXXIV(2), p124

¹⁴⁹ Id

¹⁵⁰ Agbibo D.E. (2013) "Have We Heard the Last? Oil, Environmental Insecurity, and the Impact of the Amnesty Programme on the Niger Delta Resistance Movement", *Review of African Political Economy*, 40(137), p463

¹⁵¹ Nwagbara U., (2010) "Towards a Paradigm Shift in the Niger Delta: Transformational Leadership Change in the Era of Post Amnesty Deal", *Journal of Sustainable Development in Africa*, 12(3), p389

¹⁵² Id, p393

be missing is the political will to carry the leadership to the point of integrity and sincerity of policy implementation.

2.4.1.c.) The Conflict Communications Perspective

From the conflict communications perspective, Nwagbara and Brown (2014), and Adekola et al (2017) approach their studies from the perspective of the health risks resulting from environmental degradation. They then advocate the need to engage in transformative communication and conflict management to overcome the current impasse. The solution, for Nwagbara and Brown, lies in the “integrative or distributive communication/engagement approach”, which takes cognisance of inputs from wider stakeholders. By this, they refer to the affected people in the communication field who should be included in debates that can engender trust, mutuality and identity.¹⁵³ This approach, as they opine, has the capacity to put organisational relations within the ambit of stakeholder management, culminating in normative and engaging organisations’ interactions with their host communities.¹⁵⁴ However, Adekola et al identify the solution in a three-dimensional risk communication framework, at Micro, Meso and Macro levels with communication “carried out in a way that reaches the wider public, but yet has local relevance for those at risk. These need to be applied in light of the nature of the hazard/problem, the size of the population at risk and the transferability or spread of the problem/source.”¹⁵⁵

¹⁵³ Nwagbara U. & Brown C., (2014) “Communication and Conflict Management: towards the Rhetoric of Integrative Communication for Sustainability in Nigeria’s Oil and Gas Industry” *Economic Insights – Trends and Challenges*, III(4), p19

¹⁵⁴ Id

¹⁵⁵ Adekola J., Fischbacher-Smith M., Fischbacher-Smith D. and Adekola O., (2017) “Health Risks from Environmental Degradation in the Niger Delta, Nigeria”, *Environment and Planning C: Politics and Space*, 35(2), p345

2.4.1.d.) The Political Economy Perspective

Another dominant theme in the literature on the Niger Delta environment discourse is the political economy perspective, with Agbonifo (2015), Obi (2010) and Okpanachi (2011) contributing prominently. This perspective identifies the Nigerian government's assumption of ownership of the oil and gas sector in the statutory monopoly against the agitation of Niger Delta indigenes. This is what accounts for the denial of these indigenes, access to social justice, redress, and a redistribution of oil revenues in ways that guarantee¹⁵⁶ them 'resource control'. This simultaneously engages the challenge to the federal system of government which has become a centralised hegemony in post-civil war Nigeria and decades of military dictatorship.¹⁵⁷ Central to Obi's thesis is the necessity for change in oil multinationals' operations in the process of oil production to ways that are beneficial to the majority of the people of the Niger Delta. This will equally engender a democratic society that can guarantee resource control by the people.¹⁵⁸ Obi then opines that actualising this ultimately depends on the ability of a visionary and committed leadership, backed by a progressive social movement that restructures the current federal system and reverses the plundering and pollution of the oil-rich region.¹⁵⁹

However, Agbonifo prefers a regulatory system which involves environmental action in comparable terms with the best industry practices elsewhere in the world, culminating in socioeconomic conditions for sustainable development of the oil and gas producing communities.¹⁶⁰ This must be sustained with the government putting in

¹⁵⁶ Obi C.I., (2010) "Oil Extraction, Dispossession, Resistance, and Conflict in Nigeria's Oil-Rich Niger Delta", *Canadian Journal of Development Studies*, 30(1-2), p233

¹⁵⁷ Id

¹⁵⁸ Id

¹⁵⁹ Id

¹⁶⁰ Agbonifo P.E. (2015), "The Dilemma in Nigerian Petroleum Industry Regulations, above, p91

place an independent environmental protection policy that can respond to socioeconomic consequences of the affected communities. This structure should seek to enforce and monitor compliance with existing regulations for the overall interest of the Niger Delta people.¹⁶¹ While I align with this view, my point of departure from Agbonifo generates from the point of his failure to specify the desired policy that can achieve this desired goal. Yet from Okpanachi's theme, critical to the resolution of the Niger Delta cataclysm is holistic reform of both the political and economic configuration of the Nigerian state. This can only be achieved by circumventing the increasing propensity of Nigeria's political actors and oil multinationals to syphon the oil wealth. This, aligned with the reform of the security sector, will guarantee not only peace but a conducive working environment for MNCs.¹⁶²

2.4.1.e.) The Remediation Thesis

Finally, the preponderant perspective on the consequences of the environmental impact of oil exploration in the Niger Delta is the remediation thesis. Adomokai and Sheate (2004), Allen (2010), Onyekuru (2011), Ogbonnaya (2011), Akpomuvie (2011), Kadafa (2012), and Ekhaton (2016) all agree that the persistent environmental degradation of the Niger Delta results from ineffective enforcement of the numerous Nigeria's environmental regulatory instruments. They also point out the inadequate capacity of the many and often competing regulatory agencies. Core to Akpomuvie's thesis is the necessity of Nigerian regulators to implement in a diligent manner the principle of Environmental Impact Assessment because of its promotion of sustainability. Because the ways of controlling environmental hazards have been

¹⁶¹ Id

¹⁶² Okpanachi E., (2011) "Confronting the Governance Challenges of Developing Nigeria's Extractive Industry: Policy and Performance in the Oil and Gas Sector", *Review of Policy Research*, 28(1), p42.

clearly stated in the various laws and decrees promulgated in Nigeria, these laws should be implemented with a view to achieving sustainable development for the Niger Delta.¹⁶³

For Adomokai and Sheate, however, the solution to the Niger Delta question lies in the incorporation of community participation in environmental decision-making. This requires the regulatory agencies' understanding of the planning process, suitability of the decision-making process, community awareness of environmental issues, and willingness of individuals to participate in the process. It equally requires their understanding of the political context and how selfless individuals, communities and project proponents are ready to be.¹⁶⁴ Yet from Ogbonnaya's submission, effective regulation, commitment to environmental monitoring and enforcement of standards represent the bedrock of environmental protection.¹⁶⁵

Still from the remediation perspective, Onyekuru advocates the primacy of identifying the problems, including lack of basic amenities for healthcare, education, transportation, wealth creation, and recreation as the first step in achieving remediation. This should then be counteracted by a change in land ownership rights under the law, proper implementation of environmental laws and, an engagement with the communities in decision-making processes.¹⁶⁶ In addition, for Kadafa, the resolution of the Niger Delta problem can only be achieved through the updating and

¹⁶³ Akpomuvie O.B., (2011) "Tragedy of Commons: Analysis of Oil Spillage, Gas Flaring and Sustainable Development of the Niger Delta of Nigeria", *Journal of Sustainable Development*, 4(2), p20

¹⁶⁴ Adomokai R. & Sheate W.R., (2004) "Community Participation and Environmental Decision-making in the Niger Delta", *Environmental Impact Assessment Review*, 24, p516

¹⁶⁵ Ogbonnaya U.M., (2011) "Environmental Law and Underdevelopment in the Niger Delta Region of Nigeria", *International Multidisciplinary Journal, Ethiopia*, 5(5), p7

¹⁶⁶ Onyekuru N.A., (2011) "Environmental Regulations and Nigeria's Economic Decision on the Niger Delta Crisis: The Way Forward", *Asian Journal of Exp. Biol. Science*, 2(2), p340

revising the legislation, reviewing the licenses of the oil companies, and reviewing the fines payable for spillages. This must be accentuated with the adoption of environmentally friendly technology that will minimise impacts of petroleum development on the environment. This will see oil companies being compelled to remediate the degradation of the environment and conduct of periodic Environmental Impact Assessment.¹⁶⁷

Yet to date, what I found to be the most comprehensive set of policy and regulatory framework recommendation in respect of the Niger Delta environmental problems has come from Allen. He proposes that both the government and oil multinationals should take responsibility for the remediation of the environment. To achieve this, he tasks the government on the one hand, with equipping officials of the regulatory agencies with more powers for more effective involvement in policy enforcement. The governments should also aid the development of relevant manpower at the various agencies and ministries and establish laboratories to avoid the current practices of estimating levels of pollution where scientific procedures for specific levels can be obtained.¹⁶⁸ Furthermore, there should be an involvement of local oil-bearing communities in government's environmental policy formulation. This must come concomitantly with the enforcement of anti-corruption laws on all agencies and officials saddled with the responsibility of governance and management of public funds in the Niger Delta.¹⁶⁹

¹⁶⁷ Kadafa A.A., (2012) "Environmental Impacts of Oil Exploration and Exploitation in the Niger Delta of Nigeria", Global Journal of Science Frontier Research, *Environment & Earth Sciences*, 12(3), p27

¹⁶⁸ Allen F. (2010) *Implementation of Oil Related Environmental Policies in Nigeria: Government Inertia and Conflict in the Niger Delta*, Thesis Submitted for the Degree of PhD in Political Science at the University of KwaZulu-Natal, South Africa, March 2010, pp260-1.

¹⁶⁹ Id

On the part of oil multinationals, Allen recommends that they respect Nigerian environmental and oil laws and observe international regulations as they relate to the environment. The oil multinationals must also device and continue to engage in good working relations with local oil-bearing communities.¹⁷⁰ They should also act less politically in matters of internal environmental policy and embrace the idea of sustainable development beyond self-serving policy statements.¹⁷¹

VIGNETTE 11: 10:00am- August 23, 2003: Warri, Delta State-

Having had time to peruse some works on how the research and academic world have engaged with the Niger Delta, the conclusion O comes to in the aftermath of all these revelations and experiences is that not only have the law and Nigerian state failed the Niger Delta people, but also that the various approaches to revealing the destruction and bringing forth remedies have equally come up short in making the voices of the indigenes heard, and this is unfair!

I cannot agree more with O' conclusion. From his narrative so far, one can relate to how the extraction and transportation of crude oil from the Niger Delta have over the years, presented a huge social problem that has culminated in environmental damage¹⁷² and wanton violation of human rights of Deltans. In some other instances, we can see how population displacement of the communities has highlighted the

¹⁷⁰ Id

¹⁷¹ Id

¹⁷² Terminski B., (2011) "Oil-induced Displacement and Resettlement: Social Problem and Human Rights Issue", Paper presented at the "New Debates on Belonging" conference, The Graduate Centre Immigration Working Group, The Graduate Centre, City University of New York, Friday, October 14, 2011, accessed on July 15, 2020 at <http://ssrn.com/abstract=2029770>, p1

asymmetric power relationship between oil capital¹⁷³ and the indigenous peoples of the Niger Delta, to whom the state has constantly turned a blind eye.

¹⁷³ Id

CHAPTER THREE

3.0) Theoretical and Methodological Overview

The quest to find appropriate answers to the myriad of the research questions I have asked in this work necessitates my thesis engaging with a multiplicity of methodology, and legal and philosophical ideas and thinkers. For this, I take inspiration from such questions as John Law asks: in our contemporary social milieu, can we establish a knowledge of realities without methodological multiplicity or an assemblage? How can we come to terms with some of the realities we are currently missing? Can we even know them well?¹⁷⁴ Is there a necessity to have a knowledge of these realities, and is “knowing” the metaphor that we need, if it becomes a necessity?¹⁷⁵ And how best can we relate to them?¹⁷⁶ The answers to these salient questions appear to lie in the fact that there is a need to accept that our contemporary world has become multiple, a ‘generative flux’ that produces realities.¹⁷⁷ Proceeding from this premise, the field of research has taken a new dimension, requiring an assemblage of methodologies through a crafting of new bundles of subdividing relations that generate presence. This will undoubtedly manifest an absence and ‘Otherness’, where it is the crafting of presence that distinguishes it as a method assemblage.¹⁷⁸

What this implies for contemporary researchers, as I perceive it from Law’s claims, is that while engaged in research, the task is to imagine methods when they no longer

¹⁷⁴ Law J., (2004) *After Method: Mess in Social Science Research*, London: Routledge, p2

¹⁷⁵ Id

¹⁷⁶ Id

¹⁷⁷ Id, p7; also see Coleman R., and Ringrose J., (2013) “Introduction: Deleuze and Research Methodologies”, in Rebecca Coleman and Jessica Ringrose (Eds.) *Deleuze and Research Methodologies*, Edinburgh University, Press, pp1-22.

¹⁷⁸ Law, J. (2004), note 174, pp41-2.

seek the definite, the repeatable, the more or less stable.¹⁷⁹ This, I argue, resonates with the Deleuzian notion of ‘assemblage’, which seeks to account for multiplicity and change (or becoming).¹⁸⁰ Within this thinking, reality is perceived as messy, while methodologies that seek to convert this mess into something smooth, coherent and precise, miss out on particular textures of life.¹⁸¹ This makes for my position that the importance of Deleuze’s assemblage becomes even more invaluable for the multiplicity of research methodology. This is because Deleuze has made it so lucidly clear that the states of things are neither unities nor totalities, but multiplicities.¹⁸² The essential thing, taking a further cue from Deleuze is that crucial to empiricism is the noun, ‘multiplicity’ because it designates a set of lines or dimensions which are irreducible to each other.¹⁸³

3.1) Foregrounding Theoretical/Methodology: Preliminary

Observations

It is becoming increasingly clear that the contemporary field of research is taking a new dimension through an assemblage of methodologies, allowing for the reinvention of research methods to deal with the fluidity, multiplicity and vagueness of reality.¹⁸⁴ This reality informs my decision to situate my theoretical foundations- Luhmann’s Systems Theory, Deleuze’s theory of affect, and Foucault’s biopower and ecogovernmentality- within the autoethnography methodology, validated with deskwork and content/textual analysis. This covers the weaving of O’s narrative into the careful readings of existing official reports on the Niger Delta oil environment. To

¹⁷⁹ Id, p6

¹⁸⁰ Coleman R., and Ringrose J., (2013), note 177, p5.

¹⁸¹ Id, p5; Coleman and Ringrose, taking Law’s view.

¹⁸² Deleuze, G. and Parnet C., (2002), *Dialogues II*, note 49, vii.

¹⁸³ Id

¹⁸⁴ Coleman R., and Ringrose J., (2013), note 177, p5.

achieve a unity and connection of this theoretical/methodological multiplicity, I embark on a foregrounding of their dynamics so that the totality of the theoretical/methodological dynamics adopted to retell and re-narrate the Niger Delta environmental quagmire can become clearly theoretically and methodologically grounded.

Starting from the methodological angle, on autoethnography, the primary question is what the rationale is, or rather, the motivation for my adoption of the autoethnography methodology to narrate the Niger Delta environmental experiences and complexities? To this, I draw from Jazeel's claim that "ethnicised spatial politics of nature" lends to the validity of investigating how environmental relations are curated and experienced. This is because access to nature is constantly overlooked in actual discussions of state power and the political.¹⁸⁵ This makes O's narrative that I present through autoethnography fitting. Thus, I present Niger Delta's "ethnicised spatial politics of nature" to play out in the sprawling oilfields of the Atlantic Ocean surrounding the entirety of the Delta. These oilfields, as I perceive, have become sites of powerplay among the contesting forces seeking to dominate and control the currency coming out the oilfields- the petrodollar. In this process, those at the receiving end of this powerplay are left to live bare life, and on the fringes of society in the Deleuze-Guattari proportions of "double-articulation" and the "double-pincer". This validates that claim of oil has developed a "satanic sentience" of the politics of in-between culminating in a "God-complex" deposited in the layers of the society strata¹⁸⁶, in Negarestani's words. This powerplay has placed not only the Niger Delta, but also potentially the

¹⁸⁵ Jazeel T., (2013) *Sacred Modernity: Nature, Environment, and the Postcolonial Geographies of Sri Lankan Nationhood*, Liverpool University Press, p3

¹⁸⁶ Negarestani R., note 38, pp16-20.

entire earth, under “the process of ‘Eradication’”. This is because I perceive the power of oil multinationals as war-machines capable of bringing forth, “monotheistic apocalypticism.”¹⁸⁷

We can therefore see why the adoption of using the autoethnography method to retell the Niger Delta environmental dynamics becomes important. Taking my cue from Brooks, I find the validity and beauty of autoethnography in its propensity to enable the researcher to merge with the bodies of the field as part of an event, rather than distanced, objective bodies using their tools upon ‘objects’.¹⁸⁸ Being situated in a methodological position such as this enables the understanding¹⁸⁹ of the historical, social, cultural, and anthropological structures and practices of the society the researcher has chosen for their study. By immersing myself in the role of an autoethnographer, the crux of my thesis emerges through O’s univocal narrative, detailing the devastating environmental and health consequences of oil exploration on those at the receiving end of the environmental degradation. These include the village dwellers whose sources of livelihood have been snatched from them due to the spills and contamination of the land and waterways. These marginalised communities have become “zones of sacrifice”¹⁹⁰, legitimised by the institutional structures and practices of the Nigerian state and oil capital.¹⁹¹

Autoethnography also presents me the best methodological tool to portray the lives of the women, the vulnerable, the voiceless, and others living on the fringes of the oil

¹⁸⁷ Id

¹⁸⁸ Brooks V., (2018), “Fucking Law (A New Methodological Movement)”, *Journal of Organizational Ethnography*, 7(1), p35

¹⁸⁹ Id

¹⁹⁰ Kuletz V.L., (1998), note 22, xvi.

¹⁹¹ Id

communities as 'non-subjects' Their lived experiences are passed through word of mouth and embodied practices walking the terrain, and through modes of feeling that materialist-scientific objectivism struggles to deal with.¹⁹² The narrative will therefore help to reconstruct the experiences and personal stories of oil communities' indigenes in different light, in such a way that they highlight issues of the complexity and human centredness that are of concern to many researchers.¹⁹³ Stories about human experiences, such as the critical events happening in the Niger Delta, impress it on researchers to communicate across generations, development of new understanding as a consequence of the particular experiences. These stories, arguably, have proved to stand the test of time and retained a place in living memory, where many other details have faded not to be ever recalled¹⁹⁴, as Webster and Mertova impress it on us.

However, the choice of autoethnography as methodology comes with its own risks, which I acknowledge from the onset. The primary risk is that it challenges the notion of 'non-subjectivity' that established qualitative research methods make paramount. Yet, through their relationship with their observed subjects, I am of the position that autoethnographers inevitably evoke their personal connectivity, familiarity, and emotion in their research. Coming from this position, we can see through the character of 'O', the protagonist of the fictional narrative of the Niger Delta environment in this research, how my personal connectivity, familiarity, and emotion with the research environment become apparent. This is because O's narrative exhumes my own

¹⁹² Shaw, J.K. and Reeves-Evisson, T. (2017) "Introduction" in J.K. Shaw and T. Reeves-Evisson (Eds), *Fiction as Method*, Sternberg, Berlin, p8

¹⁹³ Webster L. and Mertova P., (2007) *Using Narrative Inquiry as a Research Method: An Introduction to Using Critical Event Narrative Analysis in Research on Learning and Teaching*, Abingdon: Routledge, p71

¹⁹⁴ Id, pp72-3

memory as a researcher, who, having lived on the periphery of the degraded environment until I became a young adult, become enabled to present to the reader, the lived experiences of those deprived and displaced populations.

Starting with Luhmann, whose empirically and methodologically complex systems theory resides in the “I observe/I do not observe” fluidity, I have decided to be restrictive in my focus on his notions of communication and system/environment distinction as the basis of societal functioning. This is a conscious decision because systems theory does not proffer solutions to environmental complexities even through the second order observation. Rather, it only exposes and explains because the system, as operationally closed, cannot reach the environment with its own operations, neither can it adapt to the environment through cognition.¹⁹⁵ Thus, what I aim to achieve is to fold systems theory into Deleuze’s affect by linking the communication dynamics of systems theory with the “traces of interaction” that permeate affect. These “traces of interaction” are what Deleuze presents as the residues of experience that live on in thought and in the body, akin to the materiality of change which occurs in relation to ‘affecting bodies.’¹⁹⁶

Thus, through the concept of autopoiesis, Luhmann perceives society as the most encompassing system of “meaningful communication.”¹⁹⁷ Linking this with

¹⁹⁵ Luhmann N., (2012) *Theory of Society (Volume 1)*, Rhodes Barrett (Translated), Stanford, CA: Stanford University Press, p73; for Luhmann, an operationally closed system can operate only within the system, not partly inside and partly outside. All structures and all states of the system that function as a condition for the possibility of further operation are produced, are brought about by the system’s own operations...ecological circumstances are of interest only where they affect society as its environment, either because society causes them to change or because they impact society.

¹⁹⁶ Hickey-Moody A., (2013) “Affect as Method: Feelings, Aesthetics and Affective Pedagogy” in Rebecca Coleman and Jessica Ringrose (Eds.) *Deleuze and Research Methodologies*, Edinburgh University Press, p81

¹⁹⁷ Luhmann N., (1989), note 74, p28.

environmental and ecological matters, Luhmann is unequivocal about non-exclusivity of social mode of operation because the environment realises its validity only by means of communicative irritations or disturbances.¹⁹⁸ This makes social systems solely a collection of relations among elements.¹⁹⁹ In a system/environment distinction dynamic therefore, Luhmann perceives that communication becomes possible where the simultaneous perception of what others perceive is not absent. It is only through this that we are “independent of others’ perceptions or failures to perceive that we perceive what we perceive.”²⁰⁰

What appears to be the primary function of communication for Luhmann is the idea of boundaries. What I mean by this is that Luhmann seems concerned about how systems distinguish themselves from the environment in order to maintain themselves. They do so by arranging everything in their own communication as either internal or external and practices insofar as its own communication is concerned.²⁰¹ This becomes necessary for systems as they must create and employ a description of themselves for orientation and as a principle for creating information.²⁰² What I perceive from this system/distinction formulation is that Luhmann’s theory rests on boundaries to have validation. For this, I draw from Philippopoulos-Mihalopoulos’ requirement of a differentiated understanding of the relational. This manifests where the location of a community within its environment, while maintaining the exteriority of the environment already constructed within the autopoietic system²⁰³, becomes engaged.

¹⁹⁸ Id, 29

¹⁹⁹ Id, 23

²⁰⁰ Id, p178

²⁰¹ Luhmann N., (1995), note 50, pp178-179.

²⁰² Id, p9

²⁰³ Philippopoulos-Mihalopoulos A., (2007), note 21, p166.

The question that flows from the point above is, how is it possible to empirically distinguish a system from its environment? In the context of the Niger Delta environment, the answer seems to rest on methodology, shifting the attention from objects and structures to their constitution as objects by an observer.²⁰⁴ I take this position, relying on the perception that with the relational placed on an absence of identity and communion, every observation becomes a distinction with second order observation. This is the observation of the 'visibilisation' of the paradox of distinction of first order observation.²⁰⁵ This is made possible through the unity of the first order observer, O as the main observer, and I as the second order observer observing O. Essentially, first and second order observations work in tandem. This means that it is only through a recursive network of the observation of observations that observation is possible.²⁰⁶ In the Niger Delta context, the empirical distinction I locate is that between preserving the natural and beneficial aspects of the land and damaging it so that it needs treatment or remediation to recover.

What becomes distinctly clear with second order observation is that it is an ongoing observation resting on what Luhmann presents as the distinction between self-reference and "other-reference". This in turn, condenses the corresponding references and concentrates them into the distinction between system and environment²⁰⁷ to allow for a new style of self-observation. The new style of self-observation is that of the attribution of topics to the system itself as opposed to its environment²⁰⁸, given that

²⁰⁴ Gren M., and Zierhofer W., (2003) "The Unity of Difference: A Critical Appraisal of Niklas Luhmann's Theory of Social Systems in the Context of Corporeality and Spatiality", *Environment and Planning A*, 35, p616

²⁰⁵ Philippopoulos-Mihalopoulos A., (2007), note 21, pp166-179.

²⁰⁶ Id, p166, citing Luhmann N., (1998) *Observations on Modernity*, W. Whobney (Trans.), Stanford, California: Stanford University Press

²⁰⁷ Luhmann N., (2013), note 32, p175.

²⁰⁸ Id

the system engages a reflexivity of its own unity as point of reference for observation, and for ongoing reference.²⁰⁹ Through this complexity I am, as the second order observer, able to produce this research's text narratively, coordinated in a multitude of event-like and situation-bound observations²¹⁰ as the Niger Delta's story unfolds. The essence of second order observation for my research, therefore, is the twofold practice of distinction and simultaneous indication of one side of the events, with everything else left aside and no longer observable.²¹¹

On this basis, I set out to present my autoethnographic narrative as the second order observer of O, my first order observer to explore the possibility of making connections between seemingly contrasting systems.²¹² This makes me an observer of the paradoxes and dilemmas of the systems which constitute the Niger Delta environment. This makes it both relevant and necessary methodologically for my thesis as it enables me to discover the nature, structure, health of the people, environment, and ecosystem constituting the systems before, and after the discovery of oil in Oloibiri in 1956. It also offers my work, a deep insight into the past, present and future of the creek communities with a "decentring effect" to enable me to recreate and link the past, present and the future of the Delta environment. The paradoxes and dilemmas of the systems which constitute the Niger Delta that I allude to here is akin to a city's daily disorder. For this, I draw from to Bankowski's second order observation of the city awash with noise which makes communicating to the outside a difficult task.²¹³ The

²⁰⁹ Id

²¹⁰ Id

²¹¹ Aufenvenne P., Egner H., & von Elverfeldt K., (2014) "On Climate Change Research, the Crisis of Science and Second-order Science", *Constructivist Foundations*, 10(1), p120

²¹² Ellingson L.L., & Ellis C., (2008) "Autoethnography as Constructionist Project", in J.A. Holstein, & J.F. Gubrium (Eds.) *Handbook of Constructionist Research*, New York: Guilford, p446; the stakeholders of the Delta fall into the categorisation of Ellingson and Ellis' "polar opposites."

²¹³ Bankowski Z., (1994) "How Does It Feel to Be on Your Own? The Person in the Sight of Autopoiesis", *Ratio Juris*, 7(2), p254; as Bankowski found out what disorder was, when in his observation of the city,

ultimate value for my work, therefore, is the enabling of a radically different observation that stands apart from the common empiricist understanding of observation.²¹⁴

What the second order observation also refreshingly offers to my thesis is its focus on self-observation, and not just on situations in which people observe one another.²¹⁵

This makes me a reflexive observer of the past and the likely future which are simultaneously present in the horizons²¹⁶ of the Niger Delta. This is arguably why den Hollander sees timelessness as the biggest advantage of second order observation, making the present to remind us of the eternal shifting²¹⁷ of experiences. Systems theory's paradox thus embeds a beauty in the second order observation through the continuous constitution of time with the result always relative to a present.²¹⁸

In engaging with Deleuze's theory of affect and applying it to the Niger Delta environment, space, and ecological dynamics, I draw inspiration from the feminist political ecology and critique. This perspective draws our attention to the role of emotions and subjectivities in mediating natural-resource struggles and environmental activism.²¹⁹ To put this in the philosophical context, the Spinoza-inspired Deleuze conceptualisation of affect becomes instructive. For Deleuze, affect resides in the modes of life, or of its attributes which designate that which happens to the modes.²²⁰

it was "awash with noise. Order from noise, they called it, but I was not so sure. I (would) have to check on that, but I was finding it difficult to communicate outside. I was working on the Paradox Case."

²¹⁴ den Hollander J., (2012) "Historicism, Hermeneutics, Second Order Observation: Luhmann Observed by a Historian", in A. Lopez-Varela (Ed.) *Social Sciences and Cultural Studies - Issues of Language, Public Opinion, Education and Welfare*, Intech Open Access, p49, DOI: 10.5772/37996

²¹⁵ Id, p54

²¹⁶ Id, p50

²¹⁷ Id

²¹⁸ Id

²¹⁹ Singh N.M., (2018), note 56, pp1-7.

²²⁰ Deleuze G., (1988) *Spinoza: Practical Philosophy*, R. Hurley, Trans., San Francisco: City Lights Books, p48

What constitutes the modifications of the modes, *affectus*, are “images or corporeal traces, and their ideas involve both the nature of the affected body and that of the affecting external body.”²²¹ In the ecological context, I situate affect in the process of thinking about not just the Nigerian but also the global ecosystem in terms of rhizomatic interconnections, assemblages, or a complex ‘coming together’ of things and beings²²², drawing from Singh.

Transposing this conceptualisation into the feminist environmental and ecological sphere, and the Niger Delta environmental complexities, I align with the perspective that environmental dilemmas are products of emotions and subjectivities in the process of mediating natural-resource struggles and environmental activism.²²³ This provides the possibility of situating affect with ecological epochs of ‘resource struggles’ and ‘resource conflicts.’ It also allows an engagement with “embodied emotional geographies” of peoples, communities, and natural resources, thereby enabling us to comprehend better, the complex ways resources and emotions influence the survival strategies and everyday resource management practices.²²⁴ Through O’s narrative, the reader can determine how the ‘embodied emotional geographies’ playing out in the Niger Delta communities’ resource struggles significantly influence the outcomes of practices and processes of the access, use and control of the hydrocarbons resources they host. I take this position drawing from Sultana’s suggestion that

²²¹ Id

²²² Singh N.M., (2018), note 56, p1.

²²³ Id, p3

²²⁴ Sultana F., (2015) “Emotional Political Ecology”, in R.L. Bryant (Ed.) *The International Handbook of Political Ecology*, Cheltenham: Edward Elgar, pp633-645; and Sultana F., (2011) “Suffering for Water, Suffering from Water: Emotional Geographies of Resource Access, Control and Conflict”, *Geoforum*, 42, p163.

'embodied emotional geographies' are critical in shaping the way critical resources are managed and experienced in everyday survival struggles.²²⁵

By locating the Niger Delta oil communities in 'embodied emotional geographies', I portray to the reader, subjectivities in resource struggles. These struggles are causally connected to what I take from Nightingale to be the operation of institutions integrally intertwined in social relations of power and the ways in which people understand their relationship to others. This is irrespective of being human or non-human others.²²⁶ In the same breath, I find this causal relationship in the social products of the Delta's environmental conflicts where the stakeholders express their feelings and build their relationships through what González-Hidalgo and Zografos opine as power processes of 'subject-making' and 'political subjectivation'.²²⁷ These, I argue, have constantly reflected in the ways the oil communities have accepted, internalised their ecosystem and current environmental dilemma. And in the case of the militants, they have constantly reflected in how they have resisted norms that dictate their responses and 'being' in relation to the state, the oil resource, and oil multinationals,²²⁸ in the context of the environmental violence they engage in.

In the process of turning the affective milieu of 'resource struggles' and 'resource conflicts' on its head empirically, and narrating the dilemmas, I take inspiration from Deleuze's transcendental empiricism. This is because it provides me the avenue to present the daily lived experiences of Niger Delta's oil communities through the kinds

²²⁵ Sultana F., (2011) above, p164

²²⁶ Nightingale A.J., (2011) "Beyond Design Principles: Subjectivity, Emotion, and the Irrational Commons", *Society and Natural Resources*, 24(2), p120

²²⁷ González-Hidalgo M., and Zografos C., (2020) Emotions, Power, and Environmental Conflict: Expanding the 'Emotional Turn' in Political Ecology", *Progress in Human Geography*, 44(2), pp236-7.

²²⁸ Id

of 'voices' that need to be heard and the kinds of literacies being acknowledged.²²⁹ Yet at the same time, it allows me to achieve the assemblages of my research context to show how the 'affects' of the everyday lives of the average Niger Delta subaltern inform my autoethnography narration. Most importantly, it allows for the indirect discourses through which research subjects (the indigenes of the oil communities) speak.²³⁰ I take this position because in the social sciences and humanities, research allows for the imagination of bodies, societies and interactions in particular ways.²³¹ Thus, as an autoethnographic researcher, Deleuze's transcendental empiricism provides me with the tool of imagination to map the politics of feeling and unpack the research assemblage to enable learning²³² of the feelings, desires and wants of the oil communities.

By narrating the lived experiences of the subaltern of the Niger Delta oil environment through the affect/immanence assemblage, therefore, I am able to use the multiplicity creativeness in methodology to produce life stories from Deleuze's 'states of things.' This transcendental empirical endeavour helps to trace the lines between immanence and the multiplicity and relationality beginning from and extracting what is immanent to that thing.²³³ But the question remains, what is immanence as a concept? Taking a cue from Deleuze, I perceive immanence as the immediate consciousness of moments, time, and events in our daily life. This is because Deleuze teaches us that life is everywhere, and in all moments, a certain living subject passes through certain

²²⁹ Id

²³⁰ Hickey-Moody A., (2013) "Affect as Method: Feelings, Aesthetics and Affective Pedagogy" in Rebecca Coleman and Jessica Ringrose (Eds.) *Deleuze and Research Methodologies*, Edinburgh University Press, p93.

²³¹ Id, p84

²³² Id

²³³ Coleman R., and Ringrose J., (2013), id note 177, p10.

lived objects.²³⁴ This is immanent life that carries along the events or “singularities which do nothing more than actualise themselves in subjects and objects.”²³⁵

What I take from Deleuze’s immanence is that it goes to the heart of life, being and the body are capable of actualising, that is, capabilities of ‘becomings’. Or to take a cue from Patty Sotirin, immanence engages multiplicities, lines and intensities through which subjects, functions and values constitute planes of organisation, in which case, hidden structures become known through their effects.²³⁶ This proves the invaluable nature of transcendental empiricism in contemporary research, and in my endeavour through autoethnography methodology, because as Deleuze says:

The life of an individual, gives way to an impersonal and yet singular life that releases a pure event freed from the accidents of internal and external life, that is from the subjectivity and objectivity of what happens...It is a *haeccity* no longer of individuation but of singularisation: a life of pure immanence.²³⁷

Finally, applying Foucault’s biopolitics/ecogovernmentality to the Niger Delta narrative, I align autoethnography with the content/textual analysis of scholastic discourse, official reports, stakeholder communication and reports, as well as literary publications on the oil environment. Through these documents, the stories of the subaltern and unheard voices become validated. I find justification for the adoption of Foucault’s

²³⁴ Deleuze G., (1997) “Immanence: A Life...”, *Theory, Culture & Society*, 14(2), p5

²³⁵ Id

²³⁶ Sotirin P., (2011) “Becoming-Woman”, in Charles J. Stivale (Ed.) *Gilles Deleuze: Key Concepts* (2nd Edn), Acumen, p119

²³⁷ Deleuze G., (2001), “Immanence: A Life” in *Pure Immanence: Essays on A Life*, trans. A. Boyman, New York: Zone, pp28–9

theoretical and methodological approach, in his perception that modern society is regulated through “a disciplinary society by a society of government.”²³⁸ This operates in a tripartite structure- sovereignty-discipline-government- with the primary target being the population, and its essential mechanism, the apparatuses of security.²³⁹ In this structure, Foucault identifies the process that isolates the economy as a specific sector of reality, whilst the political economy is the science and the technique of intervention of the government in that reality.²⁴⁰ In all these, the government, population, and the political economy that operated since the eighteenth century remain active even today.²⁴¹

From Foucault’s tripartite structure, it is the genealogy of government that constitutes the origins of modern power, and the fabrication of a modern identity²⁴², as Watt suggests. This focuses on the processes through which the state governs and monitors the conduct of a population by designated institutions and agencies, discourses, norms, and identities.²⁴³ This also comes by means of self-regulation, techniques for the disciplining and care of the self.²⁴⁴ To this extent, when considering the political economy of oil in Nigeria, it becomes evident that it falls within Foucault’s knowledge and apparatuses of security as technical means.²⁴⁵ The knowledge and apparatuses of security thus operate on the Niger Delta population with

²³⁸ Foucault M., (1978) *Power*, New York: The New Press p219

²³⁹ Id

²⁴⁰ Id

²⁴¹ Id

²⁴² Watts M., (2004) “Resource Curse? Governmentality, Oil and Power in the Niger Delta, Nigeria”, *Geopolitics*, 9(1), p56

²⁴³ Ferguson J., & Gupta A., (2005) “Spatializing States: Toward an Ethnography of Neoliberal Governmentality”, in Jonathan Xavier Inda (Ed.) *Anthropologies of Modernity Foucault, Governmentality, and Life Politics*, Blackwell Publishing, p114

²⁴⁴ Id

²⁴⁵ Id, citing Foucault M., (2007) *Security, Territory, Population: Lectures at the College de France, 1977-1978*

governmentality as the dominant mode of power.²⁴⁶ Governmentality, to drawn from Ferguson and Gupta, therefore becomes the primary tool to actualise the numerous ways human conduct is directed by calculated means. Its mechanisms cut across domains of the state, civil society, the family, and even the intimate details of personal life.²⁴⁷

Thus, taking a cue from Van Assche et al., my application of Foucault's theoretical framework to Nigeria's natural resource management- hydrocarbons- is therefore centred on co-creation of power and knowledge in policy systems governing the extraction, preservation, and use.²⁴⁸ This implies a particular selection and reduction of the complexity of the environment when considering the interplay between social and ecological systems. Each discourse constructs its own perspectives on these systems and their interlinkages.²⁴⁹

Methodologically, Foucault's theory sits well with textual/discourse analysis, while also taking on the importance of engaging the voice of the researcher through his text, because Foucault seeks to know: what does it matter who is speaking?²⁵⁰ This is an indifference which, as he points out, has become one of the fundamental ethical principles of contemporary writing.²⁵¹ This is equally what has made today's writing, for Foucault, to be free from the theme of expression through its identification of its

²⁴⁶ Id

²⁴⁷ Id, p115

²⁴⁸ Van Assche K., Beunen R., Duineveld M., & Gruezmacher M., (2017) "Power/knowledge and Natural Resource Management: Foucaultian Foundations in the Analysis of Adaptive Governance", *Journal of Environmental Policy & Planning*, 19(3), pp311-2

²⁴⁹ Id

²⁵⁰ Foucault M., (1998) "What Is an Author?" In James D. Faubion (Ed.) *Aesthetics, Method, and Epistemology: Essential Works of Foucault 1954-1984, Volume Two*, Translated by Robert Hurley and Others, New York: The New Press, p205

²⁵¹ Id

own unfolded exteriority. What now obtains is more of an interplay of signs arranged, and less of its signified content according to the very nature of the signifier.²⁵² It is through this approach that my engagement with O's narration of the lived experiences of the subaltern of the Niger Delta becomes poignant. Through the critical perusal and analysis of extant narrative of the oil communities' environmental dilemmas, Foucault's methodology makes writing to unfold like a game that goes beyond its own rules and transgresses its limits. The art of writing in this way therefore becomes a question of creating a space into which the writing subject constantly disappears.²⁵³

I find more justification in adopting Foucault's methodology in the reality of the constant metamorphosis of the culture of the narrative. For Foucault, this metamorphosis links writing to sacrifice, even to the extreme of the sacrifice of life. Writing is now a voluntary effacement, brought about in the writer's very existence.²⁵⁴ In this situation, the researcher/writer is able to use all "the contrivances" that he/she sets up between his or herself and what he/she writes to cancel out the signs of their particular individuality. As a result, the mark of the writer is reduced to nothing more than the singularity of their absence.²⁵⁵

In unpacking the totality of the multiplicity that I set out above, what I will present in each chapter could be called a cognitive eco-critical approach to narrative exposé. The voices emerge principally from 'O', a fictional character that engages my memory and streams of consciousness as a second order observer/autoethnographic methodologist. Through this narrative, I present to the reader the avenue of

²⁵² Id, p206

²⁵³ Id

²⁵⁴ Id

²⁵⁵ Id p207

understanding the status of the Nigerian state, oil multinationals, oil communities and other stakeholders as function systems. In these function systems, there is constant breakdown in communication between the human and natural entities they constitute within the legal system. There is equally a constant face-off between the state and the indigenous oil communities, with the result being an immanent jostling of our recognition of the grisly reality of the environmental disaster and human suffering in the Delta. This will culminate in the proposition of what I suggest as transcendent justice that will achieve relational and social interaction mechanisms among all stakeholders. This is with the goal of minimising and managing environmental incidents that may imply degradation and severe damage to the ecosystem, the socio-economic linkages to the environment, and human health and life.

3.2) Layout of General Methodology

As noted from the onset, in the process of finding answers to my research questions, my methodological approach is based on multiplicity of methods. However, the primary research methodology I have adopted is autoethnography, complemented by document-based research as a way of verification and validation, but also circular inspiration for O's narrative. What then forms the basis of autoethnography? Drawing from Crowley-Henry's definition, I find the basis of autoethnography in its goal of studying cultures, relying either partially or mainly, on participant observation in communities of study. In this setting, the researcher immerses himself/herself in "the customs and lives of the sample population under exploration and notes his/her observations in extensive field notes."²⁵⁶ Through this approach, O's account of the

²⁵⁶ Crowley-Henry M., (2009) "Ethnography: Visions and Versions", in J. Hogan, P. Dolan & P. Donnelly (Eds.) *Approaches to Qualitative Research: Theory & Its Practical Application: A Guide for Dissertation Students*, Cork, Ireland: Oak Tree Press, p37

lived experiences of the indigenes of the oil communities of Delta and Bayelsa States, away from the much-focused Ogoniland, allows me to assume the stance of a second order observer, observing the first order observer, O.

However, by also undertaking document inspection of the historical narratives, and existing official/institutional studies of the degradation of the Niger Delta environment through textual/content analysis, it becomes possible to validate O's narrative. This will portray the Niger Delta communities' encounters with crude oil and its environmental impact, thereby allowing for a reflexive autoethnography of the environment's historical dynamics. Through this, I combine the narratives that emerge from O with the textual analysis of relevant documents from the Nigerian regulatory agencies including the National Oil Spill Detection Response Agency (NOSDRA), and Hydrocarbon Pollution Remediation Project (HYDREP). Other documents to be analysed will come from oil multinationals (particularly Shell), NGOs such as Environmental Rights Action (ERA), international bodies such as United Nations Environmental Programme (UNEP), and Amnesty International. Recourse will also be made to research and academic papers, as well as narratives by environmentalists such as Ken Saro-Wiwa's *Genocide in Nigeria: the Ogoni Tragedy*, and Helon Habila's *Oil on Water*. Through these, I hope to create a better understanding in the reader, the roles played by both formal and informal local institutions in the Niger Delta communities when dealing with the environmental dilemmas arising from oil spills, pollution, and gas flaring. Drawing from Philippopoulos-Mihalopoulos, all these, I will argue, resonate with the conception of the autopoietic fold where the system/affect dynamic highlights the disjunctive communication dynamics in the Niger Delta.

Also, the combination of O's narratives and textual analysis allows me to present this thesis in a primarily theoretical, yet epistemological manner. This is a differential approach that I take within the "critical autopoiesis" paradigm. When applied to modern regulatory complexities and failures, we see the emergence of autopoiesis and communication into the sphere of the problem of meaning and knowing.²⁵⁷ Thus, "critical autopoiesis" allows for the depiction of the contemporary environment from the post-identity, post-human, fully material, and radically ecological perspective. This materialises, taking a cue from Philippopoulos-Mihalopoulos, in the sense of originating from the systemic environment rather than the system as an infinite repetition of difference.²⁵⁸ I then situate this reality within the context of the capacity to make us to perceive the complex architectures and infrastructures of everyday life in the Niger Delta environments as narrated by O. His narrative takes us through the Bayelsa/Delta creek communities of Okpotuwari, Gbaramotu, Egwa I, Egwa II and Jones Creek. It helps us to understand the nature and rationale for the failure of successive regulatory systems instituted for the environmental governance of the Nigerian oil and gas industry.

The understanding "critical autopoiesis" offers in this sense, when presented through the second order observation method, is the exposition of a deep-seated and conspiratorial web of petro-capitalism, power politics, law, corporate greed, and corruption. This complex web makes the Niger Delta ecosystem, its spatial environment, land mass and its peripheral participants- the indigenes of the oil communities- visible, in the Luhmann's communication dynamics. Through this, I

²⁵⁷ Philippopoulos-Mihalopoulos A., (2014) "Critical Autopoiesis and the Materiality of Law", *International Journal of the Semiotics of Law*, 27, p391

²⁵⁸ Id

intend to provide as answer to one of my research questions: whether the conceptual and material absence of communication between the human and the natural within the Nigerian legal system continues to pose obstacles to an effective environmental regulation of Nigeria's hydrocarbons. In response to this, I will argue that in the communication networks, transmitting flows of power, finance, information, and decision-making in respect of the Niger Delta, the most important factor- the environment- has been constantly ignored. However, such transmission should have been operated through an organised lifeworld integrated into the planetary expansion and intensification of global "industrial technomass" of "thermodynamic" dimension²⁵⁹, to reference Hornborg.

3.3) Justification of Autoethnography as Methodology

Caroline Ellis aptly highlights the utility of autoethnography with questions: who knows better the right questions to ask than a social scientist who has lived through the experience? Who would make a better subject than a researcher consumed by wanting to figure it all out?"²⁶⁰ However, despite its utility, Ellis also highlights critical ethical challenge in embracing autoethnography. This challenge is that of running of the risk of inadvertently revealing the identity of the researcher's subjects. This can manifest, even where their consent has been obtained, in the subjects not having a full understanding of what they had consented to.²⁶¹ This therefore, makes it critical for the researcher adopting autoethnography as methodology to be wary of a high

²⁵⁹ Hornborg A., (2001) *The Power of the Machine: Global Inequalities of Technology, Economy, and Environment*, Lanham: Altamira, p87

²⁶⁰ Ellis C., (1991) "Sociological Introspection and Emotional Experience", *Symbolic Interaction*, 14(1), pp29-30

²⁶¹ Ellis C., (2007) "Telling Secrets, Revealing Lives: Relational Ethics in Research with Intimate Others", *Qualitative Inquiry*, 13, p14.

level of risk of personal disclosure and reader reception.²⁶² To overcome this predicament, the researcher needs to find answers to the question of how he/she honours their relational responsibilities, whilst simultaneously portraying lived experiences in a complex and truthful way for readers.²⁶³

In response to these questions, autoethnographers have been known to lay emphasis on the ideas of interpretation and reflection to find their forte and significance in research. They have also constantly been engaged in the comparison, normalisation, and creation of the understanding of how folks experience emotions, bodies, and thought through the investigation of authors' obscure recovery processes.²⁶⁴ Taking inspiration from Ellis and Adams therefore, I have taken into consideration, the concerns about ethics²⁶⁵, and how culture, politics, and power relations influence the lived experiences of the oil communities O presents in his narrative. This is important for three reasons, not just for my research, but also for further solidification of autoethnography research methodology.²⁶⁶ First, personal storytelling in academia has grown exponentially within the tradition of qualitative research.²⁶⁷ Second, autoethnography accords recognition to research ethics.²⁶⁸ And third, the emergence and importance of identity politics have heralded women and minorities into academia²⁶⁹ to narrate their lived experiences.

²⁶² Grant A., Short N.P. & Turner L., (2013) "Introduction: Storying Life and Lives", in Nigel. P. Short, Lydia Turner and Alec Grant (Eds.) *Contemporary British Autoethnography*, Sense Publishers, p11

²⁶³ Ellis C., (2007), see note 261, p14.

²⁶⁴ Ellis C., and Adams T.E., (2014) "The Purposes, Practices, and Principles of Autoethnographic Research", in by Patricia Leavy (Ed.) *The Oxford Handbook of Qualitative Research*, OUP, p257

²⁶⁵ Id

²⁶⁶ Id

²⁶⁷ Id

²⁶⁸ Id

²⁶⁹ Id

This reality lies significantly at the heart of the decision and motivation for my approach of using fictional characters in this research so that I can create an understanding of Niger Delta's indigenes' point of view, thoughts, and feelings²⁷⁰, and thus generating empathy for them. I find further justification for this in the feminist/queer researchers' belief in the potency of autoethnography as a methodological plane²⁷¹ to showcase the complex ways in which multiple aspects of privilege or oppression manifests.²⁷² This is founded on the feminist methodology's calculated attempt at rupturing the dominant Cartesian paradigm of rationality of modern social sciences through autoethnographic/narrative writing.²⁷³ Through autoethnography therefore, researchers like me are able to recreate for the reading public, the intimate lived experiences²⁷⁴ of people such as those in the Niger Delta. This attempt in many instances, engages ethical issues which, in the words of Butler, require researchers to take personal risks at moments of unknowingness, when what forms us "diverges from what lies before us, when our willingness to become undone in relation to others constitutes our chance of becoming human."²⁷⁵

With these realities providing the rationale for my choice of autoethnography methodology to retell the Niger Delta environment story, I take the role of a reflexive researcher and storyteller of the lived experiences of Niger Delta's oil communities and given cultures. These realities also necessitate a comprehensive definition of autoethnography. And for this, I adopt three definitions, those of: Ellis and Adams;

²⁷⁰ Knight A., (2011) note 6, p6.

²⁷¹ Brooks V., (2018), note 188, p35.

²⁷² Leavy P., & Harris A., (2019) *Contemporary Feminist Research: From Theory to Practice*, New York: The Guilford Press, pp4-5.

²⁷³ Ettore E., (2017) "Feminist Autoethnography, Gender, and Drug Use: "Feeling About" Empathy While "Storying the I", *Contemporary Drug Problems*, 44(4), p357.

²⁷⁴ Id

²⁷⁵ Butler J., (2005) *Giving an Account of Oneself*, New York: Fordham University Press, p136

Manning and Adams; and Ellis. For Ellis and Adams, autoethnography presents an orientation to the living of life with an approach that has the potential for making life better, not just for the writer, but also for the reader, and larger culture.²⁷⁶ I perceive from this, a research process and narrative writing which connects the writer's personal experience to the cultural, social, and political. Thus, Ellis and Adams appear to prioritise personal experience as an important source of knowledge and insight into cultural experience.²⁷⁷

From Manning and Adams' perspective, autoethnography as a research method, foregrounds the researcher's personal experience, embedded within cultural identities and contexts. It is expressed through writing, performance, or other creative means.²⁷⁸ However, arguably, the most comprehensive definition can be gleaned from Caroline Ellis, one the leading scholars in this field. Autoethnography, for Ellis, is not simply a way of knowing about the world; rather, it has become a way of being in the world, requiring conscious, emotional, and reflexive living:

It asks that we not only examine our lives but also considers how and why we think, act, and feel as we do. Autoethnography requires that we observe ourselves observing, that we interrogate what we think and believe, and that we challenge our own assumptions...It asks that we rethink and revise our lives, making conscious decisions about who and how we want to be. And in the process, it seeks a story that is hopeful,

²⁷⁶ Id, p254

²⁷⁷ Id

²⁷⁸ Manning J., & Adams T.E., (2015) "Popular Culture Studies and Autoethnography: An Essay on Method", *The Popular/Culture Studies Journal*, 3, p188

where authors ultimately write themselves as survivors of the story they are living.²⁷⁹

VIGNETTE 12: 1:00pm- March 9, 2005: *Port-Harcourt, O's Return to the Delta*

O's first encounter with the Niger Delta Oil Environment has been unquestionably an eye opener. Throughout the nearly two years he is away from those sights of horror in the Delta, the mental pictures have continued to lure him back there to continue his search for knowledge about the region's environmental debacle. Meanwhile, he was sent a notification by Shell that he did not meet the criteria to progress to the next stage of the employment assessment. For him, it is a case of: *who cares? My goal and aspirations have since changed irrevocably from that young man looking to acquire wealth to that that seeking a change in our environmental thinking, discourse, and practice.*

Thus, early in 2005, he goes back and requests his previous host, Jay to facilitate other trips to the most pollution-prone areas in Bayelsa and Delta States. He now understands that Ogoniland and other oil communities in Rivers State already enjoy more media and international coverage and attention. On this trip, O desires to go deeper into the Creek communities in Ijaw land in Bayelsa and Delta states where the pollutions done by such companies as Shell, Chevron, Total, Agip and

²⁷⁹ Ellis C., (2013) "Carrying the Torch for Autoethnography", in S.H. Jones, T.E. Adams, & C. Ellis (Eds.) *Handbook of Autoethnography*, Walnut Creek, CA: Left Coast Press, Inc., p10

ExxonMobil are claimed by the Ijaws to be more profound but hardly covered.

March 12 - 19, 2005: *Okpotuwari, Bayelsa State*

Consequently, Jay takes O to trip to Okpotuwari in Bayelsa State for a start. At Okpotuwari there are the massive Ogboinbiri/Tebidaba oil wells and pipelines. Jay already has an advanced party to receive them, just as he did during the previous trips. To O's surprise, there is still no land transportation network to the village. This time, the boat ride is rough as the tides have been raging for a while in the waters around the community. On arrival at Okpotuwari, Jay and O are received by a youth leader, a young man in his twenties called Fibrima, who then takes them to meet some elders as is the community's tradition of respect for elders. After the extensive pleasantries, the first thing one of the elders says to O is:

My son, we have heard a lot about you, and your interest in us. You are not from these parts, yet you have come to see our suffering. Thank you. But you see, apart from the Ogonis, we feel nobody knows that we exist. No one has come to see what Chevron and ExxonMobil have done to the land given to us by our ancestors.

O is then shown around the community coast, the oil wellheads so close to the jetty and large deposits of crude oil all over the water. In the stream

of his consciousness that has come to be core to his life each time he embarks on these trips to the Delta, he says, *it just the same story of deplorable sights. It is as if I am back to Egwa I, same lack of amenities, same scenes of poverty, same absence of government presence.*

March 20, 2005- Okpotuwari, Bayelsa State

After a seven-day stay, this trip has to be cut short because of a series of relentless attacks by the Ijaw youths and militants on oil facilities, kidnapping of oil workers and expats. Jay cannot even guarantee his own safety not to talk of O's. Thus, they both decide O needs to take a break. On his way back to Lagos. Jay tells O that he wishes he never came back because the Delta is becoming more and more volatile. And he does not want any harm to come O's way. Smiling and nodding to Jay, O says in his mind: *we shall see about that. But one thing I'm sure of is that I'm coming back here to find out more.*

Given the deplorable state O found the communities in 1995, and which remained unchanged, and the obvious collusion between the state and Shell, I align with O and immerse myself into the research through the lens of Ken Saro-Wiwa's *Genocide in Nigeria: the Ogoni Tragedy*, and Helon Habila's *Oil on Water*. I also examine existing official reports on the Niger Delta oil environment between 2011 and 2019 to confirm that the conditions O's narrative brings to the fore have still largely remained. Therefore, through the juxtaposition of O's narrative with the available official documents, the memory, and headnotes of my personal encounters with some of the communities during my own informal visits reveal some outcomes. First, a historical

narrative of the encounters of the Niger Delta allows me to bring to the fore, the triumphs and failures of Nigeria's pasts. The narrative explores the alternative choices that might lead to feared or hoped-for futures²⁸⁰ of the oil communities, taking a cue from Cronon. This is because narratives help to remind ourselves who we are, how we got to be that person, and what we want to become. In this context, O's narrative helps to reconstruct the oil communities' history, much like how prophecies are used as tools for exploring what we as humans do or do not wish to become.²⁸¹

Second, through O's narration of the lived experiences of the oil communities, I am convinced that there will be an appeal to the reader's sensual perception and embodied cognition. This also portends to allow both the reader and the research community to become immersed in communities' story-worlds, and to reveal the gruesome tales of environmental disaster and human suffering.²⁸² Putting this within the context of Deleuze's affect theory, I argue that the Niger Delta oil communities' experiences present fractions, which fold into other fractions of other experiences. This allows for, to draw from Deleuze and Guattari, no separation of threads or intertwining, only entanglements of fibres which are in principle, infinite, open, and unlimited in every direction²⁸³ in the oil communities.

It is from this perspective that I therefore, present the Delta environment as a complex network and of assemblage constituent parts, the research of which taking inspiration from Brooks, the autoethnographer, must situate bodies as objects and subjects. This

²⁸⁰ Cronon W., (1992) "A Place for Stories: Nature, History, and Narrative", *The Journal of American History*, 78(4), p1368

²⁸¹ Id, 1369

²⁸² von Mossner A.W., (2017) *Affective Ecologies: Empathy, Emotion, and Environmental Narrative*, Columbus: The Ohio State University Press, pp2-3

²⁸³ Deleuze G., & Guattari F., (1987), note 5, p525

makes the field into which the researcher steps to consist of not just the researcher, but also, the research apparatuses of text, theory, notes and maps, as well as the bodies encountered as the 'object' of research.²⁸⁴ And as I subscribe to Brook's proposition, this endeavour allows me to reflect on the dynamics of the draw to the field, without slipping into a false objectivity²⁸⁵ about the ever-emerging threats to the life of the constituent parts of the Niger Delta. This is against the background of the ceaseless degradation of the environment through hydrocarbons exploration. In doing this, autoethnography not only holds the potential to bridge the gap between individual and collective²⁸⁶, but it also involves giving up "a position of privilege". This in turn, involves a degree of emotional labour through the crossing of the boundaries of a researcher's motivation or requirement to achieve "a certain degree of epistemologically, ethically and methodologically sound research."²⁸⁷

The enablement of an epistemologically, ethically, and methodologically sound research, I therefore argue, allows for a reflexive environment where the researcher joins the reader to create a story creatively. It allows for an iterative process of reflection and reflexivity that does not lend itself to linear chronological progression, specificity, and concreteness.²⁸⁸ Yet, as O's narrative has shown so far, autoethnographic texts can be unpredictable, characterised by twists and turns, and

²⁸⁴ Brooks V., (2017) "F#cking Research Ethics through Radical Method: Autoethnography and the Field of Environmental Law", in A. Philippopoulos-Mihalopoulos and V. Brooks (Eds.) *Research Methods in Environmental Law: A Handbook*, Cheltenham: Edward Elgar Publishing Limited, p535; in making this proposition, Brooks engages with Nick Fox and Pamela Alldred (2013) "The Sexuality Assemblage", *The Sociological Review*, 61, pp769–789.

²⁸⁵ Id, p540

²⁸⁶ Brooks V., (2018), note 188, p36, citing Muncey T., (2010) *Creating Autoethnographies*, London: Sage

²⁸⁷ De Craene V., (2017) "Fucking Geographers! Or the Epistemological Consequences of Neglecting the Lusty Researcher's Body", *Gender Place and Culture*, 24(3), p461; also cited by Victoria Brooks (see above)

²⁸⁸ Grant A., Short N.P. & Turner L., (2013), note 262, p2.

unexpectedly shifting direction in the plot development. They may also shift from one feeling, memory or experience toward another.²⁸⁹ This is why autoethnography methodology makes it becomes possible for me to generate interpretive materials about the lived experience of emotions of the deprived oil communities by “studying their own self-dialogue in process.”²⁹⁰ Therefore, by using myself as part of the research process as a second order observer, my self-observation can be accepted as a practice of field research, taking into account similar issues considered when studying, to draw from Ellis, “any “n” of one.”²⁹¹

Above all, I find in autoethnography, the opportunity to reflexively create a forum for sharing with the world, the untold stories, and narratives of people in the Niger Delta “zone of exclusion.” I take my cue for this from Brooks’ depiction of the methodology as having the potential to bridge the gap between individual and collective.²⁹² This also allows for ways of finding ways to engaging with unexplored, under-explored, and often denigrated territories of thinking and awareness.²⁹³ In all these processes, autoethnography allows us to imagine beyond current standoffs in order to embrace or give a boost to the imminent futures²⁹⁴ of the cultures and societies being studied.

3.4) Ethical Considerations in Autoethnography

The fundamental nature of autoethnography methodology is that it allows the intersection of memory, history, performance, and meaning when the researcher

²⁸⁹ Id

²⁹⁰ Ellis C., (1991), see note 260, p29.

²⁹¹ Id, p30

²⁹² Brooks V., (2018), note 188, p36, citing Muncey T., (2010) *Creating Autoethnographies*, London: Sage

²⁹³ Shaw, J.K. and Reeves-Evisson, T. (2017), note 192, p8.

²⁹⁴ Id

reflexively writes and put his or herself into the text.²⁹⁵ From this standpoint, I have approached this study of the Niger Delta oil environment, guided by the perception of the 'environment' as incorporating a "multitude of diverse bodies." Drawing from Brooks, I argue that this "research machine" allows for a space to be reflexive to the researcher's "heterogeneous compilation."²⁹⁶ However, because it rests on an understanding of the centrality of narrative in "human moral decision making and behaviour"²⁹⁷, I have equally approached this study from the standpoint that the adoption of autoethnography engages several ethical issues and dilemma. This is founded on the general view in the research community that autoethnography is given less importance because of its emphasis on the researcher's self as subject.²⁹⁸ On this, I find agreement between Wall and Sparkes that however compelling the autoethnographer's narrative may be, it falls short of being a "good scholarship." This is arguably because of an inherent lacuna, particularly in the form of theoretical abstraction or conceptual elaboration, with such acts of boundary maintenance hiding a deep suspicion and fear of "personal accounts."²⁹⁹

Against this background, in challenging budding autoethnographers like me, Tullis poses a set of questions on the methodology's ethical dimension: first, do I have the right to write about the people of Niger Delta oil communities without their consent?³⁰⁰ Second, what effect will the narrative have on the subjects I am writing on and my

²⁹⁵ Denzin N.K., (2014) *Interpretive Autoethnography* (2nd ed.), Thousand Oaks, CA: SAGE, p22

²⁹⁶ Brooks V., (2017), note 284, p536.

²⁹⁷ Lapadat J.C., (2017) "Ethics in Autoethnography and Collaborative Autoethnography", *Qualitative Inquiry*, 23(8) p593, DOI: 10.1177/107780041770446

²⁹⁸ Wall S., (2008) "Easier Said than Done: Writing an Autoethnography", *International Journal of Qualitative Methods*, 7(1), p47, citing Sparkes A.C., (2000) "Autoethnography and Narratives of Self: Reflections on Criteria in Action", *Sociology of Sport Journal*, 17, pp21-43.

²⁹⁹ Sparkes A.C., (2000) above, p24

³⁰⁰ Tullis J., (2013) "Self and Others: Ethics in Autoethnographic Research", in S. Holman-Jones., T.E. Adams, and C. Ellis (Eds.) *Handbook of Autoethnography*, Walnut Creek, CA: Left Coast Press, pp256

relationship with them?³⁰¹ Third, how much detail and which difficulties, traumas, or challenges are necessary to include to successfully articulate O's narrative's moral or goal?³⁰² And fourth, am I making a case to write the Delta story because it is more or less convenient for me?³⁰³ In finding answers to these questions, I find inspiration in Schmid's view that the autoethnographer needs to consider whether the voices of those, other than that of the author are intentionally or unintentionally reflected in the story.³⁰⁴ Also crucially, consideration must be given as to whether people who are not part of the narrative's immediate setting may be impacted by the narrative.³⁰⁵

As a legal researcher, I acknowledge the reality that through research ethics, the researcher's body engages ethical codes. On the one hand, I align with Brooks' view that the law is embedded in the researcher, with their body becoming a hybrid form of machine. In this machine, some parts enquire sensitively more than the human reflective body.³⁰⁶ On the other hand, there is sound logic in the view that in some way, the researcher is simultaneously a lawyer, protector, and performer of ethical codes.³⁰⁷ In these instances, the researcher enters the field embedded in law.³⁰⁸ Yet, the autoethnographic researcher, by constructing and writing the lives of others, engages in negotiating³⁰⁹ and writing themselves. It is in response to these challenges that the third person narrative style has been adopted to present the narrative of the oil

³⁰¹ Id

³⁰² Id

³⁰³ Id

³⁰⁴ Schmid J., (2019) "Autoethnography: Locating the Self as Standpoint in Post-apartheid South Africa", in S. Laher, A. Fynn, and S. Kramer (Eds.) *Transforming Research Methods in the Social Sciences: Case Studies from South Africa*, Wits University Press, p271

³⁰⁵ Id

³⁰⁶ Brooks V., (2017), note 284, p538.

³⁰⁷ Id

³⁰⁸ Id

³⁰⁹ Coffey A., (1999) *The Ethnographic Self: Fieldwork and the Representation of Identity*, London: SAGE Publications Ltd, p47

communities. This, I argue, provides a panacea to the necessity of obtaining ethical approval to allow me to enter the field in the full acknowledgment that the rules the researcher must abide by must be “reflexive to the encounter”³¹⁰ on the one hand. On the other hand, these ethical codes present worrisome challenges to researchers because of their inherent lack of interest in genuinely protecting individual researchers and the interests of the collective.³¹¹ Thus, the narrative coming from ‘O’ ensures that my story cannot be tied to any known or empirically observed person, thereby not needing informed consent from anyone.

In furtherance to the foregoing, I took advice from my senior academic colleagues, particularly my Director of Studies regarding this approach. It was in the process of these consultations that the idea of the fictional narrative emerged because of the difficulty of obtaining approval from the Ethics Committee. The Niger Delta, as advised by the Foreign and Commonwealth Office on its website, is one of the most dangerous places to conduct fieldwork. It thus advises against all travel to the riverine areas of Delta, Bayelsa, Rivers, Akwa Ibom and Cross River States. It also advises against all but essential travel to non-riverine areas of Delta, Bayelsa and Rivers States³¹² from where the totality of O’s narrative emanates. Yet, because I have been to these states on personal exploratory travels and gathered data informally, the narrative emerges from my desire to present the environmental dynamics to a global audience. Of particular focus are academics and those in the position of policy formulation to be able to engage in more rigorous study and potential intervention. This is because after all, drawing from Lapadat, the autoethnographic researcher is simultaneously a

³¹⁰ Brooks V., (2017), note 284, p539.

³¹¹ Id

³¹² FCO, Foreign Travel Advice: Nigeria The Foreign and Commonwealth Office, accessed on 20th September 2019 at <https://www.gov.uk/foreign-travel-advice/nigeria>

participant with a leverage speak in his own³¹³ or another person's voice about his personally collected data.

VIGNETTE 13: 9:00pm- March 21, 2005- Okpotuwari, Bayelsa State

As O takes a last tour of the small creek village before returning to Lagos the following morning, he notices that the community's life at night is even more interesting. O notices that from 8pm, between two and three military gunboats parade the coastal areas endlessly. And when he asks Jay and his hosts, he is told that it has become a new part of the Ijaw life. The soldiers patrolling the waters constantly suspect that militants are planning to bomb oil pipelines. This patrol becomes even more intense when the oil companies' big ships are berthing to load crude oil from the two wellheads close to the village.

All through this, the disturbing thing for O is the double standard on show. Despite the government's protection of oil facilities and oil companies through the military, the oil companies have continued to spill oil into the sea without being checked. In fact, they hardly report spills unless forced to do so by the increasingly violent youths who sometimes burst the oil pipelines, and sometimes kidnap strangers and then demand ransom for their release. In response to this, the federal government has established military posts in many communities to patrol the creeks. The soldiers go around in gunboats, station powerful artillery on the villages from their posts and regularly come around to check on

³¹³ Lapadat J.C., (2017), note 297, p593.

the villagers as a 'precaution' against any violent protests. As Jay informs him, the Delta is in for a hard time given the readiness of the militants to also burn down the entire place!

Against this background, O's narrative becomes a vital cog in the representation of the experiences of the unchartered and under-researched parts of the Niger Delta, through the assemblage of power and knowledge on my part as a researcher. In these dynamics, I find justification in Coffey that the autoethnographer nurtures incongruities and distance to gain insight and understanding of the cultural setting while experiencing personal growth. In this, the researcher's self is a product of, and subject to its own agency and will.³¹⁴ Therefore, through a reflexive consciousness, the 'self' in autoethnography helps to validate the research process, making it necessary and desirable to recognise that we are part of what we study. Thus, with the effect of cultural contexts on autoethnographers' fieldwork experience making it epistemologically productive to do so, it is perhaps naïve to deny the self an active and situated place in the field.³¹⁵ Yet, it becomes instructive that we do not necessarily make the self the key focus of fieldwork, because to do so renders the essence of autoethnographic work meaningless.³¹⁶

As a final note, in presenting O's fictional narrative of the Niger Delta oil environment, I make it part-linear, part-chronological. This is because it has come majorly from

³¹⁴ Coffey A., (1999), note 309, p22.

³¹⁵ Id, p37

³¹⁶ Id

memories of the field.³¹⁷ Through this, I am able to present aspects of lived experience³¹⁸ from the creeks in the way others have not previously attempted to.

³¹⁷ Id, p127

³¹⁸ Wall S., (2008), note 298, p45.

CHAPTER FOUR

4.0) Theoretical Tool 1: Luhmann's Systems Theory

As I stressed in the previous chapter, the lived experiences, and environmental dilemmas of the inhabitants of Niger Delta's oil communities are best narrated through a multiplicity that unfolds in various theoretical and methodological approaches. The inspiration for this multiplicity, I take from Deleuze and Guattari's indivisible multiplicity that cannot lose or gain a dimension without changing its nature because its variations and dimensions are immanent to it.³¹⁹ Therefore,

...it amounts to the same thing to say that each multiplicity is already composed of heterogeneous terms in symbiosis, and that a multiplicity is continually transforming itself into a string of other multiplicities, according to its thresholds and doors.³²⁰

In applying this multiplicity to the exposition of the relentless cataclysmic environmental impacts of the exploration and production of hydrocarbons on the Niger Delta, I engage in a mnemonic, in reaction to O's narrative. The questions that will preoccupy my mind in doing so include the following: first, why have the events culminating in the degradation of the Niger Delta environment been occurring ceaselessly? Second, how have these events occurred and have persistently defied being understood? Through my observation as a second order observer of O's narrative and his stream of consciousness (as a first order observer), the responses,

³¹⁹ Deleuze G., & Guattari F., (1987), note 5, p249.

³²⁰ Id

and conclusions I aim to make will draw primarily from the voices of those living on the periphery of the society. These are people in the oil communities that I have referred to as zones of exclusion whose sources of livelihood have been snatched from them due to the spills and contamination of their land and waterways.

Through Luhmann's systems theory, as my first theoretical tool, I will explore how the ideals of ecological communication can help achieve a structurally unified and self-referential communication dynamics among the industry's stakeholders. If this is explored in terms of environmental regulation of the industry, the pertinent questions that arise are, is regulatory failure inevitable? Or is regulatory success unthinkable?³²¹ In response to these questions, I draw from Paterson's acknowledgement that each social subsystem constructs information using its own distinctions.³²² However, it is arguable that when different systems select the same event, there can arise, an 'extremely close relationships between system and environment'.³²³ Through this, I therefore argue, that an integrated approach to the process of oil exploration in the Niger Delta, the risks involved, potential of spillages and their environmental impact on the community becomes possible. I, therefore, undertake an overview of Luhmann's system theory below.

4.1) Luhmann's Social Systems Theory: An Overview

The most striking feature I have observed about Niklas Luhmann's theorisation is his preference for a sociological grounding of modern society as complex, fragmented

³²¹ Paterson J., (2006) "Reflecting on Reflexive Law", in M. King, and C. Thornhill (Eds) *Luhmann on Politics and Law: Critical Appraisals and Applications*, Oxford: Hart, p20

³²² Id

³²³ Id

and functionally differentiated in nature.³²⁴ Through systems theory, Luhmann presents society as social systems that operate based on self-reference, closure, system/environment distinction, and impossibility of inter-systemic communication, all of which form the basis of my analysis. Asserting that difference is both the means of separating and reflecting the system by distinguishing it³²⁵, Luhmann theorises that the thrust of every sociological or empirical investigation should not be approached from the perspective of the system of society. Rather such investigation should be approached from the perspective of the “unity of the difference of the system of society and its environment.”³²⁶ To deconstruct this, I take a cue from King’s view of social systems’ ability to project an impression of control through their becoming self-referential or autopoietic.³²⁷ This occurs through systems’ self-reference to their own norms in order to guide their present behaviour, and creating within themselves, a version of their external environment.³²⁸

Thus, the system/environment distinction, taken to operate through self-reference and closure, Luhmann presents systems and their environment to perform different functions. Drawing from Philippopoulos-Mihalopoulos, the dynamics of the system/environment distinction manifests, on the one hand, through the system providing for a cognitive openness as an avenue of its external reference.³²⁹ On the other hand, the environment provides for the system’s identity constitution through internal cohesion as a result of external differentiation.³³⁰ In this context, it is not

³²⁴ King M., (2006) “What’s the Use of Luhmann’s Theory?” in M. King, and C. Thornhill (Eds) *Luhmann on Politics and Law: Critical Appraisals and Applications*, Oxford: Hart, p41

³²⁵ Luhmann N., (1989), note 74, p7.

³²⁶ Id

³²⁷ King M., (2006), note 324, p43.

³²⁸ Id

³²⁹ Philippopoulos-Mihalopoulos A., (2007), note 21, p192.

³³⁰ Id

possible for the system to admit within it, any random or contingent social events it has constructed from its external reality because such admittance engages a paradox of its own existence.³³¹ Thus, through this distinction, the system is able to construct for itself, an environment in which it is capable of achieving all its ambitions ‘deparadoxifying’³³² its own existence. Yet, it is apparent from these dynamics that both are complementary, with the two interpenetrating and presupposing each other, with the two operations functionally different only because of their existential indivisibility.³³³

With society operating on self-referential closure basis, systems refer to themselves by constituting their own elements and their elemental operations.³³⁴ To Luhmann, self-referential closure operation manifests when systems create and employ a description of themselves so as to use the system/environment distinction for orientation and as a principle for creating information.³³⁵ I align this with the notion of the impossibility of inter-systemic communication, with Luhmann asserting that we are “independent of others’ perceptions or failures to perceive that we perceive what we perceive.”³³⁶ This is because communication becomes only possible when we are not in the position of simultaneously perceiving what others are perceiving.³³⁷

For Luhmann therefore, the essence of communication for the environment is to make itself noticed through ‘communicative’ irritations or perturbations on systems in order

³³¹ King M., (2006), note 324, p43.

³³² Id

³³³ Philippopoulos-Mihalopoulos A., (2007), note 21, p192.

³³⁴ Luhmann N., (1989) note 74, p9.

³³⁵ Id

³³⁶ Luhmann N., (1989), note 74, p178.

³³⁷ Id

to cause reactions within the systems.³³⁸ What I believe Luhmann implies in his perception of communication is that since every observation of communication is communication, there is no place for the intention of individuals or for the notion of causality. Drawing from Magalhães, it means that to the extent that the contingency of communication is admitted, it becomes impossible to establish causality relationships.³³⁹ This rests on the idea that because a given “cause” has the possibility to produce different and contingent “effects”, there can be no chains of causality in systems’ communication. Rather, there are only chains of observations and observations.³⁴⁰

My reading of the dynamics of the system/environment distinction, when juxtaposed with the current dynamics of the Niger Delta oil environment, is that it is very difficult to achieve a structurally coordinated apparatus of interaction and communication among the stakeholders. This is because they- the state, oil multinationals, indigenous communities, community leaders, militants, the youths, women groups, and other stakeholders who “irritate” one another- approach the oil environment question from different perspectives. In these dynamics, whilst the state prioritises rent capture and revenues accruing from oil exploration, oil multinationals target massive profits and repatriation of such profits back to their own home jurisdictions. Yet, the youths and women groups constituting the indigenous population are more concerned about the protection of their health, lives, livelihood, and environment.

³³⁸ Id, p39

³³⁹ Neuenschwander Magalhães J., (2020) “Systems Theory Between Theory and Praxis”, in Marco Antonio Loschiavo Leme de Barros; Lucas Fucci Amato; Gabriel Ferreira da Fonseca (eds.) *World Society’s Law: Rethinking Systems Theory and Socio-legal Studies*, Porto Alegre, RS: Editora Fi, p133

³⁴⁰ Id

However, for the militants, it is all about the control of not just their land, but also their oil resource, even if it comes based on insurrection against the state. With no apparent solution to this dilemma in sight, I find a possibility in the Luhmann/Deleuze autopoiesis/affect fold in which, through an operation akin to Pottage's "reciprocal interventions or attributions 'between' contiguous machines".³⁴¹ In this "mechanistic operation", one operation replaces another independently, to relay or reference to its predecessors by way of a faculty of 'memory'.³⁴² Making more sense of the Luhmann/Deleuze fold, I take the understanding from Pottage, a process of reciprocal interventions or attributions 'between' contiguous machines holding each machine in a sort of double-bind.³⁴³ In this 'double-bind', each machine makes itself,

...dependent upon the continuous variation of its partner (and) is able to continue replicating itself as a differentiated process. CO-variation is a dynamic or 'temporalised' process. Each successive 'intervention' by one machine prompts a re-configuration within its 'neighbour', thereby modifying the horizon presupposed by the first machine and prompting it into a new configuration or performance, which in turn prompts a new configuration of the neighbouring machine...³⁴⁴

Coming from the understanding of the fold from its salient reciprocal interventions between "contiguous machines", what becomes achievable, drawing from Haraway, is the operation of technologies not as mere mediations or something "in-between us", and another "bit of the world." Rather, technologies are organs and full partners in the

³⁴¹ Pottage A., (1998), note 84, p68.

³⁴² Id

³⁴³ Id, p21

³⁴⁴ Id

“infoldings of the flesh.”³⁴⁵ This way, the fold, or “infoldings” are of the flesh and a worldly embodiment. This is because ‘things’ are naturally material, specific, non-self-identical, and semiotically active.³⁴⁶ Thus, approaching O’s narrative of the Niger Delta environment with the fold/infolding perspective, it becomes discernible that there is a causal connection between the human- the indigenes of the Delta- and the non-human- the environment from which the hydrocarbon resources are being exploited. Yet this connection is simultaneously taken advantage of to degrade the same environment and human life. It is this connection that I use in this research to rupture the law’s stranglehold on the governance of the oil and gas environment.

This rupturing is necessitated by the disastrous consequences of the law’s omnipotence in the oversight of the industry in Nigeria since 1956. Its operation has not resulted in positive outcomes for the life of the indigenous communities and their ecosystem. Instead, the law has merely served the purposes of ensuring that hydrocarbon resources have assumed the dimensions of “fetishistic representations of its value as a magical property detached from labour.”³⁴⁷ This reality culminates in my alignment with Szeman’s view that petro-capitalism is prescient of an imminent global disaster in dimensions neither capital nor its opponents can think beyond.³⁴⁸ This, I argue, is already playing out in the Niger Delta oil environment.

³⁴⁵ Haraway D.J., (2008) *When Species Meet*, Minneapolis: University of Minnesota Press, p249

³⁴⁶ Id, pp249-50

³⁴⁷ Barrett R. and Worden D., (2014) “Introduction” in Ross Barrett and Daniel Worden (Eds), *Oil Culture*, University of Minnesota Press, xxiv-xxv

³⁴⁸ Szeman I., (2007) “System Failure: Oil, Futurity, and the Anticipation of Disaster,” *South Atlantic Quarterly*, 106, p809

4.1.1.) Luhmann's Ecological Communication

A close study of the narrative of the dynamics of Nigeria's hydrocarbons industry's environmental regulation, arguably reveals the Luhmannian autopoietic processual communicative dynamics and the paradox of indeterminacy of pure self-reference. I make this claim against the background of the discordant communications emanating from the totality of the industry's stakeholders. In systems theory terms, my approach to communication in this context is that of communication outside social systems but with nature and humans. This presents oil multinationals, apart from constituting a system as producers, as assuming the status of another system as offshore safety regulators. And as offshore regulators, they process environmental communications according to their own code. They simultaneously construct their own realities according to their own difference minimising programme, thereby bringing to the fore, the limits of regulatory ambition. Thus, in the Nigerian oil and gas industry's context regulation over the boundaries of action fields becomes impossible.³⁴⁹

Against this background, I argue that Luhmann's systems theory becomes instructive in explaining on the one hand, the constant breakdown in the relationship between the indigenous oil communities and oil multinationals. On the other hand, it helps to explain the long-standing face-off between successive governments and the indigenous oil communities in the Niger Delta region. I take this position because these realities reflect the law's failure in its attempt to govern the energy industry's environmental and health and safety dynamics. This can be viewed within the Luhmannian proportions of conceptual and material absence of communication

³⁴⁹ Paterson J. and Teubner G., (1998) "Changing Maps: Empirical Legal Autopoiesis", *Social & Legal Studies*, 7, p457.

between the human and the natural within a legal system. This inevitably results in the situation of the rupturing of a system's boundary, allowing for a bleeding between the observers and the observed. The observers in this instance are O, operating as the first order observer, and I, as the second order observer, observing the oil communities, the oil companies, and the state as the 'observed' entities. I occupy the position of the second order observer engaged in the observation of O through his narrative.

This complexity, having no foreseeable remedy, has constantly resulted in neither closure nor openness³⁵⁰ among the state, oil multinationals and the oil communities. Rather, what results from this is, drawing from Philippopoulos-Mihalopoulos, a constant bleeding into one another that translates into a trauma, visibly absent while clumsily hiding behind its mark.³⁵¹ Thus, it is arguable that what currently applies in Nigeria is the conservative nature of a system that changes only incrementally, the government giving zero or at best low priority to the problems of the oil communities. This has seen these communities being subjected only to the politics of attention, as demonstrated by the government's slow and piecemeal implementation of the 2011 UNEP recommendations on Ogoniland. I draw inspiration for this view from the propositions of Baumgartner³⁵², Jones³⁵³, Wood³⁵⁴, and True et al.³⁵⁵ to present the Nigerian state's operation as a system that changes only incrementally. Thus, in less-

³⁵⁰ Philippopoulos-Mihalopoulos A., (2007), note 21, p2

³⁵¹ Id

³⁵² Baumgartner F.R., and Jones B.D., (1991) "Agenda Dynamics and Policy Subsystems", *Journal of Politics*, 53, pp1044–1074

³⁵³ Jones B.D., & Baumgartner F.R., (2005) *The Politics of Attention: How Government Prioritizes Problems*, University of Chicago Press

³⁵⁴ Wood R., (2006) "The Dynamics of Incrementalism", *Policy Studies Journal*, 34, pp1-16

³⁵⁵ True J.L., Jones B.D., and Baumgartner F.R., (2007) "Punctuated-Equilibrium Theory Explaining Stability and Change in Public Policymaking", in Paul Sabatier (Ed.) *Theories of the Policy Process*, (2nd Edn), Westview Press, pp155-188.

than-perfect systems this arises either through decision-makers' susceptibility to cognitive limitations in making choices³⁵⁶, or their reliance on limited sets of indicators to monitor their environments.³⁵⁷

I therefore argue that the Nigerian state's operation as a system that changes only incrementally is a defiance of the crucial linkage between the 'human', society and ecological changes. I associate this linkage with Adger and Brown' forms of interaction where, first, through ecological resilience analysis, the nature of ecosystems realises multiple possible equilibriums driven by human action. This is regulated by variables of physical disturbance, natural response to nutrient availability cycles, and accumulation of persistent pollutants.³⁵⁸ Second, over time and space, ecosystems contribute to humanity's well-being, providing 'good quality of life' and regulating services that provide the basic needs for everyone on the planet.³⁵⁹ And third, questions arise as to whether whole systems, or the characteristics that make ecosystems resilient also make social-ecological systems resilient to change.³⁶⁰

In unpacking the ecological resilience analysis and its correlation with the Nigeria state's deliberate resilience to change in environmental governance, I draw on Naruse and Iba's unity of autopoietic system with the ecosystem. From this view, Luhmann's ecological communication makes the ecosystem to emerge as an autopoietic system with a unity whose organisation is defined by a "particular network of production

³⁵⁶ Id, p156

³⁵⁷ Jones B.D., & Baumgartner F.R., (2005), note 353, p161.

³⁵⁸ Adger W.N. and Brown K., (2009) "Vulnerability and Resilience to Environmental Change: Ecological and Social Perspectives", in N. Castree, D. Demeritt, D. Liverman, & B. Rhoads (eds.) *A Companion to Environmental Geography*, Oxford: Wiley- Blackwell, pp111

³⁵⁹ Id, p112

³⁶⁰ Id

processes of...substance transference.”³⁶¹ Thus, in the global ecosystem, while the producers are obliged to convert inorganic compounds to organic ones, consumers use them, and decomposers must change them to minerals and gas. Where this circulation is halted, the ecosystem is highly susceptible to destruction.³⁶²

When the above view is taken into the Niger Delta, it becomes discernible why the state, oil multinationals, and oil communities and other stakeholders react to environmental challenges by renouncing redundancy conditions, thereby creating near-irremovable impediments to remediation. This is bound to be the case, as long as the economic communication dominates the system of oil and gas extraction at the expense of environmental and ecological communication.³⁶³ Thus, with O’s narrative revealing the oil communities’ lack of access to the basics of everyday living- schools, health facilities, electricity and roads- what we are confronted with is an overconcentration on social capital communication of “petro-capitalism”. This is bound to culminate in an irreconcilable standoff between resource owning states, oil capital, and local social movements and resistance³⁶⁴ as we currently see in the Delta.

How do we then contextualise this irreconcilable standoff between resource owning states, oil capital, and local social movements and resistance? To achieve the contextualisation, I take my cue from Holling and Meffe’s ‘pathology of natural resource management’. It refers to a loss of system resilience when a reduction in the

³⁶¹ Naruse M. & Iba T., (2008), note 102, p6

³⁶² Id

³⁶³ Vanderstraeten R., (2005) “System and Environment: Notes on the Autopoiesis of Modern Society” *Systems Research*, 22, p478

³⁶⁴ Huber M., (2015), “Energy and Social Power: from Political Ecology to the Ecology of Politics”, in T. Perreault, G. Bridge and J. McCarthy (Eds.) *The Routledge Handbook of Political Ecology*, London: Routledge, p483

system' natural variation, encapsulates the unsustainable environmental, social, and economic outcomes of command-and-control resource management."³⁶⁵ To validate this, the command-and-control system of natural resource governance, which operates in most developing oil provinces, has shown to reduce the natural levels of variation in system behaviour to the barest minimum. That is why, in the Niger Delta, the system has become less resilient to external perturbations, resulting in crises and surprises.³⁶⁶ The ultimate pathology can thus be seen in Nigeria's regulatory authorities' and resource management agencies' loss of sight of their original purposes, jettisoning research and monitoring, but focusing on efficiency of control.³⁶⁷ With these agencies and the state overcapitalising the oil resource, they have become isolated from the managed systems and inflexible in structure, fatally ignoring the "underlying ecological change or collapse that is developing."³⁶⁸

4.1.2.) The Limits of Luhmann's Theory: Eurocentrism v Legal Transplant

Luhmann's engagement with ecological issues through autopoiesis has been noted to present a compelling and appealing paradigm³⁶⁹ and may thus sit well with the Niger Delta. However, it is necessary to highlight a peculiarity about Nigeria which may ask questions as to the efficacy of Luhmann's theory in its application. The peculiarity is that Nigeria is historically a British contraption, fusing together nations with distinct cultures, legal and governance structures, and religious disparities. This has always

³⁶⁵ Holling C.S., & Meffe G.K., (1996) "Command and Control and the Pathology of Natural Resource Management", *Conservation Biology*, 10, p328

³⁶⁶ Id

³⁶⁷ Id

³⁶⁸ Id

³⁶⁹ Philippopoulos-Mihalopoulos A., (2010) *Niklas Luhmann: Law, Justice, Society*, Abingdon: Routledge, p173

brought debates as to whether there is any utility in the continued existence of the state as one united country.

In geographical terms, there are approximately two hundred and fifty ethnic groups, scattered all over the country. The South West of the country is populated by the homogenous Yoruba tribe who operates a structured monarchy, common language, traditional religion, and customary law which make historical and cultural scholarship view the tribe as sophisticated and aristocratic. In the Northern region, there is predominantly the Hausa/Fulani tribe with similar structures of governance, cultural, legal (their law is based on the Sharia code) and language profile to the Yoruba in the South West. However, they are mostly Muslim and speak the Hausa language. In the South East are the Igbos who operated, prior to the advent of colonial administration, a loose, acephalous administrative and legal structure. And in the South/South, there is the Niger Delta which hosts the vast deposits of Nigeria's oil and gas reserves, and the hotbed of Nigeria's 'Anthropocene'. It is instructive in this direction therefore, to recall the bitter civil war that raged between 1967 and 1970 which claimed over two million lives to buttress this point.

Within this contraption, I find a link between Niger Delta's ecological crisis and Luhmann's systems theory. As Luhmann perceives global ecological crisis, the anti-crisis, anti-humanist, anti-unity, and anti-prescription paradoxes pose serious challenges to, and test the limits of autopoiesis.³⁷⁰ This perception of ecological crisis seems to suggest, to take a cue from Philippopoulos-Mihalopoulos, that autopoiesis' paradox is that of the creation of a balance between a desire to address a 'hot' issue

³⁷⁰ Id

and an attempt to resist doing so.³⁷¹ However, it is also pertinent to stress that autopoiesis is founded on modern/postmodern and Eurocentric realities. And because Nigeria is a postcolonial state, an important point arises, that of the impracticability of the operational autonomy of law. This has been the focus of the Brazilian scholar, Marcelo Neves, who argues that within the purview of societies that emerged from colonial governance, the operation of plural legal cultures accounts for this impracticability.³⁷²

In this regard, I argue that Nigeria, as a postcolonial state and operating plural legal cultures, faces the dilemma of fragmentation of 'law'. On the one hand, this has manifested in a complex interplay of indigenous and divergent customary legal cultures (some organised, and others disparate and acephalous). On the other hand, there is an interaction of these structures with the post-colonial common law operating at the national/federal level of governance. In respect of the latter, what the Nigerian legal system engages is the much-debated concept of 'legal transplant' which Legrand refers to as 'displacement'. In the legal sense, the 'transplant' is one that occurs across jurisdictions, something in a jurisdiction that is not native to it and that has been brought there from another.³⁷³ What this invariably culminates in is the questioning of the very character of law, challenging the bias that saw the nation-state as the sole legal source, and making sense of the connections and interactions that gave rise to new post-national constellations.³⁷⁴

³⁷¹ Id

³⁷² See generally, Neves M., (2001) "From the Autopoiesis to the Allopoiesis of Law", *Journal of Law & Society*, 28,

³⁷³ Legrand P., (1997) "The Impossibility of 'Legal Transplants'", *Maastricht Journal of European & Comparative Law*, 4, p111

³⁷⁴ Hendry J., (2013) "Legal Pluralism and Normative Transfer", in G. Frankenberg (ed.) *Order from Transfer: Comparative Constitutional Design & Legal Culture*, Cheltenham: Edward Elgar, p154

It is also within this complex gamut of Nigeria's contraption that I argue that Luhmann's systems theory's foundation on modern/postmodern and Eurocentric analytics, finds its limits of application. Rather, I locate a postcolonial explanation of the current legal and environmental regulatory dilemma of Nigeria's oil and gas industry, in Marcelo Neves' allopoiesis. Neves detaches postcolonial societies from the operation of Luhmann's autopoiesis through his "territorial delimitation of law thesis" which establishes that in certain fixedly demarcated territorial spheres of validity,

...the functional differentiation of a domain of legal action and experience has not adequately developed, and therefore, no self-referential system was built, that would be capable, in a congruently generalised way in terms of the respective society, of orienting the normative expectations and of regulating the interpersonal behavioural contexts.³⁷⁵

However, a close reading of Neves reveals that within the purview of postcolonial societies, it is not enough to argue that the idea of legal pluralism or legal transplant accounts for the impracticability of the operational autonomy of law. We also find the empirical limits of Luhmann's theory in the laws operating in states like Nigeria that have been tagged 'underdeveloped', 'in development' or Third World. From this, I presume that Neves wants discourses of postcolonial states to emphasise that such states exist within the sphere of 'peripheral modernity'. Through this, we can perceive better, a reproduction of the legal system that is hampered by a wide variety of social factors, such that it becomes possible that 'allopoiesis' replaces the autopoiesis of

³⁷⁵ Neves M., (2001), note 372, p258

law.³⁷⁶ Allopoiesis of law thus makes it clearer to see how the social and legal reproduction of the 'peripheral modernity' allows a destructive imposition of a miscellany of codes and criteria of communication in all spheres of social life.³⁷⁷

I take Neves' position to be apt and incisive. As I see it, the social factors he refers to in his allopoiesis can be gleaned from the improperly represented dynamics of the social and environmental milieu of the Niger Delta. As O's narrative shows, what obtains is the imposition of legal and governmental communication dynamics by Nigeria's regulatory authorities and oil multinationals on all the spheres of social life of the people in the oil communities. This has been achieved through corruption and a perceived entitlement via oil licensing round awards, non- or self-regulated environmental, and cosmetically crafted corporate social responsibility.

Drawing from Neves therefore, what I observe to resonate in the allopoietic sense for Nigeria is a system of differentiation that has culminated in an "insurmountable aporie", when taken from the mechanisms of solving inter-systemic conflicts. This becomes empirically testable on the prevalence of one of the legal types subsuming the other.³⁷⁸ Also, the pluralistic post-modern relationship of extra-state 'quasi-legal' mechanisms and operationally autonomous, state law³⁷⁹, I argue, aligns the Nigerian system with Neves' radical conception of the lack of operative autonomy of the positive law of state. In this system, what operates is a precedence of other difference codes, particularly the "economic (have/not-have) and the political (power/no-power), over the code of

³⁷⁶ Id, p242

³⁷⁷ Id

³⁷⁸ Id, p258

³⁷⁹ Id

law (legal/illegal).³⁸⁰ These operate to the detriment of the efficiency, functionality, and even the rationality of law.

4.1.3.) Network Governance: Teubner v Luhmann's Ecological Communication?

Given the reality of improbability of understanding the dilemma of postcolonial societies through Luhmann's autopoiesis, I see the creation of a further dilemma by Neves through allopoiesis. This is because he too does not offer an explanation or the outlet through which we can understand the current politico-legal stalemate in Nigeria over the oil resource. I make this point because there is a necessity to find new pathways for the resolution of the Niger Delta environmental crisis. The pertinent question therefore is, how do we emerge from the quagmire? It is this reality that informs my attempt to fashion out an escape route from Neves' dilemma. In this light, I take the bold step of engaging with both Neves and Luhmann, identifying and applying the materially relevant parts of their theories to the Nigerian situation. Firstly, I intend to retain from Neves' allopoiesis, the view that postcolonial states exist within the sphere of 'peripheral modernity'. This applies to Nigeria, not just as a 'Third World' country, but also as a developing or frontier oil province.

I retain this view because it is an arguable, yet valid proposition that Nigeria as currently structured and governed, exists within the axis of corruption and totalitarian economic structure. This also demonstrates and finds validity in the Marxist 'class struggle' argument of instrumental materialism where the political class ensures economic and political imbalances between the rulers, the ruling class and those they

³⁸⁰ Id

govern. This equally explains why there is a high level of corruption among the political class and the powerful economic elite in the society. Those in these classes constantly collude with oil multinationals and corrupt community leaders to keep control of the system of 'petro-capitalism'. This point, I will explore in detail in succeeding chapters.

However, in locating the routes to emerge from, and finding pathways for the resolution of the current Niger Delta environmental quagmire, I propose the creation of a new legal structure through the idea of network governance. Gunther Teubner proposes that this concept has the possibility to open opportunities for the development of mechanisms of mutual opening.³⁸¹ This, Ellis also presents as a series of relationships among entities whose boundaries are reasonably easy to identify and are generally characterised by "flexibility, dynamism and informality."³⁸²

The necessity of the adoption of network governance, as it appears to me, is that there is a lack of operative autonomy of the positive law³⁸³ in Nigeria. On the one hand, what inherently operates in the governance of Nigeria's hydrocarbons industry is the prioritisation of economic and political control over the health and safety of citizens. On the other hand, there is a blatant disregard for the protection of the environment and the ecosystem. Within these dynamics, there is arguably, a sound logic in Neves' claim of the precedence of other difference codes of economics and politics over the legal code to the detriment of the efficiency, functionality, and even the rationality of law³⁸⁴ in the Niger Delta context.

³⁸¹ Teubner G., (2011) "Self-Constitutionalizing TNCs? On the Linkage of "Private" and "Public" Corporate Codes of Conduct", *Indiana Journal of Global Legal Studies*, 18(2), p636

³⁸² Ellis J., (2011), note 96, p5.

³⁸³ Neves M., (2001), note 372, p258.

³⁸⁴ Id

Also, arguing from the concept of fragmentation of 'law', since independence, there has been in Nigeria, a constant and complex interplay of indigenous and divergent customary legal cultures. There has also been an interaction of these structures with the post-colonial common law operating at the national/federal level of governance. Thus, the operation of the common law at the national/federal level has radically altered the dynamics of the legal decision-making. The fate of citizens who have previously been governed by their traditional law and customs is now subject to the fusion of customary and common laws through legal transplantation. This hybridity, I align with the view that postcolonial societies such as Nigeria exist on the periphery of modernity through mixed codes and criteria of communication³⁸⁵ that breed confusion and conflict in all aspects of the communities' social life.

This reality, in addition to the realities of the daily living, displacement, exclusion and disenchantment of the indigenous oil communities as O presents to us, justifies the continued breakdown in the Niger Delta communication dynamics. This has equally culminated in the Delta's environmental debacle and improbability of the governance of the Nigerian hydrocarbons industry.

VIGNETTE 14- 1:00pm- July 5, 2008- Lagos- Jay Has News from the Delta

Although O has taken a three-year break from his trips to the Delta, he is in constant communication with Jay. This is partly because he has got employed at a public relations firm which has taken up most of his time. He has been travelling around the South West to promote the candidacy of certain politicians since the transition from military rule in 1999 has

³⁸⁵ Id, p243

yielded the creation of a new political class aiming to ensure the military does not come back to power. Also, Jay has strongly advised O to stay away for a while because some of the groups emerging from the creeks are taking up sophisticated arms to protect their communities.

But through letters and email messages, Jay has been faithful to his promise of keeping O updated about the developments in the Delta. But the news has not been good on so many fronts. First, as O also has seen on national television, the federal government has taken a very tough approach to all forms of protest in the oil-producing communities. In one instance, the military was sent in to quell riots in the village of Odi early into the first term of President Olusegun Obasanjo, a retired military General. But the soldiers ended up nearly wiping out the village because the villagers engaged the police with stones and petrol bombs!

But in late June, Jay informs O that he has been transferred from Port-Harcourt to Warri, and there seems to be some calm there. There, Jay has befriended some interesting 'guys' who are connected and can take them to Jones Creek, 45 kilometres from Warri, where interesting stories can be found. It happened that oilfield was first discovered in 1967 with over forty-six wells drilled around the community. However, as at the time of this trip, forty-one of the wells are in operation. The exploration of the vast deposit of oil in the field is jointly undertaken by Shell, Agip (Azienda Generale Italiana Petroli, General Italian Oil Company) and Elf since 1999. O is so excited but also puzzled: *yes, I can't wait. After three*

years away, I will be able to relate to these poor people again! Jones Creek? That is a new one. How can a Niger Delta community bear an English name? I must get to the bottom of this. Anyway, I am not going to be surprised to find that the oil company operating there renamed the village.

Given that he has his annual leave booked for September, O decides to spend the entire four weeks in Jones Creek to see what makes for the 'interesting stories' Jay is talking about. He begins to plan in earnest, what to take along- medication, clothing to suit the village's standard, and other necessities.

From the above I find Neves' relevance for this research's analysis of the Niger Delta environmental question, because of its force in justifying that Luhmann's systems theory cannot adequately explain the insensitivity to the requirements of the social context. This implies to me that the material-rational law cannot respond adequately to the functional differentiation of society; hence, it fails to further the autonomy of the legal system³⁸⁶, in the reflexive way Luhmann's theory appears to conceive it. As we can see through O's narrative, the state, government/oil multinationals' regulatory exercise, and human agency failure (CDCs' deviation from their goals) have all deliberately or inadvertently contributed to Niger Delta's environment's degradation. This has been exacerbated by the government's deliberate decision to ignore the communications emanating from the indigenous communities. This has also seen the

³⁸⁶ Id p257

ignoring of other relevant stakeholders in favour of communications situated within the dynamics of oil profit and rent capture.

**VIGNETTE 15- September 9, 2008: Warri, Delta State- O's Return to the Delta
Three Years on**

O's trip to Warri is uneventful. All he desires is to set his eyes on Jay again, and let the new experience begin. But on this occasion, it seems to take an eternity to arrive there. There has been an endless stop and search exercise by the police and member of the armed forces right from the Lagos end of the Lagos-Benin expressway. The drivers gather that the high presence of security operatives has been occasioned by the rumour that a Niger Delta militant group was planning to launch a spree of violent attacks across the Delta and the South West. To this end, they have deployed their men to strategic positions. This gets O a bit worried because he may be caught up in the crossfires if this turns out to be true. As he thinks to himself, *I cannot dismiss this as a mere rumour; these militants have been so bold in the last three months, as they have kidnapped several expats and then blowing up many oil pipelines. Anyway, I am on my way already but if it gets violent, I will have to make a retreat to Lagos.*

On arrival in Wari at about 5pm, O is received at the motor park by Jay and Arnold, the main source to Jones Creek. However, the first question he asks is about these rumoured planned attacks by the militants. It turns out to be a false alarm. Both Jay and Arnold have not heard anything to

that end. As they inform him, this kind of events would have been known in the hangout places in the Delta cities (*‘Wafe joints’*) at least a week before now. This helps to calm O’s nerves and so they make their way to Jay’s new home in Warri to relax and plan the trip to Jones Creek.

The following morning, September 10, the three friends travel around Warri to buy a few essentials, particularly bottled water because Arnold has warned that there is no pipe-borne or clean water to drink in Jones Creek. They also buy a lot of batteries to power their flashlights and lamps because the community relies on generators to have power and this cannot be used for 24 hours non-stop; hence the lamps and flashlights will come in handy.

Amid all these activities, O cannot help but question why such basic infrastructures as water and electricity have not been provided to a community that produces vast wealth for the whole country, and in a new Millennium for that matter! That voice comes back again: *even if the federal and state governments, because of deliberate neglect or oversight, or as we all know because the officials have diverted funds for such projects to their personal use, what about the oil companies operating in the community? Can’t they provide these as part of their CSR? Anyway, we’ll get there and see. I shouldn’t jump to conclusions yet.*

What I observe to emerge from O's narrative is that in autopoietic terms, social subsystems can be identified in circumstances of reciprocal observations, with systemic interference not excluded.³⁸⁷ Thus, despite the view that Luhmann's systems theory and its application to postcolonial societies account for its limits, I take value in the asymmetrical relationship of the system and environment which simultaneously accounts their mutual reference.³⁸⁸ When systems engage in self-referential communication, in this instance in the ecological context, there is a strong possibility for what I draw from Lange as convincing explanation of the challenges in making progress with the ecological modernisation of modern societies.³⁸⁹ To be more specific, in systems theory, the attempt to find solutions to specific problems indicates the possibilities of other solutions.³⁹⁰ This is how systems theory works both with contingency, which is described as a solution thought of because a problem may generate unforeseen consequences, and the notion of equifinality- a situation of several solutions attending to the same problem.³⁹¹

This is where Gunther Teubner's network governance becomes relevant because of its opportunities for the development of mechanisms of mutual opening.³⁹² In systems theory terms, it has implicitly been linked with ideas of 'justice', conceptualised by Luhmann as "adequately complex internal consistency of legal decisions."³⁹³ Although there are also sceptics as to the legitimacy of the mechanism, network governance

³⁸⁷ Id

³⁸⁸ Cheng L.Y., (2012), note 50, p5

³⁸⁹ Lange B., (2020) "Systems Theory, Regulation, and Environmental Law", in Marco Antonio Loschiavo Leme de Barros; Lucas Fucci Amato; Gabriel Ferreira da Fonseca (eds.) *World Society's Law: Rethinking Systems Theory and Socio-legal Studies*, Porto Alegre, RS: Editora Fi, p326

³⁹⁰ Neuenschwander Magalhães J., (2020), note 339, p128

³⁹¹ Id

³⁹² Teubner G., (2011), note 381, p636

³⁹³ Amstutz M., Karavas V., & Teubner G., (2009) "Preface" in M. Amstutz and G. Teubner (Eds) *Networks Legal Issues of Multilateral Co-operation*, Oxford: Hart Publishing, ix, citing N Luhmann, *Das Recht der Gesellschaft* (Frankfurt aM, Suhrkamp, 1993)

has been noted to derive its utility and legitimacy from the relationships, whose boundaries are easy to identify, characterised by flexibility, dynamism, and informality³⁹⁴

There are a few caveats in the literature of network governance that question its legitimacy. Principally, Teubner points out the legal system's failure to appreciate the distinctive properties of networks³⁹⁵ as the major drawback. However, in playing down this difficulty, Teubner notes the legal system's capacity for the understanding and regulation of networks by classifying them as bilateral contracts.³⁹⁶ Another legitimacy problem associated with network governance is that it does not mitigate the role and impact of the state.³⁹⁷ Thus, should these networks operate in the oil and gas industry, state powers will still hover around their activities. This may manifest in state agencies taking on the task of meta-governing governance networks should new capacities develop among the networks.³⁹⁸ Therefore, state power does not diminish; rather, it is transformed and exercised in new and subtle ways.³⁹⁹ Finally, although it has the capacity to create good value, network governance does not provide universal remedies to problems⁴⁰⁰ especially in the complex world of oil and gas.

However, the utility of network governance lies in the self-organisation of interdependent parties into horizontal relationships with the aim of problem-solving,

³⁹⁴ Ellis J., (2011), note 96, p5

³⁹⁵ Teubner G., (2011) *Networks as Connected Contracts*, Michelle Everson (Trans.), Edited with an Introduction by Hugh Collins, Oxford: Hart Publishing, p13

³⁹⁶ Id: for this, Teubner presents networks as not being different from other forms of economic co-ordination that they cannot be subsumed within the capacious framework of the general principles of the law of contract.

³⁹⁷ Torfing J., & Sørensen E., (2014) "The European Debate on Governance Networks: Towards a New and Viable Paradigm?" *Policy and Society*,33, p335

³⁹⁸ Id

³⁹⁹ Id

⁴⁰⁰ Id

with all parties having a responsibility to each other.⁴⁰¹ In this system, all networking actors seek to sustain an added value from cooperation by pooling their resources into a common pot for a collective strategy, and exchanging resources with each other for more optimal individual actions.⁴⁰² They also adapt mutually in order to optimise individual strategies, as well as collectively constructing new problem frames and frameworks for collective strategies.⁴⁰³ It is within this system that Teubner sees the learning processes of intra-network legal codes and communication being triggered.⁴⁰⁴ The triggering of these codes is often forced by non-legal media through expertise, political and societal power, normative persuasion, and monetary incentives and sanctions.⁴⁰⁵

The real essence of network governance can thus be found in the necessity of strengthening communal norms in transactions, strongly influenced by ongoing social relations, and concrete histories of personal interaction.”⁴⁰⁶ Thus, to overcome the Eurocentric dilemma of Luhmann’s autopoiesis and make it applicable to postcolonial states such as Nigeria, I take inspiration from Teubner’s characterisation of network governance as fair, but not opportunistic. It also prioritises moral obligations and not formal contractual rules, being reciprocal and not focused on short-term equivalence.⁴⁰⁷ I also take inspiration from Powell’s claim of networks being more dependent on relationships, mutual interests, and reputation, with less emphasis on

⁴⁰¹ Hertting N., & Vedung E., (2012) “Purposes and Criteria in Network Governance Evaluation: How Far Does Standard Evaluation Vocabulary Takes Us?” *Evaluation*, 18(1), p38

⁴⁰² Id, p32

⁴⁰³ Id

⁴⁰⁴ Teubner G., (2011), note 381, p636

⁴⁰⁵ Id

⁴⁰⁶ Teubner G., (2002), note 95, p313.

⁴⁰⁷ Id

formal structures of authority.⁴⁰⁸ The *raison detre* for this approach is the global appeal of network governance and its capacity to unravel the current discordant communication dynamics in the Niger Delta oil environment. In this direction, I align with Armitage's view of network governance as invaluable an tool to facilitate learning and adaptation in complex social-ecological circumstances.⁴⁰⁹ It does this by connecting community-based management with regional/national government-level management, as well as encouraging and promoting the sharing of knowledge and information around goals and outcomes.⁴¹⁰

I therefore argue that If we apply network governance to the common property theory, and situate it within the Niger Delta situation, it has the potential to herald a communication structure that embraces leadership accountability, learning and trust participation, and knowledge pluralism.⁴¹¹ This will apply simultaneously to the state, regulatory agencies, oil multinationals, indigenous communities of the Niger Delta, community leaders, women groups, and the law that governs the entire process. My conviction in the applicability of this approach is founded on my interpretation of Teubner's conceptualisation of networks as effective forms of private coordination built neither on contractual consent nor on organizational membership. Instead, they create reciprocal strong and binding expectations.⁴¹² It is within this network governance paradigm that I situate Luhmann's ecological communication, taking a cue from Teubner that ecological communication through networks' rule producing devices is

⁴⁰⁸ Powell W.W., (1990) "Neither Market nor Hierarchy: Network Forms of Organization", *Research in Organizational Behaviour*, 12, p300

⁴⁰⁹ Armitage D., (2008) "Governance and the Commons in a Multi-level World", 2(1) *International Journal of the Commons*, p7

⁴¹⁰ Id

⁴¹¹ Id

⁴¹² Teubner G., (2002), note 95, p314

hetero-referential.⁴¹³ From this, we see networks relying on conditional trust relations because network as a concept is defined neither by formal membership nor by reciprocal exchange but by a specific presumption of trust. This is founded on recognisable interests and repeated interaction and on observation by third parties.⁴¹⁴

My summation of network governance is that its effectiveness lies in network expectations, which, drawing from Teubner, are manifold and exterior to them. They prioritise personal relations, family, kinship, friendship, neighbourhood, profession, power, influence, and various other forms of social interdependence.⁴¹⁵ All these have enabled network governance, as Teubner makes us see, to assume the proportions of “hypermodern arrangements”. The effects reflect in productive supplements of modern rational institutions, opening for them new channels into the environment.⁴¹⁶ Therefore, networks coagulate the paradoxical and intangible assets of firms, including intellectual capital, social capital of reputation and trust, and relational capital of personal networks, all deeply embedded in social systems as embedded knowledge.⁴¹⁷

I submit, therefore, that the idea of network governance provides an opportunity for the operability of ecological communication in the Niger Delta oil environment. This is more important so that the state can allow for the linkages of relationships, mutual interests, and reputation with less guidance by a formal structure of authority. In such dynamics, all stakeholders as networks can constructively achieve the desired

⁴¹³ Id

⁴¹⁴ Id, citing N. Luhmann (2000) *Organisation und Entscheidung*, Frankfurt: Suhrkamp

⁴¹⁵ Id

⁴¹⁶ Id, p316

⁴¹⁷ Id

communication networking in tandem with Luhmann's ecological communication which I believe can culminate in the network governance of the Niger Delta environment. The stakeholders I put into these networks include the Nigerian state and its regulatory agencies, oil companies, environmental safety campaigners, indigenous pressure groups, women organisations, the local militants, and traditional rulers.

4.2) Methodological Tool 1: Autoethnography and Second Order

Observation Method

In theorising that social systems do not consist of persons but of self-reproducing, self-referential communications, Luhmann sets out to make communicating beings emerge from communications systems attribute to actors⁴¹⁸, not the other way around. From this, I perceive that the communications systems attributed to actors make them conceivable from autoethnographic analysis. Drawing from Adams et al's view of social life messy, uncertain, and emotional⁴¹⁹, arguably systems theory allows the embracing of a research method that both acknowledges and accommodates mess and chaos, as well as uncertainty and emotion.⁴²⁰ Therefore, I argue that if the researcher's desire is to research social life, autoethnography allows us, going by Adams et al, to appreciate the emerging narrative, as artistic and analytic demonstrations of how we come to "know, name, and interpret personal and cultural experience"⁴²¹ Through this,

⁴¹⁸ Sprenger G., (2017) "Communicated into Being: Systems Theory and the Shifting of Ontological Status", *Anthropological Theory*, 17(1), p108.

⁴¹⁹ Adams T.E., Holman-Jones S., and Ellis C., (2014) *Autoethnography: Understanding Qualitative Research*, New York: Oxford University Press, p1

⁴²⁰ Id

⁴²¹ Id

we as researchers use our experience to engage with ourselves, cultures, politics, and social research.⁴²²

To achieve this link, I find the second order observation to be helpful in showing how autoethnographic research embraces theory-driven observation. Going by Besio and Pronzini's view that there is a strong connection between theory and methods.⁴²³ The main task is not to test a hypothesis by controlling a representative sample. Instead, what systems theory does is to adopt an exploratory attitude toward empirical material, culminating in the search for relevant tendencies that make meaningful interpretation realistic.⁴²⁴ Thus, in linking Luhmann's theory with autoethnography methodology, what I consider instructive, drawing from Cheng, is the second order observation method of "conversation analysis". This is based on systems theory's unquestionable connection to "the phenomenology of the lifeworld."⁴²⁵ Through this, we can see Luhmann's theory's links with the concepts of horizon and the distinction between cognitive and normative expectations that form the fulcrum of phenomenology.⁴²⁶ This shows its value through the grasping and reduction of complexity, dependent on transcendental phenomenology.⁴²⁷ It is through this that we can see the emergence of the practices of social members, and their common sense knowledge of these social structures.⁴²⁸ This makes their accounting of the settings reportable and understandable.

⁴²² Id

⁴²³ Besio C. & Pronzini A., (2010) "Inside Organizations and Out. Methodological Tenets for Empirical Research Inspired by Systems Theory", *Forum: Qualitative Social Research*, 11(3), Art. 16, p4

⁴²⁴ Id

⁴²⁵ Cheng L.Y., (2012), note 50, p4

⁴²⁶ Id

⁴²⁷ Id

⁴²⁸ Id

I also engage with Geertz's view that Luhmann's perception of systems aids our better understanding of how members of social groups use structures of "signification" or "established codes" to participate in communication.⁴²⁹ This makes systems theory fit well into autoethnography through second order observation. To this extent, I find the logic of this perspective in Von Daniel and Brosziewski's opinion that systems theory directly responds to key methodological problems⁴³⁰ revolving around the status of autoethnographers as observers. This is more so because systems theory takes it for granted that as researchers, sociologists are participants in society who cannot escape from their own subject matter to gain an "impartial or unbiased perspective."⁴³¹ This means that sociologists' task is to specify the critical difference that distinguishes sociological observations from those of different types as participant observers and natives in society.⁴³²

Although I have briefly defined second order observation in previous, a more comprehensive engagement is necessary here to show what it means to observe who observer(s) are, as well as to show its link with autoethnography. Starting from the system/environment distinction, Luhmann points out that system differentiation engages a re-entry of system-building within systems, new boundaries within already bounded systems, and "observers within observers."⁴³³ This way observation is the "observing of observing" that is not disciplined enough by self-observation because better knowledge is possible with a particular kind of observation the environment.⁴³⁴

⁴²⁹ Geertz C., (1973) *The Interpretation of Cultures: Selected Essays*, New York: Basic Books, p9; cited also by Von Daniel B.L. and Brosziewski A., (2007) "Participant Observation and Systems Theory: Theorizing the Ground", *Soziale Welt*, 58, pp255–269

⁴³⁰ Von Daniel B.L. and Brosziewski A., (2007) above, p256

⁴³¹ Id

⁴³² Id

⁴³³ Luhmann N., (1989), note 74, p110.

⁴³⁴ Id, pp26-27

From this standpoint, observation assumes more than a describing role. The observer becomes part of what he/she observes, whilst the observation of reality changes reality, because it is part of reality.⁴³⁵

However, observation comes in tiers for Luhmann, with each tier of observation operating within its own network, each having a different past and a different future.⁴³⁶

In the first order observation, the observer handles the observed system as “an objective entity”, asking “what-questions”.⁴³⁷ However, because of the reality that first order observation can only be observed by means of a further distinction, that is, a different observer.⁴³⁸ Luhmann thus introduces the second observation, which becomes helpful for the matters of exposure to environmental ecological dangers.⁴³⁹

The second-order observer thus asks the “how questions” related to the ways in which the world is being observed⁴⁴⁰ by the first order observer. This culminates in the unity between the observer and the observed⁴⁴¹ since every observation is the “operationalisation of a specific distinction.”⁴⁴² Thus, second-order observation engages with the analysis of distinctions used by observing systems, although they cannot be treated as objects⁴⁴³

Through the unity of the observer and the observed, the first order observer observes their phenomenon and makes true or false statements, while the second order

⁴³⁵ Neuenschwander Magalhães J., (2020), note 339, p126.

⁴³⁶ Luhmann N., (1993), note 33, p764.

⁴³⁷ Besio C. & Pronzini A., (2010), note 423, p8.

⁴³⁸ Philippopoulos-Mihalopoulos A., (2007), note 21, p161.

⁴³⁹ Luhmann N., (1989), note 74, p26.

⁴⁴⁰ Besio C. & Pronzini A., (2010), note 423, p8.

⁴⁴¹ Philippopoulos-Mihalopoulos A., (2007), note 21, p161

⁴⁴² Besio C. & Pronzini A., (2010), note 423, p8

⁴⁴³ Id

observer observes the first observer⁴⁴⁴ with some implications. First, observations become “asymmetric operations” because they use distinctions as forms, with forms as boundaries, separating an inner side and an outer side.⁴⁴⁵ Second, an attempt to observe both sides of the distinction simultaneously culminates in a paradox, like an entity without connective value.⁴⁴⁶ The insight to be taken from Luhmann’s distinction is that during the second order observation, the observer and the scene are subsumed into the unity of the distinction.⁴⁴⁷ Here, the second order observer must declare or justify his preferences for choosing a specific observer to be observed.⁴⁴⁸ This way, Luhmann is highly instructive of the possibility of better predictability of action because observers are enabled to predict action better by “knowing a situation than by knowing people.”⁴⁴⁹ Thus, observation of action is not concerned with the mental state of the actor, but with carrying out the autopoietic reproduction of the social system.⁴⁵⁰

From the above analysis, we can see a distinct distance between the first order observer and a second order observer, and another observation between the second order observer and subsequent observers.⁴⁵¹ This, referred to as a circularity by Philippopoulos-Mihalopoulos, goes on *ad infinitum*, involving ebbing second order observers who fluctuate between immersion in and distance from, first and second order observation.⁴⁵² This makes the second order observer to remain completely external to the systems under observation, with the system’s behaviour that of an

⁴⁴⁴ Luhmann N., (1993), note 33, p764

⁴⁴⁵ Id, p769

⁴⁴⁶ Id

⁴⁴⁷ Angell I.O., and Demetis D.S., (2010) *Science’s First Mistake: Delusions in Pursuit of Theory*, Bloomsbury Academic, p161

⁴⁴⁸ Luhmann N., (1993), note 33, p773

⁴⁴⁹ Luhmann N., (1995) note 50, p166

⁴⁵⁰ Id

⁴⁵¹ Philippopoulos-Mihalopoulos A., (2007), note 21, p180

⁴⁵² Id; this fluctuation is seen through the observed, observing, self-observation, other second order observers

“external super-observer” emerging within the system.⁴⁵³ This leaves us with a condition of both uncertainty and values in observation, thereby providing us with an expectation.⁴⁵⁴ It is this shift to expectations that apply to the Niger Delta oil environment because they will help to focus on the communications emerging from the interactions among the stakeholders in systems dimensions as ‘referentials’.⁴⁵⁵ They will also enable me to bridge the gap with the study of reflexive meaning processing of the symbolic interactions⁴⁵⁶ among the stakeholders.

However, the consequence of the expectations is that as a second order observer, I must make myself further ‘observable’ so as to enable a theoretical framework that can offer descriptions sensitive to the complexity of observation and transparency.⁴⁵⁷ This transparency is achievable by first, making an informed decision about what should be observed and from where observations should take place.⁴⁵⁸ Second, programmes must be identified to find answers to the question of when a social event becomes relevant for the observed phenomenon.⁴⁵⁹ And third, there must be an awareness of the reality that plans contribute only to a disciplined glance, and do not determine observation because the observer cannot simultaneously observe “something” and observe the process of observation.⁴⁶⁰

⁴⁵³ Leydesdorff L., (2010) “The Biological Metaphor of a Second-Order Observer and the Sociological Discourse”, *Kybernetes*, p4

⁴⁵⁴ Id, p1

⁴⁵⁵ Id, p12

⁴⁵⁶ Id

⁴⁵⁷ Keiding T.B., (2010) “Observing Participating Observation — A Re-description Based on Systems Theory”, *Forum: Qualitative Social Research*, 11(3), Art. 11, p16

⁴⁵⁸ Id

⁴⁵⁹ Id

⁴⁶⁰ Id

It is through the foregoing that I make the autoethnographic approach of this study have solid footing to explore the lived experiences of environmental devastation of Niger Delta oil communities. This approach makes me as a researcher and second order observer of O and his narrative transiting from the 'outside' of the communities to the 'inside'. This arises in a situation of the trust in a programme that presents new approaches to objectively showcase the communities' lives and their voices as subalterns globally, to old and new audiences.

4.2.1.) An Autoethnographer's Second Order Observer Narrative in the Delta

The major challenge in juxtaposing the second order observation methodology with autoethnography is finding answers to the query as to whether observation in the second order is a right. Taking a cue from Philippopoulos-Mihalopoulos, we cannot make observation located in the observer. Instead, it resides in its own blind spot, an interiority of the system which is inaccessible to the system itself due to its withdrawal from both solitude and community."⁴⁶¹ Yet, the blind spot pulls the observer towards other observers towards the first observer without ever dissolving its singular limits and becoming one with the other.⁴⁶²

However, I present O's narrative in the constructivist dimension to stand the rigours of empiricism in the light of the utility of 'expectations' for the second order observation methodology. This taken together with the 'virtuality' of constructivist ontology, presents reality as an effect of the specific capacities which construct the capability of

⁴⁶¹ Philippopoulos-Mihalopoulos A., (2007), note 21, p180

⁴⁶² Id

experiencing it.⁴⁶³ In this context, the Luhmannian's 'cognition as construction' reality emerges after being processed, perceived, or 'observed' as reality.⁴⁶⁴

VIGNETTE 16 10:00am- September 12 – October 11, 2008- *The Expedition to Jones Creek, Niger Delta*

Throughout the previous day, the 11th, Arnold advised both Jay and O to make the best of the time they had left before travelling to Jones Creek because with their (especially O's) plan of spending four weeks in the community, they were bound to face some harsh realities. As he warned them, the community lacks everything they can imagine to make life easy and comfortable in cities like Warri. This, however, is no news to O; he has already accustomed himself to this, given that he has already sampled such austere surroundings during his previous trips to Gbaramotu and other villages in Bayelsa State. So, he says to himself: *this is nothing new; he thinks he can make me panic. Bring it on guy, I'm up for it. This is why I'm here anyway.* Therefore, the three friends partied in the heart of the city till very late.

In the morning of the 12th, at the jetty to take the boat trip to Jones Creek, they are alerted to fact that there has been a heavy patrol of the sea by soldiers because of an oil pipeline bunkering taking place close to the creek by rogue elements. The site has been taken over by the soldiers and many of the culprits have been arrested. The patrol is to locate and

⁴⁶³ Moeller H-G., (2017) "On Second-Order Observation and Genuine Pretending: Coming to Terms with Society", *Thesis Eleven*, 143(1), p30

⁴⁶⁴ Id

arrest the remaining members of the bunkering gang. So, there is no need to panic but they must travel slowly and identify themselves to the soldiers should they be stopped.

11:30am- Jones Creek:

As they approach the horizon of Jones Creek, O is struck by its geographical configuration. There appears to be three sides to the community. On the immediate approach is the sprawling oil facility base operated by Shell and its joint operators. On it is a ship-like platform, which Arnold explains to O to be home to the companies' junior and middle cadre workers. From his position on the boat, he notices that electricity is powered by a generator on the left side of the platform. Also, there appears to be a landing space, to which Arnold also explains that the senior workers, the expats, and the special project officers use to commute. As he says,

The big boys in the companies don't live around here. They mostly live in Lagos. They fly in by the helicopter by 7:30 in the morning and fly back to Lagos by 5pm. They live a plush life because they are paid in dollars.

Immediately after the sprawling oilfield and its facilities, there are two sides to Jones Creek, divided by less than 500 meters of the sea. And this is where it gets interesting to O. On the left and closest to the oilfield is the Nana Creekside. Remarkably, most of the dwellings there are

shanties. At the jetty side, O sees young men playing idly around. Arnold says it is better to start with the other side because those on this left side have been 'brainwashed' by their CDC and will be evasive. On the right side, in front of which a wellhead has been drilled into the sea, the youths appear to be readily accommodating. An advance party has already been waiting to receive them. But on both sides, there is sign no of facilities such as electricity, potable water supply, hospitals, and transport facilities.

However, as they disembark onto the jetty, O is confronted by the scene of a young man dipping a plastic bucket into the crude oil-filled water. His impulse is to yell at the young man because he is undoubtedly oblivious to the health impact of the contact of the crude oil on his body. It is such a deplorable sight. But he calmly admonishes the young man not to use the water. But in response the young man retorted in Pidgin English that is the common tongue of the predominantly uneducated community:

Bros, wetin you wan make I do na? I no go bathe? Since since, this na the water wey we dey take bathe and do oda things o even as the oil companies don spoil am with dem oil (translated to mean "brother, what do you expect me to do? This is the water we have always used to do our cleaning prior to the arrival of the oil companies, and we have no alternative even now that the oil companies have destroyed it with oil spillage").

From O's narrative, what becomes observable, I suggest, is a relationship between perception, observation, and understanding by making reference to the distinction between medium and form.⁴⁶⁵ I locate the form in the creeks, and the medium emerging from it, O. O as the first order observer is engaged in the observation of the creek ecosystem, and the differences between loose couplings readily made available by a medium and the strict couplings that may temporarily take on fixed form.⁴⁶⁶ I then come in as the second order observer and, engaged in a thick description of O's observation, thereby allowing me to engage with "the universe of human discourse."⁴⁶⁷ The connection of autoethnographic narration of O's observation with second order observation therefore culminates in my role as a researcher to describe how the creek's natives share their understanding of "interworked systems of construable signs."⁴⁶⁸

4:00pm: Jones Creek- Youth Gathering

After the walk around the village to see the effect of oil on all its coastal areas, the youths of the community gather to have their first interaction with O, Jay, and Arnold. The first question O asks is how the community has continued to cope with such a situation in the year 2008. The youth leader responds by telling O all that will be discussed later. But they wanted to know exactly why O is in Jones Creek. Apparently, there have been discussions as to whether he is there as a 'State agent' or a covert worker for oil companies. In response, O reassures the youth leader of his independence. He is a public relations practitioner. Yet, he has had

⁴⁶⁵ Von Daniel B.L. and Achim Brosziewski A., (2007), note 429, p259.

⁴⁶⁶ Id

⁴⁶⁷ Id, p258

⁴⁶⁸ Id

a personal deep connection with their story for a number of years. And he is gathering all the information in preparation of a book to tell their story in the way others have not.

It is at this point that the forum opens up about the community's plight. Since the discovery of oil in 1967, and oil companies getting so much out of the community, while their rewards for peaceful hosting have been total abandonment and destruction of their livelihood. It was only three weeks before O's arrival that the women of both sides of the creek marched to Shell's facility fully naked to protest the lack of water and electricity! Shell has made promises to help provide these but there is still no sign of action being taken. Prior to that event, what successive governments at the federal and state levels have done, as O is informed, is to send their security operatives to come in and arrest those suspected of inciting 'violence' against the oil companies. Also, as one of the young men claims:

Shell too has always used the police and soldiers to threaten and harass us. But we know that the policemen and soldiers are Shell's thugs, just as they used them against the Ogoni people in the 1990s. We see that these policemen and soldiers carry different types of weapons that the normal Nigerian police or army do not carry. But we know one day, we will overcome this, I am sure.

To O, this is a very big claim. But it is literally impossible to approach Shell to confirm or deny this. The company has taken a reclusive approach to issues since their alleged involvement in the Ken Saro-Wwa saga. But in his mind, he ponders: *can you put anything past these oil multinationals, especially Shell with the well-documented atrocities traced to them via the collusion with the Nigerian Army to kill, maim, and rape Ogoni men in the 1990s? The story of Colonel Paul Okuntimo who allegedly ordered his men to invade Ogoni communities at night so that no one could escape his brutality rings loudly here. What a life to be blessed and cursed with oil at the same time!*

With O functioning as the medium for my engagement as the second order observer, I perceive that their function is to aid me to situate autoethnographic research as the perception what the actors do with “reference to each other and what they say about the meaning of what they do.”⁴⁶⁹ I exemplify this by juggling my memory and pitching my reminiscence of the alleged atrocities committed by the Nigerian Army’s Colonel Paul Okuntimo in Ogoniland in the 1990s with O’s powerful and emotive meditation. He recalls reports by bodies such as Amnesty International and Human Rights Watch detailing Paul Okuntimo’s violent streak:

9:00pm: Jones Creek- Post-Youth Gathering Dinner and Reflections:

Hmmm (O, in deep thought after the litany of woes he was made to hear earlier in the day and upon reading reports about the brutality of one Colonel Paul Okuntimo): it was claimed that Paul Okuntimo openly

⁴⁶⁹ Id, p258

advised Shell that the strategy that was needed against the Ogonis was a "psychological warfare, and advised that Shell operations would be impossible unless ruthless military operations through the "wasting" of Ogoni leaders were undertaken for smooth economic activities to commence.⁴⁷⁰ O, then reflecting deeply on this, sighs with a palpable sadness at the figures reported by Amnesty international regarding the death toll attributed to Paul Okuntimo, recalls:

From July 1993, there were a series of armed attacks on Ogonis involving the military. As many as 1,000 people were killed. The timing of the armed attacks on Ogoniland, just two months after the Director-General of the SSS (State Security Service) told Shell the "Ogoni issue" would soon be under control, raising serious questions about whether this was the security forces way of making good on their commitment to Shell.⁴⁷¹

O reverts again to the stream of his consciousness: *and to say this was a Nigerian Army officer colluding with Shell. And even to make matters worse, Okuntimo is a Niger Deltan himself! So, because of the economic benefits coming from the Nigerian government and Shell, Okuntimo decided to sell his soul to the devil and wrought violence, death, destruction, and apocalypse on his own people? Unbelievable!*

⁴⁷⁰ O, recalling the accounts of Cayford S., (1996) "The Ogoni Uprising: Oil, Human Rights, and a Democratic Alternative in Nigeria", *Africa Today*, 43(2), p192

⁴⁷¹ Amnesty International (2017) *A Criminal Enterprise? Shell's Involvement in Human Rights Violations in Nigeria in the 1990s*, accessed on September 18, 2019 at <https://www.amnesty.org/download/Documents/AFR4473932017ENGLISH.PDF>, p53

For the above, I draw on Keiding's position that the actions of observed persons refer to and must be interpreted with the social system and its participants as points of reference in systems. In this dynamic, when the observer observes a single person's interaction with objects, actions take place and refer to a social system.⁴⁷² The implication of this, as Keiding makes us to see, is that observed events produce expectations for and the meaning of subsequent events. This way, the observer can never escape his or herself and the flavour that their experiences and expectations give to the process of observation and interpretation.⁴⁷³

4.2.2.) The Impact of Memory on the Second Order Observer in

Autoethnography

I constantly visualise the images of degradation of the entire Niger Delta through oil pollution. These images have now come to global attention because of the 'irritation' on the region's environment by bodies such as UNEP, Amnesty International, Environmental Rights Action, and social media. This is not to discount the relentless activities of the region's emerging educated youths as well as militants. These, juxtaposed with O's narrative, engage my memory as second order observer to contemplate the level of risk associated with the constant oil spill in the Delta. Associating the behaviour of the oil multinationals in the Delta with their ethics and their social responsibility, I use the second order observation reflexively question these oil multinationals' ethics. Ethics in the Luhmannian context, distinguishes standards and ways of behaving, conforming and deviant behaviour, and even in a moral sense good, bad, or evil behaviour.⁴⁷⁴

⁴⁷² Keiding T.B., (2010), note 457, p15.

⁴⁷³ Id p16

⁴⁷⁴ Luhmann N., (1996) *The Reality of the Mass Media*, Kathleen Cross (2000 Trans.) Stanford, California: Stanford University Press, p120

What I deduce from Luhmann's stance on ethics is that the indigenes of the Niger Delta, and researchers of its 'field' have embraced or should embrace the idea of learning from the lived experiences of the oil communities. They should do the same with the ecosystem and put those experiences in their memory so that they engage with their present thinking and reality about the environment. This is because of the efficacy of the operation of the memory in the present, not in the past as proved by mnemonic science.⁴⁷⁵ The role of memory in autopoietic terms, to take a cue from Philippopoulos-Mihalopoulos, is to exemplify the relation between "being and becoming", linking what has happened in the past with how it is remembered in the present.⁴⁷⁶ This means that the memory is the bridge between "cognitive openness" which aids the process of learning from experience, and "operational closure", which aids the researcher to learn from their own experience.⁴⁷⁷

Memory, in autopoietic terms refers to the 'past', but is, cue Philippopoulos-Mihalopoulos, retained in the system in the form of self and hetero-reference⁴⁷⁸, with learned experiences manifests in different dimensions. This is because experience is meant to be understood as the environmental perturbation that instigates in the system the production of another layer of cognitive modification or confirmation of its structures."⁴⁷⁹ Thus, the impact of memory on me as second order observer engaged with O's narrative of the environmental perturbation in the Delta by oil spillage is that a part of their memory is forgotten. It is thrown back into space and stands little chance

⁴⁷⁵ Philippopoulos-Mihalopoulos A., (2007), note 21, p192

⁴⁷⁶ Id

⁴⁷⁷ Id

⁴⁷⁸ Id, p187

⁴⁷⁹ Id, p191

of being reselected by the system, because it has been expelled from the system as unnecessary, inoperative, burdensome, obsolete.⁴⁸⁰

This observation through the second order observer therefore makes it possible to understand why the Nigerian state jettisons environmental considerations in favour of the revenue that will accrue to the national treasury and economy. It also enables the understanding of why the oil multinationals prioritise the return on their investment (ROI) in the oilfields at the expense of human/environment/ecosystem considerations. At the same time, it becomes easy to understand why the communities feel displaced, excluded, and made as the *homo sacri* at the altar of oil power. Therefore, in systems theory terms, I consider the constantly spilled oil to the forms of waste which pass in the normal operation of the system as “atemporality of the systemic environment”, cue Philippopoulos-Mihalopoulos. In this paradigm, to discard is part of the system’s becoming.⁴⁸¹ This makes the memory to connect a systemic becoming both in the past and the present. Inscribed in memory is,

the link between past and present by dint of the processual ability of the system to reconstruct its past behaviour in the present, and on the other, the link between the present and the future in the form of an expectation of unperturbed repetition unless something else occurs that would interrupt it.⁴⁸²

⁴⁸⁰ Id, p187

⁴⁸¹ Id

⁴⁸² Id, p192

In another breath, the impact of the memory on me as a second order observer is that I function as a 'second' medium of the 'form' in the observation- the creeks and oil communities. I do so as a substrate that could have taken on a different form under different conditions.⁴⁸³ This way, as an autoethnographer, I operate in ways akin to a narrative fiction's hero who, starting from the outside, seeks access to a special world of insiders.⁴⁸⁴ I also operate this way with the expressed goal being the understanding of the customs, beliefs, and behaviours⁴⁸⁵ shared by the oil communities as members of a symbolically bounded community. As an autoethnographer therefore, I assume the lives lived by the natives, temporarily transformed into a virtual member of the oil communities O's narrative centres on.⁴⁸⁶ To validate O's narrative therefore, I undertake an examination of the findings of the Environmental Rights Action, Nigeria in Ikarama, Yenagoa Local Government Area, Bayelsa State on June 11, 2014 by Morris Alagoa. They focus on the oil spill at Okordia Manifold. The oilfield is operated by Shell. In his report, Alagoa notes as follows:

The spills from facilities belonging to Shell Petroleum Development Company [SPDC] and Nigerian Agip Oil Company [NAOC] happens either within the immediate environment near living homes, farms, and swamps or inside the community forest impacting farmlands, ponds, lakes, swamps and streams. While some of the spills are attributed to equipment or operational failure, most are associated with third part interference. Ikarama is one of the six Ijaw communities which make up Okordia clan in Yenagoa LGA and has the highest frequency of spill

⁴⁸³ Von Daniel B.L. and Brosziewski A., (2007), note 429, p259

⁴⁸⁴ Id

⁴⁸⁵ Id, p256

⁴⁸⁶ Id

incidents in Bayelsa State. The current spill was raging inside Shell's Okordia manifold when field monitors of the Environmental Rights Action/Friends of the Earth Nigeria [ERA/FoEN] visited.⁴⁸⁷

On the day of the said oil spill, at Ikarama, field monitors were “promptly led to the spill site for observation and short video clips and still photos taken from other impacted sites.”⁴⁸⁸ The crude oil spread within the community environment and re-impacted areas that have continued to suffer crude oil pollution. Alagoa's observation was to the effect that the spilt crude oil is spreading and has had a significant impact on “areas around living homes.”⁴⁸⁹ Thus,

Within the aid of the rains, except something is done fast, the heavy volume of crude so spewed into the environment can extend further into other swamps and moving bodies of water. During the visit on Sunday 5 October 2014, it was observed that crude oil was spewing into the air within the fenced manifold like a fountain. Crude oil was flowing out of the gate and three holes on the block fence behind manifold. While approaching the gate of the manifold, it was noticed that the land in front of the manifold...has been flooded with crude oil and crude oil was still rushing out with much pressure.⁴⁹⁰

⁴⁸⁷ Alagoa M., (2014) “Again Shell's Okordia Manifold Spews Crude Oil into the Environment”, Environmental Rights Action in Nigeria, July 20, 2014, accessed on July 8 2018 at <http://erafoen.org/index.php/2014/10/05/again-shells-okordia-manifold-spews-crude-oil-into-the-environment/>

⁴⁸⁸ Id

⁴⁸⁹ Id

⁴⁹⁰ Id

Nevertheless, what transpired from the above incident is still a matter of conjecture. Compared to the furore that occasioned that Gulf of Mexico Deepwater disaster of 2010 in the USA, action to remedy the devastation and compensation to the indigenes of Ikarama have not been heard of from Nigerian official quarters. By this I refer to the Nigerian Ministry of Environment, Department of Petroleum Resources, and National Oil Spill Detection and Response Agency (NOSDRA). This takes me back to my earlier position that the Nigerian oil environment regulation resonates with the autopoietic fold where the system/affect dynamic highlights the disjunctive communication dynamics in the Niger Delta. In this context, the Niger Delta environment is akin to the Luhmannian community of continuum/rupture, of 'turned backs', and of withdrawal from observation. In this community, there is no organisation, no communion of monads, and no communication about it.⁴⁹¹ Thus, drawing from Philippopoulos-Mihalopoulos, I situate the Niger Delta within a community of unworking, an absent, negative community that celebrates its "confused movement", perpetual oscillation, its construction through its "very absence."⁴⁹² This is why I perceive that it is important for me as second order observer, and all stakeholders in the community to come to terms with the environment's realities in the terms Luhmann sees it, that of:

...a society without human happiness...without taste, without solidarity, without similarity of living conditions. It makes no sense to insist on these aspirations, to revitalise or to supplement the list by renewing old names such as civil society or community. This can only mean dreaming up new

⁴⁹¹ Philippopoulos-Mihalopoulos A., (2007), note 21, p181

⁴⁹² Id, p182

utopias and generating new disappointments in the narrow span of political possibilities.⁴⁹³

4.3) A Possibility of Ecological Communication?

As I noted above, one of my aims in this study is to establish the possibility of ecological communication that will engage with the environment, the ecosystem, governance, NGOs, and oil multinationals as multiple autopoietic systems. This is to achieve a unity where its organisation is structurally coupled and defined by specific networks of production processes of substance transference.⁴⁹⁴ It is on this basis that I proceed to test the waters of the possibility of ecological communication by acknowledging that systems engage in recursivity. To engage with Philippopoulos-Mihalopoulos on this, in the process, system exchange their “re-turn to their horizons” by pulling their environments together, not in community but in withdrawal. This reveals the only markable space in the picture, the departure from their “in-between.”⁴⁹⁵

In systems with human heads, it is unquestionable that there is no allowance for a resting place except for what has been referred to as the “very porosity of the boundary”, only after the departure before that.⁴⁹⁶ The questions this raises, as Philippopoulos-Mihalopoulos makes us see, include “who dares to speak for the boundary? Who can turn their backs to the in-between and reveal the unutterable paradox?”⁴⁹⁷ The answers, as Philippopoulos-Mihalopoulos is instructive of, cannot be

⁴⁹³ Luhmann N., (1997) “Globalization or World Society: How to Conceive of Modern Society?” *International Review of Sociology: Revue Internationale de Sociologie*, 7(1), p69

⁴⁹⁴ Naruse M. & Iba T., (2008), see note 102, p6

⁴⁹⁵ Philippopoulos-Mihalopoulos A., (2007), note 21, p184

⁴⁹⁶ Id

⁴⁹⁷ Id

found in rights because rights talk for no one. They only herald a paradox, wedged in full inoperability between the horizons of systems, and reveal the “absence of the environment.”⁴⁹⁸ However, in situating the Niger Delta in a community of systems with human heads, I argue that it is possible to facilitate an integrated, mutually, and structurally processed, as well as self-referentially communication system. I take this position so that all stakeholders can be made to engage in a discursive arrangement. In this context, I situate the environmental narrative of the Niger Delta as akin to the environment Pottage sees to exist in a constant pressure to develop and refine strategies for the reduction of complexity.⁴⁹⁹ By complexity here, I refer to a situation of forced selection, forced selection meaning contingency, and contingency meaning⁵⁰⁰, drawing on Luhmann’s concept of complexity.

When there is such system in place in the oil communities of the Niger Delta, I perceive the possibility of the environment being built on reflexive expectations of risk of oil spillage, environmental degradation, and remediation of the degradation. This complex integration of expectations, I argue, finds justification in the Luhmannian ‘expectation’ through which it becomes possible to build “expectations of expectations”. This is a horizon where normative expectations are anticipated to apply cognitive expectations, and vice versa⁵⁰¹, and applied to the Delta, anticipating the oil communities will react to new disappointments arising from pollution. It also implies taking up a stance on expectations which presuppose disappointment of environmental degradation and planning how to respond to the disappointment. The

⁴⁹⁸ Id

⁴⁹⁹ Pottage A., (1998), note 84, p4

⁵⁰⁰ Luhmann N., (1995) note 50, p25; also cited by Alain Pottage above

⁵⁰¹ Luhmann, N. (1985) “The Self-reproduction of Law and its Limits”, in G. Teubner (ed.) *Dilemmas of Laws in the Welfare State*, Berlin: de Gruyter, p116; also cited in Pottage above

effect of presupposing such disappointment, taking my cue from Pottage is that, however events turn out, expectations, not the event which 'fixes' them, provide the "reference point" for the system's next operation.⁵⁰²

⁵⁰² Pottage A., (1998), note 84, p14

CHAPTER 5

5.0) Deleuze's Theoretical/Methodological Tools

As I showed in chapter four, through Neves, Luhmann's autopoiesis does not fit into any discourse pertaining to postcolonial societies. This makes it expedient to have a more rounded view of the non-applicability of autopoiesis in 'the general'. This, I find, in the perspective that autopoiesis, by not being proactive like other critical theoretical frameworks, is essentially descriptive.⁵⁰³ I refer to this as the 'unchangeability' of autopoiesis, whose 'descriptive-only' nature makes it improbable to challenge society's current ordering in terms of power and resources' distribution. It also culminates in its failure to challenge the influence of authority law and legal institutions, neither throwing up any alternative to this paradigm.⁵⁰⁴ To this extent, what I perceive about autopoiesis is that it cannot help to address and proffer solutions to Niger Delta's ongoing environmental dilemma. This is not to say I do not acknowledge autopoiesis' challenge to the meaningfulness of how the forms and functions of these arrangements are often understood. However, its emphasis on description only⁵⁰⁵ renders autopoiesis incapable of empowering the oppressed of the Delta in the process of emancipating themselves from their environmental dilemma.

To reemphasise it, my goal is not just to narrate the constant face-off among the state, oil multinationals and the indigenous oil communities. I also want to expose to the global audience, the grisly reality of the environmental disaster and human suffering in the Delta. It is for this reason that I engage with Deleuze's affect to bring across to

⁵⁰³ Philippopoulos-Mihalopoulos A., (2007), note 21, p217.

⁵⁰⁴ Murphy W.T., (1994) "Systems of Systems: Some Issues in the Relationship between Law and Autopoiesis", *Law and Critique*, 5(2), p248

⁵⁰⁵ Id

the reader, the immanent jostling of Niger Delta's environmental realities. I therefore find in the Luhmann/Deleuze autopoiesis/affect fold, a veritable tool to bring the reader's attention to the increasing reality of the inseparability, interconnectedness and interaction between man and his natural environment. This makes contingent, an affect that is immanent on the human psyche, as the Niger Delta human and environmental dynamics demonstrates. This fold, I suggest, offers the possibility of a 'transcendent justice' that will achieve relational and social interaction mechanisms among all stakeholders to minimise and manage environmental incidents. It also offers the possibility of minimisation of severe degradation and damage to the ecosystem, the socio-economic linkages to the environment, and human health and life.

5.1) Theoretical Tool 2: Deleuze's Affect

The starting point in my engagement with Deleuze's affect and immanence to narrate the to the reader, the Niger Delta environmental debacle is his treatment of "nature" through the lens of Spinoza's philosophy of the concept. As Deleuze asserts, Spinoza's first principle is "one substance for all the attributes." However, there is the "third, fourth, or fifth principle: one Nature for all bodies"⁵⁰⁶, meaning:

...one Nature for all individuals, a Nature that is itself an individual varying in an infinite number of ways. What is involved is no longer the affirmation of a single substance, but rather the laying out of a common plane of immanence on which all bodies, all minds, and all individuals are situated.⁵⁰⁷

⁵⁰⁶ Deleuze G., (1988), note 21, p122.

⁵⁰⁷ Id

Nature, I suggest, arguably forms the crux of Deleuze's notion of affect and immanence. Again, Deleuze elaborates in *Difference and Repetition* that It is strange that aesthetics, by which he means the science of the sensible, could be founded on "what can be represented in the sensible."⁵⁰⁸ However,

Empiricism truly becomes transcendental, and aesthetics an apodictic discipline, only when we apprehend directly in the sensible that which can only be sensed, the very being of the sensible: difference, potential difference, and difference in intensity as the reason behind qualitative diversity.⁵⁰⁹

Contextualising the above with the affect theory, Colman draws an interesting analogy as follows:

Watch me: affect is the intensity of colour in a sunset on a dry and cold autumn evening. Kiss me: affect is that indescribable moment before the registration of the audible, visual, and tactile transformations produced in reaction to a certain situation, event, or thing. Run away from me: affected are the bodies of spectres when their space is disturbed.⁵¹⁰

⁵⁰⁸ Deleuze G., (1994) *Difference and Repetition*, (P. Patton, Trans.), New York: Columbia University Press, p56; the inverse procedure to this, he asserts, "is not much better, consisting of the attempt to withdraw the pure sensible from representation and to determine it as that which remains once representation is removed."

⁵⁰⁹ Id, pp56-57

⁵¹⁰ Colman F.J., (2010) "Affect", in Adrian Parr (Ed.) *The Deleuze Dictionary*, Revised Edition, Edinburgh University Press, p11

However, as Colman points out, in all these situations, Deleuze's affect transcends the expression of an emotion or physiological effect. Rather, it is a transitory thought or thing that occurs prior to an idea or perception. Affect refers to the change, or variation, that occurs when bodies collide, or "come into contact."⁵¹¹ As a body therefore, affect manifests in the transitional product of an encounter, specific in its ethical and lived dimensions, yet as indefinite as the experience of a sunset, transformation, or ghost.⁵¹² What I process from this perspective is that Deleuze makes affect integral to his project to create an understanding, comprehension and expression of all "incredible, tragic, painful, and destructive configurations of things and bodies as temporally mediated, continuous events."⁵¹³

I also draw on Hayden's perspective to find the rationale for Deleuze's affect, noting his goal for philosophy to be conceived as a practice whose usefulness derives from the "active creation of new and different ways of thinking and feeling."⁵¹⁴ This arguably makes Deleuze's primary concern to lie in the kinds of effects that philosophy is able to produce, so long as these effects encourage the creation of new life-affirmative values and sensibilities.⁵¹⁵ From this, I take Hayden's view that Deleuze has through affect, promoted a variant of naturalism which highlights the diverse interconnections between human and nonhuman modes of life.⁵¹⁶ This serves to provide some "overlooked" philosophical tools to incorporate ethical and political considerations into ecological concerns, yet to resist the reductive temptation to turn nature into a "static

⁵¹¹ Id

⁵¹² Id

⁵¹³ Id

⁵¹⁴ Hayden P., (2008) "Gilles Deleuze and Naturalism: A Convergence with Ecological Theory and Politics", in Bernd Herzogenrath (Ed.) *An [Un]Likely Alliance: Thinking Environment[s] with Deleuze/Guattari*, Cambridge Scholars Publishing, p23

⁵¹⁵ Id

⁵¹⁶ Id, pp23-4

metaphysical foundation.”⁵¹⁷ It is within this structure that I situate Deleuze’s engagement with the environmental and ecological dynamics currently playing out in the Niger Delta.

My justification of applying Deleuze’s affect to the ongoing Niger Delta environmental and ecological dynamics thus rests on Deleuze and Guattari’s ‘Mechanosphere’ or geo-philosophy in their seminal work, *A Thousand Plateaus*. In their treatment of geo-philosophy, they stress the difficulty of elucidating the system of the strata without introducing some “cosmic or even spiritual evolution...as if they were arranged in stages and ascended degrees of perfection.”⁵¹⁸ Therefore, the different figures of content and expression are not stages, as there is no biosphere or noosphere, but present everywhere is “Mechanosphere”.⁵¹⁹ From this, I find it instructive to engage with Saldanha’s deconstruction of Deleuze and Guattari’s Mechanosphere as exemplary for a philosophical truth for the earth, where the spheres are not amenable to “intentional rectification in any straightforward sense.”⁵²⁰

When this is associated with the age of man, Deleuze seems to imply that it is the age the nonhuman will “encroach the human” to such an extent it can wipe out humans as quickly as they emerge as the thinking species.⁵²¹ This will come as a result of the realisation among nonhuman the they the “self-appointed gardeners and engineers of earth.”⁵²² For this, Saldanha sees in our current ecological epoch, the earth, eco-

⁵¹⁷ Id, p24

⁵¹⁸ Deleuze G., & Guattari F., (1987), note 5, p69

⁵¹⁹ Id

⁵²⁰ Saldanha A (2015) “Mechanosphere: Man, Earth, Capital”, in J. Roffe and H. Stark (Eds.) *Deleuze and the Non/Human*, Palgrave Macmillan, pp198-200

⁵²¹ Id, p198

⁵²² Id

poetics and the “phenomenological exultation of the ordinary and the fleshy merely evince a peculiarly European nostalgia for the sacred, for transcendence.”⁵²³ In this epoch, Capital has contrived to “deterritorialize” brains and language only to reterritorialize them onto the profit motive, because from its beginnings it was designed with two “deterritorialized and quantifiable flows.”⁵²⁴ This shows the prioritisation of Capital over the environment, with its very essence being to ‘deterritorialize’ environment and reterritorialize it with rent capture in the hydrocarbons industry.

Deleuze and Guattari’s concern that emanates from the “deterritorialization” of brains and language, I perceive in the potential “destructiveness of consumerism and militarism.”⁵²⁵ And in respect of the environment, I take their adoption of ‘Mechanosphere, or rhizosphere’ to explain as an attempt to circumvent “both scientific reductionism and New Age mysticism.”⁵²⁶ This manifests through the machinic device to “render philosophy adequate to the “creative-destructive potentiality” of a tightly “interconnected globality” which has already ensnared human will-to-power.⁵²⁷ I test this assumption on the spate of the degradation of the ecosystem of the Niger Delta through oil extraction. The UNEP has reported a high scale of “contamination of water in the creeks and coastal and mangrove vegetation”⁵²⁸ from these activities. I take this to show that it is time to engage with the worries of ‘ecosophy’ about how ecosystems are under threat from toxins, urbanisation, and extraction, and to put an ultimatum on thinking itself “qua constructive critique.”⁵²⁹

⁵²³ Id, p205

⁵²⁴ Id, pp202-5

⁵²⁵ Id

⁵²⁶ Id

⁵²⁷ Id, p200

⁵²⁸ See UNEP (2011) *Environmental Assessment of Ogoniland*, United Nations Environment Programme, p104

⁵²⁹ Saldanha A (2015), note 520, p206

VIGNETTE 17: September 20, 2008: Jones Creek/Egwa I Midpoint- Abandoned

Oil Flow Centre:

After settling into the communal life, the youth leader organises a boat ride around the surrounding settlements to see the close-knit nature of the Ijaw life. About five nautical miles from Jones Creek, they come to a desolate location housing an abandoned oil flow centre. It looks to O as if it has become disused. And from his reading and knowledge of facilities like this, once an oil platform, wellhead or flow centre is no longer viable, the operator must decommission such facility, and dispose of it.

Yet, nothing like that appears to have been done to this centre. When he asks about the centre, the youth leader, whose knowledge of the geography of the area and operations of oil multinationals there are indeed impressive, claims that the flow centre was operated between 1978 and 1999. Since 1999 after it became disused, the operator just, shut the door and packed out. Since then, crude oil has kept flowing from the centre into the surrounding waters. And when O asks if they could go onto the land to inspect, the youth leader declines, as the place is being watched by soldiers.

To O, this is shocking. It means that the oil companies see Nigeria as a place where they can act with impunity. Whichever company it is, they cannot operate on this basis either in the UK or Norway. As he ruminates: *in the UK, I am sure the Health and Safety Executive would*

not have taken kindly to this practice, that is if the company even contemplates it at all because the regulators keep a constant watch. Well, where are the regulators in Nigeria? I am sure the officers from the DPR would have been tipped to overlook this and would have reported the flow centre has been properly decommissioned.

September 24, 2008- Observing the Daily life on the Creek:

Since his arrival in Jones Creek in September 2008, two unforgettable incidents have struck O. First, he marvels at a young lady of about 16, paddling a makeshift wooden canoe in the crude oil-laden coastal water on the creek's outskirts. She carries in the canoe, what turns out to be her main market stall, smoked fish and sells. In his attempt to speak with her, O suddenly realises that she could only speak *Izon* (Ijaw) language. She has never been to school before. The second incident involves a boy of 7 or 8 years of age, using a plastic bowl to swat away the crude oil from the bank of the river in order fill his bucket. He too, has never been to school. This is the encounter that O meets with daily.

Yet, early in the morning, it is the sound of helicopters hovering, landing to let the oil expats out, and departing to bring others that rouses the community every day. This antithetical existence between the rich oil corporates, and the communities from where they have been extracting crude oil, in the year 2008, O continues to find inexplicable. *Does it then mean that the government does not see these resource communities to*

deserve some attention and the oil corporates, engaging their corporate social responsibility? O muses to no end.

6:30 am, October 3, 2008- Jones Creek's Oil Bay:

Around 6am, O is roused by loud bangs. Getting off his make-shift bed, he calls on Arnold to know what is going on. As they discover, the noises are coming from the special loading bay where the big ships come to load crude oil across the creek. This takes virtually the whole day as another ship berths at about 2pm after the first ship apparently fills up and sails away. The feeling around the community is that of their saying: "you only see with your eyes; you can never taste the sweetness of the food."

Being an experiential force or a power source, affect manifests in encounters and interaction of bodies to become compelling ideas and systems of knowledge, history, memory, and circuits of power.⁵³⁰ It is within framework that affect, to draw from Colman, operates as a dynamic of desire within any assemblage to manipulate meaning and relations.⁵³¹ It also informs and fabricates desires, as well generates intensity culminating in different affects in any given situation or event.⁵³² The affect that emanates from O's account of the oil on water above, I therefore argue, manifests in encounters with geography, biology, meteorology, astronomy, ecology, and culture. The consequence of these encounters, I locate in Capital's "deterritorialization" of brains and language in collusion with the destructiveness of consumerism and

⁵³⁰ Colman F.J., (2010), see note 510, p12

⁵³¹ Id

⁵³² Id, p13

militarism. Therefore, I align with the school of thought that makes affect vital for the nature-society dynamics. Taking inspiration from Singh, and using the Niger Delta paradigm, I see in affect, the enabling of a rethink of the liveliness and interconnectedness of the world, our conceptions of the human and human nature, and reconceptualization of ecopolitics.⁵³³

To elaborate on my submissions above, the degradation of the Niger Delta environment necessitates a rethink of the liveliness and interconnectedness of our world within the dynamics of “new materialisms” of social sciences and humanities. These “new materialisms” emphasise the embodying of nature and environment as animate participants in human drama.⁵³⁴ In this context, affect provides us the wherewithal to use the interconnectedness of all life view with empathy, the impact of oil exploration on the environment, ecosystem, human health, and livelihood, rather than the current *laissez faire* approach. Affect also helps to emphasise the need to attend to the political, ecological, cultural, economic dimensions, as well as the affective and emotional⁵³⁵ ramifications of environmental degradation.

By rethinking the human, and human nature/subjectivity, affect aids a relational decentring of human nature as emergent, and not fixed or immutable.⁵³⁶ This, I argue, can aid a gradual departure from the anthropocentric approach toward the environment and prioritisation of the economics of rent capture in natural resource extraction. To this extent, affect is crucial in the attempt to reduce the status of ‘the subject’ as the “standalone cognitive actor” in the oversight of the world, helping us to

⁵³³ Singh N.M., (2018), note 56, p2

⁵³⁴ Id, p3

⁵³⁵ Id

⁵³⁶ Id

think in terms of “fluid subjectivities emergent from active engagement with the world.”⁵³⁷ And in reconceptualising ecopolitics, using affective as ecologies of new ecopolitics aids the idea of “thinking-feeling-caring”, and inspires an ecopolitics of care for the material world.⁵³⁸ This makes for lived experiences in a “lived-in or kin-centric ecology”⁵³⁹ possible in the natural resource communities, and the totality of the environment.

5.2) Methodological Tools 2: Deleuze’s Affect and Autoethnographic Narrative

Against the background that the research process allows knowledge production through which the researcher retains power over “truth”⁵⁴⁰, I see the necessity of the autoethnographic researcher to be critical in his approach. This places a burden on the autoethnographer to consider, drawing from Rodriguez, the voices of marginalised groups and the society’s power structures.⁵⁴¹ Through this, these marginalised voices, hitherto excluded, attain higher value. Thus, as we have seen so far, autoethnographic narratives help to create mental images and situational awareness to the reader. The researcher is thus in a position of advantage to de-stabilize their position of power to recognize that knowledge and its production are contingent, historically situated, and relational.⁵⁴² This is achievable through Deleuze’s affect because it helps to pitch the autoethnographic researcher within the understanding of the research space as a site

⁵³⁷ Id

⁵³⁸ Id

⁵³⁹ Id

⁵⁴⁰ Rodriguez S., (2016) “Toward a Methodology of Death: Deleuze’s “Event” as Method for Critical Ethnography”, *Critical Questions in Education (Special Issue)*, 7(3), p233

⁵⁴¹ Id

⁵⁴² Id

of experimentation, contestation, and negotiation. In this space, the breaking down of boundaries and of systems of oppression⁵⁴³ becomes possible.

My methodological approach is therefore to present affect, first, as a “connection”, or ‘philosophy-as-method’ to aid me in disrupting methodology in the way MacLure suggests. By connecting theory with methodology, I attempt to engage with Deleuze’s “transcendental empiricism” which traces intensities of affect that moves and connect bodies, “subatomically, biologically, physically, and culturally.”⁵⁴⁴ Transcendental empiricism’s value lies in non-privileging of human interpretation or conscious perception. The bodies that are animated by affect in this process are also by no means, restricted to human bodies.⁵⁴⁵ I take it to mean that given that the human/non-human distinction has unravelled in our current ecological epoch, it has also become necessary to equally blur the distinctions between philosophy and qualitative/quantitative research. This is so because, cue MacLure, both spheres are interested in issues, including:

the complications of bodies and minds in thought and action; the significance of non-conscious, embodied activity; the distributed nature of cognition and agency; the role of emotion in decision making; the capacity of objects to interfere with measurement; and the insinuations of affect into language and subjectivity.⁵⁴⁶

⁵⁴³ Id

⁵⁴⁴ MacLure M., (2011) “Qualitative Inquiry: Where Are the Ruins?” *Qualitative Inquiry*, 17(10), p999

⁵⁴⁵ Id

⁵⁴⁶ Id

Second, in presenting affect as a connect, or 'philosophy-as-method', I engage with McCoy's "encounter" in ways that situate epistemology as productive of ontology, or the materiality of the worlds we make as we live and do our research.⁵⁴⁷ On this, what I perceive Deleuze is speaking of is the hope to have an encounter with an idea. What arguably counts as an encounter, Deleuze sees in 'disturbance'⁵⁴⁸ which Luhmann sees in 'irritation' or 'perturbation'. The effect of 'encounter' therefore, is a connection between theory and data to challenge simplistic realist ontology, the "rational knowing subject, and the transparency of language."⁵⁴⁹ Thus, Deleuze's 'encounter' sounds like "looking for trouble", and "looking to be troubled" with deliberate anticipation of unexpected encounters to produce surprising⁵⁵⁰ outcomes.

Using "encounter" to "disrupt methodology", therefore, I share MacLure's view of researchers' need to experiment with concepts to enable them to disrupt the reason/logic structure governing the social sciences and researcher/participant interactions in the field."⁵⁵¹ In the same vein, I share McCoy's view of "encounters" as a veritable tool to "irritate" the research process where researchers might "trouble" or "be troubled" by research encounters.⁵⁵² Through these dynamics, I find in Deleuze's philosophy-as-method, an outlet to re-envision the purpose of research and its encounters as a disruption of normative knowledge production⁵⁵³ through autoethnographic narrative of O's encounters with the Niger Delta. It also enables me to break away from the essentialist paradigms that govern the normative

⁵⁴⁷ McCoy K., (2012) "Toward a Methodology of Encounters: Opening to Complexity in Qualitative Research", *Qualitative Inquiry*, 18(9), p763.

⁵⁴⁸ Id

⁵⁴⁹ Id

⁵⁵⁰ Id

⁵⁵¹ Rodriguez S., (2016), note 540, p234.

⁵⁵² Id, p238

⁵⁵³ McCoy K., (2012), note 547, p234.

understanding of identities within marginalized groups⁵⁵⁴ like those in the Delta by operating in the bodily, relational, and spatial realm⁵⁵⁵ of these communities.

As a corollary, I suggest that the theory-method connection culminating in affect/autoethnography connection is instructive to show affect's propensity to reveal the interconnectivity between our behaviours, conduct, and the politico-economic dynamics driving decisions determining our future. Thus, as the Niger Delta environmental complexities show us, affect focuses on "materialities of normative power", emphasising movement and force to realise a world that exceeds the boundaries of the norm.⁵⁵⁶ Drawing from Springgay's view that affect increases the body's capacity to act, I have used the autoethnographic narration of the Niger Delta to encounter Deleuze's affect through transcendental empiricism. This comes within the view that affect attempts to shift from the "linguistic turn" through an emphasis on discourse towards the senses and ethico-aesthetic spaces.⁵⁵⁷

From another perspective, I engage with Hanley's opinion that the beauty of the affect-methodology and theory-method connection lies in presenting writing as a form of thinking rather than a form of representation.⁵⁵⁸ Within this view, I perceive that the researcher is expected to treat his writing experiment as a form of thinking, and not as a conduit for thought external to the text. This is significant because it helps to take the focus off the 'thinking human' and puts it, taking a cue from Hanley, onto the act

⁵⁵⁴ Id, p237

⁵⁵⁵ Id

⁵⁵⁶ Springgay S., (2011) "The Ethico-aesthetics of Affect and a Sensational Pedagogy", *Journal of the Canadian Association for Curriculum Studies*, 9(1), p67

⁵⁵⁷ Id

⁵⁵⁸ Hanley C., (2019) "Thinking with Deleuze and Guattari: An Exploration of Writing as Assemblage", *Educational Philosophy and Theory*, 51(4), p414, DOI: 10.1080/00131857.2018.1472574

of writing and the internal functioning of text itself.⁵⁵⁹ Through this, the text the researcher produces becomes not only a creative, but also, a generative and integrated space.⁵⁶⁰ The justification for this, I find in St. Pierre's placement of the autoethnographic writer within the milieu of the event being narrated, just as Deleuze views language.⁵⁶¹ Thus, I sense from St Pierre, an attempt to make the autoethnographic researcher, through writing, immersed in language, to engage in a 'becoming', because for Deleuze,

...language is on the same flattened ontological plane as a galloping horse, the colour red, a representation of a bird, the concept justice, and five o'clock-in-the-afternoon...we would do well to stay with reading and writing before rushing to application because they can clear the way for what else application might be when the distinctions of the old empiricisms- is an empirical application...⁵⁶²

From this, I see reason and justification in Hanley's beauty of the theory-method connection from some perspectives as an autoethnographic researcher. Where the researcher presents their narrative text as a creative space as I have attempted to do with the Niger Delta's environmental debacle, the data generated through the "medium of words" becomes treatable as an 'attractor', not a representation.⁵⁶³ Where the researcher treats their narrative text as "a generative space", he or she enables a theorisation of how words and signs, from Deleuze's 'regimes of signs', give access

⁵⁵⁹ Id

⁵⁶⁰ Id, p417

⁵⁶¹ St. Pierre E.A., (2017) "Deleuze and Guattari's Language for New Empirical Inquiry", *Educational Philosophy and Theory*, 49(11), pp 1080-1089 DOI: 10.1080/00131857.2016.1151761

⁵⁶² Id, p1081

⁵⁶³ Hanley C., (2019), note 558, p417.

to the data.⁵⁶⁴ In addition, where the researcher presents their narrative text as an “integrated space”, they engage the affirmation of the “internal coherence and cogency” of the text by consolidating ideas already introduced.⁵⁶⁵ Yet in the same vein, the presentation of their text as “dissolving territory” allows the researcher to approach the text as a “dissolving space” through which the text begins to concede its “theoretical territory.”⁵⁶⁶

For the reasons above, I argue that Deleuze’s assertion that thinking takes place in the relationship of “territory and the earth” through which the earth constantly carries out a “movement of deterritorialising on the spot”⁵⁶⁷ becomes instructive for a new and radical environmental thinking. It is within this context of on-the-spot ‘deterritorialisation’ that O’s narrative of Niger Delta’s oil communities find value in my autoethnographic research. I situate O’s account within his thought process, my memory, and the relationships that emerge therefrom with the totality of the Niger Delta environment. This includes its human population, the land, the sea, the oil environment, and the ecosystem in general, as they are degraded, excluded, and abandoned in favour of corporeal considerations and Capital. To sum up the theory-method connection, I engage with Deleuze’s question as to whether, or not, the self is itself a contemplation or not, and whether we can learn, form behaviour, and form our self, other than through contemplation.⁵⁶⁸

⁵⁶⁴ Id

⁵⁶⁵ Id

⁵⁶⁶ Id

⁵⁶⁷ Deleuze G., & Guattari F., (1994), note 55, p85

⁵⁶⁸ Deleuze G., (1994), note 508, p73

5.3) Affect and the Niger Delta Environmental/Ecological

Dynamics

Deleuze and Guattari have made us to understand that the entirety of nature is a multiplicity of “perfectly individuated multiplicities”. Through this, the consistency of nature manifests in an immense “Abstract Machine”, yet real and individual.⁵⁶⁹ The assemblages and individuals that constitute nature therefore operate together through an infinity of particles to engage in an “infinity of interconnected relations.”⁵⁷⁰ The knowledge to gain from this is that the human, non-human, and the environment, are intricately connected, as a riposte to the dubious scientific assumption of the human/nonhuman distinction. To this, I engage with Hayden’s view of philosophy, through affect, as a practice whose usefulness derives from active creations of new and different ways of thinking and feeling.⁵⁷¹ From this, I take it that affect is primarily concerned with the kinds of effects philosophy produces, insofar as these effects engender the creation of new “life-affirmative values and sensibilities.”⁵⁷² Thus, the Earth should be deemed the fundamental, yet never fixed plane of immanence where the constitution of multiplicities takes place.⁵⁷³

Taking Deleuze’s affect as empirically valid, it also becomes empirically valid to claim that that modern environmental regulatory frameworks, from the Niger Delta example, and drawing from Halsey, centre on systems of representation doing violence to the production of difference.⁵⁷⁴ This difference is thus immanent to persons, rivers,

⁵⁶⁹ Deleuze G., & Guattari F., (1987), note 5, p254

⁵⁷⁰ Id

⁵⁷¹ Hayden P., (2008), note 514, p23

⁵⁷² Id

⁵⁷³ Id, p33

⁵⁷⁴ Halsey M., (2016) *Deleuze and Environmental Damage: Violence of the Text*, Routledge, p6

deserts, forests, vertebrates and invertebrates, the difference immanent to life itself.⁵⁷⁵ To exemplify this, in the Niger Delta, Platform, a Nigerian non-governmental agency has reported the devastation oil spills have caused to hectares of land, water and livelihoods in Dere community, Ogoniland.⁵⁷⁶ Going by the report, in the early hours of April 12, 2009, the Bomu manifold was engulfed in flames, caused by, according to a confidential report by a Shell contractor, rusty, damaged and leaking pipes.⁵⁷⁷ The well's operator, Shell shut it down for two weeks, but farmlands close to the site of the spill and the surrounding ecosystem had been completely destroyed.⁵⁷⁸

What can be deduced from this singular event in Deleuze/Guattari terms, is an engagement with what Halsey refers to as the attempt to create a lexicon capable of subverting existing binaries. These binaries are the humans/nature, cause/effect, harm/benign conduct, crime/order, law/disorder⁵⁷⁹ dynamics. This manifests through the adoption of "machinic thought" and its significance for thinking through the sources of environmental conflict and new forms of environmental regulation.⁵⁸⁰ This also involves the process of thinking and acting which regards as futile, all programmes aimed at a definitive resolution of the struggle between humans and nature, and science and opinion.⁵⁸¹

⁵⁷⁵ Id

⁵⁷⁶ Platform (2011) "Counting the Cost: Corporations and Human Rights Abuses in the Niger Delta", London: Platform, p17, citing the newspaper report of *The Nation*, "Clean up, Repair in Progress at Shell's Bomu Manifold Incident", of 21 April 2009

⁵⁷⁷ Id

⁵⁷⁸ Id

⁵⁷⁹ Halsey M., (2016), note 574, p5

⁵⁸⁰ Id

⁵⁸¹ Id

VIGNETTE 18: October 10, 2008 *Sailing around the Jones Creek/Egwa II Axis*

Two days before his departure from Jones Creek, O is taken around the communities surrounding the Creek to see the extent of the spillage again. As they criss-cross the complex maze of mangroves dotted all over the sea, he spots ahead some movement he thinks is sign of sea animal moving. He then motions to their guide to halt the boat's movement on the sea. As he does so, he notices that the sea becomes still, and what he thinks to be a sea animal moving across the sea is massive deposits of crude oil all over the sea.

To his amazement, the extent of the settlement of the oil on the water is so staggering. The way the floating oil dominates the sea, there is no way sea life can survive for long. This perhaps explains why the surrounding mangroves and the edges of each community are blackened with crude oil, and in some instances, the grassland so coarse and brown through the contact with residue of spilled crude oil. But as O thinks to himself: *could this explain why the government has failed to provide transport infrastructure for these communities? Because, if these areas are exposed to a wider public, the uproar would have been bigger than what obtains at the moment. This is really an abandonment of the source of this country's wealth.*

Taking O's account of the Delta as an event in the sense MacLure sees it, what we can see emanating from the creeks is the collaboration of the fictional character and autoethnography through the production of a unique sensation. This sensation

culminates in an affect that we may normally not experience in grand data taken from institutionally recognised research methods. Thus, as we see through the lens of O's narrative, we are sometimes jolted into a recognition of the neglect, exclusion, and suppression of a group. This is a culture that contributes not only to the national integration of a contraption, but also its corporeal and materialistic attainment through Capital. However, as MacLure aptly reminds us, in research, it is sometimes difficult to know where such affect or 'wonder' resides. It is "not simply "in" the data, but both "in" us and virtual as a matter of potentialities and thresholds.⁵⁸² In this sense, through autoethnography, the 'affect' of data derives in its capacity to create a relationship with researchers as an event. However, we must be attentive and open to surprise in the process of recognising the invitation. Once invited in, our task is to experiment and see where that takes us.⁵⁸³

5.4) Autoethnography of Life and Death: Affect in the Delta

VIGNETTE 19: June 14, 2012- *A Return to Egwa II*

O departed from Jones Creek in 2008 with a feeling of melancholy for a number of reasons. The sight of children not having access to basic quality education was depressing as their future was being forsaken; the unavailability of basic health facilities, water, and electricity in the twenty-first century was equally depressing. However, the sight of foreign ships berthing to load crude oil from the same community was not just oppressive, it looked to O, neo-colonial. Having witnessed all of these, he decided to take a break because the spate of violent kidnappings was

⁵⁸² MacLure M., (2013), "The Wonder of Data", *Cultural Studies, Critical Methodologies*, 13(4), p231; affect, for MacLure, resides in the material, resonating in bodies and indissociably attached to the materiality and the singularity of objects.

⁵⁸³ Id

assuming more dangerous proportions. This is despite the government creating an amnesty programme aimed at halting the violence that has engulfed the entire region, and then rehabilitating the militants through education and economic empowerment. He decided not to take risks by coming back for now, at least. He was willing to wait till the amnesty programme took a foothold and the violence ceased. Also, he needed to start writing his memoirs about the injustices and exclusion of these poor Deltans from the political and economic dynamics of the Nigerian state, as it were.

By early 2012, majority of the militants had given up their arms and embraced the amnesty initiative. So, in June, O decides to explore Egwa II on this new trip to the Delta. But why now? He feels he has not been able see much of the community. But unsurprisingly, he finds the area, and the community as he had imagined they would be- crude oil-stained with lack of amenities just as he found most of the other Ijaw creeks he has visited.

And as it is the practice, there is still no electricity, potable water supply, hospitals, other basic amenities, and transport facilities. In fact, makeshift bathrooms sit directly on wooden structures right on top of the coastal area of the community. Still amazed by the people's unyielding spirit in this this kind of adversity, O asks one of the elders Pa Soriwei, who received them on arrival, how the community has continued to cope with such a situation in the year 2012. In response he says:

We Izons (Ijaw people) are resilient people. As you can see, we still drink from the sea, although we travel a bit further to get the water. The government has never cared to provide us with clean water. As for light, we rely on our lamps and those whose children can afford to buy generators for them, they enjoy electricity. As for hospital facilities, we do mostly traditional healing, but whenever it gets worse, we travel to Yenogoa to seek hospital treatment.

O now sees a pattern in the Ijaw tribe's life. The Ijaw are animistic in their relationship with the land and the water in their coast. They do not just farm and go to the sea to harvest fish; they believe that the gods have given both to them as means of livelihood, religion, healing, and survival. As Pa Soriwei recounts to O,

Before the oil companies came, we lived very close to the water. When a new child was born, it was taken to the river after three months to initiate it to our religion and teach it how to swim as the water is our lifeblood. But when the oil companies arrived over 40 years ago, they pushed us far away from the water, with their machines cutting down our trees, their iron rods buried in our rivers to disturb the gods.

Since then, the oil has been flowing onto our water and killing the fish and our farm products. Our children, our wives, our people are also dying mysteriously too. The gods deep beneath the sea must have been angry because they have been fed with things our ancestors and we have never fed them with before in our worship of them. But still, nobody listens to our cries.

As O reveals to us above, the animism that constitutes the core of the Ijaw life, I argue, perfectly fits into Deleuze's human-nonhuman connection. To justify this, I take a cue from Dewsbury's superb engagement with Deleuze's vision of this post-human idea. This shows that the delicate symbiosis of nature and 'ourselves' has become "unhinged". Our cultural imprints, in other words, have always obscured the underlying causes of contemporary ecological predicament by framing climate change and loss of biodiversity as purely anthropogenic.⁵⁸⁴ In this vein, I argue that Niger Delta's encounters and connections with crude oil have culminated both in the discrimination against them, and a betrayal of their age-old beliefs, cultural underpinnings, and life patterns. These realities pose existential threats and questions about the entirety of their life and the region's ecosystem. This is a betrayal I perceive from Stengers' encounter and connection, or a "coming into existence" which demands both trust and art of immanent discrimination.⁵⁸⁵ Betrayal manifests in devilish rounds with the propensity capable of turning crazy, any outsider who would sincerely try to understand what it is to be 'a modern'.⁵⁸⁶

⁵⁸⁴ Dewsbury J-D., (2012) "Affective Habit Ecologies: Material Dispositions and Immanent Inhabitations", *Performance Research*, 17(4), p74, DOI: 10.1080/13528165.2012.712263

⁵⁸⁵ Stengers I., (2008) "Experimenting with Refrains: Subjectivity and the Challenge of Escaping Modern Dualism", *Subjectivity*, 22, p39, DOI: 10.1057/sub.2008.6

⁵⁸⁶ Id, p41

Yet it appears that the juggernaut spirit of hydrocarbons, the petrodollar and Capital has taken the battle to the Ijaw and is currently trampling on the physical, human, environmental, and animistic configurations of the region. It is also rewriting the rules of engagement the people, environment and ecosystem must abide with in the epoch of instrumental materialism brought upon the oil world by Capital and oil multinationals. This resonates with Latour's conceptualisation of the modern territory where there is a paradoxical juxtaposition between mysticism, modernity, and Capital. In such a connection, Capital trumps culture, mysticism, and animistic attachment to the environment the Niger Delta communities hold sacrosanct. This, I perceive to be modernity's view of cultural thinking as a kind of atavistic regression. In Latour's words,

You think that the spirits of the ancestors hold you forever hostage to their laws? The modern critique will show you that you are hostage to yourselves and that the spiritual world is your own human...construction. You then think that you can do everything and develop your societies as you see fit? The modern critique will show you that the iron laws of society and economics are much more inflexible than those of your ancestors.⁵⁸⁷

This, I argue, stands in opposition to the view that the fetishism of Capital for the corporeal matters of the earth and environment portends danger and catastrophe for our world. This, Dewsbury wants us to understand, is because these material dispositions that have become embedded in our bodies over time and dictate for our

⁵⁸⁷ Latour B., (1993) *We Have Never Been Modern*, Cambridge, MA: Harvard University Press, p38

habits to the extent that we act almost without thinking.⁵⁸⁸ This ultimately plays a vital role in our environmental mnemonics and thoughts as the multiple environmental disasters in the Niger Delta, and globally, continue to dominate our world and thinking. The ecosystem is fast dying out in the Niger Delta, and the several states close to it such as Lagos, as they wallow in flooding almost to Monsoon proportions during the wet season. I therefore argue that what our environmental mnemonics and thoughts of the Niger Delta take us back to is Szeman's onset of "apocalyptic environmentalism". In this situation, the grim socio-political, and environmental consequences of inaction on oil are laid out, because it becomes obvious that avoiding these results would require changing everything⁵⁸⁹ in the Delta. This is because apocalyptic narratives and statistics⁵⁹⁰ are no longer nuanced but laid out on grand scale.

What "apocalyptic environmentalism" evokes for the oil communities of the Niger Delta is akin to the catastrophic tendencies of hydrocarbons in the esoteric manner Reza Negarestani presents it. To him, crude oil and petro-capitalism place our world in a complex nexus of "Tellurian dynamics", war machines and petro-politics, which are models for grasping "war-as-a-machine and monotheistic apocalypticism."⁵⁹¹ This arises from a "blobjective view" which diverges from the earth as a whole towards an entirely different entity, an earth under the "process of 'Eradication'."⁵⁹² My understanding of Negarestani's "blobjective view" is a connection between ecological concerns, emotion, cultural expression, and contemporary technology, with his idea of

⁵⁸⁸ Dewsbury J-D., (2012), note 584, p74.

⁵⁸⁹ Szeman I., (2007), note 348, p815.

⁵⁹⁰ Id

⁵⁹¹ Negarestani R., (2008) note 38, p13

⁵⁹² Id, p14

'Eradication' being a "Hyperstition's laboratory" where a process spreads out in several dimensions. First, there is a levelling of "all planetary erections" or the attainment of a burning immanence with the sun, burning core of the earth.⁵⁹³ Second, eradication arises in the immersion of the planetary body in flows and undercurrents, pushing the earth towards "full-fledged sogginess."⁵⁹⁴ And third, eradication culminates in the earth as a degenerating entity for which wholeness is but "a superficial distraction."⁵⁹⁵

The prognostication about the future of our planet due to Capital's reckless accumulation of profits from natural resource extraction at the expense of the environment, as the Niger Delta narrative shows are profoundly disturbing. The Capital as it were, wears the toga of the contemporary war machine by disregarding the Deleuze-Guattarian model of environmental thinking in terms of the fusion of the human and non-human dynamics. It instead favours, in the words of Negarestani, "monotheism as a "stimulating component (which) has war as an object...or...a product."⁵⁹⁶ At the same time, it has consummated techno-capitalist "oecumenon" through a synthesis with monotheistic enthusiasm which subtracts the supposed potential for 'secularization' as an "Abrahamic teleology."⁵⁹⁷

Against this background, I sense that Deleuze and Guattari, through affect and the human-nonhuman connection, have presented an environmental discourse, focusing on the necessity of change in the political economy approaches to oil extraction. Their core message to developing oil frontiers such as Nigeria appears to be the urgency of

⁵⁹³ Id

⁵⁹⁴ Id

⁵⁹⁵ Id

⁵⁹⁶ Id

⁵⁹⁷ Id

prioritising the environment over economics.⁵⁹⁸ Without these changes, the future portends to be a hell on earth, obscured by a “choking carbon dioxide smog.”⁵⁹⁹ This view has been echoed by Dewsbury who suggests that the increased concern for our ecology’s status is now more profound. This reality, he points out, demands a practical and “present-tensed unveiling of the emergence of the ‘human’”⁶⁰⁰ because we are located in an immanent position to make the human to be “nudged” into a different course of action.⁶⁰¹

5.5) The Impact of Memory on the Affective Narrator in

Autoethnography

VIGNETTE 20: 6:40pm, June 22, 2012- *Egwa II- A Race to Save the Sick*

On their return from one of their daily navigations around the surrounding coastal waters, O and his friends decide to eat their dinner. They have hardly sat down when they hear cries of anguish from a few doors away. They rushed to the scene only to find a young boy gasping for air; he an asthma sufferer. Yet, this is a community with no hospital, no health centre, and no means of communication (mobile telecommunication system has not yet reached the community). O becomes genuinely worried fir this young boy. In the stream of his consciousness, he ponders:

What if this boy dies before we get him to Warri via the boat? It takes at least forty minutes to get there, and then we still have to take a taxi to

⁵⁹⁸ Szeman I., (2007), note 348, p815.

⁵⁹⁹ Id

⁶⁰⁰ Dewsbury J-D., (2012), note 584, p74.

⁶⁰¹ Id

get him to the hospital from the jetty. This is nothing but callousness on the part of the state and federal governments by not providing these poor communities with health centres; I am not even thinking about big hospitals here. How can a whole population not be deemed to deserve this right in this day and age?

And to say that millions of dollars' worth of crude oil is drilled from these creek villages on a daily basis! And then, what about these big oil companies? Can they do these in the developed world? The US oil disaster in 2010 did not even reach one-tenth of the proportion of the suffering these communities have made to experience, yet Shell-BP, a big player, if not the biggest, in this Niger Delta has been compelled to spend close to 12 billion dollars to remediate the damage, with the surrounding communities being compensated to the last man!

Seeing the worried expression on O's face, one of the young men at the scene to help the sick young boy, an engineering graduate who is home on break from the National Youth Service, tells O,

Brother, this is the reality of the Niger Delta for you. In the last fifteen years, we have noticed that our parents, and even young people have been dying of certain similar health symptoms. This is one of the reasons I struggled to obtain this degree I have just obtained. I had to leave this village to scrape for funds in Warri through menial jobs to fund my studies. But I tell you, what I have

learnt about the components of crude oil is scary. And to think that it is those components, particularly 'lead' that get mixed with the water, when the oil spills from exploration, that our people ingest, really scares me. I have been struggling with this reality and do not know how to explain to our people that virtually everyone may die of cancer.

When immersing myself within O's narrative and considering the affects flowing from it, I come to terms with Keightley's idea about memory and methodology. He opines that remembering events, such as O's narrative, is not just an articulation of individual psychologies, but a performance rooted in lived contexts.⁶⁰² This is rooted in the analysis of mnemonic practices in which culture is transmitted from one generation to another, and the specific ways in which remembering is enacted and ingrained in sensory culture.⁶⁰³ The impact of memory, I therefore believe, lies in the engagement with the reinvention of the relationship between individual and collective identities. An exploration of the relationship between public discourses and representations of the past and our personal memories⁶⁰⁴ enables this engagement and reinvention. Through our reflection as researchers, we are able to suspend our judgement and set aside our assumptions, to instead analyse the phenomenon we investigate in its purity.⁶⁰⁵

Therefore, in my alignment with Keightley, I submit that the relationship between memory and social environment is reciprocal. This assumes that memory helps to

⁶⁰² Keightley E., (2010) "Remembering Research: Memory and Methodology in the Social Sciences", *International Journal of Social Research Methodology*, 13(1), p58, DOI: 10.1080/13645570802605440

⁶⁰³ Id

⁶⁰⁴ Id

⁶⁰⁵ Pitard J., (2016), note 4, p3

influence a life-story approach which elicits and analyses autobiographical narratives to theorise social life. This becomes realisable from the structures of meaning in participants' narratives to patterns of exchange in familial relationships.⁶⁰⁶

⁶⁰⁶ Keightley E., (2010), note 602, p58

CHAPTER SIX

6.0) Theoretical/Methodological Tools 3- Biopower and Governmentality

In the previous chapter, I used Luhmann's system theory and Deleuze's affect and immanence theories to engage O's narrative of the Niger Delta environment story. But in this chapter, through Foucault's ecogovernmentality, I set out to adopt the content/textual analysis methodology to back up and validate my primary methodology, autoethnography. Ecogovernmentality is simultaneously referred to as 'environmentality' and 'environmental governance' in the vast body of literature adopting Foucault's theory. Through this, the possibilities of new ways of achieving the governance of the Niger Delta environment will be created to suggest ways of stemming the spate of degradation, remediate the current devastation, and stem the wave of 'environmental terrorism' currently ravaging the region.

6.1) Theoretical Tool 3: Foucault's Biopower and the Environment

I begin by arguing that it is incontrovertible that Michel Foucault's theorisation spans many areas of social, political, and legal thought in his various treatises, including *The Birth of Biopolitics*, *Society Must be Defended* and *The History of Sexuality*. To this extent, I suggest that Foucault has successfully extrapolated the intricate linkages among knowledge, power, and subjectivity through which the state ensures absolute control of populations and citizens. This manifests through techniques of discipline and normalisation in the expectations of the state from them. Critical to achieving this on the state's part is the use of biopower, through which the sovereign deploys

reflected procedures of government on a population.⁶⁰⁷ From the angle of biopolitics, Foucault asserts that the state takes control of life and biological processes of man-as-species to ensure populations' and individuals' discipline, and normalisation through the power of regularisation.⁶⁰⁸ Critical to the operation of Foucault's biopolitics is his elaboration of the idea in *The History of Sexuality* thus:

...the life of the species is wagered on its own political strategies. For millennia, man remained what he was for Aristotle: a living being with the additional capacity for political existence; modern man is an animal whose politics places his existence as a living being in question.⁶⁰⁹

To deconstruct the above, I engage with the Foucauldian protégé, Wallenstein, who argues that Foucault's conception of biopolitics/biopower should be understood as the other side of an 'anatomico-politics of the human body'. This comes in a way that remains closely connected to discipline⁶¹⁰ and in this context, biopower has a tripartite structure. At the micro-level, it individualises, producing individuality as the focal point of all the different techniques for monitoring the body politic through disciplinary techniques as their proper object.⁶¹¹ At the macro-level, it targets the population and treats individuals as statistical phenomena, in terms of collective health and collective forms of reproduction and life.⁶¹² Finally, it regulates the crucial link between the production of sex as individuating force and the production of sex in relation to the

⁶⁰⁷ Foucault M., (2007), note 61, p75.

⁶⁰⁸ Foucault M., (2003), note 62, pp246-247.

⁶⁰⁹ Foucault M., (1978), note 63, p143, also cited in Wallenstein S-O., (2013) "Foucault, Biopolitics, and Governmentality", in J. Nilsson & S-O., Wallenstein (Eds) *Foucault, Biopolitics, and Governmentality*, Södertörn Philosophical Studies, 14, pp7-34.

⁶¹⁰ Wallenstein S-O., (2013) above, p11

⁶¹¹ Id, pp11-12

⁶¹² Id, p12

population, or to the collective entity.⁶¹³ At this level, the family becomes the medium through which all individuals must navigate in order to become members of the reproductive body politic.⁶¹⁴

From this tripartite nature of Foucault's biopolitics, what we can further unpack, drawing on Oksala's view, is the discourse of knowledge (truth), power and subjectivity. Through the discourse of knowledge, Foucault aims at identifying the political effects of truth and how they were produced historically and analysing the regimes of truth. These refer to the conditions that made it possible to utter true statements about governance or the economy.⁶¹⁵ The primacy of Foucault's biopolitics therefore, lies in neoliberalism as a distinct regime of truth, its political ontology forming the conditions for making reasonable political judgements in today's world.⁶¹⁶

Regarding the discourse of power, Foucault visualises a tight control of populations through biopolitical governmentality. This, for Oksala implies that neoliberalism has mutated powerfully to achieve the same goal.⁶¹⁷ This mutation reflects in the fact that it has become the hegemonic model even in countries which traditionally had strong welfare states. But its underlying values are not so much libertarian, rather utilitarian.⁶¹⁸ This makes Foucauldian power, from Pottage's perspective, emergent neither in its protagonists, nor in an abstract social structural function.⁶¹⁹ The implication of this is that although power relations presuppose a particular historical

⁶¹³ Id

⁶¹⁴ Id

⁶¹⁵ Oksala J. (2013) "Neoliberalism and Biopolitical Governmentality", in J. Nilsson & S-O., Wallenstein (Eds) *Foucault, Biopolitics, and Governmentality*, Södertörn Philosophical Studies 14, p56

⁶¹⁶ Id

⁶¹⁷ Id, p61

⁶¹⁸ Id

⁶¹⁹ Pottage A., (1998), note 84, p22

configuration of forces and discourses, they do not actualise or stabilise “latent ‘possibles’ or ‘probables’.”⁶²⁰ Instead, power manifests through the articulation of discourse and force.⁶²¹ This is what Foucault refers to as *agon*, a process which does not entertain “intersubjective, mediating, horizon between opponents which would make strategies commensurable or communicable.”⁶²² Thus as Pottage exemplifies it,

Agon describes a gymnastic relation characterized by a play of interpretations and anticipations. The art of the game is not to dominate an opposing actor, but to anticipate and exploit its interventions, and thus to make one’s own interventions dependent upon an opponent’s restless invention of (counter-)-strategies.⁶²³

Lastly, on the discourse of subjectivity, we see Foucault’s political subject as “an atomic individual” whose natural self-interest and tendency to compete must be fostered and enhanced.⁶²⁴ This individual is a fundamentally self-interested and rational being who will navigate the social realm, constantly making rational choices using economic knowledge and the strict calculation of costs and desired benefits.⁶²⁵ As Fletcher suggests, in Foucauldian terms, different forms of governmentality tend to pursue different subjectivities while a disciplinary governmentality seeks to inculcate a particular ethical orientation in its subjects.⁶²⁶ This occurs especially with neoliberalism envisioning a rational actor who seeks to maximise her/his material utility

⁶²⁰ Id

⁶²¹ Id

⁶²² Id

⁶²³ Id

⁶²⁴ Oksala J. (2013), note 615, p66

⁶²⁵ Id, p67

⁶²⁶ Fletcher R., (2017) “Environmentality unbound: Multiple Governmentalities in Environmental Politics”, *Geoforum*, 85, p314

by weighing the costs and benefits of alternative courses of action.⁶²⁷ For Pottage, however, in Foucauldian thinking, the question of contingency and multiplicity is essential to the idea of a mode of discourse analysis which would operate without reference to the unifying substances of time and subjectivity.⁶²⁸ This view, he echoes from Foucault's perspective that discontinuities arise from the shattering of instants and dispersal of subjects into a plurality of possible positions and functions. This sort of discontinuity afflicts and disables the smallest of the units which are recognised by tradition and which it is most difficult to contest- the instant and the subject.⁶²⁹

It is within this knowledge/power/subjectivity discourse that Lemke situates Foucault's governmentality. For Lemke, governmentality demonstrates Foucault's working hypothesis on the "reciprocal constitution of power techniques" and forms of knowledge. It indicates that it is not possible to study the technologies of power without an analysis of the "political rationality underpinning them."⁶³⁰ Foucault himself isolates two sides to governmentality. The first is a specific form of representation where the government "defines a discursive field in which exercising power is 'rationalised'."⁶³¹ This occurs through the delineation of concepts, the specification of objects and borders through which the government can address problems and proffer strategies for resolving them.⁶³² The second is Foucault's creation of the close link between "power relations" and processes of "subjectification". Governmentality here refers to

⁶²⁷ Id

⁶²⁸ Pottage A., (1998), note 84, p18

⁶²⁹ Foucault M., (1971) *L'Ordre du discours*, Paris: Gallimard, p60; cited from Allan Pottage above

⁶³⁰ Lemke T., (2001) "The Birth of Bio-politics': Michel Foucault's Lecture at the Collège de France on Neo-liberal Governmentality", *Economy and Society*, 30(2), p191

⁶³¹ Id

⁶³² Id

conduct, 'the conduct of conduct', a term ranging from 'governing the self' to 'governing others.'⁶³³

6.2) Methodological Tool 3: Biopower and Content/Textual

Analysis

*History has altered its position in relation to the document: it has taken as its primary task, not the interpretation of the document, nor the attempt to decide whether it is telling the truth or what is its expressive value, but to work on it from within and to develop it: history now organizes the document, divides it up, distributes it, orders it, arranges it in levels, establishes series, distinguishes between what is relevant and what is not, discovers elements, defines unities, describes relations.*⁶³⁴

Michel Foucault's statement above, taken from *The Archaeology of Knowledge, and the Discourse on Language*, has proved to be the veritable authority poststructuralists and researchers rely on to ground their methodological framework. Thus, adopting content/textual analysis to validate O's narrative that I have presented through autoethnographic methodology, I present this chapter cohesively with each theoretical approach I have engaged with. I have demonstrated this through Luhmann's systems theory via second order observation, and Deleuze's affect via transcendental empiricism.

⁶³³ Id, citing Michel Foucault's Lecture at the Collège de France on Neo-liberal Governmentality, Lecture 8 February 1978/1982b

⁶³⁴ Foucault, M. (1972) *The Archaeology of Knowledge and the Discourse on Language*, A.M. Sheridan Smith, trans., New York: Pantheon Books, p7

Therefore, I will focus theoretically on Foucault's biopower and its connection to 'environmentality'. I will then adopt content/textual analysis as the methodology. For this study's purpose, I use 'textual analysis' and 'content analysis' interchangeably. Thus, through deskwork, I will engage with the content/textual analysis of Helon Habila's *Oil on Water*⁶³⁵, Ken Saro-Wiwa's *Genocide in Nigeria: the Ogoni Tragedy*⁶³⁶, and existing official reports on the Niger Delta oil environment. When engaging with the idea of "questioning of the document", Foucault illustrates how 'the document' is no longer an "inert material" through which it tries to reconstitute what has been done or said, of which only the trace remains. For Foucault, history is now trying to define within the documentary material itself unities, totalities, series, relations.⁶³⁷

Against this background, the value and importance of texts lie in their presentation of social events with causal effects. As Fairclough observes, in spontaneous fashion, texts can bring about changes in our knowledge, beliefs, attitudes and values.⁶³⁸ Therefore Fairclough opines that two causal 'powers' shape texts: first, social structures and practices, abstract entities including an economic structure, a social class or kinship system, or a language. These define a potential or a set of possibilities.⁶³⁹ However, the relationship between structures and events is a "mediated" one because of the presence of "intermediate organisational entities between structures and events."⁶⁴⁰ Second, there are social agents, that is, the people involved in social events⁶⁴¹ who are not 'free' agents, because they are socially

⁶³⁵ Habila H., (2012) *Oil on Water*, Lagos: Parrésia Publishers Ltd

⁶³⁶ Saro-Wiwa K., (1992) *Genocide in Nigeria: the Ogoni Tragedy*, London, Lagos, Port Harcourt: Saros International Publishers

⁶³⁷ Foucault, M. (1972), note 634, p7.

⁶³⁸ Fairclough N., (2003) *Analysing Discourse: Textual Analysis for Social Research*, Routledge, p8

⁶³⁹ Id, p23

⁶⁴⁰ Id

⁶⁴¹ Id, p22

constrained, and their actions, socially determined.⁶⁴² These agents “texture texts” by setting up relations between elements of texts.⁶⁴³

What then constitutes content/textual analysis as methodology, and what is its objective? From the angle of ‘discourse’, I approach it from Foucault’s definition of textual analysis as “the general domain of all statements, sometimes...an individualizable group of statements.”⁶⁴⁴ This refers, for Foucault, to a regulated practice that accounts for a certain number of statements.⁶⁴⁵ We are talking about a project of pure description of discursive events in the horizon for the search for “the unities that form within it.”⁶⁴⁶ Therefore, each statement we choose to textually analyse in the discourse we engage with, must be grasped “in the exact specificity of its occurrence.”⁶⁴⁷ This is important because we need to determine the statement’s conditions of existence, fix its limits, establish its correlations with other statements that may be connected with it, and show what other forms of statement it excludes.⁶⁴⁸ Through this, Wetherall, makes sense of Foucault’s approach to textual analysis as essentially interpretive, always contingent and a version or a reading from “some theoretical, epistemological or ethical standpoint.”⁶⁴⁹

As I take it from Graham’s perspective, when engaged in the analysis of a text, the words used by the author to describe things constitute the mechanism through which

⁶⁴² Id

⁶⁴³ Id

⁶⁴⁴ Foucault, M. (1972), note 634, p80.

⁶⁴⁵ Id

⁶⁴⁶ Id, p27

⁶⁴⁷ Id

⁶⁴⁸ Id, p28

⁶⁴⁹ Wetherall M., (2001) “Debates in Discourse Research”, in: M. Wetherall, S. Taylor & S. J. Yates (eds), *Discourse Theory and Practice: A Reader*, London: Sage Publications, p384

the analyst 'defines' and 'shapes' the 'objects of discourse'.⁶⁵⁰ Thus, through Foucault, we are able to locate the objective of textual analysis in its attempt at tracing the relationship between words and things. This involves how the words we use to conceptualise and communicate end up producing the very 'things' or objects of which we speak.⁶⁵¹ However, Graham cautions researchers adopting textual analysis as methodology that drawing on Foucauldian ideas does not speak entirely of their research 'findings'. This is because they tend to use less emphatic language, recognising that truth is contingent upon the subjectivity of the reader and the "fickleness of language."⁶⁵²

Thus, the limit of textual analysis is its reliance on other qualitative research methods as a combination to achieve triangulation.⁶⁵³ Also, the selection of documents is not always all-embracing because it does not involve yielding primary data. And where it yields data, it is usually secondary data, such data coming from those already yielded and analysed in previous research.⁶⁵⁴ This is likely to reflect in the texts to be analysed in this chapter, including those from existing reports from the UNEP, Amnesty International, and Environmental Rights Action in the case of the Niger Delta. Therefore, I acknowledge Julien's argument that qualitative researchers using the textual/content analysis should recognise that the text is open to subjective interpretation. It also has the propensity to reflect multiple meanings, and is context

⁶⁵⁰ Graham L.J., (2011) "The Product of Text and 'Other' Statements: Discourse Analysis and the Critical Use of Foucault", *Educational Philosophy and Theory*, 43(6), p668, DOI: 10.1111/j.1469-5812.2010.00698.x

⁶⁵¹ Id

⁶⁵² Id, p666

⁶⁵³ Bowen G.A., (2009) "Document Analysis as a Qualitative Research Method", *Qualitative Research Journal*, 9(2), p28

⁶⁵⁴ See Dahle I.B., Dybvig G., Ersdal G., Guldbrandsen T., Hanson B.A., Tharaldsen J.E., & Wiig A.S., (2012) "Major Accidents and Their Consequences for Risk Regulation", in Grall Bérenguer & Guedes Soares (eds) *Advances in Safety, Reliability and Risk Management*, London: Taylor & Francis Group, pp36-41

dependent.⁶⁵⁵ In this context, still drawing on Julien, validity and reliability are crucial for a robust textual analysis because the researcher seeks trustworthiness and credibility the conduct of iterative analyses. This is also necessary as the researcher seeks negative or contradictory examples, and confirmatory data through methodological triangulation to provide supporting examples for conclusions they draw.⁶⁵⁶ And given that meaning is “context dependent and subjective”, a single piece of text can be open to different qualitative interpretations by different researchers. Thus, reliability of judgement remains crucial, and researchers must always be mindful of the perspectives they bring to their analytic work and the context for the text being analysed.⁶⁵⁷

However, relying on Graham’s counterview, although not ‘scientific’, I see the efficacy of textual analysis in its intellectual and conceptual framework to make it a potential powerful analytical tool.⁶⁵⁸ This is because textual analysis does not set out to establish a final ‘truth’, but to question the intelligibility of the truth/s we have come to take for granted⁶⁵⁹ What this means for Graham is that truth is always contingent and subject to scrutiny. It is no longer immutable and this opens the door to powerful possibilities for change.⁶⁶⁰ This position finds justification in Foucault’s prognosis of remaking the truth out of texts, by introducing modifications that are able at least, to change the given terms of the problem⁶⁶¹ From this, what is expected of the textual analyst is to be able to see and present truth as a kind of fiction, or as something we

⁶⁵⁵ Julien H., (2008) “Content Analysis”, in Lisa M. Given (Ed.) *The SAGE Encyclopedia of Qualitative Research Methods*, Volumes 1 & 2, SAGE Publications Inc., p120

⁶⁵⁶ Id, p121

⁶⁵⁷ Id

⁶⁵⁸ Graham L.J., (2011), note 650, p666.

⁶⁵⁹ Id

⁶⁶⁰ Id

⁶⁶¹ Foucault M., (1994) An Interview with Michel Foucault, in: J. D. Faubion (Ed.), *Power, Vol. 3*, New York: The New Press, p288, also cited by Graham above.

busily construct around ourselves so that we can come to see 'truth' as "something less final."⁶⁶² Therefore, the analyst's task is to determine, in all the possible enunciations that could be made on a particular subject, why it is that certain statements emerged to the exclusion of all others and what function they serve.⁶⁶³ After all, Foucault is instructive in showing us that the discourses of 'truth' and 'falsehood' are the correlative formation of domains and objects. They are the verifiable, falsifiable discourses that bear on them, and the effects in the real to which they are linked.⁶⁶⁴

6.2.1.) Biopower- Content/Textual Analysis of the Niger Delta

In the process of subjecting any given discourse to rigorous analysis, Parker suggests that discourse research strikes a critical distance from language. One useful aspect of this approach, he opines, is the reflexivity urged upon the researcher, and the reader.⁶⁶⁵ This necessitates the analyst to focus his mind on such questions as: why was this said, and not that? Why these words, and where do the connotations of the words fit with different ways of talking about the world?⁶⁶⁶ In Parker, I find that for it to have progressive effects, reflexivity needs to be grounded in the post-structuralist tradition so that the work or discourse can reflect historically in a useful way.⁶⁶⁷

Because the texts I choose to analyse are to be subjected to the Foucault's theoretical perspectives of power knowledge and subjectivity, my analysis comes across in ways

⁶⁶² Graham L.J., (2011), note 650, p666.

⁶⁶³ Id, p667

⁶⁶⁴ Foucault M., (1980) "Questions of Method", in J. D. Faubion (Ed.), *Michel Foucault: Power*, New York: The New Press, p237

⁶⁶⁵ Parker I., (1992) *Discourse Dynamics: Critical Analysis for Social and Individual Psychology*, London: Routledge, p1

⁶⁶⁶ Id

⁶⁶⁷ Id

texts are constructed, ordered, and shaped- their social and historical situatedness.⁶⁶⁸ In the context of the Niger Delta environment, I will demonstrate, and hopefully achieve the goal for which Foucault theorised the value of text and the discourse. This, in Cheek's words, is that texts are both "product of and in turn, produce, discursive-based understandings of aspects of reality."⁶⁶⁹ This is because the image of an object represented in a text is formed according to the frame or focus that shapes what is to be seen.⁶⁷⁰ In this sense, the various written texts on Niger Delta's environmental biopolitics, will be assigned particular meanings according to the situation in which language has been used by each author.

Coming back to Foucault's view of the power of textual analysis, I am inspired to juxtapose the whole of O's narrative that has been presented throughout this study so far with the 2011 report of UNEP on Ogoniland. I will also engage with Habila's *Oil on Water* and Saro Wiwa's *Genocide in Nigeria* to argue that both the narrative and the texts generate the same outcomes. These outcomes are the uncontested reality of the cataclysmic effects of crude oil exploration on the Niger Delta environment, ecosystem, and its people. I justify this position on Foucault's compelling attraction of the analysis of texts and discourse where formal identities, thematic continuities, translations of concepts, and polemical interchanges⁶⁷¹ are deployed. This, according to Foucault, allows for a positivity which plays the role of a "historical a priori" which equally produces a "rather startling effect."⁶⁷² This effect according to Foucault manifests in,

⁶⁶⁸ Cheek J., (2012) "Foucauldian Discourse Analysis", in Lisa M. Given (Ed.) *The SAGE Encyclopaedia of Qualitative Research*, Thousand Oaks: SAGE Publications Inc., p356

⁶⁶⁹ Id

⁶⁷⁰ Id

⁶⁷¹ Foucault, M. (1972), note 634, p127

⁶⁷² Id

...a condition of reality for statements. It is not a question of rediscovering what might legitimize an assertion, but of freeing the conditions of emergence of statements, the law of their coexistence with others, the specific form of their mode of being, the principles according to which they survive, become transformed, and disappear.⁶⁷³

Against this background, I will situate the consequences of the overreliance on hydrocarbons and fossil fuels within the current market fundamentalism or neoliberalism foisted on the global economy. This will be incorporated into the political discourse by the conservative principles of individual choice, and reliance on the free market.⁶⁷⁴ From the text adopted for analysis, the Niger Delta will be situated within the zone of exclusion I alluded to from the onset. In this zone, the Nigerian sovereign has been able to subject the citizens to its biopower to gain absolute control over them, the environment, and the ecosystem. This has, as I will stress, inexorably culminated in environmentality's prognosis, and claim of global apocalypticism. Apocalypticism, in this context, is envisioned in the proportions of Collins' approaching end in the accumulating effects of waste, pollution, and overuse of natural systems today.⁶⁷⁵ This is a point in which our economic systems have become so corrupt, convoluted, and dysfunctional that they must be changed, or they will destroy systems on which all life depends.⁶⁷⁶

⁶⁷³ Id

⁶⁷⁴ Schneider-Mayerson M., (2015) *Peak Oil: Apocalyptic Environmentalism and Libertarian Political Culture*, Chicago: The University of Chicago Press, p7

⁶⁷⁵ Collin R.M., (2006) "The Apocalyptic Vision, Environmentalism, and a Wider Embrace", *Interdisciplinary Studies in Literature and Environment*, 13(1), p2

⁶⁷⁶ Id

Conversely, taking the reports from Nigeria's National Oil Spill Detection Response Agency, and the oil giants, particularly Shell, I will highlight the 'differential' in the perception and communication of the sovereign and Capital. Through these texts, I will highlight an opposition to the perception of environmentality's apocalypticism when considering the effects of hydrocarbons exploration. To the advocates of the sovereign and Capital in the free market economy, the current fascination with global extinction and "pervasive sense of doom" by environmentalists, at best, is driven by "unconscious fantasy". To them, the prognosis of apocalypticism is a mere symbolic expression of an alienation from political subjectivity, characteristic of a historically specific period in the life of post-Cold War societies.⁶⁷⁷ Therefore, viewed from the socio-economic and environmental dynamics, it is, in Hammond and Breton's words, neither as a "near-timeless feature of human culture nor as a reasoned response to objective environmental problems."⁶⁷⁸

As I will argue, what transpires above, when juxtaposed, is a contested and competing field of interests among activists, NGOs, business and state agencies over what Levy and Spicer perceive as climate imaginaries. These 'imaginaries' are 'fossil fuels forever', 'climate apocalypse', 'technomarket' and 'sustainable lifestyles'.⁶⁷⁹ All through my analysis, I will be guided by the Foucauldian notion that statements made in texts constitute a field of relations and those statements. I will also approach the analysis from the perspective of Luhmann's systems theory's "irritation" with

⁶⁷⁷ Hammond P., and Breton H.O., (2016) "Eco-Apocalypse: Environmentalism, Political Alienation and Therapeutic Agency" in K.A. Ritzenhoff & A. Krewani (eds.) *The Apocalypse in Film: Dystopias, Disasters, and Other Visions About the End of the World*, Rowan & Littlefield, p105

⁶⁷⁸ Id

⁶⁷⁹ Levy D.L., & Spicer A., (2013) "Contested imaginaries and the Cultural Political Economy of Climate Change, *Organization*, 20(5), p659

Foucault's field of truth and knowledge. In this field, truth and knowledge are contingent on the meaning⁶⁸⁰ made of the statements being textually analysed.

6.2.1.a.) Ken Saro-Wiwa's Genocide in Nigeria: the Ogoni Tragedy

In 1992, the slain pacesetter Niger Delta environmentalist, Ken Saro-Wiwa, observed with frustration and indignation, the spate of oil spillages and gas flaring in the communities of his tribe. Shell's exploration activities since the 1960s in Ogoniland, have been well-documented as devastating. Thus, Saro-Wiwa made a bold claim, in his equally boldly titled book, *Genocide in Nigeria*⁶⁸¹, that Shell's activities, in collusion with the Nigerian state bordered on genocide. Saro-Wiwa took the view that the Niger Delta provides the bulk of Nigeria's wealth. However, the region continues to suffer the most ignominious treatment in the country's socio-economic and political configuration. He therefore argued that "it is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution."⁶⁸²

A deconstruction of Saro-Wiwa's thought process in the statement, I argue, falls on the words, "abject poverty" and "destitution". The questions I ask as I ponder the statement are, why did he choose these negative superlatives to portray a particular region of a country whose citizens are globally noted to live preponderantly in poverty? Is he playing an emotional ethnic card to derive sympathy for the people of Ogoniland in particular, and Niger Delta in general? My understanding of Saro-Wiwa's choice of the terms to depict the oil communities' life is that while it may be universally accepted, it implies that the oil communities' encounter with crude oil has culminated in the

⁶⁸⁰ See Foucault, M. (1972), note 634.

⁶⁸¹ Saro-Wiwa K., (1992), note 636.

⁶⁸² Id, p95

discrimination against them. This has also culminated in their exclusion from national thinking in economic, political, social, and environmental dimensions. It also resonates with my earlier argument that the Nigerian state and the oil corporates have used the capitalist juggernaut spirit of hydrocarbons, to take the battle to the Niger Delta. In the process, the oil communities' socio-economic aspirations have been dashed, and their ecosystem subjected, to eutrophication.

However, the most critical statements I take from the text for analysis here are his declaration relating to the 'genocide' he emotively used repeatedly to categorise environmental degradation through oil spillage and gas flaring. As he claims,

What Shell and Chevron have done to Ogoni people, land, streams, creeks, and the atmosphere amount to *genocide*...If nothing is done now, the Ogoni people will be extinct within ten years. People of the World, I appeal to you in name of God to help stop this *genocide* of the Ogoni people NOW!⁶⁸³

Despite the word 'genocide' being associated with the systemic extermination of a race or ethnic group through war, again, Saro-Wiwa appears to have successfully called the global attention to the Niger Delta environmental dilemma. By using the highly emotive word. I argue that he decidedly defied the conventional meaning of the word so that global bodies would take notice and act. The word indeed had the desired effect as such as the United Nations, Amnesty International and Human Rights Watch started to focus on the Niger Delta, even if it took decades after the extra-judicial killing

⁶⁸³ Id, pp83-103; italicised 'genocide' my emphasis

of the author to achieve this. I also link Saro-Wiwa's choice of war language with Negarestani's view of crude oil and petroculturalism as mediators of our world through a complex nexus of "war machines". Petropolitics, in this state of affairs, serves as a model for grasping "war-as-a-machine."⁶⁸⁴ Thus, Saro-Wiwa's 'genocide' claim, I argue that the Niger Delta population have become caught up in crude oil's "Hyperstition's laboratory", portending processual 'Eradication'. This is likely to manifest in annihilation of entire communities, or in Negarestani's words, the attainment of a "burning immanence with the Sun", the burning core of the Earth.⁶⁸⁵

I also see in Saro-Wiwa's argument, the attitude and position of the Nigerian state and the various oil corporates in the Niger Delta as nothing but loads of "Shellspeak". From "Shellspeak", I imply an ingenious neologism by Saro-Wiwa to reinforce the perception of crude oil as a "Satanic octopus" which demands men's souls in return for cash and security.⁶⁸⁶ Therefore, Saro-Wiwa's choice of language has been successful in tracing the historical realities of the Niger Delta since the encounter with oil in 1956. It also continues to reveal to the global audience, the continuity of Capital's defiance of the human-environment unity, with its preference for bourgeoisie profit. I then read Saro-Wiwa's choice 'genocide' together with Szeman's onset of "apocalyptic environmentalism" to highlight the dire social-political-environmental consequences of inaction on oil and gas. Through this juxtaposition, it becomes obvious that avoiding these results would require changing everything, including apocalyptic narratives and statistics.⁶⁸⁷ It also becomes compelling to perceive the Niger Delta environmental dynamics as critically close to 'genocide', as Saro-Wiwa claims. However, I argue that

⁶⁸⁴ Negarestani R., (2008), note 38, p13.

⁶⁸⁵ Id, p14

⁶⁸⁶ Saro-Wiwa K., (1992), note 636, p56.

⁶⁸⁷ Szeman I., (2007), note 348, p815.

this can only be understood as “environmental genocide”, not the genocide resulting from internecine wars like Rwanda. I justify this on two grounds, reading from the slain Saro Wiwa’s work itself. First, in his outcry, he claimed that the complete confiscation of all offshore oil by the Federal Government is in defiance of the Constitution negotiated by all Nigerians. This, according to him, amounted to an armed robbery against the Ogoni and other Delta minorities and has been the ongoing hallmark of Nigerian life from 1970.⁶⁸⁸

Second, Saro Wiwa, made a clarion call to the international community to help rescue the Niger Delta from the unrelenting destruction of their lives and livelihood. He claimed that if “nothing is done now, the Ogoni people will be extinct within ten years.”⁶⁸⁹ The book’s reviewer Ben Naanen, stressed that this sends a message to the global audience that the Niger Delta has been held in “a destructive bondage” since its forced incorporation into the Nigerian colonial state created in 1901.⁶⁹⁰ Therefore, I find validity in Saro-Wiwa’s “environmental genocide” claim the view that the Ogonis and all Niger Delta indigenes have been thrust into the path of slow death, resulting from environmental, economic devastation, political marginalisation and astronomical poverty. These have escalated the communities’ pollution-induced mortality rate.⁶⁹¹

⁶⁸⁸ Saro-Wiwa K., (1992), note 636, p84.

⁶⁸⁹ Id, p103

⁶⁹⁰ Naanen B., (1994) “Review: *Genocide in Nigeria: the Ogoni Tragedy* by Ken Saro-Wiwa, London, Lagos, Port Harcourt, Saros International Publishers, 1992, distributed by African Books Collective, Oxford”, *The Journal of Modern African Studies*, 32(3), p537.

⁶⁹¹ Id, p538

6.2.1.b.) The UNEP: *Environmental Assessment of Ogoniland*

In 2011, the United Nations Environmental Programme, published a report of an investigation into commenced claims of systemic destruction of the Delta by environmental activists and researchers. This was on the back of incessant violence in the Niger Delta by militants. Thus, Nigeria's federal government invited UNEP, in conjunction with researchers, scholars and NGOs, to commence a large-scale historical investigation of oil multinationals' activities in the Niger Delta. However, the exercise was limited to Ogoniland, and after its investigation, the UNEP concluded as follows:

Pollution of soil by petroleum hydrocarbons in Ogoniland is extensive in land areas, sediments, and swampland. Most of the contamination is from crude oil although contamination by refined product was found at three locations...The assessment found there is no continuous clay layer across Ogoniland, exposing the groundwater in Ogoniland (and beyond) to hydrocarbons spilled on the surface. In 49 cases, UNEP observed hydrocarbons in soil at depths of at least 5m. This finding has major implications for the type of remediation required. At two-thirds of the contaminated land sites close to oil industry facilities which were assessed in detail, the soil contamination exceeds Nigerian national standards, as set out in the Environmental Guidelines and Standards for the Petroleum Industries in Nigeria (EGASPIN).⁶⁹²

⁶⁹² UNEP (2011) *Environmental Assessment of Ogoniland*, United Nations Environment Programme note 445, pp9-10

Using the above statement to deconstruct UNEP's 262-page long report, I pick out the words, 'pollution', 'contamination', 'remediation', 'exceeds', and 'Guidelines and Standards' as most recurrent to represent the United Nations agency's objectives. In the root-and-branch investigation into nature, extent, and the prospects of ameliorating the damage discovered in the Niger Delta, these words touch on the truism of the impact of oil exploration. I therefore argue that the lived experiences of the oil communities, going by the UNEP assessment, echo O's narrative about the people, environment, and ecosystem. I exemplify this with his account of the oil on water through his stream of consciousness when travelling between Jones Creek and Egwa II, two days before his departure in 2008. Going back to O, I reminisce with him:

As they criss-crossed the complex maze of mangroves dotted all over the sea, he spots ahead some movement...He...motions to their guide to halt the boat's movement on the sea. As he does so, he notices that the sea becomes still (and sees) massive deposits of crude oil all over the sea. To his amazement, the extent of the settlement of the oil on the water is so staggering. The way the floating oil dominates the sea, there is no way sea life can survive for long. This perhaps explains why the surrounding mangroves and the edges of each community are blackened with crude oil, and in some instances, the grassland so coarse and brown through the contact with residue of spilled crude oil...

With the text of UNEP thus confirming O's narrative, I argue that what we see is Foucault's justification of statements in texts as a domain of material objects possessing certain observable physical properties, and relations of perceptible size.

The Foucauldian text is therefore a 'referential' not made up of 'things', 'facts', 'realities', or 'beings.'⁶⁹³ With the UNEP focusing on the idea of 'remediation', we see the Foucauldian transcendent proposition of ecogovernmentality. This is made possible through his view of the "laws of possibility" where there are,

...rules of existence for the objects that are named, designated, or described within it, and for the relations that are affirmed or denied in it. The referential of the statement forms the place, the condition, the field of emergence, the authority to differentiate between individuals or objects, states of things and relations that are brought into play by the statement itself; it defines the possibilities of appearance and delimitation of that which gives meaning to the sentence, a value as truth to the proposition.⁶⁹⁴

6.2.1.c.) Helon Habila's *Oil on Water*

In 2012, Helon Habila, arguably following in the footsteps of the Saro-Wiwa depiction of the Niger Delta in *Genocide in Nigeria*, delivered a masterpiece in *Oil on Water*. In the narrative, he speaks through several characters who have witnessed the historic degradation of the Delta. In the following extract, Doctor Dagogo-Mark, a medical practitioner, and very important man in the Niger Delta community, recalls his experiences of the village's past and how oil exploration has created many health hazards, ill-health, and death in numbers for the people:

⁶⁹³ Foucault, M. (1972), note 634, p91

⁶⁹⁴ Id

I've been in these communities five years now...this place is a dead place...I took samples of the drinking water and in my lab, I measured the level of toxins in it...In one year it had grown almost twice the safe level...people started dying...More fell sick, a lot died...Almost overnight I watched the whole village disappear...A man suddenly comes down with a mild headache, becomes feverish...a vital organ shuts down...those whom disease doesn't kill...violence does.⁶⁹⁵

From the extract above, Habila has chosen to use such potent words, phrases, and clauses as 'violence', "a dead place", "level of toxins" in water, "the whole village disappears", and "a vital organ shuts down" to describe the cruel reality or truth of life in the Delta. Again, just as I asked of Saro-Wiwa's choice of diction in *Genocide in Nigeria*, why has Habila chosen highly emotive expressions to describe the lived experiences of these communities as those abandoned to suffer an unmitigated fate? Is he playing an emotional ethnic card to derive sympathy for the people of Ogoniland in particular, and Niger Delta in general? Again, my understanding of Habila's diction to depict the life of the Delta people is that just like Saro-Wiwa's, it may not enjoy general universal acceptance. However, it implies that the Niger Delta's encounter and connection with crude oil has culminated in the discrimination against them economically, politically, socially, and in environmental dimensions.

Furthermore, it folds into Deleuze's affect, with Doctor Dagogo-Mark eloquently demonstrating the body-soul-matter connection, human/non-human unity. Here he convincingly presents it that the poisoning of the water with crude oil accounts for the

⁶⁹⁵ Habila H., (2012), note 635, pp142-146.

diseases ravaging the communities' people and animals, and the attendant multiple deaths. It also vividly presents to the reader, the destruction of the ecosystem, and resonates with my earlier argument of the unsustainability of the reliance on fossil fuels. Hydrocarbons extraction's concentration on the petrodollar and rent capture at the environment's expense has rendered the Capitalist economic model reckless. To this extent, what we currently see in the Delta is the Capital's use of the contemporary war machine to achieve a "monotheistic escalation" of global dominance as an object or product.⁶⁹⁶ I therefore align with Edebor's view that Habila has purposely presented *Oil on Water* in such an evocative manner to call global attention to the grim effects of environmental pollution on man and his environment. This way, he used the power of the text to rouse the consciousness of the reader, with the intent to force them to contribute their quota towards making the society safe for all.⁶⁹⁷

6.2.1.d.) Shell's Spill Response, Prevention and Sustainability Report 2017

It is now incontrovertible that the several reports and research papers indicate that the damage being done to the Niger Delta environment has been mainly caused by the oil multinationals' activities. They have highlighted their non-compliance with international oil extraction and environmental standards. However, in its response to these reports, Shell, a leading player in the Nigeria hydrocarbons industry, in its 2017 Sustainability Report, stated as follows:

The vast majority of oil spills in the Niger Delta continue to be caused by crude oil theft or sabotage of pipelines, as well as illegal oil refining. In

⁶⁹⁶ Negarestani R., (2008), note 38, p13.

⁶⁹⁷ Edebor S.A., (2017) "Rape of a Nation: An Eco-critical Reading of *Helon Habila's Oil on Water*", *Journal of Arts & Humanities*, 6(9), p48

2017, close to 90% of the number of oil spills from SPDC JV facilities was due to illegal activities. Regrettably, spills also occur due to operational reasons. Regardless of the cause, SPDC cleans up and remediates areas impacted by spills that come from its facilities. In the case of operational spills, SPDC also pays compensation to people and communities impacted by the spill. Once the clean-up and remediation are completed, the work is inspected, and, if satisfactory, approved and certified by Nigerian government regulators.⁶⁹⁸

From the tone of Shell's statement above, I am minded to approach it from Foucault's prognosis of remaking the truth out of texts by introducing modifications that can change the given terms of the problem.⁶⁹⁹ This is because, for Foucault, in the same series of statements, different positions assume the role of different subjects.⁷⁰⁰ This provides the ground for Graham's argument that because truth is contingent and subject to scrutiny, it is no longer immutable, and allows for concrete possibilities for change.⁷⁰¹ And because the revelations in the reports and academic critiques have opened the door to the possibilities for change Graham envisages, what Shell arguably seeks to achieve through its diction is deliberate exculpation from guilt or liability. I therefore argue that Shell uses the transference of blame hypothesis, despite acknowledging its own "operational spills", to avoid liability. Through expressions like "close to 90% of the oil spills comes from oil theft", "sabotage of pipelines" and "illegal activities", Shell relies on third party activities to divert attention from the grim reality of

⁶⁹⁸ SPDC (2018) "Spill Response and Prevention", Shell Sustainability Report 2017, Shell Petroleum Development Corporation, accessed on July 15, 2019 at <https://reports.shell.com/sustainability-report/2017/managing-operations/our-activities-in-nigeria/spill-response-and-prevention.html>, p30

⁶⁹⁹ Foucault M., (1994), note 661, p288

⁷⁰⁰ Foucault, M. (1972), note 634, p94

⁷⁰¹ Graham L.J., (2011), note 650, p666

its actions. By engaging in buck-passing, oil multinationals want us to believe that it is the militants, the disaffected youth and the 'oil bunkering gangs' that should be blamed for the pollution of the Delta, and not the oil multinationals.

However, just as Foucault's textual analysis of discourse tests the universality of statements, the validity of Shell's claims has been rebutted by both institutional and academic counterclaims. Amnesty International for instance, claims that the "operational spills" Shell mentions in passing have been the major causes of the incessant spillage of oil and pollution of the Delta for decades. This has been due to poor maintenance and underinvestment leading to the corrosion of the main pipelines, and equipment failure.⁷⁰² Amnesty International investigated the suitability-for-use of oilwells operated by both Shell and Eni in 2008. During that investigation, it discovered a US diplomatic cable in which a pipe-laying contractor with many years' experience had claimed that 73 per cent of all pipelines there are more than a decade overdue for replacement. The contractor alleged that in many cases, pipelines with a technical life of 15 years were still in use thirty years after installation.⁷⁰³ This rebuttal, I argue, goes to the heart of Foucault's theorisation of the text's attempt, in historical terms, to reconstitute what men have done or said, the events of which only the trace remains. Hence, through the text, history is trying to define within the documentary material itself, unities, totalities, series, and relations.⁷⁰⁴

⁷⁰² Amnesty International (2018) *Negligence in the Niger Delta: Decoding Shell and Eni's Poor Record on Oil Spills*, London: Amnesty International, accessed on September 24, 2019 at <https://www.amnesty.org/download/Documents/AFR4479702018ENGLISH.PDF>, p11

⁷⁰³ Id, pp11-12, citing Wikileaks, "Nigeria: Pipeline Expert Says 73 Percent Of Niger Delta Pipelines Need Replacement, Cause Spills", Consulate Lagos (Nigeria), 17 December 2008

⁷⁰⁴ Foucault, M. (1972), note 634, p7

Therefore, in the concluding parts of this thesis, what will be advocated is that to set out a different pathway in the narrative of the current environmental dilemmas, all parties and stakeholders must move away from the blame game. Instead, they need to embrace the idea that they have gone too far beyond the buck-passing dominating the current discourse. The powerful forces jostling for the monopoly of control of the hydrocarbons beds of the Delta need to have a rethink about the people's and environment's health. What the current situation demands is the institutionalisation of a reparation system for the Subaltern of the Niger Delta. This should manifest in a structure I suggest as 'transcendent justice' where there is a predominance of the voices of these Subalterns, coalescent to restructure communities' life, institutions, general environment, and ecosystem. This comes against the background of the realisation among these communities' dwellers that they are already living in an environment that has gone through the stage of eutrophication.

6.2.1.f.) NOSDRA's Oil Spill Recovery, Clean-up, Remediation and Damage Assessment

The National Oil Spill Detection and Response Agency (NOSDRA) was established in Nigeria via the National Oil Spill Detection and Response Agency Act 2006. Its mandate is enumerated in section 638 of the Act thus:

The Agency shall be responsible for surveillance and ensure compliance with all existing environment legislation and detection of oil spills in the petroleum sector; receive reports of oil spillages and coordinate oil spill response activities throughout Nigeria...co-ordinate the implementation

of the Plan for the removal of hazardous substance as may be issued by the Federal Government...⁷⁰⁵

Also, based on its own 2011 enacted Regulations, NOSDRA makes it imperative for oil corporations to report oil spillages within 24 hours of it occurring. When the spillage is reported, it conducts a joint investigation visit (JIV) with the company whose activities cause the spillage.⁷⁰⁶ Thus, a textual analysis of the wording of the law in this instance turns on ‘surveillance’ and ‘compliance’. The Act’s diction, I argue, reflects Foucault’s rule setting of the text, with rules of existence for the objects “named, designated, or described” within it for the relations that are affirmed or denied in it. The ‘referential’ of the statement forms the place, condition, field of emergence, and the authority to differentiate between individuals and objects, states of things, and the relations brought into play by the statement.⁷⁰⁷

I argue further that the relations between NOSDRA and the oil multinationals as the law establishes is constantly mismanaged, or at worst, ignored, if not “denied”. The justification my position in this instance is based on the bureaucratic nature of the operational standards of NOSDRA. It is also based on the *laissez faire* attitude of the regulatory body’s officials, and arguably the endemic official corruption which all make ‘surveillance’, ‘compliance’ difficult to achieve. As Amnesty International has found, an analysis of the time between the companies reporting a spill and conducting a JIV

⁷⁰⁵ Section 638 National Oil Spill Detection and Response Agency Act 2006, Laws of the Federal Republic of Nigeria

⁷⁰⁶ Section 5, Oil Spill Recovery, Clean-up, Remediation and Damage Assessment Regulations, 2011, Part VII provides: “A joint investigation team comprising the owner or operator of the spiller facility, Community and State Government representatives and the Agency, shall be constituted immediately after an oil spill notification, visit the spill site and investigate the cause and event of the spillage and a report of their findings prepared by the Agency in accordance with the Fourth Schedule to these Regulations.”

⁷⁰⁷ Foucault, M. (1972), note 634, p91

reveals that there is often a much bigger time lag. This is because the companies frequently do not stop the leaks until during or after the JIV.⁷⁰⁸ Furthermore, Amnesty International observes that industry practice in Nigeria affords the oil companies the leverage of not starting the clean-up until after the JIV. This means that pools of spilled oil are left untouched for long periods of time, with the likelihood of the oil spreading. Delays therefore are not just a breach of Nigerian law, but they also result in worse contamination.⁷⁰⁹

All the texts analysed above, when taken together, and juxtaposed with Deleuze's affect, culminate in what he sees as "double articulation". For this, in a critique of Foucault, Deleuze observes that viewed from the biopower context, texts exist in penal circumstances.⁷¹⁰ This, for De Landa, is because the content of the text, having both form and substance, makes the form to be the prison, while the substance is "those that are locked up, the prisoners."⁷¹¹ Therefore, the form is penal law and the substance is 'delinquency' in so far as it is the object of statements. Just as penal law as a form of expression defines a field of 'sayability', the prison as a form of content defines a place of visibility.⁷¹² In effect, what the texts on the Niger Delta environmental discourse has turned up is akin to the Deleuzian affect Holland observes as the content being articulated or composed of both form and substance. In these dynamics, the first articulation "correlates form and substance of content; the second correlates form and substance of expression."⁷¹³

⁷⁰⁸ Amnesty International (2018), note 702, p20.

⁷⁰⁹ Id

⁷¹⁰ DeLanda, M. (2015) *Assemblage Theory*, Edinburgh: Edinburgh University Press, p38

⁷¹¹ Id

⁷¹² Id

⁷¹³ Holland E., (2013) *Deleuze and Guattari's A Thousand Plateaus*, London: Bloomsbury, p57

Yet, I go further to test the Deleuzian “double articulation” by associating it with the human-non-human unity. I also associate it with the Foucauldian “referential of the statement” which forms the place, the condition, the field of emergence. This allows the authority to differentiate between individuals or objects, states of things and relations⁷¹⁴ to be brought into play and to justify the environmental or ecogovernmentality question. For this, on the one hand, I argue with an engagement with Grear’s reflection of Deleuze’s affect by pointing out that the Niger Delta’s environment is a plurality of sites, nodes, and modes of lively materiality. This makes it imperative to eschew completely the notion of a stable subject-object split⁷¹⁵ with the oil corporations and the Nigerian state needing to apply “macro- and micro-politics” dynamics to engage in the remediation of the Delta ecosystem. This is imperative so that the communities’ dynamics of encounter, relativities of position and the co-symptomatic production of privilege and oppression overtly inform⁷¹⁶ the region’s environmental considerations, going forward.

On the other hand, I engage with Caruth to arguing that the expression, ‘contamination’, ‘genocide’, ‘violence’, “level of toxins” in water, “the whole village disappears”, and “a vital organ shuts down” highlight the value of textual analysis. These evoke a call from the soul of Niger Delta, commanding us to be awake to a yearning that resonates and constitutes the new mode of reading and listening to the language of trauma. They equally evoke the silence its mute repetition of suffering, profoundly and imperatively demand.⁷¹⁷ What more, the texts provide invaluable

⁷¹⁴ Foucault, M. (1972), note 634, p91.

⁷¹⁵ Grear A., (2017), note 11, p25.

⁷¹⁶ Id, p26

⁷¹⁷ Caruth C., (1996) *Unclaimed Experience: Terror, Narrative and History*, Baltimore: Johns Hopkins University Press, p9

corroboration and justification of the historic value of hydrocarbons for the Niger Delta in the way Negarestani's presents it: crude oil exist in "Hyperstition's laboratory" to level all planetary erections. Or more profoundly, crude oil seeks the attainment of a "burning immanence with the Sun...and the burning core of the Earth."⁷¹⁸

6.3) The Impact of Memory on Content/Textual Analysis in Autoethnography

From the textual analysis of the discourses on the Niger Delta, and the protagonists' environmental outplays in O's narrative, what is conjured in my memory as researcher, which I hope will resonate with the reader is Stone-Mediatore combination of "meaningful content" and "story images".⁷¹⁹ These, when juxtaposed with Deleuze's "moral, affective, and aesthetic qualities"⁷²⁰, allow a fold into Philippopoulos-Mihalopoulos' apportioning of "guilt". The guilt degradation, I propose, should be shared among all the players in the Niger Delta environmental politics. In autopoietic terms, guilt apportioning is a debt which is beyond repayment because in Philippopoulos-Mihalopoulos' words, it is a crisis of "excess, waste... (in) a society that is consumed by...its own overconsumption and overproduction."⁷²¹ In this context, guilt becomes a space of critique within society, a mnemonic mirror that cannot be alleviated by recourse to the traditional means of absolution or law.⁷²²

⁷¹⁸ Negarestani R., (2008), note 38, p14.

⁷¹⁹ Stone-Mediatore S., (2003) *Reading across Borders: Storytelling and Knowledges of Resistance*, New York: Palgrave Macmillan, p34

⁷²⁰ Id, p35

⁷²¹ Philippopoulos-Mihalopoulos A., (2011) "Giving Guilt: the Aneconomy of Law and Justice", *Distinktion: Scandinavian Journal of Social Theory*, 12(1), p80.

⁷²² Id

Yet in Foucauldian terms, memory is a very important factor in struggle because struggles “develop in a kind of conscious moving forward of history.”⁷²³ For the researcher to gain control of the reader’s memory, they gain the control their dynamism. Memory also controls the reader’s experience and knowledge of previous struggles.⁷²⁴ To justify these positions, I present the account of the childhood character of Rufus in Habila’s *Oil on Water* as a powerful impact of memory in autoethnographic narrative. According to Rufus, when he lived in Chief Ibiram’s house as a child in a Niger Delta village,

...the sea was just outside our door, constantly bringing surprises, suggesting a certain possibility to our lives. Boma (his sister) and I used to spend the whole night by the water, catching crabs, armed with sticks and basket...We usually sold our catch to the market women, but sometimes, to make more money, we took the ferry to Port Harcourt to sell to the restaurants by the waterfront. That was how we paid our school fees.⁷²⁵

Rufus’ account above justifies, on the one hand, Ellis’ “narrative truth” in autoethnography because it seeks to “keep the past alive in the present.” Thus, through narrative we learn to understand the meanings and significance of the past as incomplete and tentative.⁷²⁶ We also make it revisable according to the contingencies

⁷²³ Foucault M. and Cahiers du Cinema (1975) “Film and Popular Memory: An Interview with Michel Foucault”, *Radical Philosophy*, (Summer 1975), p25

⁷²⁴ Id

⁷²⁵ Habila H., (2012), note 635, p26.

⁷²⁶ Ellis C., (1997) “Evocative Autoethnography: Writing Emotionally about Our Lives”, in W. Tierney & Y. Lincoln (Eds.) *Representation and the Text: Re-framing the Narrative Voice*, Albany, NY: State University of New York Press, p129

of present life circumstances and our projection of our lives into the future.⁷²⁷ On the other hand, such a mnemonic account helps to define and locate our “narratives of selfhood within a continuing and coherent life-story. Therefore, the memory works in a more improvisational, constructional, and creative manner.”⁷²⁸ That is what accounts for Rufus’ equally compelling account of his encounter with the pollution of the same sea due to oil extraction. And when he becomes a young adult, the pangs of nostalgia and melancholy can be felt simultaneously about the destruction of his once cherished source of recreation, income, and livelihood. As he narrates:

Midriver the water was clear and mobile, but towards the banks it turned brackish and still...a dead fish on the oil-polluted water....We drifted almost aimlessly on the opaque misty water. The water took on various forms... Sometimes, it was a snake, twisting and fast and slippery, poisonous...Their rivers were already polluted and useless for fishing, and the land grew only gas flares and pipelines.⁷²⁹

What this memory brings about in Foucauldian terms, I argue, is the emergence, in the Nigerian socio-political and economic landscape, of the ideology of cynicism. This manifests in oil multinationals’ ideology of technocratic cynicism, and that of the ruling class, an old-fashioned snobbish fetishism which culminates in the disenchantment of the exploited classes and a ridiculing of history.⁷³⁰ This presents the Niger Delta as a site of struggle, with O’s narrative helping to highlight textual analysis as a production

⁷²⁷ Id

⁷²⁸ Goodson I.F., (2014) “Defining the Self through Autobiographical Memory”, in I.F. Goodson, and S. Gill (Eds.) *Critical Narrative as Pedagogy*, London: Bloomsbury, p124

⁷²⁹ Habila H., (2012), note 635, pp34-40.

⁷³⁰ Foucault M. and Cahiers du Cinema (1975), note 723, p24.

of discourse which allows the autoethnographic narrator to draw up their own historical accounts. It is a way of recording history, or remembering it, or of keeping it fresh and using it.⁷³¹ This equally engages the idea that through his narrative of the Ogoniland encounter with oil extraction as a 'genocide' against the Ogoni, Saro-Wiwa, has used the language of terror and suffering rhetorically to construct his main argument: oil drilling is devastating. The results are, therefore, a compelling call for action from his international readers and an indictment of an unjust and inhumane Nigerian socio-political system.⁷³²

Nevertheless, these accounts remind us, in Foucauldian terms, that texts dissipate that temporal identity in which we are pleased to look at ourselves when we wish to exorcise the discontinuities of history. For Uraizee, this means that the text breaks the "thread of transcendental teleologies."⁷³³ And where anthropological thought once questioned man's being or subjectivity, it now bursts open the other, and the outside. In this sense, the diagnosis does not establish the fact of our identity by the play of distinctions.⁷³⁴ Rather, what it successfully does is to reveal us to be the difference, that our reason is the difference of discourses, our history the difference of times, our selves the difference of masks. That difference, far from being the forgotten and recovered origin, is "this dispersion that we are and make."⁷³⁵ And as this difference in 'us' is revealed, it gives us through law, the concept of guilt, an institutional affect, a material emotion that "haunts not just individual but also institutional processes."⁷³⁶

⁷³¹ Id

⁷³² Uraizee J., (2011) "Combating Ecological Terror: Ken Saro-Wiwa's Genocide in Nigeria", *The Journal of the Midwest Modern Language Association*, 44(2), p77.

⁷³³ Foucault, M. (1972), note 634, p131.

⁷³⁴ Id

⁷³⁵ Id

⁷³⁶ Philippopoulos-Mihalopoulos A., (2011), note 721, p81.

Through its operation, the difference assigns guilt to individuals, institutions, states and corporations, although the law still unfortunately falls short from actually dealing with “*that* guilt”.⁷³⁷ This is because guilt, for law, is swiftly and without much thought translated into an adjective: “the ‘guilty’”⁷³⁸ when the actors in the Niger Delta environmental degradation are brought to the altar of the autopoietic court and justice.

6.4) Foucault’s ‘Ecogovernmentality’ in the Niger Delta

I have used Luhmann’s ecological communication to illustrate the discordant communications emanating from the totality of the industry’s stakeholders. In the same vein, I argue in this section that in Foucauldian terms, the nature, structure, and dynamics of the environmental, and health and safety regulatory frameworks of Nigeria’s oil and gas industry can be bio-politically construed. In defining biopolitics, Foucault claims it to be “a matter of taking control of life and biological processes of man-as-species and of ensuring that they are not disciplined but regularized...the power of regularization.”⁷³⁹ In my contextualisation and application of biopolitical to the oil and gas industry’s environmental regulatory frameworks, my conviction is that it helps us to make sense of the existing power structures in the Niger Delta. Through biopower, we can see how the state, through its regulatory agencies engages in a collaborative exercise of governmentality with oil multinationals to assume absolute control of the life of the indigenous oil communities. We can also see how the state has assumed the same absolute control of the oil communities’ environment, ecosystem, oil resources, and the enormous wealth they bring to achieve normalisation and maximisation of economic output.⁷⁴⁰

⁷³⁷ Id

⁷³⁸ Id

⁷³⁹ Foucault M., (2003), note 62, pp246-247.

⁷⁴⁰ Foucault M., (2007), note 61, p139

Thus, Foucault's biopower, through biopolitics, operates within the governance structure of the Nigerian oil and gas industry, particularly the environmental regulatory framework. In this framework, I find a linkage between the topography, exploration, extraction, and environmental impact of the resource. Within these linkages, the analysis of power politics of natural resources is necessary to successfully make a case for ecogovernmentality in concluding sections of this chapter. My central focus in this context is Foucault's perception of the power of the sovereign over the population. Creating a nexus between the state and citizens based on biopower, Foucault argues that it is:

the entry of a 'nature' into the fields of techniques of power, of a nature that is not something on which, above which, or against which the sovereign must impose just laws. There is not nature and then, above nature and against it, the sovereign and the relationship of obedience that is owed to him. We have a population whose nature is such that the sovereign must deploy reflected procedures of government within this nature, with the help of it, and about it.⁷⁴¹

6.4.1) Relational Entrepreneurship

Foucault's mechanism of power paradigm suggests a relationship of control, which Hardt and Negri argue that, in democratic settings like Nigeria, should be ever more democratic, immanent to the social field, and distributed "throughout the brains and bodies of the citizens."⁷⁴² Where this happens, oil multinationals, community groups,

⁷⁴¹ Id, p75

⁷⁴² Hardt M., and Negri A., (2002) *Empire*, Cambridge, Massachusetts: Harvard University Press, p23

indigenous communities in the oil region, and the state are expected to interact in a biopolitical system characterized by,

an intensification and generalization of the normalizing apparatuses of disciplinarity that internally animate our common and daily practices, but in contrast to discipline, this control extends well outside the structured sites of social institutions through flexible and fluctuating networks.⁷⁴³

However, in the Nigerian case, there has always been a differentiation in the understanding and operationalisation of the system of biopolitical relationship between the state and its subjects within Foucault's conceptualisation. The state, through its rules, laws, and agents, has reverted to the Benthamian panopticon system of punishment, rather than the Foucault's discipline/normalisation. Through this mechanism, the state has severely curtailed indigenous communities' right to participate in the governance of their natural resource. This view apparently informs Watts' argument that Nigeria operates within ragged, unstable, and ungovernable spaces that hardly correspond to the "well-oiled machine of disciplinary and bio-power."⁷⁴⁴

Watts makes us see further that the Nigerian state, which is expected to engage in a relational interaction with the citizens, has constantly marginalised and excluded the Niger Delta inhabitants from the benefits of the oil. This has in turn, culminated in the region reaching the confluence of several unrelenting political crossroads in its current political and economic climate. These crossroads materialise in the struggles for

⁷⁴³ Id

⁷⁴⁴ Watts M (2004), note 242, p55

“resource control and self-determination, the crisis of rule with militant youth movements, and the emergence of a South-South Alliance”⁷⁴⁵ as a bulwark against the country’s ethnic majorities. Yet, despite all the negativity, it is instructive to situate a resolution of the current impasse in Foucault’s governmentality thesis to the effect that:

Government is to be concerned (with) men, but men in their relations, their links, their imbrications with those things that are wealth resources, means of subsistence, the territory with its specific qualities, climate, irrigation, fertility...in their relation to those other things that are customs, habits, ways of acting and thinking...and finally men in relation to those still other things that might be accidents and misfortunes.⁷⁴⁶

I take a cue from Bridge and Perreault to create a full understanding of Foucault’s formulation within the neoliberal modes of ‘environmental governance’. This way, governmentality enables a better contextualisation of ‘environmental governance’ as qualitative shifts in the way formal and informal decisions are made regarding uses of nature through institutional arrangements.⁷⁴⁷ Thus, ‘governance’ explicitly hinges the economic and the political, and its popularity within the social sciences reflects a broader institutional turn with greater attention paid to the relationships between institutional capacities. The result is a “coordination and coherence of economic processes, and social action.”⁷⁴⁸ The corollary concept of ‘environmental governance’,

⁷⁴⁵ Id, pp51-2

⁷⁴⁶ Foucault M. & Gordon C., (1980), note 101, pp208-209

⁷⁴⁷ Bridge G. & Perreault T., (2009) “Environmental Governance” in N. Castree, D. Demeritt, D. Liverman & B. Rhoads (eds.) *A Companion to Environmental Geography*, Oxford: Wiley- Blackwell, p475

⁷⁴⁸ Id

however, has different meanings. Much of its social value, in contrast to its analytical value, lies in its capacity to 'do political work', and to propose "commonalities of purpose and interest that can obscure divergence and conflict."⁷⁴⁹

6.4.2.) Relationality of Power

It is important to stress that the goal of environmental governance, drawing on Mansfield, is the attainment of market-based, rather than state-led approaches. This is based on a regime of emissions trading schemes to reduce greenhouse gases that contribute to global warming.⁷⁵⁰ This neoliberal turn in environmental governance, for Mansfield, is premised on the conviction that market mechanisms will "harness the profit motive to more innovative and efficient environmental solutions than those devised, implemented, and enforced by states."⁷⁵¹

Ecogovernmentality has also been conceived by Bridge and Perreault as environmental governmentality, a concern with the way in which discourse and the apparatus of government have dominated the environmental phenomena.⁷⁵² This view appears to align with Agrawal's view that, taken in the context of the perspectives of power, discipline and subject formation, the concept of environmentality fits into Foucault's ecogovernmentality.⁷⁵³ As Agrawal opines, environmentality builds upon existing analyses of environmental politics in political ecology, common property, and environmental feminism. These important writings on the environment often tend to

⁷⁴⁹ Id, p476

⁷⁵⁰ Mansfield, B. (2004) "Neoliberalism in the Oceans: 'Rationalization', Property Rights, and the Commons Question", *Geoforum*, 35, p313

⁷⁵¹ Id

⁷⁵² Bridge G. and Perreault T., (2009), note 747, p489

⁷⁵³ Agrawal A., (2005) *Environmentality: Technologies of Government and the Making of Subjects*, Durham: Duke University Press, p226

take power/knowledge, institutions, and subjectivities.⁷⁵⁴ I sense that it is within this paradigm that Bridge and Perreault see in ecogovernmentality, an inherent power that binds and regulates institutions, organisations and relations of environmental governance. Thus, the analyses of ecogovernmentality focuses on uncovering of the power-geometrics and examining their origins and implications.⁷⁵⁵

It is within this paradigm shift that I situate Foucault's ecogovernmentality in this thesis. I argue that ecogovernmentality finds its bearing in the Niger Delta because it centres on complex interactions of people, groups, institutions, and the environment to achieve good environmental practices. It also allows the possibilities of mitigating accidents and disasters within that environment. However, because ecogovernmentality's values are not acknowledged in the Niger Delta context, these interactions have constantly failed to materialise, ultimately leading to the ongoing debacle in the region. Thus, in bringing the environmental regulatory framework of Nigeria's oil and gas industry within the perimeters of Foucault's ecogovernmentality, the government and all stakeholders must take into cognisance, the centrality of Foucault's ecogovernmentality thesis. This rests on the recognition of the "enterprise society" within the "mechanisms of competition".⁷⁵⁶ As Luke says of Foucault's mechanisms of competition,

Competition on energy efficiency, resource optimization, material reduction, and information intensification...serves as...mechanisms

⁷⁵⁴ Id

⁷⁵⁵ Bridge G. and Perreault T., (2009), note 747, p492

⁷⁵⁶ Foucault M., (2008) *The Birth of Biopolitics: Lectures at the Collège de France, 1977–1978*, edited by M. Senellart, New York: Palgrave Macmillan, also cited in Luke T.W., (2011) "Environmentality" in J.S. Dryzek, R.B. Norgaard, and D. Schlosberg (Eds.) *The Oxford Handbook of Climate Change and Society*, Oxford University Press, pp97-110

‘that should have the greatest possible surface and depth and should occupy the greatest possible volume in society’ to ensure green governmentality finds the most sustainable and developmental ‘man of enterprise and production’.⁷⁵⁷

The above is justified on the explosive, powerful, and volatile need of the global economy to be “free of a system that conscripts our energy and living systems”⁷⁵⁸ which have culminated in our current unsustainable lifestyles. Yet, as Schneider-Mayerson argues, despite all their differences, petroleum, and libertarian political cultures “share a remarkable tendency to break down the bonds that constitute the social and political body.”⁷⁵⁹

⁷⁵⁷ Luke T.W., (2011), above, pp97-8, citing Foucault M., (2008), equally above.

⁷⁵⁸ Collin R.M., (2006), note 667, p2.

⁷⁵⁹ Schneider-Mayerson M., (2015), note 666, ix

CHAPTER SEVEN

7.0) The Nature of Power, Knowledge and Subjectivity: Foucault, Luhmann And Deleuzian Thinking

O's experiences of the life in the Niger Delta creeks, through his narrative have raised several questions. These questions make me to take inspiration from Lidskog et al., in their view of the decisive role of the nation-state in governance. In their words, intentional actors and regulatory organizations and regulation are a process in which "knowledge, risk and public concerns are constructed."⁷⁶⁰ This informs my engagement with the discourse of power (in this context, control), knowledge and subjectivity, and their interrelatedness in understanding environmental regulation's complexities in the postmodern world. The postmodern world, which Braidotti refers to as the posthuman world or condition, has heralded a qualitative shift in our thinking about what constitutes the fundamental unit of common reference for our species, polity and "relationship to the other inhabitants of this planet."⁷⁶¹ As Braidotti makes us see, knowledge in the posthuman age, and "the knowing subjects that sustain it – enacts a fundamental aspiration to principles of community bonding, while avoiding the twin pitfalls of conservative nostalgia and neo-liberal euphoria."⁷⁶²

These, without the need to stress it, will be discussed in the context of the theoretical groundings this research has undertaken- the Luhmannian, Foucauldian, and Deleuzian notions of power, knowledge, and subjectivity. I will examine how they interpolate (in Foucauldian discourse), irritate (in Luhmann's ecological

⁷⁶⁰ Lidskog R., Soneryd L., & Ugglå Y., (2005) "Knowledge, Power and Control—Studying Environmental Regulation in Late Modernity", *Journal of Environmental Policy & Planning*, 7(2), p89

⁷⁶¹ Braidotti R., (2013) *The Posthuman*, Cambridge: Polity Press, p2

⁷⁶² Id, p11

communication terms), and create a state of 'becoming' (in the affect dynamic), into the lived experiences of the Niger Delta subalterns. To reemphasise it, the Niger Delta subalterns are those oil communities' dwellers at the receiving end of the disastrous environmental consequences of oil and gas exploration. However, because the concepts of knowledge and subjectivity are intricately linked to, if not reliant on power, the theoretical notions of power from the perspectives of Foucault, Luhmann, and Deleuze are set out first. As Ricken reminds us, power is ubiquitous and evades a simple "conceptual understanding and determination". Therefore, it should be understood from conceptual-systematic approaches.⁷⁶³ Thus, I proceed by locating power in three stages, taking my cue from Lidskog et al: differential micro-relations; strategies of specific forms of actualisation; and actualities as concentrations of power that consolidate social hierarchies.⁷⁶⁴

7.1) Changing Life Through Oil: The Nature of Power

Power for Foucault, is a *dispositif*, operating on the basis of a "moving substrate of force relations", which by virtue of their inequality, constantly engender states of power.⁷⁶⁵ However, for Foucault, force relations are always local, unstable, and usually culminate in "social hegemonies."⁷⁶⁶ In another breath, Foucault defines power as the "conduct of conduct" which structures the possible field of action of others, and exercised only over free subjects, and only "insofar as they are free."⁷⁶⁷ In these contexts, Foucault stresses that power applies itself to immediate everyday life,

⁷⁶³ Ricken N., (2006) "The Power of Power- Questions to Michel Foucault", *Educational Philosophy and Theory*, 38(4), p542

⁷⁶⁴ Rölli M., (2017) "Deleuze as a Theorist of Power", *Coils of the Serpent*, 1, p21

⁷⁶⁵ Foucault M., (1978), note 63, p93

⁷⁶⁶ Id

⁷⁶⁷ Foucault M., (1982) "The Subject and Power", in H.L. Dreyfus and P. Rabinow *Michel Foucault: Beyond Structuralism and Hermeneutics*, Chicago, IL: University of Chicago Press, p221

categorising the individual, marking him by his own individuality, attaching him to his own identity, and imposing a law of truth on him which he must recognise and which others have to recognise in him.⁷⁶⁸

Flowing from Foucault's deconstruction of power, what we can deduce is that power generates, according to Thompson, both resistance and a relationship in a web of unequal power relations. In the postmodern world, power relations, for Thompson, are becoming increasingly scientised with destructive consequences.⁷⁶⁹ They not only determine what we can do, they determine "even what we can know."⁷⁷⁰ In the same vein, Rölli suggests that Foucault meant power to be a complex formation of "differential relations that produce identities, forms of individualisation, orders of the visible and the sayable. It also constitutes the strategies for the regulation of a "politically manageable life of populations."⁷⁷¹ However for Borch, Foucauldian power is intimately associated with freedom, because in its right contextual application, power is only power "insofar as it conditions conduct that could have been different...a mechanism for regulating contingent selections."⁷⁷²

From systems theory's perspective, Luhmann views power from a paradigmatically divergent position, arguing that "the power of power seems to be mostly in the fact that one does not really know what it is in the end."⁷⁷³ Essentially, Luhmann attributes

⁷⁶⁸ Id, p222

⁷⁶⁹ Thompson W., (2004) *Postmodernism and History*, New York: Palgrave Macmillan, p83

⁷⁷⁰ Id

⁷⁷¹ Rölli M., (2017), note 764, p21.

⁷⁷² Borch C., (2005) "Systemic Power: Luhmann, Foucault, and Analytics of Power" *Acta Sociologica*, 48(2), p158

⁷⁷³ Ricken N., (2006), note 763, p542 citing Luhmann, N. (1969) "Klassische Theorie der Macht: Kritik ihrer Prämissen", *Zeitschrift für Politik*, 16, pp149–170

power to his system communication dynamics. As he theorises, the phenomenon of power, based on a difference between the code and communication makes power be:

...a code-guided communication. An attribution of power to the powerholder is regulated in this code with wide-ranging results concerning the reinforcement of motivation to comply, responsibility institutionalisation, giving specific direction to wishes for change...Although both sides are acting, whatever happens is attributed solely the powerholder.⁷⁷⁴

Going by Luhmann's approach to power, Borch suggests that Luhmann appears on the one hand, to be preoccupied with power as a functional and "symbolically generalised medium of communication, which endows...power with a strong evolutionary foundation."⁷⁷⁵ On the other hand, power is constitutively tied to "negative sanctions", observed as an emergent solution to a specific evolutionary problem. However, due to "escalating societal complexity", it becomes increasingly difficult to rely on a situational congruence of interest for the regulation and conditioning of "contingent selections."⁷⁷⁶ Thus, as Schütz observes, when it comes to sovereign decision-making, Luhmannian power only seeks the fast and "efficient "plausibilisation of decisions" for the opposite sort of good. This, for Schütz, is an "artilleristic apodicticity that rules out other possibilities and is therefore served either by positive knowledge or by military or executive command."⁷⁷⁷

⁷⁷⁴ Luhmann N., (1979) *Trust and Power*, Chichester: Wiley, p116

⁷⁷⁵ Borch C., (2005), note 772, p155.

⁷⁷⁶ Id, pp158-60

⁷⁷⁷ Schütz A., (2000) "Thinking the Law with and against Luhmann, Legendre, Agamben", *Law and Critique*, 11, pp115-6

Given this, Borch locates a palpable tension between Foucault's and Luhmann's conceptualisations of power, noting that Foucault disagrees with Luhmann's discourse of sovereignty where power is understood negatively. Foucault sees power as a reflection of a basic "pre-modern social structure", which he believes to be inadequate for contemporary power analysis.⁷⁷⁸ However, he accepts that the negative conception of power tends to "endow power with a pre-modern bias and to ignore its possible historical transformations."⁷⁷⁹ It is for this reason, Borch suggests that Luhmann's systems theory downplays the a priori importance it attributes to sanctions. Instead, it focuses on the "functional–medial definition of power" that is more openly formulated in regard to what forms the exercise of power may take.⁷⁸⁰

From Deleuze's affect perspective, power manifests in two ways. First, as *potestas*, power is a relationship between one body and another where a referent needs "to dominate or to be dominated by it."⁷⁸¹ Second, as *potentia*, it refers to a "capacity or an intensity to cultivate a relationship to the whole world."⁷⁸² Thus for Deleuze,

...there is no bad power (*puissance*), instead we should say that what is bad is the lowest degree of power (*puissance*). And the lowest degree of power (*puissance*), is power (*pouvoir*)...there are malicious powers (*pouvoirs*). Perhaps all power (*pouvoir*) is malicious by nature...Power (*pouvoir*) is always an obstacle to the effecting of powers (*puissances*). I would say, all power

⁷⁷⁸ Borch C., (2005), note 772, p156

⁷⁷⁹ Id

⁷⁸⁰ Id

⁷⁸¹ Deleuze G., (1981) "Power (Potentia) vs. Power (Potestas): The Story of a Joyful Typhoon", in L. Lambert (2013) *The Funambulist Pamphlets Volume 1: Spinoza*, New York, Punctum Books, p18

⁷⁸² Id

(*pouvoir*) is sad. Yes, even if those who “have the power” (*pouvoir*) are very joyful to “have it”, it is a sad joy; there are sad joys. On the contrary, joy is the effecting of a power (*puissance*).⁷⁸³

From the foregoing, Lambert suggests that Deleuze, in the attempt to provide answers to the questions of the ontology, and epistemology⁷⁸⁴ of power, reorientates Foucault’s approach to the nature of power. In doing so, he conceptualises power as not being visible, and therefore cannot be defined as an attribute, a property that can be possessed. Neither can power suddenly change hands without undergoing a profound transformation of the relations it expresses.⁷⁸⁵ Also, Rölli noting Deleuze’s reorientation of Foucault’s power, opines that Deleuze appears not to accept that “nomadology is not subject to any dispositive” in the Foucauldian sense. However, sovereignty-bound state thinking, or the juridical representation of power, the modern power of discipline and of life, is.⁷⁸⁶ What this then suggests is that Deleuze discusses power in terms of processes of actualisation and repetition manifesting in a differential milieu, but with “fatal consequences.”⁷⁸⁷ Thus, with Deleuze, power links with immanence, which is only immanent to itself, or which corresponds to a “purely differential ontology” being thought of as power. However, it does not create “conditions that, in the sense of a strategically directed unification of the differential, cement power blocks.”⁷⁸⁸

⁷⁸³ Id, p19

⁷⁸⁴ Lambert G., (2006) *Who’s Afraid of Deleuze and Guattari?* Continuum International Publishing Group, p140: ontology- a general theory or the ‘being’; and ‘epistemology’- knowledge as a set of discrete practices and technologies

⁷⁸⁵ Id

⁷⁸⁶ Rölli M., (2017), note 756, p21

⁷⁸⁷ Id

⁷⁸⁸ Id

From this Foucault/Luhmann/Deleuze tripartite approach to power, Ricken has suggested that our understanding of conceptual power to align with our everyday way of understanding it, involves seeing 'power' both as "strength and possibility. As the right and authority of influencing other people and deciding about them, power is as "indispensable as it is already problematic and which thus leads towards significant philosophical problems."⁷⁸⁹ Through this, I isolate five aspects of power: first, it is a "substantially determinable possession", as a good or a personally attributed ability, asymmetrically distributed, seated at a centre or having its basis there.⁷⁹⁰ Second, in Luhmannian terms, power, for Ricken, is a causality, a specific effecting power, a cause which creates effects out of itself. In this sense, power over other people's behaviour only exists if the latter would be different in case of the influence which is supposed to be its cause being non-existent.⁷⁹¹ Third, if power means influence on or determination and restriction of others, the supposedly influencing person's intention is important to recognise behaviour as powerful action.⁷⁹² Fourth, power is a dual continuum of lack of freedom, connected to rule, violence, and force.⁷⁹³

Finally, for Ricken, in the political context, power influences the term, suggesting an understanding power as a predominantly political phenomenon.⁷⁹⁴ Thus, Ricken observes that in all these dynamics, the possessor of power, both in the practical and conceptual/theoretical sense, "speaks rarely about it." In this sense, whoever speaks about it is always suspected of wanting it for himself⁷⁹⁵, at least performatively.

⁷⁸⁹ Ricken N., (2006), note 763, p543.

⁷⁹⁰ Id

⁷⁹¹ Id, pp543-4

⁷⁹² Id, p544

⁷⁹³ Id

⁷⁹⁴ Id

⁷⁹⁵ Id

Locating and applying these five dynamics and theoretical groundings of power to the complexities of hydrocarbons exploration and its environmental impact in advanced, and frontier provinces like the Niger Delta portend to reveal an empirical flux. Particularly in the frontier provinces, regulatory endeavour is predominantly based on the archaic command and control system, whereas the modern role of the nation-state has been reconfigured⁷⁹⁶ through neoliberalism. Yet, as Lidskog et al. point out, it is too far-reaching to institutionalise environmental regulation, entirely based on the decentralisation and fragmentation of power, knowledge, and control. This, they argue, implies a full transition for modernity to a post-modern situation.⁷⁹⁷ Therefore, efforts need to be targeted toward a consideration of the recent change in society without totally ignoring the role of nation-states, judicial power, and scientific knowledge.⁷⁹⁸ This will ensure democratisation, and not just fragmentation of power, knowledge, and control.

7.1.1.) Changing Life Through Oil: The Effect of Power

In the lexicon of the competing stakeholders in the unending rhetoric and violence applied to the control of Niger Delta's hydrocarbons resources, name-calling in pejorative terms is dominant. The common appellations each side attributes to the other include, among others, 'desperate politicians', 'civil service kleptocrats', 'greedy corporates', 'ethnic jingoists', 'purveyors of violence', 'environmental terrorists' and 'thieving bunkerers'. All these, I subscribe to because of the significant influence all these dominant players in the Niger Delta have had on the oil resource and the daily lives of the region's subalterns. Thus, viewing power from Ricken's paradigms in the

⁷⁹⁶ Lidskog R., Soneryd L., & Ugglä Y., (2005), note 760, p90.

⁷⁹⁷ Id

⁷⁹⁸ Id

context of the Niger Delta oil environment, I argue that the dominant stakeholders- the Nigerian state, oil multinationals, community leaders, the militants- have all demonstrated the capacity to silence the subalterns. The effect of the power these stakeholders wield is summed up by O thus:

VIGNETTE 21: 7:40pm, June 22, 2015- Warri- *Questions about the Amnesty Programme*

O goes back to look at the merits of the so-called amnesty programme instituted by Sheu Musa Yar'dua, the late president in 2007, in the attempt to stem the growing spate of kidnapping of expats, destruction of oil facilities, oil bunkering and insurgency by a groundswell of Niger Delta militants, demanding total control of 'their resource' and cessation of oil exploration by some oil multinationals, particularly Shell. Through a presidential order, millions of dollars were suddenly set aside to sponsor these 'degenerates' to study abroad once they laid down their arms and weapons. But alas, the normal boy or girl in the creeks who could not embrace the idea and philosophy of violence these militant groups operate on, is excluded and forgotten. O ruminates with so many questions running through his mind:

Is it not also right to put into consideration those helpless boys and girls in the villages and put them through some quality education? Why suddenly come up with such vast sums to send hardly educated people to the best schools abroad all in the name of stopping violence? Why not set up standard primary and

secondary schools in these creek villages to educate against violence first? Is it not going to be a case of new waves of militants rising when the currently silenced, denied, and uneducated youth in those creeks suddenly realise that they are the unwanted in the society? Is it not the case of these militant groups setting new power standards in the country? Indeed, the programme doomed to failure.

The questions O asks find justification in Riken's view of power as a political context that influences the term, with power needing to be understood as a predominantly political phenomenon.⁷⁹⁹ In the Foucauldian biopower sense, what the Niger Delta stakeholders demonstrate is the restrictive use of power by intentionally using the indigenes of the oil communities to confirm their behaviour as powerful action.⁸⁰⁰ In the Delta, apart from the scenes of environmental devastation, women are silenced and refused avenues for education, while the youths are equally stripped of education and human and intellectual development. Yet, the powerful players share the national bounty through such cosmetically coined amnesty programme for militants. To this extent, I engage with the biopolitical perspective Watts and Leff have brought to this discourse. Watts, recognising that in oil frontiers like Nigeria, argues that the annals of oil are an uninterrupted chronicle of "naked aggression, genocide and the violent law of the corporate frontier."⁸⁰¹ In these dynamics, what we see constantly is a trade-off of the interest of the indigenes of oil communities by the state, political psychopaths,

⁷⁹⁹ Ricken N., (2006), note 763, p544.

⁸⁰⁰ Id

⁸⁰¹ Watts M., (2004) "Violent Environments: Petroleum Conflict and the Political Ecology of rule in the Niger Delta, Nigeria", in R. Peet & M. Watts (Eds.) *Liberation Ecologies: Environment, Development and Social Movements* (2nd edition), London: Routledge, p250

oil multinationals, and sometimes militant groups so that the oil can keep flowing. These stakeholders constantly work hand-in-hand to dominate the “phalanxes of well-placed African nomenklatura.”⁸⁰²

As for Leff, the instruments of power that are “inherent to the hegemonic rationality of modernity” have ‘abgrounded’ our unsustainable world.⁸⁰³ This is because the paradigms of power strategies underscoring the sustainable development discourse to enable the metabolism of the biosphere⁸⁰⁴ have been simultaneously adopted to degrade the sustainable conditions for life.⁸⁰⁵ This view, in my view, aptly apply to the narrative emanating from the Niger Delta.

7.1.2.) Changing Life Through Oil in the Delta: Knowledge and Subjectivity

In locating the Niger Delta indigenes as the subaltern of the Nigerian society due to the technique of state power used in controlling or ‘normalising’ them, I take inspiration from the notion of subjectivity which has been touched upon in biopower, affect, and systems theories. I start with Foucault’s biopolitical technique of state power on the individual. As he says, state power applies itself to the immediate everyday life to categorise the individual, marks him by his individuality, attaches him to his identity, and imposes a law of truth on him.⁸⁰⁶ For this, Montenegro et al. find Foucault’s biopower as ‘power’ which seeks to open bodies and individuals for circulation, then

⁸⁰² Id

⁸⁰³ Leff E., (2017) “Power-Knowledge Relations in the Field of Political Ecology”, *Ambiente & Sociedade*, São Paulo, XX(3), p225

⁸⁰⁴ Id

⁸⁰⁵ Id

⁸⁰⁶ Foucault M., (1982), note 767, p212.

transforming them through the “objects/subjects of power by processes of subjectivation.”⁸⁰⁷

Having brought the sovereign power to bear on the individual, Michael and Still see Foucauldian subjectivity as a “one-sided shaping of the individual” by the disciplines of penology and the ‘micropowers’ of regimentation. This is carried out through “measurement practised in more or less peripheral institutions.”⁸⁰⁸ These powers, as Michael and Still suggest, are adopted to fix the capacities and limits of the person. In the process, access to the surrounding world of life can become a source of resistance to control by the power/knowledge dynamic⁸⁰⁹ in respect of the citizens that have been ‘subjectivised’. Therefore, in Foucauldian power, the individual that is seen as an unruly subject is “frozen” through the exercise of discipline by the “process of delineation mediated by power-knowledge.”⁸¹⁰ This process of freezing occurs in an intertwined “academe and through the microtechnological practices of institutions such as prisons and schools”⁸¹¹ and other institutions.

However, from Luhmannian power, there appears to be no scope of room for the incorporation of the subject or subjectivity for that matter. This is because, according to Borch, Luhmann’s major preoccupation is to understand society purely in terms of communication.⁸¹² The major question therefore is, how can we conceive the idea of subjectification as a form of power within systems theory?⁸¹³ The complexity in finding

⁸⁰⁷ Montenegro M., Pujol J., & Posocco S., (2017) “Bordering, Exclusions and Necropolitics”, *Qualitative Research Journal*, 17(3), p144

⁸⁰⁸ Michael M. and Still A., (1992) “A Resource for Resistance: Power-Knowledge and Affordance”, *Theory and Society*, 21(6), p870

⁸⁰⁹ Id

⁸¹⁰ Id, p873

⁸¹¹ Id

⁸¹² Borch C., (2005), note 772, p162.

⁸¹³ Id

answers to this question, we can trace to how social systems, in the process of observing society, communication cannot be conceived as action. In this dynamic, the process of communication neither be conceived as a chain of actions. Even concurrent self-control functions “only if one can read from succeeding action whether one has been understood or not.”⁸¹⁴ That in social systems, just as required of all elements in temporalized systems,

...actions combine determinacy and indeterminacy. They are determined in their momentary actuality, whatever attributive basis one makes answerable, and they are indeterminate with reference to the connective value they incorporate. This can...be interpreted as the difference between an anticipated and an attained goal.”⁸¹⁵

Therefore, Borch, working from the Foucauldian and Luhmannian conceptualisations of power, suggests that humans, or citizens are constructs of the state and are therefore, by the means of “semantic Intrusion”, ‘subjectified’. From the Foucauldian lens, ‘subjectified’ citizens are constructed, among other terms, as delinquents, consumers, enterprising citizens, and observed through techniques of exercising power.⁸¹⁶ From this, I argue that the Foucauldian techniques of power the state adopts to control or ‘normalise’ its citizens, and ‘subjectivise’ them constitute action. However, I take it that action is essentially subordinate to communication. This view draws on Borch’s position that systems theory’s action cannot be considered the fundamental sociological unit⁸¹⁷ because that status that belongs in communication.

⁸¹⁴ Luhmann N., (1995), note 50, p164

⁸¹⁵ Id, p167

⁸¹⁶ Borch C., (2005), note 772, p162

⁸¹⁷ Id

However, from Deleuze's affect, what makes the individual to become 'subjectivised' is the relation of power to different forces passing through the dominated forces "no less than through the dominating."⁸¹⁸ Locating the force of power in making subject of citizens through Foucault's "king's arbitrator"⁸¹⁹, Deleuze stresses that power-relation establishes itself wherever "individual features, however tiny, are to be found."⁸²⁰ However, Deleuze departs from Foucault's form of 'subjectivisation', stressing that rather than acting as the "postulate of modality" through the use of violence or ideology by "reprimanding" or "propaganda"⁸²¹ as Foucault would want us to believe, power does not come about through ideology. For Deleuze, even when it concerns the soul, power does not necessarily separate through violence and repression, even when it weighs on the body.⁸²² Instead what we see operating is a map of relations between forces, a map of destiny, or intensity, which proceeds by "primary non-localizable relations and at every moment passes through every point."⁸²³

VIGNETTE 22: June 23, 2015- Endless Military Patrols around the Creeks-

As O rises in the morning to prepare his itinerary for the day, he is visited by the head of the youth group currently hosting him to be informed that they may have to cancel the trips for the day. Asking why the sudden decision to cancel, given his own limited time allowance during this trip, he is informed that the military has arrived the seas in large numbers in their gunboats because of the rumour milling around that some militant groups are targeting some oil pipelines in order to commit 'bunkering'. Alarmed, he asks Maurice, "is this not a death

⁸¹⁸ Deleuze G., (1986) *Foucault*, Paris: Minuit, p27

⁸¹⁹ Id, p28

⁸²⁰ Id

⁸²¹ Id

⁸²² Id

⁸²³ Id, p36

wish for these guys if indeed that is true?” This is as far as O understands, a very risky effort by these groups, not only posing significant threat to them, but also to the surrounding villages as there may be uncontrollable explosions as they do not have any expertise in oil extraction. But Maurice quickly retorts:

Look, that is none of your business; the soldiers also know this, but they keep coming to obey the government orders and have killed so many of our men as they are seen as lawbreakers and thugs hellbent on destroying Nigeria. But we have seen more than this before. How do you think our people survive? If they do not do it, most people will starve to death. The point is today, we will not be able to move because if we do, we will all be arrested accused of being militants. And the consequences may not be palatable because we may be in jail for a very long time. So, we stay indoors, ‘inugo’ (meaning, understood?)

From the narrative above, the juxtaposition of knowledge/subjectivity to underscore the technique of state power used to control and ‘normalise’ populations and individuals, poses a question about the knowledge base of power. In other words, what does it mean to intervene in the lives of individuals in 'liberal' societies?⁸²⁴ Using Foucauldian technique of power, I take the view that Foucault’s belief in contemporary sovereign power as the process of ‘normalising’ individuals, is premised on the state’s drive to “foster life or disallow it to the point of death.”⁸²⁵ It also manifests in Deleuze’s map of relations between forces, of destiny or intensity, which proceeds by primary

⁸²⁴ Miller P., & Rose N., (2008) *Governing the Present: Administering Economic, Social and Personal Life*, Cambridge: Polity Press, p1

⁸²⁵ Foucault M., (1978), note 63, p138

non-localisable relations.⁸²⁶ This begs the question Michael and Still pose that where power becomes “diffused” instead of “focussed”, does it not become “more insidiously controlling?”⁸²⁷ Putting this in the context of the Niger Delta, I refer to the indigenes of the oil communities as the contemporary subjects and subaltern. The contemporary subject within Mbembe’s necropolitics has been ‘subjectivised’ to the point that their knowledge of life is that of the willing sacrificial lamb in the interest of the state.⁸²⁸ Mbembe, drawing a similarity between his necropolitics and Foucault’s biopower, observes that in Foucault’s formulation, biopower appears to function through “dividing people into those who must live and those who must die.”⁸²⁹ Operating through a split between the living and the dead, such power defines itself in relation to a “biological field which it takes control of and vests itself in.”⁸³⁰ Therefore, what we have is a distribution of human species into groups, subdivision of the population into subgroups, and the establishment of a “biological caesura between the ones and the others.”⁸³¹ This makes for the perception of peoples, such as those in the creeks of the Niger Delta as the ‘Other’ whose life can be threatened or taken. On this, Mbembe asserts that an attempt on life, as a mortal threat or absolute danger whose biophysical elimination would strengthen the potential to life and security⁸³² is inherent in biopower and necropolitics.

To this ultimately radical view of individuals living in the zones of exclusion, Montenegro et al. add the precariousness of life. To them, that the essence of

⁸²⁶ Deleuze G., (1986), note 818, p27

⁸²⁷ Michael M. and Still A., (1992), note 808, p870.

⁸²⁸ See generally, Mbembe A., (2003) “Necropolitics”, *Public Culture*, 15(1), pp11-40, DOI: 10.1215/08992363-15-1-11.

⁸²⁹ Id

⁸³⁰ Id, p17

⁸³¹ Id

⁸³² Id, p18

necropolitics is that the security of life for certain populations “cannot be fully accounted for without considering its interrelation with the different forms of suffering of other social groups.”⁸³³ And as I correlate their view to the current lived experiences of the inhabitants of the Niger Delta, necropolitics has immobilised the bodies of the indigenes. It has also ‘subjectivised’ them and transformed them into bare life, placing them into a certain antithetical existence: “to be rich, somebody must be poor; to be healthy, somebody must be sick. To live, others have to die.”⁸³⁴

7.2) The Biopolitical, Autopoietic and Affect Turn in Power in the Niger Delta

The value of autoethnographic research narratives, according to Brady, can be found in neoliberal governmentality’s accounts because of their capacity to produce social change.⁸³⁵ This is also my goal in this thesis, hence the narration of the lived experiences of the inhabitants of Niger Delta oil communities. Through these accounts, I have attempted to highlight the intricate link between knowledge, power, and control. In this regard, Foucauldian discourse on knowledge and power has helped to illustrate the inseparability of the two concepts. This perhaps explains Sharp’s argument that power is constituted in part through dominant ways of knowledge, which in turn gain their influence through their association with powerful positions within networks.⁸³⁶

⁸³³ Montenegro M., Pujol J., & Posocco S., (2017), note 807, p143

⁸³⁴ Id, p144

⁸³⁵ Brady M., (2014) “Ethnographies of Neoliberal Governmentalities: from the Neoliberal Apparatus to Neoliberalism and Governmental Assemblages”, *Foucault Studies*, 18, p14

⁸³⁶ Sharp J.P., (2009) *Geographies of Postcolonialism Spaces of Power and Representation*, SAGE Publications Ltd, pp110-11

It is through this power/knowledge dynamic that a Foucault truism becomes ingrained in our knowledge. The truism is that the archaeology of the human sciences must be established through studying the mechanisms of power which have “invested human bodies, acts and forms of behaviour.”⁸³⁷ On this, Sharp infers that for knowledge to be powerful, it has to be “hegemonic”. It must be accepted to some degree as legitimate, by the ruled as well as the rulers.⁸³⁸ In the same vein, I draw from Dew, the opportunities for close surveillance opened up by the institutions set up by the state to present power and knowledge as “internally related.”⁸³⁹ However, Sharp is quick to stratify Foucauldian power-knowledge relation, noting that in this view, “everyone has some power, even if only the power to resist.”⁸⁴⁰ So, in the case of the poorest classes, women, tribal groups and other marginalised people, sometimes collectively referred to as ‘subaltern’⁸⁴¹, the power not to believe in what is presented still pervades the society.

From Deleuze’s affect, the power-knowledge relation is radically different from Foucauldian thinking. Deleuze asserts that the knowledge of power by individuals, or subjects, is an implicit presupposition “contained in opinions rather than concepts.”⁸⁴² Therefore, everyone has an independent knowledge of concepts, what is meant by self, thinking, and being. Everybody knows the “form of representation and the discourse of the representative.”⁸⁴³ My reading of Deleuze in this context is to the effect that there is a presumption that every individual, through affect, as a subject has

⁸³⁷ Foucault M., (1980) “Body/Power”, in Colin Gordon (Ed.), *Power/Knowledge*, Brighton, p61

⁸³⁸ Sharp J.P., (2009), note 836, p111.

⁸³⁹ Dews P., (1989) “The Return of the Subject in Late Foucault”, *Radical Philosophy*, 051, p37

⁸⁴⁰ Sharp J.P., (2009), note 836, p111.

⁸⁴¹ Id

⁸⁴² Deleuze G., (1994), note 508, p129.

⁸⁴³ Id, pp129-30

an awareness of the impact of the power that makes them a subject. This awareness, in the words of Toscano, presents us as individuals endowed with their natural capacity for thought, as opposed to the man perverted by the generalities of his time. We are not individuals without qualities, but individuals without presuppositions.⁸⁴⁴

However, the question remains, how does Luhmann's autopoietic turn in the power-knowledge dynamics reflect on the Deleuzian and Foucauldian perspectives regarding the 'subjectivised' individual? As we already know, Luhmann is preoccupied with communication as the 'conditioner' of events in the social system. Hence, society exists only in social communications, and not in the human beings, persons or subjects normally identified as the authors of such "communications."⁸⁴⁵ Thus, Stegmaier, takes inspiration from Luhmann's position that the subject has been made cunningly to appear human and "ingratiate itself as a human being"⁸⁴⁶ to deconstruct the notion of power and subject. To Stegmaier, from systems theory's perspective, this is a way of making the subject distinguishable in its freedom from all "empirical causations." This is the most demanding title that humanity has ever given itself.⁸⁴⁷ This, as I make sense of it, makes the power-knowledge dynamics a complex one. This is because, taking guidance from Luhmann, those attributes associated with the subject in the power-knowledge interaction, are "mere distinctions made in the context of social communications."⁸⁴⁸ They are distinctions that could also have been made differently.

⁸⁴⁴ Toscano A., (2010) "Everybody Thinks: Deleuze, Descartes and Rationalism", *Radical Philosophy*, 162, p9

⁸⁴⁵ Stegmaier W., (2015) "Subjects as Temporal Clues to Orientation: Nietzsche and Luhmann on Subjectivity", in J. Constâncio, M.J. Mayer Branco, & B. Ryan (Eds.) *Nietzsche and the Problem of Subjectivity*, Berlin/Boston: Walter de Gruyter GmbH, p499

⁸⁴⁶ Id, p500, citing Luhmann N., (1995) "Die Tücke des Subjekts und die Frage nach dem Menschen", in: N. Luhmann (ed.), *Soziologische Aufklärung 6: Die Soziologie und der Mensch*, Opladen: Westdeutscher Verlag

⁸⁴⁷ Id

⁸⁴⁸ Id; these attributes include 'thinking', 'consciousness', and 'human being',

They are all ‘constructions’ or ‘constructs’, like everything else.⁸⁴⁹ Furthermore, these distinctions exist “only on the condition that someone, no matter who, constructs them”, with no need to ask for the ‘agents’ or ‘subjects’ of those constructions; for they would only be other constructions.⁸⁵⁰

In my positioning of the impact of the power-knowledge dynamics on the Niger Delta oil environment and its inhabitants, and the rewriting the region’s narratives, I fold Luhmann’s communication into the Foucauldian-Deleuzian normalisation/affect to argue that oil is oxymoronic in nature. I do this by juxtaposing life-death, health-disease, and inclusion-exclusion into the communities of oil extraction. This speaks of a complex web of double speak and double narrative that ends up in a hopeless wait for community and human development. As Watt aptly puts it on the one hand, just as it does in most frontiers, hydrocarbons is a host of “fetishistic qualities”, bearing “meanings, hopes, expectations of unimaginable powers.”⁸⁵¹ On the other hand, in a passage that most evocatively captures Niger Delta’s current circumstances, Kapuściński, writing on the Iranian oil environment in 1985, claims that oil creates the “illusion of a completely changed life, life without work, life for free.”⁸⁵² He argues further that hydrocarbons resources are a mirage because,

The concept of oil expresses perfectly the eternal human dream of wealth achieved through lucky accident, through a kiss of fortune and not by sweat, anguish, hard work. In this sense, oil is a fairy tale and like

⁸⁴⁹ Id, p499

⁸⁵⁰ Id, p500

⁸⁵¹ Watts M., (2004), note 801, p256.

⁸⁵² Kapuściński R., (1985) *Shah of Shahs*, W.R. Brand and K. Mroczkowska-Brand (trans.), San Diego: Harcourt Brace Jovanovich, p35

every fairy tale a bit of a lie. Oil fills us with such arrogance that we begin believing we can easily overcome such unyielding obstacles as time.⁸⁵³

VIGNETTE 23: Warri, Niger Delta, June 28, 2015 – A Break in Town

Having had to cope with the heavy military presence in the Jones Creek and Egwa I area in the last few days in which movements were restricted and not much was achieved in terms of attending a crucial night festival to appease the gods for more fish as the seas are becoming depleted, O heads back to the mainland city of Warri to enjoy some city life. By this time, he has researched a number of materials on the Niger Delta and decides to read through the very important ones so as to reinforce his thoughts about the events he has witnessed so far. He also looks forward to the loud music from the new Westernised Nigerian stars such as Timaya, Terry G, and 2face. As he ruminates on the boat journey - *how do these villagers cope with the total detachment from modern reality in the city? How will they fit into such life when there is barely any contact of Western life in the creeks? Gosh, how deathly do these communities appear?*

On arrival in his hotel near the local port in Warri into very dirty and unsightly surroundings unbefitting of an oil city port, he decides he is going to stay out all-night to really see the bright lights and the social life of the oil city- perhaps he can score with

⁸⁵³ Id

a beautiful one However, the night out is a disaster, not only because his expectations of the impact of the oil money reflecting on the city are dashed with no light but the noise and air pollution coming from the thousands of generators to light up homes and clubs. Also, the level of poverty he witnesses with beggars coming into the streets in their droves is so disillusioning. *And then the girls, you only score with the good ones when you are loaded with cash. Oh wow, so this is the level of decadence and debauchery the Niger Delta has reached!*

O's recount above, as I see it, sums up Watt's and Kapuściński's view of oil. The expectation is that the riches of hydrocarbons would be made to reflect on the cities and communities proximate to extraction locations. However, it appears that the state, oil corporations and other stakeholders profiting from the oil have abandoned the citizenry. Those not powerful enough to partake in the oil booty sharing, are abandoned to the fate Kapuściński refers to as life lived as a fairy tale and like every fairy tale a bit of a lie."⁸⁵⁴ This is also representative of Watt's oil frontier of capitalism with speculative, spectacularized, and violent forms of enclosure, dispossession, and profit-taking. This system is marked by complex processes of compromise and engagement.⁸⁵⁵ Thus, Watt credits the reality of hydrocarbons as situating itself in "deep, shifting, fragmented, and elastic territories."⁸⁵⁶ Its impact on the power/knowledge/subject dynamics echoes Eyal Weizman's position, with whom I also strongly align in the light of the Niger Delta realities. According to Weizman,

⁸⁵⁴ Id

⁸⁵⁵ Watts M., (2014) "Oil Frontiers: The Niger Delta and the Gulf of Mexico", in R. Barrett and D. Worden (Eds.) *Oil Culture*, The University of Minnesota Press, pp190-96

⁸⁵⁶ Id, p196

The dynamic morphology of the frontier resembles an incessant sea dotted with multiplying archipelagos of externally alienated and internally homogenous...enclaves...It is a unique territorial ecosystem (in which) various other zones— ...political piracy, ...barbaric violence, ...of weak citizenship... — exist adjacent to, within or over each other.⁸⁵⁷

This powerful evocation of the force of oil-on-oil communities as Weizman brings to our reality, equally makes me to align with the view that the narrative of the lived experiences of oil communities, reveals something almost antinarrative about the ontology of oil.⁸⁵⁸ Linking this to the Niger Delta, this becomes more valid when taken that “narrative is understood as the working out of cause and effect and oil is understood to produce something out of nothing.”⁸⁵⁹ In the case of the new breed of militants in the Niger Delta, whose tactics include sabotage and occupation of oil installations and kidnapping of oil company personnel⁸⁶⁰, oil hijacks the imagination.

The already bad situation of the asymmetric power relationship between transnational capital⁸⁶¹ and Niger Delta’s oil communities has been exacerbated by recurrent and forced displacement and resettlement of the communities on large scales. As O has shown in his narrative, this is recurrent throughout the creeks, with landmarks of old settlements still visible along oil pipelines. Thus, Cernea’s observation of oil

⁸⁵⁷ Weizman E., (2012) *Hollow Land: Israel’s Architecture of Occupation*, New York: Verso, p7; also cited by Watts M., (2014) “Oil Frontiers...” above.

⁸⁵⁸ Wenzel J., (2014) “Petro-Magic-Realism Revisited: Unimagining and Reimagining the Niger Delta”, in R. Barrett and D. Worden (Eds.) *Oil Culture*, The University of Minnesota Press, p212

⁸⁵⁹ Id

⁸⁶⁰ Id

⁸⁶¹ Terminski B., (2011) Oil-induced Displacement and Resettlement: Social Problem and Human Rights Issue, Paper presented at the “New Debates on Belonging” conference, The Graduate Centre Immigration Working Group, The Graduate Centre, City University of New York, Friday, October 14, 2011, accessed on July 15, 2020 at <http://ssrn.com/abstract=2029770>, p2

communities' displacement fits into Niger Delta's reality. These displacements often result in their being homeless and landless, with attendant "loss of access to common property, joblessness, food insecurity, social marginalization, increased morbidity, and social disarticulation."⁸⁶²

7.2.1.) Biopolitics: The Biocapital and Facts of Life in the Oil Creeks

Although methodologically underpinned by discourse or textual analysis, Foucault's biopolitics, when folded into his view of governmentality, embraces autoethnographic accounts of the daily lived experiences of communities in the search of truth. Through this, Foucault appears to thrust us, as researchers into "the multiplicity and dynamics of everyday social life."⁸⁶³ Engaging with Brady on this, I sense that Foucault wants autoethnographic researchers, first, to be given the benefit of having greater insights into the multiplicity of power relations and practices within the present.⁸⁶⁴ Second, he wants autoethnographic researchers to have a deeper understanding of the actual processes through which subjectivities are formed.⁸⁶⁵ This is because such understanding, in Brady's words, helps to propel researchers into acknowledging the presence of non-liberal rationalities and to incorporate these rationalities⁸⁶⁶ into our theoretical frameworks. This, I have attempted to do throughout this thesis.

Working from this position, I present the Niger Delta as an 'oil frontier' Watts considers as having their own "temporalities and spatialities", where the variables of access to,

⁸⁶² Cernea M.M., (1985) *Putting People First: Sociological Variables in Rural Development*, Washington D.C.: World Bank Publications, pp2-6

⁸⁶³ Brady M., (2014) "Ethnographies of Neoliberal Governmentalities: from the Neoliberal Apparatus to Neoliberalism and Governmental Assemblages", *Foucault Studies*, 18, p13; for the purpose of my research into the Niger Delta environmental dynamics, I have adopted and constantly used the term ecogovernmentality to engage with Foucault's governmentality.

⁸⁶⁴ Id

⁸⁶⁵ Id

⁸⁶⁶ Id

and control of land, and rents are prerequisites for accumulation.⁸⁶⁷ These variables, I argue, reveal the Niger Delta as an “explosive trajectory” of pollution, human and displacement, corruption, as well as violence and militancy. I justify this view through my alignment with Watts that these frontiers are invariably characterised by massive conflicts, insurgency, and a pattern of violent accumulation.⁸⁶⁸ All these are enabled by corrupt chiefs, powerful politicians, violent state security forces, and robust and often shady alliances between state and oil capital.⁸⁶⁹

VIGNETTE 24: Warri, Niger Delta, June 30, 2015 – A Restless Break in Town-

O’s break in Warri is not turning out to be how he envisaged it. Thinking through the sordid images he saw on his night out, he is filled with many puzzles: *why is it that the state governments across Delta, Rivers, and Bayelsa have not embarked on any meaningful and sustainable projects in education, infrastructure and community development, apart from the cosmetic road constructions in towns? I have been through these states in my quest to see the destruction of the communities and understand that the governors have been given vast sums of money by the Federal Government through the Derivation Formula. If these were the realities in the cities’ streets, how is it realistic for one to think the creeks will ever be remembered by the officials? Is this why the militants are unrepentant and go on their violent streak?*

⁸⁶⁷ Watts M., (2014), note 855, p194.

⁸⁶⁸ Id, p196

⁸⁶⁹ Id

With these thoughts, O rummages through his saved files of the research he has made on the Delta to see if he can find some answers and decides to peruse the London-based Think Tank, Platform's report titled *Counting the Cost: Corporations and human rights abuses in the Niger Delta*. There he finds the following worrying statistics:

In 2002 Shell dramatically increased its budget for 'community development', in the hope of halting regular protests and attacks eroding its social 'license to operate'. One estimate puts Shell's total investment in 'development' programmes, including cash payments, at \$200 million per year. However, a leaked independent audit commissioned by the company...found that up to 70% of Shell development projects were non-existent or failing. More recently, while some of Shell's projects have resulted in "islands of success," they have often created bigger problems. According to one Shell official speaking in 2011, "we are paying in so much, but the money is not going into the rightful hands."⁸⁷⁰

Arguably, it is based on the kind of narrative coming from O above that Watts focuses his biopolitical evaluation of hydrocarbons resources on the Niger Delta. He is convinced that in the current climate, the economically, socially, and politically marginalised and excluded Niger Delta populations have been caught up in a confluence of pressing political flashpoints.⁸⁷¹ I see these flashpoints in the nascent

⁸⁷⁰ Platform (2011), note 576, p26.

⁸⁷¹ Watts M (2004), note 242, p51.

clamour for self-determination across the southern region of the country. However, this is not the only reality that bears on the Niger Delta. Watts also highlights what he calls the 'Geist of oil', which has been "central to the history and mythos of the modern world"⁸⁷² as it fully operates in Nigeria's political economy. The 'Geist' at its best, Watt argues, is deceitful, because it confounds oil producers in Nigeria with billions of dollars accruing from oil vanishing from the treasury. I therefore agree that it is inconceivable that "\$50bn of the total of \$270bn oil revenues that have flowed into the Nigerian exchequer since 1960...has 'disappeared'."⁸⁷³ This, I submit, speaks powerfully to the deception at the heart of the contraption called Nigeria.

Added to the above, I engage with Andrew Apter who, writing on the spectre of the resource curse, presents oil as Nigeria's heartbeat, but where the state dons the toga of a devouring beast consuming the lifeblood of the people- crude oil! On the one hand, corrupt politicians, enabled by willing civil servants and technocrats suck back the money that oil pumps into circulation.⁸⁷⁴ On the other hand, they have relentlessly sought to annihilate the country's real productive base, those agricultural resources that "not even a state-sponsored green revolution could revive."⁸⁷⁵ Therefore, I submit that the impact of bio-capital and facts of life on the oil creeks of the Niger Delta is told best narrated through Foucault's biopolitics. This, Thomas-Slayer's assessment of the nature and extent of the devastation done to the Niger Delta region arguably illustrates. Using Ogoniland as his observation point, Thomas-Slayer argues that,

⁸⁷² Id

⁸⁷³ Id

⁸⁷⁴ Apter A.H., (2005) *The Pan-African Nation: Oil and the Spectacle of Culture in Nigeria*, Chicago: University of Chicago Press, p269

⁸⁷⁵ Id

through oil multinationals' exploration activities, and particularly Shell's, most Niger Delta homelands have been turned into wasteland of pollution with:

...a poisoned atmosphere and widespread devastation caused by acid rain, oil spillages, and oil blowouts. Lands, stream, and creeks are totally and continually polluted, the atmosphere has been poisoned, charged at it is with hydrocarbon, vapours, methane, carbon monoxide, carbon dioxide and soot emitted by gas⁸⁷⁶

7.2.2.) System/Autopoiesis: Incongruence of Power in the Oil

Environment

I begin my analysis of Luhmann's autopoiesis as the basis of incongruence of power in the Niger Delta oil environment by engaging with his repudiation of the ontological definition of power.⁸⁷⁷ I focus for the purpose of my research, on his early writing on power as transmitting reduced complexity.⁸⁷⁸ In *Social Systems*, Luhmann uses communication's transmissibility to affirm that in the discourse of power, transmission of selection is core because the function of a communication medium lies in "transmitting reduced complexity."⁸⁷⁹ Yet later, he downplays the force of transmission for implying "too much ontology" by suggesting that the sender "gives up something that the receiver then acquires."⁸⁸⁰ This for Luhmann, is impracticable because the sender does not give up anything in the sense of losing it. Thus, the entire metaphor

⁸⁷⁶ Thomas-Slayter, B.P., (2003) *Southern Exposure: International Development and the Global South in the Twenty-First Century*, Bloomfield: Kumarian Press, p238

⁸⁷⁷ Borch C., (2005), note 772, p160

⁸⁷⁸ Luhmann N., (1995), note 50, p113

⁸⁷⁹ Id

⁸⁸⁰ Id, p139

of possessing, having, giving, and receiving, is unsuitable for understanding communication.⁸⁸¹

My understanding of Luhmann's notion of power, therefore, is that there is not only an improbability of structural coupling of communicating forces, but also that of incongruence of power-knowledge relations. Contextualising this within the oil and environmental regulatory milieu like the Niger Delta, I argue that the incongruence of power-knowledge relations is not nuanced but glaring. I take inspiration for this view from Philippopoulos-Mihalopoulos, who, in *Absent Environment*, asserts that within the field of autopoiesis, there is a departure from the normative ways of describing connections between systems. This is because autopoiesis does not have the conceptual vocabulary for hierarchy, power structure or even "mere influence."⁸⁸²

To exemplify this, I engage with Watts' observation of the structure of the operations of the Nigerian oil complex. As he notes, the Nigerian government's rent capture drive through a series of laws and statutory monopolies⁸⁸³ has enabled a basis of differential claims making through its so-called 'national character'.⁸⁸⁴ In this structure, citizens can plausibly claim their share of this national cake as a "citizenship right."⁸⁸⁵ This can come in robust claim of traditions, customary rule, and land rights by resource-owning communities. However, this has culminated in a consequential clash, with the state appropriating oil revenues⁸⁸⁶ almost totally to itself. This has also made the authorisation of systems of community rule to materialise through a parallel system of

⁸⁸¹ Id

⁸⁸² Philippopoulos-Mihalopoulos A., (2007), note 21, p84

⁸⁸³ Watts M., (2014), note 855, p199

⁸⁸⁴ Id

⁸⁸⁵ Id

⁸⁸⁶ Id

governance⁸⁸⁷ associated with traditional chieftaincy. What I take from Philippopoulos-Mihalopoulos' view, therefore, is that in ecological terms, Niger Delta's oil communities suffer from their inability to deal with power-relations and community and national cohesion on the one hand. Yet, in the same vein, they are confronted by issues of segregation, exclusion of difference, and "universalisation of values"⁸⁸⁸ which are the constant realities of contemporary, urban environments. This reality, O has highlighted all though this thesis, and continues below.

VIGNETTE 25: Warri, Niger Delta, June 30, 2015- *State Control (or a Lack of it)*,

As he continues to ponder the seemingly unending complexities of the environmental crisis of the Delta region, O wonders if ever, lasting, or sustainable solutions could be found. This saddens him because he realises that the power players in this current imbroglio will be the ones to continue to profit from it, while those villagers in the creeks he has come to have deep affinity with continue to wallow in not just the poverty festering among them, but also the grave health dangers they currently face and killing them in their hundreds on a daily basis. His worries come first from the Michael Watts' article he has just finished reading where it was shown that:

Oil revenues, being the main source of public revenue in Nigeria, accounts for about 80 percent to 85 percent of the total receipts. The current vertical allocation is 52.68 percent, 26.72 percent,

⁸⁸⁷ Id

⁸⁸⁸ Philippopoulos-Mihalopoulos A., (2007), note 21, p147.

*and 20.60 percent for federal, state, and local governments, respectively. These figures confirm...the centralizing effect of capturing oil rents, but the details, hammered out in a raft of revenue commissions over the last half century, are the subject of intense contestation and continuing controversy.*⁸⁸⁹

*The federal centre captured a disproportionately large share of the revenues; the states and local governments depend heavily on statutory allocations...Fiscal centralization redirected revenues away from the centres of oil production to powerful nonoil ethnic majority states, especially in the north of the country. The federal centre became a hunting ground for contracts and rents of various kinds. Derivation politics (and the loss of revenues cascading within the federal allocation system) inevitably became an axis of contention between the Delta and the federal centre and laid the basis for what became the delta's clamour for "resource control"*⁸⁹⁰

The cacophony of power distribution in the Nigerian oil environment as shown above, positions me within the view that that power sits accurately with the autopoietic view of society. This operates in societies where the mastery, 'Arkhé' in Schütz's words, is located outside and in front of the system, just beyond the system's borders with its

⁸⁸⁹ Watts M., (2014), note 855, Id, p199

⁸⁹⁰ Id, pp199-200

accompanying other 'heteros'."⁸⁹¹ To this Philippopoulos-Mihalopoulos adds: in the autopoietic system everything is "organised on a flat, un-hierarchical array of systems with their environments."⁸⁹² Therefore, there can be no direct contact, influence or regulation between systems, and the environment cannot govern the system it encircles because the environment is "inoperable."⁸⁹³

VIGNETTE 26: *Lack of State Control- Processual Oil Bunkering-*

As if the matters are not bad enough, he stumbles on the issue oil bunkering as a big factor in the powerplay, as this is the major source of income from the militants ravaging the Delta. He finds this yet in another sadly revealing account by a Niger Delta citizen, Von Kemedi, of how oil bunkering has brought untold suffering to the Niger Delta oil creeks:

Illegal oil bunkering has become an increasingly significant issue over the last six years. In 2000, it was reported that 140,000 barrels of crude oil was stolen each day. In 2001, the reported figure had dramatically risen to 724,171 barrels per day. The average daily figure from January to October 2002 was 699,763 barrels. In 2003 it had fallen to around 200,000 barrels and in 2004 risen to around 300,000 barrels per day. The significant drop in the amounts stolen between 2002 and 2003 may be associated

⁸⁹¹ Schütz A., (1996) "The Twilight of Global Polis: On Losing Paradigms, Environing Systems and Observing World Society", in G. Teubner (Ed.), *Global Law without a State*, Aldershot: Ashgate, p275; cited from Philippopoulos-Mihalopoulos A., (2007), note 21, p85.

⁸⁹² Philippopoulos-Mihalopoulos A., (2007), note 21, p84.

⁸⁹³ Id, p85

with the strong claims that the amount stolen is considerably under-reported.⁸⁹⁴

Without doubt oil bunkering, demonstrates modern governance in oil frontiers' propensity to create vast spaces of "alienation and exclusion, a world in which the armies of impoverished youth were neither citizens nor subjects."⁸⁹⁵ It also poses existential threat to the Nigerian statehood due to the involvement of unemployed youth, armed ethnic militias, corrupt politicians, oil company staff. These groups have found a way to establish international markets for stolen oil.⁸⁹⁶ Oil bunkering, the art of "small-scale pilfering for the local market, and large-scale tapping of pipelines to fill large tankers for export"⁸⁹⁷ thrives in geographical and social landscapes in which the politics of resentment festers.⁸⁹⁸ In this milieu, the future of governance at all levels with transparency becomes an unreachable goal. Engaging with Philippopoulos-Mihalopoulos in this context, there appears to be a palpable nostalgia, a loss in the Niger Delta community. This evokes the feeling of both having lost something and of being lost. The loss is experienced in a "spectacular array of domains: politics, science, law."⁸⁹⁹ Most significantly in this instance for Niger Delta's oil communities, loss is experienced in those of their livelihood and ecosystem, with the sorrow of return pushing the communities to return as well as to resist returning.⁹⁰⁰

⁸⁹⁴ Kemedi, D.V., (2005) "Fuelling the Violence: Non-state Armed Actors—Militia, Cults and Gangs in the Niger Delta", Niger Delta Economies of Violence Working Paper Number 10. Institute of International Studies, University of California Berkeley, USA accessed on July 22, 2020 at <http://geog.berkeley.edu/ProjectsResources/ND%20Website/NigerDelta/WP/10-VonKemedi.pdf>, p16

⁸⁹⁵ Watts M., (2014), note 855, p200

⁸⁹⁶ Asuni J.B., (2009) "Special Report: Blood Oil in the Niger Delta", Special Report 229 August 2009, Washington, DC: United States Institute of Peace, accessed at <http://www.usip.org>, p1

⁸⁹⁷ Id

⁸⁹⁸ Watts M., (2014), note 855, p200.

⁸⁹⁹ Philippopoulos-Mihalopoulos A., (2007), note 21, p155.

⁹⁰⁰ Id

7.2.3.) Changing Life through ‘De-subjectivisation’: The Affect Turn in Power in the Niger Delta Oil Creek

The process of ‘subjectivising’ the citizen, given the context of the Niger Delta, calls for a process of equally ‘de-subjectivising’ them so that they can come of their subaltern toga and make their voices heard. To achieve this, three important questions are crucial, in the light of Deleuze and Guattari’s ‘desubjectification’ endeavours, inspired by Nietzschean theory of the ‘subject’. Viewing the human as a “body without organs”, the crucial questions, for Deleuze and Guattari are: first, what does it mean to disarticulate or cease to be an organism?⁹⁰¹ Second, how can we convey how easy it is, and the extent to which we do it every day?⁹⁰² And third, how can we unhook ourselves from the points of subjectification that secure us and nail us down to a dominant reality?⁹⁰³ The necessity of these questions is rationalised by Deleuze and Guattari’s perception of the human being tied to three things that most directly bind us. The first is the surface of the organism; the second, the angle of “significance and interpretation”; and the third, the point of subjectification or subjection.⁹⁰⁴ At all these levels, we are an organised organism which articulates our bodies⁹⁰⁵, and all three, according to Deleuze and Guattari act as both “signifier and signified”, and “interpreter and interpreted”. Otherwise, humans are seen as deviants and will be a subject nailed down as one, a subject of the enunciation recoiled into a “subject of the statement.”⁹⁰⁶

Therefore, the need to ‘de-subjectivise’ the human arises because engaging in a relational affect allows us to decentre, rethink, and view human nature as emergent,

⁹⁰¹ Deleuze G., & Guattari F., (1987), note 5, p159.

⁹⁰² Id

⁹⁰³ Id, p160

⁹⁰⁴ Id, p159

⁹⁰⁵ Id

⁹⁰⁶ Id

rather than fixed and immutable.⁹⁰⁷ This is because, Singh makes us see in Deleuze's affect, flows of intensity, and conjunctions of affects. These Singh refers to as the wind, fine segmentation, and micro-perceptions which have replaced the world of the subject as 'becomings' of animal, molecular, individual or general.⁹⁰⁸ Thus for Singh, the process of de-subjectification allows us to question the dominant conception of 'the subject' as "a 'standalone cognitive actor acting upon the world'. It also helps us to think in terms of 'fluid subjectivities' emergent from active engagement with the world.⁹⁰⁹ Furthermore, it enables us to abolish the normative alienated form, under which the individual is constituted in a subject, for the benefit of a "subjectivation without subjections."⁹¹⁰

VIGNETTE 27: *The Elder of Egwa II's Recollection of Failed Promises-*

O's reading of many of the materials on his laptop about the deprivation, exclusion and damage to the creeks' environment, and the gut-wrenching images already etched into his memory during his travels so far bring nothing but revulsion from within him- *does it then mean that all the claims by all the oil companies about the corporate social responsibility drives, their liaison with community development leaders and the government to provide the villages with development programmes and facilities are all a ruse or sweet talk to take away global*

⁹⁰⁷ Singh N.M., (2018), note 56, p3.

⁹⁰⁸ Deleuze G., & Guattari F., (1987), note 5, p162.

⁹⁰⁹ Singh N.M., (2018), note 56, p3.

⁹¹⁰ Rigal E., (2003) "Désobjectivation", in: *Le vocabulaire de Gilles Deleuze*, eds. R. Sasso and A. Villani, Les Cahiers de Noesis 3, p75; cited from Souladié Y., (2015) "Nietzsche, Deleuze: Desubjectification and Will to Power", in J. Constâncio, M.J. Mayer Branco, & B. Ryan (Eds.) *Nietzsche and the Problem of Subjectivity*, Berlin/Boston: Walter de Gruyter GmbH, pp394-410

attention from the Delta? He recalls the account of the 80-year-old man in Egwa 1:

I was here when the oil companies came to here in 1968. At first, we were worried and scared because of the machines they brought because as a remote community, we had never seen such foreign invasion before, especially with many white men. But they assured us that they had brought us good news, that We thought they were going to here to dig the ground and sea to find things that would make us happy and rich beyond what we and our forefathers had ever dreamed. They promised us schools, hospitals, light (electricity), and many more. Here we are nearly fifty years after, living lives worse than we had then. I think the government and the companies saw as fools and idiots who would never have knowledge of what had hit us.

What the 80-year-old's statement to O indicates, I argue, is the operation of an oil complex and petro-capitalism. These are argued by Watts to constitute a "static institutional description" and "dynamic set of forces", aiming to refigure divergent governable spaces in which contrasting identities, and forms of rule operate⁹¹¹ Therefore, with the oil companies' presence in the Niger Delta, and acting with impunity in collusion with their cronies, the institutions of customary law, inter-ethnic relations, and local-state mechanisms of resolving property and land disputes⁹¹² are

⁹¹¹ Watts M., (2004) "Resource Curse? Note 242, p54.

⁹¹² Id

challenged existentially. This calls for the Deleuzian lines of flight, movements of deterritorialization and destratification.⁹¹³ This, I argue, becomes even more prescient when observed from the field of immanence not being internal to the self, neither coming from “an external self or a nonself”. Rather, it is like the absolute ‘Outside’ that knows no ‘Selves’ because interior and exterior are equally a part of the immanence in which they have fused.”⁹¹⁴

To understand the ongoing Niger Delta environmental complexities as those of a people who have not only been ‘subjectivised’ but also held down as subalterns of oil powerplay, I engage with Souladié’s radical ‘de-subjectivation’ thesis. According to Souladié, de-subjectivising subalterns is better achieved through a “more primitive form of instinct, a fundamental principle, or a unique “causality”, which would explain the totality of becoming.”⁹¹⁵ This, touches on will-to-power which becomes both understandable and alluring. This view comes against the background of Pierre Montebello’s deconstruction of Nietzsche’s “will-to-power” which arises from struggles of forces in which every force is “immediately affectively determined by the relation it has with the other forces.”⁹¹⁶ Without this relation, nothing can express itself as will-to-power.

For the reasons of the view above, I fold the Deleuzian affect and will-to-power into Rose’s Foucauldian argument on governmentality. Rose approaches governmentality

⁹¹³ Deleuze G., & Guattari F., (1987), note 5, p3.

⁹¹⁴ Id, p156

⁹¹⁵ Souladié Y., (2015) “Nietzsche, Deleuze: Desubjectification and Will to Power”, in J. Constâncio, M.J. Mayer Branco, & B. Ryan (Eds.) *Nietzsche and the Problem of Subjectivity*, Berlin/Boston: Walter de Gruyter GmbH, p402

⁹¹⁶ Montebello P., (2001) *Nietzsche: La Volonté de Puissance*, Paris: Presses Universitaires de France, p24; cited from Souladié Y., (2015) above

from a 'third way', not through social, geographical, sociological spaces, and neither from a space of services. Instead, governmentality should be studied through a moral field binding people into durable relations.⁹¹⁷ This also embraces, as Rose suggests, a space of emotional relationships through which individual identities are constructed through their bonds to "micro-cultures of values and meanings."⁹¹⁸ Within this folding, I contextualise the de-subjectivisation of Niger Delta inhabitants from the lens of the Spivakian subaltern. This is a citizen who paradoxically has no access to the structures of citizenship, state, implying a position without identity or an absence of access to the possibility of even the "abstract structures of the state."⁹¹⁹

To achieve this contextualisation, I position O's narrative, and the other texts and official documents on the Niger Delta I have highlighted, as the 'constructed history' of the region, which highlights the work of the dominant members of the society.⁹²⁰ By this I refer to the state, oil corporations, militants and Community Development Committees representing oil communities' interests. However, these forces, being the equals of others, create contests between antagonist equals. The recording of the resolution of these contests therefore becomes the narrative of a situation in which "equals rule and are ruled by one another."⁹²¹ This structure, without gainsaying, operates at the expense of the oil communities' indigenous populations because they are not given a voice or allowed any say in the resolution.

⁹¹⁷ Rose N., (2004) *Powers of Freedom: Reframing Political Thought*, Cambridge University Press, p172

⁹¹⁸ Id

⁹¹⁹ Spivak G.C., (2014) "Scattered Speculations on Geography", *Antipode*, 46(1), pp6-7

⁹²⁰ Pocock J.G.A. (1998), note 44, p219.

⁹²¹ Id

It is on this basis I engage with the subaltern discourse. As Spivak asserts in *Critique of Postcolonial Reason*, within the great narratives of cultural self-representation, it is hard to plot “the lines by which a people construct the explanations that establish its so-called cultural identity.”⁹²² This is arguably what culminated in the now-normative question, ‘can the subaltern speak?’⁹²³ This question according to Sanders, attempts to not only “undo the prejudice and continue its deconstruction”, it also reveals how the text shades into the social, how it engages a “heteroglossia of social struggle.”⁹²⁴ Thus, by silencing the subaltern, Maggio argues, we are faced with shaping and rendering them on an epistemological level, as not being a “subject being”, making them to be “excluded by the very definition of such a subject.”⁹²⁵

From the subaltern’s situation of exclusion, abandonment, and peripheral life, we can see and understand the plight of Niger Delta’s oil communities’ inhabitants. O’s narrative has revealed the absence of basic facilities in most of the communities, including schools, hospitals, and social infrastructure. The argument to de-subjectivise them both conceptually and methodologically therefore becomes more compelling. This is because from Spivak’s evocative vocabulary of ‘raw’ and ‘uneducated’ I perceive that Niger Delta’s subalterns are ‘raw’ and ‘uneducated’, as children; “poor”, as women; and “naturally uneducatable”, as men (excluding the militants). They are those who have not yet achieved, neither possessed a subject whose *Anlage* or basis of programming includes structure of feeling for the moral.⁹²⁶ Thus, because the

⁹²² Spivak G.C., (1999), note 42, p6.

⁹²³ Sanders M., (2006) *Gayatri Chakravorty Spivak: Live Theory*, London: Continuum International Publishing Group, p33, citing Spivak G.C., (1999), above.

⁹²⁴ Id

⁹²⁵ Maggio J., (2007) “Can the Subaltern Be Heard?": Political Theory, Translation, Representation, and Gayatri Chakravorty Spivak”, *Alternatives*, 32, p426.

⁹²⁶ Spivak G.C., (1999) note 42, pp12-14; the italicised *Anlage*, my emphasis.

Deltans' lived experiences confirm our existence in a bifurcating world, de-subjectivising them, or as Smith puts it, the "dissolving the subject", can help achieve a change in their status. Through their de-subjectivication, I suggest that the Deltans' "monadology" can become "nomadology".⁹²⁷ To put this in a simpler framework, the objective of 'desubjectivisation' is to de-ground and to displace the 'subjects' of the Delta creeks'. This will help to make them become what Ma describes as the organising agent "positioned as such in an asymmetrical subject-object dialectics constitutive of life in terms of metaphysics."⁹²⁸ This is more so when the subaltern is perceived as those social groups, who have been "historically dispossessed and exploited by the State."⁹²⁹

7.3) The Epistemologies of Life in the Niger Delta: The Effect of Corruption

What appears to have transpired is that O, through his narrative, implies high incidences of corruption both at the official and community leadership levels. Through government/MNCs collusion and the dictatorial nature of governance, the degradation of the Niger Delta environment from oil exploration activities become an inevitable outcome. This has been exacerbated by the government ignoring the communications emanating from the indigenous communities and other stakeholders in favour of communications situated within the dynamics of oil profit and rent capture. Within this paradigm, I approach corruption from the time-honoured definition by Joseph Nye,

⁹²⁷ Smith D.W. (1997) "Introduction: 'A Life of Pure Immanence': Deleuze's 'Critique et Clinique' Project," in Daniel W. Smith, Michael A. Greco (trans.) *Gilles Deleuze's Essays Critical and Clinical*, Minneapolis: University of Minnesota Press, xvii

⁹²⁸ MA M-Q., (2009) "De-Situatedness: The Subject and Its Exhaustion of Space in Gilles Deleuze", in A-T. Tymieniecka (Ed.), *Analecta Husserliana: The Yearbook of Phenomenological Research, Volume CIV*, Springer Science+Business Media B.V., pp299-300

⁹²⁹ Morton S., (2003) *Gayatri Chakravorty Spivak*, London: Routledge, p45

who perceives the phenomenon as societal behaviour which “deviates from the formal duties of a public role.”⁹³⁰ This comes through private, personal, close family, collaboration, or clique, purposely to acquire pecuniary or status gains which violates the “rules against the exercise of certain types of private- regarding influence.”⁹³¹

Nye, viewing corruption from the perspective of frontier or emerging economies, within which Nigeria can be categorised, therefore presents behaviour that will be considered corrupt from a variety of conditions engendering it. These include great “inequality in distribution of wealth, political office as the primary means of gaining access to wealth, conflict between changing moral codes, weakness of social and governmental enforcement mechanisms.”⁹³² One other, but crucial condition Nye identifies, and which applies to Nigeria, when its oil and gas industry is factored in, is the absence of a strong sense of “national community.”⁹³³

Thus, from the Luhmann’s systems theory perspective, I engage with the discourse of corruption, presenting it as the spectre that primarily emanates inside a “network of structures interlinking politics and business.”⁹³⁴ Taking a cue from Hiller, I examine two crucial questions that underscore system theory’s responses to the discourse of corruption. First, why are corrupt networks mainly found in politics?⁹³⁵ And second, how can sociologists through system theory best explain this reality?⁹³⁶ Through the

⁹³⁰ Nye J.S., (1967), “Corruption and Political Development: A Cost-Benefit Analysis”, *The American Political Science Review*, 61(2), p419

⁹³¹ Id

⁹³² Id, 418

⁹³³ Id

⁹³⁴ Hiller P., (2010) “Understanding Corruption: How Systems Theory Can Help”, in G.D. Graaf, P.V. Maravic, & P. Wagenaar (Eds.) *The Good Cause: Theoretical Perspectives on Corruption*, Opladen: Barbara Budrich Publishers, p64

⁹³⁵ Id

⁹³⁶ Id

notion of differentiation and constructivist observation, Hiller provides systems theory's perspective of corruption. She opines that although the epistemology of differentiation offers no definitions that are independent of the observer, theory formation takes place at the level of second order observation.⁹³⁷ However, through constructivist theory of corruption, which distinguishes itself from action theories, what constitutes corruption and its cause are not questioned.⁹³⁸ Instead, the central question asked is how and by whom corruption is observed.⁹³⁹ What this functional analysis offers therefore, for Luhmann, is the capacity to "evidence general structure formations in society, which can then be compared in respect of functional equivalents."⁹⁴⁰

From the Deleuzean perspective, to define corruption is to define a 'concept', whereas, according to Deleuze and Guattari, a 'concept' should be taken as "an incorporeal, even though it is incarnated or effectuated in bodies."⁹⁴¹ A 'concept' is thus described by Deleuze and Guattari as the "inseparability of a finite number of heterogeneous components traversed by a point of absolute survey at infinite speed."⁹⁴² Yet, it is not to be mixed up with the situation in which it is effectuated because it does not have "spatiotemporal coordinates, only intensive ordinates."⁹⁴³ However, I align with Yue and Peters' argument that corruption, when conceived as both a concept and a phenomenon, can be accommodated within Deleuzean thinking as a "constant state of becoming."⁹⁴⁴

⁹³⁷ Id, p66

⁹³⁸ Id

⁹³⁹ Id

⁹⁴⁰ Id, citing Luhmann N., (1970) *Soziologische Aufklärung 1, Aufsätze zur Theorie Sozialer Systeme*, Wiesbaden: Westdeutscher Verlag, pp9-30.

⁹⁴¹ Yue A.R., and Peters L., (2015) "Corruption as Co-Created Rupture: A Definitional Etymological Approach" *Ephemeria, Theory & Politics in Organization*, 15(2), p446

⁹⁴² Deleuze G., & Guattari F., (1994), note 55, p21; also cited by Yue A.R., and Peters L., above

⁹⁴³ Id Yue A.R., and Peters L., (2015), note 941, p446.

⁹⁴⁴ Id

However, from the Foucauldian perspective, I argue that the concepts of corruption and corrupt practices find extensive exposition and rationalisation in Foucault's treatise on governmentality, which he sets out in two paradigms. In his first view of governmentality, Foucault asserts:

By "governmentality" I understand the ensemble formed by institutions, procedures, analyses and reflections, calculations, and tactics that allow the exercise of this very specific, albeit very complex, power that has the population as its target, political economy as its major form of knowledge, and apparatuses of security as its essential technical instrument.⁹⁴⁵

What can be taken from this is that governmentality, through biopower, and in everyday administrative parlance, has made governance acquire a broader meaning than is suggested by the terms, "dominance or control."⁹⁴⁶ As Beresford sees it, Foucault denotes power to have an effect that emerges through the modification of actions through other actions, relations, or connections, between individuals or groups.⁹⁴⁷ Then in his second perception, Foucault presents governmentality as:

...the tendency, the line of force, that for a long time...has constantly led towards the pre-eminence over all other types of power – sovereignty, discipline, and so on – of the type of power that we can call "government", and which has led to the development of a series of

⁹⁴⁵ Foucault M., (2007) note 61, p108.

⁹⁴⁶ Beresford A.D., (2003) "Foucault's Theory of Governance and the Deterrence of Internet Fraud", *Administration & Society*, 35(1), p87

⁹⁴⁷ Id

specific governmental apparatuses...and...to the development of a series of knowledges⁹⁴⁸

Aligning Foucault's two perceptions of governmentality with the Nigeria's level of corruption and lack of transparency in governance, I argue that corruption is deeply etched into the fabrics of system of governance that at public and private levels, corruption and corrupt practices are a normal governance process. Thus, public officials and politicians' looting of the treasury and money laundering, and corrupt banking and massive fraud among the youth are perceived as the sharing of the 'national cake'. This finds justification in Rasma Karklins' analysis in *The System Made Me Do It*, where she argues that in states where corruption is endemic, a paradoxical scenario plays out. On the one hand, most citizens denounce and are angry about corruption among top government officials and politicians, but "less so about malfeasance by lower-level officials."⁹⁴⁹ On the other hand, they readily make excuses for petty corrupt acts committed by themselves or their peers.⁹⁵⁰ This paradox fits perfectly within Nigeria's systemic, yet endemic corruption. That is why, in Nigeria today, incidents of administrative extortion, asset-stripping, illicit procurement, privatization, and the forming of collusive power networks⁹⁵¹ are downplayed and treated as almost normal life.

⁹⁴⁸ Foucault M., (2007) note 61, p108

⁹⁴⁹ Karklins R., (2015) *The System Made Me Do It: Corruption in Post-Communist Societies*, Abingdon: Routledge, p6

⁹⁵⁰ Id

⁹⁵¹ Id

Therefore, as Ebiede observes in the case of the Niger Delta, petro-dollar revenue has become a driver for corruption and political power.⁹⁵² This is intricately connected to both the environmental degradation of the region and the mismanagement of oil revenues, as well as the poor governance at the state and local levels in the region.⁹⁵³ Specifically talking about revenue allocation among states in Nigeria, there is a system of sharing of revenue accruing from the oil exploration and extraction, which I argue to be 'autopoietically' disjunctive. The sharing of all rents appropriated from the oil reserves are taken directly by the federal government into the federal account. Through the principle of derivation, each state according to the proportion of the taxes that its inhabitants are assumed to have contributed to the federal exchequer⁹⁵⁴ is allocated a percentage of the oil revenue. Then through the Federation Account or States' Joint Account, revenue is allocated to the states based on "need, population, and other criteria."⁹⁵⁵ Also, there is a Special Grants Account which directly designates special funds for the Niger Delta through the specially constituted Niger Delta Development Commission formed in 2001.⁹⁵⁶

However, as we shall later see with the Rivers State example, Niger Delta states, with moneys allocated to them from both the States' Derivation, and Special Grants Accounts, are more financially endowed than all other states in Nigeria. Yet, as Ebiede makes clear, the huge revenues accruing to the Niger Delta region have turned out to be a source of unaccountable wealth for the leaders of the states. The appropriate use

⁹⁵² Ebiede T.M., (2011) Conflict Drivers: Environmental Degradation and Corruption in the Niger Delta Region, *African Conflict & Peacebuilding Review*, 1(1), p144

⁹⁵³ Id

⁹⁵⁴ Watts M.J., (2005) "Righteous Oil? Human Rights, the Oil Complex and Corporate Social Responsibility", *Annual Review of Environment and Resources*, 30, p9; this formula works on the basis of 13% share of oil revenues going to each state through derivation formula as provided in the 1999 Constitution of the Federal Republic of Nigeria, as amended

⁹⁵⁵ Id

⁹⁵⁶ Id

of oil revenues for the development of the region by political leaders in the region⁹⁵⁷ has also been jettisoned. These factors have rendered the ability of the state governments to drive development in the region through the oil revenues accruing to them⁹⁵⁸ almost impossible. This is because corruption has eaten deep into the system, and thus, these realities engage the problematics raised in Karklins' questions about systemic corruption.

As Karklins asks, what exactly is a system?⁹⁵⁹ What are the prototypical structures and processes involved in states' systemic corruption, and how are others drawn into its web?⁹⁶⁰ Also, why is systemic corruption so pervasive and hard to fight?⁹⁶¹ Yet most importantly, how can systemic corruption be contained?⁹⁶² I will attempt to engage with these questions through the corruption in the Nigerian oil and gas industry. However, I must reiterate that from systems theory's perspective, finding or recommending solutions to the phenomenon is not the priority. Rather, as systems theory shows, the aim is to narrate and explain the phenomenon.

VIGNETTE 28: *Corruption at the Official Level-*

As O continues to learn more about the complexity called the Niger Delta problem among those loathe to the agitation for resource control by the Niger Delta militants and other protest groups, he finds so disturbing, the scale of corruption at the federal level, where oil revenues disappear without a trace. In one particular report by an equally keen French

⁹⁵⁷ Ebiede T.M., (2011), note 952, p145

⁹⁵⁸ Id

⁹⁵⁹ Karklins R., (2015), note 949, p3

⁹⁶⁰ Id

⁹⁶¹ Id

⁹⁶² Id

researcher in the Niger Delta dilemma, Marc-Antoine de Montclos, he finds the following extract:

In Nigeria, the mechanisms of corruption and embezzlement are sometimes very sophisticated. To start with, at production level, the NNPC (Nigerian National Petroleum Corporation) is hardly concerned with its costs. In the event of an audit, it may submit the same invoices several times. The case of oil pipeline monitoring is significant in this regard. Between 2009 and 2011, the NNPC paid \$600 million to the army to secure its oil and gas facilities, without receiving any invoice. At the same time, its joint-venture partners, like Shell, Chevron and Agip, lost 136 million barrels because of crude oil theft, or the equivalent of \$11 billion. In order to limit their losses, the latter had to pay military personnel, take out contracts with private security companies and enter into agreements with “militants” from rebel groups who agreed to disarm in exchange for more or less fictitious employment.

The cost of monitoring the oil pipelines alone soared while there was a reported increase in crude oil thefts. According to a Senate report, it went from \$ 2.23 million in 2012 to \$11.15 million in 2013 while the shortfall due to bunkering rose to \$809 million in 2013. In addition, from 2011, the NNPC signed overbilled transport

*contracts of crude oil by boat, officially to avoid theft of onshore oil pipelines.*⁹⁶³

As if the statistics here are not damning enough, de Montclos makes O more bewildered as he finds again sighing with serious indignation, frustration and melancholy, the following:

There are many reports of civil servants or private company employees manipulating the measuring instruments and super tankers' freight documents to under-estimate the volumes transported. Once again, the NNPC plays a key role. In 2013, for example, the public company was responsible for selling some 935,000 barrels per day, or 43% of the country's production and 61% of total government revenue. However, Nigeria is an exception among the world's leading oil producers. It is indeed the only country to sell 100% of its production to private traders. Usually, national companies develop commercial arms to sell their crude oil to refineries abroad. The NNPC has subsidiaries such as Hyson, Calson, Napoil, Duke Oil and Nigermid. Yet their sales capacity is extremely limited internationally. In practice, the NNPC's business model is rather closer to those of the national companies of South Sudan and Congo-Brazzaville, two countries

⁹⁶³ de Montclos, M-A.P., (2018) "Oil Rent and Corruption: The Case of Nigeria", *Études de l'Ifri, Ifri*, p22

*which are not really known for their transparency and good governance.*⁹⁶⁴

Given the staggering revelations from O's narrative, my position as a second order observer is that Niger Delt's environmental dilemma will continue to defy solutions unless the existing endemic corruption is addressed with a root-and-branch investigation and transparency principles. In Luhmannian terms, what seems to pan out in Nigeria's hydrocarbons industry and associated endemic corruption, is that in everyday communication, public officials, politicians, and vested private interests can be bought. As Hiller views it from the systems theory perspective, the allegation of corruption simply means that the political system has been 'irritated' by the logic of an extraneous system. In this case, power is exchanged for money and political decisions are no longer determined only by political concerns.⁹⁶⁵ Also for Hiller, if corruption is the abuse of political power, then it is abuse in favour of a different logic, in this case an economic one.⁹⁶⁶ These positions for Hiller, support Smelser's view of corruption as the linkage of "different horizons of meaning in social communication."⁹⁶⁷ But the most important question here is, how do these linkages of meaning that we call corruption come about? The answer for Smelser, is not found in the functional contexts of society, but at the level of their organisations.⁹⁶⁸

⁹⁶⁴ Id, p27

⁹⁶⁵ Hiller P., (2010), note 934, p68.

⁹⁶⁶ Id

⁹⁶⁷ Id citing Smelser N.J., (1971) "Stability, Instability, and the Analysis of Political Corruption", in, B. Barber & A. Inkeles (Eds.) *Stability and Social Change: In Honour of Talcott Parsons*, Boston: Little Brown, pp7-29.

⁹⁶⁸ Id

Within the Foucauldian conceptualisation of corruption, from the perspective of governmentality (governance), Beresford makes us to see an exercise of power, by means of language, a system of signs, or any other “symbolic medium”.⁹⁶⁹ As Beresford takes it further from Foucault, corruption entails an interplay of relationships within a non-hierarchical environment, including both governmental and nongovernmental groups.⁹⁷⁰ These are relations between individuals and groups, communication of information, and capacities to modify action.⁹⁷¹ It is within the Foucauldian framework that I find the capacity and virulence of Nigeria’s endemic and systemic corruption. This is justified with Foucault’s “external ends of governmentality” which seeks to achieve the “perfection and intensification of the processes” it directs through multiform tactics.⁹⁷²

Overall, one can only agree with Karklins’ argument that in the case of systemic corruption, the common definition is the “misuse of public power for private gain.”⁹⁷³ As Karklins opines, this reaches a higher level of significance for a number of reasons. First, the public power that is entrusted to officials to be used for the public’s good rather than that of the officials themselves⁹⁷⁴ is twisted to favour the officials. Second, and conversely, the democratic idea of “explicitly public roles of politicians and administrators, who are accountable to the governed”⁹⁷⁵ becomes invaluable without which the consequences for public and private life are damaging. This is because, as

⁹⁶⁹ Foucault M., (1982) “The subject and Power”, in H.L. Dreyfus & P. Rabinow (Eds.) *Michel Foucault: Beyond Structuralism and Hermeneutics*, Chicago: University of Chicago Press, p217; also cited by Beresford A.D., (2003), note 946.

⁹⁷⁰ Id

⁹⁷¹ Beresford A.D., (2003), note 946, p83.

⁹⁷² Foucault, M. (1991) “Governmentality”, in G. Burchell, C. Gordon & P. Miller (Eds.), *The Foucault Effect: Studies in Governmentality*, Chicago: University of Chicago Press, p95; also cited by Beresford A.D., (2003), note 946.

⁹⁷³ Karklins R., (2015), note 949, p4.

⁹⁷⁴ Id

⁹⁷⁵ Id

Karklins sees it, the dominant political habits linked to unofficial ‘rules of the game’, known as administrative corruption within public institutions, tend to take on a “systemic nature.”⁹⁷⁶ This in turn, becomes intractable, long-term. Pavlova equally echoes these views, agreeing with Karklins’ problematisation of corruption as not only an “un-reflexive participation” in corrupt practices by ordinary people, but also a lack of a sense of responsibility for these actions.⁹⁷⁷ As a collective action problem, corruption also highlights the question of individual engagement into group corruption or anti-corruption dynamics, but with a particular focus on the interpretation of corruption as “normal” behaviour.⁹⁷⁸

VIGNETTE 29: *Corruption at the State and Local Government Levels-*

Having gone through the nightmarish events of the revelation of the scale of fraud he read in the de Montclos report, he asks: *could there be more?* To this, in his mind wandered, and he answers- *oh yes, there must be and the thought of if there is more is naïve. There is more, no doubt, I must look into the cases in the states that I have already read somewhere, so let’s go through again- oh yes, the Human Rights Watch’s report title of “Chop Fine”, a pidgin expression that is suggestive!* The level of corruption he discovers is even on a larger scale than at the federal level! O can only stomach a brief part of the report:

Governance at the state level in Rivers is plagued by many of the same problems that have crippled the state’s local governments. This is

⁹⁷⁶ Id, pp6-14

⁹⁷⁷ Pavlova E., (2020) “Corrupt Governance: Self-Defeating Anti-Corruption Rhetoric and Initiatives in Russia”, *New Perspectives*, 28(2), pp206

⁹⁷⁸ Id

evidenced not only by the opaque and unaccountable manner in which the state dispenses with its revenues, but also by a host of other basic failures of governance. The Rivers State government's 2006 budget projected total government spending in excess of N168 billion (\$1.3 billion), double the amount the state had to spend as recently as 2004 and more than the annual budgets of several West African countries. Some items included in the budget's expenditure smacked of extravagance, waste and. They include:

- N4.33 billion (\$33.2 million) for unspecified "Grants, Contributions and Donations" and "Grants for Women, Youths and Other Organizations.
- N5 billion (nearly \$38.5 million) as Security Vote.
- N10 billion (\$77 million) for unspecified "Special Projects," an item that did not even exist in the 2005 budget.
- \$65,000 per day for the governor's transport and travel.
- N1.3 billion (\$10 million) for catering services; "Entertainment and Hospitality"; and "Gifts and Souvenirs for Visitors to Government House".
- N5 billion (\$38.4 million) for the purchase of two helicopters and the construction of landing facilities.

- N1.5 billion (\$11.5 million) for the purchase of new vehicles for Government House, even though N800 million was budgeted for this same purpose in 2005.⁹⁷⁹

In finding a systems theory's explanation for, and understanding of this monumental scale of fraud, I engage with Luhmann and Barrett's assertion that in the political system, structures develop that do not derive from the decisions of the system.⁹⁸⁰ Although they come into being only if the system works autopoietically, it (the system) can accordingly reproduce itself through decisions.⁹⁸¹ To this end, organisational cultures within the political system are contingent on how they come into being; they arise only based on the operations of the system that uses them as structures. They are not treated as contingent in the system but regarded as 'self-evidences' that are understood and accepted by everyone who has experience with the system and is familiar with it.⁹⁸² Thus, what I interpret to obtain in the Nigerian political system, is the development of a network of organisational structures that make decisions departing from the principles of transparency, trust, and sincerity of purpose. These have culminated in the disabling of a possibility of structural coupling with the economic system whose communication rests in the ideal, transparency of decision making. And as Hiller puts it, when we think about networks in politics, such as those which currently operate in Nigeria, what comes to mind is the 'spoils system' as political organisations.

⁹⁷⁹ Human Rights Watch (2007) *Chop Fine: The Human Rights Impact of Local Government Corruption and Mismanagement in Rivers State, Nigeria*, Human Rights Watch Reports, 19(2(A)), accessed on July 15, 2020 at <https://www.hrw.org/sites/default/files/reports/nigeria0107%5B1%5D.pdf>, citing the official Rivers State 2006 Budget, pp75-6

⁹⁸⁰ Luhmann N., and Barrett R., (2018) *Organization and Decision*, Cambridge University Press, p110; also cited by Hiller P., (2010), note 934.

⁹⁸¹ Id

⁹⁸² Id

Such a system appears to specialise in controlling official posts and power advantages by means of networks of relations.⁹⁸³

VIGNETTE 30: *Corruption at the Community Leadership Levels- Egwa II's Stand-off-*

The Human Rights Watch's report also takes his mind back to two his earliest trips to the Delta- the trip to Egwa II and Jones Creek. At Egwa II, a meeting had been scheduled with the community's women group, the elders, and the youth group- 'Kain boys' to generally discuss the state of the community's social and economic life. O recalls that as the meeting was about to commence, having gathered in the rickety community hall, a well-dressed man in his late forties came in and asked what was going on. The Women's leader then chatted to him and suddenly, he accosted O, saying, *"you are welcome to our community. I am the Vice Chairman of the Community Development Community here and we are the people who decide who comes from outside to talk to our people. As far I as I am concerned, there is no record that you have contacted us to arrange this meeting, so I am afraid this meeting will not go ahead We really appreciate your concern about our community's situation."*

O tries to plead with the Vice Chairman, but he is not ready to listen, he insisted that that was the final decision, and then authoritative stated: *"you can come back at a later date, but that is after you come to us to*

⁹⁸³ Hiller P., (2010), note 934, p75.

obtain authorisation”, to which O asked: okay, “please where is your office here so I can come?” However, the Vice Chairman laughed and looked at O, saying: we don’t have our office here; we are in Warri, and we come here once a week as I just did today to know what is on the ground.” He then left the hall. At this time O recalls looking back and finding the hall virtually empty, save three of the ‘Kain Boys’ who had become so furious they angled for a fight, protesting that “this is what these CDC people have be making us to go through every time. They don’t live among us but in big mansions in Warri and drive the latest big cars after the oil companies gave them a lot of money, but we are left here suffering and don’t want us to say our minds. We have had enough of this.”

O remembers calming these disaffected youths down and quietly left the community, thinking: *there must be something true about what these youths are saying- so these leaders have also contrived to collude with the oil multinationals to make the matter even worse for their own people? But then, I have to leave that for another time. This threat has to be averted fast and quick.*

Again, systems theory enables an understanding of how networks and power relations, as shown in O’s exposition above, engender processes of pushing through “exclusionary decisions” because careers are owed to selection procedures practised

by organisations.⁹⁸⁴ This is shown in the CDC vice chairman's decision to terminate the meeting in the community hall to safeguard the continued existence of the committee. He succeeds by not allowing extraneous communication to emanate from the community's inhabitants. Yet as Luhmann and Barrett reiterate, decisions are observations which observe with the help of sub-decisions called "alternatives".⁹⁸⁵ Hence, decision-making paradoxes are "undecidable" because every decision contains its opposite. Its unity is accordingly a paradox, depending on "what distinctions are used"⁹⁸⁶ For this, Hiller notes that even supposedly 'rational' personnel decisions are influenced by specific interests.⁹⁸⁷

VIGNETTE 31: *Government/MNCs Collusion and the Dictatorial Nature of Governance*

O, still stunned by the scale of corruption at all levels of government and the willingness of the private sector and individuals not just to condone but also to participate in, reads the de Montclos paper with even a keener interest, and 'boom', he discovers another bombshell:

The Nigerian Government has put in place a "Nigerianisation" of the industry, a process called local content (enabled by the Local Content Act 2010). Yet, most of the entities enjoying the benefits of this policy are briefcase companies which just take commissions on behalf of politicians or shady businessmen.

⁹⁸⁴ Id, citing Luhmann N., (1995) *Soziologische Aufklärung 6: Die Soziologie und der Mensch*, Wiesbaden: Westdeutscher Verlag

⁹⁸⁵ Luhmann N., & Barrett R., (2018), note 980, p104, also cited by Hiller P., (2010), note 934.

⁹⁸⁶ Id; here, distinctions refer to means and ends, before and after the decision, and self-generated. uncertainty.

⁹⁸⁷ Hiller P., (2010), note 934, p75.

Awarding them contracts helps to strengthen government clienteles, or conversely, to eliminate opponents from the competition. Sometimes, these briefcase companies also fund political campaigns, for example during the 2003 presidential elections, when one of them obtained a crude oil export licence at \$65 per tonne instead of \$180 for the multi-nationals, with the instruction to pay the difference to the party in power at the time.⁹⁸⁸

Using systems theory to explain the reality de Montclos paints above, I relate to Boldyrev's rationalisation of Luhmann's perspective of the economy as a social system. As Boldyrev notes, in the economic system, communications manifests through payments, regulated by money and prices. Any communication is therefore, reproduced only by being linked to other communications whose ontological level is beyond the levels of resources⁹⁸⁹, such as goods, services, and natural resources. But in the Nigerian case, I see graft, embezzlement, money laundering, nepotism, and bleeding of the treasury as the "other communications" whose ontological level is beyond the levels of resources. In this context, I see Nigeria's economy within Boldyrev's "hypercomplex system", in which the economy regards its own complexity as "a problem and attempts to handle it within different contexts."⁹⁹⁰

⁹⁸⁸ de Montclos, M-A.P., (2018), note 963, p20.

⁹⁸⁹ Boldyrev I.A., (2013) "Economy as a Social System: Niklas Luhmann's Contribution and its Significance for Economics", *The American Journal of Economics and Sociology*, 72(2), pp265-292, DOI: 10.1111/ajes.12013, pp267-8

⁹⁹⁰ Id, p269

I therefore consider the foregoing with the autopoiesis-affect folding to imply that governance and corruption, in the Nigerian context, are “co-extensive and even indistinguishable”. The consequence of this is that standard systems theory’s notions of ‘closure’, ‘system’, ‘environment’, ‘distinction’, ‘communication’, and ‘function’, fold into themselves to yield “a torsion with a newly felt materiality”⁹⁹¹ of affect. However, it is important to note that this fold or encounter, as systems theory invariably reveals, does still not yield an outcome, as there is no concluding section that explains what happens⁹⁹² to the two sides of the fold. It is for this reason, Philippopoulos-Mihalopoulos sees this folding as creating blind spots through autopoietic “relevance of bodies and materiality.”⁹⁹³ This then helps to explain the politics of connection and misunderstanding, the possibility of transformative action, and the continuing relevance of retaining the illusion in the politics of “individuation.”⁹⁹⁴ I therefore take this to mean that Nigeria’s systemic corruption has impinged on the Niger Delta oil environment in severe anthropogenic terms, with no seemingly solution in sight.

The systems-affect interpretation of the Nigerian system corruption also helps to find explanation in concrete end empirical terms, for how Nigeria finds itself in its current economic-environmental quagmire. The network explanation has been used to justify how the Nigerian ‘oil complex’ was assembled historically. Upon the discovery of vast oil reserves in Oloibiri in 1956, the techniques of usurpation, exclusion, and denial of property rights to the Deltans began in earnest. This culminated in the Land Use Decree in 1978 under the military regime, and later the Land Use Act 1979, upon the return to democracy. Thus, according to Watts, oil-bearing lands became nationalised,

⁹⁹¹ Philippopoulos-Mihalopoulos A., (2013), note 76, p61.

⁹⁹² Id

⁹⁹³ Id, p62

⁹⁹⁴ Id

while leases and licenses were awarded, typically with little or no transparency, to oil companies who were compelled to participate in joint ventures with the Nigerian state.⁹⁹⁵ And although compensated cosmetically through ad hoc and arbitrary measures for the loss of their land rights and the costs associated with the industry's operations, oil communities across the Delta have steadily lost access to their lands.⁹⁹⁶

The consequence of these realities have seen oil companies building alliances with local political forces, dealing directly with powerful chiefs and chieftaincy systems through the exercise of "lineage-based gerontocratic powers."⁹⁹⁷ This has allowed oil multinationals, for nearly three decades, to operate with impunity, cutting deals with chiefs and elders and the political class, who "through direct cash payments, contracts, and community funds", have amassed considerable wealth.⁹⁹⁸ This then makes the question as to whether oil hinders democracy and governmentality, relevant. In finding the answers to the question, I engage with Ross' seminal article, titled same: "Does Oil Hinder Democracy?"⁹⁹⁹ According to Ross, primarily through the "rentier, modernisation, and repression effects", oil does hinder governmentality. As he notes, in frontier economies, when rising incomes are traced to oil wealth, the effect of governmentality¹⁰⁰⁰ shrinks or disappears.

What Ross seems to prove is that through the "rentier effect," resource-rich governments use low tax rates and patronage to "relieve pressures for greater

⁹⁹⁵ Watts M., (2014), note 855, p198.

⁹⁹⁶ Id

⁹⁹⁷ Id

⁹⁹⁸ Id

⁹⁹⁹ Ross M.L., (2001) "Does Oil Hinder Democracy?" *World Politics*, 53, pp325–61

¹⁰⁰⁰ Id, p326

accountability.”¹⁰⁰¹ However, through the “modernisation effect”, growth based on the export of oil and minerals fails to bring about the social and cultural changes that tend to produce democratic government.¹⁰⁰² And through the “repression effect”, resource wealth “retards” democratisation by enabling governments to boost their funding for internal security¹⁰⁰³ at the expense of social welfare and human development. Therefore, I believe the “repression effect” fits more appropriately into Nigeria’s case. This is because what has become a permanent feature of Niger Delta’s communities is the deployment of military forces to preserve oilwells and facilities. This method has also been adopted to preserve politicians’ self-interest against popular pressures, and to suppress militants’ violent activities¹⁰⁰⁴ the government has branded “environmental terrorism”. The militants, truly, have been known to target oil pipelines, expats, and influential stakeholders in oil exploration and development through bombing, kidnapping, and lethal violence. Therefore, the “repression effect” has been operating in the Niger Delta over time, with the government’s use of force to keep the public demobilised.¹⁰⁰⁵

Taking inspiration from Foucault’s rational schemas paradigm, I argue that what currently operates in Nigeria’s oil and gas industry is the nationalisation of “explicit programmes” and sets of calculated, “reasoned prescriptions” of governance.¹⁰⁰⁶ This is evident through institutions which are meant to be reorganised, space arranged, behaviour regulated¹⁰⁰⁷, but in systemically corrupt dimension at all levels in Nigeria.

¹⁰⁰¹ Id, pp327-8

¹⁰⁰² Id, p328

¹⁰⁰³ Id

¹⁰⁰⁴ Id, p335

¹⁰⁰⁵ Id, p339

¹⁰⁰⁶ Foucault M., (1991) “Question of Method”, In: G. Burchell, C. Gordon and P. Miller (Eds.) *The Foucault Effect: Studies in Governmentality*, The University of Chicago Press, p80

¹⁰⁰⁷ Id

This, for Pavlova, invites us to view high levels of corruption as a discursive field to rationalise corrupt behaviour.¹⁰⁰⁸ Therefore, seeing Nigerian as a ‘hallowed’ member of states belonging to the “resource curse” club, I argue that Niger Delta has come full circle to justify the resource-curse economic theory. This suggests that resource-rich, especially oil-and-gas-rich, countries have generally exhibited lower levels of sustainable economic growth, less diversified economies, less democratic governments, and more potential for political turmoil.¹⁰⁰⁹

The overall summation that I take from this chapter is that Niger Delta’s inhabitants are being ‘subjectivised’ through state power and the powerful forces benefitting from the economic benefits of hydrocarbons. In the same vein, the environment and ecosystem are being devastated through the anthropocentric forces of Capital. Therefore, there is an urgent and desperate need for global actors to appreciate the logic behind the cries of the Niger Delta communities. As highlighted through O’s narrative, Saro Wiwa’s *Genocide in Nigeria*, and the environmental apprehensions coming from them, it is now globally acknowledged that the epoch of the Anthropocene has forewarned an irrefutable and inevitable global reality. This reality the destruction of the Delta is bound to play a significant role in, is part-human Armageddon within Negarestani’s apocalyptic view of oil as post-mortem production of organisms bound to death.¹⁰¹⁰

¹⁰⁰⁸ Pavlova E., (2020), note 969, p210, referencing Thomas Lemke; and Foucault M., (1991) “Question of Method” above

¹⁰⁰⁹ El-Gamal M.A., & Jaffe A.M., (2010) *Oil, Dollars, Debt, and Crises: The Global Curse of Black Gold*, Cambridge University Press, p15

¹⁰¹⁰ Negarestani R., (2008), note 38, p16.

CHAPTER EIGHT

8.0) Concluding Thoughts

I began this research journey by setting out to find a different way of understanding and exposing the decades-long cataclysmic effects of hydrocarbons' exploration on Niger Delta's people, environment, and ecosystem. I primarily adopted the narrative/analytical approach, engaging with the voice of the fictional character, 'O' to achieve this objective. I found out how O's narratives roused my memory of a difference between system and environment as second order observer, to reflexively create a forum for sharing with the world, the untold stories of Niger Delta's oil communities. The narrative presents Niger Delta indigenes as people who exist in zones I perceive and referred to as those of 'exclusion'. I took inspiration from the narrative approach, based on the narrative's capacity to modify its assumptions and values, as well as the systems of authority or the contexts of reference in which it is situated. This comes with the benefit of having no apparent theoretical and methodological limit to this constant modification and re-narration.¹⁰¹¹

However, I found that this approach, which in some way, makes me an historian of lived experiences of the Niger Delta people, does not set me free of a certain 'subjectivity'. This is because as Pocock makes me realise, historians, as functionaries or as citizens, are constantly drawn back into the "construction of the history that expresses and legitimates the being of the society."¹⁰¹² Pocock reminds me that as advocates and as partisans, narrators are constantly drawn into the "contestations and

¹⁰¹¹ Pocock J.G.A. (1998), note 44, p219.

¹⁰¹² Id

factions among the citizens”¹⁰¹³ which are pursued by writing histories from different standpoints. This informed my choice of what I termed a multiplicity of theory and methodology. This is because of the realisation that we are currently overlooking many realities through conventional methodologies that do not appreciate the invaluable properties of multiplicity or assemblages. However, multiplicity asks us as researchers, whether we can create a knowledge of realities or have a full grasp of them.¹⁰¹⁴

Law has also stressed that as researchers, we must acknowledge the transformation of our contemporary world into ‘multiples’ and hence, in “a ‘generative flux’ that produces realities.”¹⁰¹⁵ This implies that research needs to embrace an assemblage of methodologies through an enactment or crafting of a bundle of ramifying relations that generates presence, manifests absence and ‘Otherness’. In this environment, it is the crafting of presence that distinguishes research as a “method assemblage.”¹⁰¹⁶ It is for this reason that I, although made my methodological approach autoethnographic, validated it with deskwork and the content/textual analysis of narratives and official reports on the Niger Delta oil environment. In the process, I adopted as my theoretical foundations: Luhmann’s Systems Theory, Deleuze’s affect, and Foucault’s biopolitics/governmentality to ground my analysis. These choices were a conscious decision, coming from the background of my understanding that of all qualitative methodological tools, autoethnography affords me the opportunity to reflexively create a forum for sharing with the world, the untold stories, and narratives of people in zones of ‘exclusion’ of Niger Delta.

¹⁰¹³ Id

¹⁰¹⁴ Law, J. (2004), note 174, p2.

¹⁰¹⁵ Id

¹⁰¹⁶ Id

In the process of achieving my research purpose and goal, I posed some critical research questions: first, can it be argued that the conceptual and material absence of communication between the human and the natural within the Nigerian legal system is what continues to pose obstacles to an effective regulatory oversight of Nigeria's oil and gas industry? The answers to this, I intend to locate in the initialisations of a trust system which seeks mutual and stabilised relationships among all stakeholders through coherent communication in ecological terms for an effective governance structure for the Niger Delta environment.

Second, I asked whether it can be argued Nigeria's command-and-control approach to its oil resource management explains the autopoietic loss of system resilience to external perturbations. This was viewed within the paradigm of the 'pathology of natural resource management' resulting in the devastating impacts of Niger Delta's environment's degradation. Equally, the answers to this, I intend to locate in subjective understandings about the knowledge and power of both the state, multinationals, and deviant and violent groups in the Niger Delta to achieve a psychosocial justice over the degradation of the environment.

Third, given the uncertainty of its oil and gas industry's environmental regulation, can Foucault's ecogovernmentality provide avenues to achieve effective regulation and environmental remediation in Nigeria? This was considered within the context of the relationships between institutional capacities, coordination and coherence of economic processes, and social action. Again, the answers to this, I intend to locate in a purposeful departure from the current apportioning of blame and buck-passing by all the stakeholders. To move forward, all stakeholders need to prioritise the

understating of the volatility of exploration and utility of the oil resource, and at the same time, gaining newer knowledge of the resource's impact on the health of the indigenous communities, the environment and ecosystem.

Finally, I asked that with high levels of corruption and weak government capacity to institutionalise effective regulation, whether the idea of network governance can provide opportunities to re-orientate the governance of Nigerian the hydrocarbons industry without hindrance. The network governance was considered in this context with its character of fairness, generalised reciprocity, leadership accountability, learning and trust participation among all stakeholders in the Niger Delta. The answers to this, I intend to locate in the institutionalisation of a network governance that targets a form of justice that is "transcendent" to all other considerations. This is justice that seeks to prioritise the communities' "emotional geographies" in order to mediate the current struggles over the hydrocarbons resource and their deleterious impact on the environmental the people.

Therefore, in my responses to these questions, the general conclusion I came to is that the dynamics of the complex interaction of politics, power, and economics in crude oil exploration and development has culminated in severe and negative environmental impacts in anthropogenic and Anthropocenic terms. These have constantly materialised in the conflicts in the indigenous communities in respect of access to, and control of the natural resource, as well as land and property rights. Thus, I have narrated the lived experience of the inhabitants of the oil communities, referring to them as the subaltern of the Nigerian state. I used the affect/immanence assemblage to engage with the multiplicity creativeness in methodology. Through this, I have

produced life stories from Deleuze's 'states of things', a transcendental empirical endeavour to trace the lines between immanence and 'a wider series', or relationality, extracting what is immanent to¹⁰¹⁷ those things.

Within this narration, through systems theory, I elaborated on the status of the Nigerian state, oil multinationals, oil communities and other stakeholders as function systems where there is constant breakdown in communication between the human and natural entities they constitute within the legal system. This was with a target of looking beyond the blame or buck-passing game currently being played out among these powerful stakeholders at the expense of the subalterns. As I found instead, what the current dynamics requires is a representation system that I foresee as a 'transcendent justice' capable of achieving relational and social interaction mechanisms among all stakeholders to minimise and manage environmental incidents in the oil communities.

Therefore, I attempted to retell the narrative of Niger Delta's environmental debacle, situating the inhabitants with Spivak's classification of the subaltern or the 'Other'. From this, I submit that I have been able to establish that the identities and counter-histories of the voiceless and disenfranchised can be buttressed by "the specificity of a group's concrete experiences."¹⁰¹⁸ What follows below are the avenues I propose in creating more understanding of, or probably, finding ways out of the current Niger Delta environmental dilemmas.

¹⁰¹⁷ Coleman R., and Ringrose J., (2013), note 177, p10.

¹⁰¹⁸ Ireland C., (2004), note 43, p4.

8.1) Luhmann's Trust Principle: Putative distinctions for Justice as a Psychosocial System of Humanity

Although Luhmann is noted for highlighting society's inability to cope with more complexity with the help of greater "rationality"¹⁰¹⁹, I find in Hirschi, a deconstruction of the problematic to reduce the complexity. Hirschi argues that to remain capable of action, society must adapt "archaic judgment and decision techniques" to the conditions of modern life.¹⁰²⁰ This he finds in Luhmann's own view of trust and procedures as the successful adjustment of this technique to the challenges of "modern complexity."¹⁰²¹ He sees in Luhmann's assertion how:

Trust reduces social complexity by going beyond available information and generalising expectations of behaviour in that it replaces missing information with an internally guaranteed security. It thus remains dependent on other reduction mechanisms developed in parallel with it, for example those of law, of organization and, of course, those of language, but cannot, however, be reduced to them.¹⁰²²

The trust here, for Luhmann, goes "beyond explanation" but embraces a "blending of knowledge and ignorance, and familiarity with the social surroundings"¹⁰²³ However, in more complex societies such in Nigeria's case, trust needs to be embedded through closeness and familiarity. This is because as Luhmann also admits, the complexity of

¹⁰¹⁹ Hirschi C., (2018) "Regulation and Transparency as Rituals of Distrust: Reading Niklas Luhmann against the Grain", in E. Alloa, D. Thomä (Ed.), *Transparency, Society and Subjectivity: Critical Perspectives*, Palgrave Macmillan, pp227

¹⁰²⁰ Id, citing Luhmann above.

¹⁰²¹ Id

¹⁰²² Luhmann N., (1979), note 774, p93; cited by Hirschi C., (2018) above

¹⁰²³ Luhmann N., (1983) *Legitimation through Procedure*, Frankfurt/Main: Suhrkamp, p26, cited also by Hirschi C., (2018) above

the social order creates a greater need for coordination, hence a need to determine the future.¹⁰²⁴ Under these circumstances,

...familiarity and trust must seek a new mutually stabilising relationship which is no longer grounded in a world which is immediately experienced, assured by tradition, and close at hand. Assurance for such a relationship can no longer be provided by shutting strangers, enemies, and the unfamiliar outside some boundary. History then ceases to be remembrance of things experienced and is instead simply a predetermined structure which is the basis for trust in social systems.¹⁰²⁵

In this regard, I find in Cheng, that the ideas of trust and familiarity in systems theory, involve the practices of social members and their common-sense knowledge of social structures. In this structure, their accounting of the settings as reportable and understandable, and their accounting practices as a texture of relevance constitute their “further accounting practices.”¹⁰²⁶ Yet it is pertinent to juxtapose Cheng’s view with Hirschi’s on the transformation of familiarity into a new kind of trust in systems. As Hirschi opines, trusting procedures inevitably assume the character of ‘systemic trust’ which emerges from procedures affording participants and observers the opportunity to anticipate and reconstruct decision processes.¹⁰²⁷ It is against this background that I propose a type of justice system for the Niger Delta environment with systems theory: justice as a psychosocial system of humanity. This is based on putative distinctions for second order observation. This idea arose during many

¹⁰²⁴ Id, p20

¹⁰²⁵ Id

¹⁰²⁶ Cheng L.Y., (2012), note 50, p4.

¹⁰²⁷ Hirschi C., (2018), note 1019, pp229-30.

interactions during research between a research advisor and I, culminating in an a yet-to-be-published paper on the Niger Delta in this direction.¹⁰²⁸

What is being proposed here is that the indigenes of the Niger Delta are entitled to a certain level of justice over the degradation of their environment and the threat to their welfare. It becomes the first imperative in remediating the harm done by oil and gas extraction to the region and its people.¹⁰²⁹ However, through a psychosocial construct, justice in Luhmannian terms can characterised by a plurality of subjective understandings. And so, I immediately acknowledge that this is a contingency formula, bound to law's operations with no guarantee that it will come to fruition, even if the legal operations are performed perfectly and legally. However, there is a vague societal perception of justice in operation as a behavioural expectation that it can administer fairness and that it can mete out retribution for harm. It is within this paradigm that the Niger Delta is placed in a situation that is critical for human welfare to make the dispensation of psychosocial justice affirmed and reinforced. This is because the assertion of law that justice means that like cases must be treated alike does nothing to advance its appreciation.

Thus, it is possible to imagine an adaptation of Luhmann's theory of social systems that situates justice within it in a 'rôle' appropriate for observing operations that pertain to expectations, the economy, and the environment. This also applies to the lived experience of the people as this will provide a useful resource for recalibrating law and regulation over the Niger Delta question. Against this background, as shown in this

¹⁰²⁸ Gilson C., (2018) "Justice as a Psychosocial System of Humanity: Putative Distinctions for Second Order Observation in the manner of Luhmann", Unpublished Paper and Research Collaboration/Interaction with Olalekan Bello, November 2018

¹⁰²⁹ Id, p1

thesis intended outcomes, the goal of the narrative endeavour is to: first, achieve the creation of an effective governance structure for the Niger Delta environment and the health and safety of the people based on coherent communication in ecological terms. Second, there is a need to achieve the institutionalisation of an integrated, mutual, structurally processed, and self-referential communication system in such a dynamic that engages the knowledge and power of deviant and violent groups in the Niger Delta, understand their disaffections, and coordinate their frustrations.

To this end, what I have tried to establish, going by the above arguments, I submit, aligns with Luhmann's theory of trust that familiarity. Systemic trust in social and human/personal systems can be made to be symmetrical when a change in the direction of putative justice arises. This can herald a shift from bases of trust which are defined in primarily emotional terms to those which are primarily presentational¹⁰³⁰ in the Niger Delta.

8.2) Making Affect in the Delta Storyworld

Locating the inhabitants of the Niger Delta as citizens living on the periphery of the Nigerian society, excluded, voiceless and hapless, the subalterns of the petro-state, I believe that their lived experiences can also be used to turn their fortunes around. This is achievable by situating their lived experiences within the affect those experiences demonstrate to the stakeholders in the Delta and the reading public. This is because as a historian of their lived experiences reflecting O's voice, the Niger Delta society's dissensions, frustrations, and yearnings have manifested in their capacity to endure

¹⁰³⁰ Luhmann N., (1983) *Legitimation through Procedure*, note 1023, p22.

dissensions and take decisions in contested spaces¹⁰³¹ and can become agreeable. As Pocock makes us to see, narrative as that seen from the Niger Delta may help showcase the society's existence in a world "larger than itself, far more complex and disorderly than it has ever managed to control."¹⁰³²

Thus, in so far as that society is "a sophisticated and supple one", it is evident from their lived experiences that the oil communities will be able bear new shocks and recognise their own limitations. In the same breath, their narrative will become part of the history of this capacity and it.¹⁰³³ By situating their lived experiences within their affect, the Niger Delta's storyworld can be situated within Deleuze's transcendental model of image 'recognition'. To this extent, Deleuze conceptualises 'recognition' to rely on a subjective principle of collaboration of the faculties for 'everybody'...a "common sense as a *concordia facultatum*...the form of identity in objects relies upon a ground in the unity of a thinking subject, of which all the other faculties must be modalities."¹⁰³⁴ For Deleuze therefore,

This is the meaning of the Cogito as a beginning: it expresses the unity of all the faculties in the subject; it thereby expresses the possibility that all the faculties will relate to a form of object which reflects the subjective identity; it provides a philosophical concept for the presupposition of a common sense; it is the common sense become philosophical.¹⁰³⁵

¹⁰³¹ Pocock J.G.A. (1998), note 44, p220.

¹⁰³² Id

¹⁰³³ Id

¹⁰³⁴ Deleuze G., (1994) note 508, p133.

¹⁰³⁵ Id

Added to the 'recognition' principle above, Deleuze and Guattari, in *A Thousand Plateaus*, assert that in bringing affect into operation to achieve 'de-subjectivisation' in societies like Niger Delta, society must loosen itself from the chains of stratification. The question then is, how do we then achieve this? Deleuze and Guattari believe that because we are in a social formation, we must first observe the social formation is "stratified for us and in us and at the place where we are."¹⁰³⁶ We can then descend from the strata to the deeper assemblage within which we are held, gently tipping the assemblage, and making it pass over to the side of the "plane of consistency."¹⁰³⁷

Given this paradigm set by Deleuze, I suggest that it becomes practicable, as highlighted in this thesis' intended outcomes, to achieve a system of governance that will see the various community stakeholders, NGOs, women groups, partake in the environmental governance process. At the same time, they be able to frame the present context as a needed response to a perpetrated harm and a disenfranchisement of people, given the 'affective' implications of their lived experiences, both derived from their narrative and the discourse of their subjectivity to state power and control. As Etzioni aptly puts it, community, which forms the basis of Deleuze's stratification, is defined by two characteristics. These are, first, a web of affect-laden relationships among a group of individuals, relationships that often criss-cross and reinforce one another.¹⁰³⁸ Second, there is a measure of commitment to a set of "shared values, norms, and meanings, and a shared history and identity...to a particular culture."¹⁰³⁹ It is against this background that Rose argues that the

¹⁰³⁶ Deleuze G., & Guattari F., (1987), note 5, p161.

¹⁰³⁷ Id

¹⁰³⁸ Etzioni A., (1997) *The New Golden Rule: Community and Morality in a Democratic Society*, London: Profile, p127

¹⁰³⁹ Id

governance of the community and its 'culture' should be re-invented.¹⁰⁴⁰ As Rose suggests, the best way to approach these issues in 'epochal' terms is by adopting self-reflexivity to dethrone the traditional authority. This way, community would appear as an essentially nostalgic wish for a solution to the perplexities of the autonomous self, condemned to search for meaning in a "fragmented world resistant to stable sense-making procedures."¹⁰⁴¹

8.3) Beyond the Buck-passing and Blame Game: Avenues for Achieving Ecogovernmentality

It is now incontrovertible, according to Halsey, that all the ecological schools of thought underpinning contemporary environmental regulatory mechanisms are unable to account for the highly complex relationships pertaining between "language, power, knowledge and various identities/social roles."¹⁰⁴² Yet, in the context of the hydrocarbons industry, Daily observes that globally, the companies behind many oil drilling disasters, causing water pollution and threatening the fragile waterways and beaches of most of the world's Gulf Coasts have the propensity to turn on each other.¹⁰⁴³ In the case of the Nigerian oil and gas industry, the apportioning of blames flows among the powerholders in the industry in Niger Delta. The government and oil corporates blame militants and illegal oil bunkering syndicates for the constant devastating of the creeks. The communities and militants lay the blame on the doorsteps of the oil companies for not caring about the environmental impacts of their

¹⁰⁴⁰ Rose N., (2004) *Powers of Freedom: Reframing Political Thought*, Cambridge University Press, p172

¹⁰⁴¹ Id

¹⁰⁴² Halsey M., (2016), note 574, p4.

¹⁰⁴³ Daily M., (2010) "BP, Other Oil Spill Companies Start the Blame Game", Reuters, May 6, 2010, accessed on December 15, 2019 at: <https://uk.reuters.com/article/us-oil-rig-blame/bp-other-oil-spill-companies-start-the-blame-game-idUSTRE64578H20100506>

operations but solely the revenues they accrue. Yet in these complexities the government is fixated on rent capture. All through this, the inhabitants of the creeks, the subalterns are those bearing the brunt of the devastating environmental impacts.

Given that one of this thesis' goals is to look beyond the buck-passing dynamics and find avenues to take the Niger Delta subalterns out of their present predicament, I propose a system of ecogovernmentality, inspired by Foucault's governmentality. In this system, taking inspiration from Van Assche et al., the ecogovernmentality solution must first acknowledge that natural resources are products of discourse. In this context, their valuation, use, management, and governance need to be discursively constructed.¹⁰⁴⁴ The implication of this is that is the Niger Delta oil resource should be constructed in culture and community contexts before determining its economic value and its exchange principles.¹⁰⁴⁵ It then considers political system and power relations¹⁰⁴⁶ that determine its governance. This way, all stakeholders will recognise as useful in the environment, the stories about utility, and the organization of use¹⁰⁴⁷ , because everything is driven by discourse.

If this is taken as a truism, each discourse therefore represents a different perspective on that environment and the position of the resource.¹⁰⁴⁸ This starts from reasoning from the world where resources are related to an environment and their long-range effects, or places reduced to mere profits.¹⁰⁴⁹ In this context, governmentality refrains from naming a negative relationship of power, one characterised entirely by discipline

¹⁰⁴⁴ Van Assche K., Beunen R., Duineveld M., & Gruezmacher M., (2017), note 248, p311.

¹⁰⁴⁵ Id

¹⁰⁴⁶ Id

¹⁰⁴⁷ Id

¹⁰⁴⁸ Id

¹⁰⁴⁹ Id

and regulation, but emphasises its productive dimension.¹⁰⁵⁰ However, as Ferguson and Gupta make us to see, where the state, and its agents are found to relentlessly invoke the national interest in ways that seek to encompass, and thereby devalue local¹⁰⁵¹ the environment, as is currently the case in the Niger Delta, ecogovernmentality becomes difficult to materialise, with “canny” grassroots operators, like the oil ‘bunkerers’ having freedom of access to the resource, trumping the national ace.¹⁰⁵² This perhaps explains and rationalises the spate of violence, militancy, oil bunkering, among others, that have beset the Niger Delta for over one decade.

The above therefore justifies part of this thesis’ intended outcomes, including the necessity of institutionalising a network governance structure will translate into a system of ‘ecogovernmentality’. This should operate in a structure where the power structure in place takes into cognisance of and prioritises the complex interactions of all the stakeholders and people of the Niger Dells. This has the potential to culminate in the creation of avenues of making the network governance of the hydrocarbons industry based on ‘communal norms in economic transactions. It will also operate through fairness, rather than opportunism, universal moral obligations, and not formal contractual rules, and generalised reciprocity dominate the system. It is only through this system that transparent practices economic and environmental practices can thrive and eschew the corruption which is current prevalent at all levels of officialdom

¹⁰⁵⁰ Ferguson J., & Gupta A., (2005) “Spatializing States: Toward an Ethnography of Neoliberal Governmentality”, in Jonathan Xavier Inda (Ed.) *Anthropologies of Modernity Foucault, Governmentality, and Life Politics*, Blackwell Publishing, p115

¹⁰⁵¹ Id, p114

¹⁰⁵² Id

in Nigeria. This will also culminate in economic and social growth, gaining the country the credibility it requires in attracting more investment in the hydrocarbons industry.

8.4) In search of Measures of Transcendent Justice

According to Singh, the role of emotions and subjectivities in mediating natural-resource struggles and environmental activism is suggestive of the necessity to engage “emotional geographies” in the context of community-based environmental work.¹⁰⁵³ This is because it enables us to think about individual and collective subjectivities as co-emergent.”¹⁰⁵⁴ It is within this context that I propose the idea of a justice that takes on a coloration of existentialism, cherishing human impression and must be locatable¹⁰⁵⁵ in the Niger Delta. The form of justice I refer to here, “transcendent justice”, is akin to Teubner’s idea of justice but different from Teubner’s as his is not of a particular system. It finds its justification and force in psychosocial sensations. It is a form of justice that can be observed as transcendent of social systems so that it is communicable within them but not part of their autopoietic operations.¹⁰⁵⁶

However, given the difficulty of nominating a universal indication of justice, there is commensurate difficulty in indicating a universal binary distinction for it. Yet, in our discussion on this difficulty, we concluded that fitting for this research project, is the idea that if justice is accorded a transcendent ‘rôle’ in communication systems, then it must go along the systems themselves.¹⁰⁵⁷ Thus, in the context of the Niger Delta

¹⁰⁵³ Sing N.M., (2018), note 56, pp3-4

¹⁰⁵⁴ Id

¹⁰⁵⁵ Id

¹⁰⁵⁶ Id

¹⁰⁵⁷ Id

environmental dynamics, the notion of justice would need to permeate the autopoietic spheres of the Niger Delta situation. Justice, or its absence, in this context, can be framed as a needed response to a perpetrated harm and a disenfranchisement of people.¹⁰⁵⁸ It comes with the desire to characterise it in a way that it is indispensable and is fuelled by human indignation.

However, by choosing distinctions that characterise transcendent justice as operating in the field of consideration, duties, expectations, and neglect on the part of oil and gas extractors, there should be a focus on the economic and environmental effects on the lived experience of people. Through this, we can realise the need to take cognisance of the possibility, Luhmann-like, of imagining codes by which second order observation can be arranged.¹⁰⁵⁹ As Luhmann makes it clear, they take the form of segmented spheres of communication that contribute severally to justice and may be acknowledged here as aspects of justice.¹⁰⁶⁰

The above, I suggest can go a long way, as stated in the thesis' intended outcomes, in facilitating the creation and integration of stakeholder-led systems of justice would need to permeate the gamut of the Niger Delta environmental dynamics. These systems require their being 'transcendent' of all existing structures of mediation, reconciliation, reparation, and compensation, framed in the present context as a needed response to a perpetrated harm and a disenfranchisement of people, given the 'affective' implications of their lived experiences. This derives both from their narrative and the discourse of their subjectivity to state power and control.

¹⁰⁵⁸ Id

¹⁰⁵⁹ Id

¹⁰⁶⁰ Id

Furthermore, there will arise, a possibility of a coordinated and government/oil multinationals/indigenous oil communities' networked governance of the oil industry, particularly the environmental and health and safety governance framework. This network governance should see community being granted legal leverage to actively engage in decision-making processes involving the exploration, production, and transportation of oil, and the protection of their citizens' health, communities', environment, and ecosystem's protection.

CHAPTER NINE

9.0) An Epilogue on the Delta

VIGNETTE 32: Lagos- January 1, 2016

During the Christmas season, O sits in his room and takes stock of everything he discovered in the Niger Delta. He shudders at the thought of images of the young man at the Jones Creek jetty fetching water from the oil-laced coastline to have his bath. However, on a cheery note, he recalls a very important conversation with Jay from the early days of his travels to the Delta. Upon reflection, he sees why the land and sea are so crucial to Ijaw life. He recalls Jay saying quietly to him:

There is a sentimental, almost religious connection between the Ijaw and their land and waterways. The elders I am taking you to will relate our history better to you. They are happy to talk to you as a 'foreigner' from another tribe who is so keen to know about us and how the Nigerian state has sold us and our existence to the big oil companies from Europe and America.

That the Niger Delta indigenes regard their socio-cultural and religious life as sites of their economic wellbeing through the land and the water in their coast is not debatable. To this extent, it is unquestionable that the Ijaw are animistic in their relationship with the land and the water. They do not just farm and go to the sea to harvest fish; they believe that the gods have given to them the land and the water, as means of livelihood, religion, healing, and survival. What I present below to conclude this thesis

is intended to create an insight into why the Niger Delta communities have responded to the state and oil multinationals through militancy, making Shell to pull out of many of the communities and rendering the region nearly ungovernable.

9.1) Yearning for Access

The concept of access, when viewed from the perspective of natural resources, engages with a range of powers embodied in and exercised through various mechanisms, processes, and social relations.¹⁰⁶¹ In the case of Niger Delta, the state, through regulatory agencies control the access to the oil and gas resource, while all other stakeholders can only gain their access through the state agencies. However, my focus is on the indigenes of the oil communities who have been constantly denied access to the resource. This arguably accounts for why there has been a proliferation of illegal oil refineries and large-scale bunkering going on in the Delta.

What also arguably accounts for the ongoing militancy in the Niger Delta, is the years of oil production which not only came with the devastating degradation of the environment, but also resulting in the displacement of communities and lack of access to the resource. This was the underlying factor for the emergence, from among the disaffected youths to take up arms to forcibly gain access to the resource. The youths, most of who come under the defunct Movement for the Emancipation of the Niger Delta demanded control of the resources found in their ancestral land. Since then, there has been a proliferation of groups, small, medium-scale and large-scale, dominating the Delta landscape, forcing access to crude oil.

¹⁰⁶¹ Ribot J.C., & Peluso L.N., (2003) "A Theory of Access", *Rural Sociology*, 68(2), p154

From this, the question of access undoubtedly affects people's ability to benefit from resources. These powers constitute the material, cultural and politico-economic strands within the "bundles" and "webs" of powers that configure resource access.¹⁰⁶² In this vein, different people and institutions hold and can draw on different "bundles of powers" located and constituted within "webs of powers" made up of these strands.¹⁰⁶³ Thus, people, communities, and institutions are positioned differently in relation to resources at various historical moments and geographical scales.¹⁰⁶⁴ The strands thus shift and change over time, changing the nature of power and forms of access to resources.¹⁰⁶⁵

9.2) A Dance with the Ancestors

In Ijaw (*Izon*) culture, every major clan is built around the presence of *Egbesu* (Ijaw people's major god or deity). However, some clans name their deity differently because of dialectal differences. In their culture, groups do not unilaterally go to war. Battles must be approved by the traditional authority headed by the King who is the traditional chief priest of the god. The Ijaw community god is usually a god of war. He is believed to give victory through his supernatural powers. Going to war goes beyond procurement of arms and ammunition; it involves a communal sense of survival where everybody is psychologically involved. In the heyday of their culture's relevance, when their lifeblood (the sea where they do their fishing) is perceived to be threatened by outside forces, they invoke the gods and spirits of the river to go to war with them to deal with threat through the following chant:

¹⁰⁶² Id

¹⁰⁶³ Id

¹⁰⁶⁴ Id

¹⁰⁶⁵ Id

Su eru e dau

Su eru e dau

Ini Osiyai sii emi e

Tobou no biramo.

Niki niki niki

Tobou mo biramo

Mi ama mio Sei tonbo a

Pamo ko otungbolo Tari.

Ama o seitonbo a

Pamo ko otungbolo Yari

Su eru e dau e

Su eru e dau e

Ini osiyai sii emi o

Tobou no biramo

Translated, the chant reads:

Oh god of war

Deity of strength

We know you and the strength of your mind

How could you go to sleep?

How will your shrine prepare a mat?

To lay your noble head

Never will sleep travel near you.

Your heart is racing, your mind at work

Waiting and restless

Your lover, the treasured one

Has gone on a fishing expedition

With the crown prince on her back

Yes, with the prince on her back.

In Ijaw history, whenever conflict arises, the war setting is largely on water because of the coastal nature of the people. The battlefield is approached usually with a war canoe or boat to the battlefield which could be a community in the creeks. The Ijaw war boat does not go out without the traditional *ogele* (a kind of war rally that ushers in the commencement of confrontation). *Ogele* offers the women and the aged the opportunity to sing heroic songs to spur the young men into action.

The sound of the big war drum (*opu oje*) will tell every Ijaw that the 'waters are not calm' which literally means that the community is at war. During the *ogeles*, the old men and women would sing the songs which are a poetry of how the Egbesu, the Ijaw god of war had defended the community from invaders. This is where you hear these songs. They are only heard on special days in the calendar of the community. This traditional chant creates a meeting point between the god of war and the warriors of the community. The symbols and comparisons are deliberately meant to inspire the agile minds. In the second chant, the community seeks unity of purpose whenever there is a challenge of war:

Ama o seitonbo

Pa mo ko otungbolo piri

Mi ama o seitonbo

Pa mo ko otungbolo piri

Translated, the chant reads:

Treachery attracts death!

Get them out, show them out

And present those who plan evil

Against the community to the mosquitoes

Let the mosquitoes be the lot

Of those whose evil minds

Work against this community.

In this second short chant, the community seeks unity of purpose whenever there is a challenge of war. Perhaps this explains the secretive nature of the communities as it shows in the protection they give to the militants because they are seen as their 'sons'. There is no place for the forgiveness of treacherous characters when a threat of war hits the community. In others, the deity is being invited to identify traitors whose punishment is execution (perhaps this accounts for the spate of kidnappings and murder of those the militants perceive as 'enemies' of the Ijaw). Nobody goes to battle reluctantly. It is the custom for the Ijaw to dance and sing into the war canoe. You must be part of the victory dance to be part of those who would return. Thus, when the resource control battles started, these features came prominently into play. The culture

of the people, and the adherence to the cultural norms formed part of the major activities in the crisis which reduced oil production in the Niger Delta from 2.4 million barrels to 700,000 barrels per day.

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