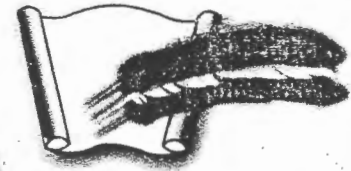


Vol. 7, No. 1, March 2007



# The Constitution

A JOURNAL OF CONSTITUTIONAL DEVELOPMENT

## TOPICS:

**GLOBAL CHANGE AND URBAN RISK:  
THE CHALLENGE FOR AFRICAN CITIES**

*David Simon*

**THE CONTRIBUTION OF ENVIRONMENTAL RIGHTS ACTION  
IN THE STRUGGLE FOR ECOLOGICAL RIGHTS IN THE NIGER**

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**NIGER-DELTA: ENVIRONMENT, OGO NI CRISIS AND THE**

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**ISSN 1595-5753**

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**Printed in Nigeria by**

**Panaf Press**  
26, Ogungbamila Street,  
Akoka, Bariga,  
Lagos.  
E-mail: olapanaf@yahoo.com

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## AND THE STATE

Sheriff Folarin

### Abstract

*This article examines the centrality of environmental factors in the crisis in Nigeria's Niger-Delta. It does this by a specific focus on the Ogoni crisis— issues involved, state and multinational oil corporation's responses and the transformation of the crisis into the international arena. Methodologically, the article relies on secondary data for its analysis. It argues that Nigeria lost in its engagement with the international community because the enormity of the Abacha regime's human rights abuse in Ogoni land violated the clauses and content of the international instruments to which the country is signatory. While noting that nothing has changed in terms of policies of state and the multinational corporations in response to the demands of the oil bearing communities, it underlines the escalation of the crisis. In conclusion, it recommends among other things, the ceding of presidential power to the South-South (the oil-producing states, which have never produced Nigeria's president and yet produces the country's revenue) in the spirit of fair-play and equity.*

### Introduction

The Niger Delta crisis has, in very recent times, taken a much more dangerous dimension, underscoring the failure of governments and non-state actors, including the multinational companies (MNCs), to bring the crisis to an end. The emergence of militia and cult groups among the communities in the last three years marks a new turn in the conflict. Government's seeming complicity and protection of the MNCs by means of state apparatus to protect the foreign

companies, has led to corresponding response by armed militia poised to fight the cause of "economic and social emancipation." This point was underlined by some militants who claimed so in an interview by Jeff Koniange of the American Cable News Network (CNN) in February 2007. This study examines the protracted Niger Delta crisis, exacerbated by oil, ecological and socio-ethnic factors, state and MNCs' responses and their

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implication for Nigeria's external relations. It does this by revisiting the many unresolved issues, including the Ogoni crisis, accounting for the escalation of the crisis.

Studies on the Niger-Delta crisis have largely neglected emphasizing the centrality of ecological undercurrents and attendant depravations in the crisis. Put differently, while social and relative deprivation is considered primary and environmental issues are looked at as the secondary causes of the problem in some studies (in some, it is reduced to political and some ethnic or communal), the impact of the Ogoni and Niger Delta problem on Nigeria's relationship with the international community is the only consideration in some others; efforts to situate the environmental issues in the eventual world attention are infinitesimal and insignificant, or almost non-existent. This paper attempts to fill this gap and strengthen the perspective that the activities of the oil companies created enormous ecological problems in addition to the abjection of the people, which led to internal strife, government highhandedness in the matter and international concern.

### **Backgrounds to the Ogoni and Niger Delta Crisis**

Niger Delta communities had expressed discontent and ventilated their

constitutional means against the marginalization and environmental abuses of their soils and waters from independence.<sup>1</sup> In more recent times, particularly from the 1990s, they had become more restive and violent in their protests against the activities of foreign oil companies, notably Royal-Dutch Shell (Shell Petroleum Development Company). Their grievances have focused on the deteriorating conditions of life brought about by air and water pollution, land degradation and the overall socioeconomic impacts of oil exploration on the local communities. The 1990s witnessed the outburst of violence against transnational oil corporations as well as the Nigerian state. State's responses, such as infiltration, have bred grave intra- and inter ethnic hostilities.<sup>2</sup>

Government's complicity in the crisis found manifestation in the deployment of heavily armed military personnel to guard oil facilities, operations and expatriates and the MNCs.<sup>3</sup> In addition, oil companies have had to recruit jobless local youths to watch over oil interests, thus setting local people against themselves. The official reason given, however, was that the presence of heavy security would act as deterrence to aggressive communities from destroying oil installations. The rationale behind this was controversial as it also showed

of persistent conflict, namely abjection and denials.

The Ogoni resistance to Shell exploitation is a long and violent one. They had openly confronted Shell police and state soldiers in the past. The Ogoni who are over 500,000 of a total Niger Delta population of about 6 million, are divided into eighty-two communities within an area of about 1,000 square kilometres and are one of the twenty ethnic groups living in the 70,000 square kilometre oil-rich Niger Delta region.<sup>4</sup> It is therefore pertinent to note that the Ogoni have a major stake in the oil business and deserve a good share of the oil revenue, by way of good roads, schools, clinics, potable water, and other basic amenities to cover up for environmental pollution. The recourse to redress the spatial economy of the oil-producing Niger Delta informed the establishment of the Oil Mineral Producing Areas Development Corporation (OMPADEC) by the military administration of Ibrahim Babangida in 1992. The corporation received a take off grant of 3 billion naira and from that time to the period before the change to Niger Delta Development Corporation (NDDC), it had disbursed through contracts, allocations from the Federation Accounts on annual basis. For instance it disbursed a total of 3.042 billion naira to oil communities in 1996

1993, OMPADEC had executed projects worth about 7.5 billion naira the Niger Delta.<sup>5</sup>

The inadequacies of OMPADEC were more overwhelming than its resultant poor planning and implementation projects, corruption manifest nepotism and ethnicity in allocation developmental programmes eroded diligence and fair play in OMPADEC. The Niger Delta felt little impact of the agency, as poverty, unemployment and lack of development increased. The situation only bred local discontent and resentment of the activities of government and the MNCs. In the light of this crisis of development and the failure to adequately address the problem that violence began to erupt first among the ethnic groups and subsequently between the aggrieved groups and oil companies. Government's intervention escalated the crisis and its activities infringed on the human rights of the people and consequently attracted global attention.

The resistance of the Ogoni was fierce, protracted, organized and violent. First, it was a momentous but passive protests, but the infiltration of the Ogoni leaders later by government to cause division, elicited the formation of MOSOP and eruption of violence. Counter measures against Ogoni

application of military force to fight the activists, their arrests and eventual assassination in 1995. In July 1999, while accepting the widely held view that the Niger Delta was underdeveloped and marginalized, the federal government, under the leadership of Chief Olusegun Obasanjo transformed OMPADEC to the Niger Delta Development Commission (NDDC) with a mandate to draw up and implement development projects.

### **Environmental Degradation, Social Deprivation and Conflict: The Nexus**

Environmental degradation creates social dislocations - economic anomie and social deprivation - it constructs an economy of abjection.<sup>8</sup> The term abjection literally means the state of being cast down. For Robert Barnhart, abjection refers to abasement.<sup>9</sup> In contemporary critical theory, it is often used to describe the state of frequently-marginalized groups. The concept finds expression in the works of Kristeva which denotes rejection.<sup>10</sup> The connexion of abjection to spatial economy is the habitation of the former in the compelling outcome of the latter. A growing number of the abjected naturally increases an empty economic space of poverty that the abjected or socially and economically debased essentially occupy. Spatial denotes a

economic rewards or leverage vis-à-vis the privileged other. A spatial economy of abjection finds multitude, including the downtrodden, social outcasts and economically deprived competing for space and scarce resources. In his study, Lyotard (1990) reflects on the Jews' predicament. While examining the effects of the coercion and trauma of racism, he argues that:

the violence of such forms of exclusion and abjection, introduce another excess which cannot be translated; for the monolingual discourse of "identity" has no place for the excluded, except as remainders, or as supplement; the other is thrown into the forgetting of disavowals.<sup>11</sup>

For the minoritarian other who is the abjected, Lyotard further posits, the "identity mirrored in the gaze misses or misrecognises its phantasized ideal and must recognize its lack-of-being at both levels of the psychic and the social."

The inevitable results of the spatial struggle in an economy of abjection is the further engraving of disempowerment and cleavages that erode the possibility of a united front to engender change in status, prevail on policy, or compel favourable outcomes as was the case in the Niger Delta and

divisions are perpetuated by the hegemonic class through systematic policies of divide and rule and the full utility of physical force. In post-colonial Nigeria, there is a conspiracy between the military-political class and the bourgeoisie who represent the metropolitan powers and use foreign policy to fester the nests of the neocolonial lords that keep them in power. The result is relative and social deprivation. Relative deprivation connotes socio-economic denials that ultimately culminate in abjection. According to Lea and Young who see relative deprivation from the group perspective, deprivation occurs when a group feels deprived in comparison to other similar groups, or when its expectations are not met.<sup>12</sup>

Deprivation is in diverse manifestations. However, Townsend identifies material and social deprivation. Material deprivation covers dieting, clothing, housing deprivations, and deprivations of home facilities, environment, location and deprivation of work. Social deprivation, on the other hand, covers lack of employment rights, deprivation of family activity, lack of integration into the community, lack of participation in social institutions, recreational deprivation and educational deprivation.<sup>13</sup> Social alienation would inevitably result. The alienated finds

himself, more and more, isolated and alienated from society, alienation not only from his work, but alienation from society, state (and) from those with whom he is working and alienation even from himself. In the final analysis, for Varma, such individual or group is haunted by an inferiority complex and remains in a state of perpetual anxiety, fear, and worry.<sup>14</sup> This is symptomatic of the completion of the process of subordination and humiliation by the powerful class that has always wanted him out of the economic space. Such state of abjection arising from conspired suppression, when it peaks, will culminate in conflict. Dougherty and Pfaltzgraff in agreement with the postulates of John Dollard, Leonard Doob, *et al*, for instance argue that the long-term consequence of the deprivations and alienations is usually conflict- it becomes a battle of wits between two unequal classes, but with the weaker classes or the minoritarian other, losing out in tussle.<sup>15</sup> This has characterised the Niger Delta area from independence to date.

### **Environment and Global Ethics**

Environmental issues such as the Kyoto Protocol on greenhouse gases now loom larger than ever. To give more concrete content to emissions reductions targets, the parties to the 1992 FCCC adopted the 1997 Kyoto Protocol.

Among other things, the Kyoto Protocol sets out commitments on the part of thirty-three industrialized nations, along with others that are making the transition to market economies, to reduce emissions of greenhouse gases by as much as eight percent from 1990 levels during a first commitment period covering the years 2008 to 2012. Although the substantive obligations have not yet been negotiated, the Kyoto Protocol anticipates additional reductions in subsequent commitment periods. The UN Framework Convention on Climate Change was opened for signature by nations in 1992, following the Earth Summit in Rio de Janeiro, Brazil. The Convention arose out of concern about the damage being done to the earth by climate change. These concerns centred on shifts in agricultural zones, melting of polar ice caps and rising sea level. Formal international cooperation to protect the global climate commenced in 1992 with the adoption of the UN Framework Convention on Climate Change (UNFCCC) negotiated for the United States by the first Bush administration and adopted at the United Nations Conference on Environment and Development.<sup>17</sup> During negotiations on the Convention, there was considerable debate as to whether that instrument should contain substantive emissions limitations for greenhouse gases or, alternatively, should serve only as a

procedural framework for future cooperation on the climate problem.<sup>18</sup> In the end, the drafters fashioned a compromise of constructive ambiguity, adopting a goal of limiting greenhouse gas emissions from industrialized countries to their 1990 levels, which could be interpreted by some as mandatory and binding, and by others as "soft" or advisory only.<sup>19</sup>

The foregoing presents a picture and essence of the politics of environment and indeed the globalization of environmental issues. Put differently, the many challenges of the environmental that nations of the world are increasingly threatened by, ranging from pollution, depletion of the ozone layer and natural disasters have placed ecology and environment issues on the front burners of international politics. Foreign policy of states can not, therefore, ignore these pertinent aspects as states interact. This development, which David Wirth has called the globalization of environmental politics,<sup>20</sup> has compelled presidents, parliaments and foreign policy institutions to temporarily abandon other state issues in the middle of environmental exigencies and to attend crucial ecological summits in recent times.

Foreign policy itself is self-inclined, i.e., it is intended to ennoble the state and profit it in the game it plays with other

states. Foreign policy is drawn from the requirements of national interest; while it relates the internal with the external ecology, it identifies and brings external fruits into the national domain. Joseph Frankel defines foreign policy as those decisions and actions which involve, to an appreciable extent, reaction between one state and others.<sup>21</sup> Northedge describes it as an interplay between the outside and the inside environment of a state.<sup>22</sup> Wallace and Josselin see it as that area of politics which bridges the all important boundary between the nation state and its international environment.<sup>23</sup> In sum, foreign policy represents the reaction of national interest to the changes and continuities in the international system. Just as issues of Ogoni crisis engendered by environmental and economic factors found expression in policy as a result of external variables and interests. Nigeria was therefore liable to justice for the environmental crisis in Ogoniland and Niger Delta, having surrendered itself to international evaluation as a contracting party to global environmental and human rights protocols.

#### Environment and the Construction of Conflicts in the Delta

In looking at the proliferation of minoritarian conflicts in contemporary times that assume global dimension, Homer-Dixon argues that environmental

degradation and material deprivation are significant causal factors. To buttress his point, he cited the Ogoni uprising, which he attributed to river pollution, as an instance of conflict deriving from renewable resources scarcity. He claimed further that although scarcity could be helpful, some countries were capable of taking advantage of it, ostensibly because of their poverty, exploitative elite and an imperfect market. Given the helpless situation of such countries, he calls on the rich countries of the world to aid the less fortunate as the former are not shielded from the spill-over effect of a resource apocalypse if one happens.<sup>24</sup> Building on the instance of the Ogonis, he lists Nigeria as one of the "relatively wealthy developing countries that are dependent on a declining environmental base."<sup>25</sup> For him, environmental degradation and material deprivation from the activities of oil multinationals and the neglect by government might result in violence, which is typical of the case in the Niger Delta today.<sup>26</sup>

Robert Kaplan, however, identifies demographic pressure, environmental degradation, scarcity and an emerging culture of youth violence and gangsterism as the cause of the crisis in most African countries, including Nigeria's Niger Delta.<sup>27</sup> Although a-historical and centered on domestic causal factors, Kaplan's study at least

the Ogoni crisis.

Of the studies on the Niger Delta reviewed, Osaghae's piece is most apposite and detailed. Osaghae's critical survey of the Ogoni crisis addresses the rationale in the Ogoni rebellion and advances two reasons, namely, the termination of dialogue between Ogoni and state/Shell; and the consequent frustration and radical bent of Ogoni insurgents. He perceives the struggle as part of the overall radicalization of society occasioned by a harsh economic and political environment, which steadily started with SAP in 1987.<sup>28</sup> Osaghae situates the crisis in the general scale of crisis of the time engendered by socio-economic dislocations occasioned by a bad economy, disengaging global causation. For Osaghae, the crisis had been there, but only got critical because of the harsh economy that added to the inhuman condition of the people.<sup>29</sup>

In deference to Osaghae however, Cyril Obi undertakes a comprehensive study of the linkage between globalization and the Niger Delta conflict. He argues that the critical function of oil in the consolidation of global capital, control of oil by transnational oil companies and the link between oil TNCs and the energy needs of the developed world is the engine that promotes the

of marginalized people's land and means of livelihood. Obi shows that the accumulation of surplus global capital meant the destruction of Ogoniland. For Obi, Shell's financial and technological muscle unfortunately made the people lose out as the state that should protect their interest had become vulnerable to manipulation by the company because of its rentier nature.<sup>30</sup>

Nigeria's adoption of the Structural Adjustment Program (SAP) in 1986, paved way for foreign influx and exploitation of the local Nigerian market because of the deregulation of the economy that encouraged external participation and devaluation of the Nigerian currency, which gave impetus to the value of what became known as "hard currencies" of the west. Shell, like others took advantage of the market and soft government policy toward environmental degradation, particularly in Ogoni. The result was the radicalization of the Ogoni struggle.<sup>31</sup>

Long before the 1990s when the Niger Delta crisis took a violent dimension, there had been a movement against large scale poverty in the midst of plenty, exclusion and political marginalisation. Indeed, Saro-Wiwa was mildly only continuing the struggle of Isaac Boro, Sam Owonaru and Nottingham Dick, who, just after independence formed the

and proceeded to declare the independent Republic of the Niger Delta. The trio hinged their rebellion on disaffection with oil TNCs. Earlier, Boro had organized a self-help organization called Integral WXYX, with an arm of the group, the Niger Delta Oil Council taking the oil companies to task for their continued atrocities to "our people and their wicked reluctance to improve the lot of the people they were to be associated with for long" and estimating bills for payment by the oil companies for the damages wrought on their agricultural life.<sup>32</sup>

Boro's decisiveness opened a new chapter in Niger Delta's resistance. The alliance between the state and Shell against the Niger Delta people has been intriguing. It is interesting to note that the Nigerian army quelled the secessionist move by launching an assault on Boro by means of Pontoon boats provided by Shell. Federal troops quickly crushed the resistance and the three leading rebels were tried and convicted for treason.<sup>33</sup> In the 1995, while reflecting after his conviction by the Abacha-instituted Ogoni Civil Disturbances Tribunal, Saro-Wiwa noted that in the 1920s,

Ogoni was a blessed land, the fertile alluvial soils of the plain provided rich harvest of yams and

seas brimmed with fish and other sea food. We lacked for nothing; the only intrusions into this life of bliss at the time were the drilling rigs of Shell, which began to dig deep into the heart of Ogoni, tearing up farmlands and belching forth gas flames, which pumped carbon monoxide and other dangerous gases into the lungs of my people.<sup>34</sup>

In 1990, the Ogoni took stock of their condition and found they were powerless, as an ethnic minority. Further, their environment was completely devastated by over thirty years of reckless oil exploitation by Shell. The Ogoni faced environmental degradation, political marginalization and economic strangulation.<sup>35</sup>

In January 1998, a major oil spill involving about 40,000 barrels from an offshore Mobil oil TNC platform polluted the entire coastline reaching as far west as Lagos, which is hundreds of miles away. Another spill occurred in March 1998, with about 20,000 barrels of crude oil from a Shell facility in the mangrove forest seeping into the environment, resulting in the death of large number of fish. Early in 1980, according to Browen Manby, more than 400,000 barrels from a Texaco offshore facility, Nigeria's largest spillover,



destroyed 340 hectares of mangrove. Manby argues that poorly designed causeways and canals employed by oil TNCs affect the hydrology of the seasonally flooded freshwater swamps and brackish water of the mangrove forests, killing crops, destroying fishing grounds and damaging drinking water supplies. Little or no compensation was paid for such damage. More often than not, oil TNCs claimed that oil spills were results of sabotage by community members, and therefore did not have to pay compensation.<sup>36</sup>

Hutchful has noted that in spite of huge oil earnings, Shell has failed to reinvest some of its surpluses into the communities where it operates. For example, Ogoniland is noted for the absence of social amenities or utilities such as schools, pipe-borne water, electricity, roads and hospitals. Although the Ogonis, like other oil producing minorities, have borne the costs of oil production, they have nothing to show for the oil wealth.<sup>37</sup>

In an environmental survey in 1993, a Nigerian advocacy group, Environmental Rights Action/Friends of the Earth, Nigeria (ERA/FOE) identified the following as the major socio-environmental problems of the Delta region: evidence of environmental, economic, and moral crisis threatening to destabilize the region; exploitation of

the resources of the region to the exclusion of local people, and without regards to their environment; combination of corporate, governmental, transitional, and local interests at the expense of locals; overstretched and collapsing ecosystem; and the absence of good governance in the region. The organization also noted that the following problems needed urgent attention:

- heavily polluted environment of the region
- high rate poverty in the communities.
- exploitative role of corporate bodies but neglect of the people
- lack of Federal and State involvement in development
- lack of accurate knowledge of environmental situation
- increasing militarization of the place by government
- general hopelessness and growing anger and frustration.
- inter and intra-communal conflicts.<sup>37</sup>

In addition were problems arising from the foregoing, including pollution of the air, water and degradation of the land. The agricultural and fishing activities were as such adversely affected and indeed the whole aqua and ecosystems were impeded. The resultant effect included economic decline, poor

sanitary and health conditions and general poverty. The pollution went in the following ways:

#### *Air*

The main industries in the region such as oil refineries, gas, fertilizer, steel rolling, and fish companies, release asphyxiated and radioactive content that polluted both air and water. The sulphurdioxide produced by the fertilizer companies devastated the forests while gas led to respiratory problems. Nigeria has the worst record of gas flaring in the world. No less than 76 percent of the total gas production in the oil fields of the country is flared compared to 21 percent in Libya, 20 percent in Saudi Arabia, 4-5 percent in Mexico, Britain, and Algeria, while Holland flare nothing at all.<sup>38</sup>

#### *Water*

The pollution of water in the area is largely responsible for the incidence of water-borne diseases such as typhoid, cholera, bacillary dysentery, river blindness, and guinea worm infections. Offshore oil exploration had caused considerable pollution of water in the region resulting in the loss of aquatic plants and animals, and the contamination of water bodies. The contamination of rivers of the Niger-Delta through the spillage of crude oil or petroleum products was stupendous. Between 1976 and 1990, about 3,000

oil spill incidents were reported by the oil companies operating in the region and within that period, over 2 million barrels of oil spilled into Nigeria's terrestrial, coastal, and offshore marine environments.<sup>39</sup> Also, the organic wastes dumped into the rivers and micro-organisms called decomposers pollute streams. The decomposers compete with fishes and other aquatic organisms for oxygen. Thus, in heavily polluted water bodies, the oxygen dissolved in the water may be used up, resulting in the death of aquatic animals.<sup>40</sup>

#### *Land*

land surface in the Niger-Delta is being degraded through the misuse of the soil by poor agricultural practices, oil exploration, industrial waste dumping, and indiscriminate disposal of urban waste. Again, oil spillage through petroleum production changed the character of the land in the Niger-Delta. Such spillage was responsible for the destruction of crops, farms, vegetation, and wildlife; it also impaired human health. Some animal species have long disappeared from the area as a result of oil exploration, gas production and poaching.<sup>41</sup>

#### *Conflicts, Global Response and Nigeria's External Relations*

By 1970, about 300,000 barrels of crude oil had been spilled in the Niger

spillage was an act of sabotage by the Biafran army as they were losing to the federal forces in the civil war.<sup>43</sup> Shell figures also show that from 1985 to early 1993, 5,352 barrels of oil were spilled in 87 incidents in Ogoniland alone after their staff had been withdrawn. However, according to Earth Action, there were more than 2,500 minor and major oil spills in Ogoniland between 1986 and 1991, including one in which Shell delayed for forty days before patching a ruptured pipeline.<sup>44</sup>

The tendency had been for state officials and oil companies to blame the problems on sabotage by local communities. For instance, Shell claimed that out of 87 instances of oil spillage in Ogoniland between 1985 and 1993, 60 (about 70%) were sabotage acts. The figure tallied with government claims that out of 11 incidents in Ogoniland in 1990, that eight or 73% were due to sabotage.<sup>45</sup>

Damages to the environment in Ogoniland went along with deprivation. Consequently, local leaders protested these injustices. The regime of the Structural Adjustment Programme (SAP) reduced public spending, subsidies to goods such as petrol, which led to the rise of pump price of petroleum products from N 0.75/litre in 1986 to N 11/litre in 1996. These

hardship everywhere, which were more pronounced in the oil-producing areas, including Ogoni. Evidence of conflicts began to show before 1980, but the situation worsened in the second half of the 1980s and 1990s. However, because oil exploration by multi-national oil corporations had increased with the expanding space of squalor the Ogoni people began to hold oil companies and the government responsible for their deprivation. They lamented, for instance the failure of the two institutions to construct new or at least rehabilitate existing roads, schools, hospitals, and provide opportunities for employment, support for farming, and indeed do everything to improve their livelihood. Oil companies and government insisted that these claims were exaggerated as they were sometimes outrageous and indecorously demanded.<sup>46</sup>

In the *Ogoni Bill of Rights*, which was presented to the government in October 1990, the Ogoni claimed that their land provided Nigeria 30 billion dollars in oil revenue from 1958 with little or no infrastructure in Ogoniland to justify the oil exploration: no representative whatsoever in institutions of the Federal Government, pipe borne water, electricity, jobs or inclusion in the opportunities available in the oil companies, etc. Further, the Ogoni claimed in the *Bill of Rights*:

Gokana and Khana are underdeveloped and are about to disappear, whereas other Nigerian languages are being forced on us. Shell Company does not employ Ogoni people at a meaningful or any level at all, in defiance of the Federal Government's regulations. The search for oil has caused severe land and food shortages in Ogoni, one of the most densely populated areas of Africa. . . Ogoni people lack education, health and other social facilities. It is intolerable that one of the richest areas of Nigeria should wallow in abject poverty and destitution.<sup>47</sup>

In response, Shell, government and seven other neighboring oil-producing communities like Asa-Ndoki, dismissed these claims.<sup>48</sup> However, it was relative deprivation, the gap between expectation and actualization, like the one in the foregoing claims that explain why men rebel, and more importantly, that explicates the Ogoni conflicts.<sup>49</sup>

minorities in their demand for better living hitherto were passive, namely delegation and petitions to the state or oil firms.<sup>50</sup> The failure of these means engender meaningful changes may explain why the Ogonis decided on a different line of action in the early 1990s. Precisely in 1990, a non-political organization comprising Ogoni elite and traditional rulers, known as *KAGOT* whose origin dates back to the 1970 drew up and presented to the state, the Ogoni Bill of Rights. Among other things earlier highlighted, they demanded political autonomy within Nigeria and fair access to and use of oil revenue derived from Ogoniland to develop the homeland and language, as well as protection from Shell. As an instrument to pursue the actualization of the demands in the Bill of Rights, the Movement for the Survival of Ogoni People (MOSOP) was set up in 1990. The organizational structure of MOSOP consisted of the following subgroups: National Youth Council of Ogoni People (NYCOP), Federation of Ogoni Women Association (FOWA), Ogoni Teachers Union (OTU), National Union of Ogoni Students (NUOS), Conference of Ogoni Traditional Rulers (COR), Council of Ogoni Professional (COP), Ogoni Welfare Association (OWA), and Council of Ogoni Churches (COC), Council of Ogoni Leaders of Thought (COLT).

with intense campaigns at both the national and international levels with a view to publicizing the Ogoni predicament. In that effort, the Bill was presented to the United Nations Sub-Committee on Human Rights on the Prevention from Discrimination and Protection of Minorities, the African Human Rights and several other non-state actors such as the General Assembly of the Unrepresented Nations and Peoples' Organization at The Hague in 1993.<sup>51</sup> Government and Shell initially responded to the Bill with indifference. However, as MOSOP began to gain public and international support, the state reacted by banning ethnic organizations and others such as MOSOP and the Ethnic Minority Rights Organization of Africa (EMIROAF), both led by Saro-Wiwa. These two organizations and the National Youth Council of Ogoni People were the three main organizations, which spearheaded the Ogoni insurrection.

Attaching it the Bill of Rights, MOSOP wrote to Shell, Chevron and the Nigerian National Petroleum Corporation (NNPC) in December 1992, asking for a favourable disposition to Ogoni demands or evacuation from the land. Other demands included the payment of \$6 billion in accumulated rents and royalties for oil exploited in Ogoni fields from

1958; reparation of \$4 billion for soil, water, and air pollution; cessation of gas flaring; and commencement of negotiation with Ogoni people. According to Osaghae, the significance of the letter to the companies was that it showed the people's loss of confidence in the state. According to them, it was time for 'the Ogoni to fight for their own salvation because there is no government to deliver us.'<sup>52</sup>

No wonder on January 4 1993, a day set aside by the UN for celebration of World's Indigenous Peoples, also declared as Ogoni Day, in spite of the government ban on all public gatherings and demonstrations and a decree making self-determination struggles treasonable and punishable by death, an estimated 300,000 Ogoni staged a massive demonstration in Ogoniland against Shell. The previous day, at a thanksgiving service held by the tomb of Timothy Paul Birabi, a frontline Ogoni leader highly revered Ogoni history, orations and speeches inciting Ogoni to fight against the social and environmental injustices had been given. The first Ogoni graduate, Paul Birabi organized the Ogoni State Representative Assembly to join other minorities in Rivers province to demand a separate Rivers State from the Eastern region in the 1960s. In his speech, one of the vice presidents of MOSOP, Edward Kobani had said:

We have come to this sacred ground to reaffirm our determination to fight with every drop of blood in our vein that the Ogoni man cannot be a slave in our God given country. We have come to get inspiration to carry us through the days ahead.<sup>53</sup>

On 13 March 1993, MOSOP organized a night vigil throughout Ogoniland. The vigil, which took place in churches, involved prayers for deliverance and processions. By Thursday 29 April, Wilbros, an American Company, contracted by Shell to lay oil pipelines from the Bomu oil fields in Ogoni across the River Niger, started bulldozing community forests and freshly planted farmlands in the village of Biafra, under armed protection. The security forces brutalized a female farm owner who challenged the destruction and protested. The following day about a thousand Ogoni protesters marched against Wilbros and their military escort. In the ensuing confrontation, many Ogoni were wounded, a mother of five, K. Kogbara was shot, and her hand was subsequently amputated, and Mr. Friday was shot dead. At the funeral for the dead, MOSOP leader, Edward Kobani remarked: "The death of (Friday) will no doubt act as a tonic for

the Ogoni Struggle. When blood is spilled, the fight can no longer be abandoned"<sup>54</sup>

In a move that was to infuriate most Ogoni, particularly the National Youth Council of Ogoni People (NYCOP), the youth wing of MOSOP, a handful of prominent Ogoni traditional chiefs and elite took a full page advertisement in a newspaper in which they apologized to the government over the incident leading to the death of Friday. Moreover, the signatories disowned MOSOP and called on the government to clamp down on the organization. Predictably, the public denunciation incensed Ogoni youths who felt betrayed by their elders. The latter were quickly labelled anti-Ogoni elements and feeling unsafe in the ensuing anger that followed, they escaped ran for government shelter in Port Harcourt. On June 2, 1993 the Ogoni voted to boycott the approaching June 12 presidential election. While President Babangida canvassed for participation of Ogoni, Saro-Wiwa and some MOSOP members called for a general boycott in Ogoniland. But Kobani and others wanted participation and this led to dissents in the group. Saro-Wiwa and a few other leaders were arrested and arraigned. Violent communal clashes followed, with the Andoni, another oil producing community attacking the Ogoni town of Kaa on August 5, 1993.

were set ablaze. When the dust settled, casualties on the Ogoni side stood at 150 persons dead. Subsequent violent clashes resulted in the deaths of over a thousand Ogoni and the displacement of some 3,000 persons.<sup>55</sup>

Survivors' account of the attacks emphasized the use of sophisticated assault weapons; grenades and mortars were used in the fight. Ogoni argued that a small fishing Andoni community could not muster the expertise and military skill required to use such military instruments effectively. Following the clashes, the Rivers State government, in October 1993 set up a reconciliation committee, the Rivers State Peace Conference Committee under Professor Claude Ake to broker peace between the Ogoni and their Andoni neighbours. Reacting to a hastily drawn up peace accord to which he was not privy, Ake resigned his chairmanship of the body arguing that,

reports on the conflict have noted the scale and systematic nature of destruction as well as the sophistication of the operations. These features raise questions about whether the conflict is merely communal clash and the possibility that the

have been victims of other forces exploiting a local situation.<sup>56</sup>

Ake referred to the peace accord as cosmetic, unable to expose the deep causes of the clashes as unconcerned about the fate of its displaced victims. Saro-Wiwa also refused to sign the peace accord for, among other things, the clause 6 of the document which tacitly opened the way for return of Shell thus: "The immediate resumption of full economic and social activities within Ogoni and Andoni areas." This suggested a ploy to smuggle Shell back into Ogoniland. Shell had earlier pulled out of Ogoniland in 1993 following the massive anti-Shell demonstrations, spearheaded by MOSOP, Greenpeace and other environmental organizations and the severe beating of a Shell worker in January 1993.<sup>57</sup>

Violence was again unleashed on Ogonis, but this time, from the Okrika. Regardless of explanations given for the attacks, the *Amayanabo* (king) of Okrika, S.P.U. Ogan and Saro-Wiwa affirmed that there was no land dispute between both. But the aftermath of the Ogoni-Okrika dispute was the deployment of soldiers who repressed the Ogonis. Hence, the development was believed to be 'politically contrived' to deal with the Ogonis.<sup>58</sup>

1994. On May 21, 1994, a mob, chanting war songs, stormed the palace of the *Ghenemene* (traditional ruler) of Gokana, where certain Ogoni chiefs were holding court. An Ogoni youth who saw some "vultures" at the meeting was alleged to have mobilized other Ogoni youths who invaded the palace. Four of the "vultures" were clubbed to death, as the fifth one, Alhaji Mohammed, saved himself by taking refuge inside the shrine of the Ogoni spirit, a place which the assailants regarded too sacred to desecrate. Meanwhile, earlier in the day, a detachment of security operatives had mounted a roadblock a short distance away, preventing Saro-Wiwa from entering the village. Later in the evening, when news of the mayhem reached Port Harcourt, Major Paul Okuntimo's Rivers State Internal Security Task Force invaded Ogoniland. At least fifty Ogoni were killed, hundred arrested and properties worth millions of naira destroyed.<sup>59</sup> A few days later, Saro-Wiwa, his deputy, Ledum Mittee and eight others were arrested and charged before a military tribunal for murder. Although the evidence of the prosecution were fraught with contradictions, and despite the fact that no credible witness was produced to substantiate the allegation that the nine organized the murder, the tribunal convicted and sentenced Saro-Wiwa

While disagreeing with the procedures and verdict of the tribunal, Saro-Wiwa's attorney impressed upon him to accept responsibility for the killings because of the climate of intolerance he engendered.<sup>60</sup>

The Niger Delta crisis has attracted international attention and reactions. For the Ogoni, their matter had been internationalized by the adoption and presentation of the Ogoni Bill of Rights in October 1990, and the presentation of the Ogoni case before the United Nations, as well as the recognition bestowed on MOSOP by the UNPO (Unrepresented Nations and Peoples Organization) meeting held at The Hague. The agitations, human rights abuses by federal and state authorities and ecological degradation by Shell, and the excesses of state terror in Ogoniland by the dreaded Rivers State Internal Security Task Force, inevitably externalized the domestic crisis. It is pertinent to note that in contemporary global politics, human rights and the environment are no longer issues of domestic concern because such issues may explode the international system and therefore they are of interest to world leaders and states. This explains the limits of sovereignty in international organizations, particularly when states are contracting parties to some conventions on human and

that the world had no business in the happenings in Nigeria and the government handling of the Ogoni crisis was, as such, of no effect. Among other diplomatic blunders, Tom Ikimi, accused the United States of arrogating to itself the role of global policeman of democracy and lampooned the South African President, Nelson Mandela, for advocating sanctions against Nigeria in the aftermath of the hanging of Saro-Wiwa and eight others. In one of his characteristic unguarded remarks, Ikimi retorted, We in Nigeria have held President Nelson Mandela in high esteem. Nevertheless, our experience as a people and a nation in world affairs, tells us that the successful struggle for liberation does not automatically endow a newcomer to the international arena with all the means to perform creditably. And also, whoever gave the South African the song sheet to read has not done him honour.<sup>61</sup>

This came on the heels of Abacha's uncomplimentary remark on Mandela when he said: "I don't blame Mandela because, having spent 27 years in detention, he has lost touch with the socio-political trend in the world"<sup>62</sup> Instead of tactful diplomatic fence-mending with Nigeria's traditional friends and allies in the Commonwealth, an unguided propaganda was mounted

was unable to regain the confidence and support of the international community.<sup>63</sup> The two-year suspension by the Commonwealth was not reversed in spite of all entreaties by the junta, leading a frustrated Ikimi to decry the Commonwealth as "not a serious Organization. They have done nothing for Nigeria. They have only come out with declarations or statements which they cannot carry out."<sup>64</sup>

As earlier noted, it was on the account of Nigeria's violation of the 1991 Harare Declaration on Human Rights to which it is a contracting party that compelled the Commonwealth to suspend Nigeria in 1995. The Harare Declarations also included the resolve of member-states of the organization to promote democracy and good governance. Also, as a member of the UN, Nigeria was aware of existing treaties and conventions on fundamental human rights and freedoms to which it was bound by being a signatory. The Universal Declaration of Human Rights of 1948, which is a general but yet comprehensive document dealing with Human Rights and whose provisions were breached in the Ogoni case. Articles 5 and 9 specifically provide for safeguards against subjecting human beings "to torture or to cruel, inhuman or degrading treatment or punishment"

The Ogoni crisis, which complicated the country's existing national crisis, exacerbated by the lingering "June 12" problem, courted the ire of the world community. Most of them reacted by recalling their ambassadors, imposition of visa and travel restrictions on military personnel and government officials, European Union's restrictions on Nigerian sportsmen, and Canada's breaking of diplomatic relations with Nigeria. Nigerians had to obtain traveling visa from Canada's consular office in Accra. Worse still, the Commonwealth Ministerial Action Group (CMAG) contemplated more comprehensive sanctions, and the UN also sent a fact-finding team whose comprehensive report severely indicted the regime for gross violations of human rights in Ogoniland.<sup>66</sup>

Perhaps the Ogoni issue might not have elicited much passion and concern if not for the fact that the problem of environmental pollution and degradation has become a global concern. The world has come to terms with the fact that the environment is the common heritage of mankind and that environmental degradation in any country could not be overlooked because it carries trans-national harm. Thus, the focus on the environment and

oil exploration and profiteering often culminate in the abuse of the environment and ecosystem host communities, especially in the developing countries. In the Niger Delta, the ruthless activities of the Royal Dutch Shell came into sharp focus because it was the main culprit in Ogoniland. To be sure, the Ogonis' protest further attracted national and international concerns about the oil company's culpability in the wanton destruction of the entire Niger Delta environment.<sup>67</sup>

### Current Trends in Niger Delta Crisis

In a recent exclusive by the CNN, Jeff Konainge, its West African Correspondent, brought out the grave deterioration of the Niger Delta crisis in pictorial documentary of the underground militant warfare, their hideouts, number, gunrunning, use of extremely dangerous and sophisticated weapons, facelessness of individuals in the groups, and determination of the members to "destroy lives... destroy property" in their bid to secure "the wealth of the region for the masses of the Niger Delta." The reports confirmed the failure to arrest the Niger Delta crisis which momentum dates back to the era of Boro, to Wiwa and finally to Alhaji Asari Dokubo, whose only language of

for treason has further added impetus to the underground movements to fight for his freedom and that of the region's from government and MNCs' stranglehold.

Such faceless groups have been engaging in kidnappings of foreign oil workers who are used as ransom and human chips for negotiating settlement in the area. Moreover, activities of these groups in the creeks have continually impeded economic activities in the Delta. Consequently, it is increasingly difficult to bring peace to the region, but much more regretful is that the international community's spotlight has once again been on Nigeria and countries whose nationals have been the worse victims have been evacuating them from Nigeria or declaring it as a "no go area" for their citizens. This development represents a minus for Nigeria's external relations and economic diplomacy being vigorously pursued by the present regime of Olusegun Obasanjo.

### Conclusion

This study has attempted to analyse the environmental crisis, resources extraction, the politics of resource control, state and MNCs responses to the claims and demands of oil bearing

externalization with particular focus on the Ogoniland. Given the current state of things in the Niger delta, it would appear that the Nigerian State and the MNCs have learnt nothing from previous incidents. The Abacha approach seems to be rearing its ugly head again. The continued neglect of the areas despite increased exploration activities of many new foreign oil companies is exacerbating the Niger Delta crisis. The upsurge of militia activities in reaction to the government's over-protection of the exploitative oil companies, growing impoverishment, emergence of more slum settlements, and increased environmental degradation, will spell doom for peace and the national economy as well as the external environment. The Niger Delta Peoples Volunteer Force under Asari Dokubo, among other resistance movements, are a novelty as the country has never had movements of this kind before. The groups are holding Nigeria's economic and political destiny to ransom. But one could hardly fault their claims and demands. The militants are demanding good living condition for the peoples of the Niger Delta, social responsibility on the part of the oil companies and government's attention by way of physical and economic development, meaningful allocation from the huge revenues coming from the oil-

eco-system in the Delta region.

Lastly, it is recommended here that the oil companies need to be more responsive to the plight of the people and contribute to their welfare, provide jobs for them, construct good roads, build decent low-cost housing for them, increase academic scholarship awards to their children, build schools and hospitals, provide water and electricity to the communities. It is also recommended that Nigerian ruling blocs should concede power to the South-

them to produce a leadership of the country. It is politically dangerous to allow political and social discontent in the Delta to destabilize our delicate democratic process. The issue of political marginalization has been an essential element in the agitation of the peoples of the Niger Delta. It should be addressed by a concession of the country's presidency to them in the manner in which the South west was compensated with the presidency in 1999 as aftermath of the June 12 crisis.

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