

**LAND USE, COMPENSATIONAL JUSTICE AND ENERGY RESOURCE
EXTRACTION IN NIGERIA: A SOCIO-HISTORICAL STUDY OF PETROLEUM
AND COAL MINING COMMUNITIES**

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ABSTRACT

Scholarly and public analyses of state-community conflict in resource-rich communities, especially in Nigeria, often portray the compensational practices of the state and extractive enterprises as unjust and unsustainable. According to this view, at least three issues foreground the “unjustness”, namely: a) Inadequate compensation of land owners when land is expropriated or degraded in the process of natural resource exploration and production; b) inadequate periodic rents paid by extractive firms to land owners; and c) lack of, or inadequate socio-economic infrastructure in the host communities of extractive operations. Most analysts have therefore argued for a revamp of the compensation system and have presented the inadequacy of compensation as the underlying cause of conflict in Nigeria’s mining communities (see Frynas, 2000b:208; Okoji, 2002:205).

This thesis subjects the compensation discourse to a closer examination, especially against the backdrop of underdevelopment, pervasive poverty, environmental damage and continuing corporate-community conflict in Nigeria’s resource-rich rural communities. The main argument is that, because of some of its underlying neoliberal assumptions, much of the compensation discourse is flawed – which is why the discourse obscures the true character of state-community and corporate-community conflict. This more so, because the discourse relies mainly on post-colonial (that is, post-1960) experiences and contemporary advocacy literature, ignores the interplay between history and contemporary developments in state-community relations, and treats compensation as an independent variable.

Drawing on the concept of collective memory, and utilising historical, ethnographic and survey data from two of Nigeria’s oldest petroleum and coal-mining communities, the thesis examines how the evolution of the Nigerian state and collective memory about aspects of that evolution have shaped state-community relations in the extractive sector. It situates state-

community resource-related conflict within the wider socio-historical matrix of state and community contestations for ecological and natural resource sovereignty.

The key finding of the thesis is that within the context of socio-ecological rights, compensation demands by local communities are textured. In the case of the communities selected for the study, such demands are often made *outside*, rather than *within*, local ethnographic ideas of “justness” and “fairness”. Hence, land-related grievances associated with natural resource extraction persist, regardless of whether or not local demands for compensation are “adequately” met by the state and extractive corporations. The thesis enriches and extends our understanding of natural resource conflict by privileging both the sociological and historical contexts of the conflict and raising questions about the dominance the state enjoys over local communities and indigenous ecological spaces.

SUPERVISOR'S CONFIRMATION

I confirm that the thesis of the following candidate is supervised by me and has been submitted with my authorisation.

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DEDICATION

This thesis is dedicated to the Umejese Family. My father, Mr. Silas Umejese, for the discipline you inculcated in me, the memory of my mother, Mrs Julia Umejese – the tears have not dried. God bless my brothers – Godfrey, Ignatius, Boniface and Patrick, and the memory of Helen, my sister who passed on in 2008.

My world is incomplete without my wife, Mrs Ijeoma Ike Umejese, and my son, Great Ike Umejese. My absence may be painful, but it is worth it. I love you and God bless.

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List of Abbreviations and Acronyms

AD	<i>Anno Domini</i>
AG	Action Group
APA	American Psychological Association
C of O	Certificate of Occupancy
CAST	Community And Shell Together
CD	Community Development
CSR	Corporate Social Responsibility
DO	District Officer
DPR	Department of Petroleum Resources
EPC	Egbema Production Centre
ERA	Environmental Rights Action
ESUT	Enugu State University Technology
ETA	<i>Euskadi Ta Askatasuna</i>
EU	European Union
FAA	Angola's Armed Forces
FEPA	Federal Environmental Protection Agency
FGD	Focus Group Discussion
FHC	Federal High Court
FUTO	Federal University of Technology Owerri
GRA	Government Reserved Area
HRH	His Royal Highness
HRW	Human Rights Watch
IBEAC	Imperial British East Africa Company
ID	Identity Card
IIASA	International Institute for Applied Systems Analysis
INC	Ijaw National Council
IOC	International Oil Company
ISOPADEC	Imo State Oil Producing Areas Development Commission
IYC	Ijaw Youth Council
LDCs	Less Developed Countries
LGA	Local Government Area
LUA	Land Use Act
LUD	Land Use Decree
MASSOB	Movement for the Actualisation of the Sovereign State of Biafra
MEND	Movement for the Emancipation of Niger Delta
MHRA	Modern Humanities Research Association
MNOC	Multinational Oil Company
MOSOP	Movement for the Survival of Ogoni People
MSMD	Ministry of Solid Minerals Development
NA	Native Authority
NA	Not Available

NAC	National African Company
NAE	National Archive Enugu
NAOC	Nigerian Agip Oil Company
NCC	Nigerian Coal Corporation
NCE	Nigerian Certificate of Education
NDDC	Niger Delta Development Commission;
NDPVF	Niger Delta Peoples Volunteer Force
NGO	Non Governmental Organisation
NITEL	Nigerian Telecommunication Limited
NMM	National Museums and Monument
NNPC	Nigerian National Petroleum Corporation
NPC	National Population Commission
NPC	Northern People's Congress
NPD	Norwegian Petroleum Directorate
OAU	Organisation of African Unity
ONDIST	Onitsha District
ONELGA	Ogba/Ndoni/Egbema LGA
ONPROF	Onitsha Provincial File
OPC	Oodua People's Congress
OWDIST	Owerri District
RAV	Risk And Vulnerability
R of O	Right of Occupancy
RNC	Royal Niger Company
SEPA	State Environmental Protection Agencies
SPDC	Shell Petroleum Development Company
SRC	Shell Recreation Centre
TTC	Teachers Training College
UAC	United Africa Company
UN	United Nations
UNO	United Nations Organisation
UNTH	University of Nigeria Teaching Hospital
US	United States
WAFF	West African Frontier Force
WBCSD	World Business Council on Sustainable Development

Declaration of adherence to ethical considerations

I, Ikechukwu Umejesi, the author of this doctoral thesis, do hereby declare that this project does not contravene any ethical rules set by the University of Fort Hare, or rules that govern social research. It also kept the confidentiality of respondents and organisations involved in the study, as well as the customary ethics of the communities where this study was conducted.

Author's signature:

Date:

CHAPTER 1

LAND, RESOURCES AND COMPENSATIONAL JUSTICE: A BACKGROUND

1.1 The background and statement of the research problem

One of the most prominent explanations for the discordant relationship between natural resource-rich communities and the Nigerian state is found in the compensational justice discourse (Nwokedi, 2003; Azaiki, 2003; Akpan, 2005a; Ogedengbe, 2007). One strand of this discourse posits that the conceptions of land use advanced by the state and extractive corporations (which tend to emphasise profit) is at variance with indigenous land use practices (Ibeanu; 2000; Ogon, 2006). Indigenous land use, some argue, emphasises values other than economic gain (Uchendu, 1979; see also Mitee, 2002; Ogon, 2006). Because the state and extractive corporations relate with resource-producing areas according to the dictates of economics, the compensation practices of these dominant parties are bound to be unjust. Resource-producing indigenous communities, in other words, are treated as “mining areas”, not necessarily as human habitations. For instance, Ogon (2006:1) contends that, apart from the inadequate compensation paid to the mining communities, the way the multinational oil companies treat such communities amounts to “eco-terrorism”:

The violent politics of oil and eco-terrorism by corporations in the fragile ecosystem of the Niger Delta have engaged the minds of all those interested in Nigeria...unbridled exploitation of natural resources, destruction of community livelihood support systems and communal disempowerment which has left in its wake severe stress and underdevelopment both on the environment and livelihood patterns of the indigenous population (see also Okonta and Douglas, 2003; Jike, 2004).

The second strand of the discourse, which derives from the first, is that despite the wealth they have generated from local communities, the state and the international mining corporations often do not reinvest in the socio-economic life of these communities. In other

words, the communities are not developed in terms of infrastructure, nor are local residents given “just” financial reward for expropriated land or land degraded in the process of natural resource development (Adewale, 1989:103; Ogedengbe, 2007:68; see also Okonmah, 1997). The lack of adequate compensation, they contend, exacerbates poverty in the communities. For instance, Okoji (2002:205) reasoned that the current compensation scheme militates against cordial corporate-community relations and “reinforces the perception that oil activities cause most of the unrest in the Niger Delta” (see also Jike, 2004). Frynas (2000a:160) sees the conflict in the Niger Delta as emanating from “underlying problems such as the inadequate payment of compensation and ecological damage from oil operations”. Compensational justice is not only viewed by advocates in terms of monetary or infrastructural rewards for local communities and individuals, it is also seen in terms of provision of employment and appointment of the indigenes of resource-producing regions into top positions in relevant public and private enterprises (Okoji, 2002:208; see Azaiki, 2003). As a solution to the conflict in the Niger Delta, for example, Ojatorotu and Uzodike (2006:1) stated that “Government and the oil companies should embark on community development projects...electricity, gainful employment...and a drinkable water supply should be adequately provided in the communities. This is the only way by which the ordinary people in the Niger Delta could benefit from compensation” (see also Okoji, 2002:208-209; Ogedengbe, 2007:70-71).

Another strand of the compensational discourse is the idea that good Corporate Social Responsibility (CSR) is able to meet the socio-economic needs of local communities where business activities (such as corporate mining) take place (Campbell, 2007:962). By this, advocates of CSR believe that corporate miners for example, can “be a good guest” (WBCSD, 2002:2) to communities where they operate by ploughing back part of their profits

to the benefit of their host communities. The World Business Council on Sustainable Development (WBCSD, 2002:2), a known CSR advocate, describes CSR as: “what business puts back – and can show it has put back – in return for the benefits it receives from society”. McWilliams and Siegel (2001 cited in Rodriguez et al., 2006:10) see CSR as “instances where the company goes beyond compliance and engages in actions that appear to advance a social cause [such as] working closely with community organizations to ameliorate...indigence”. Hence for the oil-producing giant, Shell (the main operator in Nigeria), CSR is ensuring that “we balance the economic, environmental and social aspects of everything we do [in the host community]” (see Responsible Business, 1999 cited in Moir, 2001:7). In its Nigeria operation, Shell stated that “social responsibility...is embedded in the way we carry out our day-to-day business...to ensure that the ‘benefits’ of Shell’s resources feed through to local communities and businesses” (see www.shell.com.ng). Although CSR practice has been popularised by WBCSD since its inception in the early 1990s, CSR in corporate-community relations is not new. As Michael Watts (2005:1) observes, CSR has characterised “the rise of post-1945 global capitalism” – that is, post-World War II era.

This thesis acknowledges the contributions of the compensational justice paradigm in explaining the continued conflict between the state and local communities or between communities and corporations, particularly when viewed against the backdrop of the overwhelming poverty and localised environmental degradation that accompany resource production. It also acknowledges the perspective’s emphasis on the importance of corporate social responsibility towards the regions that provide earnings to the state and the mining corporations. However, there is an assumption in this paradigm that with “adequate” compensation, grievances in the communities would give way to harmonious community-corporate and state-community relations. The discourse ignores what Bratland (2006:2) calls

the “ethical basis” for justness, and views community agitation as driven by motivations that can be satisfied through the instrumentality of neoliberal “fixes”. For instance, can compensation paid or administered within the framework of forced land acquisition be deemed just? Can land expropriations carried out within the context of eminent domain be readily viewed by the “dispossessed” as an economic transaction whose outcome is ultimately beneficial to the dispossessed? These questions are crucial for re-examining the compensational justice discourse, especially as applied to Nigeria’s natural resource-endowed communities.

Adopting a socio-historical framework, especially the concept of “collective memory”, this thesis examines state-community natural resource conflict around the historical questions arising from the evolution of the Nigerian nation-state. In other words, it looks at how the evolution of the Nigerian state has shaped the current relationship between the state and the local communities with particular regard to land and resource ownership. Issues such as the loss of indigenous land rights to the nation-state, intrusive mining activities in local communities, shared ownership rights, and the problems associated with the “distant state” are examined in order to understand the extent to which factors such as these have created conditions for state-community land-related conflict.

The central argument of this thesis is that, in looking at the conflict of interests between the state and resource-producing communities in Nigeria, attention should not only focus on unjust compensational and environmental practices, but the conflict should also be examined as the contention between two sets of ecologic and economic rights traceable to the evolution of the Nigerian state. Examining the problem through a socio-historical prism raises questions, first, about how the state evolved and its relationship with local communities.

Secondly, instead of disaggregating state-community conflict in resource-rich regions of Nigeria from other problems associated with state-building, it treats the problem as part of the complex challenges brought about by the formation of the modern nation-state (Nigeria). The following research questions guide the present inquiry:

1. How do local residents in the study communities perceive compensation paid by the state/extractive corporations for the appropriation of land for mining operations, and what are their narratives about compensation?
2. What do such narratives reveal about the “justness”, or otherwise, of the compensation dynamics with specific regard to local land rights?
3. How do the divergent attitudes of the resource-producing communities and the extractive corporations (and the state) vis-à-vis land rights intersect with historical questions about state-community relations in Nigeria?

Research objectives

The central objectives of the study are:

1. To examine how the study communities perceive compensation paid by the state/extractive corporations, and to understand the narratives of ordinary citizens about compensation.
2. To examine what such narratives reveal about the “justness”, or otherwise, of the compensation dynamics with specific regard to local land rights.
3. To examine how the divergent attitudes of the resource-producing communities and the extractive corporations (and the state) vis-à-vis land rights, intersect with historical questions about state-community relations in Nigeria.

The research questions are examined based on field data from Enugu-Ngwo, Nigeria's foremost coal mining community in Enugu State, and Egbema, one of the earliest and most consistent oil-producing communities in Imo State. Detailed ethnographic and socio-economic information on the two communities are provided in Chapter 6.

1.2 The Nigerian state: its evolution and the land question

State-community conflict in Nigeria, but especially in the resource-producing communities, can be traced to the evolution of the Nigerian state. The activities of British traders are central to the evolution, as they led to the gradual alienation of local communities from their indigenous land, a process that the colonial state inherited. In the colonial and postcolonial phases of the evolution, the local communities continued to lose their land to the state through a combination of formal legislation and force. This section expounds on the historical fact of the imposition of the rights of the modern state on local ecological resources. Of particular interest in this section is the land-related state-community conflict that has accompanied the juxtaposition of "state rights" and "community rights" on the same ecological space.

Prior to the formal creation of the Nigerian state on 1st January 1900 by the British colonial authorities, various communities and ethnic nationalities that constitute the present day Nigeria have existed with relative sovereignty over their territories (see Afigbo, 2006:410-425). Beginning in the 15th century (1400s), Nigerian coastal communities maintained mostly commercial contacts with several European traders. The commerce was originally based on spices and ivory, until Christopher Columbus led the landing "at the island of *Guanahani*" in the Americas (The New World) in 1492 (Darker, 1905:206). Christopher Columbus was a sailor-servant of Prince Henry of the Spanish Kingdom of Castile and Aragon – modern day

Spain (Fage, 2008:229). This landing, often erroneously referred to as “discovery”, changed the face of Afro-European trade relations and trade routes: firstly, the Americas became an important part of the trade that used to be between Europe and Africa; secondly, the focus of the trade shifted from spices to slaves (Fage, 2008:227).

From the 15th century until the 1850s, slaves became the dominant commodity on European ships to the Americas. The trade in slaves grew from an estimated 10,000 to 12,000 a year (exported to the Americas in the early 16th century) to “between 70,000 and 80,000 a year” during its peak in the 18th century (Dike, 1956:3). In total, from the commencement of trade in the 15th century to its formal abolition in the 1800s, Dike (1956:3) estimated that about “ten million West Africans...crossed the Atlantic Ocean” as commodities. How did Euro-African trade relations lead to the loss of indigenous political sovereignty and the evolution of the Nigerian state, and how did they condition state-community relations regarding land ownership? This question is the main focus of this section.

1.2.1 Pre-colonial land acquisitions in local communities

In (what later became) Nigeria¹, the first European (Portuguese) traders acquired land and established their presence in the form of trading posts in 1487, at the Benin River town of Ughoton². Spices, textiles and ivories were the focus of European trade with local people (Fage, 2008:235; Lawrence, 1969:27). It is important to note that this period, rather than any other marked the beginning of the systematic intervention of Europeans in the political and

¹ Although there was no geographical description called “Nigeria”, several communities and kingdoms had flourished in what become known as “Nigeria” on 1st January 1900.

² Ughoton is significant in the evolution of Nigeria, as it is the first recorded landing for the Europeans. The town is located in the then Benin Empire, present day Mid-western Nigeria. It was also called Gwato in the Bini language (see Lawrence, 1969:5).

land-related matters in local communities along the coast of West Africa. As Lawrence (1969:5) notes:

Between 1482 and the introduction of Colonial rule in the nineteenth century, scores of fortified trading-stations were maintained in West Africa under the Crowns of Portugal, Spain and Sweden or the Chartered Companies of Bradenburg-Prussia, Courland, Denmark, England, France and Holland. Each post – whether it were a castle, a lesser fort or a mere house – contained residential quarters, offices, storerooms, and workshops.

In this regard, Dike (1956:10) acknowledges that although the period between 1481 and 1807 was generally marked by a policy of abstention in African politics by the European traders, yet there were specific interferences in the local politics of various coastal West African states. The author noted that:

The degree of abstention from African politics differed from one trading area to another. In the area of the forts, more particularly in the Gold Coast, European settlements situated near African territories were inevitably involved in local politics. The colonizing experiments in Freetown, the Senegambia, the Kingdom of Kongo and Angola...were exceptions to the general rule [of abstention] (Dike, 1956:11).

Euro/African relations in this period were relatively “mutual”, in that the Europeans did not force their way inland, they received their supplies from the rulers of coastal states. In later years, the cordiality of this relationship changed, as succeeding generations of European traders, colonial officials and missionaries acquired several acres of land forcefully, and established strongly defended communities with warehouses, courts, and prisons where the authority of local rulers was not permitted (Dike, 1956:110; Alagoa, 2006:250-251; Isichei, 1976).

Between 1830 and 1899, European traders and missionaries broke the restraint they had maintained at the coast since the 15th century (Dike, 1956). It was a period that witnessed immense activities on the coast and interior parts of Nigeria, such as naval expeditions

against persistent slave trade, introduction of the so-called “legitimate commerce”³, increased missionary activities and consular regimes. Consuls were the first official representatives of the British government in the Gulf of Guinea. They were appointed by the Foreign Office in London, starting with John Beecroft in the 1850s (see Alagoa, 2006:250). Their major assignment was the protection of the interest of the British traders, the suppression of the slave trade and growth of the so-called legitimate trade in pre-colonial coastal Nigeria and parts of West Africa.

Two reasons were given by the Europeans for this inland penetration. Firstly, the humanitarian perspective emphasised the need for trade in non-slave commodities, which was presented as an unavoidable replacement for slave trade. Secondly, evangelisation was also seen as a tool for “healing” local people of the wounds caused by centuries of slave trade (Dike, 1956:12). On the other hand, coastal communities, especially the coastal chiefs and middlemen, saw inland penetration as a way of bypassing the lucrative middle-man position they held in the centuries-old trade with the interior as well as the loss of their political sovereignty (Dike, 1956:203-218).

Some scholars argue that British penetration of the inland communities was largely conditioned by commercial expediency rather than humanitarian considerations (Dike, 1956; Lawrence, 1969; Olaniyan, 1971). To illustrate this, the 19th century industrial revolution in Europe (especially in England) and the need for raw materials, such as palm produce from the Niger territory or “Oil Rivers”,⁴ more than anything may have motivated the urge for moving

³ The major commodities traded was palm oil which was produced by the interior ethnic groups – Igbo, Ibibio and some Niger-Benue river peoples such as the Igalas and Idomas. Although as Dike (1956) noted other items such as timber and ivory were traded on small scale. The trade inherited the infrastructure left behind by slave trade (Dike, 1956; see also Alagoa, 2006:249-255; Ikime, 2006:262-277).

⁴ The Niger Delta was once called “Oil Rivers” because it accounted for more than half of the volume of palm oil that was exported from Africa, although the oil was sourced from the Igbo and Ibibio hinterland or beyond.

inland. Dike (1956) argued that the prosperous 19th century England needed industrial raw materials and markets in Africa for their manufactured products more than they needed slaves. Put simply, the economic factor which made the slave trade unprofitable motivated the abolition of this trade in the first place: England needed West African labour to remain in Africa to produce raw materials (Dike, 1956:11-12).

The eventual success of the British traders (aided by the British Navy) in breaking through the opposition of the coastal chiefs formally ended the political and commercial influence of local rulers (see Alagoa, 2006; Ikime, 2006). This event saw the entrenchment of Consular authority on the coast and the extension of its powers inland. The local rulers became answerable to the Consuls who were initially based in Fernando Po (the present-day Bioko in Equatorial Guinea), and later at Calabar, South-east Nigeria (Alagoa, 2006:250-251). Examples of indigenous rulers in Nigeria who lost their reign to Consular authority include Oba Kosoko of Lagos, Anna Pepple of Grand Bonny and Jaja of Opobo, among others (Dike, 1956; see also Ikime, 2006:268-269).

Having gained control of the inland trading routes, the consuls effectively employed British naval power to suppress opposition and thereby create a stable environment for the growth of inland trade, evangelisation and acquisition of land for the establishment of trading posts. To ensure their control of the region, they engaged in “treaty making” with local rulers. Scholars have argued that the British intentions for such treaties were not properly explained to the local chiefs (rulers), who, by acceding to these treaties, “unknowingly” compromised the sovereignty of their communities (see Hair, 1954:56; Dike, 1956:81-88; Alagoa, 2006:250). The treaties were often made as agreements, trade pacts, alliances and land leases, among

For example Dike (1956: 100-101) recorded that between 1855-6, African production averaged between 40,000-42,000 tons, out of which 25,060 were exported from the “Oil Rivers”.

others (see Afigbo, 2006; Ikime, 2006). These involved carefully worded statements which many local signatories, usually lacking Western education, later found out had interfered with their political and economic sovereignty. The interference in the sovereignty of indigenous rulers meant that the traders determined how long they stayed in the territories of these rulers, and what they did while they stayed. Writing on the British/Nigerian relations in the mid 19th century, Ikime (2006:268) notes a general sense of apprehension among local rulers:

The establishment of factories [warehouses and quarters] meant that European agents were now staying for prolonged periods [in the interior] among the peoples...This raised the issue of how to control Afro-European relations. The rulers of the delta were anxious to continue to wield authority as before, while the European supercargoes⁵ did their utmost to disregard the authority of these rulers. It was a situation in which conflict became endemic.

These interior trading quarters, such as Asaba, Lokoja, Bida and Onitsha, among others, later became for British Consuls and traders, outposts for protecting trading and missionary activities. The trading posts also served as bases from which inland communities were conquered or forced to enter into treaties of “protection” with the Consul or with the traders (Olaniyan, 1971:62; see also Dike, 1956; Ikime, 2006). This era of the emerging Nigerian nation-state coincided with the heightened competition between major European nations seeking spheres of interest in West Africa. How did the British government respond to the challenges of this period in relation to acquisition of territories and the government of Nigeria? The next section provides answers to this question.

1.2.2 Nigeria, formal territorial acquisition, and the rule of merchants: 1886-1899

The unification of Italy in 1861 and Germany in 1871, and the urge for these emerging nations to challenge British, French and Spanish imperial influence, fuelled territorial

⁵ Supercargoes were the wealthier traders who owned or represented larger trading companies in Europe. Many of them transformed from slave supercargoes to palm oil supercargoes.

contestations among the major European powers – France, Britain, Germany, Holland, King Leopold of Belgium, Portugal and Spain (see Dike, 1956; Fage, 2008). Although the pressure from other European nations for the commercially lucrative Niger Territory was building up, Britain, whose traders had dominated commerce in the area over a long period, did not have colonial plans for the area and the rest of Africa, except Southern Africa and Sierra Leone (see Dike, 1956:166-182; Olaniyan, 1971). Dike (1956:166) noted that “In the mid 19th century, the dominant note in British colonial policy was withdrawal whenever possible and retrenchment of expenditure everywhere”.

While the British Foreign Office did not seem keen on extending imperial colonial presence in Africa, this did not deter its numerous trading companies and citizens, who were already entrenched in commercial activities in the coastal and inland communities of Nigeria. According to Dike (1956:166), “Here, the British traders launched a vigorous policy of expansion during the [1860s]. This statement, if not true of all West Africa, certainly applies to modern Nigeria”. It is perhaps this huge commercial interest of the traders and the strategic importance of Niger territories, especially as a potential route to the inland kingdoms and communities, that finally persuaded the British government to lay a formal claim to the area at the Berlin West Africa Conference of 1884/85, where contending European powers partitioned West Africa among themselves.

The recognition of the British claim of the Niger territories at the Berlin Conference still did not produce an immediate blueprint for administering the new territory as a Crown Colony. Hence, the best available option left for the British government was to accept a proposal in 1886 to grant a “Royal Charter” (royal mandate) to the United Africa Company (UAC), led by Taubman Goldie, as a holding authority for the British Crown. Having accepted the

mandate, the company changed its name to Royal Niger Company (RNC)⁶ to reflect its new imperial assignment (see Olaniyan, 1971:65). Alagoa (2006:258) notes in relation to the granting of the charter: “By this act, the British government armed the commercial interest with powers of government and forcible interference in local affairs”. Prior to the granting of the charter, the company since its formation in 1879 had had a strong footing in the trade and politics of both the coastal states and inland communities of the Niger Territory. It demonstrated its influence in the area with its network of landed properties and monopoly which it secured through treaties. For instance, it had established over 100 trading bases on the banks of major rivers, and also successfully “negotiated” over 237 treaties with local chiefs (see Olaniyan, 1971:65-67; Abubarkar, 2006:247-254).

The chartering of the Royal Niger Company in 1886 became the first time in the history of the evolving Nigerian nation-state that the interest of the “state” and that of corporate business become formally fused into one. As at 31st December 1899, when the company’s royal charter was revoked (in readiness for formal Crown colonisation), it had established a firm footing for British presence in most parts of the territory. For instance, it laid claim to all parts of Northern Nigeria and most parts of the South, even though its staff were not firmly present and the wars of pacification of local rulers who opposed its activities were ongoing. These wars were to escalate in the post-1900 period under formal British rule (Afigbo, 2006:411-414). The RNC also built a strong corporate base for itself – largely because of the monopoly it enjoyed all over the territories it controlled (Olaniyan, 1971:68-69; Abubarkar, 2006).

⁶ United Africa Company (UAC), an agglomeration of formerly cut-throat competitors, was formed in 1879 primarily to withstand the challenge and out-compete other non-British companies (Alagoa, 2006:258). The company’s name changed from United Africa Company to Royal Niger Company when it was granted a charter in 1886 and back to United Africa Company when the Charter was revoked on 31st December 1899.

The revocation of the charter however marked the beginning of another phase in the evolution of Nigeria. On 1st January 1900, when formal British colonialism was declared over the territories formerly administered by the RNC, the Crown government inherited the territories and the treaties the company had acquired. These lands, especially the entire Northern Nigeria and specific areas in the South where the company had special interests, were declared Crown or government land (Meek, 1946:87-88; Uchendu, 1979:65-66). The next section discusses the development of the state under a formal colonial framework with its attributes of state legitimacy such as eminent domain – the power of the state to expropriate private property for public use (Uchendu, 1979:63; see also Kelly, 2006).

1.2.3 The colonial state, territorial expansion and local communities: 1900-1960

The established system of land acquisition and territorial expansion used by the Royal Niger Company provided the platform for colonial era land acquisition practices. In other words, colonial officials inherited from the RNC an already established system of land appropriation (treaties) and conquest of local communities (see Afigbo, 2006:411-414). However, the major difference between pre-colonial and colonial systems of land expropriation from local communities hinged on the use of “state legitimacy” in the colonial era. While the RNC had used force or treaties, the colonial state used legislation – Acts and Proclamations of colonial officials (or force where necessary) to acquire communal lands and territories (Meek, 1946; Nadel, 1947; Hair, 1954).

This era marked the introduction of land use legislation and mining laws in Nigeria. It meant, for instance, that the Governor of Northern or Southern protectorates could proclaim state ownership over any territory or land without consulting local authorities (see Meek, 1946:88). To demonstrate this, after taking over from RNC in 1900, the colonial government declared

all the territories the company acquired in Northern Nigeria as Crown land. Uchendu (1979:66) notes that the conversion of “all territories” the RNC had acquired in Nigeria to state ownership was made in the “erroneous premise that the Fulani as feudal lords of the people owned the land they surrendered to the Royal Niger Company”. In the ensuing “Public Lands Acquisition of 1902”, the colonial state introduced formal titles for the local citizens. In other words, individuals had to obtain legal occupancy titles from the Governor of Northern Nigeria to validate their ownership (see Meek, 1946:88; Uchendu, 1979:66).

In the South, the colonial government did not acquire all the territories as it did in the North, except for Lagos and Benin which it declared “Crown territories” in 1851 and 1896 respectively after their conquests (Dike, 1956:130; Uchendu, 1979:65). However, under the Native Lands Acquisition Proclamation of 1900, the state reserved the right to take over any territory or land the use of which it considered to be in the national interest. Other highlights of this period include the enactment of mineral ordinances such as the Mineral Oils Ordinance of 1914 which vested all minerals oils in the British Crown and gave British companies sole concession (Ebeku, 2001:3). The amendment in 1945 vested all oil minerals in the state to be held on behalf of the people of Nigeria. However, it was silent on the role of host communities where such minerals are found. This framework formed the basis for other laws related to land use and natural resource rights during the colonial era (see Chapter 5 for details). What impact did this era make on indigenous land use practices, especially in Southern Nigeria?

The implication of the new era to local communities was that it infringed on the indigenous system of land delivery, especially in Southern Nigeria where decisions on alienation were not the prerogative of a “central” government or a single individual (Agukoronye, 2001).

Ideally, land is owned collectively by a community and decisions on alienation are often left for the elders of the community to take (Uchendu, 1979:65-69; Agukoronye, 2001). It should be mentioned that this classical model of land ownership has been relatively modified in different communities since the colonial era and the growth of a market economy (Talbot, 1937:680; Ikejiofor, 2009:16). Other implications of colonial intervention on the local land tenure system include the loss of the right to determine what use the land is put to, and the fact that expropriated land may be inhabited villages. Where the latter occurs, local and state (or corporate) rights share the same ecology – that is, as inhabited village and as a “mining lease” (for instance, where mineral resources were found). While this framework assumes that both rights can “coexist”, the hosting of what Lea (1992:53) termed “aboriginal and acquired rights” in the same ecology leads to a conflictive relationship, because the legal right of each stakeholder clashes with the right of the other.

On the eve of Nigeria’s political independence on 1 October 1960, the Nigerian state had established major control over land and mineral resources in different parts of the country. It has been mentioned that while the “Crown Land Ordinance of 1900” empowered the state to appropriate land for public good anywhere the need arises in the South, it established absolute control of all the land in the North. On the other hand, Mineral Oils Ordinances ensured official control of all the mineral resources in Nigeria. What is the nature of the framework in post-independence Nigeria? How has post-independence legislation on mineral and land use affected state-community relations?

1.2.4 The post-colonial state, land-related legislation and local communities

In Nigeria, as well as in other newly independent African countries, the ability to control inherent diversities and natural resource endowments under a central authority became a

challenge to the legitimacy of the newly independent states (Davidson and Munslow, 1990; Davidson, 1992; Herbst, 1997; Englebert, 2000; Christopher, 1997; Betts, 2006). Hence, beginning with the Republican Constitution of 1963 (which severed the post-colonial political tie with the British Crown), the Nigerian state retained all lands and properties that were acquired by the Crown (colonial government) and held in trust for the people of Nigeria. These lands and properties become vested in the President of the Republic (see Ebeku, 2001). In other words, the law simply “Nigerianised” what under the colonial era Crown Lands Ordinance and Oil Minerals Ordinance had resided with the British Crown. In Section 158(1), the constitution stated that:

All property which, immediately before the date of the commencement of this constitution, was held by the crown or by some other body or person (not being an authority of trust for the crown) shall on that date, by virtue of this subsection and without further assurance, vest in the president and be held by him on behalf of...the benefit of the government of the federation (cited in Ebeku, 2001:3).

By this provision, the law foreclosed the expectation that the government would return indigenous land held by the state. It also gave an indication to the direction of post-colonial land- and resource-related legislation.

The Petroleum Act of 1969 (Decree 51 of 1969), replaced the Oil Minerals Ordinance of 1945 (as amended in 1959). Like the 1963 Republican Constitution, and the Oil Minerals Ordinance it replaced, the Petroleum Act vested all petroleum resources in the now independent state (Akpan, 2005a:141). Again like the Oil Minerals Ordinance of 1945, the role of the communities in the ownership of petroleum resources remained silent. This has become one of its major defects as identified by scholars (see Ebeku, 2001:3; Ikporukpo, 2004:345).

In 1978, the government of Nigeria promulgated the Land Use Act (LUA or Decree No. 6 of 1978). According to scholars, the Land Use Act of 1978 has the most restrictive impact on communities' right to land ownership. Allot (1978:136) called it "One of the most revolutionary enactments in Nigeria laws for many years". Akpan (2005a:147) sees the LUA as "having 'radically' redefined the relations between communities and the bio-geophysical environment in Nigeria" (see also Uchendu, 1979:69).

Why have authors described the LUA this way? Firstly, the LUA bestowed ownership of "all land" in Nigeria on the state (see Section 1). This means it went beyond the "Land and Native Rights Ordinance of 1916" which had granted relative protection for indigenous customary rights over the land surface in the South, although the state still had the right to appropriate the land for so-called public purposes (Uchendu, 1979:69). Secondly, by appropriating ownership of "all land" in Nigeria, indigenous communities (or individuals) became "occupants" rather than owners. Individuals could be allowed ownership status only when they applied for and received a Certificate of Occupancy for urban lands or Right of Occupancy for rural lands from the Chairman of the local council. Thirdly, the LUA provided for the payment of fair and adequate compensation only to a land owner who would lose "inexhausted improvements" on the land (cited in Ikporukpo, 2004:345). However, such an owner did not reserve the right to negotiate the compensation with the acquirer. Instead, state-appointed evaluators assessed the damage and determined compensation due to the owner (see LUA Section 2, subsection C). To demonstrate the powers conferred on the state by the LUA, Ikporukpo (2004:345) argues that the legislation gave the state the enormous powers over land, such that community and privately owned lands "could be acquired for petroleum without compensation". The LUA has remained the substantive land use law in Nigeria since 1978. See Chapter 5 for a more elaborate treatment of this theme.

In conclusion, this section has highlighted how the formation of the Nigerian nation-state led to the serial loss of communities' political and ecological sovereignty. It was a process that began with the earliest contact between European traders and coastal communities. The success of centuries-old Euro/African commercial relations, boosted by the high demand for raw materials to power an industrialising Europe, the need to secure sources of raw materials in Africa and other imperial pursuits of European nations led to the contemplation of formal colonisation of Africa in the late 1800s.

The reader will recall that at the time of formal declaration of colonisation in Nigeria on 1st January 1900, entrenched methods (force and treaty making) of acquiring indigenous lands and territories had been established by mainly British companies, especially the Chartered Royal Niger Company. In the colonial and post-colonial eras, the government of Nigeria, used its legitimately promulgated laws (Acts, Ordinances, Decrees and conquests) to appropriate community lands, territories and mineral rights for the state. It is important therefore to note that each phase of the development of the state limited communities' ownership and control of their land and natural resources. Therefore, in the attempt to understand the factors that foreground resource-related conflict between the state and local communities, it is important to emphasise the historical implication of the emergence of the nation-state on local communities, and the role of collective memory in community relations with the state.

1.3 Synopsis of chapters

Chapter 1 gives insights into the theoretical context of the study and highlights the major problem areas of the thesis, its questions and objectives. The chapter gives the reader a

historical introduction to major phases of land-related issues in the evolution of the Nigerian nation-state. These issues, the thesis argues, foreground the conflict. It is hoped that the reader who may not be knowledgeable about the country will get an early understanding of specific periods, processes and conflicting issues that shape state-community relation in Nigeria.

Chapter 2 contains the theoretical part of the thesis. The chapter gives a detailed critical analysis of the dominant theoretical paradigm – the compensational justice theory – as a way of understanding the conflictive state-community relations in resource-rich communities of Nigeria.

The objective of the chapter is to examine the strengths and weaknesses of the compensational justice paradigm vis-à-vis the neoliberal underpinnings of compensation, especially when evaluated in the context of socio-historical and ecological questions arising from the evolution of the state.

In Chapter 3, the thesis discusses the conceptual framework. The main framework used in this thesis is the socio-historical concept of “Collective Memory” (see Assmann and Czaplicka, 1995; Beim, 2002; Zerubavel, 2003). In brief, the framework presupposes that the collective experiences of communities in relation to their ecology and previous experiences with other communities affect the manner in which communities respond to those around them or to similar experiences. The focus of the concept is therefore on the memories left behind by the historical experiences of the community and how it shapes its responses to new experiences (Assmann and Czaplicka, 1995; Kansteiner, 2002). The thesis draws on this

framework in exploring how the historical experiences of the study communities in relation to land acquisition by the state have influenced the agitation in these localities.

Also, the chapter explains how the environmental perceptions held by the major actors in resource production (state, community and extractive firms) relate to each other, and how such relationships contribute to the conflict in the study communities. Here, the Cultural Theory of Plural Rationality (Schwarz and Thompson, 1990; Verjweij, 2004; Verjweij and Thompson, 2000; Douglas, 2007) gives insights to this oftentimes conflictive relationship.

Chapter 4 is devoted to research methodology. It provides a detailed account of why the thesis triangulates archival, ethnographic and survey methods in collecting data to address the three research questions.

In Chapters 5 and 6, the thesis x-rays the relationship between the state and local communities. In Chapter 5, the thesis expounds the historical details outlined in Chapter 1. It looks at the colonial experiences of Nigeria and how the adoption of foreign political and land ownership frameworks impacted local communities. Major political innovations, such as warrant chieftaincy and the substitution of indigenous land use systems with the Western model, are issues examined. The chapter also examines different models of pre-colonial and colonial era land use systems in the Northern and Southern regions of Nigeria and how the evolution of the state has either changed or modified these systems. Finally the chapter examines the emergence of the mineral industry in Nigeria, such as coal and petroleum, and highlights the alienative impacts of mineral resource developments.

In Chapter 6, the researcher familiarises the reader with the study communities. Here, a portrait is provided of each of the study communities. The focus is on geography, economy and socio-political institutions. The essence of this is to identify ways in which coal and petroleum production has shaped social existence in the two communities.

Chapter 7 is the presentation of the analysis of qualitative and quantitative findings from the two study communities (Enugu-Ngwo and Egbema). The qualitative findings are analysed and presented in themes, while the survey results are presented in tables.

The findings of the research are discussed in Chapter 8. Recommendations and notes for further research are also contained in this chapter.

1.4 Notes on style

The thesis uses South African English spelling rather than the British or US spelling. The choice of spelling is informed by the acceptable standard in most universities in South Africa, especially the University of Fort Hare. It might be useful to demonstrate some of the differences between South African and US spelling: a word such as “colour” in South African spelling is spelt “color” in the US. Also words such as “familiarise” is used, instead of “familiarize”. The “s” and “z” difference indicates the variations in the South African and the US usages. Having said that, this style does not include direct quotes – where an author used the American style, the researcher has quoted verbatim without rephrasing the text to suit the style adopted in the thesis.

Another issue is on the use of ellipsis. While some writers use ellipses at the beginning and closing of quotes (where necessary) to indicate points of omission, this thesis did not use this

method. Ellipsis is used only in the middle of quotes where the need arises. This is in line with contemporary styling of major authorities such as APA, Oxford, Chicago and MHRA.

For instance, the Chicago Manual of Style (15th edition) states that:

Ellipsis points are normally *not* used (1) before the first word of a quotation, even if the beginning of the original sentence has been omitted; or (2) after the last word of a quotation, even if the end of the original sentence has been omitted, unless the sentence as quoted is deliberately incomplete (The Chicago Manual of Style, 2003: parag. 11.54).

The thesis uses Times New Roman font face and 12 point font size as a default setting throughout the body, and 10 point for footnotes. It also uses double quotes (e.g. “ ”) for direct quotes, and single quotes for in-between quotes or author’s emphasis in the original quote (e.g. “ ’ ”). It should also be mentioned that “et al.” is used for in-text references to indicate that a cited source has more than two authors. However, all authors of such sources are detailed in the bibliography. Italics are used for emphasis. Where italics appears in a quote, indication is given when italics have been added by the researcher; where it is not given, then the italicised word or sentence is part of the original source.

The bibliographical order is not sorted into sections based on types of sources – journals, books, internet sources, archival, among others. The sources are combined into one comprehensive alphabetically arranged reference list in order to allow for easy location of listed sources. Author’s initials are separated with periods (.). Instead of block initials, such as Law, RCC. 1971; the thesis uses Law, R.C.C. 1971. This is in line with the preferred referencing style used in the Department of Sociology of the University of Fort Hare.

CHAPTER 2

COMPENSATIONAL JUSTICE: THE DISCOURSE

2.1 Introduction

This chapter examines the literature on compensational justice as it relates to grassroots agitation in natural resource-rich communities of Nigeria. The highlight of this theory is that the resource-rich communities in Nigeria are not adequately compensated by the state and the multinational mining companies when they expropriate land or despoil indigenous ecology in the process of resource exploitation. This perspective views community mobilisation and rebellion in resource-rich regions as a reaction to compensational injustice. Therefore, the proponents believe that the payment of “just compensation” to local people, good environmental practices and the socio-economic and infrastructural development of the resource producing communities would guarantee peaceful coexistence between local communities and extractive corporations (see Nwokedi, 2003:26; Agbaje, 2009:1; Offor, 2009:1). The rest of the chapter examines the different strands of the compensational justice discourse.

2.2 Compensational justice: core assumptions

In his analysis of state-community contestation over oil exploitation, environmental degradation and land ownership issues in the Niger Delta region of Nigeria, Ebeku (2001:1) points at what he called “the injustice of the Land Use Decree”⁷ (otherwise known as the Land Use Act – LUA). Ebeku identifies the major problem with the Land Use Act as its denial of the right of local people to negotiate the payment of compensation with oil

⁷ The Land Use Decree was promulgated in 1978 as a Decree by the then military government. It became an Act of the National Assembly in 1979 when the civilian government was inaugurated. In this thesis the popular name “Land Use Decree of 1978” is used.

companies which they had under previous laws (Ebeku, 2001:11). He sees the loss of this right as the greatest injustice suffered by resource-rich communities. He describes the payment of compensation in the pre-1978 period (when communities or individuals negotiated compensation rates with mining companies) as “a soothing balm to oil bearing/land owning communities” (Ebeku, 2001:11), although he believes that “compensation for the surface rights does not meet the requirements of fairness and justice – it is not fair and adequate”. To Ebeku, therefore, grassroots opposition to the state and the oil companies in the Niger Delta is linked to the loss of the right to negotiate compensation under the Land Use Act of 1978.

In another article, Ebeku (2004:1) again linked the cause of the conflict in the Niger Delta to issues related to compensational inadequacy in local communities:

In recent years, local inhabitants of the [Niger Delta] region have been publicly protesting about, *inter alia*, their non-participation in the exploitation, the non-payment of compensation or inadequate compensation for oil operations damage, unemployment in the oil exploration and exploitation companies.

While the payment of compensation to land owners is both the legal and the moral duty of the state or mining companies, it is not clear if the payment of compensation in the pre-1978 era was “a soothing balm” to a victim of forced expropriation (eminent domain). As will be shown in this chapter, landowners did not willingly surrender their property to the state, thus raising questions about the justness or otherwise of whatever compensations were paid (see Bratland, 2006).

Analysing the role of Shell in the conflict in the Niger Delta, Frynas (2000b:158) contends that the inability of international oil companies in Nigeria, such as Shell, to pay communities adequate compensation for acquired and degraded land constitute the underlying basis of community militancy. According to the author, the companies avoid “addressing underlying

problems such as the inadequate payment of compensation and ecological damage [resulting] from oil operation”. Frynas (2000) notes that international oil companies in the region use excuses such as alleged sabotage of oil pipelines (resulting in oil spillage) by local people to avoid their compensational responsibility to local communities.

For his part, Okoji (2002:205) believes that the problem in the region lies in the unsustainable pricing of economic and non-economic goods belonging to the communities by oil companies. In other words, oil-producing companies undervalue individual and communal assets and thus undercompensate the affected individuals or groups. An “unsatisfactory compensation scheme compounded with the low rates generates numerous problems at village level”, Okoji argues. Besides, compensation even has an unintended consequence in the sense that it is a medium for corrupt enrichment among the local elite (see also Okoji, 2002:209).

In his book on the history of revenue allocation in Nigeria, Nwokedi (2003) blames the colonial state for laying the foundation for violent resource-related agitation in the Niger Delta. The author notes that although the colonial government tried to allay minority fears in the twilight of colonialism in Nigeria by recommending the protection of minority interests within the federation, it failed to give the minority groups in the Niger Delta enough revenue protection, especially as oil was gradually becoming a major revenue earner at the time of political independence in 1960. To him, therefore, grassroots agitation against oil production in the Niger Delta emanates from the failure of the central government since the pre-independence era to:

redress the inequalities suffered by the people of the Delta area and the need to adequately compensate them for the extensive and severe encroachment of their small land by oil companies which pay out huge royalties and land tax to the Federal Government...Since then, the agitation of the Niger Delta Area...to obtain a lion share of the revenue derived from mineral resources within their area has continued to generate political tension and sometimes communal unrests (Nwokedi, 2003:26).

The observation made by Nwokedi on the ecological effects of oil production in the local communities gives insights into the environmental dilemma in which the resource-producing communities find themselves. However, it is not clear if adequate compensation will be able to stem the “extensive and severe encroachment” of indigenous ecology by oil operations.

In his work on land-related problems which often emanate from the state’s exercise of eminent domain (powers of overriding interest) when expropriating land for resource exploitation, Akpan (2005a) highlights certain problems associated with the manner in which eminent domain is exercised. He observes that the use of eminent domain in indigenous communities of the Niger Delta, for instance, ignores the developmental needs of the local people, in that oil is often exploited as if the welfare of the communities “did not matter, since the state ‘owns’ both the land and the minerals underneath it” (Akpan, 2005a:135). He then identifies non-payment of adequate compensation to local communities as the fundamental cause of grassroots agitation. To the author, therefore, the crisis:

is about what constitutes adequate and equitable compensation to the affected communities (or the oil-producing province as a whole) when land is expropriated from the communities and indigenous corporate groups for petroleum operations. It is a crisis that strikes at the heart of the state-land-society nexus (Akpan, 2005a:135).

Although Akpan held the compensational justice view as the fundamental issue in grassroots agitation, in a subsequent paper (Akpan, 2006), the author recognised that although compensation may constitute a part of the cause of the crisis, it does not conclusively explain the agitation. He notes:

Ordinary people often speak of the needs such as good roads, town halls, pipe-borne water, electricity, reparation for environmental damage, “adequate” compensation for forests and farmlands destroyed in the industrial development process, and economic empowerment of the citizens, they often also indicate that these projects, “compensations” and expectations could not come at all costs. The

“benefits” could not be at the expense of *deeply held community values* (Akpan, 2006:9, emphasis added).

While proponents of compensational justice often highlight inadequate payment of compensation and lack of development in resource-rich indigenous communities, they usually ignore those “deeply held community values” and focus rather on the need for financial or developmental benefits. This issue will be addressed in the next section of this chapter.

In his analysis of compensational problems arising from compulsory acquisition of oil exploration field in Delta state (one of the nine states in the Niger Delta region), Ogedengbe (2007) concludes that “the compensation paid to rural dwellers of the study area...is inadequate”. He also found that the communities were disenchanted with the compensation rates and the manner of compensation administration in the oil-rich region. He concludes that the root causes of grassroots unrest in the Niger Delta is located in economic deprivation arising from the expropriation of land and property such as farms, food crops, economic trees and improvements on land – houses and tombstones. His recommendation is that:

Apart from [just] compensation being paid to communities for their affected properties, the acquiring authorities should also try to provide basic amenities such as pipe-borne water, electricity, clinics, good roads, etc, to improve on their welfare (Ogedengbe, 2007:68).

Proponents of compensational justice not only highlight inadequate payment of compensation to individuals or communities in the form of cash, they also point to lack of infrastructural development in their analyses. In other words, they see the lack of infrastructural development in the resource-producing Niger Delta region as one of the reasons for the agitation and then hinge the cessation of state-community conflict on compensation through the provision of infrastructure necessary for socio-economic development. According to Ojajorotu and Uzodike (2006:102-103),

Schools, scholarship schemes, hospitals, a good transportation system, electricity, gainful employment, good telecommunications, and a drinkable water supply should be adequately provided in the communities. This is the only way by which the ordinary people in the Niger Delta could benefit from compensation.

Writing about the lack of development infrastructure in the Niger Delta and community-based militancy, Etemike (2009:152) reasoned that “oil, as expected, has not brought prosperity, better living conditions and government attention and development. Rather, it has been accompanied by instability, insecurity, conflicts, violence, crime, and social tensions”. These, according to the author, are the result of a social setting “characterized by the absence of infrastructure, social services, non-oil industries and even petroleum products. There is widespread neglect, social and economic underdevelopment” (see also Clark, 2009:134). While Etemike’s view of the impoverishment as a result of oil production in the Niger Delta is not contestable, the issue of “social tension” and high rate of crime in Nigeria may not be exclusive to the Niger Delta. The high rate of criminal activities in Nigeria has a national rather than localised outlook (see Fasan, 2010). It is perhaps the effect the conflict in the Niger Delta has on the oil sector and the economy in general that has attracted much publicity. In his study, Okoji (2002:208) recommended an enhanced corporate social responsibility for the communities that will, in his own words, be: “community driven, community led and community owned”:

Development of the delta should be community focused with emphasis on public participation in which at least some of the activities will be community driven, community led and community owned. The feeling of ownership of developments is a necessary condition for effective and popular community stewardship. An approach of this kind can improve communication and facilitate exchange of information among stakeholders. Activities of the oil companies must give the local communities the feeling that the companies are committed not only to the country as a whole but to them in particular.

To Afinotan and Ojatorotu (2009:201), the solution to the crisis lies in an increased corporate participation in the form of CSR: “With corporate social responsibility genuinely embraced

by all parties concerned, swords can and will be beaten into plowshares (sic), and lasting peace and sustainable development will return to the hitherto troubled Niger Delta region". Regarding the infrastructural challenges of the Niger Delta communities, Watts (2005:388) acknowledges the various issues that foreground the crisis such as land right questions between the local communities and the state. However, he singles out the issue of community exclusion from "benefits of the oil industry" as the major problem behind the crisis:

Relations between host communities (communities in which oil operations are located) and oil companies have been especially fraught...A part of this tension is related to the land question...But the larger question is the extent to which local communities have been excluded from the purported benefits of the oil industry. In most oil states, community development has been minimal (at least until the rise of a CSR movement). Employment opportunities have been few and development projects minimal and typically incomplete.

In his paper, "Oil as the Curse of Conflict in Africa: Peering through the Smoke and Mirror", Cyril Obi (2008a) interrogates the resource-curse orthodoxy which assumes that oil-rich African countries are cursed with the inevitability of oil-related wars. Obi differs from this prevalent generalisation and focuses on understanding the dynamics peculiar to specific contexts. His analysis disputes the view that natural resources are a curse, subversive, corruptive, and lead to state failure and violent conflicts (Sala-i-Martin and Subramanian, 2003; Ross, 2004). In the case of the Niger Delta, Obi (2008a:11-12) identifies a form of unjust distribution of socio-ecologic costs and benefits of oil production as the major factor driving the conflict in the region. He argues that

The roots of violent conflict in the Niger Delta, as in other oil-rich contexts in Africa, do not lie in pools of oil; they lie in the inequitable power relations embedded in the production of oil and the highly skewed distribution of its benefits and pernicious liabilities...This can be gleaned from the exclusion of the masses of the people from the distribution of the oil wealth and the violence visited upon people living in oil-rich land, who are either forcibly dispossessed of their land, or made to suffer from the effects of oil pollution without adequate compensation or social protection.

In an earlier work in which the author examines the roots of “region specific wars” in West Africa against the backdrop of a globalising post Cold-War World, Obi (2006:10) also identifies exclusionary control of national resources by a dominant elite class and grassroots demand for redress as the major causes of the conflicts: “In more ways than one, what appears on the surface in most of Africa as resource conflicts are linked to demands for the redistribution, citizenship and social justice”.

In his analysis of what has been identified by scholars (Watts, 2006:1; Lee, 2006:1) as “new era scramble for Africa” by the industrialised and emerging Asian economies, notably China and India, Obi (2008b:420) disputes the notion that the resistance in the Niger Delta could be directed against foreign investments in the region. He reiterates that the conflict was more a popular struggle for the redistribution of national wealth than a war on foreign investments:

Local resistance in the context of the Niger Delta refers to a collective action directed at blocking further alienation, expropriation and environmental degradation. It represents a mass project of restitution and self-determination arising from the exploitation of the region’s oil by the MNOCs backed by the Nigerian state.

While Obi recognises “local resistance” as a “collective action” against the state, certain dualisms are noticeable in his analyses. The opposing camps include the “controllers” of natural resources who enjoy the benefits and the local people who suffer the “pernicious liabilities” of resource exploitation, such as degraded environments and unjust compensational rewards (see also Ogon, 2006; Okonta and Douglas, 2003). There is an assumption in this dualism that what drives contestations in resource-producing communities hinges solely on grassroots alienation and the attempt to appropriate just compensation (restitution and redress) from the state and IOCs (see also Obi, 2008a; Obi, 2008c).

The perception of the conflict as an assertion of community entitlement to just compensation is also highlighted by Azaiki (2003). Azaiki traces the origins of the conflict to “age long

neglect and underdevelopment of the area”, and points out that despite its oil wealth the region has remained “without due compensation for the environmental hazards this has caused, [and] has given rise to widespread restiveness among the people” (Azaiki, 2003:147-148). Although Azaiki (2003) recognises other contributory factors to the crisis such as military rule, state violence, suppression of the minority ethnic groups by the majority groups, and unjust revenue allocation formula, he maintains that the core issue lay in the inability of the state and the International Oil Companies (IOCs) to compensate the Niger Delta region through the improvement of their socio-economic and ecological well-being (Azaiki, 2003:95-113). Little attention is paid to the fact that compensation has its limits – as elaborated later.

In his analysis of environmental degradation and social disequilibrium in the oil-producing communities, Jike (2004:686) hinges youth mobilisation against the state on the manner in which oil exploitation alienates local people from their traditional trades. The author sees youth restiveness as an outcome of degraded environment and the socio-economic exclusion of the youth, the desperate attempt by the youth to assert their right of ownership and take what they feel belongs to them. Conflict thus becomes:

a general feeling of alienation and powerlessness that makes them [the youth] want to get even with the larger polity...This makes the youth more inclined to take risks in the quest for a fairer share of the national cake (Jike, 2004:699).

In other words, grassroots agitation is a mobilisation against unsustainable resource exploitation practices of extractive firms, and a way of seeking for “just compensation” (see also Nwokedi, 2003:26; Samiama, 2007:2; Obi, 2008c:3). As a solution to the crises, Jike (2004:699) therefore suggests the creation of “employment opportunities...for the indigenes displaced from their farmstead” (see also Ojakorotu and Uzodike, 2006:102-103). However, it remains unclear what kinds of employment opportunities would suffice as a replacement

for the indigenous fishing and farming to which the overwhelming majority of local people are accustomed. While the creation of job opportunities will keep the youth busy in meaningful employment, Langer and Ukiwo (2009:31) observe that:

Dealing with the Niger Delta issue would not just require provision of jobs, though very important, and ignoring grievances...It would require tackling horizontal inequalities in such a way that political, socio-economic and cultural concerns of the peoples of the region are addressed in a positive manner.

Similarly, John Ghazvinian's (2005:6) analysis of agitation in local communities of the Niger Delta, also points to "compensation" as being at the root of the agitation:

The problem, in a nutshell, is that for fifty years, foreign oil companies have conducted some of the world's most sophisticated exploration and production operations, using millions of dollars' worth of imported ultramodern equipment, against a backdrop of Stone Age squalor. They have extracted hundreds of millions of barrels of oil...for hundreds of billions of dollars, but the people of the Niger Delta have seen virtually none of the benefits (Ghazvinian, 2005:6).

The author cites a connection between unsustainable oil exploitation practices, lack of adequate compensation, oil theft, the use of youths as political thugs during elections and *warlordism* mediated by greed (Ghazvinian, 2005:17-20; see also Human Rights Watch, 2007; 2008). This connection, he reasons, helps sustain the environmental and economic malaise at the grassroots and spawns youth violence. In other words, environmental degradation and unjust compensational practices in the oil-producing communities motivate the crisis, while community protests and violence contribute to environmental damage (Watts, 2007:10-13; see also Human Rights Watch, 2007).

2.2.1 Increased revenue allocation as "just" compensation?

Apart from investments in economic and social infrastructure in resource-rich communities, environmental remediation, and higher rents to local people, another strand of the compensational justice discourse is the skewed revenue-sharing formula between the states and the central government. The subsisting formula leaves much more revenue with the

central government than with the states (provinces). Proponents of the “derivation principle” contend that revenue allocation that is based on derivation would ensure a just compensation for the resource-rich states, especially those in the Niger Delta region (Tell, 2008:75; Uche and Uche, 2004:8). In Nigeria, the derivation principle is a principle whereby revenues are allocated to a region or state based on that region’s contribution to the national treasury from the resources in its territory (Nwokedi, 2003:21). On this basis and in an oil-dependent economy, states or regions that are better endowed in terms of oil are logically expected to earn more than those that are not so well endowed. While states with less natural resource endowments fear losing out in federal allocations from oil revenue, the federal government also is apprehensive of losing its fiscal control and political authority over states. It is this power play between these interests, mainly in post-independence Nigeria, that Watts (2008:642) describes thus: “The history, nevertheless, of post-colonial Nigeria is in a sense the history of the reconfiguration and contestation over revenue allocation”.

Although natural resource-rich regions⁸ (especially rich in non-oil produce) in the pre-1970s had benefited from huge allocations owing to the relatively high derivation formula that prevailed then, their percentage of “derived” revenue began to fall as oil became the mainstay of the Nigerian economy in the 1970s. Tell (2008:75) notes that, “In 1953, the derivation principle in revenue allocation was 100 percent. By 1960, it went down to 50 percent...it was further reduced to 1.5 percent in 1984”. These decreases have given credence to the argument that the ethnic minority states of the Niger Delta are being deprived of “just compensation” from a derivation point of view. Obi (2008c:10) sees the agitation for derivation-based revenue allocation this way: “the revenue allocation principle of derivation was progressively

⁸ Although oil and gas resources have become Nigeria’s economic mainstay since the early 1970s, it should be noted that other non-oil-producing states are not necessarily “poor” in other resources. Some states, such as Lagos State, are highly endowed in other economic resources, such as manufacturing and service industries.

changed to reduce the ‘share’ of oil-producing states of the Niger Delta from 50 per cent in 1966 to 1.5 per cent in the 1990s”.

Tracing the history of “unjust” revenue policies vis-à-vis the oil-producing communities of the Niger Delta, Nwokedi (2003:16) summarised the grievances of the local people thus:

They recounted the earlier days when cash crops were the major national revenue earners and when the principle of derivation was stringently applied to the advantage of the Northern and Western Regions whose cash crops – groundnuts and cocoa respectively – earned far more than the palm oil produced in the Eastern Region (from where most of the oil-producing states were carved out) and felt it was unjust to abandon this principle of derivation in recent times when nature reversed the trend by endowing the Eastern region with abundant oil resources which have become by far the greatest foreign exchange earner and have accounted for over 80% of the total national income.

What this view suggests is that the prevailing system of revenue distribution has hampered development of the region and contributed to agitation against the state and the oil companies. While the derivation principle was increased to 13 percent in 1999 (Section 162.2 1999 Constitution, cited in Nwokedi, 2003:12), the renewed agitation for compensational justice through the derivation principle has been about raising to 50 percent the Niger Delta’s share of oil revenues, a move described by Watts as “an echo of the derivation of the 1960s” (Watts, 2007:642-643; see also Ukiwo, 2009:4).

Writing on the effect of the abandonment of the derivation on the state-community conflict in the Niger Delta, Orogun (2009:8) notes that,

The inherent asymmetrical imbalance in Nigeria’s practice of fiscal federalism have (sic) fostered the economic exploitation and political marginalization of ethno-minorities in this resource-rich region provides the historical and sociological framework for a more robust understanding of the battle for oil in Nigeria’s post-colonial political development.

In a similar manner, although more elaborate, Obagbinoko (2009:259) sees abandonment of the derivation principle as a form of marginalisation by the state and the basis for the emergence of “a Hobbesian Niger Delta”:

This development [decrease in the derivation principle] not only marked the dawn of the neglect of the Niger Delta region but also the beginning of disenchantment and discontent of the people of the region. At a time when the region was expected to benefit immensely through massive development of human resources and infrastructures, the region became *fair game* and was subdued and subjugated by *centrifugal forces*. The fiscal relationship between the centre and the periphery...resembled the roles of a householder and a housekeeper. With this scenario, the stage was now set for a persistent myth of a Hobbesian Niger Delta, characterized by Gang wars, cult killings, kidnapping of oil workers, hijacking of oil tankers, violent occupation of oil installations, armed robbery, election violence and communal conflicts.

The reduction in the derivation principle when oil became the major revenue earner in Nigeria is arguably unfair to the communities that produce oil and is capable of exacerbating tension between the affected states and the central government. However, the extent to which the decrease in revenue allocation based on derivation has contributed to community militancy remains unknown, as those involved in the conflict are local people who bear the direct consequences of oil production and may not even be very conversant with the politics of revenue allocation and revenue formulae.

In summary, the compensational justice discourse hinges grassroots agitation in resource-rich communities in Nigeria, especially in the Niger Delta, on unjust environmental and compensational practices of the state and mining companies. While the perspective portrays the struggle as a grassroots mobilisation against state-sponsored dispossession (Obi, 2008a; Azaiki, 2003), the effects of such dispossession, it is believed, has given rise to a mass of desperate youth seeking to “get even with the larger polity” (Jike, 2004:686). The agitation has been described in different forms: fighting for “a greater share” of the region’s oil revenue, “a lion’s share of the revenue”, “a fair share of the oil revenues”, demand for more CSR, or revenue allocation based on the derivation principle (see Nwokedi, 2003:26; Obi, 2008c:3-4; Ofor, 2009:1).

As will be shown in the findings and discussion chapters of this thesis, compensation demands by local communities are far more textured; which is why conflict persists in the communities regardless of whether or not the demands have been “adequately” met.

2.3 The limits of the compensational justice discourse

As outlined in the preceding section, the perception of grassroots mobilisation in resource-rich communities of Nigeria as agitation for compensational justice leads to conceptual simplification of the socio-historical problems that have shaped state-community relations since the evolution of the Nigeria state. The discourse broadly ignores the socio-cultural dimensions of land and nature and focuses on the economics of their exploitation. The compensation discourse measures the justness or otherwise of compensation in strict economic terms: a single cause is identified to highlight “unjustness” or “inadequacy” of a given compensation. This model of assessing justness is what Adams and Thompson (2002:41-46) call the “single metric rationality”. Jane Radin (1993:57) refers to this perception as “market rhetoric”, by which she means, “Conceiving of everything people value as if it were a commodity subject to market exchange”. The present researcher follows this lead by looking at the socio-historical basis of resource conflict in the selected natural resource-endowed Nigerian communities.

A brief examination of pre-colonial conceptions of land in Southern Nigeria⁹ shows that monetary exchange was not originally part of local land-use practices, and that monetisation of this exchange was a colonial creation. Talbot (1937:680) observed in parts of Southern Nigeria that “[t]hroughout Southern Nigeria the land...belongs to the people generally; by immemorial custom it can never be alienated or sold”. In these communities, land or the

⁹ Niger Delta is in Southern Nigeria.

biogeophysical environment meant more than a factor of production in the economic sense. Although local people depended on their environment for daily economic sustenance, the physical environment was always simultaneously a socio-economic and spiritual resource (Uchendu, 1979; Shipton, 1994).

While the modern state and the multinational mining corporations might conceive of land as a commodity and a means of economic production, or as “mining fields” and “oil blocks”, the local people relate to land in more than simply economic ways. To them, land is a medium of connection with “those invisible father-figures who bequeathed their land to a vast family which includes the dead, the living, and the unborn” (Uchendu, 1979:64; see also Ogon, 2006:1). Hence in pre-colonial societies, such as the Igbo of South-eastern Nigeria, land was never sold, it was only mortgaged for a certain period of time and returned to the family that owned it when the mortgager had redeemed it (Agukoronye, 2001). As it was being redeemed, the mortgaged land was personified in a proverb: “the land has returned from a journey to its family”. P.E.H. Hair, a former British colonial official in Enugu, South-eastern Nigeria, notes that among the local people “ancestral land must never be bartered for money” (see Hair, 1954:56). Ikejiofor (2009:16) also argues that among Igbo communities “a market in land did not exist in the pre-colonial context”.

One could say that land was a “mystical” resource – fulfilling economic, political and social needs. In an earlier study, Ikejiofor noted how colonial rule impacted land delivery through the development of urbanisation. “Urbanisation and the evolution of a market economy”, he argued, “have led to commodification of land” (Ikejiofor, 2006:139). By “commodification of land”, Ikejiofor implies attaching financial value to land, either by developing a market in land, or by paying “compensation” in the case of state appropriation. Payment of compensation for expropriated land was first recorded among the Igbo in 1915 when the

colonial authorities paid £250 to the local chiefs of Enugu-Ngwo for the timbers and farms on land where coal mines were established (Hair, 1954:55; Isichei, 1976:203). Writing about indigenous land tenure in Africa, Shipton (1994) also notes that different peoples in Africa do not regard land as a commodity for compensation. Shipton (1994:350) stated that

Here [land is] historically debarred from sale, here redeemable if sold, here pleageable but not rentable, mortgageable, or saleable; land is nearly everywhere the subject of special protective strictures in local if not also imported custom. Despite what economic development planners may think and hope, land is seldom if ever just a commodity. In fact, some tenure reforms aimed at making land marketable have made it explosive.

With this background in mind, it is conceptually imperative to re-examine the view that inadequate compensation is the driver of the agitation in resource-rich indigenous communities of Nigeria against the backdrop of its neo-liberal underpinnings which presuppose that adequate monetary compensation or community development can mitigate indigenous losses.

In her work “Compensation and Commensurability”, Jane Radin (1993:59) notes some limitations in the application of the theory of compensation, especially on properties with a subjective value. She argues that it is the commensurability of compensation paid for a loss that determines the “justness” or otherwise of compensation. Two types of losses are identified – “commodified and non-commodified”. While the former has monetary value, the latter has no monetary value to the owner and, therefore, cannot be compensated. Where compensation is paid for a non-commodified loss, it becomes a “solatium” – consolation paid to the injured, and not the restoration of the injured (Radin, 1993:67). The owner does not accept the payment as though his loss has been repaid, and the payer does not create the impression that he has paid for an injury he caused. Whatever the victim receives as consolation is not regarded as “compensational justice” as it cannot be commensurable to the loss the victim has suffered. Radin (1993:71-72, citing Louis Jaffe, 1953) states that “though

money is not an equivalent it may be a consolation”. Gregory (2006:2) says, somewhat grimly, that such consolation “does not eliminate your victimization”.

The importance of Radin’s analysis (and of Gregory’s quip) is in recognition that deeply-held values of expropriated properties may not be quantified in cash. In other words, by separating the commodified and the non-commodified losses, the author proffers a framework within which to properly situate losses that can be compensated and those that cannot be compensated. It is a departure from the interpretation of the Fifth Amendment given by the United States Supreme Court in which such incalculable social effects on a victim of official expropriation seem to be overlooked once “just” compensation is presumed to have been paid for the expropriated property. In a judgment in 1893, *Monogahela Navigation Co. v United States*, the Supreme Court *depersonalised* the just compensation clause in the Fifth Amendment. That is, the court no longer considered those losses that cannot be compensated by the payment of what it considers economically “a just compensation” based on the principle of fair market value. For instance, the court stated that compensation to the condemnee must be “full and perfect equivalent for the property taken” (see Kelly, 2006:939). However, “equivalent” in the court’s ruling reflected only market value, leaving out non-monetary values.

It is interesting to note the court’s emphasis on paying for the economic or market value of the “property” and not necessarily the “utility” or value endowment of the property to the owner. Leaving out the incalculable effects of the loss of a property’s utility is perhaps an acknowledgement by the court that certain aspects of a property’s worth cannot be subject to monetary compensation, although it failed to state it. The difference between Radin’s analysis and the Supreme Court’s judgment is that while Radin acknowledges that certain values of properties cannot be compensated for, the Supreme Court focuses on market value of losses,

and at the same time is silent on uncompensatable losses. However, its emphasis on the economic worth of a property without mentioning the invaluable utility to the owner may be an admission that certain losses are indeed unquantifiable in cash.

In a related study on conflict resolution in the Niger Delta, Okoh (2005:97) notes the failure of certain government interventionist measures that it was thought would arrest the crisis, such as compensation and creation of local government areas, among others. The author also highlights the limits of compensation, especially with regard to what she called “non-quantifiable negative externalities; in other words, “uncompensatable” losses:

The externalities associated with the exploration, production and transportation of crude oil are of the negative type. They may be classified into quantifiable and non-quantifiable externalities. The quantifiable negative externalities include such effects as numbers of fish killed as a result of oil spillage in fishing waters, numbers of hectares of crops destroyed or replaced with giant pipelines and rigs. These are easy to identify and value in monetary terms. The payment of adequate compensation to displaced communities or individuals may suffice. The non-quantifiable negative externalities on the other hand include the loss of potential output which would have been derived from unpolluted land and water, the increased health hazards resulting from increase in hydrocarbons in the water and air, the increase in the mortality and morbidity rates associated with environmental pollution, as well as the loss of income by farmers as result of polluted farmlands. Also, the loss of vital sources of drinking water, the effect of moral decadence and the loss of societal values are all examples of non-quantifiable externalities which are of grave consequence to the people. These are not easy to identify, value or state in monetary terms.

This is an angle that scholars and analysts of resource conflict often ignore. It is this omission that has made compensational justice problematic as a conceptual framework for explaining grassroots mobilisation against the state and resource producing companies, especially in the Niger Delta. This thesis takes this omission seriously.

2.3.1 Compensational justice and “fair market value”

Official compensation to victims of expropriation in different countries often follows the principle of the “fair market value”. In Nigeria, it is enshrined in Section 6 subsection (5) of the Land Use Act (LUA) of 1978: “The holder and the occupier according to their respective interests of any customary right of occupancy revoked under subsection (2) shall be entitled to compensation for the [market] value at the date of revocation of their unexhausted improvements” (see Allot, 1978:139).

The basic assumption of “fair market value” is that when the compensation paid to an owner of an expropriated property reflects the fair market value of that property, it is just. In a more elaborate explanation, “fair market value” presupposes that in an instance where a thatched mud house is destroyed in a neighbourhood in the process of mineral exploitation, the company involved should provide the owner with financial compensation seen to be the market worth of the destroyed building (Goodin, 1989:73-74; Radin, 1993:56-57). In this instance, does fair market value imply *justice* to the victim of expropriation, especially in relation to property that embodies multiple values?

In their study, Knetsch and Borcharding (1979) interrogate the use of the “fair market value” as a measure of just compensation in Canada. They note that although the government of Canada has adopted “fair market value” as its measure of determining just compensation, it was a shift from its original use of the “value to the owner” principle. They found that the purpose of the “fair market value” principle was to avoid “excessive claims and a consequent ‘burden’ on tax payers” (Knetsch and Borcharding, 1979:238). The analysis of Knetsch and Borcharding (1979) highlights two points. Firstly, while “value to the owner” meets specific economic and non-economic goals to the owner, “fair market value” serves the interest of the state rather than the owner of the property. Secondly, compensation according to the “fair

market value” of the property treats the owner as though he is indifferent to other issues that may matter to him (see also Radin, 1993:59). The focus of official compensation on “fair market value” becomes the expropriated property and the state’s economic objectives rather than the person who suffers collateral damages and emotional pain of losing a favourite property. To this end, Knetsch and Borcharding (1979:241) state that:

While perhaps not as widespread as in the case of residential properties, fair market value may underestimate the worth to current owners of many non-residential properties as well. Farms and other rural holdings are prominent examples where this applies, especially in the cases...of holdings that have been passed on from earlier generations.

In his critique of fair market value as a tool for compensating expropriated indigenous land in parts of Africa, Shipton (1994) notes the same tendency to overlook the socio-cultural value of a property while focusing on the economic importance:

Where compensations are promised, they usually come as lump-sum cash to individual men: too little, unreliable, slow and volatile to compensate for the loss of socially meaningful or indefinitely productive land (Shipton, 1994:366).

The World Bank has also noted the limitations of “fair market value” when International Oil Companies (IOCs) in the Niger Delta apply strict market value in their assessment of damages and payment of compensation to local people. It states that certain unseen losses, such as periods of inactivity when there is ecological damage through pollution, are not often included in the costing: “compensation rates create a market failure because the opportunity cost of lost indigenous production is not included in the operational costs” (Amnesty International, 2009:72). This brings us to the economic metric of “willingness to accept compensation paid and the willingness to pay compensation demanded” – a situation that allows an individual the freedom to accept or reject what he was offered (Adams and Thompson, 2002:43).

In a survey on the willingness to pay compensation demanded, Knetsch and Sinden (1984:507) found that most respondents who faced real situations of losing their properties to official expropriation and taking compensations considered “fair”, rated “subjective values” of those properties higher than taking cash even when the compensation amount was higher than the market values of the affected property.

For Robert Goodin (1989:74), “economism”, as he terms the emphasis on cash payments in compensation, does not change social perceptions of all values. He makes a distinction between the “impossibility of compensation” and the “inadequacy of compensation”, to show the limitation of compensation in certain issues where the owner’s subjective value outstrips monetary rewards (Goodin, 1989:75). Goodin illustrates with the case of building a third London airport and the need to acquire homes from owners at market value. The question was asked: “What price would be just high enough to compensate you for leaving this house (flat) and moving to another area?” The survey found that 8 percent of those surveyed said “they would not move at any price”. Goodin (1989) then manipulated the survey by suggesting amounts as high as five million pounds for a property worth five thousand pounds. The same 8 percent of respondents remained unenticed. Goodin (1989:74) then concluded that:

It is not altogether inconceivable that for some older, or unworldly, people all that money could buy for them would not suffice as compensation for having to live elsewhere...In my terms, it is the ‘impossibility of compensation’, not the ‘inadequacy of compensation’, that was at issue here (Goodin, 1989:74).

The result of Robert Goodin’s survey is an indication of the limitation of the fair market value or financial compensation on properties with subjective values such as natural resource-rich rural ecologies. A related study on Cost Benefit Analysis in public health in Britain suggests that perhaps the reason economists ask interviewees to state the amount they would “pay to prevent a loss”, instead of the more consistent question of how much they would be

“willing to accept” as compensation, is because “people might honestly answer no amount of money would compensate me for the loss of x”, where “x” is so cherished that money cannot purchase it (see Adams and Thompson, 2002:43).

Jewish legend also contains interesting anecdotes. A commoner named Naboth of Jezreel and a King named Ahab demonstrate that compensation is not acceptable in all situations where appropriation is made. The legend goes thus: Naboth inherits a vineyard near the palace of King Ahab in Jezreel. The King asks to exchange Naboth’s vineyard for a better one at some location to enable him build a vegetable garden on it. The King further pledges to pay him adequate compensation for his vineyard if he so prefers. Although the king offers what could be described as just compensation in economic terms, Naboth rejects the King’s offer because it is an “abomination” to exchange an inheritance no matter the worth of the alternative (1 Kings 21:1-3 Holy Bible, 1984).

In a similar contemporary incident, certain Israelis wanted to use high monetary offers considered well beyond the value of Palestinian houses to induce Palestinian house owners to sell their houses to Israelis in East Jerusalem. While some Palestinian house owners hurriedly accepted the offer, a few who considered their identity with East Jerusalem of more value than the monetary offer vowed never to sell their homes. In a particular situation where Jewish buyers offered a million dollars for a property well below that value to a Palestinian owner who did not want to sell at any rate, he replied: “I told him [Israeli buyer] that even if you pay for every single centimetre in gold I won’t agree to leave. I’ll only leave my home dead – or they’ll have to throw me out in the street” (see Bowen, 2010:1).

Among different cultures, people have valued certain subjectivities more than cash payments. Although there have been changes in value ratings¹⁰ among certain communities in Nigeria as a result of Western influences or economic hardship, much emphasis on the use of “just compensation” in all expropriations seem to have put price tags on indigenous ecology and values. In other words, local communities literally go to the highest bidder – so that whichever company paid the highest “compensation” would have acquired the “social licence” to do business (see Tuodolo, 2009:537-538).

2.3.2 Compensational justice and ethical limitations

Another issue that raises questions about justice in compensation is the coercive manner of state expropriation of land. Ethical questions arise from acquisitions that are not based on fair bargain and assent of the owner (Gregory, 2006:2). The denial of the owner’s right of participation in the process of expropriation of his land puts in doubt the assumption that just compensation renders the owner “whole”. Bratland (2006:ii) asks: “Can a thoughtful compensation policy actually restore the owner to ‘wholeness?’” Bratland’s (2006) suggestion is that even if “wholeness” were attainable, “ethical and epistemic” standards for achieving just compensation are lacking (Bratland, 2006:2). He hinges his argument on the fact that statutory expropriations of personal or communal properties are often done under compulsion, hence the critical factor in voluntary transfer – assent of the owner – is always absent. Bratland (2006:ii) identifies the assent of a property owner in an atmosphere of fair bargaining and persuasion as “the sole ethical criterion for the determination of just compensation”. He therefore concludes that since state acquisition, often through eminent domain, is based on forcible acquisition of properties and not on voluntary transfer of assets, compensation cannot be said to be just:

¹⁰ Kalu (1988) describes such a departure from core indigenous values as “desacralisation”.

One notes that one critical distinction between voluntary transfer of property and coercive transfer is that ‘assent’ is missing in the latter but seems to be a central element in the former. In other words, explicit assent expressed in voluntary action provides both an ethical and epistemic standard in establishing the extent to which compensation is ‘just’ and which assures the restoration of ‘wholeness’ to the owner. Since assent is never present in the context of takings no compensation can be considered just (Bratland, 2006:2).

Anthony Gregory (2006) finds just compensation ethically and conceptually problematic. In a paper titled: *The trouble with “just compensation”*, Gregory distinguishes between “private or economic justice” driven by equal exchange of values between two persons, and “just compensation” driven by eminent domain whereby the state imposes value on an individual. He contends that “justness” was attainable in “economic justice”, whereby a seller and buyer assented to exchange values, but elusive in “just compensation” arising from appropriation through eminent domain in which force, or threat of force, was used to expropriate property. He asks rhetorically, “What is economic justice?”, and replies:

In the market, any compensation that is voluntarily agreed upon by both parties to a transaction is properly seen as just. If buyer and seller or employer and employee are both willing to make a deal, their freedom to do so, at any mutually agreeable price, is the fulfilment of justice in the world of economic exchange...we see that the victims of seized assets have never consented, otherwise a pure exchange could take place that requires no police power. No such coerced transaction can be said to entail “just compensation”, since compensation is only just when the party being compensated agrees to the deal (Gregory, 2006:2).

Gregory also queried the Supreme Court of the United States of America’s decision to reside the exclusive exercise of the powers of eminent domain on the state. He sees such power as “despotic”, because it is “intrinsically hostile to liberty and property rights” (Gregory, 2006:1). While the United States Supreme Court had, in the remarkable case of *Kelo vs. New London* in 2005, forbidden the passage of a person’s property to another person, it had ruled that only the state can appropriate private properties for public use after it had paid just compensation (see Kelly, 2006:925-926). Even this still does not guarantee fairness as the state has been alleged to abuse eminent domain to favour certain powerful individuals or

corporate groups. As the Cato Institute (cited in Akpan, 2005a:136) notes, not only does the state abuse the power of eminent domain in forcible acquisition, but could use its acquisitions from the less powerful in society to unfairly benefit the more powerful individuals or corporate organisations in the name of economic development.

In Nigeria, for instance, such exclusive power is defined in such a manner that neither the community nor an individual has any avenue to exercise his rights or address any perceived injustice arising from expropriations. For example, after expropriating a property, the state through its property valuers determines what it considers “a fair market value” of the expropriated property, while the owner does not participate in the evaluation process. The owner also does not have the right to contend the commensurability or otherwise of what he has been paid in a law court, even if he feels unjustly treated. According to the Land Use Act of 1978 (Section 47.2), “No court shall have jurisdiction to inquire into any question concerning or pertaining to the amount or adequacy of any compensation paid or to be paid under this Decree” (cited in Allot, 1978:152). It is this constraint that has made the attainment of “justice” through compensation problematic, especially in resource-rich communities in Nigeria.

Rawls (1971:62) advances a form of social justice that is all-inclusive:

All social values of liberty and equality and opportunity, income, and the distribution of any, or all, of these values is to be distributed equally unless an unequal distribution of these values is to everyone’s advantage.

Although the concept of universal fairness may be too hypothetical in the Rawlsian sense, emphasising compensation only in terms of the economic worth of expropriated properties and overlooking ethical issues in forcible acquisition creates a vacuum for other components of justice (Radin, 1993:57; Gregory, 2006; Bratland, 2006). In view of this, the “justness” or otherwise of compensation may only be determined to the extent that all forms of historical,

emotional, socio-ecological and economic values of the individual victim or local communities are reckoned with. An idea of “just” compensation that emphasises one aspect of injustice and neglects other aspects cannot be a sound basis for building an understanding of natural resource conflict in Nigeria.

The possibility and practice of forcible acquisition and “violation” of indigenous ecological rights make it imperative to subject land-related conflict in Nigeria’s resource-rich communities to a fresh analysis. Such analysis needs to re-examine the historical underpinnings of state-community relations. Examining the historical roots of the evolution of the state and the impact it has on indigenous socio-ecologic sovereignty might privilege some insights into why naturally resource-rich communities are contesting with the state.

2.3.3 Compensational justice and societal cohesion

The extent to which just compensation guarantees intra- and inter-communal stability is still being debated. For one thing, research has shown that compensation money remains a major factor in intra- and inter-communal crises in even “better” compensated resource-rich communities (Manson and Mbenga, 2003; Ibeanu, 2000). In the case of the Niger Delta, Ojatorotu (2004:20-21) identifies what he calls the “compensation game” as a problem in ensuring community cohesion. By “compensation game” Ojatorotu implies the corrupt activities of local elite who allegedly enrich themselves through compensation money paid to their communities by oil companies. Ojatorotu (2004) argues that the local elite – politicians, chiefs, elders, and youth leaders, among others – use their privileged position in the society and closeness to oil companies to appropriate compensation money for their personal use. Ibeanu (2000:13) observes that “monetary compensation has tended to spawn ‘compensation merchants’ and ‘conflict entrepreneurs’ in the Niger Delta. These careerists exploit the grief

of local people for personal financial ends”. In another study, Okoji (2006:206) observes how compensation money causes conflicts among those he referred to as “benefit captors”:

In many communities, benefit captors are often sources of conflicts. They may be chiefs or community leaders through whom compensation money for their communities is usually channelled but who keep the money for their personal ends. The discovery of payments made to such people but unknown to and unused by the community generates mass rebellion against them.

It has also been noted that in expectation for state or corporate compensation in the form of “CSR” – socio-economic projects, or cash payments – resource-producing communities begin to construct and reconstruct different forms of community identities. Communities where natural resources such as petroleum are produced create inclusionary and exclusionary lineal blocs based on proximity to oil production, with the aim of garnering as much of the money that oil companies give to oil-producing communities as possible. Hence, those on whose land primary oil-producing facilities such as oil wells, flow-stations and manifolds are located assume more significance than those who merely provide a passageway for oil pipelines.

Exclusionist sentiments – or “othering”, as Akpan (2005a:135) calls it – are prevalent in the oil-rich Niger Delta region of Nigeria. According to Akpan (2005a), “‘othering’ (constructing and reconstructing of oneself and others) has become an everyday practice in the communities” (Akpan, 2005a:135). The whole point of “othering”, Akpan (2005a) argues, is to favourably position oneself, one’s family or the community in whose vicinity mining activities take place, and treat others as “outsiders” or “intruders” – all as a way of attracting compensation, which may be cash or may come in the form of community development projects (see also Okafor, 2003).

In its contribution on compensation and group exclusion, Amnesty International’s (2009) report on Nigeria also suggests that compensation administration in oil-producing communities of the Niger Delta is exclusionary to the female gender in the way it is

implemented. Women are often excluded from the negotiation process by the predominantly male community leaders and oil company officials, even when women's personal properties such as farms are damaged by oil companies. The practice is usually that a woman's personal damages are treated as those of her husband, or disregarded entirely because she may not be allowed representation by the male-dominated society. Where her personal properties are treated as those of her husband and compensation paid to her husband, she may not receive the compensation money from her husband. According to the report:

Compensation system can place women at a particular disadvantage. Most 'negotiations' are carried out by chiefs and youths, who are almost always male, even when women's activities in agriculture and fisheries are affected by oil industry damage (Amnesty International, 2009:72).

In the Royal Bafokeng¹¹ Kingdom in South Africa's North West province, for example, problems such as division among the ruling elite, abuse of power by the king, misuse of the platinum royalty fund, and inter-communal conflicts with neighbours who want a share of the Bafokeng wealth, have been blamed on the "compensation money" received from the platinum corporations operating in the area. Manson and Mbenga (2003) note that, after several years of legal battle for the Bafokeng to own a substantial share in the platinum wealth in their land, a new front was opening up in the continuing fight for the control of the proceeds of Bafokeng platinum wealth – this time, it is intra-communal feuding. They state it thus:

Problems have not simply disappeared now with the 'victory' over mining conglomerates...The signs would indicate, therefore, that a new potentially more intense factiousness will dominate Bafokeng politics in the coming years (Mason and Mbenga, 2003:47).

What this implies is that although communities may ask for and be paid compensation money when their land is taken by the state or the mining companies, the effect of compensation

¹¹ The Royal Bafokeng are members of the Setswana-speaking indigenous community in the North West province of South Africa. Their community is rich in platinum, vanadium, etc., and they are called the "richest tribe in Africa" (Manson and Mbenga, 2003:47).

money on intra- and inter-communal cohesion still needs to be studied. While communities jostle for corporate philanthropy or CSR (compensation money and other so-called corporate goods from mining corporations), the companies assume a high level of importance with their patronage. It has been found that international oil companies use CSR to neutralise local opposition to their practices. In so doing, the company controls the local politics through its proxies – often local subcontractors, favoured youth leaders and chiefs whom they helped to install (Zalik, 2004; Jike, 2004).

It is important to note that the effect of CSR in local communities (such as resource-rich communities in Third World countries) is still a contested issue in corporate–community research. While advocates such as the World Business Council on Sustainable Development see it as a way through which companies can “Be a good guest” (WBCSD, 2002:2) in a community where they operate, the intention of their social provisioning has often been questioned (Masaka, 2008; Akpan, 2009). For instance, Moir (2001:9) states that “we note from the current commercial approaches to CSR that stakeholder analysis is important, but that the rationale remains largely instrumental”. In a more critical manner, Dennis Masaka (2008:1) contested the goal of CSR as follows: “enforcing CSR on business might lead to its manipulation to advance corporate organisations’ purely self-interested ends rather than pursuing intrinsic philanthropic activities for the good of society” (see also Zalik, 2004). For Tuodolo (2009:537) although CSR has contributed to the development of infrastructure in certain communities, it comes at a “great cost”:

Most of the benefits local communities enjoy from the CSR programmes of Shell come at a great cost to the local communities. Either by omission or commission, the activities of Shell and its processes of delivering its CSR programmes impact negatively on local communities, often outweighing the positive benefits CSR brings.

Wilson Akpan (2009:108), reporting on his ethnographic experience in certain communities in the Niger Delta, noted what he calls “contradictions” in the practice of CSR. According to the author, “The intersection between CC [corporate citizenship] and social provisioning in Nigeria, and in particular the involvement of companies in the provision of social amenities and in the fight against poverty at the grassroots, is fraught with promises, problems and contradictions”. Such “problems and contradictions” sometimes relate to the absence of “laws stipulating the minimum developmental obligations that corporations must discharge in the local jurisdictions where they operate” (Akpan, 2009:108).

2.4 Conclusion

This chapter has outlined and critically discussed the various facets of the compensational justice discourse. The aim has been to highlight its utility as a model for explaining natural resource conflict in Nigeria, but, more importantly, to draw attention to its limits in this regard. The compensational justice theory is imperative in understanding the socio-economic conditions that natural resource-rich local communities face in Nigeria. It enlightens us about the need for state and corporate interventions in infrastructural development and wealth creation in these communities. On the other hand, the theory’s emphasis on the economics of compensation limits our understanding of the socio-ecologic values of the indigenous biogeophysical environment. Where, for example, the physical environment serves both economic and “mystical” importance to the local people, monetary compensation for land use or ecological damage might not address the multiple facets of the loss. Another important limitation of the compensation discourse is that it does not sufficiently illuminate the relationship between the current socio-ecologic and economic conditions of the resource-rich communities and the history of the evolution of the Nigerian state and the problems associated with that evolution.

Against this background, this thesis examines the problem within the socio-historical context of the evolution of the Nigerian state. It looks at how the “collective memory” of historical issues that underlie the evolution of the Nigerian state have helped shape state-community relations. The idea is to better understand the socio-historical bases of land-related conflict in the mining communities selected for the present study.

CHAPTER 3

COLLECTIVE MEMORY, CULTURAL THEORY AND GRIEVANCE

CONSTRUCTION

3.1 Introduction

As shown in Chapter 2, scholarly analysis seems to converge on the notion that the payment of just, fair or adequate compensation to resource-producing communities is crucial for stemming the tide of conflict between such communities and extractive corporations. This is principally because compensation contributes to poverty alleviation in such communities and also plays a crucial role in infrastructural provisioning in affected communities. Compensation is also believed to be a vital step towards mending broken relations between communities and the state. However, the dominant discourse on compensational justice emphasises the economics of compensation payment over considerations such as sentimental values often attached to land in mining communities. It also obscures ethical questions that arise, for instance, where the state exercises its power of eminent domain by expropriating land for mining operations. Some analysts believe that compensation paid within the context of such expropriations fundamentally negates land owners' consent. In the present study, the central question is: how has the evolution of the "nation-state" shaped indigenous memories of socio-ecological sovereignty? In other words, how have historical and sociological factors framed state-community conflict with specific regard to land use in mining communities?

These questions are addressed by drawing on the concept of collective memory, and the Cultural Theory of plural rationality. As a conceptual tool, collective memory gives meaning to the effect of the historical experiences of a community on its present circumstances and actions. However, it does not explain how relationships are structured between different

socio-ecologic actors or how the environmental risk perceptions of different actors produce conflicting interests, as is often the case in mining communities. In order, therefore, to shed light on existing relationships between different interest groups (solidarities) in natural resource production (state, extractive firms, local communities and civil society), and on how the diverse environmental perceptions of these solidarities contribute to a conflictive relationship, this thesis finds plural rationality as an appropriate complementing tool. The next two sections provide details about collective memory and Cultural Theory and how they are applied in this thesis.

3.2 Collective memory as a socio-historical concept

According to Glassberg (1996:8), “collective memory” can also be referred to as “popular memory or public memory”. As a concept in the socio-historical study of communities, it relates to “a current of continuous thought whose continuity is not at all artificial, for it retains from the past only what still lives or is capable of living in the consciousness of the groups keeping the memory alive” (Halbwachs, 1950:80). Collective memory gives meaning to places and events, and connects stories of former events to a particular present environment (Glassberg, 1996). The connection here is between history and place. In recognition of this link, Glassberg (1996:17) notes that “historical consciousness and place consciousness are inextricably intertwined; we attach histories to places, and the environmental value we attach to a place comes largely through the memories and historical associations we have with it”.

The ecological space, or what Halbwachs (1950:6) calls “spatial framework”, is primary to the idea of collective memory. The framework of the space in which communities have lived, interacted, traded, practiced religion, warred, suffered deprivations or prospered, and generations born or buried, bear currents of memories on both those who experienced the

events and the unborn generations to whom the events will be relayed. For Foote (1997:33), “the relationship between tragedy and the negotiation of meaning suggests an important connection between landscape, culture, and social or collective ‘memory’. In one sense culture refers to collective beliefs and values, the social conventions and traditions that bind individuals to a group or community”.

The idea of collectivism (the community) in the conception and transmission of collective memory is central to Maurice Halbwachs, a student of Emile Durkheim, who is credited with the development of the concept. Halbwachs set out to dismiss earlier attempts to reside collective memory within the frame of biology or in “inheritable or racial memory” (Assmann and Czaplicka, 1995:125). As Assmann and Czaplicka (1995:125) note, the concept has developed out of an attempt by Halbwachs and Warburg to “shift the discourse concerning collective knowledge out of a biological framework into a cultural one”. Halbwachs’ idea of social collectivism as the basis of collective memory is primarily influenced by “collectivism”, in the Durkheimian sense of this term (Beim, 2002:2).

The concept is primarily concerned with telling the story of the “collective” (the community, people or group), rather than the story of the “individual”. Emphasising the “collectivism” in the concept, Eviatar Zerubavel (2003:28) notes that collective memory is the “social time lines constructed by entire mnemonic communities”. The role of an individual in collective memory is that of a conveyor, a communicator of collective experiences, but not the subject of collective memory (Assmann and Czaplicka, 1995:129-130). Halbwach states that “[w]hile the collective memory endures and draws strength from its base in a coherent body of people, it is individuals as group members who remember” and communicate. Scholars have argued that it is this dissociation of the individual from being the centre of collective memory that has pitted social historians against the concept, and at the same time attracted cultural

historians to the concept (Assmann and Czaplicka, 1995:130). Hence, to a cultural historian, “collective memory is the site of mediation where professional history must ultimately share space with popular history...a term referring to the full sweep of historical consciousness, understanding, and expression that a culture has to offer” (Edgerton and Rollins, 2001:5).

There is more to the discourse on collective memory. Assmann and Czaplicka (1995:129-133) have identified at least six characteristics of this memory, and each has some applicability to how the present research conceptualises the place of history in contemporary grievance construction in the mining towns selected for this study. They include:

- a. **Concretion of identity:** This involves a determination by communities to emphasise identities in both “positive and negative manners”. Communities often appropriate the positive identity and then assign the negative identity to others. For instance, “We are this” – expressing the identifiers as positive, and “That’s our opposite” – a negative reference to “others”. This could apply in the manner in which communities frame identities around ownerships of natural resources and the perception they hold of others as “strangers” (see Shipton, 1994:364).
- b. **Its capacity to reconstruct:** Collective memory relates an actual knowledge of past events and contemporary situations – such as memories of ancestral land ownership rights and present deprivation by the state or more powerful groups and individuals.
- c. **Formation:** This is the communication of collectively shared knowledge of institutionalised heritages of a society from one generation to another; for instance, commonly owned land, icons, heritages and ritual practices.
- d. **Organisation:** There is an organised system through which the collective memory is communicated from one generation to the next – such as oral tradition or archival materials (written evidence).

- e. Obligation: It is an obligation of the community to maintain a “normative self-image of itself”.
- f. Reflexivity: Collective memory brings historical events to the fore through “proverbs, maxims, idioms, folklores about great past, ethno-theories” in order to instruct the present generation and to reinvent itself through self-reflexivity. As the authors put it: “One group remembers the past in fear of deviating from its model, the next for fear of repeating the past. Those who cannot remember their past are condemned to relive it” (Assmann and Czaplicka, 1995:133).

Although scholars analysing conflict in modern African states often ignore the role of collective memory and tend to focus on post-colonial developments, collective memory of community heritage, sovereignty, pride, land, or the loss of these to another authority, affect their worldview and the manner in which they relate to others.

An example can be given of how the collective memory of the Jewish people in the post-1945 (post World War II) era has influenced Israel’s security policy – a policy which, some have argued, has metaphorically turned Israel into a “Bastion of fear” (Woodward, 2010:1). Ferguson (2001:8) sees it as “fortress/siege mentality” or, as Steiner (2002:1) puts it, “Fortress Israel”.

As a premise, the state of Israel is a relatively recent creation. It was established formally in 1948, although the foundation was laid with the Balfour Declaration¹² of 1917 and later, the pull-out of the British forces from the former Palestine in 1948 facilitated the declaration of the sovereign state of Israel. Prior to 1948, Jewish people lived as a “nomadic civilization”

¹² A section of the Balfour Declaration reads: “His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country” (www.wikipedia.org).

(Ferguson, 2001:8) in various countries across the globe, with a high concentration in Europe. It was their concentration in Europe and the perception of the Jewish people by certain indigenous Europeans as “strangers” that gave rise to growing anti-Semitism, a phenomenon which climaxed with the rise of Adolf Hitler’s Nazi party in Germany (Steiner, 2002). Although the Zionist Movement¹³ had been in existence since the late 19th century (Nicosia, 1978:1253); it was the effect of the World War II period on European Jewry that hastened the founding of the state of Israel. Without going into detail about anti-Jewish incidents that occurred between 1933 when the Nazis came to power and 1945 when World War II ended, it was estimated that about six million Jews died under several circumstances, collectively known as “the Jewish holocaust” (Braverman, 2009:35; Obama, 2009:7).

How has collective memory of the holocaust shaped modern Israel? As a country established on land claimed by another people of distinct cultural and religious identities, its birth in 1948 has led to six major wars fought with its Arab neighbours – in 1948, 1956, 1967, 1973, 1982 and 2006 (Ferguson, 2001:6; Rubin, 2007:24). The security concerns raised by these incidents have shaped Israel’s worldview, and hence Sharad (2000:2089) describes security concerns for Israel as “a vigorous preoccupation”. Geographically, the fact that Israel is a tiny piece of land relative to other countries in the region makes all parts of the country vulnerable to the reach of short range missile attacks (Sharad, 2000:2097). This geostrategic disadvantage coupled with the memory and “fear of another holocaust” (Sharad, 2000:2092) has largely influenced Israel’s diplomacy and military deterrence. Israeli national maxims such as: “Never again would Jews be victims” or, more elaborately, “Never again would they have to live with fear and packed suitcases”, and “With a nation of their own, they would be transformed into proud, productive citizens” (Steiner, 2002:1) all point to psychological

¹³ The movement was created by nationalist Jews, led by Theodor Herzl, in the late 19th century. The major aim of Zionism was the establishment of the state of Israel in the former Palestine as a homeland for Jewish people (Nicosia, 1978:D1253).

reinforcements of security consciousness with underlying reference to their past. In 2009 in Egypt, the United States President, Barack Obama (2009:7), noted the effect of Jewish history on the Middle East Peace Process thus:

Threatening Israel with destruction...only serves to evoke in the minds of Israelis this most painful of memories while preventing the peace that the people of this region deserve.

In a policy paper on security analysis, Ferguson (2001:7) notes how this intersection between past experiences and present circumstances foreground Israel's collective action:

To survive outside threats, Israel...has made a point of possessing the most potent fighting force in the Middle East, and has kept Arab states and the Palestinians in check through a strategy of deterrence based upon military vigilance and its officially unacknowledged nuclear capability.

Whether this "bastion image" contributes to Israel's security or makes it vulnerable is perhaps a question for another research; however, one thing that is paramount from this illustration and which is the concern of this thesis is the connection between collective historical experience (memory) and collective action in the present.

Collective memory as a historical concept is not without its shortcomings. A major critique, especially from social historians, is that the concept deemphasises the contribution of the "individual" (Kansteiner, 2002:179) while it dwells on past "collective experience" as a point of reference for collective action. In other words, the place of the individual is seen either as insignificant or subsumed in the history of the collective. The individual plays only the role of a communicator of collective memory (or history), while his role as a single member of the community does not constitute a subject for collective memory (Kansteiner, 2002). Another problem with collective memory lies with objectivity. Kansteiner (2002:180) sees the involvement of the academic in the study of a community's collective past, which could "be traumatic" (Foote, 1997:3), as a way of turning "academics into concerned citizens who share the burdens of collective memory crises". Kansteiner's fear is that such involvement is

capable of colouring the scholar's objectivity as he tries to identify with the memories of past injustices of the community he is studying. While this observation is not a new critique to interpretive research, it emphasises the challenges a researcher faces when handling delicate historical sources, such as oral data. The present researcher has made every effort not to be a victim of this "crisis". See Chapter 4 on how the researcher handled validity questions arising from oral history.

While the effect of collective memory on post-colonial conflicts (in the formation of group perception of the "nation-state") is not adequately privileged in the analysis of conflict in Africa, post-colonial events have often shown connections with the history of the evolution of African states. Commenting on the historical roots of Africa's post-colonial problems, Georges Balandier states that: "the present situation of African societies was the result of a *triple history* which has drawn together its constituent parts –pre-colonial, colonial and post-colonial history" (Georges Balandier cited in Bayart, 1993:33; see also Tosh, 1996; emphasis added). In a similar observation, Chinua Achebe in a proverb noted: "A man who cannot tell where the rain began to beat him cannot know where he dried his body" (Achebe cited in Webb, 1991:1; Langford, 1999). By this assertion, Achebe admonished younger generations of African scholars and leaders to always make references to their pre-colonial past for inspiration in their quest for nation-building. It is the same truism that John Tosh (1996:29) represented thus: "Our human awareness is enhanced by the contemplation of vanished eras, and historical re-creation will always exercise a hold over the imagination".

How is the concept of collective memory (or history) relevant to this study? Briefly, while this thesis does not give credence to the notion of Africa as a static continent, chained to its "history", it views a reference to history in this context as a compelling dynamic in the

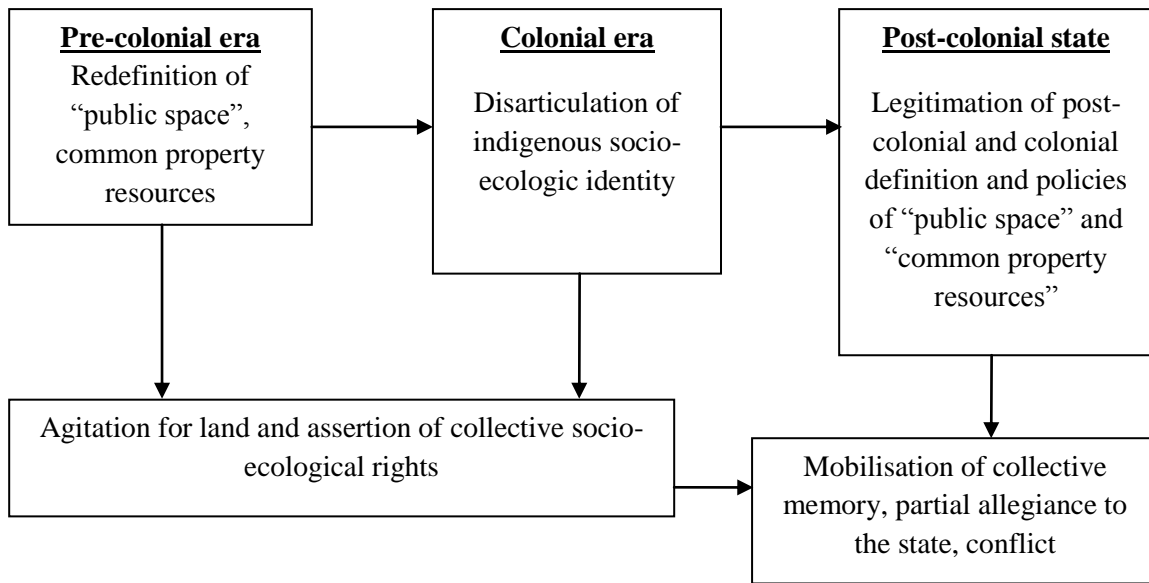
formation of a group view. The Kaiama Declaration of 1999,¹⁴ for instance, illustrates how grievance construction appears to have been shaped by collective memory:

It was through British colonisation that the IJAW NATION was forcibly put under the Nigerian State...but for the economic interests of the imperialists, the Ijaw Ethnic Nationality would have evolved as a distinct and separate sovereign nation, enjoying undiluted political, economic, social, and cultural AUTONOMY...We cease to recognise all undemocratic decrees that rob our people/communities of the right to ownership and control of our lives and resources (Kaiama Declaration, 1999:1; see also MOSOP, 1990; Saro-Wiwa, 2000).

(The issues raised by this sort of community grievances are discussed in Chapter 8.) The history or collective memory that the Kaiama Declaration based its argument on is explained graphically in Figure 3.1. It is a conceptual diagram of how community ownership and control of common property resources gave way to state ownership and control, and of the broadening of the “public space” from “communal” to “national”. Figure 3.1 further illustrates how resource ownership and related legislation (which deemphasises indigenous rights and active community participation in resource exploitation) could bring back collective memories of a long-gone era when the community enjoyed “unabridged” ecological sovereignty. The result of this could be conflict, which could take different forms, including partial allegiance to the modern state.

¹⁴ The Kaiama Declaration is a declaration by the ethnic Ijaw youths outlining their grievances against state ownership of oil wealth in their ancestral land. It follows the Ogoni Bill of Rights of 1990 and other similar “Declarations”. A common issue raised by these grievance documents is the historical underpinning of what the authors see as injustices perpetrated by the state against their peoples since its evolution.

Figure 3.1: Socio-historical roots of a contemporary malaise: collective memory



The concept of collective memory helps to answer these questions: how does state legislation on ecological rights lead to community resistance? What is the implication of the graded withdrawal of community allegiance to the modern “nation”? How do we move away from the “background institutions” (Akpan, 2005b:71) which communities see as fostering injustices?

It must be noted that collective memory does not explain the nature or roles of various actors (in natural resource extraction – the state, community, extractive firms and eco-centric social formations) in the conflict. It does not assist us to answer the question: How are the relationships in resource production structured? What is the nature of the *historically forged* relationship between these actors with particular reference to mining? To address this question, one must turn to Cultural Theory.

3.3 The Cultural Theory: plural rationality

The Cultural Theory¹⁵ of plural rationality evolved from the works of Mary Douglas, Michael Thompson and Aaron Wildavsky. However, it is Michael Thompson who has had the most influence in broadening the theory (Verjweij, 2004; Douglas, 2007). The theory has also been variously applied in the works of Thompson (1979), Douglas and Wildavsky (1982), Thompson, Ellis and Wildavsky (1990), Gross and Rayner (1985), Schwarz and Thompson (1990) and Verjweij and Thompson (2000), among others. The theory has mostly been used in the study of risk and vulnerability (and policy analysis) to explain the risk perceptions of different social solidarities and how their transactional interests intersect with other solidarities. The present researcher draws on the theory to highlight the nature and interests of different sets of actors in natural resource exploitation, and to explain how it is that the complex dynamics of their interactions (often in the same ecology) lead them in conflictive directions.

As a point of departure, Cultural Theory differs from institutionalism, which tends to see social solidarities only in terms of dualities such as hierarchy and individualism (government and business). It is therefore common to speak of hierarchies and markets as the only socio-economic and political actors in any given social setting. Cultural Theory posits “that there is no need to choose between [dualism], for instance, collectivism and individualism, values and social relations, or change and stability” (Thompson, Ellis & Wildavsky, 1990:21). The novelty of Cultural Theory lies in its inclusion of two other solidarities – egalitarianism and fatalism; it also makes explicit the different premises – the different social constructions of nature into physical nature and social nature. This differentiation sustains the four

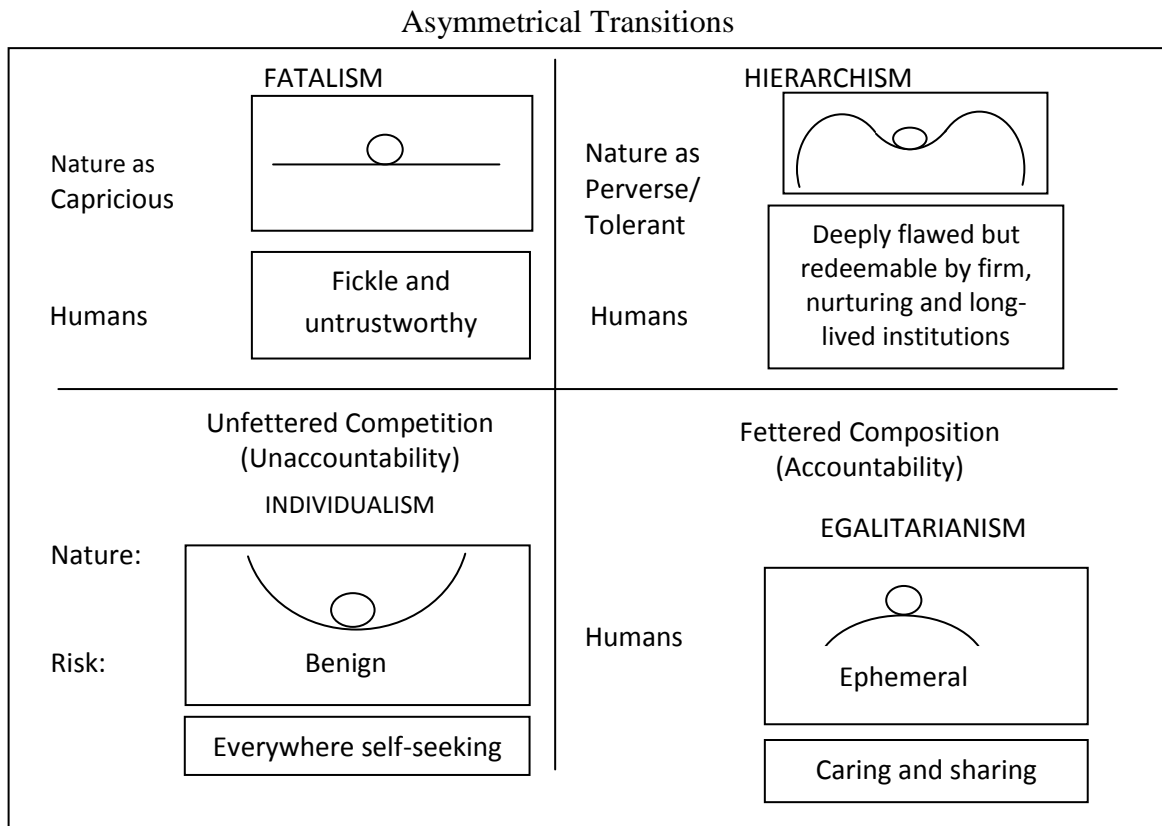
¹⁵ Cultural Theory is a distinct theory in risk and vulnerability scholarship. It is not the same as culture theory.

fundamental arrangements for the promotion of social transactions between them (by rendering them both rational and morally defensible) (see Thompson, Verweij & Ellis, 2006).

How does Cultural Theory explain an ideal relationship between the four solidarities – hierarchy, individualism, egalitarianism and fatalism? *Hierarchy* (government) imposes parameters of behaviour (regulatory and accountable management style) on other solidarities, such as setting limits on competition. *Markets* – the transactional arrangements that accompany individualism – do the diametrical opposite. They believe in equality of opportunity, oppose regulation and promote competition, and see accountability (regulation) as limiting individual and organisational potentialities. The other two solidarities in the cultural theory scheme, egalitarianism and fatalism, tend to be ignored by institutionalism and policy science although, as we shall see, their roles matter (Thompson, 2003:5017).

So Cultural Theory, by increasing from two to four solidarities, enables us to make sense of what is happening, socially, economically and ecologically. As mentioned above, this pattern of conceptualisation differs profoundly from institutional orthodoxy which recognises only two solidarities – hierarchy and individualism. It also allows us to pinpoint all the unsustainable consequences of the exclusionist dynamics and to set out the essentials of the sort of institutional re-design that could reverse those destructive consequences. This researcher will now examine the makeup of the solidarities and their transactional interests. The analysis derives from Thompson, Ellis and Wildavsky (1990), Schwarz and Thompson (1990); Verweij and Thompson (2000); Verweij, Thompson & Ellis (2006); Thompson (2008).

Figure 3.2: Four forms of social solidarity and their associated premises (myths of nature)



Symmetrical Transactions

(Adapted from Thompson, 2003:5017)

- The myth of nature in the individualist solidarity is that nature is benign and resilient. In other words, nature is always able to recover from any exploitation no matter the level of disturbance. Nature is perfectly capable of returning to stability; hence the icon of a ball that, no matter the level of disturbance, returns to stability (see Figure 3.2, lower left quadrant). Humans are inherently self-seeking and atomistic in their behaviour towards nature. Trial and error, in a self-organising free market environment, is the ecological management style. In the Niger Delta, for instance, this bias is represented by the International Oil Companies (IOCs): Shell Petroleum Development Company (SPDC), ExxonMobil, Total Petroleum Nigeria, Agip Oil Nigeria (Eni of Italy), and Chevron Petroleum, among others. The tendency is to view

the ecology as mining “spaces” (“oil blocks”, “oilfields” or “mining concessions”) in the strict economic sense, rather than “places” where local communities live and socialise (see MSMD, 2006:10; Ogon, 2006). The market orientation of this solidarity also has implications for the way in which it responds to the environmental and compensational needs of the local communities where the oil exploitation takes place. In other words, the companies do not adequately compensate local communities when their land is expropriated or degraded in the process of oil exploration or exploitation because it views the corporate relationship with local communities from a market perspective.

- Another “myth” is that nature is ephemeral. In other words, the environment is fragile and very much at risk from man-made disturbances (the ball on the up-turned basin in Figure 3.2, lower right quadrant). Egalitarian solidarity (as this “myth” may also be termed) holds that self-renewal in the face of exploitation is simply not possible, hence the myth is uncompromising about eco-maintenance and supports policies that seek to limit ecological intrusion and abuse. According to Cultural Theory, those who view the environment in this way (such as certain environmental advocacy groups) emphasise care and caution in the use of environmental resources, and readily blame *inegalitarian* institutions, such as markets and hierarchies, for the undue ecological damages that occur in the course of the pursuit of profits and resource rents. The egalitarians would prefer that change comes from the bottom rather than from the top. Although this view seems to have become orthodox among the international environmental groups that are active, for instance in the Niger Delta, it now hardly holds for the local communities in whose names these groups claim to speak. The reason is that the institutional dynamics that have pitted an individualist/hierarchical

alliance against an egalitarian/fatalist alliance have dislodged many of those in the local communities from the framing that previously justified and guided their behaviour (Uchendu, 1979). International eco-centric and human rights groups that have been active in environmental advocacy in the Niger Delta such as Greenpeace, Friends of the Earth, Amnesty International and Human Rights Watch, among others (Obi, 2001) represent the Egalitarian solidarity.

The local egalitarian solidarity was clearly represented by indigenous environmental advocacy groups, such as the Movement for the Survival of Ogoni People (MOSOP)¹⁶, Environmental Rights Action (ERA) and certain ethnic-based groups that began with the environmental agenda, such as the Ijaw Youth Council (IYC), among others. Internally, these egalitarian actors focused their attack on the IOCs, the state, the political class, and the local elite (such as traditional rulers, politicians, contractors and subcontractors to oil firms, among others).

- In the *nature tolerant/perverse* myth, the ecology is seen as existing in the context of a conditional equilibrium (hence the two humps with ball in the middle, see Figure 3.2, upper right quadrant). Nature, in other words, hangs in the balance – some sort of bestriding the threshold – and too many human disturbances are seen as capable of leading to a catastrophe (Thompson et al., 1990; Steg & Sievers, 2000). Self-renewal, therefore, is possible but only if the environment is managed in such a way that the threshold is not crossed. Hierarchical actors – governments, bureaucracies, technocrats – tend to hold this perception. Environmental management requires certified experts (to determine the precise locations of nature’s limits) and statutory regulation (to ensure that all economic activity is then kept within those limits).

¹⁶ MOSOP also represents Ogoni ethnic interests in the Niger Delta conflict.

Expert-guided regulation, precision science, legislation and penalties against defaulters are some of the management instruments. In Nigeria, this solidarity animates the three tiers of government: federal, state and local councils, together with the state agencies that are charged with environmental protection, such as Federal Environmental Protection Agency (FEPA) and State Environmental Protection Agencies (SEPA). Although there are fundamental differences in environmental management procedures between the hierarchist and individualist solidarities, the shared interests of the state and the extractive firms – rents and profits respectively – have relatively aligned their interests, ensuring that both the hierarchical actor and the individualistic actors seem inseparable. This close relationship has made it difficult for the state to be sufficiently strict in its oversight function as the regulator of the mining sector, leading to compromises on environmental best practices (Ghazvinian, 2005; Watts, 2007).

- In the *fatalist* solidarity, nature is capricious. The environment is unpredictable and, a target of experimentations and opportunism. In other words, human beings do not yet know the outcome of their actions on the ecology and there is no possibility of effecting change for the better (no matter where the ball is pushed, the feedback is everywhere the same, see Figure 3.2, upper left quadrant). In the Niger Delta for instance, the local people – subsistence farmers, fishermen, hunters and itinerant traders – have found themselves in this situation. Largely uneducated, they have long been dependent on the watercourses and the limited land for their subsistence, and they have ensured the sustainability of that subsistence through a low-key and essentially egalitarian management style in which behaviour that is judged detrimental is discouraged by a shared and face-to-face disapproval of “taboo-breaking” (see

Mitee, 2002; Ogon, 2006). Although this management style had been their preference, in recent times, the impact of individualists/hierarchical alliance on local ecology has tended to drive the fatalists into equally unsustainable practices, such as pipeline vandalism and oil spillage.

These four solidarities, Cultural Theorists point out, are clearly discernible, in varying strengths and patterns of alliances, and in different contexts: in debates over water engineering in South East Asia (Gyawali, 2001); in the international fora where delegates struggle to do something about climate change (Thompson, Rayner and Ney, 1998); in the different ways international regimes cope with trans-boundary risks such as water pollution (Verweij and Thompson, 2000) and municipalities go about the business of transport planning (Hendriks, 1994); in the various ways households set about meeting their livelihood challenges (Dake and Thompson, 1999); in the different analysis of the pensions crisis in countries with ageing populations (Ney, 1997); and in the different panaceas that are variously championed and rejected by theorists of public administration (Hood, 1998).

In all these examples, we find that each solidarity generates a definition of the problem that contradicts those generated by the other solidarities. Indeed, each one's problem is in large part constituted by the solutions that are being proffered by the others. Each, unsurprisingly, is then dismissive of the others, with the result that each crafts and justifies its distinctive and *preferred* solution: a solution that would work beautifully if (a) the system and other actors were indeed the way that solidarity has constructed them and (b) everyone was happy to go along with that solution (or, if unhappy, could be easily ignored).

However, since each of these contradictory myths and governance strategies distil certain elements of experience and wisdom that are missed by the others, and since each provides a

clear expression of the way in which a significant proportion of the populace feels everyone should live with one another and with nature, it is important that some sort of account be taken of all of them in the policy process. That policy process, or “clumsy solution” as Thompson (2003:5110) calls it, would involve finding common grounds, and framing the challenge in a manner that does not favour any one solidarity, but which privileges all the solidarities.

In the Nigerian context, Cultural Theory could shed light on the likely sources of conflict between the solidarities; that is, on the manner in which more powerful solidarities such as the state and extractive firms use existing institutions to appropriate the rights, or neglect the environmental concerns of less powerful ones. In analysing environmental issues arising from oil exploitation in the Niger Delta, Akpan (2005b:71) argued that the role of these “background institutions (that is, the legal and institutional frameworks) is not always given explanatory status in discussions on grassroots mobilisation...and yet it occupies a vital place in the social justice paradigm”. This is the point at which Cultural Theory and collective memory intersect. The way in which a state, for instance, fosters those “background institutions” which local communities may feel strongly about, ignites memories of a long-gone era when communities believe they had enjoyed unimpeded sovereignty over common property resources, thereby leading to conflict. By setting out the “transactional preferences” of each solidarity, Cultural Theory lays out the framework which enhances rational policy that integrates the discrete interests of solidarities, rather than imposing the institutional framework that privileges only a select number of actors (solidarities). Triangulated with the concept of collective memory, therefore, Cultural Theory yields insights with which mining-related compensation conflict in the two Nigerian communities are analysed.

CHAPTER 4

METHODOLOGY

4.1 Introduction

This chapter describes the methodology employed in the collection of empirical and historical data to address the questions outlined in Chapter 1 of this thesis. As pointed out in Chapter 1, the thesis examines the socio-historical bases of grievance construction with regard to compensation paid to land owners on account of land expropriated for petroleum or coal mining in two communities in Nigeria. Qualitative data collection techniques were used, namely: observation, focus group discussion, key informant interview, archival research and oral history. The data from these methods were triangulated with quantitative data obtained through a small-scale survey. Details regarding the research design and the execution of the various research methods are presented in the following sections.

4.2 Study communities

Two study communities – Enugu-Ngwo and Egbema – were selected for the study; the main reason for their choice being their long history as mining towns.

4.2.1 Enugu-Ngwo

Enugu-Ngwo community is the first coal producing community in Nigeria. Mining operations in the town dates back to 1916. The community lost the largest area of land to coal mining in Nigeria. A total of 16,700 acres of indigenous farmland were acquired by the colonial state in 1915 which led to subsequent demographic displacement. This displacement will be treated in Chapter 5. The mines located in the community, such as *Onyeama*, *Okpara*, *Ribadu*, and *Ogbette*, are the most exploited coal mines in Nigeria. Enugu-Ngwo community also has the

highest number of retired and retrenched coal miners in Nigeria, having provided the largest number of coal miners in Nigeria (Hair, 1954; Agu, 1990). This pool of retired miners provided the respondents with adequate knowledge of the internal workings of the colliery and its relations with the local community, especially on land-related issues. The corporate headquarters of the government holding company and coal sector regulator in the country, Nigerian Coal Corporation (NCC), has its headquarters in Enugu, and this made it easy to reach the staff for interviews. In addition, some government information repositories with relevant historical data and information on Enugu-Ngwo and coal exploitation such as the National Museum and Monument and the National Archives Enugu, are also located in Enugu City.

Although Enugu-Ngwo was selected as the study community, it is important to acknowledge the fact that there are other coal-rich communities in Nigeria. There are 22 proven coal and lignite deposits in 14 of Nigeria's 36 states. These states are located in what is geologically known as the Anambra coal basin – an area of Nigeria that is rich in coal and lignite deposits (Sambo, 2008). Although Nigeria is endowed with numerous coal deposits, only three communities have actually produced coal in commercial quantity – for export or for domestic consumption. They are: Enugu-Ngwo in Enugu State (South-eastern Nigeria), opened in 1915; and Okaba and Owukpa (also spelt Orukpa) in Benue and Kogi states respectively (North-central Nigeria), opened in the 1960s (Sambo, 2008). Apart from some of the features of Enugu-Ngwo community as a premier coal-mining community in Nigeria, the research also considered the following criteria in selecting the study community from these three communities:

- a. more noticeable effects of land acquisition than the others;

- b. notable grassroots agitation with regard to land acquisition;
- c. long history of coal mining and community interaction with the colliery industry;
- d. presence of institutions with records of the development of the colliery industry and its relationship with the indigenous community;
- e. availability of respondents;
- f. budget considerations;
- g. understanding of the language of communication in the community; and
- h. good accommodation.

Enugu-Ngwo community met these criteria more than any other coal-producing community in Nigeria.

4.2.2 Egbema

Egbema community is in Imo State in the South-eastern region of Nigeria. The community was selected because the researcher considers it an ideal community to study land use and compensation-related issues among oil- and gas-producing communities of Nigeria. Oil was discovered in Egbema in 1958, two years after the first discovery in Oloibiri (in present day Bayelsa state). Historically, Egbema as an oil-producing community ranks among the earliest communities in Nigeria where oil and gas resources were discovered and produced since the 1950s. The implication of this is that the community has had its own share of oil-related problems such as land acquisitions for oil and gas exploitation, environmental degradation and the agitation for community rights like other oil-producing communities in the Niger Delta.

Secondly, Egbema is a “host community” to major oil-producing multinational companies in Nigeria such as Shell Petroleum Development Company (SPDC) and Nigerian Agip Oil Company (NAOC). SPDC is a subsidiary of the Shell Corporation, and Agip is the Nigerian subsidiary of Eni of Italy. Both companies have histories of oil exploration and production in the community, dating from the 1950s and 1960s respectively. As of 2008, Shell and Agip maintained their presence through oil production from 31 oil wells, a flow station, Shell operational base – Egbema Production Centre (EPC), several gas flaring platforms and a vast network of pipelines in the community. There is also a large network of pipelines owned by Addax Oil Company which transports oil from its Oguta field to the export terminal at Bonny. The presence of these facilities means that the oil-producing companies have acquired several acres of land in the community from the local people, while the presence of pipelines in various locations near people’s homes, market places, farms and religious sites combine to generate grassroots uneasiness typical of oil-producing communities in Nigeria.

The third factor that informed the selection of Egbema as a study community was that it is relatively less volatile compared to other parts of the Niger Delta, which have become very insecure for journalists, researchers, oil workers and foreigners. The fieldwork was done between November 2007 and March 2008 – a period that fell within the most volatile in community insurgency in the Niger Delta. Although Egbema is within the Niger Delta area, it was relatively peaceful during the height of the insurgency. However, being “relatively peaceful” does not imply there were no incidents of youth restiveness and kidnapping in the community.

Lastly, in terms of budget, Egbema’s proximity to the researcher’s home community and the town of Owerri also means that the study was conducted at a relatively low cost. Egbema is

in the same Imo state that the researcher hails from; hence it was easier to move from Owerri town where a friend provided him with accommodation or from his home community which is also in the same Senatorial district as Egbema. Another advantage Egbema presented to the researcher is that he understands the language of communication in Egbema, which is Igbo. The benefit of this is that interviews with the local people were not conducted through an interpreter as they were in Enugu-Ngwo. Although the researcher used the services of a research assistant¹⁷ (a young university graduate from the community), he was relatively better accepted than a non-Igbo speaker would have been received. Having said this, the researcher will later show in this chapter some of the challenges of doing ethnographic research in the Niger Delta and how a researcher could be suspected of benefiting from the community's problems, an allegation that has serious implications for the safety of anyone so accused.

4.3 Instruments of data collection

The thesis made use of the following instruments to collect empirical data from the study communities: key informant interviews, focus group discussions, observation, oral history, archival materials and small-scale survey. The factors that led to the choice, the application and limitations of these instruments are detailed below.

4.3.1 Key informant interview

All the key informants were purposively selected on the basis of their knowledge of land use and compensational matters in their communities. Snowball sampling was used; that is, key

¹⁷ During the course of this research, the researcher engaged the services of two assistants – one in each of the study communities. The assistant in Egbema is a graduate of a federal university in Imo state. The assistant in Enugu-Ngwo is an undergraduate of the state-owned (provincially-owned) university of technology in Enugu state. A reader should therefore note different references to either of the assistants which may appear as an “undergraduate” or as a “graduate”, depending on which community the researcher will be referring to.

informants were selected based on the recommendations of those already interviewed. The profile of the respondents interviewed at Egbema includes traditional community leaders, individuals who witnessed the commencement of oil exploration in Egbema, women leaders, youth leaders, three staff members of the Shell Petroleum Development Company (SPDC), a senior Operations Controller of the Department of Petroleum Resources Regional Office for South-east operations and an official of the Nigeria National Petroleum Corporation (NNPC), members of families whose land was acquired by oil companies (Shell and AGIP) for the construction of oil facilities – pipelines, oil well drilling, gas flare platforms, manifold, flow station and the Egbema Production Centre (EPC, a large administrative and operational centre which also houses a military garrison). A breakdown of the sample size is contained in Table 4.1.

In Enugu-Ngwo, those interviewed include notable aged traditional rulers, titled men (known locally as *Ishi Nze*), and a notable former political office holder in Nigeria who has been associated with the colliery since the 1950s. He possesses the requisite knowledge of the coal industry as well as of the community. Talking with the octogenarian in his office and in his home was like replaying a “historical tape” of the coal industry and his community’s relationship with coal/land issues. Others interviewed include a retired General Manager of Nigeria Coal Corporation – an indigene of Ngwo, a senior management staff member of NCC, a senior manager of NCC, a school headmistress/women leader, a youth leader in Enugu-Ngwo (who refused to be tape-recorded), a prominent retired miner – now a shop owner, two former mining engineers – formerly of mechanical and underground engineering divisions and indigenes of the community. The details of the sample size are contained in Table 4.1.

Table 4.1: Key informant interviews conducted in Enugu-Ngwo and Egbema

COMMUNITIES	SAMPLE SIZE	GENDER		AGE GROUP				
		M	F	18 – 30	31 – 40	41 – 50	51 – 60	61+
ENUGU-NGWO	10	8	2	-	-	3	2	5
EGBEMA	12	9	3	1	2	2	2	5
TOTAL	22	17	5	1	2	5	4	10

Table 4.2: Other interviews conducted

COMMUNITIES	SAMPLE SIZE	GENDER		AGE GROUP				
		M	F	18 – 30	31 – 40	41 – 50	51 – 60	61+
ENUGU-NGWO	50	32	18	5	7	11	14	13
EGBEMA	48	29	19	8	5	11	10	14
Other communities – Iho, Umuna, Oguta, Izombe	13	10	3		1	1	2	9
TOTAL	111	71	40	13	13	23	26	36

Note: This number also includes staff of Nigeria Coal Corporation (NCC) Enugu; DPR (Owerri) and Shell Egbema and NNPC Port Harcourt. Some of these ages are estimates, as some respondents did not disclose their age.

In total 10 key informant interviews were conducted in Enugu-Ngwo and the coal industry, 12 were conducted in Egbema and the petroleum industry (see Table 4.1). Apart from the key interviews, a total of 111 other interviews were conducted (see Table 4.2). As the breakdowns in Tables 4.1 and 4.2 have shown, the number of respondents in the two communities was not proportionally distributed. A total of 50 and 48 interviews were conducted in Egbema and Enugu-Ngwo respectively, while the remaining 13 interviews (see Table 4.2) were conducted in other nearby petroleum-producing communities such as Oguta, Ohaji and Izombe as a way of validating the information received from Egbema. Additional interviews were also conducted at Iho and Umuna communities. Iho and Umuna communities were among the initial oil exploration communities in Nigeria. It was at Iho that the first oil well (Iho Well 1) was drilled in Nigeria in 1951 (see NAE: OP 24/1929; see Chapter 5).

Key informant interview, according to Scott and Marshall, is a “social interaction which results in a *transfer of information* from the interviewee to an interviewer or researcher” (2005:323, emphasis added). Like any other instrument of data collection, personal interviews face some challenges related to validity and reliability. For example, an interviewee can hide or screen crucial information. In other words, whatever information is transferred to the interviewer is what the interviewee has decided to volunteer. The interviewee may not have comprehensively addressed the questions asked. Such views could also have been doctored or put haphazardly. It is therefore the responsibility of the researcher to sieve through the loads of information transferred to him, picking out the bits and pieces that are relevant to his research, and making sense of what he was informed.

In order to ensure that interviewees’ responses are valid the researcher often double-checked informants’ opinions with other qualitative instruments. For instance, the key informants were incorporated in FGDs where the same questions that were discussed with them in personal interviews were also raised. However, the personal views that were already noted from the interviews with individual members of the panel were protected. The goals of this method are to produce a synergy of views from the panel, and also to test the reliability of the information generated from personal interviews.

Interview questions were open-ended in order to allow the respondents to be flexible and detailed in their answers. The researcher adopted an informal approach in all his encounters with the respondents and avoided (as far as possible) formalities such as the use of English language and greeting methods that are not indigenous. Individuals who are believed to have adequate knowledge of land use and resource-related issues in the study communities were sampled and interviewed (see a sample of the questions asked in Appendix 4.3). In this

regard, traditional rulers, titled chiefs, politicians, youth leaders and activists, retired miners, women leaders and ordinary citizens whose lives are affected daily by mineral exploitation and scarcity of usable land were used as respondents.

It was difficult to convince certain respondents, especially in Enugu-Ngwo, to have their views recorded on tape, while in Egbema it was easily accepted to record the interviews. It was found that local residents in Egbema people are used to seeing several researchers, NGOs and journalists each month or year come to their community for research purposes, while in Enugu-Ngwo that was not a common occurrence. Many of the respondents in Enugu-Ngwo suspected the researcher could be an undercover agent of the state. This fear resulted from the controversy that has dogged the privatisation process of the Nigeria Coal Corporation (NCC) and its landed properties since 2004 (see Chapter 6). In the aftermath of the privatisation, the youth rioted and ostracised certain individuals they alleged had aligned with the state in the privatisation exercise. The destruction of properties in the ensuing riot and threat to the life of certain community leaders fingered in the privatisation has created a security scare among local people. Unknown faces were often mistaken for undercover agents who have trailed alleged perpetrators since the 2004 riots.

In order to allay their fears, the researcher had to wear his university's identity card and carry a personal introductory letter, business card and letter of introduction from his supervisor (see Appendix 4.1). These measures still did not persuade a number of local people and officials of NCC to speak about the colliery. For instance, at the NCC headquarters the most senior management staff, mandated by the Ministry of Solid Minerals Development to supervise the closure and handing over of the corporation to the concessionaire, personally removed the batteries of the researcher's tape recorder to ensure the interview was not recorded. Although

he apologised for what he described as “being too hard”, he explained that there was an “emergency situation in NCC and our host community”. By this statement, he implied the opposition by the Enugu-Ngwo community to the privatisation of the mines by the state.

These interviews were not conducted by the researcher alone: the research assistants hired from the study communities were always there with the researcher. Although some of the interviews were recorded, the responses of other respondents who did not want to be recorded on tape were written as notes. As one of Nigeria’s largest cities, Enugu has a large number of migrants, many of whom had come as coal miners. These non-indigenes were also included among the respondents because of their knowledge of issues related to land and the colliery. The interviews took place at respondents’ homes, in the shack restaurants and bars, offices and in petty shops. One of the interesting places respondents were interviewed was on their farms. On two occasions in Egbema, the researcher and his assistant interviewed farmers working on farms with a network of pipelines, close to gas flaring platforms and oil wells.

4.3.2 Focus Group Discussion (FGD)

Focus group discussion is one of the instruments used in this thesis for data collection. In a focus group discussion, a set of respondents “with similar backgrounds and experiences” (Odi, 2005:6) are brought together to interact and discuss a specific topic that is of interest to the researcher which he believes is well known to the discussants (Babbie and Mouton, 2001). In other words, FGD aims at understanding group knowledge of the issue discussed. Varkevisser, et al. (2003:179) puts it this way: “to obtain in-depth information on concepts, perceptions and ideas of a group”. One of the major strengths of FGD as a research instrument is its accommodation of divergent views of discussants. David Morgan pointed to its ability to synthesise a “large amount of interaction on a topic in a limited period” as its

major advantage over observation (cited in Babbie and Mouton, 2001:293). The researcher makes conclusions from the contributions of members by sieving out opinions that do not address his research goals, while noting those that address them.

One FGD was held in each of the study communities. The FGDs consisted of eight discussants for each community. See Table 4.3 for the sizes of the groups and their characteristics. The researcher did the facilitation of the discussions, while the research assistants in each community helped with the tape recording. Manual note-taking was also done. The focus group consisted of community leaders – elders, youth leaders, retired coal miners and women representatives. The researcher had initially wanted to integrate Shell staff in Egbema and NCC officials in Enugu-Ngwo in the FGDs, however, requests for representatives were not answered. It was later discovered as the fieldwork progressed that having Shell or NCC officials in an FGD with community leaders would have posed a big distraction.

Table 4.3: Breakdown of FGD participants in Enugu-Ngwo and Egbema

COMMUNITIES	SAMPLE SIZE	GENDER		AGE GROUP				
		M	F	18 – 30*	31 – 40	41 – 50	51 – 60	61+
ENUGU-NGWO	8	5	3	-	1	2	3	2
EGBEMA	8	5	3	-	1	3	2	2

*The correctness of the age of these respondents could not be ascertained.

Discussants among the women groups were selected from two Women’s Associations, but the process of this selection was problematic. In Enugu-Ngwo and Egbema, there are two levels of women organisations: the “Daughters of the communities” (*Umuada*) – women who are indigenes of the communities (they may be married outside the community or in the community); and the other – those who are married into the study communities (the wives or *Alutaradi*) from other communities by the male indigenes. In practice, once a woman is

married outside her community of origin, she assumes both roles in her father's community and in her new home respectively. In much of Igbo land (with a strong patrilineal culture), the "Daughters Association" is often more influential than the "Wives Association". The relationship between both associations is usually tense. The daughters of the community often claim a higher level of relevance in the day to day policy-making process of their communities of orientation. Having grown up in the same culture¹⁸, the researcher knew that choosing representatives to the FGDs among the womenfolk posed a serious challenge because the intra-gender politics between the associations of "daughters" and "wives" could be tricky if not properly handled. Each group – the married women and the daughters associations – could see representation in a community discussion as a way of proving supremacy over the other.

In order to deal with this challenge, the research assistant in Egbema suggested that one member from each of the associations be selected. While his formula for equal representation was not contended in Egbema, it was not accepted in Enugu-Ngwo. In Enugu-Ngwo one of the male key informants pointed out that it was the right of the "Daughters Association" to discuss issues concerning the land of Ngwo and not "non-indigenous" women (a reference to non Enugu-Ngwo women married in the community).

The research made use of both purposive and snowball sampling techniques in choosing participants. The opinion leaders were instrumental in identifying those they felt had knowledge of land and resource-related issues in their communities. For instance in Egbema, the palace secretary contacted an elder he knew was well informed about land use and the history of oil exploitation in the community. One of the youth leaders from Enugu-Ngwo the

¹⁸ The researcher's mother was a prominent leader of the Association of Daughters of Obodoukwu community in Imo State for twenty three years (1976-1999).

researcher met at the National Archives in Enugu was instrumental in mobilising women leaders and the secretary of his youth association for the FGD in Enugu-Ngwo.

The issues discussed in the FGDs focused on local land use practices, land expropriation by the state, ownership of land, reactions to state legislations such as the Land Use Decree of 1978, the impact of resource extraction on indigenous land use practices, privatisation of mines, local perception of the payment of compensation on land, and the festering state-community conflict (see a sample of the questions asked in Appendix 4.4). These issues were intended to shed light on what local people perceive as the cause of the conflict between resource-rich communities and the state. It was also meant to capture how the discourse is nuanced among social groups in each community. For instance, while the mention of “payment of compensation to land owners” was not a surprise in Egbema, it sounded strange to Enugu-Ngwo people. As will be shown later in Chapters 6 and 7, different communal discourses on land depended on each community’s peculiar experiences – methods of acquisition of land, and the ownership structure of acquired land in both communities.

Different scholars have identified certain criteria that enhance FGD. Some of these criteria include:

- a. Selecting enough participants (often six to eight) to sustain discussion when some members fail to make a contribution. Scholars have suggested from six to twelve discussants (ODI, 2005; Verkevisser, et al., 2003). There is however no agreement among scholars on what is the ideal number of discussants in an FGD.
- b. Maintain a small group for easy moderation. It is believed that a small group will be easy to manage than a large group. As noticed above, there is as yet no consensus on

what is the ideal size of a group. Although as pointed out above, the FGDs for this thesis consisted of eight participants per group, it is hypothetical to think that a small group would be easy to manage. There is nothing that suggests that a panel as small as three discussants cannot go out of control when controversial issues are debated. The researcher found that discussants' behaviour depended on the nature of the topic being discussed. For instance in Enugu-Ngwo, the privatisation of the colliery and its effect on indigenous land is a touchy issue to different segments of the society. It was challenging to manage dissension between discussants who supported the privatisation of the colliery and those who opposed it. Although the panel consisted of only eight members, the group that supported privatisation threatened to stage a walk-out from the panel at a point when one of their opponents called them "saboteurs who stood against community's interest". However, this dissension was not observed when the issue of colonial era dispossession of indigenous land was discussed.

- c. Another assumption is that environmental factors or the seating arrangement of discussants affect the outcome of FGDs. Varkevisser, et al. (2003:190) suggests that in order to maximise an FGD:

Arrange the chairs in a circle. Make sure that there will be no disturbances, sufficient quietness, adequate lighting, etc. Try to hold the FGD in a neutral setting which encourages participants to freely express their views. A health centre, for example, is not a good place to discuss traditional medical beliefs or preferences for other types of treatment.

While the need to have ideal situation for an FGD is not disputed, the researcher did not encounter any effect of environmental factors on the discussants. At Egbema, for instance, the discussion was held at the dilapidated Shell Recreation Centre (SRC) at "Location" – a popular playground near Egbema Production Centre (EPC). During the duration of the discussions some youths played football outside, and even the ball falling occasionally on the

roof of the SRC did not disturb the flow of the discussion. At Enugu-Ngwo, the FGD was held at Colliery Comprehensive School premises. Although the atmosphere was more tranquil than in Egbema, discussants did not sit in a circle, yet there was maximum participation from all the panellists. The success of an FGD from the researcher's experience depends more or less on discussants' interest in the subject matter, than on environmental factors or seating arrangements.

4.3.3 Ethnography

The ethnographer (this term is used alternately with participant observer) focuses on gaining an understanding of how local people have constructed their world over time, issues that have formed their stories, their history, present life and future goals. Malinowski, one of the earliest ethnographers, sees an ethnographer's goal as: "to grasp the native's [local person's] point of view, his relation to life, to realize his vision of his world" (1961:25). In other words, the focus of the researcher's assignment is to capture the perspective of the subject's worldview. For Verrier Elwin, an English anthropologist who worked among ethnic Indians and married one of them, ethnography implied deepening oneself in the study community; hence it is a long venture that would produce a written account of the study:

[Ethnography] meant my whole life. My method was to settle down among the people, live with them, share their life as far as an outsider could and generally do several books together...This meant I did not depend merely on asking questions, but knowledge of the people gradually sank in until it was part of me (Elwin, 1964:142)¹⁹.

Although Elwin lived long among the people he studied and even married in that culture, it would probably not be a yardstick for gaining insider's knowledge, or living among local people for a long period the only sure way of gaining insider's account of a community. It

¹⁹ See also Tedlock's (1991:71) account of Bennetta Jules-Rosette who joined an African church in the course of her study of the group.

should also be noted that Elwin's informal relationship (as in-law) with the Indian community he studied was capable of introducing subjectivity into his report.

On what should be the attitude of an ethnographer in a study community, Edward L. Rose counselled against approaching a study community with a premeditated mindset on what to observe or what to hear from local people. The essence is to avoid being influenced by externally generated knowledge of the community. Rose therefore enjoined ethnographers:

To have knowledge of the world of the people, start with and continue to depend on knowledge within that world. Listen then to people telling what they know about themselves. Reflect on what they tell. Then on your own tell what you make of the talk of people about themselves and their world (cited in Carlin, 2006:68).

Observing, listening, reflecting and constructing meanings from what an ethnographer has learnt were the basic principles that guided the researcher's ethnographic experience at Enugu-Ngwo and Egbema; however, it would be an exaggeration to claim to have applied all the theories of ethnography in the course of this work. Some empirical limitations this researcher faced and how he adjusted to the demands of the peculiarities of the communities he studied will be shown in the section on "Personal reflections" (Section 4.6).

The researcher began his work by paying pilot visits to Egbema and Enugu-Ngwo. My research assistant²⁰ (here known as "Jude") and I left Owerri for Egbema (on 15th November 2007) on a one hour journey in a rickety Peugeot 504 commercial vehicle (see Plate 4.1). It was overloaded with passengers²¹, made up of some market women and their goods – fresh tomatoes and yams. The vehicle was running on completely worn-out tyres and had no

²⁰ This research was assisted by two assistants. In Egbema, the assistant, who in this thesis will be known as "Jude", is a graduate of the Federal University of Technology Owerri (FUTO). He is an indigene of Egbema with an in-depth knowledge of the community and its petroleum-related history, having grown up in the community. In Enugu-Ngwo, "Joe" assisted my research. He was an undergraduate of Enugu State University of Science and Technology. Joe comes from Enugu-Ngwo; although he lived in Enugu city, he visited his village – about six kilometres from the city – regularly.

²¹ Nine passengers, instead of its capacity of seven.

lights. The poor state of this vehicle soon became a reality to the passengers when one of the tyres of the vehicle came off while it was in motion. Although the vehicle was in such a poor state, it could have been the only source of livelihood for the driver and his household.

It would be relevant to give a short account of this journey as an insight into the paradox of being “an oil-rich community” in Nigeria. Prior to their departure from the commercial motor park in Owerri to Egbema, Jude had alerted the researcher to the poor state of the road, even though it served Shell, AGIP, Addax Petroleum and Schlumberger, among other major and minor oil-related companies operating in that area. Hence, when the “*near* accident” happened, Jude reminded the researcher of his prior warning and then said, “Welcome to what we suffer in Egbema, even though we are a host community”.²² Luckily, for the passengers, the incident happened in the *Adapalm* area – a state government owned Oil Palm Estate, with few kilometres of narrow tarred portion. It was mid-way to Egbema when one of the back tyres came off completely while in motion (see Plate 4.1). Although nobody was hurt in the minor incident, it gave the researcher a glimpse of what life looked like for a community that has been producing oil and gas since 1958. While the journey was still halfway, a keen observer would have come to grasp some developmental issues in this part of Imo state. For instance, there are no good houses as in other parts of the state, locals work on small farm holdings and the adjoining roads are dusty. Although these issues are problems other rural communities in Nigeria grapple with, it becomes more critical for an area that has been known for its oil production since 1958.

²² This literally means Egbema is an oil-producing community with certain oil-related infrastructure.

Plate 4.1: A journey to oil-rich Egbema



As the passengers waited for the driver to fix the vehicle for the continuation of their journey, the researcher asked one of the market women: “Why do you think this part of Imo State is so backward?” She stared at the researcher and replied, “Are you new here [this part of the state]?” “Yes,” I replied. The woman then answered, “Well, this part of the state is backward, but not that the people are backward”. Her answer was thoughtful. She continued, “If this part²³ of the state is backward as you rightly noticed and we have been producing oil and gas for almost 50 years [1958-2007], then the problem lies with Nigeria. They [the government] took our land; don’t you see we are going to Owerri to buy food [pointed to the bags of tomatoes and yam in the vehicle], we have no good land any more to farm. Is it not better

²³ She was referring to oil-producing parts of Imo state. There are two local government areas that produce oil in Imo State: Ohaji/Egbema and Oguta. These LGAs are made up of several, perhaps hundreds, of village communities rich in oil and gas.

they [oil companies] leave our land and go?” The conversation did not continue as all the passengers hurried into a minibus that was going in the same direction as us. The driver of the Peugeot car had told the researcher and his assistant, minutes earlier, he would “exchange” the passengers (he implied, finding an alternative cab for the passengers) because he did not have all the necessary tools to fix the spare tyre. The researcher had wanted to ask this impromptu respondent her views on the conflict between her community and the oil companies such as Shell and AGIP. The brief interaction with this local woman and the one hour experience on the road to Egbema that first day raised some questions that inspired the researcher’s curiosity for the fieldwork.

The bus arrived at a place known locally as “Location” – to depict the location of several Shell installations in Egbema. It is a bustling road junction in Egbema that leads to Port Harcourt, Oguta and Owerri. It is the operational area occupied by some of the Shell Petroleum Developing Company (SPDC) installations, such as the historic Egbema Well 1 (drilled in 1958 among several other wells in the vicinity), Egbema Production Center (EPC – expansive office base and residential complex with ultramodern facilities), SPDC’s Egbema flow station, and an army barrack situated inside the EPC to guard Shell’s installations. There are also several shanty restaurants, shops, an open market and bars dealing in locally brewed gin (or *kai kai* in Igbo), “guest houses” (a common name for brothels, which Jude said, “service the oil company workers”), a motor park and make-shift fuel stations (see Plate 7.3). One of the first things one notices on alighting at “Location” is the preponderance of jobless young men and women. Their presence agitated the researcher on this first visit. It is no longer a common feature in the Igbo area of Nigeria to see such number of able-bodied men and women in their rural communities. Staying “at home” (rural communities) is usually taken to mean that the individual cannot compete with other people in towns and cities,

hence, the derogatory tag of “local champions” for such individuals. In Egbema, it is a different practice. When the researcher raised the issue with Jude, he responded thoughtfully: “Where the carcass is, there the eagles gather...They are here to see if crumbs will fall down from the tables of Shell and Agip. Is life better in Lagos and Port Harcourt? Those who left for the cities will soon come home.”

We engaged the services of two commercial motorcyclists known in Igbo as *ina-aga*²⁴ to take us round the community for familiarisation purposes. The community practices mainly subsistence agricultural economy. There are lots of family owned farms, fishing and wine tapping from oil and raffia palms are other major economic activities. However, it is generally believed that agricultural yield has been affected by oil production. Jude would quickly point at thin cassava stems as evidence of oil pollution in the community. The economic activities in this community will be explained further in Chapter 6.

As we meandered through narrow paths along cassava farms, the researcher noticed the ubiquity of petroleum facilities in this community – on farmlands and close to family homes. It is important to note that unlike in other petroleum-producing regions such as North Sea or in Arab countries where oil and gas are produced from deep and shallow seas, or in the desert with little or no direct contact with human communities (see Chapter 6; Plate 4.2), in Egbema (and all of Niger Delta) oil exploration and production take place within neighbourhoods inhabited by local people²⁵ (see Plate 7.1). Some of these facilities, such as functional and

²⁴ The literal meaning of *ina-aga* in Igbo is a question, “Are you going?” In Egbema and different parts of Nigeria commercial motorcycle transportation as a means of intra-city or village movements have become very prominent. Many youths including university graduates have become operators of such “businesses”. Although commercial motorcycling has contributed to easier movement, it has become a source of worry to many. Mortality from *ina-aga* accidents is high, and some operators use it for robbery.

²⁵ Although the oil and gas industry was dominated by on-shore production, there has been a growing investment in off-shore oil exploration and production since the 1990s.

disused pipelines and other equipment, are approximately less than two meters from people's homes. For instance, it is common for many families to step over or walk on oil pipelines to be able to get to their homes or "relax" on pipelines within their courtyards during the evenings (see Plate 7.1).

Other sites that caught the researcher's attention included oil-spill sites in farms and rivers, gas flare platforms close to farms and houses, oil wells (some are fenced, but accessible to domestic animals – see Plate 4.2), derricks, manifolds and flow stations. Coming so close to a gas flare platform for the first time during this visit to Egbema and the four months spent in the community brought to mind a description once given to the community by a family friend, who had described Egbema as "a land of the midnight sun". As a child, the researcher did not understand what he meant, although that expression did not fade away. Gas flaring in Egbema has several myths built around it. These myths and how they emerged are described in Chapter 7. There was also a heavy truck presence on the road in the community. These vehicles, most of which belong to oil companies and their contractors, contest with local people for the narrow roads in Egbema. It was common to hear people raining curses on the drivers of these vehicles when they pass on the roads. The reason for this reaction from local people, as the research assistant revealed, is that they have run over little children a couple of times in the past.

Plate 4.2: Contesting for grounds: Community vs. oil facilities



While the presence of oil facilities in the community may not have mattered so much for the local people, it is their proximity to family homes and interaction with daily human activities that is observed as one of the issues of contention. Taken together, it is this intrusive nature of oil production in this community and its neighbours in the Niger Delta that raises questions such as: “To what extent is payment of ‘adequate compensation’ the background issue in community agitation in Egbema? This question remained the focus of this ethnographic research (see data in Chapter 7).

From Enugu city, “Joe” (pseudonym for the research assistant in Enugu-Ngwo) and the researcher travelled to Enugu-Ngwo through one of the most dangerous cliffs in Nigeria – the Milliken Hill. The Milliken Hill road, which connects Onitsha and Enugu cities in Eastern

Nigeria, was built in 1928 by the then colonial government and passes through Enugu-Ngwo on the hilltop. This road was the main link between Enugu and Onitsha cities prior to the construction of the dual carriage road that linked the two towns in the early 1980s. The new road passed through a less hilly area. Gurney (1964) described the challenge of driving through this road to the hilltop settlements thus: “The Milliken Hill road was a series of hairpins, and a real challenge to drive” (see Plate 4.3). Nwachukwu (2008:2) gives a more vivid description of a successful journey through the steeply Milliken Hill:

Taking a ride through this breath-taking snake bone strip of road reads like a ride across mythical Igbo tales of journey through seven seas across seven lands as each step made around the steeply edge of the meandering hills gives birth to internal ululation of joy.

The researcher first heard about the Milliken Hill over the radio as a child in primary school. The radio announcer was describing a fatal accident scene on the road. A car and a lorry had a head-on collision on one of the sharp curves. The vehicles then rolled several metres into the steep valley. It was not clear if anyone survived the mishap. Even if anyone had survived, the emergency agency in Nigeria then was ill-prepared to handle such accidents. The memory of the graphic description of that accident on radio has remained indelible in the researcher’s mind since he was a child. As such, he did not want to go to Enugu-Ngwo for any reason. Many years later, the fieldwork for this thesis is finally taking the researcher to Enugu-Ngwo through the Milliken Hill. Plate 4.3 gives a glimpse of what it looks like. The picture of the road, courtesy of Gurney (1964), has not changed significantly, although it is now tarred, but it has not yet been widened.

As we passed through this narrow twisting road to the settlements several hundred metres above sea level, we noticed several accident scenes on the road. Although as a safety measure in the 1980s (since the construction of the dual carriageway), trucks are prohibited from plying this route, yet the road continues to record a high number of accidents among car

drivers and *ina-aga* riders (commercial motorcyclists). On arrival at the Hilltop settlement after about 15 minutes ride with *ina-aga*, the researcher asked Joe, “Is this Milliken hill and its valleys?” Joe nodded in the affirmative with some smiles.

Plate 4.3: The Milliken Hill Road to Enugu-Ngwo



Gumey, 1964

Note the edgy Milliken Hill road as at the 1960s

Unlike in Egbema, Joe and the researcher did not move around on motorbikes, they trekked round much of the community. There was relative tranquillity in the community and a smaller youth population. The researcher discovered that most of the youths from the community, like Joe, live in Enugu city where they work; although as we will see in Chapters 6 and 7, lack of farmland and plots to build houses also contribute to the absence of a thriving youth population in the community.

The first striking feature of this scenic settlement is the lack of land for further expansion – for building houses and for farming. Not only that, the topography of the community imposes

limitations on further expansion, it is also prone to the menace of gully erosion caused by fast running water down the slopes. This condition is aided by unplanned and indiscriminate development of plots. The numerous gully erosion sites, washed-off trees and cracked walls, as the researcher observed, could also indicate some geological incidents in this coal-mining community. It was at Enugu-Ngwo that the researcher heard this geological register “subsidence” for the first time. The pervasive cracks on walls of buildings and fences prompted the researcher to ask Joe what was responsible. Although an Electrical/Electronic Engineering student, he went to great lengths to explain the effects of decades of underground mining on surface structures. The researcher however noted through his interactions, interviews, associations, FGD and eavesdropping on discussions by local people at restaurants that the words “subsidence”, “earthquake”, “earth-tremor”, “erosion”, “pollution” and “overburden” were common vocabulary to ordinary people (even those regarded as “illiterates”) in Enugu-Ngwo. As we shall see in Chapter 7, these are not just words but part of the metaphors of agitation and resistance in Enugu-Ngwo.

Although this community is “rural”, the researcher found that people live in clusters separated by narrow alleyways that give a sense of *urbanity* (see Plate 7.4). In an ideal rural Igbo settlement (or when compared with their neighbours such as Nike, Owa, Awknanaw and Akegbe) this was a misnomer. It could rather pass for an “urban centre” than an ideal village-community (see Chapter 6). The general belief in the community regarding this mode of settlement is that it reflected the urgency with which their community was set up after their forebears were displaced when mining began at the foot of the hills (see Chapter 7; see also Plate 7.4). It is the memories that the displacement and the incidents that accompanied it (such as shortage of land for the indigenous people, and geological danger signals, among others), often invoke, that have informed the community’s grievance. Agu (1990:48) has put

this dilemma figuratively: “Coal has made and marred [Enugu] Ngwo” (see also Chapter 6). The impact of coal production in Enugu-Ngwo is as debatable as Agu (1990) has shown. It is for this reason that this researcher explored ordinary people’s daily discourses on coal production, land use and compensational issues in Enugu-Ngwo. The details of the findings are contained in Chapter 7.

4.3.4 Oral history

This research also made use of the oral history of the study communities in relation to their experiences with land acquisition and resource exploitation. As a research instrument, oral history provided insights into communities’ experiences that are not recorded. As a definition, oral history (account or tradition) refers to firsthand account of past events through the reliving of those who encountered it or those who were directly informed of the events that happened in the past by those who experienced it. Shopes (2002:1) defines oral history as:

[A] Self-conscious disciplined conversation between two people about some aspect of the past considered by them to be of historical significance and intentionally recorded for the record. Although the conversation takes the form of interview, in which one person – the interviewer asks questions of another person – variously referred to as the interviewee or narrator – oral history is, at its heart, a dialogue.

Oral history is often used by historians to gather primary historical information that may not have been documented, or information that may seem to have been partially documented and fuzzy. For instance, a historical event may be given diverse meanings by different interest groups in order to suit their contrasting views, a situation Scott Ellsworth describes as a “segregation of memories” (cited in Shopes, 2002:8). The case of land expropriation in Enugu-Ngwo for coal mining in 1915 is an illustration of how an event can be segregated in the way it is reported. On this issue, this researcher discovered a wide gap between colonial

reports in the archives and the oral accounts of local people. For instance, while colonial reports stated that the land that was acquired for mining was farm land (see Hair, 1954), the oral history of the indigenous people has it that the land was inhabited by three villages with their farms around those villages (see Chapter 6).

The colonial report tends to lessen the effect of the acquisition on local people and to present the picture that “no one” lived on the land, that is, “unoccupied land” or *terra nullius*, a colonial concept that justified the acquisition of indigenous land in different countries (Plumwood, 2003:57; see also Kilson, 1955:109). On the other hand, the insistence by the people of Enugu-Ngwo that the land was inhabited by three villages perhaps amplified the effects of the acquisition on their community. To the local people, their forebears not only lost their farms to the colonial state, they were also displaced from their homes and forced to migrate to the top of the hill (see Chapters 6 and 7). The notion of “unoccupied land” was a colonial era misreading of indigenous land use, especially in Southern Nigeria. Southern Nigerians often leave their land fallow for several years during which a foreigner may think it was not owned by anyone. In his work on the indigenous peoples of Southern Nigeria in the colonial era, P.A. Talbot acknowledged that,

There is no vacant or unclaimed land – not a single yard of the country but is the property of some people or the other, though in thinly populated regions the boundaries may be vague and ill-defined. Within the clan or sub-tribe the land is divided, more or less permanently into territories owned by the various towns, “quarters” (Talbot, 1937:680; see also MINLOCK, 1922; Grove, 1951; Morgan, 1955).

It is easy for a researcher who is faced with the dilemma of “segregated memory”, as Ellsworth put it, to choose to work with a “recorded” account while ignoring the oral component of the history of the event, in other words, to accept the official account and ignore local narratives. Such a choice could marginalise the community’s voices and

introduce unintended bias into the research. Since the local people did not have Western education at the time of expropriation of land in 1915, and therefore did not have a recorded history of the incident, the collective memory of such incident was relayed from one generation to the other primarily through oral accounts.

In order to deal with this particular dilemma, the researcher had to reference the settlement pattern of “typical” Igbo communities²⁶ in the pre-colonial era. An examination of the settlement pattern of Igbo communities shows that the indigenes always farmed around their homes, a fact Hair (1954:41) acknowledges (see also Agukoronye, 2001). The small land area occupied by the Igbo communities and the high population density implied that a large area of unused land, such as was acquired by the colonial state (16,700 acres) for coal mining, rarely existed (Grossmann, 1971:292; Grove, 1951). A population explosion has been recorded among Igbo communities since the slave trade era – 16th to mid 19th centuries (Dike, 1956:28; see also Grove, 1951; Morgan, 1955), which suggests that communities expanded their settlements and their farms in order to sustain their increasing population.

In managing oral sources from the study communities, the researcher was mindful of certain opinions that may exaggerate the effects of colonialism and resource exploitation on indigenous land use. In order to deal with this problem, oral evidence was, as much as possible, cross-checked with other sources. As Shopes (2002:6) notes, “[b]ecause someone ‘was there’ doesn’t mean they fully understand ‘what happened’”. In selecting participants for an oral narrative of the history of the study communities, the researcher considered their age and knowledge of their community’s affairs in relation to land acquisitions, compensation and resource production. The researcher also sought detailed views on indigenous conceptions of “ownership” in the pre-colonial era, inter-communal relationships,

²⁶ The study communities – Enugu-Ngwo and Egbema – belong to the Igbo ethnic group.

origins of state-community conflict in resource-rich communities and the payment of compensation. He also sought to understand pre-colonial land use practices and how the intervention of colonialism and the mineral economy affected indigenous land use practices, especially in terms of ownership. Other criteria that helped the researcher in the selection of narrators included the narrator's relationship to the events under discussion; his traditional or cultural authority on the issue; his age (did he personally witness or experience the event?); and, importantly, the internal consistency of his narration of issues related to land use, resource exploitation and compensation.

In Enugu-Ngwo, three participants were selected. Their ages are 81, 76 and 74. One was a former senior political office holder in the state in the 1980s, another, a retired senior management official of Nigeria Coal Corporation (NCC) and the last, a retired accountant of the NCC and also a traditional ruler in the community. These three men (as their ages suggest) were not born as at 1915 when the Nigerian colonial state appropriated their community's land for the mining of coal. However, they relied on the second-hand information they received from their parents. The common characteristics between the three narrators include that they are retirees of NCC and they lived much of their lives in Enugu-Ngwo community.

In Egbema, where oil exploitation began in 1958, the researcher was not able to find an original signatory of any of the acquired land where oil is currently produced. However, he was able to get the narration of children of land owners. Two respondents were selected from the land-owning families in Egbema as narrators. Their ages were 49 and 51. They were the eldest sons of the land owners who signed the agreements with the then Shell-BP which acquired the land. The questions bore similarities with those of Enugu-Ngwo; however, they reflected oil and gas, not coal. Issues concerning pre-colonial relationships between Egbema

and its neighbours in relation to the ownership of public goods, the land tenure system and the reaction of local people to compulsory acquisition of land for oil and gas purposes were also raised.

It should be acknowledged that oral history has its limitations, the most prominent of which is that it is prone to different forms of distortion, either through human memory failures in keeping accurate accounts or by deliberate distortions. To deal with this limitation, narratives were verified with written accounts, interviews and FGDs. These limitations notwithstanding, oral accounts helped to make up for the lapses created by the often one-sided accounts of colonial functionaries which represented official and corporate views on issues related to land use, resource production and compensation.

4.3.5 Archival sources

The National Archive Enugu (NAE) provided rich primary resources that helped in the understanding and reliving of the early days of coal mining and petroleum exploitation in Enugu-Ngwo and Egbema communities respectively. The archive provided documented accounts such as: administrative files on the evolution of the colliery, Shell D'Arcy field operations files and colonial officials' eye-witness accounts. These records contain detailed information on pre-colonial indigenous systems of land ownership, histories of the study communities, the effect of the introduction of colonial rule on local practices, local resistance to Shell's exploration activities, destruction and compensation of indigenous properties during exploration, protests against "intrusive mining", and expressions of fear of "associated" ecological disasters (see Appendix 4.4). These documents were used to cross-validate oral history and responses of key informants on their communities' experiences regarding natural resource exploitation, land use and compensation. For instance, personal

observation and interviewee accounts of contemporary environmental practices of Shell Petroleum Development Company (SPDC) echoed the archival records of the environmental practices of Shell D'Arcy – the precursor of SPDC – in its earliest operations in the communities of South-eastern Nigeria. These records contain the accounts of victims of land invasions by Shell's exploration teams, the resistance of communities and land owners, colonial officers' reports and memos to Shell, and Shell's acknowledgement letters. In Enugu-Ngwo, archival sources detailing colonial era petitions in which the community sought to repossess the land it felt was ceded to the state in ignorance, helped in the validation of the key informant accounts.

Archival sources are limited by at least two critical factors: firstly, the types of records preserved by agencies or departments of the state are often determined by state officials. In other words, independent opinions may not be admitted in the archival repository if the state views it as *unfriendly*. Since archival sources are prone to manipulation by state officials who recorded them, this researcher did not treat such materials as “absolute historical truths”. Archival sources are accounts of individuals and organisations, some of which had vested interests in the events they recorded. Ludwig von Mises (2007:159) described the influence of primordial factors on an individual's value as follows: “An individual is at any instant of his life the product of all he experiences”. For instance, there are chances that dishonorable records of a royal family, human rights abuses of colonial officials, lost colonial battles in wars with indigenous peoples, and war crimes committed against colonised peoples, among others, will not be stored by the colonial record officials or are kept as “classified files” – prohibited from public access. On the other hand, imperial “gallantries”, “humanitarian” activities towards “savage” indigenous peoples or “natives” (Bayart, 1993:3) are given bold recognition by colonial officials.

To illustrate how biased official reports (especially colonial reports) can be, in the so-called wars of pacification of local communities who failed to accept colonial rule, different forms of human rights abuses took place. These incidents were often ignored by colonial officials. For instance, while Colonel Baden-Powell is regarded as a hero in imperial British missions in 19th century Southern Africa, a record of his activities that has been hidden for over a century has recently emerged (in 2009) which showed that, in fact, he committed war crimes by ordering the killing of the surrendered King of Matabeleland, Uwini, who led a revolt against British imperial interests in 1896 against the orders of his superiors (see Daily Mail, 2009). While the British Museum (British Records Office) boasts of records of the gallantry of different army officers (including Baden-Powell) in the British Empire, it claimed not to have records of this brutality.

Archival sources, especially colonial records in Nigeria, are also lessons in one-way communication. There are often no corresponding records from local people that could validate (or falsify) the claims of colonial officials. This researcher found at the National Archives in Enugu that colonial records presented European activities such as mineral exploration as good for local people, while the reactions of local people against invasive mining methods were played down. Local opposition is sometimes treated as “rebellion” and opposition to “economic development” of the colonial state, while the socio-ecologic and economic fears of the local communities are either ignored or given little attention.

Lastly, understanding the original contents of defaced and/or mutilated documents which were not properly preserved in the repository posed a major difficulty for the researcher. In the National Archive in Enugu, several records have undergone various processes of

defacement, probably as a result of improper handling by the archivists. Handling sensitive documents, some of which are over a century old, requires a degree of carefulness and professionalism. However, for reasons which are known only to the officials, these files have deteriorated and are fast losing their legibility. It was therefore difficult to understand and interpret the original contents of the defaced portions; for documents which were not legible, extra checks, references and consultations were made with archivists in order to understand their original texts. Although the archivists might have devised a way of “knowing” the original contents of defaced documents, the researcher fears that their interpretations may not be absolutely correct. As uncertain as that could be, it provided the only way out of a difficult situation. Another way the researcher managed the situation was to seek verification through similar files. For instance, where a District Commissioner’s account of a community’s resistance to Shell’s oil exploration activities had been partially defaced, Shell’s official account (stored at the National Archive Enugu) of the same or related incidence often proved a verification tool. The danger here (as pointed out above) is that both records often reflected the colonial view. Hence, while they complement each other in terms of their content, they may not have fully authenticated the validity or otherwise of the event being reported.

4.3.6 Mini-survey

As already pointed out, this research also used a mini-survey for data collection. The reason for using the survey instrument was to be able to gauge specific response patterns of the study communities on issues related to state-community conflict, such as, mineral production, land use and compensation. The three research questions necessitated the use of mini-survey in this research. The questions include:

- a. How do local residents in the study communities perceive the compensation paid by the state/extractive corporations, and what are their narratives about compensation?

- b. What do such narratives reveal about the “justness”, or otherwise of the compensation dynamics with specific regard to local land rights?
- c. How do the divergent attitudes of the resource-producing communities and the extractive corporations (and the state) vis-à-vis land rights intersect with historical questions about state-community relations in Nigeria?

A survey, according to Creswell (2003:154), “provides a quantitative or numeric description of trends, attitudes, or opinions of a population by studying a sample of that population”. The essence of studying a sample of a population is to make inferences from the findings of the study for generalisation in the whole population (Babbie and Mouton, 2001:164).

The researcher sought to gauge the study communities’ responses to compensational and land use matters. The questions addressed in the survey reflected individual understanding of compensation issues in the two communities, land use practices, state legislation on land ownership, state-community conflict, and resource rights, among others.

Table 4.4: Sample characteristics

COMMUNITIES	SAMPLE SIZE	GENDER	
		M	F
ENUGU-NGWO	120	85	35
EGBEMA	120	78	42
TOTAL	240	163	77
Confidence Level 95%		Confidence Interval $\pm 8.9\%$	

A sample size of 240 was estimated from the populations of the two communities with the aid of Macorr Sample Size Electronic Calculator. This sample translates to 120 respondents for Enugu-Ngwo and Egbema respectively. Although the total population estimates of the communities are not known, this was calculated using a confidence level of 95%, and confidence interval of $\pm 8.9\%$. As the table illustrates, the sample was not limited to a particular gender. The need to have the views of different segments of the communities represented, necessitated the inclusion of both genders in the sample (see Table 4.4).

Table 4.5: Number of questionnaires distributed and returned

COMMUNITIES	NUMBER OF QUESTIONNAIRES DISTRIBUTED TO COMMUNITIES	NUMBER OF QUESTIONNAIRES COMPLETED BY COMMUNITIES	NUMBER OF QUESTIONNAIRES SELECTED FOR ANALYSIS
ENUGU-NGWO	150	129	120
EGBEMA	150	135	120
TOTAL	300	264	240
Confidence Level 95%		Confidence Interval $\pm 8.9\%$	

The researcher and his assistants distributed the questionnaires to the respondents. The identification of literate and willing respondents was done by the research assistants and also by the FGD discussants in both communities. It was easy for the research assistants and the FGD discussants to identify literate members of their communities who would be able to respond to the questionnaires. The collection of completed questionnaires was a challenge. In certain cases, the research assistants made more than one visits to the home or shop (business premises) of the respondents to be able to collect the completed questionnaires. A small number of questionnaires were fill-in through face-to-face interview format by the researcher. The collection of this set of questionnaires did not pose any problems, as all were collected by the researcher on completion. For the details of the number of questionnaires distributed, completed and returned, and selected for analysis, see Table 4.5. The responses were analysed in percentages and presented in tables (see Chapter 7).

The richness of survey notwithstanding, it still does not reveal the social life of the population being studied. As Babbie and Mouton (2001:263) observed,

Although questionnaires can provide information in this area [specific response patterns], the survey researcher rarely develops the feel for the total life situation in which respondents are thinking and acting to the degree that the participant observer can.

As a multi-instrument research, this lapse was met with the use of qualitative instruments already described above.

4.4 Ensuring data trustworthiness

As already outlined above, this thesis triangulated qualitative and quantitative instruments of data collection. In this section, the researcher details how issues of validity and reliability that arose from the research were tackled and also the factors that informed the triangulation of data collection instruments in this thesis.

Sociology as a social science discipline is a product of the positivist school, having been founded in the Enlightenment Epoch – an era in European history and scholarship that was characterised by the frantic pursuit of scientific rationality – where theory and observable facts are seen as mutually reinforcing (Babbie and Mouton, 2001; see also Schwandt, 2001; Konecki, 2008). For instance, Auguste Comte (1798-1857) who was credited with giving Sociology its name notes the relationship between theory and observed facts this way:

If it is true that every theory must be based upon observed facts, it is equally true that facts cannot be observed without the guidance of some theories. Without such guidance, our facts would be desultory and fruitless; we could not retain them: for the most part we could not even perceive them (Comte, 2009:27).

To the positivist, social facts can be observed and precisely calculated when the necessary measuring tools (such as survey and statistics) are applied. The notion that facts can be “observed” in non-natural science disciplines was so popular during the Enlightenment era that Comte’s contemporary in Historiography, Leopold von Ranke (1795-1886) in his work “Science of History” treated historical research in the positivist sense. Ranke wrote that, history does not need to judge the past in order to teach the present for the sake of its future, but “only wants to show how it really had been” (cited in Rusen, 1990:191; see also von Laue, 1989). Ranke’s view of validity deals with reporting what he saw as *facts* of history without imputing the historian’s interpretation. He assumed that interpreting facts of history would add the interpreter’s values and therefore misrepresent true history.

Although quantitative methods (such as surveys) can measure relationships between variables in a study population with a degree of certainty, it treats “observable fact” as though it exists ‘out there’. It does not give room for social contacts between the researcher and the study population, hence it ignores certain situations where it might be difficult to gain a rich understanding of a population “from the outside” without contact with the population. For instance, if the study community (such as parts of South-eastern Nigeria and the Niger Delta) is not literate enough to understand the use of survey questionnaires, it poses a communication problem with the study population. To illustrate the prevalence of illiterate population areas such as rural Niger Delta, Kari (2007:363) noted that in certain parts of the Niger Delta (Egbema is part of the Niger Delta) the illiteracy rate was as high as 90 percent. See also Akpan (2005b) for his analysis of the challenges facing survey research in the Niger Delta.

On the other hand, interpretivist research involves the use of qualitative instruments such as in-depth interviewing, focus group discussion, oral history and observation in understanding and giving meaning to the daily experiences of a study community (Tedlock, 1991:71). Here, there is social interaction between the researcher and his study community. In qualitative research, validity is socially constructed through the interaction (closeness) of the inquirer (the researcher) and the society he is studying. To illustrate this closeness, anthropologists use the expression “emic perspective” – insider’s perspective (Babbie and Mouton, 2001:271) – to describe such closeness of an ethnographer with the group he is studying. The primary goal of the “emic” or insider’s perspective, according to Babbie and Mouton is, “describing and understanding...rather than explaining human behaviour” (Babbie and Mouton, 2001:270).

In differentiating between qualitative and quantitative analyses, Clifford Geertz (1973) notes that qualitative analysis uses “thick description – a rich, detailed description of specifics as opposed to summary, standardized descriptions of quantitatively measured variables” (cited in Babbie and Mouton, 2001:272). In other words, unlike the positivist notion of validity in which emphasis is laid on “measuring” and “explaining” human actions through the use of structured questionnaires and other quantitative instruments, the interpretivist approach describes participants’ actions in words.

To ensure validity in the present research, this researcher guarded against becoming engrossed with the study communities and their story to the extent that his sense of judgement becomes clouded by what he heard and observed. In addition, observations and responses of ordinary people were cross-validated through triangulation. For instance, during the fieldwork in Enugu-Ngwo and Egbema, questions that the researcher asked in in-depth interviews were also repeated in the FGDs in order to get different perspectives of the same questions from other respondents through debates. Further, observed occurrences or incidents such as oil spillages, closeness of mining facilities to homes and farms led to questions at interviews and FGDs. These incidents were not reported without seeking additional information on them. Efforts were made to understand how local people interacted with these facilities and how they affect life in the study communities.

Apart from triangulation, this research also utilised “peer authentication”. In other words, the researcher constantly crosschecked concepts, field findings and publications with his supervisor or anyone knowledgeable about issues related to natural resource exploitation, compensational issues, land use, state-community and corporate-community relations. For instance, the researcher had the opportunity of learning first hand from three individuals with

good knowledge of state-community relations in Gabon, Norway and Austria. The purpose of interviewing these individuals was to draw some lessons on the nature of resource exploitation, ownership questions and state-community relations in those countries. The researcher sought information regarding the settlement patterns of resource-producing communities and the closeness of oil facilities to these settlements, local land use systems and the nature of the relationship between communities and oil-producing companies in Gabon and Norway. These interviews took place at the International Institute for Applied Systems Analysis (IIASA) in Laxenburg, Austria, in July 2009, during the researcher's Young Scientist Fellowship.

Other ways in which the researcher validated his data include: comparing notes with his assistants, especially, notes of interviews of respondents who refused to be recorded on tape, taking of photographs of objects, activities and places that are relevant to the research. Others include, paying a second visit to the study communities in September 2009, regular communications with the research assistants and community leaders through occasional phone calls and emails. These communications were necessary as updates on developments in the communities and for clarity on data collected during the fieldwork.

The advantages of qualitative research notwithstanding, critics think that if a researcher's emotion is not checked, it could cloud objective judgment of the researcher on the situation he is studying and therefore constrain validity (Silverman, 2006; see also Carlin, 2006). For instance, positivists such as Benjamin Paul reasoned that "participation implies emotional involvement...it is a strain to try to sympathize with others and at the same time strive for scientific objectivity" (cited in Tedlock, 1991:69). Krieger (1985:309) stated that "We bring idiosyncratic patterns of recognition. We are not, in fact, ever capable of achieving analytic

‘distance’ we have been schooled to seek”. On the other hand, certain constructivists such as Feminists regard “emotion” as something that should be explored in Western epistemology, rather than be completely rejected (see Schwandt, 2001:66).

Although unguarded emotion could hamper a researcher’s objectivity and the validity of a research report, “emotion” could also be a tool that helps a constructivist researcher gain in-depth knowledge of his study community and acceptance by the respondents. This researcher employed a measure of emotionality in relating with his respondents in order to secure their approval. Working among a population where the feelings of alienation have bred social walls against outsiders who are often viewed as being responsible for or part of the community’s predicament requires some form of intrigue on the part of the researcher to be able to win the acceptance of the community. It might have been difficult in the context of the study communities of this thesis (Enugu-Ngwo and Egbema) to gain the trust of ordinary people without seeming to *fraternise* or *identify* with their point of view. Hence, by emphasising that the researcher was a “fellow Igbo person”, he made his respondents feel that he was sensitive to their *plight*. He related with the communities’ problems in a shared manner. Using collective pronouns such as: “our”, “we”, “us”, or expressions such as “our land”, “our coal” and “our petroleum” in interviews, FGDs and casual discussions with local people in the study communities created a sense of relationship with the people and their cause.

Building a sense of commonality with respondents meant that interviews and FGDs were mostly conducted in the Igbo language. Although the literate and the barely literate respondents often responded in English, the researcher ensured Igbo was the medium of communication in order to create an informal atmosphere. While there are variations in dialects spoken among Igbo communities, the researcher often tried to communicate in the

Wawa dialect in Enugu-Ngwo or the Egbema dialect in Egbema. In one instance, a respondent in Enugu-Ngwo – a well-educated senior political office holder in the state – was surprised how much the researcher understood the *Wawa* dialect even though he did not hail from northern Igbo land where the dialect is spoken. The enthusiasm the researcher showed in Enugu-Ngwo’s ways of life²⁷ built trust and rapport with this respondent. Instead of granting a “one hour interview” as originally agreed in a formal office environment, the respondent moved the meeting to his house where it became more detailed and informal and granted two days interview (four hours per day). On the second day, the respondent presented the researcher with a gift of a book he authored, which contained important information on the issues of interest to the researcher.

A critic of qualitative research may view these strategies as emotional or subjective; however, these were strategies meant to spur local people into candid discussions, and to accept and see the researcher as one of them. As Elwin (1964:142) put it, the goal of the ethnographer should be to “share their [study community] life as far as an outsider could and generally do several books [write several books]”. However, in showing “emotions” to make the study population friendly and accessible, this researcher also guarded against being entrapped by sentiments to the extent of colouring his reports and thereby compromising validity. He differentiated academic work from advocacy reports by ensuring that his expressions of “solidarity” and use of collective language did not spill into data analysis and therefore influence his report writing.

In conclusion, while no particular research paradigm or instruments guarantees *perfect validity*, the triangulation of both quantitative and qualitative research techniques/methods

²⁷ In order to create a friendly atmosphere, the researcher asked questions about Ngwo special masquerades and a delicious cuisine called *okpa*. The people of Enugu-Ngwo have a peculiar masquerade called *Ada-mma* (Dancing Queen). It appears as a lady and dances as such, although it is worn by men.

ensured that responses were both valid and reliable. The strength of each paradigm compensates for the weaknesses of the other. For instance, the survey in this research explained specific response patterns and frequencies of responses of the population in each community and across both study communities. Survey questionnaires also ensured that a larger segment of the population was reached, thereby showing the response patterns of sampled population of those who were not part of the FGDs and key informant interviews in each of the study communities. On the other hand, through qualitative instruments the researcher made in-depth social connection with study communities, penetrated their communal consciousness and understood ordinary people's everyday language in relation to land use, resource exploitation and compensation in the communities.

4.5 Delimitations and limitations of the study

While the two selected communities – Enugu-Ngwo and Egbema – possess characteristics similar to other coal- and petroleum-producing communities in Nigeria, especially in socio-environmental terms, they were not selected for the study on the basis of statistical representivity, but rather on their historicity. Therefore, knowledge gained from the two communities, while it might point to the dynamics of land use, resource production and compensational justice in Nigeria, is not necessarily generalisable in the statistical sense of this term.

Also, both communities are located in one socio-cultural milieu; that is, the area occupied by the Igbo geo-ethnic region. Cultural and ecological practices in the region are not necessarily similar to those in other mineral-producing communities in the non-Igbo areas. These differences might pose a problem to the applicability of this study in the overall Nigerian context. However, the research conclusions will be useful because there are abundant

similarities, especially with regard to traditional land tenure systems among various mineral-producing communities, particularly since official land expropriation and compensation are governed by the same legal framework at the national level.

4.6 Personal reflections

This section explores the researcher's personal experiences during the fieldwork in Enugu-Ngwo and Egbema communities. The essence of this section is to contribute to the use of qualitative research by critiquing certain *silences* of classical ethnography. For instance, classical ethnography does not necessarily give insight into how a researcher should relate with the study communities that are averse to strangers, such as certain religious communes or violent fundamentalist groups, and other communities who as a result of harsh experiences feel threatened by the larger society to which they belong.

This researcher experienced a certain degree of "profiling" from the local people that threatened his ability to gain the knowledge he wanted. "Profiling" is obviously a special case of "othering". Researchers and journalists belong to an "exploitative other", from the point of view of local residents: they show up in communities, mine for stories and then sell these on the international market for personal gain. In Egbema, seeing students, Non-Governmental Organisations (NGOs), human rights activists and researchers come to collect research data is no longer new to the ordinary people. Over the years local people have developed a sense of resistance to what they see as "being used" by researchers or NGOs. The thinking in parts of the Niger Delta such as Egbema is that their story (predicament) is sold for thousands of US Dollars by the international media and researchers.

As a way of resisting this "exploitation", some local people vehemently refuse to speak, refuse to give the researcher access or insist on selling their stories (interviews) for money

based on the number of hours the interview lasted. For instance, an official of the youth wing of the Landlord Family Association (Egbema) insisted on not talking to “anyone, researcher or no researcher, unless you drop”. “Dropping” in the local parlance implies giving money to obtain what you need (in this case, interview appointment). It is a form of insurance to those who think they have been exploited by the government in relation to their land and resources. They now guard against “exploitation by NGOs and researchers”.

An encounter with the members of Obiakpu Egbema Women Association illustrates what could confront ethnographers in certain communities of the Niger Delta. An appointment with one of the women’s leaders for an interview coincided with the association’s meeting which is held on the day before the last market day of every month. On arriving at the residence²⁸ of the women’s leader, some of the association’s members were already gathered for their monthly meeting. On seeing the researcher with his research kit – a tape recorder, a jotter, camera, dangling ID card, and accompanied by a familiar person whom they thought must be an assistant (that is a usual occurrence in the community), two of the women looked at each other and chorused in Igbo language *abiakwa ha ozo*, meaning “they have come again” – where the word “they” implies researchers (both academic and Rights groups). By this expression, the women created an exclusionist wall to outsiders, hence profiling “they” as those who come to “exploit” their community’s predicament. Although the respondent obtained a few minutes permission²⁹ from her colleagues to speak to the researcher, some of the women objected to her leaving them to meet with the researcher and his assistant. Secondly, although they spoke in the general Igbo language, when they noticed the researcher was Igbo, they switched to the local dialect which is not quite intelligible to a non-Egbema Igbo person, although the researcher could comprehend parts of their discussion.

²⁸ The residence served as the association’s meeting venue on the day in question.

²⁹ She actually postponed the interview until 4 o’clock in the afternoon as a result of the women’s meeting.

In Enugu-Ngwo, a retired miner who the researcher approached for an interview, looked intently at him and asked, “Are you *Wawa* or are you *Agbenu*?”³⁰. The researcher answered, “I am Igbo”. He was not satisfied. He continued, “I mean are you from Northern Igbo or are you from which part?” The researcher insisted, “I am Igbo”. The researcher refused to be distanced by the respondent’s attitude. To make the situation look more formal, he spoke English interspersed with Pidgin English. Although the researcher knew he was scarcely educated and spoke poor English, he responded in Igbo instead. The respondent intended to use the dichotomy between the so-called *Wawa* and *Agbenu* to profile the researcher and refuse him interview request, or make him uncomfortable in the community. In the course of this research, the researcher was often asked “where are you from?” He often answered “I am Igbo”. Mentioning “Imo State” (the researcher’s home state in Nigeria) to a local person from Enugu-Ngwo, will result in associating the researcher with the concept of *Agbenu* or cunning and cleverness, while mentioning the researcher’s local area (Ideato North) to a rural person from Egbema³¹ will prompt a similar response. They see Ideato (North and South) communities as “oppressors” of other communities in Imo state.

The essence of these anecdotes is to show that while the use of ethnography in certain communities may pose some challenges to the ethnographer; in other communities, the problem of profiling outsiders based on historical, socio-economic, sub-cultural and religious experiences forms walls of exclusion against the profiled “others” – where the “others” are seen as the cause or part of their problem. These experiences are capable of limiting an ethnographer’s ability to penetrate his study community. The strategies used to deal with this problem, such as building fraternity with local people, using collective terms to identify with

³⁰ *Wawa* is a derogatory term used by non-Northern Igbo communities to describe the Northern Igbo people. The term signifies ignorance, illiteracy and servitude. On the other hand, *Agbenu* is a counter word used by the so-called *Wawa* to describe the “clever” or alleged criminally-minded, non-Northern Igbo communities.

³¹ Egbema is in Imo State where the researcher hails from.

their stories as “our” problem, and conducting interviews and FGDs in their local dialects, have been enumerated in section 4.4.1.

4.7 Ethical statement

This research respected all ethical rules that guide informed social science research, such as respect of informants’ voluntary participation, respondents’ consent, confidentiality and anonymity. The research avoided any risk of harm to informants, communities’ or corporate interests and will ensure the availability of research findings in the form of articles in recognised publications.

During the fieldwork, the researcher sought and obtained permission from the study communities, individuals, the relevant department and corporation responsible for the regulation or ownership of the petroleum and coal sectors in Nigeria, before accessing their premises and facilities (see Appendix 4.2). In Egbema, an application was submitted to the Chief’s palace through the Secretary of Obiakpu Egbema Town Union, who then authorised and guaranteed the safety of the researcher.

In Enugu-Ngwo, the traditional ruler of Enugu Urban 1 granted permission for the research. Although the urban³² nature of the study area did not really require such permission as it did in Egbema, the researcher needed such an authorisation from a traditional ruler as a stamp of authority. Above all, the Department of Petroleum Resources (DPR) and Nigerian Coal Corporation (NCC) were notified before the commencement of the research. Before the researcher visited the facilities of the oil-producing companies in Egbema and the coalfields in Enugu-Ngwo, DPR’s written mandate was obtained (see Appendix 4.2). At the NCC, a

³² The study area is partly urban and partly rural. While the city has grown to the mine location, most of the indigenous people live a rural life on the hilltops.

letter seeking authorisation to conduct research was submitted. Verbal approval was subsequently obtained from the remaining most senior personnel with a caveat that the research observations and interviews must be conducted without taping and photographs taken only in permitted areas. In fact, he provided a minder who accompanied the researcher and his assistant to different parts of the dilapidated headquarters of the Nigeria Coal Corporation (see Plate 6.6) to make sure we did not photograph certain areas of the headquarters.

CHAPTER 5

NIGERIA: COLONIAL EXPERIENCE, MINERAL ECONOMY AND THE LAND QUESTION

5.1 Introduction

This chapter explores the impacts of colonialism on, among other things, the land tenure system in Nigeria. Indigenous institutions such as political structures and land tenure systems were transformed in order to provide an enabling environment for the entrenchment of the British colonial model. This transformation, it was expected, would also create favourable conditions for corporate investments to thrive. The purpose of this analysis is to show how these colonial policies underline the strained relationship between the state and resource-rich communities even today. The chapter also examines the evolution of the coal and petroleum sectors and shows how early exploration practices of Shell D'Arcy (a direct beneficiary of British colonial policy) affected corporate-community relations. References and emphases are made on Eastern Nigeria and the Igbo ethnic group in this chapter, largely because the study communities are located in the area occupied by the Igbo ethnic group.

5.2 Nigeria: the land and its peoples

Geographically, Nigeria is situated on the easternmost fringe of the West African sub-region. It is bordered on the east by Chad and Cameroon, on the north by the Niger Republic, on the west by Benin Republic and on the south by the Gulf of Guinea. On the geographic coordinates, Nigeria is situated between 4°N and 14°E (Udo, 2006:7).

Like several other African countries, Nigeria is a creation of European (British) colonial effort. The creation of various nation-states in Africa was not the initial plan of the centuries

old Euro-African relationship, which hinged on trade. The exigencies of the post-slave trade era, namely the industrial revolution in Europe and trade in non-human commodities meant to feed the new industries, made European nations to maintain structures of formal control over their spheres of influence on the African continent (Dike, 1956; Lawrence, 1969). The serial development of the Nigerian nation-state at this period has been discussed briefly in Chapter 1. However, it is important to examine some other issues that were not highlighted in that chapter, as they shed further light on the central problematique of this thesis.

According to the 2006 national population census, Nigeria's population is approximately 140 million³³, with an annual growth rate of 3.2 percent (see NPC, 2007:B50), although this figure could be a gross underestimation of the actual number. In a country where teething infrastructural constraints impede good census exercise, it is certain that a good number of people may not have been reached, particularly in rural areas.

It is estimated that there are about two hundred and fifty different ethnic groupings in Nigeria with different cultures and languages (Udo, 2006:14). The ethnic groups include Yoruba, Igbo, Hausa, Edo, Tiv, Igala, Ibibio, Ijaw, Efik, Bekwarra, Iyala and Idoma, among others; however, the first three of these are the majority ethnic groups because of their relatively large numbers. Most of these ethnic groupings, it must be noted, did not form pan-ethnic kingdoms or big states in the nature of European nations such as France or England. There were, however, instances where kingdoms thrived such as the Bini of Mid-Western Nigeria between 1200s and 1897, the Yoruba of Western Nigeria (who formed the Oyo Empire between 1600s and 1800s), and the Hausa-Fulani who from the late 18th century formed the Sokoto Caliphate (1803-1903). Let us examine briefly how some of the ethnic groups organised their socio-political life in pre-colonial Nigeria: this will enable us to understand

³³ The 2006 census is the most recent and available figure. The population was put at 140,003,542; a breakdown shows 71,709,859 males and 68,293,683 females (NPC, 2007).

how the colonial state influenced their institutions – particularly land use practices – with alien systems.

The Yoruba Kingdom of Oyo grew in influence as a result of the mixture of myths, trade and statesmanship of its powerful kings – the *Obas* (or *Alaafins*). The *Obas* of Oyo, like their counterparts in other Yoruba towns, held a hereditary position which ensured good succession and transmission of the kingdom from one generation to another (Law, 1971). The kingdom's growth later resulted in the incorporation of other Yoruba kingdoms such as Egba, Ekiti, Igbomina and Ijebu, among others (Obayemi, 1979). It was later regarded as an empire because of its size and influence along the west coast of Africa. The influence of the Oyo Empire extended beyond the present-day Nigeria into some West African states such as the Benin Republic and Togo (Obayemi, 1979:196; Akinjogbin, 1979:373).

The Empire collapsed in the mid 19th century from internal intrigues and the attacks from the rising Sokoto Caliphate in the North. The collapse of the Oyo Empire led to the assertion of independence by different Yoruba chiefdoms. The wrangling among entities such as Ekiti, Ijebu, Ibadan, Owu and Egba, among others, resulted in what is known in Nigerian history as the “Yoruba Civil Wars” of 1877 to 1893 (Ajayi and Akintoye, 2006:290-291). Like other groups in Southern Nigeria, the Yoruba ethnic group, practiced a land tenure system in which ownership of land remained with the local community (Francis, 1986). Although Yoruba land tenure practices compared well with that of the Igbo and other groups in Eastern Nigeria, Adedipe et al. (1997:3) observed a form of hierarchy in ownership structure of land: “under customary law in most communities in Western Nigeria, a well-stratified hierarchy of authority and control over land developed. At the apex is the Oba or *Baale*, followed by the traditional chiefs, and then by family heads”. This stratification, however, does not mean that

those at the apex had authority over the alienation of communal lands as in Northern Nigeria where indigenous rulers owned land (MINLOCK, 1922; Talbot, 1937).

In the North, among the Hausa states, the early introduction of Islam in the 9th century through the trans-Saharan trade between Western Sudan³⁴ and North Africa helped Hausa communities such as Kano, Katsina, Zaria, Birnin Kebbi and Sokoto, among others, to develop into some form of kingdom. In the early 19th century, Sokoto in North-West Nigeria became a uniting force that created an empire – the Sokoto Caliphate – under the guidance of the Islamic cleric Usman dan Fodio (Abubakar, 2006). His movement or jihad (1803 to 1809) brought together all the Muslim kingdoms and chiefdoms in northern Nigeria under his leadership and sovereignty of Sokoto Caliphate (Abubakar, 2006).

The new empire was governed by Islamic laws. The former Hausa kings were for the most part replaced by Fulani Emirs who doubled as political and religious leaders of their various emirates. It was during the reign of these Emirs that the feudal land ownership system (see Section 5.4.1) in Northern Nigeria became entrenched (Abubakar, 2006).

The Caliphate was, however, short-lived. In 1903, advancing British troops from Southern Nigeria defeated Sokoto's army. This period witnessed the conquest of several ethnic groups and communities and their integration into the evolving Nigerian state (Abubakar, 2006:450). As part of the treaty ending the war, however, the British agreed to preserve the prevailing Islamic institutions such as the indigenous legal system at the customary level, to reform its feudal land ownership system to allow state oversight and control, and more importantly to preserve the position of the Emirs who became administratively important in the newly adopted Indirect Rule System. This last issue will be revisited (see Section 5.3).

³⁴ West Africa is also known as Western Sudan.

In Eastern Nigeria, among the Igbo ethnic group and their neighbours – the Ijaws, Ibibios, Efik and Ogojas – no major effort was made to develop pan-ethnic or multi-ethnic kingdoms. Instead of a large overarching state structure, each community in the different ethnic groupings developed its political identity with structures that allowed group participation in community governance, a system that has been likened to the Hellenistic idea of village or direct democracy (Nwauwa, 2003:9; see also Ezeigbo, 1990:152). To this day, for instance, among different Igbo communities, decision-making devolves around various groups who contribute their views to the overall community governance. However, the authority to execute policies resides with the body of elders led by a chief. The chief is usually the oldest son from the “oldest” family in the community (see Green, 1964; Isichei, 1976). As will be seen in Chapter 6, this team of elders manages their community’s common property resources and allocates land to individual adult male members of the community when they are ready to establish their families. Perhaps one of the major differences with the monarchical regions (western and northern) is that Igbo communities and their neighbours did not have strong monarchies that had strong influence on land use or the allocation of communal resources.

Although quasi-states³⁵ existed in pre-colonial Western, Northern and Mid-western Nigeria (Bini Kingdom), they could hardly be described as homogenous or united entities in the mould of modern states. It should be noted that modern-day communication and other infrastructures that foster unity and internal security did not exist in pre-colonial Nigeria. These limitations made the kingdoms vulnerable to internal and external threats. To illustrate this, rebellion such as refusal to pay tributes and allegiances to the emperor by subordinate parts were often a common occurrence in these states. This problem is exemplified by the

³⁵ They may not have been “states” in the way states are defined in strict European terms. Communication between the central government and the vassal components was a major handicap in those days and rebellion was often a major occurrence.

Yoruba civil wars of the 19th century and the strained relations between Sokoto and Bornu Kingdom in the North East (Ajayi and Akintoye, 2006:280-300).

The above picture gives insight into the socio-political context of indigenous peoples of Nigeria on the eve of 1st January 1900 when the British government officially inaugurated colonial rule in Nigeria. Although there were interventions in the socio-political and ecologic sovereignties of the local communities by British officials, European companies and private interests since the 1860 invasion and colonisation of Lagos, it was in 1900 that formal colonialism began in Nigeria (Olaniyan, 1971; Afigbo, 2006:410-428). The issues preceding the establishment of colonial rule such as company rule, acquisitions of land by the United Africa Company (UAC), granting of the Royal Charter to the UAC and its revocation by the British Crown on 31 December 1899 were highlighted in Chapter 1.

It is important to note that prior to 1914 Nigeria was governed as two entities – the Northern and Southern Protectorates. In 1914 the two entities were amalgamated by Lord Frederick Lugard, a British army officer who was appointed the first Governor-General of a united Nigeria. The unification of distinct ethnic groupings and provinces into one nation-state was solely a British administrative decision as no consultation with local communities is known to have been made. The merger did not in any way imply national unity, it was more or less a foundation of a process of nation-building.

Commentators and scholars, critical of the unification of peoples with divergent cultures into one country, later expressed their fears about the viability of the state. Tamuno (1970:565-566; see also Tamuno, 1972) describes the patchy nature of the 1914 amalgamation of Nigeria as follows:

A single Governor-General for the Northern and Southern Provinces from 1 January 1914 constituted an important feature of Lugard's Amalgamation

scheme, which resulted in the political fusion of North and South without compelling immediate or subsequent administrative unification.

In a similar manner, in his autobiography, *My Life*, Ahmadu Bello, the leader of the defunct Northern People's Congress (NPC) and the Premier of Northern Nigeria (1960-1966), describes the amalgamation as "the mistake of 1914" (cited in Afigbo, 1982:95). On the other hand, his contemporary and leader of the Western Nigeria dominated political party Action Group (AG), Obafemi Awolowo was more lucid in his description of the nation-state:

Nigeria is not a nation. It is a mere geographical expression. There are no 'Nigerians' in the same sense as there are 'English,' 'Welsh,' or 'French.' The word 'Nigerian' is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria and those who do not (cited in emeagwali.com).

These fears point to the mosaic nature of the Nigerian state created from different ethnic nationalities with diverse socio-political institutions. It could be argued that the pre-colonial institutions and practices of these nationalities were "sustainable", as no vacuum existed in relation to mechanisms for good governance. However, with the assumption of British administrative responsibility in Nigeria came the issue of governance challenges of the new territory and its peoples. The challenges posed by the multiple political set-ups of different ethnic groups in Nigeria led to certain administrative improvisations on the part of the British colonial officials. Issues such as an appropriate unified administrative system for the whole country, as well as land and resource management became areas that needed the urgent attention of the British Crown (Tamuno, 2006). The colonial state tinkered with different methods in the search for a workable system that would guarantee success of their imperial objectives. How did the British colonial officials meet these challenges?

5.3 Indirect rule

Perhaps one of the major questions that confronted British officials in post-1900 Nigeria was how best to govern the different socio-politically organised groups in the new colony. Like

the challenge posed by the different indigenous land use systems (see Section 5.4), the state needed a common political structure that would be administratively convenient, effective and uniform for the entire country (Afigbo, 1972). The governance question in Nigeria became problematic for the officials mainly due to the fact that the Colonial Office in London lacked enough personnel to deploy to all their overseas colonies as administrators (Nwabughuogu, 1981:65). Such a handicap meant that although local communities in Nigeria had come under British sovereignty, the continued lack of state presence at the grassroots level was capable of undermining the new states.

In order to deal with this and other administrative challenges, the colonial officials in Nigeria, led by Lord Fredrick Lugard, introduced the “Indirect Rule System” (Afigbo, 1972; Afigbo, 2006). This section examines the focus of British colonial policy (indirect rule) and how it alienated the local communities from the new state, especially in Eastern Nigeria. While the system, like other colonial innovations, was meant to enforce British colonial dominance and serve colonial economic and political interests, it brought hitherto unknown practices of strong monarchical institution to Eastern Nigeria. The system was not only seen as intrusive and oppressive at grassroots level, it also prompted local people to resist the state (Nwabughuogu, 1981:89; Mwakikagile, 2001). What is an indirect rule system of government?

Indirect rule, simply put, implies governing a colonial territory through the inherited indigenous institutions of government (Nwabughuogu, 1981:70). The indirect rule system emerged from various considerations and proposals made by scholars and colonial advocates in the 19th century. One such voice is Mary Kingsley, who argued that it was wasteful to govern Africans through the establishment of European institutions such as education and Christianity. To Kingsley, such institutions would not be able to change Africans, simply

because they were, in the author's word, "inferior" beings (cited in Nwabughuogu, 1981:70). Kingsley advocated an "Alternative Plan" – that is, a plan that would be markedly different from the Direct Rule Plan which the Colonial Office was proposing, and the missionary efforts of educating Africans. In Kingsley's "Alternative Plan", the administration of African colonies should be in the hand of British traders who had long contact with Africans and hence a wider knowledge of the demands of the colonies. Kingsley further suggested that British traders should be at the forefront of governance while African "chiefs", as the "backbone" of the system, should only provide support (see Nwabughuogu, 1981:71). These chiefs – warrant chiefs – would in practice, mediate between their constituencies and British officials who would exercise the real powers.

Although Kingsley's views are by every consideration "prejudiced", her views on governance in the colonies provided the basis for the Colonial Office in fashioning the indirect rule system. Hence, by the early 20th century when Frederick Lugard introduced the system (with some modifications) in Nigeria, the goal was to exploit the existing indigenous traditional institution, mainly the chiefs and kings, for the advancement of the colonial project without seeming to alter it. Lugard conceptualised the Warrant Chieftaincy thus:

They [warrant chiefs] were to be sole Native Authorities in their respective areas, with powers to enforce 'Native law and custom', to make new laws subject only to the approval of the governor and to control all natives residing in their areas. They were to have control over land and the sole right to collect taxes or tribute (see Nwabughuogu, 1981:77).

The exclusive use of the traditional institutions instead of British traders is where Lugard differed with Kingsley's view on giving certain roles to British traders. The advantage of the system to the British was that the few British officials in the country worked more or less as *supervisors* of the traditional rulers who occupied a mid-way position between their communities and the British colonial officials. The duties of the chiefs, emirs and kings under

the indirect rule system ranged from enforcement of law and order in their domains, collection of taxes, taskmasters who assembled labour, and land use administration, to spies for the colonial state (Nwabughuogu, 1981:91; Afigbo, 1972).

The blanket application of the indirect rule system in all parts of Nigeria demonstrates the fact that colonial officials lacked adequate insight into various socio-political, legal and economic variations of the constituent parts of Nigeria. Indirect rule as a political system best suits a strong monarchical institution and is less successful where monarchy is weak or non-existent. Hence, while indirect rule may have more or less succeeded among the Hausa and Yoruba regions (north and south-west respectively) where the monarchical institution is more effective, in South-Eastern Nigeria, where republicanism and egalitarianism rather than a strict practice of monarchism best describe the political order, the application of indirect rule produced strange political results among the Igbo people and their neighbours.

As mentioned earlier (see Chapter 6), among the various ethnic nationalities in Eastern Nigeria, a *chief* (especially among the Igbo) is traditionally, a first-among-equals in his community. For instance, his access to land is not measured by the position he holds: the chief is seen as “chairman” of the council of elders who administer land use. This council comprises various family heads, titled men and perhaps the chief priest of the community. The chief lacks the power to alienate community land, impose taxes and exert labour on the citizenry, among other roles of the more established monarchs such as emirs (Isichei, 1976:21-23; Nwabughuogu, 1981:77). Such authority rests with the council of elders (see MINLOCK, 1922; Isichei, 1976). What this means is that Eastern Nigerians did not have a sense of powerful kings and this perhaps is one of the major differences in relation to governance between them and other non-eastern ethnic groups. The British officials found

that the non-existence of powerful monarchs among the eastern communities, especially in the Igbo area, hindered their programme of indirect rule.

In order to “create” a similar political structure that existed in the North, and to a lesser extent in Western Nigeria, the British improvised new methods they reasoned could give the Igbo communities (and their neighbours) “strong indigenous rulers” of equal standing with other parts of the country where such powerful rulers existed. Afigbo (2006:416-17) captures British “desperation” thus: “Desirous as they were to govern conquered peoples through their indigenous institutions, the British ended up foisting on them a governmental system of an alien character”.

This idea gave rise to the creation of the “Warrant Chiefs”, that is, a substitution of indigenous village democracy with a warrant chief who was expected to wield enormous powers over politics, land, labour, taxes and the justice system. In order to leverage the new creation, hitherto independent communities were also clustered into larger groups – clans or Native Authorities – where the newly warranted chiefs, as heads, exercised enormous powers (Chuku, 2005:239; see also Afigbo, 1972; Eze et al., 1999). Although colonial officials may not have realised the effect of such *invented custom* on local societies, the imposition of hand-picked chiefs with “warrants” became a direct confrontation with the indigenous communities, who resisted the imposition.

Those selected for the positions of warrant chief were mostly those who were without socio-political influence. To illustrate this, it is reported that different communities did not initially understand why colonial officials requested a sample of “notable men” from whom they intended to select a preferred individual to be given a warrant. Again, this shows lack of proper flow of information between colonial officials and local communities:

Where the people were consulted they more often than not misunderstood the purpose of the request and pushed forward as their chiefs people who had no special status in traditional society. Communities which thought that those they presented would be killed or sold into slavery presented slaves or criminals or never-do-wells as their chiefs, while others who thought the white men needed messengers sent able young men (Afigbo, 2006b:417).

Although Afigbo stated that a certain number of the warrant chiefs were actually traditional heads of communities, the majority of them were handpicked by the local people or by the colonial officials. However, the issue is not on whether traditional chiefs or ordinary men were chosen, it is about how much power the system conferred on the warrant chiefs which contradicted the roles of chiefs in community affairs. These incredible powers effectively set the chiefs against their communities. The new chiefs were seen by their communities as stooges of the colonial masters who collected taxes, enhanced foreign economic exploitation, enforced labour and punished local people. Some of them were allegedly corrupt and brutal in handling their duties (Eze et al., 1999:75-77).

Perhaps the most prominent of the warrant chiefs in Eastern-Nigeria was Chief Onyeama of Eke. His role is illustrative of colonial misreading of indigenous socio-cultural institutions and its implications. He was the warrant chief of the Agbaja clan (from 1914 to 1933), which included Enugu-Ngwo, at the height of the reign of the warrant chiefs (Eze et al., 1999). It is alleged that he facilitated the cession of Enugu-Ngwo land to the colonial state for coal mining by gathering local chiefs who signed the agreement with the colonial officials in 1915 and 1917. It is alleged that Onyeama manipulated the chiefs to sign this agreement and he was also one of the signatories in the 1917 agreement (Eze et al., 1999:72-78; Hair, 1954; Onoh, 1997).

In recognition of the roles Chief Onyeama played in the founding of the Enugu-Ngwo colliery, its labour need was outsourced to him and Warrant Chief Chukwuani of Nkanu, a

nearby clan. The two chiefs ensured that enough labour was made available to the mines, although Onyeama allegedly played a greater role. Onyeama was so instrumental in supplying labour to the coal industry that he is alleged to have supplied both forced and slave labour to the mines while the British, who had purportedly “abolished” slavery since 1772 at home and 1833 in the colonies, behaved indifferently (see Brown, 1997:30-40; see also Brown, 1996). Carolyn Brown notes the intrigues involved in the sourcing of labourers for the Enugu-Ngwo coal mines in the early 1920s as follows: “While slavery was considered an archaic system, British power relied on the support of ‘big men’ [warrant chiefs, particularly Onyeama] with a vested interest in slavery” (Brown, 1996:69). To support the view that the British wilfully allowed the use of slave labour in the coal mines, Eze et al. (1999:58) cited a statement made by the then Governor of Northern Nigeria³⁶, Lord Frederick Lugard in 1912, in relation to the labour needs of the about-to-be-developed mines: “I understand that except by compulsion, it is almost impossible to get labour in Southern Nigeria”. Critics saw the British position on slave labour as born out of economic consideration because its colonies in West Africa, such as the Gold Coast (Ghana), Sierra Leone and the Gambia, needed the coal from the Enugu-Ngwo mines to run their economies (see Ojiyi, 1985:12).

The local opposition to warrant chieftaincy continued until the Aba Women Riot of 1929, during which women massed in several villages of Aba Division to protest a rumoured plan to *tax women* (Eze et al., 1999:76). The rumoured tax was a direct taxation system, which was interpreted as a universal taxation that would include women (Nwabughuogu, 1981:91). During the mass protests, the warrant chiefs were targeted in attacks, because they implemented colonial policies, especially taxation and forced labour. While the protest was primarily motivated by a suspicion of impending taxation of women, it exposed the dilemma

³⁶ Lord Lugard became the “Governor-General” of Nigeria in 1914 after the amalgamation of Northern and Southern Protectorates. Before then, he was the governor of Northern Nigeria.

of the imposition of warrant chiefs generally seen as autocratic, corrupt and allies of the state. A positive outcome of the women's action in 1929, report Eze et al., (1999), is the scrapping of the warrant chief system in Eastern Nigeria after reviewing the remote causes of the violence. Eze et al. (1999:76) note that the Eastern Regional Governor, E.C. Clifford, had observed that the system flouted Igbo custom:

Clifford had contended that the people over whom the paramount [warrant] chiefs claimed to exercise authority were resentful of their intrusion into local affairs and therefore should confine themselves to their native districts (Eze et al., 1999:76).

Although there have been several scholarly discourses on the workings of the “indirect rule system” in colonial Nigeria; the label “indirect rule” seems not to portray the actual implementation of the policy in Eastern Nigeria. A close examination of the system as operated by the British colonial officials reveals that although the system of governance looked “indirect” in Eastern Nigeria, it was not the same as in the North or West where the colonial state made use of the existing traditional institutions. In the Eastern region, the *indirectness* of the rule is questionable. Would it not be better to call it “direct rule” in Eastern Nigeria? The British had used their self-appointed or “warranted” chiefs to run the so-called indirect rule policy. It is, therefore, problematic to say that the British ruled indirectly in Eastern Nigeria, when in reality the “chiefs” were British appointed officials whose authority did not originate indigenously as was the case in the North and West (see also Afigbo, 1972; Isichei, 1976).

In conclusion, colonial policy on governance or indirect rule, like its policy on land use (see the next section), overthrew indigenous institutions by creating alien institutions that enhanced political, ecological and economic control. Arguably, institutional change was felt more in the Eastern communities than in other regions. To the colonial authority, the existing institution was weak and therefore a strong chieftaincy position – more or less the strength of

northern emirs – was needed to enforce colonial policies on land use, taxation and maintenance of order. However, the imposition of this autocratic system on republican communities yielded negative results and further alienation of the colonial state than the officials had thought. Local people, bent on preserving their indigenous political system, opposed the warrant chieftaincy. Although the scrapping of the system in 1929 did not bring about the restoration of indigenous political sovereignty, it highlights grassroots discontent over the imposition of the state and its alien institutions.

In the next section, the thesis examines pre-colonial systems of land ownership in both Northern and Southern Protectorates. It highlights the differences between the two protectorates and gives insights into why the local forms of ownership were reformed by colonial administration.

5.4 Pre-colonial land ownership practices in Nigeria

As already mentioned, ethnic groups or communities in Nigeria developed into monarchical kingdoms, empires, chiefdoms and village democracies. Prior to the commencement of British rule in Nigeria, these polities had their tailored land tenure systems.

A land ownership system based on *relative* feudalism was practiced in the predominantly Islamic Northern Nigeria where the Fulani lords – emirs – had collected taxes from land users (see Grundy, 1964:387). Although Uchendu (1979:66) contended that it was an “erroneous premise” that the Fulani “owned the land”, the system operated in the pre-colonial Northern Nigeria had every feature of feudalism (see Geary, 1927; Meek, 1946; Smith, 1979). The prevailing land ownership system in pre-colonial Northern Nigeria was comparable to the feudal administration in the pre-Enlightenment Europe – where the emperor, the lords and

nobles owned land which the landless serfs rented. In Northern Nigeria, Fulani emirs and district heads have long controlled the land in their emirates and districts, while the *talakawas* (landless commoners) worked on land they rented from their traditional rulers (Grundy, 1964:387; Smith, 1979). Hence, it was easy for the colonial state to take control of the land, once they had control of the emirs. Land in Northern Nigeria (especially among the Hausa/Fulani), does not seem to have as much mystical connotations among its indigenes as in Southern Nigeria. The perception of land in this way may have been connected to the predominant Islamic practices and the nomadic economy of the region.

In Southern Nigeria (East and West), land ownership does not reside with one individual, rather it resides with the community. Talbot (1937:680) notes that “throughout the whole of Southern Nigeria the land is...communal and belongs to the people generally” (see also Elias, 1951). As an illustration of the practice of communal ownership of land in Southern Nigeria, Uchendu (1979:63) describes the prevailing land tenure system in Southern Nigeria as a: “bundle of rights...a series of relationships among individuals and social groups with regard to the many uses to which land may be put”. Explaining further, Uchendu cites C. Lloyd who defines the interconnectedness of individual rights in indigenous land tenure system as follows: “A right is not held in land but against another person; thus one holds a number of rights against various people in respect of a plot of land” (Uchendu, 1979:63; see also Ezigbalike et al., 1996; Adedipe et al., 1997).

The interconnectedness of responsibilities in land ownership ensures that right-holders do not abuse the right bestowed on them by society, either by wilful alienation of the land or by engaging in practices the community considers as abusive to land and the ecology in general. In other words, joint ownership leads to joint regulation of use. Degradation of land is seen as an abomination in local communities, because land degradation contravenes certain attributes

of land, among which is that the land is holy – believed to be a link between the living and the dead. Talbot describes the mystical perception of land in Southern Nigeria thus:

The feeling [reverence] partly arises, no doubt, from the belief in the spirits of the earth, the local representative of which is usually regarded as the tutelary guardian of the people and its soil, and partly from the worship of ancestors who dwell in it (Talbot, 1937:682; see also Shipton, 1994).

The perception of land in this manner implies also that land is valued beyond pecuniary compensation (see Chapters 2 and 8). In other words, although land is used to produce food and was exploited for other necessities, it is not a “factor of production” in the Western sense of a transferable commodity. Writing about indigenous land use practices in South-eastern Nigeria in pre-colonial times, P.E.H. Hair recorded that this “was the correct traditional doctrine: ancestral land must never be bartered for money” (Hair, 1954:56). In fact, it is colonial rule and the introduction of Western land use practices such as state acquisition and leasing of the so-called “Crown land” to corporate companies and private businesses that brought about the commoditisation of land in Southern Nigeria:

By immemorial custom it [land] can never be alienated or sold, and it is only of recent years and in a few parts of the country, where Europeans and other aliens have made dual appearance in numbers, that any private individual rights in land are beginning to be recognised (Talbot, 1937:680).

Ikejiofor (2009:16) puts it more succinctly: “The institutions associated with the development of a market in land did not exist in the pre-colonial context”. The indigenous system of land use served the local communities’ needs and maintained socio-ecologic and economic balances among individuals. Customary laws regulated certain forms of temporary alienation and the overall community-ecology nexus.

The indigenous model of ownership and alienation did not however fit into the colonial context, hence the need to reform it in order to reflect the Western model of land ownership and alienation. In the next section, the thesis explains how colonial officials dealt with the

ambiguities arising from the indigenous tenure system and created measures that ensured easy state and corporate access to land. It also examines whether the new policies – proclamations, ordinances and laws – accommodated elements of indigenous systems and the effects of these policies on the evolving relations between the colonial state and local peoples.

5.5 Colonial land policy

Beginning from the declaration of formal colonial rule in Nigeria in 1900, land-related laws have often been separated to reflect the diversity in indigenous land ownership systems between the Northern and Southern regions. While the North operated a feudal system in the pre-colonial era, whereby the Emirs owned and controlled land, the ethnic groups in the South practiced a customary tenure system whereby ownership of land belonged to the community. Although this distinction was recognised, the Crown Land Ordinance of 1900 is the first pre-1978³⁷ law on land-related issues in Nigeria that was made for both the Northern and Southern protectorates of the country. While it had a region-wide application in Northern Nigeria, it was applied selectively in Southern Nigeria to specific lands acquired by the state for public uses. The law defines Crown land as:

All public lands in Nigeria which are for the time being subject to the control of His Majesty by virtue of any treaty, cession, convention or agreement, or by virtue of His Majesty's protectorate, and all lands which have been or may hereafter be acquired by or on behalf of His Majesty for any public purpose or otherwise howsoever, but does not include lands subject to the Lands and Native Rights Ordinance (cited in Meek, 1946:88).

The law granted state legitimacy to all the land that the Royal Niger Company (RNC) had acquired through treaties, cessions, agreements, intimidations of local chiefs or rented lands where the company had warehouses, factories or stations (Dike, 1956:171-174; see also Chapter 1). Olaniyan (1971:67) recorded that the Royal Niger Company had made over 237

³⁷ The year 1978 is remarkable in Nigeria's land-related legislations: see Section 5.6.

such treaties with local chiefs by 1886. These lands were transferred to the colonial state when the company's royal charter was withdrawn on 31 December 1899 (Tamuno, 2006). Having paid for such transferred lands, the colonial state became the inheritor of the lands, supposedly on behalf of the *Nigerian public* (see Meek, 1946:88; Elias, 1951:46). Elias (1951:46) saw "Crown lands" as "no more than a convenient administrative device or a generic name for all the lands which are in reality the property of the Nigerian public, held on their behalf by the Government". A question that might be asked is: how much did *Nigerians* realise their stake in the new state as at 1900?

The awareness of a "national wealth" belonging to the "Nigerian public" hardly existed at that time. Communities were not yet fully integrated into a common Nigerian public and preferred to be seen from their indigenous identities than as "Nigerians" (Ekeh, 1975). It should also be noted that the full implication of the treaties and agreements between local chiefs and Royal Niger Company officials may not have been known to the signatories or local communities that owned these lands (Hair, 1954; Onoh, 1997; see also Chapter 6). For instance, outcomes from the treaties such as the transfer of communal lands under company use to the state were not explained to the local people. The treaties were made when the state did not exist and the indigenous signatories may have reasoned that the land would be returned to them when the company's use expired³⁸. The colonial state did not consider this fact, neither did it re-negotiate the terms of the acquisition, rather it relied on an old doctrine which was operational in England whereby the British Crown always acquired land in England or in any of its Overseas dominions through: "confiscation, escheat or forfeiture" (see Meek, 1946:87; Amery, 1953). Although neither the newly established state nor the

³⁸Attitudes in different communities towards the Nigerian state up to the 1960s show that in reality communities have not fully accepted the idea of a common state for all groups (see Ekeh, 1975; Isichei, 1976). Even today, there continue to be pockets of anti-Nigeria, separatist groups based on ethnic or regional identities. Prominent examples are the Movement for the Actualisation of Sovereign State of Biafra (MASSOB); the Oodua People's Congress (OPC); and the Egbesu Boys, among others (see Babawale, 2001).

company made any effort to bring in indigenous authorities in the transfer of land to the new state, the disregard of indigenous authority at this stage of state formation probably harmed relationships between local communities and the colonial state.

In Northern Nigeria, *The Public Lands Proclamation of 1902* expanded state access to land by incorporating other lands in the entire Northern Protectorate that were not part of the Crown lands. These lands were paradoxically called “public lands”, even though the state had full control of them. The lands were claimed by right of colonial conquests and land tax was imposed on users (Meek, 1946:88). This proclamation was actually made to reform the Crown Land Ordinance of 1900, which had by its provisions excluded indigenous users. In the new law, indigenous users were given the right to use the “state-owned land”, but they were expected to pay taxes on use rights. Although Lord Fredrick Lugard is said to have sought for the reformation of the Proclamation in 1912 (see Geary, 1927), in that he did not want the land tax to be seen as punitive by the local people, he failed to initiate a system that alleviated the tax burden on the local people, and also did not approve individual ownership rights for ordinary people.

The *Land and Native Rights Ordinance of 1916* was meant in theory to give some protection to indigenous (native) rights by granting recognition to their rights to “own” land in the areas designated by *The Public Lands Proclamation of 1902* as “public lands”. The ordinance granted that local people could own land by obtaining titles from the Governor of Northern Nigeria. In the amendment of 1918, public lands were renamed “Native lands”, although the rules governing them remained the same as the 1916 Ordinance (see Geary, 1927:268; Meek, 1946:88). Under this Ordinance, the Governor had the authority to grant “occupancy, grazing and agriculture rights to Europeans and non-Europeans” (Geary, 1927:268). The law also provided that the Governor of Northern Nigeria could levy taxes on all occupants of portions

of lands in the protectorate (Meek, 1946:88). Although the law provided that indigenous occupants must obtain the Governor's title, Geary (1927:267) noted that it was administratively "impracticable to cover the Northern Province [Protectorate] with land grants and the Natives continue to occupy their land as if no such Ordinance or proclamation existed". In addition, the law lacked clarity in relation to the issue of protecting indigenous rights. For instance, the requirement of ownership title from the Governor betrays the description of "Native land". In this regard, Meek (1946:88) asked:

But how can lands be described as native lands if the occupiers have no valid title without the Governor's consent and if the Governor is empowered, as he was under the Proclamation, to impose a rental as he likes?...that the Government retains its title to the ownership of unoccupied lands – a claim which would appear to be inconsistent with the rights of native communities.

The implication of this fuzziness in the *Land and Native Rights Ordinance of 1916* in relation to the sovereignty of indigenous rights makes the law ineffective in ensuring the protection of indigenous land ownership rights. The law still did not, however, address the issue of land tax, nor did it prevent state reacquisition of the titled lands in the name of eminent domain – public purpose – if the need arose.

In the South, the *Crown Land Ordinance* gave the colonial state authority to acquire private lands from communities or individuals for public use. The acquisitions made in Lagos in 1907 sparked city-wide protests from the Lagos elite and ordinary people who saw the law as a threat to indigenous land ownership institution. Kunu (1987:272) reported that local people attacked European businesses as they feared the law resembled the Northern system that concentrated ownership on the state. In addition, some members of the Lagos elite took the matter to court where they argued that the law infringed on customary rights to land and gave European companies undue advantage over traditional rights. The agitators lost the court case in Lagos, but a frantic appeal at the Privy Council in London succeeded in obtaining some

level of reprieve. Although the Privy Council did not stop the acquisition of indigenous lands, the Council ruled that the proclamation infringed on indigenous customary rights and granted that indigenous rights be compensated when appropriations are made (Kunu, 1987:272-273; see also Elias, 1951). The ruling did not, however, specify how best to compensate indigenous lands, but relied on the British concept of private property ownership and understanding of costs and benefits without due reference to local values for land. Hence, while scholars may argue that the elite extracted some protection for indigenous land owners from the ruling, it opens up the debate on the justness or otherwise of such compensation.

The *Land and Native Rights Ordinance of 1917* was passed to provide some “protection” to customary rights of communities over their land, as Geary (1927:268) puts it. The law held that no foreigner or company should acquire title on land without the sanction of the Governor. In this regard, the state appropriated an oversight function by mediating between local communities who wanted to “sell” or “lease” their land to a foreign company or individual. Does state intervention infringe on the so-called “customary rights” granted in the Ordinance? There are two major problems with this Ordinance. First, the state’s intervention in alienation intrudes on indigenous rights over the land by giving the state the authority to intervene in community transactions on customary land. Secondly, although the law recognised the right of the indigenes to alienate their land, it emphasised that such alienation did not include lands where mineral resources were found. This was a restatement of the Crown Land Ordinance of 1900, and left the state with powers of eminent domain to acquire community and private lands for the colonial state, or to transfer acquired rights to private companies if it considered it in the public interest.

The colonial policies on land use in Nigeria achieved their major objective, which was the entrenchment of the state as the driver of policy in terms of land use administration in

Nigeria. While in Northern Nigeria the status quo more or less remained for the ordinary people, in that they did not gain the right to customary ownership of land, which the South had always had (in principle), the traditional institution of the emirs lost its controlling authority over land to the Governor of Northern Nigeria. The colonial government of Northern Nigeria therefore became the major beneficiary and institution that determined major policies on land such as issuance of titles on the so-called “native land” and the collection of taxes from land title holders.

In the South, the ownership of land did not change radically. The surface rights “remained” with the local communities in principle. The oversight function of the state in alienation of indigenous lands questions the claim that indigenous communities retained customary rights. Unlike in the North where the Land and Native Rights Ordinance of 1916 required local people to acquire titles for their land, such a requirement did not exist in the South. However, the notable introduction during the colonial era was the use of “eminent domain” – the power of the state to acquire land for projects considered to be in the overriding public interest, such as where mineral resources are found (see Uchendu, 1979). It was first entrenched in the Crown Land Ordinance of 1900. With this endowment, the state established its right to possess local lands whenever and wherever the need it considered “overriding public interests” arose.

Apart from ordinances made to ensure unrestricted state access to land, another major characteristic of land-related legislation which ensured state control of land was the separation of surface and subsurface rights. Laws such as the Mineral Oils Ordinance of 1914, as amended in 1916, 1945, 1951 and 1953, and the Petroleum Act of 1969 including the Mining and Mineral Act of 2007 have consistently featured provisions that claim

subsurface mineral rights for the state. According to the Mineral Oils Ordinance as amended in 1916:

The entire property in and control of all mineral oils in, under or upon any lands in Nigeria, or of all rivers, streams and waters courses throughout Nigeria is and shall be vested in the Crown, save in so far as such rights may in any case have been limited by any express grant made before the commencement of this Act (cited in Ebeku, 2001:3).

The separation between surface and subsurface rights of land aided the state in controlling the underground mineral resources of areas designated as “Native lands” or “customary land” in Northern and Southern Nigeria respectively. What these laws stipulate is that, although indigenous rights may be recognised over the land surface, all minerals are the exclusive property of the state. Under this provision, titles acquired by local people on land do not prevent state acquisition. In relation to indigenous practices in Southern Nigeria, the separation limited the indigenous perception of the *totality* of land. Local peoples have always treated both the subsurface and the surface of their land as the same. In indigenous mythology³⁹, the surface of one’s land is reserved for the living, while the subsurface is reserved as the eternal resting place of the ancestors (see Uchendu, 2007; Nwala, 1987). Dead ancestors are not cut off from the living, but remain an integral part of their community and family. Hence, with the acquisition by the state of subsurface rights, the link between the abodes of the living and the dead members of the communities seems disconnected.

Those were some of the ways in which the colonial state acquired indigenous land use rights in colonial Nigeria. Although the policies differed in the Northern and Southern Protectorates, mainly due to the prevailing indigenous land use practices, the consequences of colonial legislation resulted in different forms of limitations for the local peoples. The traditional institution in the North which had controlled land in the pre-colonial era became the major victim of colonial policies on land in the region having lost its right of ownership in

³⁹ For instance among Igbo people.

the colonial era to the Northern regional government through the Crown Land Ordinance of 1900, the Land Proclamation of 1902 and the Land and Native Ordinance of 1916 with its amendments. Ordinary people could “own” land by acquiring titles from the government and are then required to pay tax. The state emerged as the new controller of land, having acquired traditional rights of the emirs and also the right to issue titles to indigenous peoples.

In Southern Nigeria, the major impact of colonial legislation borders on the conversion of certain indigenous lands to Crown or “Public lands”. Legislation such as the Crown Land Ordinance, the Public Lands Acquisition Ordinance and Mineral Oils Ordinances ensured that the state had unlimited surface and subsurface access to customary lands owned by local peoples. The state retained the right to transfer acquired land to foreign interests or give mining rights in indigenous lands to foreign companies without indigenous consent. In comparison to their counterparts in the North, the local people in the South enjoyed more rights over their land, such as the right to alienate their land to whomever they chose. However, land transactions between local person and a foreigner had to be sanctioned by the provincial executive. State supremacy over land-related issues ensured that the new framework of land ownership profited not only the state but also European mining companies. While European business interests operated state-awarded mining leases, they also benefited from favourable legal frameworks which in most cases did not consider indigenous socio-ecologic rights (see the oil mining lease in the Mineral Oils Ordinance of 1951, paragraph 11).

The different land ownership systems in the Northern and the Southern regions of Nigeria were changed in 1978, through a military decree “to provide a uniform system of land tenure that would guarantee equitable and reliable access to land” in the North and Southern regions of Nigeria (Adedipe et al., 1997:1). The next section examines how the centralisation of

ownership under state control further alienated the local communities, especially in the South where customary land tenure has always been practiced.

5.6 Land Use Decree of 1978

The Land Use Decree (LUD) of 1978, otherwise known as “Decree No. 6 of 1978”, is said to have been promulgated to unify distinct tenure systems between the North and South, guarantee the state easy access to land and eliminate customary ownership in the South that posed hiccups to state acquisitions (Uchendu, 1979; Francis, 1984; Francis, 1986). Paul Francis (1986:1) describes official reasons for the enactment of the Decree as follows:

Customary land tenure is frequently considered to be an impediment to agricultural development. The lack of secure and clearly defined rights is often held to lead to a disincentive or an inability to invest in agriculture, while the inflexibility of traditional systems is said to prevent the transfer of rights between groups and individuals and thus inhibit the mobility of factors of production.

Writing about the impact of the legislation, Allott (1978:136) calls it the “most revolutionary enactment in Nigeria...[which] imposes for the first time in the whole of Nigeria a common and uniform system of land titles and land control”. In other words, the law unified distinct land tenures in the North and South of the country and vested ownership of all lands in the country on the state. Section 1 of the Decree stated that:

Subject to the provisions of this Decree, all land comprised in the territory of each state of the federation are (sic) hereby vested in the military governor⁴⁰ of each state and such land shall be held in trust and administered for the use and common benefit of all Nigerians in accordance with the provisions of this Decree.

Apart from unifying the diverse tenure systems in the North and South, it is important to highlight some of the reasons why the law is perhaps “the most revolutionary” of all land-related legislations in Nigeria. The decree required that for a private-hold to be officially documented, an occupant (owner) of a property in the rural area must apply and receive a

⁴⁰ In 1978 when this decree was passed, Nigeria was under military rule. The country has been ruled by democratically elected officials since 1999.

“Right of Occupancy” (R of O) for his property, or a “Certificate of Occupancy” (C of O) for a property in the urban area (see Sections 5 and 6 of the Land Use Decree). This provision meant that a hitherto customary owner no longer enjoyed his ancestral rights by which he did not need any state-given title to legitimise his hold.

The Certificate and the Right of Occupancy are similar to the “Native Title” which indigenous occupants of land in the North were required to acquire since the Land and Native Rights Ordinance of 1916 (Meek, 1946:88; Adedipe et al., 1997:2). In Southern Nigeria, such a provision was strange. Although the state exercised the right of eminent domain over lands (especially where mineral resources were found) in the pre-1978 era, it did not issue certificates or rights of occupancy to the local people to validate their holds. It should, however, be pointed out that just as in colonial Northern Nigeria, local people in Southern Nigeria continued to alienate land in the same way they had done in before 1978 without much concern for Right of Occupancy.

Another area where the Land Use Decree of 1978 made a significant impact in Southern Nigeria was by merging land and mineral rights. Prior to the promulgation of the law, surface and subsurface rights existed separately. While communities had control (at least in principle) of the land surface, the state owned the subsurface mineral rights. However, the Decree united both rights under the ownership of the state. The implication of this new policy to local communities was the loss of legal rights to claim compensation when the state or licensed miners acquired their land. Under the new policy, an occupant of a plot is merely entitled to compensation for the improvements he made on the land, such as permanent structures and economic trees. Compensation does not include a price tag on the land itself.

Commenting on the loss of surface rights by communities and individuals in the oil-rich Niger Delta, Ebeku (2001:11) notes that:

Prior to 1978 where land was not compulsorily acquired by the government and an oil company had to negotiate with community land owners for access to land for oil operations, it settled the amount of compensation it had to pay to the community for use of the land.

To further show how the decree limited an owner's right, compensation to an owner of a property must be approved by a state-appointed official who determined the market "value at the date of the revocation of their un-exhausted improvements" (see Section 6 subsection 5). There are two implications of this provision to the land owner. Firstly the land owner did not make any contribution to the determination of the value of his property, and secondly, the state-appointed valuer may focus on the financial worth of the property while ignoring the intrinsic value of the property to the owner. While these implications have been analysed in Chapter 3, it is important to restate here that this Decree has become the culmination of years of a series of piecemeal divestiture of indigenous rights by the state, setting the stage for confrontation between the state and local communities.

Another major aspect of the Land Use Decree (1978) is that state acquisitions made through the Decree cannot be challenged in any law court in Nigeria even when an owner feels discontented with the compensation he receives. Section 47 (2) states that: "no court shall have jurisdiction to inquire into any question concerning or pertaining to the amount or adequacy of any compensation paid or to be paid under this Decree". With this caveat, the Decree forecloses any hope of seeking redress in a law court for a property owner who loses his right in an acquisition or is dissatisfied with the compensation paid to him.

While the purpose of this analysis is not to justify the argument that the conflict between the state and resource-rich communities is as a result of compensational disagreements, it has

highlighted the manner in which the state has alienated indigenous communities, especially in resource-rich communities. It was shown in Chapter 2 that compensational inadequacies do not fully explain the cause of the contestation between the state and local communities. However, the loss of the right to negotiate compensation is part of the serial reduction of indigenous access to land which began with the expropriation of indigenous rights by the colonial state and was consummated in the Land Use Decree of 1978.

In summary, the Land Use Decree of 1978 made two major impacts on indigenous land tenure system. Firstly, it unified the customary system of Southern Nigeria with the centralised system of Northern Nigeria. Secondly, the loss of customary rights in Southern Nigeria exposed communities to easier land alienation and corporate exploitation. These impacts have some bearing on the empirical findings reported in Chapter 7.

5.7 Coal and petroleum in Nigeria

This section briefly examines the history of the coal and petroleum industries in Nigeria, how state policies aided foreign companies in the appropriation of land, and how both the history and state policies affect state-community relations within the context of mining. The mining industry in Nigeria, especially what has become known locally as “solid mineral resources” (that is, non-oil and gas resources), predates the colonial era. Evidence of the pre-colonial boom in the mining sector among indigenous communities abounds in the works of art in different cultures of the peoples of Nigeria. For instance, mineral resources such as iron and tin in the Bauchi-Plateau axis in Northern Nigeria gave rise to the Nok culture between 1000 BC and 200 AD (Obafemi, 2006:146), while copper and bronze technology flourished among the Igbo (Igbo-Ukwu area) from the 850s AD (Shaw, 2006:45); in Oyo Empire around 1000 AD (Shaw, 2006:49), and in Benin Kingdom around the 1340s (Shaw, 2006:51).

Commenting on the pre-colonial origins of the tin industry in the Jos area, Gregory Fell (1939:246) points out that, while Sir William Wallace of the National African Company⁴¹ (NAC) noted the presence of tin in 1884 in the Naragata area of the Bauchi-Plateau, indigenous people had long mined tin in the area. The development of tin mining in the area may have been part of an ancient industry in metals that gave birth to the famed Nok Culture. The interesting part of the pre-colonial mining industry is that, while it prospered under indigenous management, it is not known to have been environmentally unsustainable or affected relations among communities within the mining areas. Although the impact of pre-colonial mining on the ecology is not known, it might be safe to think that the effect on the land might have been minimal. This is perhaps because of the low scale mining and sustainable indigenous regulations on land use.

5.7.1 The history and development of the coal industry

The accounts of the discovery of coal in Nigeria vary according to different authors (see Hair, 1954; Ojiyi, 1985; Eze et al., 1999). However, it is generally agreed that the first coal seam was discovered somewhat unexpectedly in Enugu-Ngwo in 1909 by Sir Albert Ernst Kitson (see NMM, 2006). Kitson was a British mining engineer attached to the Mineral Survey of Southern Nigeria (Hair, 1954; Eze et al., 1999). The story of the discovery of coal is interesting. Kitson is reported to have been on the head carriage of indigenous-carriers⁴² when suddenly he found a sub-bituminous coal outcrop in Enugu-Ngwo. Although the suddenness of this find has been emphasised by scholars (Hair, 1954; Eze et al., 1999; NMM,

⁴¹ The National African Company became the United African Company (UAC) and later the Royal Niger Company when it was awarded a Royal Charter. It reverted to UAC after the revocation of the charter in 1899.

⁴² These were local men who knew the geography of their neighbourhood well enough. They were used as “beasts of burden” by the colonial authorities and missionaries to cart their white officials to their destinations under very harsh service conditions comparable to slavery. They used carts made from wooden planks as carriages. The men carried the carts on their shoulders with the white men sitting thereon.

2006), it should however be noted that Engineer Kitson was sent by the Colonial Office primarily to search for mineral resources in the area based on geological reports by colonial officials (see Ojiyi, 1985:10). It is therefore doubtful if such a find can be regarded as *sudden* or *accidental* as has been portrayed.

In 1910 Kitson submitted a full report on his surveys to Professor Dunstan, the then Director of Imperial Institute in London (Ojiyi, 1985:11). In 1913 another report by Mr. A.D. Lamb of the Mineral Survey of Southern Nigeria detailed a further extension of the coal seam to Nnewi and Asaba, south and west of Enugu-Ngwo respectively, to the then Director of Railways and Works. Excited by the quality of Enugu coal, Mr. Llewellyn (also of the Mineral Survey of Southern Nigeria) stated that the coal discovered in the Udi Division⁴³ “compared very well with those discovered in some parts of Wales and Scotland” (Ojiyi, 1985:11). These finds lay within the geological “Anambra basin”, which in later years yielded further finds in Benue and Kogi states in the North-Central (Sambo, 2008). For details of other deposits, see Table 5.1.

Table 5.1: Coal deposits in the Anambra basin

Mine Location	State	Type of coal	Estimated Reserves (Mil. T)	Proven Reserves (Mil. T)	Mining Method
Okpara Mine	Enugu	Sub-bituminous	100	24	Underground
Onyeama Mine	Enugu	Sub-bituminous	150	40	Underground
Ihioma	Imo	Lignite	40	N/A	Open-cast
Ogboyoga	Kogi	Sub-bituminous	427	107	Open-cast/ Underground
Ogwashi Azagba/ Obomkpa	Delta	Lignite	250	63	Open-cast/ Underground
Ezimo	Enugu	Sub-bituminous	156	56	Open-cast/ Underground

⁴³ Enugu-Ngwo was part of the colonial era Udi Division.

Inyi	Enugu	Sub-bituminous	50	20	Open-cast/ Underground
Lafia/Obi	Nassarawa	Bituminous (Cokable)	156	21.42	Underground
Oba/Nnewi	Anambra	Lignite	30	NA	Underground
Afikpo/ Okigwe	Ebonyi/ Imo	Sub-bituminous	50	NA	Underground
Amansiodo	Enugu	Bituminous (Cokable)	1000	NA	Underground
Okaba	Kogi	Sub-bituminous	250	0.8-2.3m	Underground/ Open-cast
Owukpa	Benue	Sub-bituminous	75	0.8-2.3m	Open-cast

Sources: Sambo (2008); Ezekwesili (2005).

In 1915 a British Mining Engineer, William John Leck, was assigned to commence the exploitation of Enugu-Ngwo coal deposit (Hair, 1954:1-5). He arrived with the first batch of labourers from Onitsha⁴⁴ under the leadership of a certain Alfred Inoma. The first residential quarter for migrant labourers in the colliery was named after him – *Ugwu Alfred* (Hair, 1954:1; Agu, 1990:2). This first batch of labourers, therefore, became the founders of modern Enugu city which grew from their settlement around the present-day Coal Camp (Hair, 1954:41). The development of the colliery and the town from farmland acquired from the Enugu-Ngwo community resulted in social displacement and the confinement of the indigenous population to the hilltop (see Chapter 6).

After this initial discovery, the colonial officials were confronted by at least three sets of challenges: the acquisition of the land bearing the coal deposit from Enugu-Ngwo community, the need to acquire land for the location of a railway terminus that would be used to evacuate coal to the coastal town of Port Harcourt, and a camp for the settlement of coal miners (Hair, 1954:62). The construction of a harbour in Port Harcourt and a railway that

⁴⁴ Onitsha is a town on the eastern bank of the River Niger, located west of Enugu-Ngwo.

would link Enugu and Port Harcourt was meant to enhance the export of coal started in 1910 and was completed in 1916 (Obot, 1987:192). According to government's estimate, a total of 16,700 acres of land was needed for the three projects, namely mining, railway terminus and colliery camp (see *New Nigerian*, 1982:7). The already existing Crown Land Ordinance of 1900 empowered the state to acquire indigenous land for public purposes. The acquisition of this land, the purposes of its acquisition and the method of its acquisition would determine the relationship between the Enugu-Ngwo community and the state on the one hand, and Enugu-Ngwo and its neighbours – Nike, Akegbe, Owa, Awkunanaw, Naude, Eke and Abor – on the other hand.

In 1915, colonial officials, with the intention of legitimising the acquisition of the specified portion of land for mining and related purposes, obtained the signatories of Enugu-Ngwo chiefs who allegedly agreed to “willingly cede” their land to the British Crown (Colonial Government in Nigeria) for the benefit of the Nigerian public (Hair, 1954:62). The agreement signed by the elders outlined the following points:

- a. That the chiefs “fully appreciate the benefits to be derived” by the opening of the colliery in their community.
- b. That the cession of the land was granted “free and voluntarily...for the purposes of [building] a railway station, and colliery...for the building of houses...and any other purposes for which the government may think fit to use the said land.”
- c. A sum of £73 was paid as compensation for damages caused [to their farms] by government's acquisition.
- d. Other agreements were signed by the colonial state and the local chiefs in 1917 and 1924 in which the scope of the acquisitions was broadened to include portions of land

belonging to the neighbours of Enugu-Ngwo community – Nike, Naude, Eke and Abor. In all, a total of £250 was paid to the communities affected by the later acquisitions (see Appendix 5.1 for the Agreement of 1915; see also Hair, 1954:62; Onoh, 1997:9-10).

Did Enugu-Ngwo chiefs “willingly” donate their land as reported by the Agreement? A casual reading of the “Agreement” creates the impression that the cession was undertaken by two equally informed partners – the colonial officials and local chiefs. However, a critical assessment of the cession and an understanding of the socio-political events at the time of the Agreement reveal that the local chiefs may have acceded to the acquisition either under duress or perhaps ignorantly. The period between the late 1800s and the 1920s is an era in which colonial powers intent on legitimising their new colonies sought signatures of local rulers. The signatures are known to have been derived under different guises such as intimidation, deceit and bribery (Dike, 1956; Olaniyan, 1971; Afigbo, 2006). The so-called “treaties, agreement or cession” were diplomatic cobwebs that caught many indigenous rulers unawares. There were different types of treaties, agreements, trade pacts and leases which local signatories, perhaps as a result of their lack of formal education, later found out to be ill-intentioned. The agreements were often made to promote European interests and limit indigenous authority. In such instances, local rulers became mere figure-heads answerable to European Consuls. A good example is John Beecroft, who was initially based in Fernando Po (Equatorial Guinea) and later at Calabar. It was Beecroft who employed the infamous “gunboats” for the first time in the Bights of Benin and Biafra (Coastal Nigeria) against local rulers he found to act independently. Typical examples of rulers who fell to the threat and intimidation of the Consuls and thereby lost control of their territories include Oba Kosoko of

Lagos, Anna Pepple of Grand Bonny, and Jaja of Opobo among others (Dike, 1956:145, 214-218).

It is also possible that the colonial officials needed the agreement merely to formalise the acquisition of indigenous land under an already existing legal framework which allowed the state to acquire any land (for the Crown government) considered in the best interest of the public. However, as at 1915, when the agreement was reportedly signed, colonial rule in Eastern Nigeria was at its early stages. Afigbo (2006:414) notes that “by 1917 troops of the protectorate were still marching up and down Igboland conquering violent resisters and overawing passive resisters...The story was similar with regard to the Ibibio and Ogoja peoples”. This implies that in 1915 the idea of a “Nigerian state” was still vague to most of the peoples in the Eastern and perhaps other regions of the country. It is, therefore, an overstatement that the chiefs “freely and voluntarily” ceded their community’s land to the benefit of a state that was still unclear in 1915. In fact, Onoh (1997:4) notes, “the so-called Chiefs of Udi met a Whiteman [European] for the first time in 1908. In 1915, they had never seen or heard of a railway or a coal field.” Onoh then asks, “How then could they fully appreciate the benefits to be derived from the opening of these enterprises?” Having said that, the important question to ask is: did the chiefs have the authority to cede their community’s land to foreigners, knowing that indigenous land was inalienable? In this regard, Onoh (1997:4) states that “the so-called Chiefs were not as the British then thought, autocratic rulers who could dispose village land as they saw fit, but were in fact, only the traditional representatives of the villages with very limited powers”. Hair (1954:63) also notes with regard to the deal between the local chiefs and the British that:

Chiefs in Igbo land [Enugu-Ngwo is an Igbo community] were not empowered to ‘grant’ any land, and in fact, the village land was in general inalienable...The villagers had no idea that their land was being disposed of...For what the British

were proposing was a measure which was virtually inconceivable in the local social context (see also Agu, 1990).

Perhaps the realisation of the effect of the land acquisition and the magnitude of the land taken by the colonial state spurred local protests aimed at recovering the land a few years after the acquisition was made (see Chapter 6). There was more such agitation for return of the land to local owners. For instance, Hair (1954:55-61) records eight incidents of communal agitation between 1921 when the first recorded organised protest was made and 1954 when the community petitioned a federal cabinet with predominantly Nigerian members (see also Onoh, 1997). The place of awareness and ignorance in the discourse on just compensation is discussed in Chapter 8. It provides an evidential basis for examining the relationship between the state and indigenous communities.

5.7.2 The history and development of the petroleum industry in Nigeria

Unlike coal exploration, where colonial officials had geological glimpses of the possibility of finding coal in the Enugu-Ngwo area before Kitson began his exploration activities, oil exploration is not known to have had such pre-exploration evidence in South-Eastern Nigeria where major exploration began in the late 1930s⁴⁵. Hence, while coal exploration centred in the Enugu-Ngwo area, petroleum exploration began in a wider area involving different communities and large teams or what was then known as “Seismic Parties” in the former Eastern Region of Nigeria (NAE: OW7915; Shell D’Arcy, 1957).

The history of effective oil exploration in Nigeria is in essence the story of Shell D’Arcy in Nigeria. In 1936, Shell D’Arcy was granted sole rights to explore for hydrocarbons all over Nigeria (Bamberg, 2000:109; Agbonifo, 2002). Shell D’Arcy, a consortium of Royal Dutch

⁴⁵ There was an initial exploration by a German company, Nigerian Bitumen Corporation, in the Araromi area of the present day Ondo state in 1908. The exploration did not yield the light crude the company had sought, although it found Bitumen sand containing heavy crude. See Frynas (2000a:9) for details.

and Shell, started oil prospecting in 1937 in the then Owerri Province, South-Eastern Nigeria (see Orji, 1999; Shell, 2006). The sole concession which Shell D'Arcy enjoyed at this period was facilitated by the colonial era Mineral Oil Ordinance of 1914 which stipulated that "Oil Licenses and Leases could be granted only to British companies" (see Bamberg, 2000:109). Sole-concessioning of colonial territories to corporate firms from the colonising countries was a policy designed to serve the economic interest of the colonial power. While it restrained competition from companies that originate from rival colonial powers, the concessioned country suffers undue exploitation because of the compromised regulatory framework the concessionaire enjoys (see Okonta and Douglas, 2003).

Shell D'Arcy established a large office and residential base in Owerri, the present-day capital of Imo State. The large size of the office complex, known as "Shell Camp", signified the company's commitment to the discovery and development of an oil sector in Nigeria. Describing the sprawling camp, the now defunct *Eastern Nigerian Guardian* newspaper (1951:1) noted: "The headquarter, which is generally referred to as a camp, is already a little town...[of] about fifty acres...with about seventy five houses, many offices, [and] workshops". Apart from the physical infrastructure, the company's pool of human resources reflected a commitment to achieving its mission. It had eight European directors and one Nigerian director – the acclaimed indigenous businessman, Sir Louis Philip Odumegwu Ojukwu (Shell D'Arcy, 1957). By October 1951, Shell had in its employ a total expatriate staff of 70, coming from countries as diverse as Holland, Britain, Switzerland, Luxemburg, France and Australia, with 50 percent of this number coming from Holland; it also had 110 permanent Nigerian staff and casual staff numbering about 1,000 (see *Eastern Nigerian Guardian*, 1951:1-2).

Most of the casual workers constituted the “seismic parties” under the leadership of expatriate staff (see NAE: OP24/1929). It is important to note that more than 50 years after the commencement of oil exploitation in Nigeria, casualisation of workforce has continued to trademark the oil industry (see Eroke, 2010:1). The seismic workers carried out exploratory activities in several local communities in the then Owerri Province – today’s Abia and Imo states – including parts of Anambra, Enugu and Rivers states. The workers also explored different parts of the then Calabar Province and Warri Division in Southern Nigeria with satellite offices at Eket and Warri (*Eastern Nigerian Guardian*, 1951). The exploration activities continued until the mid-1950s.

It has often been claimed that the Second World War (1939-1945) had disrupted the exploration activities of Shell D’Arcy, in that the staff comprised nationals of opposing alliances in the war – the Allied nations and the Axis powers⁴⁶ (Orji, 1999:87-88; see also Steyn, 2006:15). For instance, Orji (1999:87-88) states that,

Shell D’Arcy Exploration Parties conducted geological reconnaissance and geophysical surveys in the Owerri area. These reconnaissance and survey were abruptly terminated when the Second War broke out on September 3, 1939...citizens of countries that supported the Axis were arrested, taken prisoners of war and detained.

While Orji (1999) paints a picture of complete stoppage of exploration activities during the war, Steyn (2006:15) noted that there were scant activities during the war:

The outbreak of the Second World War complicated matters and briefly resulted in an exchange of letters in October 1939 in which the companies debated whether or not to continue with their work in Nigeria. During the war the only significant development in the Nigerian oil industry was changes made to the British control clause in Shell/D’Arcy’s oil exploration licence, granted on 13 July 1943.

⁴⁶ The Allied forces were initially led by Britain and France and later the US. Although the US maintained its traditional policy of “Isolationism”, it gave moral and material support to the Allies. After the defeat of France and the bombing of Pearl Harbour in 1941, the USA joined the War effort on the side of the Allied forces and became the dominant power in the alliance. In effect the major powers within the Alliance are the US, Britain, Russia and France. The Axis Powers consisted mainly of Germany, Italy and Japan.

It is important in this thesis to address the misconception that the war limited or stopped exploration of oil. Although the perception that World War II disrupted exploration activities seem to be generally accepted by scholars, a closer look at the records of the company's activities in the war years (1939-1945) and personnel profile of its expatriate staff show that the war may not have disrupted its activities. Firstly, a look at the list of the countries from where the expatriate staff of Shell came (as listed above) does not include any country of the so-called Axis bloc, mainly Germany, Italy and Japan. The researcher had access to different archival files at the National Archives Enugu which contain the documentation of the pre-World War II records of exploration activities in Eastern Nigeria and also the personnel profile of Shell D'Arcy at that time. These files include NAE: OP2917; NAE: ONDIST 12/1/1782; NAE: OP24/1929. According to the record of *Eastern Nigerian Guardian*, (1951:1), the initial expatriate staff that worked in Nigeria during World War II were all citizens of nations that constituted the Allied powers (Holland, Britain, Switzerland, Luxemburg, France and Australia), except for Switzerland which maintains a policy of non-alliance. Hence, it is not certain how personnel differences could have affected exploration when their nations were allied.

Secondly, the researcher examined in detail the archival records of Shell D'Arcy in its exploration fields between 1939 and 1945 and found no evidence of a lull in the company's exploration activities in the local communities of South-Eastern Nigeria (see NAE: OP24/1929; NAE: OWDIST 10/1/463). These records include field reports of various seismic parties, communal and individual petitions of land invasions by Shell D'Arcy's workers, Shell's correspondence with colonial officials, records of compensation paid, correspondence between Shell's office staff and their fieldworkers, among other records.

These activities continued unhindered between 1939 and 1945 (see NAE: OP/2917; NAE: ONDIST 12/1/1782).

A third factor that puts to questions suggestions that the war disrupted the exploration activities of Shell is the fact that the West African region did not see much threat from the war. Apart from the contestation between the Vichy regime and the Free French forces in certain Francophone territories (mainly in Senegal), Anglophone West Africa (Nigeria, Ghana, Liberia and The Gambia) was relatively stable during the war (see Fage, 2006:463-465). West Africa did not encounter conflict like North Africa, the Middle East or South-East Asia where confrontations between Allied and Axis powers occurred frequently.

With regard to “solid minerals”, coal and tin production in Enugu and Jos, respectively, did not stop during the war. The continuation of these mines raises the question of the rationale for freezing oil exploration while coal production in a neighbouring province⁴⁷ continued unhindered (see Hair, 1954; Ojiyi, 1985). In fact, the coal mines, which were also operated by Europeans, witnessed higher outputs during the war years compared to the pre-war years. For instance, in 1935, output was 257,000 tons, while it rose to 318,000 in 1940, and by 1945, it stood at 505,000 (see records of outputs in the war years in Hair, 1954:65; MSMD, 2006; Sambo, 2008; Figure 6.1). These facts raise doubt that the Second World War disrupted the exploration activities of Shell D’Arcy in South-Eastern Nigeria.

After about 14 years of exploration activities in Owerri Province (1937–1951), Shell successfully drilled its first exploratory oil well (Iho Well 1) at Iho, about 16 kilometres north of Owerri town, South-Eastern Nigeria, in September 1951. The depth of the well was put at 3,422 metres (Orji, 1999:98; see also NAE: OWDIST 10/1/436). At a press conference in

⁴⁷ Enugu-Ngwo was in the former Onitsha Province.

Owerri to celebrate the feat of drilling Iho Well 1, the company's Industrial Relations Officer, Mr. R.O. Webber, expressed the fear of possible losses to the company if it failed to find oil in Nigeria. His fear was informed by a similar incident in Eastern Ecuador where he claimed the company spent forty million dollars without success. As at September 1951 Shell claimed to have spent "over two million pounds" in its operation in Nigeria, with the Iho project accounting for more than 50 percent. This cost does not include personnel costs which at this period amounted to £30,000 per month (*Eastern Nigeria Guardian*, 1951:1).

The scepticism about finding oil in Nigeria and the associated risk grew when Iho Well 1 and other wells drilled in neighbouring communities such as Akata Well 1 were abandoned as a result of their failure to yield crude oil in commercial quantities. For instance, Akata Well 1 was found to contain about 450 barrels of oil (Frynas, 2000a:9). This inability of inland wells to yield the needed quantity prompted a southward movement into the swamps of the Niger Delta. This move paid off, as in June 1956, oil was finally found in commercial quantities in the swamps of Oloibiri in the Rivers Province where attention was focused after two decades of unsuccessful search in the interior. The company's press release after the find was made, titled "First Oil Show In Delta", was cautiously optimistic:

As a result of tests carried out at Shell-D'Arcy's exploration well at Oloibiri, in Brass Division, some oil has been found in quantities somewhat larger than so far discovered in other wells. However, until tests in this well are completed, and possibly further wells drilled in the vicinity, the extent of the find cannot be ascertained (see NAE: OP24/1929:1906; see Appendix 5.2).

The Oloibiri field was not such a rich oilfield, though. The daily output was 3,000 barrels. It was only after another field was opened in Afam, a community not far from Oloibiri, that Shell could conclusively admit that their effort in Nigeria, which was then estimated at £40 million, was a viable operation (Bamberg, 2000:110; Steyn, 2006:20). The first shipment of Nigeria's crude oil from Port Harcourt Harbour occurred on 17 February, 1958 when the

18,000 ton tanker *Hemifusus* left Nigeria's shore for the "Shellhaven refinery at the mouth of River Thames" in the United Kingdom where the first ship of Nigeria's crude oil was refined (Watts, 2008:1). As at 1958, when exportation began, Nigeria's daily output stood at 500 barrels of oil per day (Watts, 2008:1).

It is important to mention here that while exploration of oil in these communities was in full force between 1937 and 1956, observers who were concerned with the future of the emerging industry asked some questions regarding the role of Nigerians in the evolving petroleum sector. The correspondents of the *Eastern Nigerian Guardian*, in a visit to Shell's headquarter at Owerri in 1951, had asked Shell's public relations and administrative officers: "What responsible parts will Nigerians be allowed to play in the administration and operation of the company's activities?" Shell's response was: "First, Nigeria might desire so many millions pounds yearly from what the Government will collect from the company per ton of oil, and in addition Owerri and environs may have better roads, electricity and better amenities as indirect benefits" (*Eastern Nigerian Guardian*, 1951:2). Interestingly, official response focused on the economic gains the state would reap from the anticipated oil wealth, while it omitted the salient issues of indigenous socio-ecologic and economic rights in the emerging sector.

Shell would not claim ignorance of corporate-community conflicts in places where oil is exploited in indigenous communities. Having been in oil exploration and production in indigenous areas of Latin America since 1919 (Wikipedia, 2010; see *Eastern Nigeria Guardian*, 1951:2), it is therefore surprising that the official glossed over the issues relating to dispossession of indigenous lands, ecological degradation associated with oil production in inhabited areas, and mitigation. The conflict in the Niger Delta and other resource-rich communities in Nigeria have shown that the issue of the "role" of Nigerians in the emerging

industry that was raised in 1951 was not restricted to the economic benefits the state would reap, it also involved the socio-ecologic and economic rights of local people.

5.8 Mineral exploitation: historical roots of grassroots discontent

In this section, the thesis reviews the relationship that evolved between Shell and local communities before the discovery of oil in commercial quantities in Oloibiri in 1956. This review foregrounds the empirical data presented in Chapter 7. Prior to the discovery of oil by Shell D'Arcy in Oloibiri in June 1956, the company had strained relationships with local communities in the 19 years it had explored for oil in South-Eastern Nigeria. The common perceptions of Shell by ordinary people in this area included degrader and invader of private and communal lands, dispossessor of land, and destroyer of trees and farms (see NAE: OP/2917; NAE: ONDIST 12/1/1782). These descriptions of Shell are contained in various petitions written by local people to colonial state officials stating their discontent with Shell and its activities. Although by 1956 Shell has succeeded in its mission of finding oil in commercial quantities in Nigeria, its host communities had by that time also become apprehensive of its activities, laying the foundation of a future relationship with local communities based on distrust⁴⁸.

There are three basic issues that shaped Shell D'Arcy's strained relationship with local people prior to 1956. These include:

- a. Its association with the colonial state. In other words, it was perceived more or less as part of colonialism and as such seen by discontented communities as an oppressive "arm" of the state.

⁴⁸ Such an image is not peculiar to Shell, it is industry-wide. However Shell signifies the genesis of oil exploration and production in Nigeria, having been the first to start oil exploration while others joined later. Furthermore, Shell is the dominant oil exploration and producing company in Nigeria.

- b. Lack of information on the mission of Shell D’Arcy in the local communities.
- c. Thirdly, and closely related to the last point, is the disregard of indigenous land use customs and neighbourhood traditions in the process of oil exploration by Shell’s officials. The empirical accounts of these issues are presented in Chapters 7 and 8.

In the first place, the colonial state provided the institutional framework in which oil exploration activities took place, hence Shell’s oil exploration activities and colonisation were seen as mutually inseparable. It is important to note that the Oil Minerals Ordinance of 1907 as amended in 1914 gave British oil companies the *sole concession* to explore for oil in Nigeria. In other words, exploration was not only seen as an exclusive European preserve, but more importantly a British monopoly. According to the Ordinance:

No licence or lease shall be granted under the provisions of this Ordinance to any firm, syndicate, or company, which shall not at all times be and remain a British company, registered in Great Britain, or in a British colony, and having its principle place of business within His Majesty’s dominions, and the chairman of the said company and all the remaining directors shall at all times be British subjects, and the company shall not at any time be or become a corporation directly or indirectly controlled by foreigners or foreign corporations (cited in Steyn, 2006:9).

Shell D’Arcy was the major British oil company which exploited this state-enhanced monopoly (Bamberg, 2000; Agbonifo, 2002). This association between Shell and the colonial state was enough proof that Shell was an arm of the colonial state, even though in reality Shell D’Arcy was a business venture dominated by British private shareholders (Bamberg, 2000). How did local people perceive colonialism in the first place?

The colonial state was seen by the local people as despotic. Europeans – private, commercial and state officials – were seen as exploiters of African labourers in different local communities even before the commencement of exploration by Shell D’Arcy (Dike, 1956;

Olaniyan, 1971; Afigbo, 2006). The coal and railway sectors were developed with local labour, and tales of exploitation in the mines or the railways were widespread in many communities (Ojiyi, 1985; Brown, 1996; Brown, 1997). Carolyn Brown reported that British labour relations in Nigeria were worsened by the shooting of 21 miners in Enugu-Ngwo in the late 1940s. The miners were killed when colonial police, suspecting that miners who were protesting for better conditions of service would invade the explosives storage, fired at the protesters (see Brown, 1997:52). The shooting happened during the period when oil exploration was at its peak in Eastern Nigeria, and the impact of this incident in colonial Nigeria on relations between European and local people was seriously damaging. It provided nationalists with a weapon to whip up anti-colonial, anti-European sentiments among ordinary people with the aim of mobilising support against European interests (see Ojiyi, 1985:94-98). Such an image of European or British business interests did not help newer entrants like Shell which also had in its employ several hundred unskilled local labourers who worked under difficult circumstances (see *Eastern Nigerian Guardian*, 1951).

Secondly, lack of information about the mission of Shell did not help the image of Shell and oil exploration in the communities where it operated. Shell's mission in local communities was not explained to the local people. As in coal mining, which began some decades earlier in the late 1930s when Shell D'Arcy began its explorations in the South-East of Nigeria, ordinary people did not understand what "crude oil" was all about, neither were they informed by the government why Shell was scouting all over their communities. To demonstrate the lack of information in local communities, an indigene of Oloibiri who witnessed oil exploration in his community reported how ordinary people conceived "crude oil exploration" in his community in 1956 – two decades after the commencement of oil exploration in South-Eastern Nigeria:

The village elders thought they were looking for palm oil. It wasn't until we saw what they called the oil – the black stuff – that we knew they were after something different. You can imagine the jubilation; after all they had been looking for oil in commercial quantities for years (see BBC, 2009).

To further illustrate the communication gap in the evolving relationship between local communities and the oil industry, a reaction by an indigene of Otampa – one of the communities that witnessed exploration by Shell D'Arcy – is relevant. In 1947, ten years after Shell D'Arcy began its explorations in the South-East of Nigeria, a community chief in Otampa where Shell's workers began seismic work without prior notice or permission sought to know from the District Officer what might happen to his community from the activities of Shell. According to the chief,

I have the honour most respectfully to forward to your honour this my humble note asking for your explanations and advice about a thing which I do not understand. It is about the Shell Oil Company as they are called, who have been digging pits of enormous depths here and there at my town Otampa in your district. I am ignorant of what is going to happen in future about the company's adventure on the land. I humbly ask if your honour may kindly explain to me the future condition of the company's [activities] such as digging of many pits at many places in my village, and whether this will not in any way affect us (NAE: OP 24/1929).

The sense of vulnerability in this passage underscores the depth of ignorance and fear that pervaded the communities where Shell began its oil prospecting. Such fears regarding likely collective or individual consequences of oil exploration generated a sense of resistance on the part of the local people to oil exploration and the evolving industry. In other words, exploration activities were not seen as a benefit to the community, rather they were viewed as an existential threat to local communities. Although no violent resistance took place, the colonial experiences of local communities contributed in shaping relationships between local communities and oil-producing companies in the post-colonial period.

Thirdly, the continued involvement of Shell in different forms of socio-ecologic breaches in local communities where it operated during its exploration period resulted in its alienation

from the host communities. Indigenous communities in the study area – the Eastern Region of Nigeria – have different cultural and ecological practices, such as observance of a sacred market day every week, non-encroachment of neighbourhood land and courtyards, and veneration of certain mystical and totemic trees. In addition strangers are barred from contesting ownership of land with local people, while entrance to another person’s land was often regulated by indigenous customs.

To show how local communities (especially among the Igbos) valued these practices, on particular days of the week or year, especially on market days, no one is expected to work on the farm or do any work that related to land. In Igbo communities *a week* is made up of four market days – *Eke, Ori, Afor* and *Nkwo*. It is believed that one of the market days is a sacred day in each community (Bahlsen, 1995:33-36; Agukoronye, 2001:87). A sacred day in these communities is perceived and revered in the same light as a Jewish Sabbath or a Christian Sunday. Although local people are allowed to buy or sell in the market, no work on the land may be done by anyone – indigene or stranger (see Achebe, 1958). The seriousness of this socio-ecologic practice is demonstrated by the fact that it is still observed (in the 2000s) in different Igbo communities several decades into the post-colonial era⁴⁹, an indication that it was much stronger in the colonial period.

The colonial period during which Shell D’Arcy explored for oil in these communities did not give much recognition and protection to indigenous practices. While local people held on to their land use practices, the laws and licences given to the mining companies granted them the use of indigenous ecology with a freedom that bordered on impunity. The tone of such licences demonstrates this fact. For instance, in paragraphs 1 to 3 of the Oil Prospecting

⁴⁹ Post 1960s.

Licence granted to Shell D' Arcy in 1951 (under The Mineral Oils Ordinance of 1951 for the exploration of oil), Shell was given the right to:

Enter upon the lands specified in the Schedule hereto...and mine, bore quarry, dig, search for and work all petroleum within or under the said lands without any interruption, claim or disturbance from or by the Governor...or any person or persons...for the purposes aforesaid to cut down and clear timber (Oil Prospecting License of 1951: paragraph A).

Under paragraph 11 of the same Licence subtitled, “Venerated objects not to be injured”, the Licence stated in part:

If any question arises as to whether any tree or other thing is an object of veneration such question shall be decided by the *Resident* of the Province wherein the same is situate, whose decision shall be final (Oil Prospecting License, 1951, emphasis added).

A look at the provisions of the licence raises salient questions about the issue of indigenous cultural sensitivities and how the colonial state regarded them. In this regard, it is important to ask to what extent a colonial Provincial Resident (usually British) was informed about indigenous values of their venerated objects. What amount of monetary compensation would the Resident determine would be commensurate with the indigenous value of such a venerated object? While these questions have been examined in the literature in Chapter 2 of this thesis, in Chapter 7 the thesis provides empirical evidence about how collective memory of colonial era disregard of indigenous socio-ecologic sensitivities impacts on relations between the communities and the state as well as between the communities and the mining companies.

5.9 Land ownership frameworks in the coal and petroleum sectors

The major difference between coal and petroleum sectors in relation to land acquisition lies in the legal frameworks for the ownership of land in both sectors. While coal is exploited from lands acquired in the colonial era (Crown or government-owned land), petroleum is exploited

from land originally defined as “customary” or “private lands” prior to the promulgation of the Land Use Decree of 1978.

In the coal sector and much of the “solid minerals” sector, mining lands were acquired as Crown or government land for public use during colonial rule (Fell, 1939; Hair, 1954). In other words, the government owns both the surface and subterranean rights. Local communities where these mines are located are not entitled to regular rent since the state acquired their land in full for public good. A good example is the land where coal is mined at Enugu-Ngwo.

On the other hand, in oil-producing communities, the framework derives from the prevailing structure in the colonial era in Southern Nigeria which recognised indigenous rights to own land. Paragraph 48 of “The Oil Prospecting Licence” (which derived from *The Mineral Oils Ordinance of 1951*), defines “Private Land” in Nigeria as: “Any land which is not Crown Land within the meaning of the Crown Lands Ordinance”.

While the framework in the petroleum-producing areas of Southern Nigeria granted local people the right to compensation for their land, such right did not include the discretion to refuse the use of their land by the state or an oil exploration company. In one Shell publication, the company explained the legal relationships between a land owner, the company and the state. This publication is based on the provisions of The Mineral Oils Ordinance of 1951. In an apparent answer to a question contained in a list of Frequently Asked Questions (FAQs) – “Can I refuse to let you [Shell] occupy my land?” Shell answered, “Our licenses entitle us with the government permission to occupy your land for oil search operations because it is important to Nigeria” (Shell D’Arcy, 1957:4). Although it did not give a “yes” or “no” answer to the question, the provisions of the Mineral Oils Ordinances

since 1914 with their numerous amendments made it mandatory for local land owners to allow the use of their land. Also there are no records of any refusal by any person or community during the colonial and immediate post-colonial years, although there are myriads of agitation to Shell's exploration as has been highlighted above (see also NAE: OP 24/1929; NAE: OWDIST 10/1/436).

While the framework which allowed indigenous owners the customary rights over the surface continued into the post-independence era, in 1978 the promulgation of Land Use Decree changed the ownership framework in Southern Nigeria (see Section 5.6). It is important to point out that the Decree's appropriation of both surface and subsurface rights for the state meant that the difference that existed between mining lands in the coal sector and in oil-producing communities was eliminated. Ownership of lands in both the coal and petroleum sectors now belongs to the state. It is important to note, however, that although the customary owners in petroleum-producing communities continue to collect rents from oil-producing companies (see Appendices 5.3 and 7.1); the payment of such rents is no longer legally binding on the oil companies because all lands in Nigeria have become state-owned properties. It is obvious that the continued payment of rent (an obligation in the pre-1978 framework) is a means of enhancing good corporate-community relations.

5.10 Summary

This chapter has broadly examined the following points:

- The state, using the policy of indirect rule, modified traditional systems of governance in order to serve its political and economic interests. Colonial rule in Nigeria among other challenges was hampered by the non-availability of trained British administrative staff (Cameron cited in Nwabughuogu, 1981:66). In order to meet the manpower needs of the new

state, local traditional institutions such as strong monarchies became the ready pool of manpower. However, realising the variations in the strength of traditional institutions in different regions, the state decided to “create” strong chieftaincies in communities where none existed. In Eastern Nigeria, where chiefs are less endowed with political powers, the colonial state invented the position of “Warrant Chieftaincy”. The reason for this was to create powerful traditional leaders who would be capable of enforcing colonial socio-political objectives, taxation and land use policies among Eastern communities on the same platform as the Emirs and Obas of Northern and Western Nigeria respectively. This proved costly to both the colonial state and the local people. The warrant chiefs were not only autocratic in the dispensation of their duties, they also became wealthy oligarchs – a situation attributed to corruption (see Eze et al., 1999:58-69). To the local people, therefore, the colonial state, its economic interests, land use policies and resource producing companies were oppressive and therefore must be resisted. On the eve of Nigeria’s political independence, the image the state portrayed was that of an enemy and a contender with local communities over communal sovereignty and their public goods. In Chapter 6, the thesis examines how local communities resist the state by emphasising their distinctive right of ownership over their ecological assets.

- Colonial rule adjusted or replaced indigenous institutions with alien institutions. In relation to land ownership, indigenous models in Southern or Northern Nigeria were changed in one way or another. For instance in the North, the state took control of all land and placed traditional rulers in a supervisory role under its indirect rule system. It also required local people to be charged taxes on their titled lands. In the South, land was literally left with local people under the so-called “customary land” system. Although local communities “owned” their land without obtaining official titles, the state exercised control through the use of eminent domain. Eminent domain was often

used to acquire any land found to contain mineral resources or land needed for state prioritised projects, such as schools and hospitals. In effect, while the communities own the land in principle, they do not have the right to refuse official expropriation or transfer to foreign companies. Hence the state may acquire the land by giving mineral-producing companies licenses over “customary land” without the consent of local communities. Again, as in the area of political governance, the state carved the image of a dispossessor (of land) and other communal goods.

- Finally, in understanding the contentious state-community relations in resource-rich communities, it is pertinent to examine the cumulative socio-historical factors – political, economic and ecological issues – arising from the colonial experiences of local communities. Economic interests, which determine the state’s land-related legislation and alterations of traditional institutions, do impinge on local communities’ interests.

In the next chapter, the thesis presents a close-up portrait of the study communities. The aim is to further foreground the empirical data presented later, and particularly, how state authority and community rights clash on land use and mining matters.

CHAPTER 6

THE STUDY COMMUNITIES: AN ETHNOGRAPHIC TOUR

6.1 Introduction

In this chapter, the research gives an in-depth description of the two study communities – Enugu-Ngwo and Egbema. It acquaints the reader with the geography and the socio-economic and historical attributes. Some of these no doubt reflects the impacts of coal and petroleum production, while others shape local narratives about mining, land use and compensational justice.

6.2 Geographical location of study communities

The geography of the study communities differ in certain ways: Enugu-Ngwo is located in the Northern Igbo region of south-eastern Nigeria which is dry and hilly, and Egbema is located in the southern region and shares the northern fringes of Niger Delta's wetland.

6.2.1 Enugu-Ngwo

Enugu-Ngwo community is located approximately at 6° 25' 0" North, 7° 26' 0" East⁵⁰. The community sits on what is known in geological terms as "Udi Escarpment" (or Udi Hills). This is a pair of plateaus that extends about 130 km from Nsukka in the north to Enugu in the south. On the average, the elevation reaches slightly more than 1,000 feet (300 m). Much of this hilly range has proven quantities of coal, making Enugu state, the state with the highest proven deposit of coal in Nigeria (see MSMD, 2006). Enugu-Ngwo is divided into two local government areas, Udi and Enugu-North Local Government Areas (LGA)⁵¹, both in Enugu

⁵⁰ See www.maplandia.com.

⁵¹ The "Local Government Area" is the third tier of government in Nigeria. It follows other tiers, such as the Federal (or central) and the state (or provincial) governments.

state, South-eastern Nigeria, a region occupied by the Igbo speaking people. In a country where geopolitical spread might become a means of garnering political and economic goods, being split into several LGAs is considered an advantage (rather than a disadvantage) so long as the community benefits from government allocations in different political units. In Nigeria, local government is the tier of government “closest” to the people. As the researcher found, it is not uncommon to hear people referring to “Enugu-Ngwo” in Udi LGA and “Enugu-Ngwo” in Enugu-North LGA. However, communal press releases, court cases, archival and monumental sources still refer to the study community as a unified entity – “Enugu-Ngwo”. It is pertinent to note that the indigenous Igbo name of the community is *Enugwu-Ngwo*, where *Enugwu* means “Hilltop”. The anglicisation of the name to “Enugu-Ngwo” occurred during the colonial period, and has remained to this day. In 1928, the colonial government separated the hilltop (or the village) from the the town, now a large city situated on the plains (Agu, 1990:1). Although this separation is made, the state recognises that both sections are integral parts of indigenous Enugu-Ngwo community land (Hair, 1954:54-60).

This study uses the indigenous compound name “Enugu-Ngwo” to refer to the indigenous community and people whose ancestral land was ceded to the colonial state as contained in the Deeds of Cession of 1915 and 1917 for the development of the colliery and Enugu city (see also Appendix 6.1). In other words, the study takes its roots from the pre-1928 era. If, however, there is cause to separate the two, the term “Enugu city” is used for the town and “Ngwo” for the Hilltop settlements where most of the indigenes live. The separation may not have been unconnected with colonial policy of separating “white” areas from “black” areas for Europeans and Africans respectively. Separation along racial lines was a common practice in much of colonial Africa, although it became notorious in the settler colonies, such as Kenya, Algeria, Zimbabwe and South Africa (Kilson, 1955; Chan, 2007).

The researcher noticed during the field research that the indigenous people do not recognise this “separation”. The researcher found that documents and everyday usages (including court cases) referred to “Enugu-Ngwo” as the name of the study area. The reference is instructive in the sense that Enugu-Ngwo frequently confronts contentious claims of “ownership” of parts of Enugu city by other (nearby) communities such as Nike, Akegbe and Awknanaw, among others. The researcher encountered this reality in an impromptu discussion with a security guard of Nike origin at a popular resort in Abakpa-Nike, a suburb of Enugu city. During this discussion, the researcher asked the guard which part of Enugu state he came from. The researcher knew from his accent that he would be an indigene of Enugu state, although the specific area of the state could not be guessed. The guard replied, “I come from here, I am Nike man, *a son of the soil*, the owners of Enugu, the coal city”. Although he laughed over his statement, the researcher was not surprised at the manner in which he responded, having known the politics of identity and claims of ownership of Enugu city between Enugu-Ngwo and Nike since the colonial times (see also Hair, 1954:56; Onoh, 1997).

Although other communities may have right of claim to parts of Enugu city, which was also recognised by the colonial state in the 1917 Agreement (see Onoh, 1997; Ikejiofor, 2004), all the coal mines are officially recognised as having been located on lands that originally belonged to Enugu-Ngwo pre-1915 (Hair, 1954; see also Appendix 6.1). In this research Enugu-Ngwo is treated as a “community”. Although its four villages (settlements) are now being emphasised as “autonomous communities” because of the obsession with “village or kinship autonomy” in certain parts of South-eastern Nigeria (perhaps for likely political gains), there is a dominant nostalgia with “Enugu-Ngwo” among the indigenes.

The thesis has given a detailed description of the challenges of travelling to the study communities – Enugu-Ngwo and Egbema in Section 4.3.3 (Ethnography). However, as a reminder to the reader, travelling to the hilltop of the “Milliken Hill” where Enugu-Ngwo community is situated is a nerval journey to make (see Plate 4.3) because of the hilly nature of the terrain through which the road traverses to the top of the hill. It was masterfully cut at the edges of the Milliken Hills – a section of the Udi Hills range. It is beneath these hills that Enugu-Ngwo coal is mined. Driving along the road has been described in different forms, as a way of depicting its uniqueness. According to Gurney (1964:1), it is “a series of hairpins, and a real challenge to drive”. To Nwachukwu (2008:2), it is like “a ride across mythical Igbo tales of journey through seven seas across seven lands”. The road, known today as “Old Onitsha Road” as a result of the construction of a safer dual-carriage way between Enugu and Onitsha in early 1980s, was completed in 1928. The road was built by a team of forced and slave labourers led by Engineer A.B. Milliken, an assistant resident engineer at Enugu (see Eze et al., 1999:61). In recognition of this engineering feat, the road has since then been unofficially named “Milliken Hill Road” in the community. While the description of the road and the terrain through which the road was constructed is not the goal of this section, it gives the reader insights into how the geography of the area shaped the community and modifies human activities.

Enugu-Ngwo is not a “rural community” in the shape of other “rural communities” in South-eastern Nigeria. It was pointed out in Chapter 5 that Enugu city, one of the biggest cities in Nigeria, developed out of the farmlands of Enugu-Ngwo. The proximity of Enugu-Ngwo to Enugu city means that the former benefits from the infrastructure of the latter. It is this mutual relationship between the two locations that has made it problematic to refer to Enugu-Ngwo as a “rural community”. In a way, Enugu-Ngwo, sitting on the hilltop overlooking the

city could be regarded as a “suburb” of the city rather than a “rural area”. Perhaps what may qualify it as a “rural community” is the fact that most of its dwellers are indigenes, living different forms of rural lifestyles (see Section 6.5 for a discussion of the economy in the area).

It was in recognition of this challenge in the description of Enugu-Ngwo as a “rural community” that a university professor in one of the universities in Enugu city told the researcher that one of the major challenges he foresees in this research is the ability to deal with Enugu-Ngwo as a rural community as a result of the overwhelming influence of the city on the community. His fear is borne out of his experience, researching on land delivery in the Nike section of the city –another “rural community” that has been integrated into the growing city. This researcher handled this issue by limiting the definition of Enugu-Ngwo to the hilltop villages overlooking the city, and the contentious areas around the mines. Focus was not given to Ngwo lands (the plains or valley) which have been used to develop the city, railway station and the Coal Camp.

Having this picture in mind, and the fact that the community has been receiving the patronage of both the state and the Nigerian Coal Corporation (NCC) since the development of the colliery, development in the community gives it an image of a “town” or a suburb of the city. To illustrate this, the community has streets, although very narrow and unpaved in most cases (see Plate 7.4). The building pattern in Enugu-Ngwo is one of the major factors that betray it as a rural community. The settlement is clustered with a mixture of old and modern bungalows and apartment blocks, fences are linked and the farms are separated from the homes. In a typical Igbo rural community, family homes are separated by what local people describe as “compound farms”. These are small parcels of land reserved within the settled neighbourhoods for planting economic trees and vegetables and which are also used for the

burial of family members. It is separate from the large communal lands where larger farms exist. Igbo communities do not have “community cemeteries”; the dead are buried in “his” or “her” family land cut out of the “compound farm”. The pattern of settlement in Enugu-Ngwo does not give room for this practice, although the researcher saw a couple of graves squeezed within the courtyards of different family homes. This illustrates the land-related challenges the community faces.

The community has electricity, pipe-borne water and telephone facilities. As in other parts of Nigeria, electricity and water supplies in the community are not guaranteed. However, the presence of these amenities from the 1940s adds to the problem of describing Enugu-Ngwo as a rural community in the strict Nigerian sense. For instance, the first time the researcher arrived the community, one of the things that caught his attention was the presence of state-owned telephone facilities. Nigerian Telecommunication Limited (NITEL) facilities are often found in the towns and cities: although this parastatal is more or less non-functional in some parts of Nigeria, the presence of its facilities (telephone lines) in Enugu-Ngwo gives a picture of an urban rather than a rural community.

6.2.2 Egbema

Egbema is located approximately 5° 35’ 0” North, 6° 45’ 0” East. Egbema is in Ohaji/Egbema Local Government Area of Imo state, South-eastern Nigeria. Like Enugu-Ngwo, Egbema is an Igbo-speaking community. Egbema is one of the communities in Imo state on the boundary with Rivers state, and is equidistant between Owerri, the capital of Imo state, and Port Harcourt, the capital of Rivers state. The land of Egbema is alluvial plain, with lush forests, perhaps the reason why farming is one of the major occupations of its citizens. Although Egbema is an inland community, in that it is not directly on the coast, a large part

of its terrain is marshy with mangrove swamps, typical of other communities in the wetland belt of the Niger Delta. It was in Egbema that the researcher first experienced the intertwining mangrove forest of the Niger Delta, which he learnt about many years ago as a primary school pupil. Describing the geography of Egbema, Umezurike (2007) pointed at its similarities with other communities in the lower Niger Delta: “The Ndoni Creek...drains the flood plains (sic) Oguta and Egbema communities in Imo State; and from there the drainage starts its networking towards the coast” (Umezurike, 2007:8).

Petroleum was discovered in Egbema in commercial quantities by the then Shell-BP in 1958, after the first commercial discovery was made in 1956 in the town of Oloibiri located in present day Bayelsa state in the Niger Delta region (Umezurike, 2007:5). Egbema hosts major oil-producing companies such as Shell Petroleum Development Company (SPDC), Nigerian Agip Oil Company (NAOC). There are also other oil-related companies, notably Saipem and Halliburton, among others. These companies, often known in Nigeria’s industry as “oil servicing companies”, provide ancillary services to the major oil companies. The oil servicing companies are not headquartered in Egbema but operate from the city of Port Harcourt.

In Egbema, the major centre of activities is the place called “Location”. The reader will recall (from Section 4.3.3) that the thesis describes this area as the centre of activities. This place is called “Location” as a result of the concentration of oil-related facilities owned by Shell Petroleum Development Company (SPDC). These include the historic Egbema Well 1 (drilled in 1958 among several other wells in the vicinity), Egbema Production Center (EPC – an expansive office base and residential complex with ultramodern facilities), SPDC’s

Egbema flow station, and a mini joint military post⁵² situated inside the EPC to guard Shell's installations.

The concentration of oil-related activities in this area has led to the development of a shanty market, makeshift restaurants, shops, and bars dealing in locally brewed gin (or *kai kai* in Igbo), "guest houses" (a common name for brothels in the community), a motor park and a marketplace for semi-refined fuel vendors, called *Asari fuel* in the Niger Delta (see Ghazvinian, 2005:12; see also Section 6.5.2; Plate 7.3).

Unlike Enugu-Ngwo, Egbema is rural in the actual Eastern Nigeria sense. The settlement in this community is dispersed. In other words, the settlement pattern is not clustered, and there are parcels of land separating each family compound from their neighbours. The uses of this land have been explained above (in Section 6.2.1). The houses are not as modern as in Enugu-Ngwo, and it is one of the few communities in Igboland where mud houses can still be found in considerable numbers (see Plate 6.1). The community lacks regular services of basic amenities, especially water supply and electricity. Although the structures have been provided, they hardly function (see Plate 6.2). The researcher found that SPDC pays the electricity bill of the community from time to time. When the researcher expressed his surprise at this, a respondent quickly countered by saying that the provisioning was meaningless, because the community does not "see the light" – implying that there is always a lack of power supply in the community. As the researcher later found, in one week, for instance, the community may have power for ten hours or even less. While this is the case for the rest of the community, power was steady at the EPC and the nearby flow-station, which are powered by many gigantic diesel generators. The services of these generators are not extended to the community except for a few shops and guest houses that provide

⁵² It consists of few buildings and it is used by the army and other services of the Nigerian armed forces.

accommodation for Shell associated persons, mostly contractors. Shell’s workers live inside the gated and well-fortified EPC. The reason is that Shell does not generate its own electricity, it relies on the national grid to service the community.

Plate 6.1: A family house in Elua-Nwari village, Egbema



The same system goes for the water supply in the community. Although the state provided the pipe-borne water facilities, such as boreholes, pump and reservoir, these were not functioning at the time of the fieldwork. There are various water ongoing water projects in various parts of the community. These water projects are handled by state-funded interventionist agencies⁵³ such as NDDC and ISOPADEC (see Plate 6.2). The researcher also

⁵³ NDDC is the Niger Delta Development Commission; ISOPADEC is the Imo State Oil Producing Areas Development Commission.

saw manual pumps at Etekwuru village, a section of Egbema, already in use. The purity or otherwise of this source could not be confirmed. A local man fetching water from this pump told the researcher that the “borehole is shallow and during rainy season the water has a taste”, meaning that the water may not have been healthy for human consumption.

Plate 6.2: Social amenities in Egbema



The researcher found that in the community, a decent and regular water supply can only be accessed from “two public taps” – one outside the EPC and the other at the flow-station. There are often crowds of children and adults struggling for who goes first for the water. The researcher however noticed that for the four months he stayed in Egbema, these taps never stopped running.

There is only one major road that passes through Egbema with a junction at “Location”. The road is a state-built single lane interstate from Owerri through Ohaji and Egbema. While a section of the road continues to Port Harcourt in Rivers State, another section goes to Oguta, another oil-producing community in Imo state. There is a narrow road that was being constructed by Shell from Obiakpu, connecting sections of River state. The researcher made use of this road a number of times, it looked abandoned at the time of the research. There were no signs of work going on there throughout the four months he spent in the community. The researcher also found that due to the nature of the wetland terrain of parts of Egbema, certain communities have been cut off from the rest. In other words, there are no roads so far constructed to link up these sections with the drier parts of the community. The only connection, for instance to Elua-Nwari village to these areas, are long improvised “wooden bridges” or boats (see Plate 6.3). As someone who has lived all his life in inland communities and towns, the researcher was often scared passing through the “bridges”.

Plate 6.3: Various means of transportation in Egbema





The proximity of oil facilities to people’s homes and farms in was described in Section 4.3.3, as well as the empirical narratives around the facilities in Chapter 7. These will not be repeated here. However, it is pertinent to point out that the closeness of oil facilities to homes, farms and other places where human activities take place is at the core of agitation against oil companies in this community. It is this closeness that communities often see as “intrusiveness” (see Plates 4.3 and 7.1).

Egbema prides itself as a *Kingdom* with sixteen villages. Interestingly, three of these villages are in Ogba/Ndoni/Egbema LGA (ONELGA) of Rivers state, while the larger section of the community (thirteen villages) in Imo State, constitutes part of Ohaji/Egbema LGA. This division came with the boundary adjustments of the 1970s, when the Justice Mamman Nasir Boundary Adjustment Commission for Imo and Rivers states is believed to have awarded the three oil-rich villages to Rivers State “without any strong reasons” (see Umezurike, 2007:3). The division, the researcher found, is not as welcomed by the indigenes as the division of Enugu-Ngwo into two local government areas. This division into two states has often been

seen in the community and by certain individuals in Imo state as “a war⁵⁴ reprisal” against Igbo people and also an issue related to the oil wealth of Egbema community. The researcher found through interactions with local people that this is a popular notion. For instance, an elderly farmer on the boundary between the two Egbemas, asked rhetorically in a discussion with the researcher: “why must Egbema pay the price of Biafran War?”⁵⁵ He said this to express his displeasure at the division of his community into two states. Although the researcher did not see much meaning in the division of one community into two different states, it should also be noted that the three villages (Mgbede, Okwuzi and Aggah) actually voted in a referendum to be part of Rivers state during the boundary adjustment exercise, while the rest voted to be in Imo state (see also Umezurike, 2007:3). Hence, while local people in Enugu-Ngwo seem to favour the division of their community into two local government areas, in Egbema locals oppose the idea of a divided Egbema.

A major feature of the division in Egbema is that, while SPDC has its operational base, Egbema Production Centre (EPC), in Egbema in Imo state and therefore produces oil from the thirteen villages, Agip operates in the other three villages in Rivers state. The fieldwork for this thesis was done in the Egbema community in Imo state. Although the researcher often strayed into Egbema in Rivers state, he limited his focus to the larger Egbema community in Imo state and the operational area of SPDC.

The researcher did not know about this division until he travelled to Egbema for his fieldwork. While the indigenes know where the “boundary” between the two Egbemas is, for the researcher it was a medium that indicated the difference. The researcher noticed a signpost which signals “Welcome to Egbema Rivers State” immediately after the site of the

⁵⁴ The Nigerian Civil War between the defunct Republic of Biafra and Nigeria (1967-70) is often seen as a war between Igbo people and the rest of Nigeria. This notion though is faulty in that the then Biafra (Eastern Region of Nigeria) is also made up other ethnic groups. However, the Igbo are the dominant ethnic groups.

⁵⁵ Another way of referring to the Nigerian Civil War.

now defunct Teachers Training College (TTC) in Egbema Imo state. For the four months he spent in the community, he always looked for the signpost either welcoming him to Egbema Rivers the state or saying “Goodbye from Egbema Rivers state”, depending on which side of it he stood.

As has been pointed out, both Enugu-Ngwo and Egbema communities are in the Igbo geo-ethnic area of the South-Eastern Nigeria. Geographically, the two communities are located on different poles of South-Eastern Nigeria: Enugu-Ngwo belongs to the hilly Northern section of South-eastern Nigeria, and Egbema belongs to the Southern section of state South-east noted for its alluvial plains (see Umezurike, 2007:6). In terms of distance, the two communities are located approximately 200 kilometres apart (see Plate 6.4).

Plate 6.4: Map of Nigeria showing the locations of the study communities



Source: adapted from www.studyabroad.com

6.3 Socio-political organisation in Enugu-Ngwo and Egbema

The councils of traditional heads of villages in Egbema (*Nkaralegwu*) and in Enugu-Ngwo (*Ishi-Ani*) form the cabinet of the “King”. The council of *Nkaralegwus* or *Ishi-Anis* is the highest decision-making body in both communities. The word “*King*” in Igbo language translates to “*Eze*”. However, different communities adopt various names to depict the *Eze*. In Enugu-Ngwo and much of the Northern and Central Igboland, the name *Igwe* is often used for the *Eze*, while in Egbema, the *Eze* is called *Nzeobi*. Further to Onitsha and western Igbo communities, the word “*Obi*” is used for “*Eze*”. The *Igwe* in Enugu-Ngwo or the *Nzeobi* in Egbema is always the head of the most senior village in the community. The institution of *Ezeship* in Igboland is largely hereditary, hence the saying which translates to “The office of the *Eze* is not transferable”. However, this does not hold for every Igbo community. In the study communities, for instance, the offices of the *Igwe* and the *Nzeobi* are not inherited by the sons of the reigning *Eze*, while the office in both communities is only “hereditary” to the village that produces it. It is the birthright of the most senior village and no other village contests this right. As mentioned in Chapter 5, *kings* in Eastern Nigeria are titular heads of their communities, they are not absolute monarchs as in Northern, and to a certain extent Western, Nigeria. In fact, the concept of kingship in most Igbo communities is more or less a residue of colonialism, especially since the Warrant Chieftaincy phenomenon (MINLOCK, 1922; Afigbo, 1972; Nwabughuogu, 1981; see also Chapter 5). It is believed that the Warrant chieftaincy era left the tendency for *Ezes* to want to appropriate “absolute” powers even though there is no traditional basis for doing so. The heads of extended families or kindreds (*umunna*) form the cabinet of the village heads.

Egbema community (referring to both divides) is traditionally ruled by one paramount ruler, the *Nzeobi* or *Eze* of Egbema. As at the time of the field research, the reigning *Nzeobi* was

HRH Eze S.N.A. Uzor. In Enugu-Ngwo, the reigning *Igwe* is known as HRH Igwe Innocent Ayalogu. It should however be noted that since the 1970s, when the agitation for autonomous communities among the villages that constitute communities began (see Uzoigwe, 2004), there has been a tendency towards multiplication of “communities” in formerly united communities. In other words, villages are becoming “autonomous” communities. This often happens when a village head and his *Umunna* convince the state (provincial) government to recognise the village head as an *Eze*, usually by awarding him a staff of office. This has resulted in a situation whereby former “communities” are evolving into more or less “confederate” communities.

It has been pointed out in Chapter 4 that the desire for autonomy among villages is used as political instrument for gaining more representation and contention for resources than for anything else. The researcher found that both Enugu-Ngwo and Egbema have largely transformed into “confederacies”. For instance, although the traditional institution of the *Nzeobi* continues to reflect the classical Egbema society and functions as a unifying institution for all Egbema, presently much recognition has been given to the *Nkaralegwus*, the traditional heads of each of the sixteen villages of Egbema. The *Nkaralegwus* however pay their respect (and perhaps tributes) to the *Nzeobi* as the paramount ruler of Egbema Kingdom. This is how Egbema and certain communities have evolved over the years. This research covers Egbema as a “community”; this is because the petroleum industry in Egbema began in 1958 prior to the changes highlighted above. Also, industry and official records in relation to oil production refer to Egbema as single “community” and not as a confederate “kingdom” with multiple communities.

The same trend was also found in Enugu-Ngwo, where the role of the *Igwe* is presently like that of the head of a confederacy. Although as one local person in Enugu-Ngwo informed the

researcher, that he believed the role of Warrant chiefs did much damage to having united communities and *Ezes* over them in the former Udi Division. He singled out Warrant chief Onyeama of Eke (former Udi Division) who he said was “too autocratic, too pro-British and spearheaded the cession of indigenous lands in the Division to the Crown”. The implication, he stated, was that since the abolition of Warrant-Chieftaincy in the 1930s (see Afigbo, 2006), there had been a consistent emphasis on village autonomy rather than on having for instance, a pan-Ngwo *Eze*, although the institution of the Igwe had survived.

In Egbema, as a result of the transformation of its villages to “communities”, it has become common for certain individuals to identify themselves first with their “new communities” before identifying with Egbema. For instance, when the researcher asked a primary school pupil and younger brother of the research assistant, his full names, he went all the way to identify himself this way: “My name is Peter Eke⁵⁶; I am from Obiakpu community in Egbema kingdom, Ohaji/Egbema LGA, Imo state”. His brother, the research assistant, noted that that is the way the primary school he attends has taught its pupils to identify themselves in recent years. In the 1970s and 1980s, this lengthy introduction would have been unnecessary.

The change in identity also has a role in the way petroleum-related discourses are framed. To illustrate this identity issue at the community level, Obiakpu village, which is the epicentre of oil production in Egbema⁵⁷ (refer also to Chapter 4), as at 2008 was agitating for certain changes to be made in the way Shell’s operations on its land are identified. During the field research, one of its most senior officials the Town Union Secretary gave the researcher copies

⁵⁶ This is a pseudonym.

⁵⁷ There are oil wells in different parts of Egbema, however Obiakpu community hosts most of the oil installations – Egbema Production Centre, SPDC flow-station, the significant “Egbema Well No. 1” (the first Oil Well cited in Egbema in 1958), army barracks (inside the EPC), and the SPDC Recreational Centre (which is currently dilapidated).

of letters written by Obiakpu community to the Eastern Divisional Headquarters of Shell in Port Harcourt requesting it to change its name from “Egbema Production Centre, Egbema” to “Egbema Production Centre, Obiakpu” (see a sample of the letters in Appendix 6.2). The intention for such redefinitions could also be a ploy to limit other parts of Egbema from the perceived economic and social benefits that may come from hosting the “Production Centre” and other installations in Obiakpu. Although one of the letters acknowledged it was to reflect “the new autonomous status granted to us by the Government” (Appendix 6.2), an elderly man from Mmahu village in Egbema reacted to the request this way: “When Egbema was Egbema, such a request would have been severely punished. These days you allow things swept under the carpet”. He actually meant that in the olden days before much liberalism in traditional community governance, such a request would have been seen as an abomination and dealt with accordingly. The “constructions and reconstructions” of identities in oil-producing communities in the Niger Delta are not peculiar to Egbema. Akpan (2005a:135) notes the same trend among certain communities: “othering (constructing and reconstructing of oneself and others) has become an everyday practice in the communities” (see also Okafor, 2003).

There is no such coal-inspired identity construction in Enugu-Ngwo, either because the land on which coal is mined belongs exclusively to the state, or because coal is no longer an economic force in Nigeria, or because the people have a higher degree of social cohesion. From what the researcher found, the challenge posed by the land ownership questions in the community since 1915, and especially the fear of losing their occupancy right to the land, have cemented the community.

Apart from the roles played by traditional heads of villages in Egbema (*Nkaralegwus*) or *Ishi-Ani* in Enugu-Ngwo in the socio-political affairs of both communities, women groups such as

Umuada (Daughters of the community) and *Alutaradi* (Women married into the community from other communities), play important roles in governance in both communities (see Ezeigbo, 1990:152). Writing about the significance of these women groups in governance in Igbo communities, Ezeigbo (1990:152) noted:

The *Umuada* wielded great influence in their natal homes and their advice and sometimes their decisions were accepted and listened to in their natal homes, where they had right to ‘come and go’ as they wished.

The role of women in community governance contradicts a commonly held view that Igbo society is strictly patriarchal (see Achebe, 1958; Green, 1964). The robust participatory democracy practiced by the communities allows women some advisory roles in contributing to policy formulation and execution in their communities (see Ezeigbo, 1990). As already explained in Chapter 4, these women groups often contend for relevance within the community governance structure. This, as the researcher noted in Chapter 4, manifested during the selection of focus group discussants.

Another level of community governance in Enugu-Ngwo and Egbema is the Town Unions. A “town union” is a community-based organisation charged with developmental responsibilities. Its members are elected by adult suffrage to spearhead infrastructural development by negotiating with government, state agencies and the private donor community in order to attract development to their community (Uzoigwe, 2004:3). In Egbema, the town union relates directly with organisations such as SPDC, NDDC, ISOPADEC⁵⁸ and the state government. The leadership of the town union in Obiakpu was helpful to this research. It provided the researcher with copies of relevant documents (Memorandum of Understanding with SPDC, letters, petitions, receipts and directives. For

⁵⁸ SPDC – Shell Petroleum Development Company; NDDC – Niger Delta Development Commission; ISOPADEC – Imo State Oil Producing Areas Development Commission.

instance, see Appendices 6.2 and 7.2) the community had with oil companies. These communications often relate to compensation, rent, patronage and ecological issues.

Finally, youth groups also play certain roles in community governance, such as vigilante and what they refer to as “Community Development” – CD⁵⁹. There is a preponderance of youth bodies in Egbema, unlike in Enugu-Ngwo. The researcher found that the youth group in Enugu-Ngwo does not have a history of militancy. However, in 2004, at the height of the colliery privatisation controversy (see Section 6.7) in the community, especially between those who supported the idea and others who opposed it, the youths allegedly spearheaded violent attacks on certain individuals who they alleged sabotaged the community, that is, those who supported privatisation of the colliery by the state. The alleged saboteurs lost their properties in the town and were ostracised. The security situation in the community remained tense, as some of the youth leaders, declared wanted in the aftermath of the riot, have not been apprehended. The researcher has explained in Chapter 4 how this security situation affected interview recordings during the fieldwork. As at the time of the field research between November 2007 and March 2008, there was a heavy army and police presence in the community. Their presence is a continuation of duty since their deployment in 2004. Although the conflict in 2004, the researcher learnt, was a “one-off” case, it shows the role of mineral resources in radicalising youth groups.

The reasons for the disparity between youth activism in Enugu-Ngwo and Egbema, as the researcher found, include the large youth population in Egbema and the attraction of oil wealth. While there is only one “visible” youth body in Enugu-Ngwo, in Egbema several groups with identical manifestoes and interests compete for recognition by oil companies and

⁵⁹ This involves such community services as: cleaning the market, taking care of the town hall, streams, among others.

the state. The pan-Egbema groups include Egbema Youth Congress and Egbema Students Union. Each of the villages also has several groups claiming to advance community's "socio-ecologic rights", while others, such as Landlord Youth Associations, are exclusionary – they advance the interests of owners of the lands where oil-related facilities are located. The researcher found that competition among various youth groups leads to violent clashes. These groups compete in areas such as community vigilante, subcontracting jobs in oil companies and oil contractors and "pacification allowances" paid by oil companies to powerful youth groups. Pacification allowance is the oil companies' way of *buying* peace. While the youths believe the money paid them by the oil companies constitutes compensation for "their" oil, the researcher noted that such payments create few rich individuals (among the youth) in the community and tended to deepen social divisions (see also Ibeanu, 2000; Jike, 2004).

The tussle for recognition and the control of access to patronage can be tense, so that most times, contending factions engage in violence resulting in arson, deaths and subsequent deployment of heavily armed state security operatives to quell the crisis. It is this nature of youth politics and the problems resulting from it that has given rise to cultism and much violence in different communities in the Niger Delta. According to a youth member of Egbema Forum⁶⁰, an Egbema intellectual think-tank, "the emergence of different cult groups in Egbema and the Niger delta in general is traceable to some disgruntled youth bodies who failed to take control of mainstream youth politics in their various communities. In order to realise what they failed to get through mainstream youth politics, they went into cultism".

The researcher encountered the seriousness of youth politics during the fieldwork. Around mid December 2007, at about 2pm on a very hot afternoon, a convoy of about 100

⁶⁰ It is made up of mostly university and polytechnic graduates, and professionals. Members often return home during important seasons such as Christmas, Easter or New Yam Festivals to organise public lectures on issues that relate to their community.

motorcyclists with green leaves, popularly called “ina-aga riders”, rode through the roads and pathways of Egbema (particularly in Obiakpu and Mmahu villages) for several hours in a jubilant mood, singing, waving and in some cases, intimidating other youths who did not join them in the revelry. This party lasted well into the night.

The celebrants, the researcher found, belonged to the faction that had just won the community’s youth election, while those they intimidated often belonged to the opposition. The “victors”, the researcher discovered, believed they had obtained a license to power – access to various patronages from the major oil companies and the oil-related businesses operating in their area, employment opportunities, access to local and state political office holders and bureaucrats. To illustrate how ascendancy to “youth government” can impact on an individual’s socio-economic status, the researcher noticed what he may refer to as an “Island of Wealth” in Obiakpu village. This is a well-built gated house with paved lawns, trimmed grasses and flower beds. The research assistant informed the researcher, the “compound belongs to a former youth president in the community”. He gestured with a wave of the hand, speaking idiomatically to depict the new socio-economic status of this individual: “He has climbed, he now belongs to the upper echelon, he now eats with breakable plates and he may soon vie for the town union presidency or even the vacant⁶¹ office of the *Nkaralegwu*”. The youth organisation is often a stepping stone to higher offices in the community, local government or state political offices.

The importance of this level of politics is demonstrated by the calibre of its sponsors. It is alleged that rich individuals in the community, the oil companies, major contractors and subcontractors of the oil companies get involved in the sponsorship of youth politics. These companies front their chosen candidates with the intention that the success of these

⁶¹ The office of the *Nkaralegwu* is vacant as a result of the death of Chief Tony Okiro in 2005.

candidates will guarantee them conducive business environment. For instance, the owner of the well-built home portrayed above is said to have been funded by an American oil servicing company when it won a contract to refurbish a particular pipeline running through the community in the 1990s.

The nature of “youth politics” in Egbema (as well as in other Niger Delta communities) questions the functionality or otherwise of certain groups in community governance. This was the reality as the researcher came face to face with youth activities in Egbema. The member of Egbema Forum cited above concluded his perception of the role of the youth in community governance this way: “the investments, the vigour and sometimes the willingness to use violence to achieve ‘success’ at youth elections, underlies the suspicion that cash and material benefits, rather than the desire to better the community, is the ultimate goal of those who engage in these struggles”. A “friend”⁶² of the researcher, who said he had vowed never to join any youth group in the community, put his view in a question form: “How can you accept the sponsorship of those you are meant to fight, and use their money to destabilise the community you are meant to protect?”

In the study communities, as in other Igbo communities, land is owned communally, but is administered by a collective of elders. The *Eze* chairs the highest decision-making body on land-related matters. The *Eze* is not the custodian of communal land, he is part of the custodians (see also MINLOCK, 1922:1523-1524; Green, 1964; Isichei, 1976). In Enugu-Ngwo and Egbema communities, individual families are allowed private holding of parcels of land from the communal lands for the erection of houses and for farming. The owner’s right

⁶² This young man, an unemployed graduate of Biochemistry, took interest in the researcher and his research. Through a conversation in a restaurant opposite EPC, the researcher discovered he was born in the Ideato North LGA where the researcher comes from. His parents once lived in Ideato North as teachers, although they are now retired and have returned home to Egbema. In a society where such primordial issues are given a lot of meanings, he became more or less a “brother” to the researcher. He worked with the researcher whenever the fulltime research assistant was unavailable.

to this land is however restricted on issues such as alienation. He is in essence holding the land as a “trust” on behalf of his community (see Uchendu, 1979:63).

This private land is often the most coveted land in Igboland, because it harbours certain socio-spiritual symbols, such as ancestral graves and “*agwu*” – personal deity (often set up in a grove). Perhaps the importance of the family land (private holding) is best illustrated by the burial of the umbilical cords of newborn babies and the afterbirth. The umbilical cord of one’s new born must be buried in his private holding. The researcher will explain the significance of this practice in Chapter 7. In an interaction with an *Ishi-Nze*⁶³, aged 78 years, on the land use practices in Enugu-Ngwo, he pointed at the base of a particular palm tree next to the gate of his house where, he said, he buried the afterbirth of his only son. He informed the researcher that he treats that particular palm tree with certain degree of reverence because it served as a *chi* (personal god) to his son. He used this example to illustrate how Enugu-Ngwo community relate to their land. When the researcher asked if his son, who he said was a 45-year-old medical doctor, accepted this indigenous belief, he replied, “Whether he believes or not is not what matters, I have believed it on his behalf”. This same belief is prevalent in Egbema. In Chapter 7, the thesis will show how early oil exploration workers in South-eastern Nigeria encountered such customs and the narratives around such encounters. While oil production in Middle Eastern and Nordic countries, such as Saudi Arabia and Norway, take place exclusively in the Arabian Desert and the North Sea respectively (NPD, 2005; Simmons, 2005), in South-eastern Nigeria where oil exploration began in Nigeria, petroleum-related activities (exploration and production), and coal mining occur mainly within inhabited spaces, hence its description by the locals as “intrusion”.

⁶³ An *Nze* is a traditional titled man in Igbo land. The *Nze* is nowadays called a red-cap chief, as a result of the red cap an *Nze* is expected to wear. Among Enugu-Ngwo community and its neighbours, an *Ishi-Nze* is a senior *Nze*, although the literal translation is “the head of *Nzes*”.

6.4 Mining in Enugu-Ngwo

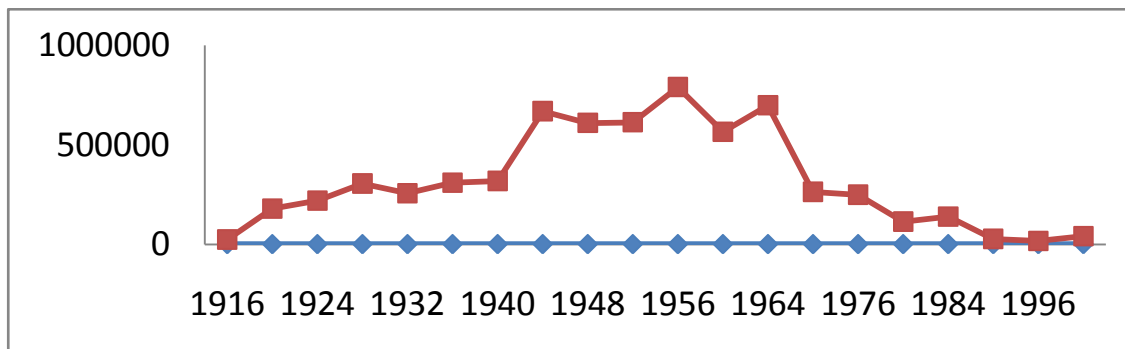
According to Agu (1990:48) “Coal made and marred [Enugu-] Ngwo”. This irony is how the author describes the experiences of Enugu-Ngwo community in relation to what could be seen as *positive* and *negative* effects the community encounters in relation to coal exploitation on its land since 1915. The researcher’s encounters and observations confirmed this assertion, to a large extent.

The effects of the coal industry on the community is so manifest that the local economy, linguistic, identity, careers and general lifestyle of Enugu-Ngwo indigenes have been built around coal since the inception of the colliery in 1915. The researcher found that, apart from land deprivations and cases of geological subsidence, the industry brought numerous infrastructural and economic benefits to the community. It is this mix of benefits and loss (land deprivations) that has made the story of coal exploitation in Enugu-Ngwo a huge irony.

Unlike the petroleum-producing communities of the Niger Delta that draw most of their skilled and unskilled employees of the petroleum industry from non-oil-producing regions of Nigeria (Jike, 2004), the coal industry in Enugu-Ngwo sourced much of its labour force locally. Although the initial skilled workers (clerical and accounting staff) at the coal mines came from other parts of Eastern Nigeria (Hair, 1954:32), this may have been as a result of the late introduction of Western education to the Northern Igboland which includes Enugu-Ngwo community. As from the early 1930s, the community not only provided the majority of the unskilled labour force, it also provided much of the trained workforce. The personnel record of the colliery between 1933 and 1939 shows a progressive rise in the number of Enugu-Ngwo indigenes in the workforce. For instance, out of a total of 9,783 workers in this period, 733 or 7.5 percent were Enugu-Ngwo indigenes. However, a little over a decade later,

the number of workers from Enugu-Ngwo rose to 4,736 (or 66 percent of a total workforce of 7,143) (Hair, 1954: 132, 142). In terms of production, this period can be regarded as the golden years of the colliery when the sector recorded its highest output (see Figure 6.1 below).

Figure 6.1: Annual Coal Production Output 1916-2001



Source: Ministry of Mines and Steel Development (cited in Sambo, 2008:9)

To illustrate the dominance of the colliery in the local economy, Josiah Agu, former personnel manager of Nigeria Coal Corporation (NCC), stated that, “by the fifties [1950s], almost every extended family in Enugu-Ngwo had at least a son in the employ of the subsequently renamed Nigerian Coal Corporation” (Agu, 1990:46). In a similar view, one retired miner and indigene of Enugu-Ngwo cited in Ujorha (2007:8) reminisced about those “golden” years:

If you were not working in the coal corporation, then you were bound to be written off by the community...Payday was the 6th of every month. On that day the three main markets in Enugu would move to the mines. There would be a large scale killing of cows, goats and the sale of stockfish and yams. If a miner [goes] home without stockfish, people would say he is not a good miner [not a kind person].

He said this in order to demonstrate the regard his community had for the colliery and its contribution to the economic prosperity of individuals and the community. Agu described the overall socio-economic effects of miners’ wages in the community this way:

Feasts and festivals, such as *Odo* and *Maa*⁶⁴ outings, second burials, family thrift meetings, title taking ceremonies were all influenced by coal workers' pay days, promotions and other economic windfalls the workers reaped (1990:46).

The colliery workers not only became influential in the community, they also had enough money to send their children to school. According to Ujorha (2007:8), "99% of those who went to school in Enugu[-Ngwo] were trained by people who worked in the Coal Corporation". Although Ujorha (2007) did not show how he arrived at his figure or mention the period he referred to in his paper, it explains the major contribution of the coal industry to the development of human resources in the community. Confirming this, a 73-year-old retrenched miner informed the researcher that "parents in the heydays of the colliery would likely give their daughters in marriage to miners than to teachers. Teachers were associated with miserly behaviours, while miners had cash and were generous with it".

The NCC had scholarship schemes for workers or their wards, some of whom were sent on short- or long-term courses overseas. Although some beneficiaries of these schemes insist that there was no special preference for the local community, the researcher found that the indigenes benefited the most because they outnumbered other communities in the colliery labour force (see also Hair, 1954:60-63). To illustrate this, beginning with the appointment of C.C. Onoh (an indigene of Enugu-Ngwo) in 1959 as the first Nigerian Chairman⁶⁵ of the NCC, a greater number of the senior managers in the post-independent era were indigenes of the community, a trend that started in the colonial era.

Apart from individual economic empowerment and human resources development in Enugu-Ngwo, the researcher also found that the coal industry made other far-reaching contributions to the local community. In terms of infrastructure, Enugu-Ngwo is ahead of its neighbours.

⁶⁴ *Odo* and *Maa* are socio-cultural festivities associated with masquerade parades and entertainment.

⁶⁵ He held the office in an executive capacity.

Not only did it benefit from projects executed by the Coal Corporation, it also benefited from the spill-over effects of the infrastructural developments in Enugu city. Although this thesis does not mention all the coal-related projects in the community or in the city of Enugu which benefited the community, a look at the projects built before and after 1960 on Enugu-Ngwó indigenous lands attest to the relatively high level of infrastructural provisioning in the community. These projects include:

- Access road: Old Onitsha road (Milliken Hill Road) – built in 1928.
- Schools: Four primary schools and four secondary schools. The oldest primary school (St. Patrick's Primary School Iva Valley) was established in 1919, Holy Rosary College for girls (established in 1938), and College of Immaculate Conception for boys (established in 1939). Later schools include Colliery Technical School which was built in the early 1960s.
- Hospitals: Colliery Sick Bay for Africans, European hospital (now Park Lane hospital), Enugu specialist hospital (now University of Nigeria Teaching Hospital – UNTH).
- Pipe-borne water project: the community water project was completed in the early 1940s.
- Electricity: All parts of the community had electricity by the early 1960s (Agu, 1990; NMM, 2006).

The researcher found that many of the establishments associated with the colliery in the community had become dilapidated and that this was eventuated by the gradual collapse of the colliery which began in the 1970s. The University of Nigeria Teaching Hospital (UNTH) had been relocated to a more spacious location at Ituku along the Enugu-Port Harcourt Expressway even though the institution maintained some presence in the former hospital. To

illustrate the current state of the infrastructure in the community, the researcher found that the buildings of the Colliery Technical School had not been maintained for more than twenty years. During the focus group discussion (which was held at the school's premises), the researcher found that the outer fence had major cracks and was crumbling. This was the same condition as some classroom blocks, raising fears about the safety of students and teachers. The researcher found that cracked walls were common in the community. As shown in Chapter 7, local residents believed this phenomenon had something to do with geological subsidence due to several decades of underground mining.

The state of the Colliery Technical School portrayed the fate of other projects which were linked in one way or another to the colliery. The researcher discussed the dilapidation of the colliery establishments in Enugu-Ngwo with a prominent citizen of the community, under whose leadership of the Nigerian Coal Corporation between 1959 and 1966, some of the post-independent projects were built in Enugu-Ngwo. He noted that, "The decay was not peculiar to NCC projects or to the community, it is a national disease, we do not have maintenance culture in Nigeria". When the researcher prodded him further on what he meant by "national disease", he answered:

Let me explain it this way: The problem you see in this community is the same everywhere you go to in Nigeria. At independence, we wanted to build a new foundation for the nation. The British colonial masters only wanted to have miners work in the mines. They had no plans for the miners' future. They [miners] too were only concerned with working in the mines and getting their pay at the end of the month. It was not until when I was appointed as chairman of NCC that I decided on a policy, a policy which to me will ensure that their children will not spend all their lives again in the mines. So I opened the Colliery Technical Secondary School. The motto of that school is: "From the depth of darkness to light". My vision was that the children of the coal miners will come out of darkness and see light. It is unfortunate that almost 50 years after that vision, we are going back to greater darkness. That school represents how we have backslidened to deeper darkness.

Although physical infrastructure was decaying as a result of the closure of the mines, the influence of coal mining in the community had become entrenched in the local idioms. Certain indigenous registers peculiar to Enugu-Ngwo have evolved from the coal industry and been incorporated into the local dialect. For example, the researcher noted through interactions, interviews, FGDs and eavesdropping on discussions by local people at restaurants that words such as “subsidence”, “earthquake”, “earth-tremor”, “erosion”, “pollution” and “overburden” are commonly used in Enugu-Ngwo even by the scarcely educated people. While the researcher sought explanations for these geological terms such as “subsidence”, the ease with which local people used them was proof of the impact of the local coal industry. Josiah Agu noted something similar:

For example, the word “*overlead*” which today in Ngwo has come to mean old age pensioner is actually a corruption of the word invalid, the term used by British coal bosses to describe the numerous retired miners in those days. Other terms like “*Olu second*” which means second shift also came into use. The most poignant of them all however, is the Ngwo phrase “*Egbu eti*” which literally translates into “Hit and Cry” – a phrase for a miner who extracts coal and supports the roof of the mine (1990:48).

This pervasiveness of the “culture of coal” in Enugu-Ngwo and in the entire Enugu State is shown in that the city of Enugu is known as “Coal City” and Enugu state is nicknamed “The Coal City State” in recognition of the contributions of coal industry to the development of the state and Nigeria.

Although the community can be said to have benefited tremendously from the colliery and the Coal Corporation as enumerated above, the researcher found that life in the community since the closure of the mines in 2001 had been difficult, especially for the laid-off miners and the retired people. Since the commencement of the mining industry, local people literally abandoned their traditional economic activities, such as blacksmithing, palm oil extraction and subsistence farming. In place of these traditional trades, they embraced mining

or mining-related jobs. While the former miners were gradually going back to these professions, especially blacksmithing, younger people preferred to move to the city (Enugu city) or other parts of Nigeria in search of jobs and trading. It was different from previous years when the majority of the youth stayed at home to work in the mines.

6.5 Economic activities

6.5.1 Enugu-Ngwo

Essentially, Enugu-Ngwo indigenes practice subsistence farming like other communities in South-eastern Nigeria. Popular agricultural products include yam, cocoyam, cassava, maize and local beans called *okpa*. The men also tap (harvest) wine from oil and raffia palm trees. Palm produce (oil and kernels) also play a major role in the local economy. There are manual palm-oil mills where the men and women process red palm oil and kernels. The city of Enugu provides the needed market for the sale of farm produce and palm oil.

Economic activities in most cultures are however determined by certain geographical factors and constraints. Factors such as proximity to rivers could mean that a community or the part of it that lives closest to the river bank could be predominantly fishermen while other parts of the community that live inland are predominantly farmers. Availability of land, or lack of it, is also another important factor which determines the type of occupation in local communities. While Northern Igboland (where Enugu-Ngwo is situated) possesses more land, but a smaller population than other parts of Igboland (Isichei, 1976; Afigbo, 2006) and therefore predominantly farmers, Enugu-Ngwo is an exception. The researcher found that certain factors such as the hilltop location, gully erosion menace, the development of Enugu city and the colliery constrain Enugu-Ngwo people from developing large farms like their neighbours – Nike, Awknanaw and Akegbe. These communities live on the plains and

possess larger areas of land. P.E.H. Hair in the 1950s described the land dilemma of the Hilltop settlers this way:

A large part of the population [of Enugu-Ngwo] lives in a string of villages along the Ridge top. The land there is poor, having been exhausted by many decades of cultivation...destroyed the tree-cover and caused great erosion gullies to form (1954:133; see also Grove, 1951; Grossmann, 1971).

While Hair's observation in the 1950s may have described the challenges the community faced in relation to farming and natural disasters, the situation has worsened over the years with increased human activities on land, and the lack of government attention to disaster management. Deep gullies, aided by the steep slopes landscape of the hilltop, seemed to have gone beyond manageable proportions from years of neglect. The effects on the community are many. Apart from the destruction of farm lands, other issues associated with the gullies include the death of domestic animals. One local farmer explained to the researcher that domestic animals such as goats and sheep often stray into the gullies and die as no one may be around to rescue them.

Although the indigenes had problems with accessing good agricultural land, the development of the colliery in 1915 to a large extent brought a respite to the people by providing career opportunities to the youth of the community as they formed the core of the team of miners. The contribution of the community to the personnel profile of the colliery from its inception has been detailed in Section 6.4 above. On the impact of the colliery in developing alternative economic activities in Enugu-Ngwo, Agu (1990:46) noted that:

This [the colliery] radically altered the socio-economic lifestyle of Ngwo. For the first time, the people were introduced to organized employment...One of the salutary effects of this development was a growth in local commerce which was geared towards servicing the coal mining settlements. In due course, Ngwo virtually transformed into a town whose very existence became hinged on activities and events at the coal mines.

The colliery continued as the major employer of indigenous labour until the lull in the activities of the Nigeria Coal Corporation (NCC) beginning with the civil war in the late 1960s until the stoppage of mining in 2001. The loss of the colliery as the major employer of labour, the constraints occasioned by the hilltop location of Enugu-Ngwo and the lack of farm land for the population have resulted in the youths going into other trades. One such alternative is commercial motor-biking (*Ina-aga*). The researcher has already described this occupation in Chapter 4 as a revolution in Nigeria's transport scene. Although it may have become one of the major causes of road accidents in Nigeria in recent years, it has continued to attract patronage across different social classes because of a lack of better alternatives in intra-city transportation. The researcher found that many local residents had "gone back" to blacksmithing.

Enugu-Ngwo, like a number of other communities in the present day Enugu and Anambra states in South-eastern Nigeria, is historically reputed for blacksmithing. Long before coal mining began, blacksmithing was a notable occupation of the people of Enugu-Ngwo (see also Agu, 1990:45-46). Although the trade did not die out in the boom years of the colliery, it suffered neglect, having been left in the hands of the elderly, while young men worked in the mines. It is presently being revived, especially by the former miners. The researcher found the products from their kilns amazing. These include locally made hoes, diggers, machetes, shovels, sickles and knives. Although these products were being sold in the markets in Enugu city and beyond, there was a view that the "convalescing" trade faces major challenges from imported products in the market. A retired miner and now a blacksmith explained his fears to the researcher thus:

Blacksmithing is not attractive any more as a result of the abundance of better refined and cheaper products in the market. The shovels and hoes our people [Nigerians] like are made in China and India. Go to *Ogbette* Market, they are in

every shop, and our people will prefer those ones to the ones we make here or in Awka⁶⁶.

Perhaps this is an area where local people in Enugu-Ngwo community are confronted directly with the impact of globalisation and trade liberalisation. It remains to be seen how indigenous technology can develop under such a regime. Although indigenous technology may have been overshadowed by what the above blacksmith referred to as “better refined and cheaper products” from foreign markets, the researcher noticed a growing interest among some of the retired or retrenched miners in reviving this traditional trade.

There were also several petty grocery shops and telephone “call centres” on the roadsides. The researcher found that since the introduction of mobile telephony in Nigeria in 2001, local people in large numbers operate makeshift “call centres”. These “call centres” often consist of a table, chairs, two or three mobile phones and a car battery used to charge the phone batteries. While some of these centres operate from roadside kiosks, others are ordinarily covered with large branded umbrellas bearing the names of major service providers in Nigeria such as MTN, Glo, Vmobile (now Airtel) and other smaller networks.

6.5.2 Egbema

In terms of agriculture, Egbema looked better positioned than Enugu-Ngwo as a result of the fact that the community is situated on a well-watered terrain with lush vegetation⁶⁷. According to tradition which was narrated to the researcher by an elderly farmer in his yam farm close to “Location”, Egbema was founded by a group of farmers and hunters who on

⁶⁶ A town in South-eastern Nigeria renowned for its indigenous blacksmithing and related crafts. A blacksmith from Enugu-Ngwo, who lives at the Coal Camp, informed the researcher that Ngwo ancestors must have “learnt this business” from Awka.

⁶⁷ This description may no longer be fully correct as a result of the impact of oil exploitation in the community since 1958. However, the area is better endowed with forest life than Enugu-Ngwo.

arrival also became involved in fishing as a result of the creeks in the area⁶⁸. Such legends are not peculiar to Egbema people. Different communities have similar stories detailing their origins based on traditional, economic or religious activities popular to the community. Egbema people were always ready to point at these three occupations – farming, hunting and fishing – as the basic sources of livelihood for the people of the area from the days of their forebears (see also Edeh, 2006; Umezurike, 2007). The wife of the farmer cited earlier who was working on the same farm noted that “any other thing you find an Egbema person do outside of these three occupations [farming, hunting and fishing] is foreign to us”.

As in different communities of South-eastern Nigeria, farming is characterised by three main crops: yam, cassava and cocoyam. Any other crop is secondary in Egbema. Men also engage in palm-wine and raffia-wine tapping, hunting and trading in mostly non-agricultural wares. Apart from farming, women also engage in intercommunity trade with their neighbours and cities such as Owerri, Port Harcourt, Aba, Onitsha and distant places like Northern Nigeria. The researcher found Egbema women to be quite industrious. He has narrated the experience of his first trip to Egbema in Chapter 4 with market women in that rickety Peugeot 504 Wagon (see Plate 4.1). They have a sense of independence and boldness with characteristic humility.

The researcher found that fifty years of consistent petroleum and gas production in Egbema has had a tremendous impact on the community’s agriculture – farming, fishing and the farming population. Although he did not interview fishermen in the rivers, he visited farmers on their farms and they also narrated the experiences of fishermen to him. As one brought up in the same state (province), the researcher knows that cassava leaves and stems blossom in

⁶⁸ This legend is a common belief among Egbema people. Before the coming of the oil industry, farming, hunting and fishing dominated local economic activities.

those months he spent in the community (November to March). However, it was different in Egbema. A common impression anyone with that knowledge will have on a first visit is that there is a mildew epidemic on cassava plants. Mildew is a fungal infection that attacks crops in the tropics. It often devastates cassava farms in the region where Egbema is located. However, the researcher found through interaction with farmers that the problem was not just fungal infection, but a result of organic contamination of the soil and air from several years of oil exploitation and gas flaring. This is the view of the farmers the researcher encountered and it is a general belief in the community. Local people also had the same conviction concerning the low catch by fishermen. Writing about the effects of oil production on Egbema (and its neighbours) since 1958, Umezurike (2007:5) noted that:

Besides, the soils in most of the oil-producing communities have been acidified and, thus, the nutrients required for continued soil fertility have been depleted. The acidification of the waters of the lakes and streams and streams in these places and the consequent nitrogen loading the estuaries and coastal waters cause a steady decline in the diversity of plants and animals in both aquatic and terrestrial ecosystems.

The implication of this slide in farm and fish outputs has resulted in loss of interest in agriculture by the youth.

As in Enugu-Ngwo, petroleum-related ecological problems were well known to the local people. They discussed the effects of oil spills on farming and fishing, and acid rain from gas flaring with a professional flair. The researcher will always remember the interesting encounter with the women's leader of the Landlord Family Association. The retired teacher was "about 65 years", as she put it. This former secondary school teacher holds a Bachelor of Education degree in Primary Science Education from one of the universities in Eastern Nigeria. She narrated the effects of gas flaring on, according to her, "people, animals and plants". On people, she mentioned that, "the reproductive potency of men and women in the

Niger Delta has been affected”. On animals, she stated that some species are now extinct from Egbema, and on plants, “some species have lost their real nature”. When the researcher asked her to provide “scientific evidence” backing her claims, she said,

I have indigenous knowledge of this fact rather than knowledge manufactured in chemistry laboratories. I was born here [Egbema]; I grew up here, attended schools here and taught in this community. The birdsongs we were used to as little children sixty years ago are no longer heard, the animals hunters like my father used to kill are no longer found and the number of children our parents had are no longer possible these days. I blame it all on Shell and AGIP. They have messed up the air and water in this community and in our neighbouring communities. Chinua Achebe said, things have fallen apart and the centre cannot hold again.

Although there are noticeable differences in the vegetation between Egbema and other non-oil-producing communities in the same state, such as the researcher’s home town, this kind of narrative and interpretation was commonly given to any happenings individuals saw as extraordinary. While the researcher expressed surprise at how locals discussed petroleum related issues in Egbema, the research assistant explained the prevalence of petroleum-related information in his community this way: “Fifty years of oil experience in Egbema was enough to educate anyone in Egbema about the good, the bad and ugly effects of oil production. Sometimes the information local people have is based on suspicion rather than on proof”.

The effects of oil production on the indigenous economy in Egbema mean that individuals seek alternative sources of income from the traditional trades. Commercial motorcycles popularly called *Ina-aga* (Are you going?), is predominantly a way for self-sustenance for the youth in the community. Apart from *ina-aga* (and a few who would describe themselves as “contractors” to Shell and Agip) the most visible occupation among the youth was the phenomenon known in the Niger Delta as the *Asari Fuel*⁶⁹ business (see also Ghazvinian, 2005:12). In layman’s language this is a booming trade in semi-refined fuel. Asari fuel is a

⁶⁹ John Ghazvinian used the coinage in his study on this *fuel* and its contribution to the insurgency in the Niger Delta. Perhaps, Ghazvinian is not the first to have used it. In the Niger Delta, semi refined fuels go by that name.

semi-refined petroleum product still undergoing crystallisation processes. These products are obtained by the youths who “bunker”⁷⁰ – cut oil company pipelines in the swamps and siphon the products from these pipes. The product is stored in drums and gallons and sold to the public. Although Asari fuel is known to have caused many fatal fire incidents in Egbema and also destroys engines because of its condensed state⁷¹, it has continued to flourish, perhaps because of its availability and low cost⁷².

As the researcher found through his interactions with youths involved at different stages of the trade, the Asari fuel business involves a complex network of players. There are at least four stages of organisation involved. Firstly, the individuals who are involved in the breaking of pipelines and siphoning of oil in the creeks. They do their part often at night, and according to a dealer in Egbema, this is the riskiest part of the trade. The second arm of the process involves those who buy and transport the stolen oil to the refiners with river barges. The third arm involves the middlemen, who bring the “refined” fuel from the makeshift “refineries” to street traders. These vendors, the researcher was informed, also confront major risks, such as getting arrested by state security operatives. The dealer told the researcher, these boys (the vendors) know how to “settle the security people. Problems arise when security people reject what the boys give them”. This explanation simply means that the vendors often bribe their way through, but problems often arise when the security refuse to accept the bribes offered to them. To illustrate the danger involved in the trade, the dealer added that, “those in this business may get killed at any stage of the business”. The fourth and

⁷⁰ To *bunker* fuel in Nigeria has come to mean to steal crude oil or other refined and semi-refined petroleum products by cutting pipes that transport these products either to export terminals or domestic marketers and consumers.

⁷¹ A marketer demonstrated to me how to know Asari fuel. Simply pour a few drops on the ground and observe it for a moment. While original unleaded fuel would ordinarily dry within 10 seconds, Asari fuel takes several minutes to dry. Secondly, a vehicle or motorcycle on Asari fuel produces much more smoke than normal fuel would do, because its rate of combustion in the engine is slower than properly refined fuel.

⁷² In February 2008, for example, while a litre of original petrol cost ₦125.00 or US \$1.00 (that is, if found); Asari fuel was readily available at less than half that price for ₦50.00 (or less than US.50c).

final link is the street sellers. In Egbema and its environs, the Asari fuel business is perhaps the most lucrative business after sub-contracting in oil companies. The growth and prevalence of Asari fuel demonstrates the paradox of Nigeria as a “major producer” of crude oil in the world, yet it does not have a functional refining capacity and wide marketing outlets.

The lack of good fuel and formal petrol stations in different parts of Nigeria are some of the major reasons why Asari fuel has been widely accepted in Nigeria. One of the most intriguing experiences the researcher had in Egbema is the absence of formal petrol stations. The researcher sought an explanation on this issue and on what has sustained the trade in semi-refined and illegal fuel in the community. The dealer in Asari fuel mentioned above pointed to the lack of formal petrol stations and the unavailability of refined fuel in his community as some of the issues he sees as “marginalisation” by the state, and why people like him have gone into the business. The researcher found this explanation too simplistic. In Nigeria, petrol stations are not established by the state. Sales outlets are either owned by oil companies or by independent Nigerian entrepreneurs. Hence, it is surprising that none exist in Egbema.

On persistent investigation into the lack of petrol stations in Egbema, the researcher discovered that the local cartel which controls this business, have frustrated all efforts by individuals in the past to site petrol stations in the community. To illustrate this, an SPDC staff at Egbema Production Centre (EPC) told the researcher that, “no private investor would risk building a formal fuel station in Egbema⁷³ because the cartel would not tolerate its presence. They have threatened potential developers in the past. I know of three cases who wanted to establish outlets here [at ‘Location’]”.

⁷³ The non-existence of organised fuel sales outlets is a problem in the larger Egbema-Imo State. I saw a couple of privately owned outlets in Egbema-Rivers State where Agip has its base. However, refined petroleum products are hardly seen in these stations, making Asari fuel the only option for users. Even when the refined is available, local people still prefer Asari fuel because it is cheaper and readily available.

Another interesting thing the researcher found about this business is the “moral justification” its protagonists readily point at. To a dealer, he is not just making a living out of the trade, he is providing a “social service” that the state and oil companies have failed to provide to the community. For instance, the dealer cited above sees his business as “offering help” to the local people in Egbema. He asked the researcher, “Do you want my people to trek?” The conception of this trade in a “moral light” has therefore given ideological backing and legitimacy not only to trade in Asari fuel, but also to certain acts that could ordinarily have passed for crime in normal situations. For instance, when a youth group imposes arbitrary tolls on local traders or road users (without the sanction of the community) for “Community Development – CD”, it is not usually opposed by members of the community for fear of reprisals. The group sees it as a way of providing “social services” the state has failed to provide. The wider implication of this regime is an evolving situation whereby community governance is gradually passing on to the youth groups – an obvious indication of the retraction or complete absence of the state in the governance and law enforcement in the community.

6.6 Enugu-Ngwo: a community on “Crown Land”

One of the major effects of the acquisition of communal land in 1915 in Enugu-Ngwo is the demographic displacement of the indigenous villages of Enugu-Ngwo from their settlements at the foot of the hills (see Plate 7.4). Community narratives about this “transaction” between the village chiefs of Enugu-Ngwo and British colonial officials are central to this thesis, as detailed in Chapter 7. The research assistant pointed out that it is the “one history of our community that every child in Enugu-Ngwo is familiar with”. He meant that children in the community receive early orientation on what local people often see as injustice resulting from

the colonial era land acquisition. The research assistant, an undergraduate of the state-owned (provincially-owned) Enugu State University of Technology (ESUT), recounted how he first heard about the Crown Land acquisition of 1915 as early as when he was a primary five pupil, although he did not understand the full implications of “Crown Land” on his community. It was the same feeling the researcher had at the National Archives in Enugu City when three young men from Enugu-Ngwo came to make photocopies of the Deed of Cession of 1915. When asked why they wanted a copy of the agreement, one of them told the researcher: “This is a document every Ngwo indigene must possess”. These youth were preparing to file a second contempt of court suit against the federal government (the state) for ignoring a court injunction restraining the privatisation of the mine, hence the interest in the history of the acquisition and compilation of evidence to use against the state.

The thesis has pointed out the disparities in existing narratives on the history of this acquisition in Chapter 4. There it was stated that, although colonial records have tended to view the acquired area as uninhabited “farm areas” (see Hair, 1954:41, 243), indigenous accounts and also the colonial era plan of acquisition indicate that the acquired land consisted of human settlements and farms around the settlements. While the researcher was in the community, a former high ranking political office holder gave him copies of several documents pertaining to the acquired land, including a copy of the Survey Plan No. 1655 captioned “Plan of Land Acquired at Enugu-Ngwo” and dated 19 January 1912 (see Appendix 6.1). The Survey Plan covers the three pre-1915 villages belonging to Enugu-Ngwo, Idume, Uwani and Ajagu-Agangwu, an area of 16,700 acres. This land was acquired for the purposes of developing the colliery, railway station and the town (see also Joint Community Resolution, 2001).

Perhaps unaware of the size of the land contained in the cession, the local chiefs appended their signatures to the draft agreement made by the colonial masters. Part of the Agreement of 1915 that:

The undersigned chiefs...DO HEREBY GRANT without charge free and voluntarily unto the Government of Nigeria all such lands as may be required...for the working of all coal and other minerals, the building of works, railways and houses (Deed of Cession, 1915:1).

One may never know if the chiefs who signed on behalf of the community took a tour of the area mapped for acquisition. However, whether they did or not, it is most unlikely the chiefs would have prevented the acquisition, as “they were unable to resist the British demand...It is possible that the chief thought of the cession as a long-term loan of land, a permissible transaction by Ibo [Igbo] land law” (Hair, 1954:64). If the chiefs were unable to resist the British demand, then why did the colonial state insist on appropriating the signatures of the chiefs? One possible explanation for this is that the signatures might have been needed in order to legitimise the acquisition. In other words, the colonial officials may have wanted to present the acquisition as though the community “willingly” sanctioned it through their chiefs. Again as noted in Chapter 5, the colonial officials were ignorant of the fact that obtaining the signatures of local chiefs did not give them the legitimacy to take the land. Under the Igbo land tenure system, the chiefs did not have such powers to cede communal land: they are only custodians, not “owners” as in monarchical Northern Nigeria (see Talbot, 1937; Hair, 1954).

One fact is irrefutable, however: the “Deed of Cession” “ceded” a greater and the more arable part of their community to the colonial state. Even so, certain villages the chiefs thought were not part of the cession were included in the acquisition plan (see Onoh, 1997:5). To illustrate this point, in 1938 when a land dispute flared up between Enugu-Ngwo and Nike community which laid claim to parts of the ceded land, the Colonial Resident appointed to settle the

matter, having seen the map of the 1915 cession (drawn in 1912) pointed out to the Enugu-Ngwo elders that the land under dispute belonged to the Crown. In response, the community wrote a petition to the state, expressing their surprise at the reach of the land acquired:

Do you believe...that a man can sell his land and sell up to his dwelling place (a reference to the fact that some settled areas were included in the cession), we beg most respectfully to say that we and our Chiefs did not know anything about it (Hair, 1954:56; see also Onoh, 1997:5).

It is difficult to know whether the local chiefs and their community feigned ignorance, or whether the same chiefs who protested the acquisition in 1938 were the same ones who ceded the land in 1915. Whether this reaction was a pretension or not, it gives an insight into the land-related dilemma the community has faced in post-1915 years. In this acquisition, Enugu-Ngwo, having one of the most rugged terrains in Eastern Nigeria, lost a total of sixteen thousand seven hundred acres (16,700 acres) of its arable land. It is this dilemma that Agu (1990:7) describes as, “The errors of omission and commission which seem to have been directed against Ngwo since the advent of the White man [colonialism]”. In a similar way, P.E.H. Hair, a colonial official in Udi district,⁷⁴ described the land scarcity in Enugu-Ngwo this way:

In the case of Ngwo...over half of the tribal [communal] land became Crown property. And the land ceded by Ngwo included the site of Enugu-Ngwo [the villages]. It is not surprising that in later years Ngwo people protested against the cessions of 1915 and 1917...It is only in recent years the tribal groups [local communities] have fully realised what they lost in 1915 and 1917...The situation is particularly alarming to the people of Ngwo, so many of whom now find that they are farming their land and living in their houses simply by grace of a landlord, the Crown. There is alarm (Hair, 1954:64-65).

The realisation of the consequences of the acquisition on local people led to ad hoc measures aimed at “addressing” the effects of land deprivation. For instance after a delegation of elders of Enugu-Ngwo to the Governor of Southern Nigeria, Mr Lloyds, in 1935, provisional

⁷⁴ Enugu-Ngwo was part of the colonial era Udi district.

permission was given to the community to use certain areas of the “Crown land” on specific terms, including the issuance of,

Free permit to be renewed annually...the annual renewal [is] necessary as a reminder that the granting of free farming rights does not constitute any claim to the land and to remind NGWO [Enugu-Ngwo] that it is...merely an annual concession given them by Government (District Officer, 1935:2).

Although the post-colonial government has not demanded strict adherence to permit renewals, the local people who live on the Crown Land are constantly reminded by the Nigerian Coal Corporation (NCC) (the statutory owners of the land) that the land belongs to the Corporation. Occasional rows between the community and the NCC, especially whenever the later suspects the locals are “intruding” into certain restricted areas, has been documented.

In March 1982, the NCC published the following announcement:

It is hereby notified for the information of the General Public and, in particular for the information of the Ngwo Community and the Police...that the area of land...having been ceded to by the chiefs of Ngwo and Udi to the Government in [1915 and] 1917 and later vested in the...Corporation by virtue of Section 7 of the Nigerian Coal Corporation Ordinance (Act) No. 29 of 1950. It has come to the notice of the management of the Nigerian Coal Corporation that some members of the Public are trespassing on the said land...any person or group of persons who in any manner deals with the said...land...does so at his/her own risk (New Nigerian Newspaper, 1982:7).

The researcher and his assistant took a tour of these contentious areas on a hired motorbike. The researcher found that part of the ceded areas consists of the central business district of the city and its outlying suburbs. These include Coal Camp, Ogbette, Government Reserved Area (GRA) and Uwani, among others. The community does not claim these developed areas. The contentious areas are the swaths where local people live, which fall within the ceded land and are owned by the NCC. The increase in population and the need for land have forced local people to seek accommodation in areas restricted by the NCC. Here, they live and engage in activities such as farming and quarrying, especially within the Onyeama Mine precincts (see Plate 6.5). As the researcher found, it might be difficult for the state to

expel these people to give room for the privatisation of the mines. For instance, while a senior staff of NCC called the people living or farming on NCC's land "squatters", one of those engaged in quarrying near one of the mines told the researcher: "this is our father's land, we [Enugu-Ngwo community] were here before NCC came, we shall outlive it".

Plate 6.5: A local quarry on the contested land at Onyeama Mine



6.7 Privatisation of the colliery: igniting collective memory

Although agitation for the restoration of indigenous land in Enugu-Ngwo commenced almost after the appropriation was formalised in 1915 (see Hair, 1954; Agu, 1990; Onoh, 1997), it has intensified with the commencement of the privatisation of state owned enterprises by the Bureau for Public Enterprises in 1999. The Nigeria Coal Corporation (NCC) was listed in 1999 as one of the state-owned enterprises slated for privatisation. The reason for the

privatisation of the Corporation is based on the drastic shortfalls in output it recorded since the mid 1990s, an outcome of decades of deficit in annual production levels leading finally to the closure of the mines in 2001 (MSMD, 2006; see Plate 6.2 and also Figure 6.1).

Plate 6.6: The decay that led to the privatisation of Colliery
a. Headquarters of NCC



b. A conveyer facility at Onyeama Mine



c. Mine water seeping out of Onyeama Mine



d. Abandoned offices at Onyeama Mine



How did the privatisation of the coal mines result in conflict between the state and Enugu-Ngwo community? The answer to the question lies in understanding the history of the acquisition of the land, the content of the Agreement made between the colonial state and the chiefs of Enugu-Ngwo when they “ceded” the land to the state, and the fact that NCC inherited the land from the colonial state in 1950. The Ordinance which created the Nigerian Coal Corporation (Ordinance Act No 29 of 1950) had: “vested in the Nigeria Coal Corporation all the lands which the government acquired at Enugu-Ngwo as contained in the Plan No. 1655” (see Joint Community Resolution, 2001:6). While the said agreements of cession (1915 and 1917) recognise that the local community ceded the indigenous land to the colonial state “freely and voluntarily”, it also stated that the cession was made for public purposes:

For the purposes of a station and colliery, for the working of all coal and other minerals, the building of works, railways and houses, the establishment of traders' sites, and for all and any other purposes for which the said Government may think fit to use the said land (Deed of Cession, 1915:1).

The community's apprehension is therefore hinged on the fact that although the land has always been owned by the state since 1915, indigenes of Enugu-Ngwo has been permitted since 1935 to use parts of the land. Hence, privatisation in which a private firm takes over the assets of the NCC implies that indigenous occupants of this land will lose their "occupancy" allowed (officially) since 1935. An *Ishi-Ani* puts this apprehension thus:

We do not have enough land in this community to farm or build our houses. We live on the mountaintops since our lands were taken over by the colonial masters when coal was discovered in this community... Privatising the mines they did not buy its land is very unfair and we reject it. Why did they do this?

In a lawsuit instituted by the community at the Federal High Court in Enugu in 2004 against the Federal Government and other defendants, the community argued that,

We are worried and at pains not for the sale to private persons of the movable assets of the 2nd Defendants [NCC], but for the obvious fact that 80% of Ngwo aboriginal indigenes' homestead, land/plots acquired by the 1st defendant [Federal Government of Nigeria] for "public purpose", from our forefathers represented by sundry chiefs of Ngwo in 1915 and 1917...these land assets through privatisation of the 2nd defendant means that the new owners of the plot/structures will become Landlords to the aboriginal Ngwo Community (see FHC/EN/CS/216, 2004:6; see also Joint Community Resolution, 2001).

Although the need for land in the community has long been acknowledged by the state when it adopted the free permit in 1935, as a way of alleviating land scarcity (see District Officer, 1935), suing the state implies that the community does not realise (or perhaps pretends not to realise) the prevailing land ownership framework in Nigeria since 1978. What this means therefore is that even if the state restores ownership of the land back to the Enugu-Ngwo community, the Land Use Act of 1978 has made the state the legal owner of "all lands" in Nigeria (Allott, 1978; Uchendu, 1979).

The researcher found a relative misunderstanding of the legitimacy of the Agreements of 1915 and 1917 vis-à-vis the Land Use Act of 1978 among certain local people in the community. To illustrate this misunderstanding, the researcher asked an Enugu-Ngwo traditional title holder (*Ishi-Nze*) living in the Coal Camp area: “What do you foresee this conflict with the Federal Government will achieve, considering the fact that the government has nationalised every land in Nigeria under the Land Use Act of 1978?” The *Ishi-Nze* replied:

That principle is fraught, I mean the Land Use Decree [Act] of 1978. You cannot compare a child born in 1915 with another child born in 1978. The one born in 1915 is older. That Decree must have exceptions...They [government] cannot deprive us of our father’s aboriginal rights. The agreement of 1915 and 1917 are still in force and if any law has superseded them, then the repeal of the Agreement should follow due process. It must mention that these agreements have been repealed, unless that is done, these agreements are still in force.

This view, which was quite popular with ordinary people in the community, contributes to the sometimes frenzied opposition against the privatisation exercise in the community, such as the 2004 uprising against individuals alleged to support the government in the privatisation of the mines.

What this account has revealed about “compensational justice theory” as the driver of resource-related conflicts is that, while communities may need to be adequately compensated for the resources extracted from their land, the collective memory of what communities see as injustices often determine the nature of state-community relations. Enugu-Ngwo, as has been pointed out, was relatively compensated, although as the researcher found the infrastructures were dilapidated. The presence of these benefits (job creation, electricity, pipe-borne water, hospitals and schools), however, did not prevent the community from agitating for the return of its land since 1921.

6.8 Conclusion

In conclusion, the chapter has looked at the geographical location of the study communities, the historical and socio-economic peculiarities of Enugu-Ngwo and Egbema communities, and certain ethnographic narratives that shape grievances. In the foregoing account, the reader has been acquainted with the challenges that confront the communities and how these challenges relate to mineral exploitation. While Enugu-Ngwo has, since the displacement of the local population in 1915 due to the acquisition of its land for coal mining, suffered lack of land, Egbema has had to grapple with intrusive mining practices of oil companies. In both communities, coal and oil production have become bound up with the social structure. While to Enugu-Ngwo coal production is relatively a mixed “blessing” for the local people, the researcher found that Egbema community hardly associates the fifty years of oil production with “blessing”. In both communities, the mining industries have to a large extent structured the local economy, the environmental and state-community relationship. In the next chapter, the thesis presents the empirical data on community responses to issues around land use and compensation in order to show what influences grassroots opposition to the mining industries in both communities.

CHAPTER 7

DATA PRESENTATION AND ANALYSIS

7.1 Introduction

One of the most dominant discourses about state-community relations in resource-rich communities, especially in the Niger Delta, is that such relations are a “lesson in compensational injustice”. This was the core of the review presented in chapter 2 of this work. However, as also noted in that chapter, this dominant discourse obscures crucial socio-historical dimensions of those relations, especially with regard to land use in specific communities. In this chapter, the researcher marshals archival, ethnographic and survey data to shed light on the intersections between history and sociology in the structuring of resource conflict in the coal town of Enugu-Ngwo and oil-producing community of Egbema – both in Nigeria’s Igbo-speaking Southeastern region. This, it should be emphasised, is the main task of this thesis.

The three research questions that guided the research, and hence, the data presentation and analysis were stated in chapter 1, as follows:

- i. How do local residents in the study communities perceive compensation paid by the state/extractive corporations for the appropriation of land for mining operations, and what are their narratives about compensation?
- ii. What do such narratives reveal about the “justness”, or otherwise, of the compensation dynamics with specific regard to local land rights?

- iii. How do the attitudes of the resource-producing communities and the extractive corporations (and the state) vis-à-vis land rights intersect with the historical questions about state-community relations in Nigeria?

The empirical data are presented under the following themes, which are derived from the research questions:

1. Community narratives about compensation (derived from research question 1).
2. Encountering mineral production: local narratives (derived from research 2).
3. Contention for spaces: local rights vs. corporate licence (derived from research question 2).
4. Local perceptions of resource ownership rights and public goods (derived from research 3).

A brief summary of the issues raised by the data is provided at the end of each analysis and discussed further in chapter 8.

In the analysis, the identities of respondents are kept anonymous; however, where necessary, pseudonyms are used. Historical characters, families and communities in archival sources are used as the researcher found them in the records. The archival materials are not edited; they are presented in their original form. For easy reading, the acronym “NAE” stands for National Archive Enugu and “NMM” stands for National Museum and Monument Enugu (more of the acronyms are explained in the List of Abbreviations and Acronyms). Not all the respondents were interviewed in English; some were interviewed in Igbo language and their responses translated to English by the researcher. Where a respondent communicated in less *intelligible* English, his/her responses were not translated, in order to maintain a certain level of originality. Other details about respondents, apart from pseudonyms, are provided in

footnotes, where necessary. It should be noted that the study was done in an area where Shell D'Arcy began its operation in Nigeria, and where it has remained the dominant operator. Hence, both archival data and local narratives revolve around the activities of Shell D'Arcy (or Shell-BP and SPDC, which are some of other corporate identities Shell has adopted in Nigeria).

7.2 Community narratives about compensation

Before respondents' views on compensation and land-related issues in the study communities are presented, it is first pertinent to take a close look at some archival documents on land-related matters and issues surrounding compensation demand by local communities where oil was explored in colonial Eastern Nigeria. These documents provide a good background for understanding the contemporary community narratives presented later.

The researcher obtained several documents from the National Archive Enugu (NAE) detailing the early days of the development of coal and oil industries in the Southeast region of Nigeria. These documents, apart from reporting the exploration activities of mining companies, also contain the reactions of local residents to mining activities at the time. The reactions include: family and individual petitions against the exploration activities of Shell D'Arcy, demand for compensation, reasons for demanding compensation, compensation paid by Shell D'Arcy, and compensation rates for various socio-cultural objects and farm crops. The records in these documents, as the researcher found, give insights into certain sociological and historical issues that foreground land-related agitation in Nigeria even to this day.

In a petition dated 30th September 1939, which the researcher retrieved from file NAE: OP 24/1929, a Shell D'Arcy's field representative sent a telegraph to the Geologist-in-Chief detailing a complaint against Shell D'Arcy by a landowner, Mr Okike, whose cassava farm

was damaged during Shell's operations. According to the field representative, Mr Okike had asked for compensation in the "amount of 10/- [perhaps 10 shillings] or what we would like to give him". In the same archival file, the researcher found a letter written by an individual whose land was acquired without his consent. The affected person wrote to the colonial District Officer⁷⁵ on 3 June 1941:

That your poor servant cannot bear in heart for all my crops being more especially my cassava and palm oil trees which I use to feed my children. I am dissatisfied and ask for your justice to pay me for the damages £3/- for the sake because you are my fatherly. Again my heart told me that you cannot cheat me and you are always judges right (sic).

This petitioner wanted the the District Officer to help appeal to Shell D'Arcy to compensate him for his damaged farm and palm oil trees which constituted his only source of sustaining his family. In another petition written on the 14th of May 1940, a landowner named Uwakwe, wrote to the same District Officer of *Okigwe*, complaining that his land was occupied by Shell and degraded without his consent, and that no compensation was equally paid. His petition is also contained in the same file (NAE: OP 24/1924:46):

Your company, your people, the oil people they call themselves [Shell D'Arcy] destroy my land, yam, cocoyam, and palms. I do not give them permission. Now please sir, tell them to pay me £1.50/- or depart my land (sic).

A similar "request" for compensation was recorded earlier in Enugu-Ngwo in 1916 by local chiefs who were denied the right to farm on "their" land by colonial officials. This record was contained in an unpublished archival manuscript – *A Study on Enugu* – written in 1954 by Dr. P.E.H. Hair, a colonial officer in the then Udi division:

As a result of coal-mining which started in 1916, the people of Ngwo...were forbidden to farm on the areas of land affected. The people then asked for money [compensation]...At a point when the people resisted, a dog was brought which

⁷⁵ District Officer or D.O. was the most senior colonial official at the district level. The District Officers were usually British and reported to the Provincial Governors (see Hair, 1954).

threatened to bite the natives. They then gave in. The agitation had continued since then but Government had yet to pay any compensation.

In these cases, landowners found that their land was already occupied before negotiation for compensation was initiated. Clearly, then, landowners had to “demand” for the payment of compensation as an only alternative. This is one of the ways in which to understand the textured nature of compensation demand in rural mining communities. While we consider individual or communal views in these archival sources on how local people in colonial Eastern Nigeria framed their “agitation for compensation”, it is also important to note how local residents in the villages where Shell explored equated Shell D’Arcy with the colonial state and even feared that they would be punished by the government for daring to oppose Shell (see Section 7.3).

In a reminder to the District Officer, dated 15 June 1941 and contained in another file (NAE: OWDIST 10/1/436), an individual protested what he saw as Shell’s “delay” in paying him compensation for the damages he incurred from the company’s operations:

It is 8 markets⁷⁶ now since I send claims to your office. I never get my money from Shell D’Arcy or even sorry from them. Please tell them to pay me. They pull down my palm tree; 4 in all, my wife’s cocoyam, okra, pepper, etc. I need £3/-. I don’t want trouble, because they are powerful than me. Me did not invite them here.

Giving credence to these archival documents, one interviewee, a retired primary school headmaster⁷⁷ in Egbema (hereafter called “Headmaster”) who said he was “close to 30 years” old in the 1950s, when Shell D’Arcy prospected for oil in his community, narrated his experience of land acquisition and compensation payment to the researcher:

I was a young man then, I was close to 30 years. In the 1950s Shell D’ Arcy did not ask for your permission to enter any land. This was contrary to our customs.

⁷⁶ Eight markets in this passage is perhaps a 32 day period. In Igbo tradition, there are four market days: Eke, Ori, Afo and Nkwo. These four days make up one week in Igbo calendar (4X8 = 32). The petitioner may have felt that eight weeks was enough for Shell D’Arcy to respond.

⁷⁷ This respondent was interviewed in English and was very knowledgeable of the period when Shell explored his community.

To be fair to them, they used to pay a pittance which they called compensation. But the truth is that, you need to ask one for permission before taking his thing. It is not after taking my belonging by force and using it that you come back to pay me what the D.O. [District Officers] determined. This action was unfair. At the end of the day you collect whatever you are given because you cannot stop Shell. The D.O. was a strong man and feared by all.

From these sources, it can be assumed that not only did Shell D’Arcy determine the compensation, but also that it first occupied land before it paid any compensation. The researcher retrieved a 1957 publication by the Public Relations Department of Shell-BP⁷⁸ from the National Archive Enugu, which gives insights into the company’s land acquisition and compensational practices. Specifically, it seemed to corroborate the view of the interviewee quoted above – that land was taken without the owners’ consent and that whatever compensation was paid was not prenegotiated with landowners.

The document, titled: “*Pamphlet: Compensation for occupation of land in oil search operations*” (obtained from the NAE), stated that Shell-BP relied on the assessment of the colonial administrative officer of the district involved in the determination of the compensation it paid to individuals and not necessarily on negotiation with the owner of the property. In an answer to a Frequently Asked Question (FAQ): “How do you occupy land you require for oil search operations?” The company’s answer goes thus on page three of the document:

The terms of the licences granted us by Government provide for Government putting us in occupation of any land required for our operations and determining the compensation we shall pay to the land owners.

The document hints that Shell negotiated compensation with landowners before acquisition was made:

⁷⁸ In 1956, Shell D’Arcy merged with British Petroleum to form Shell-BP. In their notice on this merger and subsequent change of name, the “new” company stated the corporate name of the has changed from, “The Shell D’Arcy Petroleum Development Company of Nigeria, Limited to The Shell-BP Petroleum Development Company of Nigeria, Limited as from 30th April 1956”. See NAE: OWDST 10/1/436 for the details of the change of name.

What happens in *practice* is that we inform the local Administrative Officer of the site required and one of our representatives visits the area to see who are the land owners (sic). We then negotiate directly and freely with the land owners in order to reach agreement on the amount of compensation to be paid for the use of their land and for damage (if any) to their crops or economic trees. The sums agreed upon are then submitted to the Administrative Officer who, if he approves, issues us with a permit of occupation, a copy [of the permit] which is given to the landlords.

While this claim suggested that Shell first compensated landowners before occupying their land, the researcher found archival evidence that contradicted the claim. For instance, the letter sent by a colonial assessor to the Geologist-in-Charge, Shell D'Arcy Exploration Parties on 10 October 1939 (contained in file: "NAE: OP24/1929:25") noted that Shell had occupied the land and commenced industrial activities before the assessor did his assessment:

With reference to your letter No. 1346 of the 30th September, 1939, it is difficult for me to assess the compensation fairly, unless I can inspect the amount of damage. I imagine from what you state that 3/- or 4/- would be adequate.

The researcher also found, in file NAE: OWDIST 10/1/436, another instance where land occupation and damages to farmland seemed to have taken place before the owner was contacted. A Senior District Officer wrote on 17 November 1939 to the Geologist-in-Charge of the Seismic Party:

Sir,

I have the honour to inform you that the bearer...states your Camp is on his land, and that he has received no compensation for the trees, etc removed. Doubtless you will be able to settle with him when vacating the site.

While these incidences happened in the colonial era (in the 1930s and 1940s), the researcher encountered interesting narratives in Enugu-Ngwo and Egbema communities about local responses to the issue of land acquisition and compensation.

Pretending not to have seen the archival evidence pertaining to the character of corporate-community relations in the early days of oil exploration and production, the researcher asked a

female youth leader⁷⁹ (of the Landlord Families Association in Obiakpu Egbema), here known as “Angela”, what she knew about the land acquisition and compensation practices by Shell Petroleum Development Company (SPDC) and other companies operating in Egbema. Her response was as follows:

I believe that most of the land that Shell occupies in this community [Egbema] was not acquired through the right process. In many instances, the company explores for oil in people’s land without informing them. I call this invasion. In the process they destroy trees and crops without the knowledge of the owner. It is always during the clearing and intense seismic activities that the owners are alerted. It is then that negotiations [for compensation] begin with the company’s agents. In our culture, that is pilfering and it is a big crime... We often keep silent because they are more powerful than us.

During the interview, “Angela’s” mother, an elderly but well-informed woman who said she was in “Class 4” (secondary school) at the time Shell D’Arcy commenced operation in Egbema in the 1950s, interjected:

The situation has not changed from what it was from the first time I sighted Shell in *Alinso*⁸⁰. What you should bear in mind is that as it was in the beginning so it is now and I think, so shall it always be! A snake will always crawl; as my complexion is very black so will it always be. Even if I bleach my skin like so many girls do today in Egbema, I will always return to my true black colour [at this point we all laughed at her humorous analogy]. That is the behaviour and history of Shell and Ashland in Egbema. I saw it as a young girl and that is the way it is today. They are gods and who are you that a god will consult with. I do not think we need their money, what we are saying is treat us like humans or leave *Alinso* [Egbema].

When asked if she was rejecting “compensation” and all the benefits that could come from the oil companies to Egbema, she responded quickly:

If anyone tells you we do not need compensation in this community, he is lying. Of course we like to be like Abuja and Lagos. But if anyone thinks we will ever have enough benefits in this community from them [oil companies], that person is lying. This is to explain what you hear as community troubles from here to *Mba Mmiri* [the lower Niger Delta communities]. It is a big trouble; it is a war to push out Shell and Agip from Egbema and Mba Mmiri. On the other hand, we want compensation because we cannot pursue them out of Egbema.

⁷⁹ This lady is a trained nurse and aged 34 years. She was interviewed in English in her parents’ home.

⁸⁰ Another name for Egbema, literarily “Sacred land”.

A 62 year old community leader in Egbema sees agitation for “compensation” on acquired land this way:

Yes, we ask for compensation, what can we do? However, let me tell you this, our people said in a proverb, that it is better to cut off and eat the tail of a fleeing cow, than to lose the whole cow. This parable is the story of what you call agitation for compensation here in Egbema and our neighbours.

“Headmaster” also expressed a similar view:

Compensation is not entirely out of the way in our community. We like compensation such as road, water, electricity, telephone, etc. when oil or gas is taken out of our land. Look at the road you [the researcher] travelled on coming here from Owerri. It is so bad. We want to be like Dubai, I see it in pictures. That country is the magic of oil and it is our right to be like that. So I support agitation for good compensation with the whole of my heart. But let me ask, has any community got compensated in Nigeria? Is it not chasing a wild goose? Has Ogoni with all their noise been compensated? Although one may argue that we have oil and we get nothing, but tell me which state [province] in Nigeria is actually better than the other? It is almost the same everywhere you go.

The researcher at this time pointed out to him that Enugu-Ngwo was an example of a well-compensated community from its coal, an assertion to which the respondent bluntly disagreed. He maintained that the community which lost “its ancestral land, including the graves of their ancestors to the colliery development could not be said to have benefitted from the same coal”:

I lived in Enugu from 1960 until the outbreak of the Nigerian Civil War in 1967. I know their story very well. They lost their land to coal mining; they were driven to the top of the Milliken Hill where they now perch like birds. Coal mining chased out Ngwo indigenes and the Crown [colonial government] took their land. What kind of compensation do you call that? Agreed they got education, road, water, jobs in the mines and gained from the development of Enugu city, yet they are protesting. Few years ago their youth protested. Why did they protest? They need their land back. Do you now see the emptiness of what you call gain for Enugu-Ngwo?

While this respondent looks beyond the physical gains that accrued to Enugu-Ngwo community as *benefits* of coal mining, his response touches at the heart of the issue of *justness* when goods of certain values are appropriated. Akpan (2009) notes the tendency of oil companies in the Niger Delta to belittle certain spaces and that in the indigenous sense are

mystical ecologies in the name of compensation. The author notes, “Spirito-cultural symbols like shrines, ancestral cemeteries and tombstones become cosmologically disembedded and reconstructed as ‘physical’ structures” (Akpan, 2009:112). It is perhaps, this “value angle” that Jane Radin (1993:53) had implied when she questioned the possibility of compensation as a measure of “justness” in offsetting non-pecuniary losses or what she called “uncompensatable” losses.

In Enugu-Ngwo, most interview respondents were of the view that the community was relatively well compensated, yet it seemed to this researcher that behind the facade of a “well-compensated community” lie deeper issues. This irony is captured in a remark by one key informant, a former high level political office holder⁸¹ in the old Anambra state, and a one-time chairman of Nigeria Coal Corporation (NCC), that his community’s agitation had no direct link with compensational inadequacies:

[Enugu-]Ngwo had what its neighbours did not have so early in the day. Schools were built, electricity was connected to the community through the service line that supplies Enugu city from the now moribund Oji River Power Station. More than that, there were jobs for our youths in the coal mines; this means that those who would have become militants found jobs and earned very well in those days. I made sure during my tenure as the executive Chairman of the NCC that a Secondary School – Colliery Technical School – was built here [Enugu-Ngwo]. The motto of that school is: “From the depth of darkness to light”. I choose those words because I did not want to see children of miners becoming ordinary miners like their fathers. The other amenities which did not come from the colliery, we got through the governments, starting from the old Eastern Region to the present Enugu State. By right we host the city of Enugu which has always been the capital of different states and even of the Republic of Biafra. Having said that, the availability of social amenities did not remove the fact that our people have no land to farm or build houses. Their anger to get the land back has always been there since the colonial government acquired it as Crown land. However, it did not explode like that of the Niger Delta people.

⁸¹ This respondent was an octogenarian with deep knowledge of his community and the history of the coal industry.

In another key informant interview with an elderly *Ishi Nze*⁸² in Enugu-Ngwo, who was also perhaps an octogenarian, the researcher asked this question: “do you think your community gained from the coal it has produced since 1915?” The researcher wanted to understand how he views infrastructural benefits vis-à-vis the agitation in his community over land rights. He responded this way:

It is a ‘yes’ and a ‘no’ answer. In terms of what you may call infrastructural development, yes we gained, although much of what we got from the colliery is as moribund as the mines are. Secondly, one may also say ‘no’ to that question. The reason is that our land that was taken is not a subject that can be compensated by anyone. You cannot chase us out of where we live and say you are compensating us. Land is not a car you can purchase. Even if we migrate from here, we lose our physical link to our ancestry and wherever we go to, we become strangers in those places. Ngwo’s land cannot be traded with amenities no matter how much money these amenities are worth.

While there may seem to be aversion to state or corporate compensation in the two communities, perhaps, as a result of the mood⁸³ of the communities as at the time of the survey, certain respondents (especially in Egbema) see optimism in “adequate compensation” of local communities as what might assuage angry communities. One respondent in Egbema, pointed out that:

Yes, compensation will go a long way to better our condition. I believe it will help us a lot. If the amenities are here, and our youths have jobs, why should anyone think of fighting with the federal government?

Another respondent, a teacher noted:

All we need is sincerity from the federal government, NDDC, AGIP, Shell and even the state government. If they will do as they say, these boys [militants] will lay down their arms. Do you think they want to die fighting? They need good jobs and good environment. I think lack of good compensation of host communities is a major cause of the problems we have in Omoku and our neighbours.

⁸² This respondent was interviewed in English. He was a councillor in the 1960s and has lived much of his life in the community.

⁸³ It should be noted that as at the time of the survey in November 2007 and March 2008, anti-state and anti-corporate sentiments were high in both Egbema and Enugu-Ngwo communities. While in Enugu-Ngwo the mines had just been handed over to Global Infrastructures Incorporated – the winner of the privatisation bid – in the face of strong community opposition, in Egbema (which is a part of the Niger Delta) community resistance against the state and corporate firms was also high at that period.

Another respondent in Egbema, while agreeing that lack of compensation is, in his word, “the major factor why we are fighting”, blamed the federal government of Nigeria for:

lack of vision...If they had been dealing with us [oil producing communities] with sincerity, compensating every community well, providing us with jobs, this thing called militancy and bunkering will not have there. Go to EPC [Egbema Production Centre], you will find Egbema people as cleaners and grass cutters. When they advertise jobs for indigenes, it is only cleaning, security jobs, what they call ad hoc jobs. When they advertise for real jobs, they give to Yoruba people. Why won't the youths fight?

In the two study communities, but especially in the oil-producing Egbema, the need for the state or extractive firms to adequately compensate individuals and groups was acknowledged one way or the other. However, there was a strong sentiment in both communities that compensational benefit, as important as it may be, does not constitute a “just” substitute for other historical and sociological deprivations suffered.

The survey results (Table 7.2.1) give insight into respondent’s views on compensation and community agitation in the study communities – Enugu-Ngwo and Egbema.

Table 7.2.1: Responses on community compensation and “sentimental attachment” to land

QUESTION 12: What would you accept as compensation from the NCC to relocate from your land/home ?	COMMUNITY RESPONSES AND PERCENTAGES	
RESPONSES	ENUGU-NGWO	EGBEMA*
a. Five times the value of my land/house	1 (0.8%)	2 (1.7%)
b. Another better house somewhere in this community	2 (1.7%)	1 (0.8%)
c. A better house in the city such as Onitsha, Aba, Owerri, Lagos, Enugu or Abuja	2 (1.7%)	7 (6%)
d. Will not leave my house or land for NCC for any reason	115 (96%)	110 (92%)
e. Don't know		
d. Other comment:		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
QUESTION 13: If your answer in Q.12 is “D” why will you refuse to give up your house or land for more money or better house elsewhere?	COMMUNITY RESPONSES AND PERCENTAGES	
RESPONSES	ENUGU-NGWO	EGBEMA*
a. Mining companies should not have my land/house	2 (2%)	5 (5%)
b. It is against our customs to give up my land/house for money	17 (15%)	10 (9%)
c. My value for my house and land cannot be compensated with money	62 (54%)	53 (48%)
d. All of the above	29 (25%)	41 (37%)
e. Ten times the worth of my land/house (in cash)	5 (4%)	1 (1%)
f. Don't know		

g. Other comment:		
TOTAL	115 (100%)	110 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
Confidence Level 95%	Confidence Interval ± 8.9	n=120 (for each community)

It should be noted that at the time of the survey in March 2008, anti-state and anti-corporate sentiments were high in both Egbema and Enugu-Ngwo communities. While in Enugu-Ngwo, the mines had just been handed over to Global Infrastructures Incorporated – the winner of the privatisation bid – in the face of strong community opposition, in Egbema (which is a part of the Niger Delta), community resistance against the state and corporate firms was also high at that period. While one could not ascertain if the situations in both communities had any effect on the outcome of the survey result, archival and interview data suggest that given the option of accepting or rejecting compensation for certain community values, local people might not readily part with their land or homes no matter how much they were paid. It seemed, therefore, to this researcher that, the conflict in both communities was not necessarily about the monetary worth of land or homes, but about specific issues related to historical and sociological developments around oil and coal mining.

The data above can be summarised as follows:

- While the compensation paid may not be adequate, the agitation for “compensational justice” is a part of community grievances against the state and extractive firms, it does not comprehensively explain other facets of state-community conflict;
- Since the inception of mining in the colonial era, compensation is always imposed and not negotiated with mineral-rich communities, such as the study communities;
- Archival and empirical data from the study communities reveal that given the option of accepting or rejecting compensation, communities and individuals might not readily part with their land or homes no matter how much money they were paid;

- The study communities also emphasise the relevance of their socio-ecologic values in their agitation and may not willingly give up their valued properties for monetary or infrastructural compensation.

7.3 Encountering mineral production: local narratives

In order to understand some of the colonial or historical roots of state-community conflict in the study communities, it is necessary also to look at the origins of corporate mining practices in these communities and local narratives of apprehension, suspicion, myths and cultural conflicts that accompanied mineral exploration. An understanding of the nature of exploration activities and information management on the part of the state and mineral exploration companies will give the reader insights into community narratives of “justness” or otherwise in state-community or corporate-community relations. This is the focus of this section of the data presentation and analysis.

During the archival research at the National Archive Enugu (NAE), the researcher obtained a letter titled “Geological Exploration for oil”, dated 25 August 1938, addressed to the District Officer of *Okigwe District* in the present day Imo and Abia states. In this letter, contained in file NAE: OP 24/1929:4, the Geologist-in-Chief of Shell D’Arcy sought permission to “take a preliminary look at the *Mbala* area with the D.O. and hoped that it might also be convenient for you to come then”. In this pilot geological assessment, it was not known if any local representative was invited to be present during the said “preliminary look”, or if public enlightenment about the intended exploration was made. However, the researcher did not find any document in the files that indicated that any public enlightenment was carried out regarding the exploration visit. The researcher also retrieved a petition from the same file NAE: OP 24/1929:112 written by a concerned community leader in 1947. The petition gave

insights into the communication gap that existed between the state and community or between Shell D’Arcy and community in the local communities:

I have the honour most humbly to forward to your honour this my humble note asking for your kind explanations and advice about a thing which I do not understand. It is about the Shell Oil Company as they are called, who have been digging pits of enormous depths here and there at my town Otampa in your district. I am ignorant of what is going to happen in future about the company’s adventure in the land. I humbly ask if your honour may kindly explain to me the future conditions of the company such as digging of many pits at many places in my village, and whether this will not in any way affect us.

The researcher did not find any reply to this petition in the various archival files containing correspondences between colonial officials and Shell’s staff.

One key informant in Egbema, an eyewitness⁸⁴ of the exploration activities in his community, Iho, where Shell D’Arcy drilled its first exploration well in 1951 (see Chapter 5), noted that, “Explanations of their [Shell D’Arcy] activities to our people was rare in those olden days [colonial era]. It was like asking Africans [local people] for permission to do whatever they desired to do”. Continuing, this respondent (here called “Elder 1”), recalled that:

Digging and blasting were the most abhorred. It involved earth-quaking noise and the release of water and mud from the ground. The oil company did not bother if houses or farms were near their activities. For example, a palm wine tapper who comes back from the market may not find access to the palm tree he tapped [harvested wine from] early in the morning in his backyard or you may find your yams and coco-yams buried by mud and water. It was difficult for some families.

The researcher also found another petition from file NAE: OWDIST 10/1/436 in which the land belonging to a family was encroached by Shell D’Arcy without permission in 1953. The owners equally claimed ignorance of what Shell D’Arcy was doing on their land. They stated in a petition sent to the Commissioner of Eastern Provinces:

⁸⁴ This respondent was interviewed by the researcher in English, although he spoke in Igbo at times. Such responses in Igbo language were translated by the researcher. He estimated his age to be 85 years. He said he was a secondary school student at the time. In colonial Nigeria, children went to school later than they presently do. As the researcher was informed by his father, some people attended primary school at 20 years or above.

Over a year ago [perhaps 1952], we saw strange people inspecting and surveying our family lands called “Oja”, “Aniocha”, etc. We wanted to interfere but on enquiry we were informed that the people are called “The Shell Company of West Africa”, which is either an independent Overseas miners or a Department of the British Government. They moved freely on the lands for their desired missions. This year (1953) they have started major operations of clearing, pipe-laying, firing, etc...But they have failed to accomplish the most important aspect of their responsibilities i.e. knowing the right people whose lands they are using.

In an interview, a retired high school principal and community leader⁸⁵ in Egbema (referred here as “Elder 2” and apparently over 75 years old), who claimed to have witnessed oil exploration in Iho and neighbouring communities in the early 1950s, (before Shell D’Arcy found oil in his community in 1958), described the experience of his community this way:

It was like an invasion of Whitemen [Europeans], their mission was not known, not even by the *Nze-na-ozo* [titled men]. They moved from village to village, with strange equipment, followed about by cohort-black men carrying cutlasses with which they cleared footpaths. The sudden appearance of these oil-scouting parties was very strange because it raised villagers’ curiosity. Many of them have neither seen a white man nor heard about crude oil before. You know that the Second World War has just ended in the mid-1940s and rumours were rife that Hitler had escaped to Africa. Seeing strange faces in your community with unknown equipment made people suspicious of their mission and tended to resist them when they get closer to anyone’s land or house. I think the Native Authority and the District Officers did not manage the information very well.

In Enugu-Ngwo, the researcher also found that the same trend characterised villagers’ encounter with coal mining when it began. Although none of the respondents claimed to have witnessed the inception of the coal industry from 1909 when coal was discovered, to 1915 when the actual mining began, oral history of the industry passed on from one generation to the next by those who witnessed the inception of the colliery was narrated to the researcher by elderly respondents. Narrating the experience of Enugu-Ngwo community the former highly-placed political office holder⁸⁶ stated that it was actually coal exploration that:

brought the Whiteman to Enugu-Ngwo in the first place. Our forefathers did not know anything about coal and [perhaps] without coal, the colonial masters would not have known anything about us.

⁸⁵ He was interviewed in English and his responses were fluent.

⁸⁶ This respondent was trained as a lawyer in Britain in the 1940s. He has been in politics in Nigeria since the early 1950s.

The researcher asked this respondent if he was aware of any coal mining-related public enlightenment programmes in his community. The respondent caricatured the idea of *prior information* and then said:

Inform who? It was not their [Europeans] goal. They did not come to inform you of what they are doing. We are talking of absolutism. The District Officers and his men reigned as absolute kings. Remember the conquistadors of Latin America, the Boers in South Africa and the slave dealers of the 19th century along the West African Coast. The mentality of the colonial masters did not allow them to see in us elements of human beings. They saw us as animals, after all they met some Africans nude or semi-nude in the early 20th century. So to them, nude people did not have rights. Our people carried them [colonial officials] on their heads for several kilometres. I witnessed it as a young boy; I am not reporting what I was told. So informing our fathers about coal or tin exploration is the same as recognising they have rights. I think it is at that time [the beginning of colonialism] that relationship between Africans and the colonial state got bad.

Another interviewee, a British trained mining engineer and a former top manager⁸⁷ of the Nigerian Coal Corporation (NCC), an indigene of Enugu-Ngwo, recollected what he said was told him by his grandmother on the first day the underground mine was opened in 1915. Until then some families had refused to vacate portions of the *Ajagu-Agangwu* area of Enugu-Ngwo as directed by the Divisional Officer at Udi. He said:

On that day as the miners encountered large impermeable rocks, the need arose to use dynamites to dislodge the rocks. I hope the native [local] miners were told what to expect, but the villagers still resisting the vacation order were not informed. Hence, when the first dynamites were laid and ignited to explode the obstructing rock, the whole area was shaken to its foundation. The feeble thatched houses the indigenes lived in collapsed and so did their goat houses. So the goats and the chickens fled. Apart from the loss of these material possessions...I know the impact of such explosions; I am a British trained mining engineer. The process of rock displacement was so crude those days.

After a period of laughter, the respondent continued,

So those families ran up the hills like others had done. However, they lost all they had and did not bother going back to pick all that were left of their former homes. That episode created many impacts at the end of the day. First, they [colonial miners] got rid of those obstructing their operations and got the coal they targeted. Secondly, they lost the support of the community they displaced. The poor folks saw it as coordinated bomb and gun attacks; some still see it as such

⁸⁷ He was 78 years as at 2008.

today. So in every action you take, count the negative cost also. In this community, we have a folktale about this period depicting the displacement – *Ayigbara oso Oyibo* – [we ran from the Europeans] (see Plate 7.4).

On the shock local communities encountered during the period of oil exploration in Egbema in the 1950s, a 70-year-old man⁸⁸ (as at 2008) known here as “Elder 3”, whose father’s land was one of the first places where Shell explored for oil, narrated his family’s experience of that period to the researcher:

I remember that we were in a farm sometime around April...certainly before June 1957. News came to us that certain people were building a house on our land. Initially my parents thought that was a joke from my senior [older] sister who saw Shell workers with their optics [survey or seismic equipment]. My father believed the story when my uncle, his younger brother, ran to us to report that they were clearing the young cassava plants and mounting the stand for their optics. It was at this juncture that my father took his sharp machete and left for the venue. Before he left, he had asked me to alert his cousins to meet him at the said land. I thought he was ready to kill those people, because this was our family land and you do not just enter anyone’s land without asking for permission from the head of the family that owns the land. Even if you told the family head, he still needs to consult other members of the family before permission is given to you. The irony is that when my father got there with all his fury, he could not do anything. The sight of the Whiteman leading the party [Shell’s exploration workers] terrified him. He came back without uttering a word. They held family meeting that night and my uncle who was literate enough to write was asked to write petition to the D.O. It was widely believed that those people were sent by the Queen’s government in Britain.

The colonial era provided what seemed like “a cover” for private interests in the local communities as uninformed people thought exploration for mineral resources was actually part of government activities. In the course of the research, the researcher interviewed an elderly man in his farm near the Flow-station at “Location” in Egbema. This elderly respondent⁸⁹ (who said he was 82 years old, known here as “Elder 4”) still does not believe that Shell D’Arcy was not the same as what he called “Queen’s government” [colonial government]. He asked rhetorically, “What is the difference between the shell of an egg and

⁸⁸ This respondent is scarcely educated. During the interview, he mixed Igbo with Pidgin English. The researcher translated his responses in Igbo into English, while those he communicated in smattering English were used that way.

⁸⁹ He was interviewed in Igbo language. His views were translated into English by the researcher.

an egg-yolk? Without one, the other will not be”. He implies that Shell Oil Company and the state are the same. This respondent recalled the events of the 1950s when Shell explored the colonial era Ahoada District where he lived and Egbema his community to press home his conviction that Shell exploited its relationship with the government in its operations. The researcher asked him what he thought led to the conflict between his community and Shell and AGIP. To him, the conflict in oil-producing areas “was avoidable, had oil companies been humble enough to inform each community about their mission and treat them well”. He sounded more like the former highly-placed political office holder cited earlier:

How can they [Shell and AGIP] inform us “monkeys” of their mission? To them we were not real human beings. I have not forgotten all their injustices, arrogance, and intimidation. The Queen of England was with them, the West African Frontier Force (WAFF)⁹⁰ and the colonial government could overrun your community if you refused to comply with them. We did not know what they were doing; the Native Authority did not even speak to us. In those days if a decision that could affect the community was taken, the town crier used to go round the town very early in the morning with his gong alerting people about the new decision or community work. Another way of communicating government decision was through the church. Usually announcement was made at the church and it goes down to those who did not attend church that day or those who did not attend church at all.

This research did not limit attention to Enugu-Ngwo and Egbema communities in the search to understand how local narratives in the early days of coal and oil explorations and community reactions to the experience. One of the communities that have become synonymous with oil explorations in Nigeria is Iho, which is located in present-day Ikeduru Local Government Area of Imo state, the same state as Egbema. It was in this community that Shell D’Arcy drilled its first Oil Well in Nigeria in 1951 (see also Chapter 5). To underscore the importance of the community, the researcher was informed that, Iho was *optimistically* compared to “Arabia” in anticipation that it would perhaps become the core of the oil-producing region of Nigeria. That dream did not materialise, and Iho for most of the

⁹⁰ The WAFF was an amalgam of the armies of British West Africa, comprising servicemen from Nigeria, Ghana, Sierra Leone and The Gambia. It was the WAFF that gave birth to the armies of each of the independent nations.

respondents interviewed is a “lucky community” when compared to Oloibiri which became the first community where oil was discovered in commercial quantity in June 1956 (Orji, 1999:98).

The researcher wanted to find out how the exploration of oil in Iho resonated with local people. The eight elderly respondents⁹¹ interviewed on the activities of Shell D’Arcy in Iho community were of the view that neither the government nor Shell D’Arcy made attempts to enlighten their community on what oil exploration involved. “Elder 1” asked rhetorically, “Do you not think that illiteracy and the fact that we did not know our left from our right [ignorance of one’s human rights] aided their action?” He continued:

The colonial officials must have told Shell, ‘exploit them; they are stark illiterates who do not know their rights’. I guess that was the reason they did as they liked. Now they applied the same method to Mba Mmiri [the lower Niger Delta] not knowing that the world has changed and people now know their rights. That is why these children [the militants] are fighting. It would have been worse here.

To another respondent, the blame for the lack of information should go to the indigenous members of the Native Authority (NA). To him, “these people [Native Authority members] were corrupt and may have collected bribes from Shell D’Arcy and allowed them entry into Iho and our neighbouring communities”. While this respondent blamed the Native Authority which consisted of mostly Nigerians, an archival document on “Iho Well No. 1” in file “NAE: OWDIST 10/1/436”, which the researcher retrieved from National Archive Enugu, gave an insight into the displeasure of the indigenous members of the Native Authority over their disregard in decision-taking regarding oil exploration in their constituency. In a petition written by the council members of Mbaitolu-Ikeduru Native Authority after the launch of “Iho Well No. 1”, the Native Authority members complained thus:

⁹¹ The researcher could not ascertain their age. However with hindsight, none of them was less than 80 years old as at 2007/2008 when he visited the community. They were interviewed individually in their homes in Igbo language and translated by the researcher.

There was no invitation sent to the Federal Council...The invitation and the ceremony is now history but we are bringing for consideration important aspects and as the Native Authority of this clan we are to be informed of the development and production of the Oil Well. We consider it natural and essential and of mutual interest that the development and output of the Oil Well should be known by the people at least by their accredited Councillors. Our people are of the opinion, and rightly too, that the output from the Oil Well is not entirely within the vicinity of the Well but covering long areas as rivers cover long distance.

The researcher also obtained a copy of the petition written by the family that owned the land where Shell D'Arcy drilled its first Oil Well. This petition gives insight into the nature of its pre-independence (before 1960) relationship with its host communities. The researcher obtained this document⁹² from file: NAE OWDIST 10/1/436:

Their notice of termination of the agreement was sudden. Besides, there are some indications that the land on which they operated is still at their disposal. These are: their signboard where they wrote "Iho No.1" is still there; the rocks and stone they spread all over the area during their operation are still there to impede our plantation of yams; about three mighty cemented holes they made, in addition render the land useless as far farming is concerned.

The imagery created by such complaints tends to suggest that the relationship that evolved between Shell D'Arcy and its host communities in the early days of oil exploration (from 1937 to 1956) was not cordial.

There were also reminiscences and narratives concerning local reactions to the commencement of gas flaring in Egbema. In addition, the researcher wanted to know if the community was informed about the commencement of gas flaring and the impact of the flaring on the community. During conversation with respondents, the researcher found that there were conflicting dates when the actual flaring began: some respondents said it was in 1958, others insist it was around 1964. In his paper, Umezurike (2007:5) recorded that gas flaring in Egbema started with the drilling of the first oil well in Egbema (Egbema Well No. 1) in 1958. The researcher later obtained land acquisition documents from one of the landlords that indicated that the sites for "flare and flow-station" were acquired in 1966 (see Appendix

⁹² The researcher also obtained a copy of the same document (as a corroboration) from the family in Iho.

7.1), although respondents insisted that gas flaring had already commenced well ahead of the formal acquisitions in 1966. The view that flaring began earlier than when the acquisition was made is likely to be true. The researcher found that oil companies such as Shell normally occupied land in advance, before acquisition is formalised.

In Egbema the constant illumination of the night by gas flaring has become part of its identity, so that the epithet: “The land of midnight sun” has become the way some individuals in Imo state describe the community. The researcher knew about this epithet even before embarking on his research. However, it is not the flare that matters to us here, it is the narratives around the origin, location of the flare points, the fear it invoked in the community, the confusion and the different myths built around it when it was first lighted that are of interest.

The flare, according to one respondent, “disturbs the guardian spirits of Egbema and disturbs the quiet of the night when the dead ancestors are supposed to be keeping watch over their living children”. Two FGD discussants in the community described their experiences of gas flaring as follows:

- We [local people] thought it was the *oku mmuo* [hellfire] which the [Catholic] priest speaks about. We did not understand what it was all about and no one told us what it meant. That silence from Shell-BP led to different speculations. There was no special protest from us, but we did not like it (A focus group discussant in Egbema, aged 73 years, who claimed he saw the first flare come up in “1960”).
- I was about eighteen years old when the first one was lighted before independence [Nigeria’s independence in 1960]. I did not understand what it was because no one told us what it was. However, I believed that it would last for only few months and the gas will finish from the ground. Few months have turned into many years (this elicited laughter from other participants). May be it will never quench. Is it hell on earth? We don’t know. It will never go off again, because it did not go off during the civil war⁹³ when oil production stopped (In the same discussion a participant (This participant was aged about 72 years. He had argued the flares first came up toward the end of “December 1959”).

⁹³ Nigerian Civil War – 1967 to 1970.

A respondent (64 years) working in a farm close to a flare platform at “Location”, who claimed he was a primary three pupil when the first flare began in “1959”, spoke of the fear that gripped the community. He highlighted the curiosity of the children and the trepidation with which the adults approached it:

We, the school children [pupils] wanted to go there to find out what it was, but we were chased back by our teachers and senior monitor. They told us that we will all die if we breathe the gas. The mention of death scared us away. After so many years of living with it, I always feel I will die anytime I come near a flare point in Egbema or Omoku [a neighbouring community in River State]. My father who used to tap a raffia palm at the nearby swamp did not go to the swamp for many days, until he was sure it was safe for him to go near the swamp.

The researcher also gauged the issue of community awareness of mining activities in the two study communities in a mini-survey. The results are presented in the following tables:

Table 7.3.1: Community awareness of mining activities

QUESTION 9: Do you think your community is well informed about mining activities (explorations, blasts, subsidence) by NCC?	COMMUNITY RESPONSES AND PERCENTAGES	
	ENUGU-NGWO	EGBEMA*
RESPONSES		
a. Yes we are well informed by NCC	4 (3%)	1 (0.8%)
b. We are not well informed by NCC	10 (8%)	25 (21%)
c. No we are not informed at all by NCC	105 (88%)	92 (76)
d. Don't know	1 (0.8%)	3 (2.5%)
e. Other comments:		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
Confidence Level 95%	Confidence Interval ±8.9%	n=120 (for each community)

From the data, there is a significant response indicating that local people in Enugu-Ngwo and Egbema do not receive adequate formal enlightenment about mining activities from the mining companies. While 88 percent of the respondents in Enugu-Ngwo and 76 percent in Egbema think they are not “informed at all”; 8 percent and 21 percent of the respondents in Enugu-Ngwo and Egbema respectively think they are “not well” informed. On the other hand, 3 percent and 0.8 percent of the respondents in Enugu-Ngwo and Egbema respectively think they are “well informed”. This result seems to agree with views expressed in the archival sources by various communities where oil exploration began and in in-depth

interviews which suggest that communities were often excluded from information surrounding exploration activities in their communities.

The researcher also sought to determine how the respondents in both communities rate what they see as likely causes of conflict between the state/mining companies and their communities. The findings are presented in Table 7.3.2.

Table 7.3.2: Likely “causes” of conflict between the government and mineral-rich communities

QUESTION 6: What do you think is the most likely cause or causes of conflict between the government and your community?	COMMUNITY RESPONSES AND PERCENTAGES	
	ENUGU-NGWO	EGBEMA*
RESPONSES		
a. Police and army brutality	2 (1.6%)	15 (12.5%)
b. Non-payment of adequate compensation for acquired or destroyed land	3 (2%)	10 (8.3%)
c. Lack of development in your community	5 (4%)	8 (6.7%)
d. Lack of information on mining activities	8 (6.7%)	10 (8.3%)
e. Lack of land for farming and building homes	20 (16%)	5 (4%)
f. Inconveniences – pipelines, oil spill, gas flare or coal mine wastes and pollution of streams	10 (8%)	15 (12.5%)
g. A, B and C	7 (5.8%)	
h. D, E and F	69 (57%)	57 (47.5%)
i. Don't know		
j. Other comments:		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
Confidence Interval 95%	Confidence Interval ±8.9%	n=120 (for each community)

In Table 7.3.2, the survey result indicates the response patterns of what respondents in each community think are the most likely cause or causes of conflict between their communities and the government/mining companies. While the survey result does not reveal any single factor as a significant cause, it however shows a combination of factors as likely causes of conflict between the study communities and the state or mining companies. These factors at a combined response rate of 87.7 percent in Enugu-Ngwo and 72.3 percent in Egbema include: lack of information on mining activities, lack of land for farming and building, and inconveniences resulting from pipelines, oil spillages, gas flaring, mine wastes and pollution

of streams/rivers. It will be pertinent to also take note of the scores recorded by compensation-related options – a total of 12.8 percent for Enugu-Ngwo and 27.7 percent for Egbema. While the “compensation-related” scores seem insignificant in both communities, it does not imply that the communities are averse to good socio-economic provisioning. As at the time of the survey, anti-state and anti-corporate sentiments were high for different reasons in the study communities. The privatisation of the mines in Enugu-Ngwo and the heightened militancy in the Niger Delta led to conflictive state-community and community-corporate relationships. This may have contributed to the seeming “indifference” to socio-economic provisioning in the two study communities. To illustrate this feeling toward the state in Enugu-Ngwo and Egbema, it was common to hear expressions like:

- “Compensation is what we have been hearing since independence [1960]”
- “We are tired of their compensation”
- “We want them [government and oil companies] to get out of our ancestral land”
- “To hell with their compensation”
- “The government is a thief”, among others.

According to a youth leader in Enugu-Ngwo (aged 44 years), who the researcher interviewed at the National Archives Enugu: “Did the government substitute our [Enugu-Ngwo] birthright with social amenities?” he asked rhetorically and added: “I am sick and tired of that. Yes, we had those things [social amenities], but we lost our land. Must we lose our land to get good things?” In Egbema, “Elder 2” was more detailed:

Compensation is good, but it confuses us. We need our land, enough of promises from them [oil companies and the government]. We have been promised heaven and earth since 1958 [when oil was found in Egbema] and till today you can see for yourself that Egbema is a barren land. Let them eat their amenities.

During the interviews and focus group discussions, it was common to hear visibly angry respondents use certain words and expressions to explain the conflictive relationship with the state/extractive companies:

- “dispossessions”,
- “fight back”
- “exploitation by the government”,
- “expel Shell from Egbema”,
- “repossess Ngwo land from NCC and federal government”,
- “colonialism has finished, this is supposed to be a new era”, among other similar expressions.

In a focus group discussion in Enugu-Ngwo, the sentiment against the state among the discussants was so high that the researcher asked: “Is this community at war with Nigeria?” A youth leader⁹⁴ (here called “Andrew”), a 40-year-old building contractor, answered:

Far from that; we are not at war with Nigeria. The federal government is more powerful than us. We do not want them to turn Enugu-Ngwo to another Odi⁹⁵. But listen, we are more powerful than many federal governments put together. Remember, right is might, not the other way. Our right comes from the fact that we are the aboriginal [indigenous] owners of this land.

At this point, all other discussants echoed, “yes”. Andrew concluded by using a similar expression the researcher often heard from different respondents in both Enugu-Ngwo and Egbema: “Enugu-Ngwo was here before Nigeria was born, and will outlive Nigeria”. In Egbema, “Elder 4” had said, “Listen, Egbema is far older than Nigeria”.

The responses in this theme can be summarised as follows:

⁹⁴ This discussant holds a Higher National Diploma in Building Technology.

⁹⁵ Odi community in Bayelsa State was attacked by the Nigerian armed forces on 20 November 1999. In the attack, which came after an alleged killing of certain police officers by a militant group based at Odi, the federal government ordered an operation against the militants. In the process, it is estimated that several homes were torched and non-militant lives lost (ERA, 2002).

- Land was acquired forcefully without negotiation with the owners. In most cases, privately and communally-owned lands were invaded by exploration teams.
- Local communities, such as the study communities, are excluded from the decision-making process of the state and extractive firms on land acquisition and mining.
- As a result of the information gap between local communities and the extractive firms, mining related activities produced shock and myths around mining. These experiences also evoke resistance against exploration activities.

7.4 Contention for spaces: local right vs. corporate licence

In this section, the researcher presents archival, interviews and survey data on how the rights of local people intersect with corporate licence in mining communities, such as Enugu-Ngwo and Egbema. The essence of this is to understand how the contestation between corporate licence and local ecological rights affect the construction of “justness” or otherwise in state-community or corporate-community relationship in the study communities.

This excerpt from an interview with a farmer in Egbema, and a Shell D’Arcy document, illustrate the nature of the intersection between indigenous and corporate rights in the study communities. According to the farmer in Egbema:

I cannot struggle with pipelines and gas flaring in a land where my umbilical cord was buried. I am an *Amadi* [a free born], I am not an *Osu* [a deity’s slave] in Egbema. It is an abomination; God forbid it! (*A farmer interviewed near a major Shell facility in Egbema, December 2007*).

While the above view emphasises indigenous rights to the natural resources in Egbema, the following passage from a publication by the public relations department of Shell D’Arcy in 1957 (which the researcher obtained at the National Archive Enugu), also gave insights into Shell’s perception of the rights of extractive firms and who they owe their allegiance to.

Our licences entitle us with government permission to occupy your land for oil search operations because it is very important for Nigeria that we find oil and the whole country would lose if we were unable to work” (In answer to the question: “Can I refuse to let you [Shell D’Arcy] occupy my land?”).

The researcher counted over 300 petitions in three files (NAE: OP24/1929; NAE: OWDIST 10/1/436; NAE: ONDIST 12/1/1782) at the National Archive Enugu, written by individuals, families, villages, communities and clans against the activities of Shell’s “seismic parties” or what an elderly respondent⁹⁶ at Oguta near Egbema referred to as: “Those Shell’s invaders”. Apart from complaints about non-awareness of the activities of Shell in local communities, petitioners seemed to contest for spaces with exploration activities, hence, the complaint about the damage to family homes, streams, non-observance of local religious domains, destruction of farms and trees and abuse of labour agreements. In one such complaint in file (NAE: OP 24/1929), sent on 3 June 1941, the petitioner, “Chukuleke” stated:

That the Shell Company people...destroyed one part of my house and also wall fence and cut down ten of my palm oil trees and also damaged plenty of my cassavas. I was not at home when Shell people came as I was in a native doctor’s house for treatment. My town’s people told me Shell people destroyed my house and left. I cannot understand why all crops especially cassava and palm trees were destroyed. How do I feed my children?

A sample of other incidences the researcher found includes:

- In File NAE: OP 24/1929, November 1 1939: the District Officer had written to the Officer in Charge of Shell’s *Thyssen Party*: “I have the honour to inform you that Nwachuku Duruaku states your Camp is on his land...and that he has received no compensation for the trees etc, removed”.
- In File NAE OP 24/1929:57, June 3 1940, a farmer named O. Oji complained of “corn and cassava damaged on his farm”.

⁹⁶ This respondent puts his age as at December 2007 at 80 years. He worked as a cleaner at the Shell Camp Headquarters of Shell D’Arcy in Owerri from 1952 to 1953.

- In File OWDIST 10/1/436, December 9 1940: this petition was forwarded to the Geologist-in-Charge of Shell Camp, “I have to refer to the land damaged by you near the Methodist Mission, Ihube and the crops damaged on Umunna land near the Imo [River]”.

The researcher found in another file NAE: OWDIST 10/1/436:266 a petition written by one Basil Ogunere on 14 October 1951 after the commissioning of Iho Well 1, the petitioner noted another operational negligence of Shell D’Arcy which damaged his farm. According to him:

I...forward you this my humble letter so as to tell you that the Shell D’Arcy at Iho Owerri has damaged my farm with water and slime. It is hard for anyone to walk on that farm without falling. The waters and the slime have remained in the farm about three or four months without abating. It is still flowing like stream water. Owing to the flowing of the water the yams and the other crops planted there produce very little. Even the cassava which I planted in the farm are about to die due to the water which remains in the farm.

These incidents, which are linked to mineral exploration in inhabited communities, were not limited to the communities where oil exploration took place. Responding to a question: What do you know about the early days of coal exploration and mining in Enugu-Ngwo community? an octogenarian *Ishi-Nze*⁹⁷ in Enugu-Ngwo identified similarities with the oil-producing communities in the way local rights clashed with mining activities in his community:

Of course, I was not born by 1915...but you do not expect your conquerors to respect your native [local] customs. That is the unwritten laws of conquest. So when people here complain about how the Ngwo deities were burnt down during the 1915 forceful expulsion to the hilltop, I tell them to go read histories of the Romans and Greek imperialists; they never respected the customs of those they vanquished. So why should I expect them [the British] to respect ours? However, such behaviour has set up a process of retaliation and revolts. Coal mining, whether surface or underground in an inhabited area, disrupts communal life; it happened here. Having said that, whatever they did here cannot be compared to

⁹⁷ He is an octogenarian and was quite frail at the time of interview. He is a retired Utilities Manager at the Nigerian Railway Corporation and well educated.

what oil companies have done to communities in the Niger Delta since Shell D'Arcy began that process.

Talking about the disregard of indigenous land use practices in the process of mineral exploration and exploitation in Enugu-Ngwo, a respondent who said his father was a priest of the oracle – *Ana ama kpee* – informed the researcher that underground coal mining under the deity's grove affected the potency of the oracle:

Coal mining collapsed most of our shrines and desecrated our customs and traditions...our people believe that the desecration of the shrines is what has caused problem for them. For an illustration, the Ngwo people have a shrine called "*Ana ama kpee*" situated near the Army Shooting Range. The noise underground from coal tunnels and the shooting of the army annoyed it and it requested for relocation.

In a similar view in Egbema, "Elder 3", who said his Christian faith did not forbid his belief in the power of the gods of "*Ali Egbema*" (Egbema land), narrated to the researcher how Shell "got into trouble" with a deity called *Ogwugwuodu*, when the company encroached on its territory in 2005:

Shell thinks it is wise, strong and mighty, it mess around the land of Egbema until it entered the territory of the great deity – *Ogwugwuodu*. It was then we know that Shell was merely pretending. Shell drill a well at Obokofia [part of Egbema]...but did not know the sacredness of the land where they put the well...All of a sudden the oil in the ground dry up. The Well remain so, until they appease the god of that land; now the oil is coming back. We hate defiling. One thing you can know is that our land is holy. The traditional name of this community is *Egbema-Ali-Nso* [Egbema the holy land].

When the researcher asked what he meant by "appeasement", the respondent replied, "Shell negotiated with the chief priest of *Ogwugwuodu* (the deity). They know what the gods and the goddesses require. These are the things the company gave to the Chief priest." The researcher raised this issue at the Sub-office for Lands at Egbema Production Centre (a Shell office complex) where a staff (here called "Okey") gave his own version of the story:

The wellhead was sinking at a time as a result of the soft swamp terrain. The base needed reinforcement which did not come as early as was expected, hence the wellhead snapped. If that was caused by any goddess, I do not know, but it was unlikely.

A friend⁹⁸ of “Elder 3”, who claimed to be well aware of the events of the mid-1950s in relation to oil exploration in the former Ahoada Division (which included Oguta, Omoku, Egbema, Ndoni, and Ogba axis), told the researcher, there is a “connection” between the restiveness in the Niger Delta, to the “foundation which Shell and AGIP workers laid against us before independence”. AGIP, a subsidiary of Eni of Italy, is the dominant oil-producing company in the part of Egbema community in Rivers state. He noted:

Yes, they [Shell and AGIP] defiled everything and committed abominations. The mid 1950s is not the same as today. In those days, people did not go to church as they do today; they were mostly traditionalists. The land had more importance then than it does today. In those days in many communities, you do not enter the farm on their market day; an abominable person or a woman in her menstrual period did not go to the stream or river. The python was not killed in certain communities and strangers did not enter anyone’s land without the permission of the owner. Shell and AGIP exploration parties committed all these abominations. There is a saying in Igbo that any evil you commit will accompany you to your grave.

On the attributes of land in Igbo communities and the way in which “seismic parties” treated land-related customs, a former primary school headmistress⁹⁹ (here identified as “Headmistress”), recounted to the researcher an incidence: how Shell’s exploration workers clashed with a man over a particular palm tree which, according to her, “meant the whole world to this man”. She elaborated:

We [she and other children] accompanied a Shell’s seismic party around this community out of excitement when suddenly the leader, one bearded European man, marked a palm tree to be cut down in someone’s courtyard. This, I think, was to enable their optics have a better view. While the native [African] labourers were digging to uproot the tree as directed by the leader of the party, the man who owned the house jumped on them and there was a little fracas. The incident attracted neighbours who came to the scene. The man threatened to commit suicide should the tree be cut down. His little children started crying immediately their said that. While all other people understood the reason for the man’s protest and threat, the two Whitemen among them did not understand, we [the children] also did not understand. It was the man’s wife who told the interpreter to plead with the Whitemen to spare that particular palm tree, because the husband’s

⁹⁸ This respondent was interviewed in Igbo language. The researcher translated his responses into English.

⁹⁹ This woman would be close to 70 years old or less. She was interviewed in English.

umbilical cord was buried at its base. Instantly the leader commanded the party to spare the tree, and they left. The wife's explanation did not mean anything to us, the children. This memory has remained with me since then.

It might be pertinent to give a brief sociological insight into Igbo mythology regarding the umbilical cord and the palm tree. In traditional Igbo society, where a person's umbilical cord is buried is very significant to that person's life. In communities where the practice is seen as of great significance, parents travel long distances to bury the umbilical cords of their child at the base of a young oil palm tree in the courtyard of their ancestral home. Such palm trees are usually marked and protected. It is believed that the child has a perpetual relationship with his forebears and their culture. Beyond this, the child is seen to have been linked to the life of the palm tree. The significance of being "linked" to the palm tree is numerous.

Under normal conditions, the palm tree does not die easily; it lasts long and withstands both wet and dry seasons (winter and summer). It also produces either fruits or wine, or both. It is of great economic and social significance and there is hardly any part of the palm tree or its product(s) that is not useful. Hence, by linking the child to the palm tree, the parents and the society wish that the child in his lifetime becomes like the palm tree – prosperous, healthy and with a long life. It is like saying to the baby, "you are dedicated to this tree. Be everything that it is". This practice has connotations with the Jewish tradition of wishing someone a life that "flourishes like the palm tree" (Psalm 92:12).

As the last interviewee ended her narrative, she noted that many people lost "their palm trees" to these exploration parties:

There was hardly a palm tree within the courtyard that did not have certain significance to the family. In most cases these families may be in their farms in a far place and on their return in the evening, they would discover that Shell's parties had wrecked havoc. Pear trees, *Umune*, *Ogbu* and *Ofo* are shrubs that had a lot of traditional values to Igbo families and individuals and were planted in the compound. They were not just plants, they were treated as "members" of the family. The Whiteman did not know about this and he went about destroying

them. Is it not the same Shell that explored Iho, Umuna and Okwelle in the 1930s...before independence that is in Egbema, Warri and Ogoni today?

Like other oil-producing communities in Nigeria's Niger Delta, Egbema hosts several pipelines, some of which, according to a Shell staff, are either "active or decommissioned". These pipes can be found literally everywhere in the community – near streams, inside farms, less than two to three metres from people's houses and in public places such as schools, markets and worship places. As already mentioned in Chapter 6, the community has a total of 31 oil wells, gas flare platforms, a flow station and the expansive Egbema Production Centre (see Plates 7.1, 7.2 and 4.1). The presence of these facilities and the inconveniences they pose to the community resulted in what the local people often see as intrusive oil production.

Plate 7.1: Pipelines and human activities in Egbema





As at the time of the field research (November 2007–March 2008), the researcher found, the community had engaged in a series of appeals to Shell Petroleum Development Company (SPDC¹⁰⁰) for the removal of the “decommissioned” pipelines on the farms and near homes. The struggle to remove these obstructing pipes is championed by the community’s Development Union. The researcher obtained a letter dated 7 March 2007 (see Appendix 7.2) written by the Obiakpu Egbema Development Union to the Manager, “Community And Shell Together” (CAST)¹⁰¹ and titled “Removal of non-functional SPDC pipes at Flow – Line/Flow station”. In the letter, the community noted:

In line with the new SPDC and her new system; Community And Shell Together otherwise (Cast), we write to suggest that...those unburied and scrap pipes at the flow-line be removed and send (sic) to SPDC scrap yard Port Harcourt the better. Sir, this becomes necessary in order not to create room for vandalism and perforating of Oil Pipes line thereby causing huge loss of crude [oil]. Again, our pregnant women, wine tapers [sic] and children who their farm lands are across the line cannot cross over because at times it endangers life and property hence there are not buried, if it were buried, we will definitely bear the burden as usual.

¹⁰⁰ SPDC is the operator of Shell’s Joint Venture Partnership with the Nigerian government. In this thesis, it is used interchangeably with “Shell”.

¹⁰¹ CAST is the “newly-reinforced” community-corporate relations office in SPDC based in Port Harcourt.

The Pipelines in question are in these location or Wells 1, 2, 3, 4, 7 & 8 (see Appendix 7.2).

This letter outlines two major issues concerning the presence of the pipelines:

- As a source through which oil could be stolen and,
- As obstruction of access to farms and other occupations such as wine tapping.

Plate 7.2: SPDC Flow-station in Egbema: living with oil



In an interview with an official of Obiakpu Egbema Community Development Union, the association that wrote the letter to SPDC (Shell Petroleum Development Company), he presented the researcher with copies of other letters the union had sent to Shell, prior to the one cited above. According to him:

It is this kind of insensitivity of SPDC that some trouble makers or oil thieves in different communities capitalise on to cause confusion. This is called negligence. The same Shell that messes up local communities with dead pipes they laid in the 1950s will turn around to tell the whole world the militants are attacking them.

Now these letters are evidence to what we are saying about them [SPDC]. This is December 2007, the last time we wrote them was in March 2007; up till today, they have not answered us.

In an interview (in January 2008) with “Okey” (the Shell staff referred above), he acknowledged the existence of, “obstructing pipes and derricks in some areas all across Egbema and other oil-producing communities”, but pointed out that it is “not the duty of this office [EPC] to organise their removal. It is the duty of the Headquarters [in Port Harcourt] to do so”.

In the course of the fieldwork in the community, the researcher spoke to respondents who saw grassroots violence against oil-producing companies as a way of asserting their indigenous rights over the “discomfort” resulting from the intrusive nature of oil production in the neighbourhoods of local people. In the focus group discussion held in Egbema all of the discussants agreed with what the Youth leader¹⁰² of the Landlord Family Association called “occupation and siege” in his community as the major issue why the community is in conflict with SPDC. He said:

I am only thirty-two years old. I was literally born on top of pipelines, carbon-filled air, rusted roofing sheet, polluted water brought by the arrogance of SPDC. If these pipes are buried deep enough, we wouldn't complain. But they are dropped on the surface of our farms, some of them leak crude oil near our homes and this is life threatening. Sincerely we are under the occupation and siege of Shell with the connivance of the Federal Government [of Nigeria]. So when I visit other non-oil-producing towns and communities, I see freedom. You are free to build house as you like; here in Egbema, you cannot build anywhere you like. You literally build only where Shell wants you to build because of their upsetting presence.

Again, the researcher asked another Shell staff member (here identified as “Emeka”) if his company does not bury pipes, but drops them on the surface as alleged by the discussants.

“Emeka” admitted that some of the pipes needed to be “re-laid”. According to him:

¹⁰² This respondent is an unemployed graduate of physics from a federal university in Rivers state. He demonstrated deep knowledge of the nature of corporate-community relations in the Niger Delta.

None of those pipes they pointed at was originally dropped on the surface. The issue is that they have been there for quite a long time and as a result of soil weathering and human activities, the soil holding them has loosened or eroded. So they are now well exposed. That is the problem.

The response made the researcher ask Emeka about some other pipes which he thought were not just exposed as a result of the “weathering and human activities”. Emeka responded by saying:

Those pipes you mentioned couldn't have been buried. They are not meant to be buried. Some of them are made to be on the surface because of their strategic importance. They constitute the hub of our operations and must be closely monitored if there is emergency situation. If they are buried, it becomes difficult to monitor their functionality. I think the problem really is about the location of our operations in the Niger Delta. I have been seconded to the Middle East countries a couple of times and the desert areas where their oil fields are mostly located do not attract much human presence.

Emeka's explanation highlights the challenges of resource exploitation in inhabited areas, interaction with local rights and the likelihood of conflict between host communities and mining companies.

The researcher also spoke to those who had allegedly “stolen” petroleum products, or vandalising oil pipelines in the oil-rich communities. One major characteristic of this group which the researcher noted, is the fact that although their activities are seen by the state as “illegal”, most of those interviewed did not hide their trade or their identity, although a few did. This particular respondent¹⁰³ was a former soldier and claimed to have converted to Islam while serving in the predominantly Islamic Northern Nigeria, before reconvertng to Christianity after leaving the army¹⁰⁴. He had a wide understanding of Islamic and Christian jurisprudences and used them to argue his point. The interview was conducted in a house near

¹⁰³ This respondent, about 45 years old and has tertiary education. He obtained a Nigerian Certificate of Education (NCE) from a popular College of Education in Owerri before joining the army. He was interviewed in English.

¹⁰⁴ The Igbo ethnic group and their Eastern Nigerian neighbours are predominantly Christian. It is rare to find Muslims among these groups.

Shell's EPC where he was visiting "a friend"¹⁰⁵. The researcher later discovered that the "friend" was actually one of his major customers (see his Fuel dump in Plate 7.3).

Plate 7.3: A Typical "Petrol Station" in Egbema (Niger Delta)



The respondent was hooded during the interview; he stated that he feared arrest and the consequences he might suffer, especially as a former soldier. Describing what he saw as the driving factors in the grassroots rebellion in his community, he noted:

Go out there, into people's farms, close to their homes; it is Shell, Addax and AGIP pipelines. Are we human beings or animals? God is not unjust. If we are evil as we have been painted by the world, then the world is also evil for accepting the evil that Nigeria has done to us. I have never felt any guilt doing what I am doing here. Mujahid [Asari] Dokubo is my personal friend and we once shared the same faith, not now. For the Holy Quran says in Sura 42, verse 41, "All those that fight when oppressed incur no guilt, but Allah shall punish the oppressor, come the day." I am from Oguta and was raised a Christian. Even the bible says "do unto others as you would like them do unto you". Nigeria has not done unto us as it would like great powers like [United States of] America do unto it.

¹⁰⁵ This man is 43 years old. He has a National Diploma in Marketing from a Federal Polytechnic in the state. He was interviewed in English.

His friend comes in with another justification of the “resistance”:

Firstly, we will appreciate it if you [the researcher] don’t classify what do as “stealing” or “bunkering”. Asari Dokubo had long said it that we are only taking what is harvested from our land. Having said that, you must also know that since I was born I have always seen these pipes [petroleum pipelines] as the greatest form of nuisance anyone can live with. In some areas, the pipes are only two metres or less from our houses and fences. You get up in the morning hungry with no hope of finding food for the day. The farms are already littered and polluted with oil installations and there are millions of dollars moving all about you in pipes and you are aware of the value of the substance inside of them. What do you do?

His friend, the former soldier, interjected:

If the pipes are not competing with us for space, will we cut them? In your [pointing at the researcher] part of the state, do you bunker pipes? You do not because there are no pipes in your farms, streams, courtyards, schools, churches, shrines, everywhere you can imagine. Also I want you to know that without this kind of fuel, there will be no movement here [implying there will be no petrol to operate vehicles]. What you call “original” fuel does not exist at all!

The view of this respondent sounds like a recital of a popular viewpoint in Egbema, as different youths expressed similar views. One of the sons of a “landlord” of Shell in Egbema, here called “Peter”¹⁰⁶ whom the researcher met for the first time at the palace of the *Nkaralegwu of Obiakpu Egbema*, told of his bitterness regarding the method of oil production in his community. He first complained of the inadequate compensation for his late father’s land which was acquired in 1966. He told the researcher, “I need good compensation for my father’s land, what they pay us every ten years as rent is not enough”. To him, individual or community compensation is important. However, disturbances due to the ubiquity of petroleum production facilities in the community, he notes, has affected his access to land and therefore is a more serious issue to him:

Look at the ‘hellfire’ called gas flaring (he points towards the direction of a flare). They [SPDC] are not treating us like human beings. The pipes have destroyed our lives; therefore we must destroy them in retaliation. I do not blame anyone who fights back whatever fights against his progress.

¹⁰⁶ “Peter”, a 46-year-old man is scarcely educated. He responded in Igbo and Pidgin English. His responses were later translated into English.

It is important here to give a brief description of these pipelines in Egbema. The researcher found that the pipelines vary in size, and they range from single to multiple pipes. In certain cases, a “right of way” (the passage way for pipelines) could be over 20 metres wide, and there could be tens of pipes buried or exposed in its course. For instance, the main pipeline laid in the early 1960s, which runs from the “Oguta oilfields” to Egbema/Rumuekpe and then to the coastal terminal, is over 20 metres in width (see Plate 7.1). While Shell is the major operator of these pipelines because it is the largest oil producer in that axis, other companies such as AGIP and Addax, also feed this major pipeline. Although this line is buried, human activities – homes, farming, among others – are very close to it, and everyone recognises the danger it poses. It is the size of the land pipelines take, their spread in the community and the inconveniences they cause that some respondents would argue is one of their major reasons for agitation.

Commenting further, Peter pointed at what he saw as personal injustices:

This pipeline cuts across my share of our father’s land. This is my *ala-obi* [land inherited for habitation], now I have lost it to Shell and Addax and I am angry. The small portion of land that was given me is *ekpe* near the Nkesa River, it is farm land and I cannot build there.

Sociologically, in Igbo culture, the “*ala-obi*” is perhaps the most valued possession a father bequeaths to his male children. It is a portion of land within the settled section of the community. A father divides his *ala-obi*, separate from *ala-ikpa* (Agu, or *Ekpe* as it is called in Egbema) among his children either in his old age or when his sons are setting up their families. The uses of *ala-obi* include building a house, planting of “economic and mystical trees”, burial, courtyard, farm and tending domestic animals such as goats, poultry and sheep. The *ala-ikpa* is used primarily for farming purposes, and in the pre-Christian era it served as a place where twins were thrown into, and also for the burial of those perceived to have died of mysterious or inexplicable diseases such as leprosy, lightning attacks, tuberculosis or

scrotal cancer. Those who died from these diseases are “believed to have incurred the wrath of the gods” (Ejidike, 1999:75). Certain cultures in pre-Christian Eastern Nigeria, such as Igbo, Efik and Ibibio, did not accept multiple births and the infants from such births were often killed and taken far away from the habitation land where they were either dumped in the *ala-ikpa* or what is also called “evil forests”. The practice was to ensure that the corpses of the twins or the dead from “evil” diseases did not defile the “sacred” habitation land (see Chuku, 2005:82-84). Peter concluded by saying:

Maybe in my lifetime, maybe in the lifetime of my children, maybe in the lifetime of their children, this fuel [crude oil] will run dry and the living shall repossess the land. I see it coming, and it will not be long.

The researcher also interviewed a respondent¹⁰⁷, whose late father’s land was appropriated for oil production in 1966. Although an engineer by training, he narrated the history of Egbema community, the coming of Shell and his community’s ecology as though he was a historian:

Oil production in Egbema has not helped us in the way our fathers who celebrated Well No.1 in 1958 had expected. If “Orji” [the legendary founder of Egbema] was alive, he will be in deep sorrow. He founded a community on a fertile land and as a result of the unimaginable yields from this land, he named it *Alinso* (holy land). This is the name by which our neighbours such as the Ogba, Oguta, Ndoni, Omoku, Ekpeye, Aboh, Ohaji and other peoples as far as Owerri, Onitsha and Ogbaru identify our community. They call us *Ndi Alinso* [People of a sacred land]. Although the name was used in conjunction with Egbema, it was only in the 1931 census of the then Protectorate of Southern Nigeria that the name “Egbema” was made permanent. Are we still sacred today? The answer is no. Oil has defiled us and chased away the deities Orji and his children left behind. Now since 1958 [when oil was discovered in Egbema] people die young here, the land no longer yields. It is a disaster.

The same view is shared by some respondents who wrote their comments in questionnaires they responded to. One of these respondents wrote:

¹⁰⁷ This respondent was 58 years. He was interviewed in English. He works for an indigenous (Nigerian) oil company as at 2008 in Port Harcourt.

- “If those who called *Ali* Egbema, *Alinso* were to come back to life, they will not recognise it”.
- Another comment read: “*Alinso* has become *Ali-pipes na gas*”, meaning “Sacred land has become a land of pipes and gas flare”.

While respondents in Egbema will readily point at several oil-related equipment in their community as inconveniencing their daily life, in Enugu-Ngwo respondents’ attention does not focus on such inconveniences of mining in inhabited areas even though such inconveniences exist; many of the respondents are more often concerned with recovering “their” land from the state. However, as this researcher found, the decades of underground mining in the community has resulted in major geological problems.

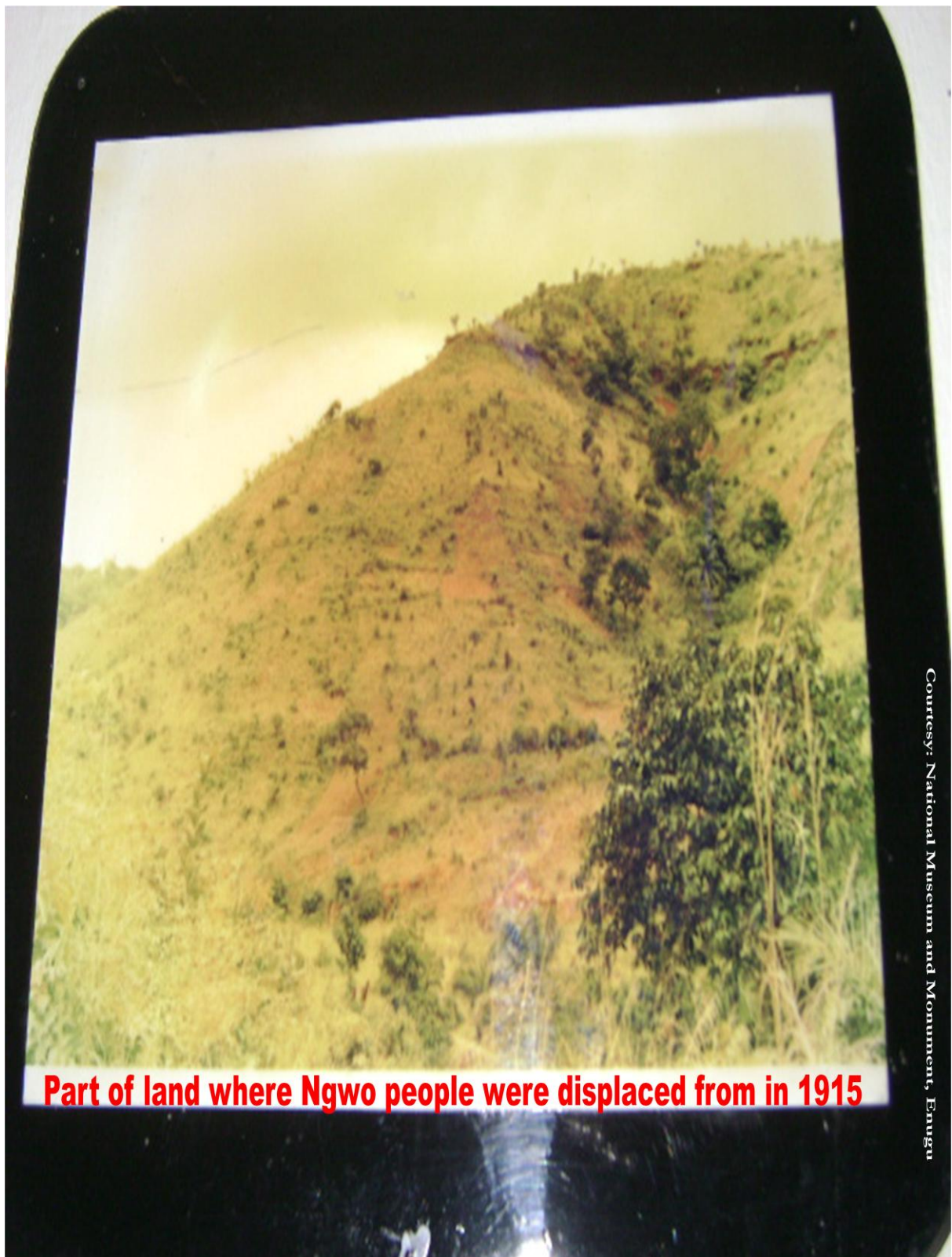
The researcher found that, a major fear expressed by some respondents in Enugu-Ngwo was on the possibility of earthquakes and landslides occurring in the community as a result of decades old mining activities. This fear was echoed by discussants in the FGD in diverse ways:

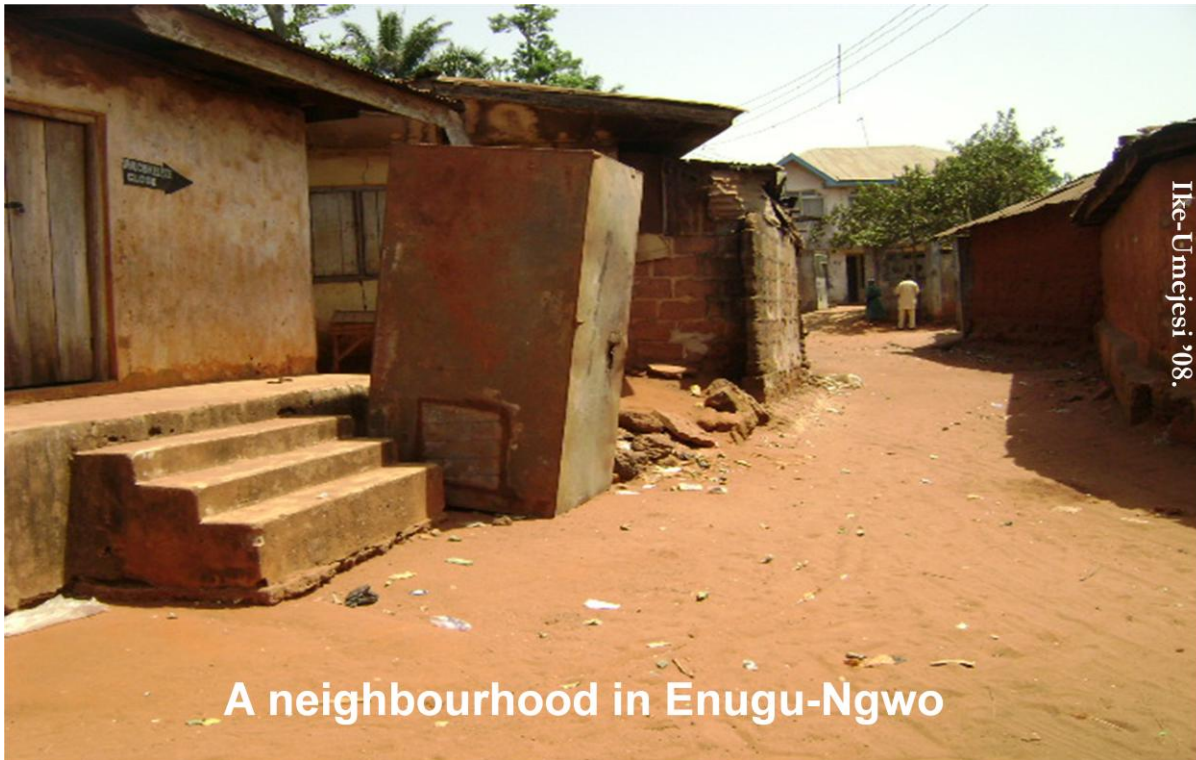
- “It is a matter of time before, it [earthquake] will happen”.
- “This is what we get from losing our land to the government”.
- “The ecological problem here is the more reason why we must force the government out of Ngwo and take back our land”.
- “Although it is possible, going by the way subsidence happens here...may God forbid it”.
- “Yes, look at the walls of this school¹⁰⁸, it is evidence it will happen”.

The researcher noticed several cracked buildings and wall fences in the community, an incidence, which local people associate with a geological occurrence, “subsidence”.

¹⁰⁸ The FGD took place at the Colliery Technical School. It has cracked walls (see chapter 6).

Plate 7.4: Different faces of land in Enugu-Ngwo





Subsidence, the researcher was informed, occurs as a result of underground tunnelling such as in mining, and the resultant vacuum that is created. The weight of surface structures which cannot be sustained by the tunnelled ground begins to crack and collapse. In an interview with a retired mining engineer and former General Manager of NCC (quoted earlier), the researcher asked what he thought was the major problem that faced his community as a result of coal mining? He responded thus:

I will answer in two ways. Firstly, as an Ngwo person, the major problem is land scarcity. It is often painful seeing young people from this community going to build their homes outside our community. Secondly, as an engineer, the major problem is the existential threat posed by geological subsidence to our community. Subsidence occurs as a result of tunnelling a large space in the ground without leaving enough coal to hold the upper crust. It results from underground puncture which moves up to the surface – it threatens any surface structure in the area where it occurs. Such damages may be difficult to contain. Its impact may not even be immediate. It may occur decades after you have stopped mining activities in the area. In this community and in the areas around it, the underground effects of decades of mining are beginning to manifest. For example the Enugu/Onitsha Expressway is about cutting into two. The incidence is purely as a result of underground mining activities at the Onyeama mines located near the expressway. Here and in Enugu town, several buildings are cracking; you should have observed what I am saying. As I speak several residential places,

streams, rivers and farms are threatened. No one cares, not even the government that possessed this land since 1915.

Interestingly, majority of the respondents paid more attention to the issue of recovering their land from the state, than to the geological problem described above. In the mini-survey, the researcher gauged how local people in the study communities see the intersection of corporate licence and local rights in their communities. The results are presented in the following tables:

Table 7.4.1: Corporate versus indigenous rights

QUESTION 7: Do you think your community can co-exist peacefully with coal mining without regular conflict with government and NCC?	COMMUNITY RESPONSES AND PERCENTAGES	
RESPONSES	ENUGU-NGWO	EGBEMA*
a. Yes we can co-exist without conflict	30 (25%)	8 (7%)
b. We can co-exist with minimal conflict	25 (21%)	5 (4%)
c. No we cannot co-exist without conflict	55 (46%)	103 (86%)
e. Don't know	10 (8%)	4 (3%)
f. Other comment:		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
QUESTION 8: If you answered "C" in Q.7, why do you think your community will always have conflict with coal mining?	COMMUNITY RESPONSES AND PERCENTAGES	
RESPONSES	ENUGU-NGWO	EGBEMA*
a. Underground coal mining will always result in conflict with our community	5 (9%)	60 (58%)
b. Nigeria Coal Corporation will not keep their promises in the MoU	2 (4%)	4 (4%)
c. We need land for farming and building of houses	42 (76%)	24 (23%)
d. We are tired of coal mining in our midst	6 (11%)	15 (15%)
e. Don't know		
f. Other comment:		
TOTAL	55 (100%)	103 (100%)
*Note that for Egbema, coal was replaced with oil, and NCC for Shell and AGIP. Other terms reflected oil production.		
Confidence Level 95%	Confidence Interval ±8.9%	n=120 (for each community)

A look at the statistics in Table 7.4.1 shows a significant aversion to or sharing the same ecological space with mining activities. However, the results from Enugu-Ngwo and Egbema indicated different patterns of responses. The data shows that 46 percent of respondents in Enugu-Ngwo and 86 percent of the responses in Egbema think that their community cannot co-exist with mining without conflict. In addition, while 25 percent of the respondents in

Enugu-Ngwo think their community can co-exist with coal mining without conflict, it is only 7 percent of the respondents in Egbema who share such optimism. The disparity in the levels of aversion to co-existence seen in the data may be attributed to the different methods of coal and oil production in the two communities. While in Enugu-Ngwo coal is mined underground with relatively less surface impact (except for subsidence), in Egbema, surface oil facilities such as pipelines, oil wells, gas flaring, flow station and the expansive Egbema Production Centre compete with every day human activities in the community.

The follow-up question sought to identify specific reasons that both communities thought could result in conflict if they co-existed with mining companies. For this, 58 percent of Egbema respondents thought the method of oil production was the most significant reason for conflict. In Enugu-Ngwo, nine percent think along that line; instead 76 percent thought the community's need for farmland and land for building could lead to conflict. In Egbema, only 23 percent associated conflict with the need for farmland. Although, both communities indicated different reasons why there was always a likelihood of corporate-community conflict, the reasons were ultimately linked to the loss of local ecological rights and the fact of mining activities taking place in the same localities where people live, work, play and worshipped their gods.

In sum, the findings reported in this section highlighted the following issues:

- Local narratives of state/corporate “injustices” in the study communities relate to land acquisition practices of the state/mining companies, and the inconveniences felt by local people as a result of mining operations.
- Conflict might be inevitable where mineral production, such as, oil and coal production takes place in the same ecological space where human activities go on.

- Local people in Enugu-Ngwo and Egbema communities see coal mining and oil production as intrusive and affect their socio-ecological values.
- The research revealed that local people in the study communities see “justness” in state-community relation as the restoration of lost ecological rights.

7.5 Local perceptions of ownership rights of mineral resources and public goods

This section contains archival records, survey data and local narratives on the intersection between the right of the state to “own” and “exploit” natural resources, vis-a-vis indigenous rights of ownership. Understanding local perception of state intervention in the “ownership” and “exploitation” of mineral resources in local communities in both the colonial and present eras helps shed light on the historical roots of present-day state-community contestation over land and resource ownership rights.

According to various archival sources which the researcher retrieved at the National Archive Enugu, local communities where oil exploration began in Eastern Nigeria (and not just Egbema), did not quite accept the state’s “right” to explore for mineral resources on their land. For instance, the researcher found in the archival file NAE: OW 7915:26, a community protest which had disputed the authority of the state over what its leaders considered community’s exclusive wealth:

In the full interest of our land, we do not want any of the Shell D’Arcy parties [exploration groups] to enter or to explore our land nor to drill it. *The land is ours* and should not be tampered with by any party whether alien or aborigine. We are yet preparing to send our children overseas to study all about land with all in it and so we don’t want *our mineral resources* to be touched or to be meddled with lest posterity [and] the unborn will blame us for the same. The arrangement or license granted by the government to the Shell D’Arcy Exploration Parties (*both of you not being the land owners*) is inimical to our interest and we don’t cherish or welcome it. *We are the land owners*. If any exploration is thought expedient to the economic benefit of *our people*, such an arrangement and permit to enter our land and explore it should be between us and the experts to such an exploration

under some terms which would be for the *interest of us present and our descendants to come*.

In view of this, we denounce...the entering of such parties into our land. The government that granted the licence is hereby asked to withhold such licence and to inform the parties to cease forthwith till such a time we may think fit for any search (Emphases added).

The researcher also found a similar petition written on November 15 1949. Here, the petitioners also disputed the extension of the sovereignty of the state over their land and, as the petition stated, over “everything that grows on top or stays in the ground”. The petition was also obtained from the same file NAE: OW:7915:39:

We the aborigines of this community, dispute the right of anyone – Nigeria or British empire, over our land, water, trees, rocks. In short, everything that grows on top or stays in the ground. We urge you Dear Sir [District Officer] tell the Shell Company to stay away from our domain.

While these views were expressed in pre-independent Nigeria, the researcher wanted to know how the study communities viewed state authority over mineral resources in their communities in the present day. The researcher asked an elderly respondent¹⁰⁹ in an interview (“Elder 2” and thought to be about 80 years) in his sitting room in Egbema, why he thought the local communities such as Egbema, still resisted state authority over the natural resources in their localities? This respondent answered thus:

We [the Igbo people] have never been conquered by other tribes [ethnic groups], we have never been ruled by others. Igbo communities did not seek to build empires by incorporating other communities or looking towards our non-Igbo neighbours. So when they [colonial officials] came, what they brought with them [the state] was strange, lumping everyone together, dictating how you use your land, imposing chiefs on local communities, exploring and taking our oil in Egbema and our neighbours in Rivers area (Niger Delta). It was strange. In that case it will be difficult for the people to accept the new state in just a few years, so we resisted the imposition of Nigeria, because Nigeria means taking our land by force, imposing forced labour policy, collecting taxes and dictating how we use our land...In Egbema in particular, history follows us everywhere we go; so I

¹⁰⁹ This respondent was interviewed in Igbo language. He was the secretary of the old Ohaji/Egbema/Oguta LGA in the mid-1970s. Although he is relatively educated, he responded in Igbo language with few responses in English language. His responses were translated by the researcher.

am not surprised if the present generation has not given up fighting to keep what is ours, the way their fathers resisted the Whiteman.

To this respondent the Nigerian nation-state, takes: “our land by force...dictating how we use our land”. Another respondent, an *Ishi-Ani*¹¹⁰ in Enugu-Ngwo Urban 1 autonomous community (carved out of Enugu-Ngwo in 2004), was more detailed in the way he saw the acquisition of their ancestral land by the colonial state in 1915. The 76-year-old *Ishi-Ani*¹¹¹, citing from a copy of the “Deed of Cession” he had in his hand (which he gave the researcher on the second day of the interview), said:

Remember, this land was taken by force in 1912. However, as a result of British diplomacy, in order to show the world that they are democratic, they came back in 1915, employed a very terrible and ruthless Warrant Chief Onyeama, ordered him to go inside the bush and fish out the leaders of these people to sign a Deed of Grant so that the land they took by force can be covered by a legal document. In 1915, the eleven chiefs signed the Deed of Grant under duress, granting the land to the colonial masters. The land was taken by force in the period of ignorance. Now is the era of awareness and the community is agitating for the return of their land.

A former highly-placed political office holder in old Anambra State and an indigene of Enugu-Ngwo (cited above), while discussing the acquisition of his community’s land for the establishment of the colliery, gave an account of why the forebears of Enugu-Ngwo thought, in his words, “They were robbed by Nigeria”:

Before the coming of the Whiteman [often implies British colonialism], Enugu-Ngwo owned its natural resources. Natural resources in this sense do not mean coal. Our fathers did not know about coal, tin or oil, but they knew about their God-given rights over their land, they guarded it jealously and fought off the belligerent *Nike*, *Akegbe* and *Awkunanaw* neighbours who were always intent on carving out portions of their land. Their understanding of nation-hood and ownership of national properties did not encompass what belonged to *Nike*, nor did *Awkunanaw* believe that Enugu-Ngwo land belonged to it. Each community guarded its wealth. At the inception of colonial rule, it changed. So what is yours now became mine and vice-versa. This was in principle. Did all communities accept it? No. It was an alien concept. Even the Irish have not accepted English domination; there is still war in Britain over the imposition of England on

¹¹⁰ A traditional titled chief. Refer to chapter 6 for further explanation. This respondent was interviewed by the researcher in his *Obi* (a traditional porch built with mud and raffia thatch) at the Coal Camp.

¹¹¹ This respondent is a Chartered Accountant by training and worked for the Nigerian Coal Corporation (NCC) until the mid 1980s.

Northern Ireland. How then do you think Enugu-Ngwo, rich in coal, will allow its traditional enemies such as *Nike* and *Akegbe* to share in its wealth? Extend it to Ijaw land; will they allow the Igbo or Hausa to share the wealth in their land? They were robbed by Nigeria...The community, the national identity of groups is still alive. You talk about the Nigerian public, whose public? When did it emerge? Who initiated it?

When the issue of resource ownership and conflict between mineral-producing communities and the state was raised, the former highly-placed political office holder stated:

The press and the Nigerian public have given what is happening in local communities a wrong interpretation. Those people dying and killing others [militants] in the creeks are not asking the federal government to give them back their oil. The issue is greater than oil, it is greater than coal. It is a question being raised about the polity [Nigeria]. Without the Whiteman, the fighters in the Creeks would not have known about oil; but without oil, they have long in the days of their fathers asked the Whiteman to leave their land and go back to Europe. That is what Jaja of Opobo fought and died for, that is what Nana of Itsekiri and Obong of Calabar fought and died for. That is self and community assertion. We should not limit the agitation to oil and coal. Oil and coal are foreign, land is not. That is the same thing Enugu-Ngwo is saying, a reversal to the pre-1915 order, not the coal. Minerals are immaterial without the land.

This respondent gave the researcher a copy of the survey plan of the acquisition drawn in 1912 and titled: “*Plan of Land Acquired At Enugu-Ngwo*” (or “*Plan 1655*”; see Appendix 6.1). He also gave the researcher a copy of his book published in 1997 and titled: “Whose Coal City?” The book is a further discussion on his community’s history, experiences with the colliery, urbanisation and struggles for land with their neighbours – Nike, Awkunanaw, Akegbe and Owa.

In a similar opinion on the dispute between the government and oil-producing communities concerning ownership and community agitation, a retired police officer¹¹² in Egbema (aged 75 years) explained to the researcher the ways in which his community regard ownerships of natural resources in Egbema and how they related with other communities:

¹¹² The respondent, now a subcontractor with one of the oil companies in Egbema, retired as Chief Superintendent of Police (CSP).

“Before we were born, only *Nwa-Amadi* [the free born] in Egbema has the unrestricted right to use whatever is found in Egbema...every other person, *ndi-Oguta* [referring to Oguta, a neighbouring community], state government or the federal government had no right to do so...but things have changed”.

His conclusion with the phrase “things have changed”, made the researcher to prod him further. The researcher asked him why his community and others in the Niger Delta have continued to resist the authority of the state to exploit the mineral resources in the region? He answered:

When I say, things have changed, it does not mean that everyone in Egbema or in the Niger Delta accepts that things have changed...Let me explain. Egbema is one, but don't forget that Egbema community is made up of families, kindreds and villages before the Egbema we all know. You will not say because this is Egbema land and you pitch your house on another man's land. I am from Egbema, but I do not claim to come from the landlord family¹¹³. I cannot pretend that I suffer the same kind of deprivation like those people whose lands were compulsorily acquired by Shell and Agip. Ogba and Ndoni next to us, do not have the same right as we do over *Ogwugwuodu*¹¹⁴, we only permitted them to visit it. It is ours. So also, the Hausa man in Kano [Northern Nigeria] who thinks oil belongs to Nigeria does not suffer the same kind of deprivation we suffer here. So identity begins from your family, so is ownership; there are family properties, kindred property, village property and then Egbema property.

In a focus group discussion moderated by the researcher in Egbema, a female discussant saw the emphasis on oil and gas as “hiding the truth”:

We are poor because of oil, no food for us and our children because oil has killed the land. It is our land. The bible says ‘seek ye first the kingdom of God and its righteousness, every other thing shall be added unto you’. The land of *Orji*...[Believed to be the progenitor of Egbema people] when we get it back, we will then decide on how we will drill the oil. We may even decide not to drill the oil if the oil will destroy the land. The oil is ours, but before the oil became ours, the land was first ours. My great grandfather did not see oil, but I was told as a child he fought our enemies to preserve the land of Egbema. I do not hate Nigeria, but before it came, Egbema has been from time immemorial.

During a focus group discussion in Egbema, the researcher asked how many of the discussants would like to see Egbema own and exploit their oil. Surprisingly, only one

¹¹³ Families whose lands were taken for oil production.

¹¹⁴ This is a popular goddess in Egbema. It is visited by neighbouring communities. Although Egbema claims ownership, it is not inconceivable to hear devotees from other communities say it belongs to all who worship it.

discussant out of eight indicated he would like to see that happen. The following remarks emerged from the FGD:

- “We must separate oil from the land. We want our land, after that we will determine whether we want to exploit the oil in it or not”.
- “We have too many greedy people here in Egbema and they will not be fair to all of us in the sharing of the oil revenue”.
- “If owning our oil will make Shell get out of Egbema, yes, let us have the oil. We will manage it. When we reach that river, we will know how to cross it”.

Describing what he called the “bad effects” of Land Use Decree [Act] of 1978” on community landownership rights, the octogenarian former highly-placed political office holder in Old Anambra state, noted that,

For us in Enugu-Ngwo, the law [Land Use Act of 1978] literally told us to forget about recovering the Crown land our parents have fought for since the 1920s. Although the law was well intended at the federal [central government] and state government levels, it had bad effects in mineral endowed communities like Enugu-Ngwo or the riverine communities of the Niger Delta [where oil is produced].

In answer to the question: what can you say about laws that gave government ownership of oil in Nigeria and how does it affect Egbema? The women’s leader of the landlord family in Obiakpu Egbema and a primary school teacher in a neighbouring community (Oguta) stated:

It is not right at all. I think the federal government should change from the way the British ruled Nigeria. Of course, the British rule took our father’s land by force, gave it to Shell D’Arcy, AGIP, ADDAX, ASHLAND OIL, etc., to use for oil production. They did not talk to our fathers before they did this. My father’s land was taken for pipeline and my father-in-law’s land was also taken for Well No. 2 in 1959. Common sense expected the new government after independence to change this way of doing things since Nigerians instead of British people are now in-charge, it did not happen. Although they pay us compensation, but how much do they even pay? The process of verification takes a long time and compensation come once in ten years.

In Enugu-Ngwo, an 85-year-old retiree¹¹⁵ of the Nigerian Coal Corporation who claimed to have worked “under the Whiteman and the Blackman” (meaning he worked for the colonial and post-colonial governments), responded to the question by making comparison between the impacts of colonial and post-colonial governments on his communities:

We looked forward for the Independence Day, but it passed and we did not know about it...The fact that this government holds the land of our forefathers without giving it back to the people of Ngwo shows that they [the government] do not like their people. It is an unforgivable sin on the part of the government. I have worked under the Whiteman and the Blackman, and I can tell you that the laws made by the Whiteman [colonial officials] were even better than the ones made by Zik and his people. They [colonial officials] allowed our people to live on the land, now our government want to sell the land and the coal.

The expression “Zik and his people” is a reference to the immediate post-colonial government. Zik, a short form for Azikiwe (Nnamdi Azikiwe), was the first indigenous Governor-General and first president of Nigeria until 1966. Responding to the question: What is your view on government custody of the Crown land and laws such as the Land Use Decree of 1978? A former general manager of the Nigeria Coal Corporation (NCC) and an indigene of Enugu-Ngwo answered:

I think Ngwo is short-changed with the way the government has used different tactics such as the Land Use Decree [of 1978] to deny us our right to the land. I can assure you that the eleven chiefs of Enugu-Ngwo who thumb-printed the Deed of Cession which gave this land to the British Crown did not know the ownership was being transferred to the state in perpetuity. If they knew, probably some of them would choose to die, than to append their thumb-prints. I believe they thought the land would be returned to them after a period of time.

On the same question, a young female lawyer¹¹⁶ and an indigene of Enugu-Ngwo told the researcher:

The non-reversal of the land to the rightful owners, I mean to my community [Enugu-Ngwo] is probably one of the greatest injustices this country has done against any people. It equals what Ogoni has suffered. I was informed by my father that our people had hoped that the colonial era Crown Ordinance which

¹¹⁵ This respondent was interviewed in Igbo language. His responses were later translated into English by the researcher.

¹¹⁶ She refused to disclose her age. Perhaps she was in her twenties.

made it possible for Nigerian government to expropriate the land will be amended to allow for either a return of the land or a redrawing of the Deed of Acquisition. Now I do not see how feasible it will be under existing framework especially with the Land Use Act [of 1978].

She based her view on what she said her late father, a colonial era Native Authority member had told her.

Although in Egbema, the feeling of “disappointment” with post-colonial laws was not as strong as in Enugu-Ngwo, the FGD discussants expressed their grievances towards the Land Use Decree of 1978 and state ownership of land and natural resources in the following ways:

- “If the Federal Government had us [mineral-producing communities] in mind, they would not have made that law [Land Use Decree of 1978] at all”.
- “It was because they wanted to exclude us in the ownership of the land and its oil that they made that bad law”.
- “The government does not think about those they rule, they only think about themselves and that is all”.
- “That law is an injustice to our people whose land produces the oil that feeds this country”.
- “That decree serves only the federal government interest” against aboriginal owners.

In the mini-survey, the researcher sought to gauge how the issue of land and mineral resource ownership rights resonated in the community.

Table 7.5.1 Local perceptions of resource ownership rights

QUESTION 1: What do you think about ownership of land and minerals such as coal?	COMMUNITY RESPONSES AND PERCENTAGES	
	RESPONSES	ENUGU-NGWO
a. Communities should have greater right to land and coal than the government	34 (28%)	35 (29%)
b. Ownership should be shared between the government and indigenes on an equal basis	15 (29%)	18 (22%)
c. Government should have greater right to land and coal than indigenes	8 (6.7%)	7 (9%)

d. Communities should exercise full ownership	52 (43.3%)	46 (38%)
e. Government should exercise full ownership	11 (9.2%)	8 (10%)
f. Don't know		
g. Other comments		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
QUESTION 2: Do you think that the ownership of land and coal by the government contributes to the conflict between the government and your community?		
COMMUNITY RESPONSES AND PERCENTAGES		
RESPONSES	ENUGU-NGWO	EGBEMA*
a. Ownership of land and coal by the government does not contribute	3 (2.5%)	9 (7.5%)
b. Ownership of land and coal by the government contributes partly	6 (5%)	30 (25%)
c. Ownership of land and coal by the government is the major contributor to the conflict	111 (92.5%)	81 (67.5%)
d. Don't know		
e. Other comments:		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
QUESTION 4: Do you think your community will be significantly peaceful if they own the land and coal?		
COMMUNITY RESPONSES AND PERCENTAGES		
RESPONSES	ENUGU-NGWO	EGBEMA*
a. Yes, my community will be significantly peaceful	94 (78%)	50 (42%)
b. No, my community will not be significantly peaceful	21 (17)	30 (25%)
c. There will be chaos in this community	3 (2.5%)	40 (33%)
d. Don't know	4 (3%)	
e. Other comments:		
TOTAL	120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.		
Confidence Level 95%	Confidence Interval $\pm 8.9\%$	n=120 (for each community)

A closer look at Table 7.5.1 indicates that communities would like to exercise ownership of land and natural resources. Although response patterns varied between Enugu-Ngwo and Egbema, there was significant convergence of views about how respondents viewed state's and community's rights vis-a-vis resource ownership. For instance, on what communities thought about ownership of natural resources such as land, coal and oil in Enugu-Ngwo and Egbema, 43.3 percent would prefer community ownership in Enugu-Ngwo and 38 percent in Egbema, compared to 9.2 percent and 10 percent respectively for Enugu-Ngwo and Egbema who would want the full ownership to reside with the state. Also 28 percent and 29 percent for Enugu-Ngwo and Egbema respectively would like their communities to have greater control of the land and oil and coal. On what respondents thought contributed to the conflict between the state and their communities, a relatively high number of respondents blamed

state ownership of land, coal and oil. For instance, 92.5 percent in Enugu-Ngwo and 67.5 percent in Egbema felt that ownership of land and coal or oil by the government was the major contributor to the conflict. On the other hand, 2.5 percent and 7.5 percent in Enugu-Ngwo and Egbema respectively felt that ownership of land and coal or oil by the government did not contribute to the conflict. On whether both communities would be peaceful if they were allowed to own coal and oil resources in their land, 77 percent of the respondents in Enugu-Ngwo and 42 percent of the respondents in Egbema responded, “Yes, my community will be significantly peaceful”. On the other hand, 17.2 percent felt Enugu-Ngwo would not be significantly peaceful, and 25 percent thought along the same line in Egbema, while 2.5 percent and 33 percent of the respondents felt that Enugu-Ngwo and Egbema communities respectively would be in chaos if they were allowed to own coal and oil.

The survey results also reveal some disparities in responses between the two study communities. While respondents in both communities blamed state ownership of coal and oil in their land for the conflict with the state, there seemed to be general agreement in Enugu-Ngwo that a transfer of ownership to local communities would appease local communities. On the other hand, although Egbema respondents believed state ownership of oil in their land was a major contributor to the conflict, respondents’ confidence was relatively lower when it comes to making community the sole owner of minerals.

One explanation for this response pattern is the fact that although there is predominant grassroots aversion to state ownership of natural resources and land in both communities, Egbema, like other communities in the Niger Delta, has known much infighting over who manages the benefits from oil (see other studies: Ojatorotu and Uzodike, 2006:102; Okoh, 2006:98; Akpan, 2009:112-114). This issue, however, is not known to occur in Enugu-Ngwo. The methods of administering benefits from coal and petroleum differ. Hence, the

apprehension in Egbema that leaving ownership of petroleum resources with their community could result in internal chaos.

Table 7.5.2: Perceptions of community agitation

QUESTION 10: What do you think your community wants to achieve from their struggle with the government?		COMMUNITY RESPONSES AND PERCENTAGES	
RESPONSES		ENUGU-NGWO	EGBEMA*
a. My community wants to recover its land and control the way coal is mined		92 (77%)	87 (73%)
b. My community no longer wants to be part of Nigeria		8 (7%)	4 (3%)
c. My community wants more compensation from mining companies or the government		20 (17%)	29 (24%)
d. Don't know			
e. Other comments:			
TOTAL		120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.			
Confidence Level 95		Confidence Interval 8.9	
QUESTION 11: What do you think is the solution to the conflict between mineral producing communities and mining companies?		COMMUNITY RESPONSES AND PERCENTAGES	
RESPONSES		ENUGU-NGWO	EGBEMA*
a. Payment of adequate compensation to land owners		8 (6.6%)	10 (8%)
b. Development of the communities		8 (6.6%)	11 (9%)
c. A and B		31 (26%)	7 (6%)
d. Give ownership of land and minerals to communities		68 (57%)	61 (51%)
e. Mining companies such as NCC should leave local communities		5 (4%)	31 (26%)
f. Don't know			
g. Other comments:			
TOTAL		120 (100%)	120 (100%)
* Note that for Egbema, coal was replaced with oil, and NCC with Shell and AGIP. Other terms reflected oil production.			
Confidence Level 95		Confidence Interval 8.9	

The statistics in Table 7.5.2 reveal that 77 percent and 73 percent of respondents in Enugu-Ngwo and Egbema respectively wanted to gain control of their land and the way in which coal and oil are produced. On the other hand, 17 percent and 24 percent respectively from Enugu-Ngwo and Egbema thought that their community wanted to achieve higher compensation and community development drive¹¹⁷. As a follow-up, respondents were asked what they thought was the solution to the conflict in their respective communities? The data indicate that: 57 percent and 51 percent of respondents in Enugu-Ngwo and Egbema

¹¹⁷ While it may seem that respondents did not show much interest in compensation in this survey, it is not known how the study communities will respond in an empirical situation where what may be considered “adequate” compensation is actually offered. However, what these responses have shown is that, beyond the economic benefits accruable through compensation, the study communities seem to also emphasise certain historical and sociological issues they consider of higher value.

respectively want the state to give ownership of land and mineral rights back to their communities. On the other hand, 4 percent and 26 percent of the respondents in Enugu-Ngwo and Egbema respectively want mining companies leave both communities.

The data presented above highlighted the following issues:

- Community opposition to state/corporate land acquisition in the study communities dates from the beginning of coal- and oil-related activities.
- Agitation against state ownership of land and mineral resources in local communities is seen as a way of correcting historical injustices. In other words, the study communities want the legal framework on land use and ownership of mineral resource changed to allow their communities exercise more resource ownership rights.
- Land and mineral ownership framework is seen by respondents as “biased” against the local communities since mining began, while at the same time it favours the state and mining companies.

7.6 Conclusion

The analyses in this chapter have provided some insights into the historical and sociological dynamics that underlie state-community conflict in the study communities – Enugu-Ngwo and Egbema. The evolution of the state, especially with the emergence of the extractive economy, brought the state into direct conflict with resource-producing communities whose localities became for the state and extractive firms, “mineral producing areas” while at the same time serving as habitation for local people. The research found that aside “inadequate compensational practices” of the state/extractive firms, socio-historical issues, such as: state appropriation of lands in the study communities, statutory rights over indigenous land, intrusive mining, ecological degradation, contestation between local rights and corporate

licence and the nature of post-colonial legal and institutional frameworks are major issues that contribute to grievance construction.

A discussion of these various findings follows in chapter 8.

CHAPTER 8

DISCUSSION OF FINDINGS

8.1 Introduction

The central thesis of the compensational justice paradigm, especially when applied to mining operations in Nigeria, is that grassroots agitation in resource-producing communities is geared towards appropriating “adequate” or “just” financial/infrastructural compensation when the state and/or extractive firms acquire or degrade local land in the process of mineral exploration and exploitation. While this paradigm has served as an important prism for looking at and understanding state-community and corporate-community conflict in Nigeria, the present thesis has sought to extend the compensational justice discourse by focusing on how state-community relations vis-a-vis mining were forged in the first place, and how collective memory about the history of the relationship continues to shape how communities relate to the state, and how they construct justice and injustice – including compensational justice and/or injustice. Put simply, the thesis looks beyond the various ways in which compensation is construed and the liberal, economistic undertones of the discourse and focuses on the deeper socio-historical bases of the contestations and conflict around land and compensation, using two mining communities as case-studies.

This chapter gives further perspective to the empirical findings presented in the previous chapter.

8.2 Summary of key findings

The First research question sought to understand how local residents in the study communities perceive compensation paid by the state/extractive corporations for the

appropriation of land for mining operations, and what their narratives about compensation are? The following is a summary of the findings in this regard:

- Although local people in the study communities (especially in Egbema) see the compensation their community receive as “inadequate”, the findings revealed that, community grievances seem to be framed more around socio-historical issues, such as: the loss of indigenous ecological sovereignty to the state and the effects of intrusive mining than on compensational inadequacies.
- The research also found that while the study communities seek a “just compensation” from the state and extractive firms, local people in the two communities showed strong attachment to “deeper”, non-monetary values of the ecology. For instance, while local people in Enugu-Ngwó acknowledged that their community was relatively “well compensated” by the state and by the Nigerian Coal Corporation (NCC), the compensation the community received for its coal has in no way led to a lessening of the agitation for community takeover of its land from the state.
- Local narratives and survey data also reveal that landowners in the study communities did not willingly give up their land as a result of forced acquisition (i.e. eminent domain), and if they had the legal rights to resist land acquisition by the state and extractive firms, they would not surrender their land.
- Local people seem to ask for compensation for their land because “compensation” is often the only option available to property owners. In other words, the compensation offered by the state or extractive companies is perhaps the only way property owners think they can “get something back” for their “lost” land.

The second research question sought to understand what such narratives reveal about the “justness”, or otherwise, of the compensation dynamics with specific regard to local land rights? The findings were as follows:

- “Justness” is highly textured. Justice in state-community relationship in the study communities is not always constructed based on the amount of compensation paid. Sometime, compensation is discussed by locals in ways that do not denote justice or injustice.
- Grievances against the state and extractive companies are constructed mainly in terms of the collective memory of historical and socio-ecological dispossessions and its effects. The grievances relate to the loss of socio-ecologic sovereignty and continued state ownership of ecological rights in the communities, and the “supremacy” of statutory rights/corporate licence vis-a-vis indigenous rights.
- In Enugu-Ngwo for instance, collective memory of land transaction between the state and the community in 1915 looms quite large and foregrounds the agitation to “correct” what local people see as state “injustices” against the community.
- In Egbema, while local people point to the need for “adequate” compensation, they see land deprivations and intrusive method of oil production in their locality as “unjust”. The research found that, for the local people in the two communities, “justness” lies in recovering the socio-ecologic rights they think was lost to the state and oil companies.

The third research question went thus: How do the attitudes of the resource-producing communities and the extractive corporations (and the state) vis-à-vis land rights intersect with

the historical questions about state-community relations in Nigeria? The findings were as follows:

- Collective memory of community ownership of natural resources in pre-colonial era in Enugu-Ngwo and Egbema communities continues to affect the manner in which local people conceive “ownership” of land, coal and oil. The study communities see the natural resources in their community as “theirs”. This conception of ownership conflicts with the way the state sees ownership.
- Respondents broadly resist the “nationalisation” of natural resources in their localities and the dominant role the state/extractive firms play in ownership/management of these resources, because they think that the land, coal and oil which are located in their communities should remain exclusively “theirs” – to exploit or not to exploit.
- Archival sources (from Southeast Nigeria) reveal that, since the evolution of the mining economy in the colonial era, local communities used exclusive “ownership” of natural resources to defend their communities socio-ecologic sovereignty against intrusion by the state and extractive companies. This trend has continued several decades into the post-colonial period.

These key findings can be reduced into four statements:

- Local narratives of the justness or otherwise of compensation is somewhat nuanced. While local people in Egbema community acknowledge their community is inadequately compensated; in Enugu-Ngwo, it is believed that the community is relatively “well compensated” but that compensation (or its justness) is really not the question.
- The occurrence of state-community conflict in both communities suggest that “injustice” in state-community relations is not so much about injustice around

compensation but perhaps more about local memories and experiences around the “loss” of ecological and natural resource sovereignty.

- Community agitation in both communities is viewed as a means of correcting socio-historical “injustices” woven around ecological rights “deprivation”.
- The state’s claim of ownership of land, coal and oil in the study communities conflicts with respondents’ conceptions of landownership rights to the same resources, and collective memory of colonial era mining-related land acquisition practices continues to feed state-community animosity.

It is based on these findings of the research that the discussion is made.

8.3 Discussion of findings

A major methodological and epistemic feature of the compensational justice discourse, as mentioned in this thesis, is that, it relies mostly on post-colonial and advocacy literature which focuses on the socio-economic conditions and infrastructural challenges in the mineral producing communities. These challenges, especially in the oil-producing Niger Delta region, include lack of socio-economic infrastructure, unsustainable environmental practices of oil companies and resultant mass poverty among the local people. Hence, basing their analyses on the failure of the state/extractive companies to meet the development needs of the citizens of resource-rich communities, various scholars posit that the grassroots mobilisation against the state/extractive companies in resource-producing communities is a reaction to the failure of the state and extractive firms to “adequately compensate” the communities in whose localities minerals are produced (Nwokedi, 2003; Jike, 2004). It is as a result of this notion, that Frynas (2000a:160), sees the conflict in the Niger Delta as emanating from “underlying problems such as the inadequate payment of compensation and ecological damage from oil

operations”. For Jike (2004:699), grassroots agitation in these communities is directed at appropriating a “just” or “fair” share of the resources produced in their community. To Akpan (2005:135), the conflict “is about what constitutes adequate and equitable compensation to the affected communities (or the oil-producing province as a whole) when land is expropriated from the communities”.

The present researcher found that local narratives on compensation, especially in Egbema, suggest that the community is not “adequately compensated” for its oil resources. In Enugu-Ngwo, most respondents agree that the community is relatively “well compensated” for its coal, especially when they compare the infrastructural development in their community to other mining communities in Nigeria (especially those in the Niger Delta). Both communities have different narratives on “compensation”, yet, they experience conflict with the state over land and mineral-related issues. The findings of this research reveal that although local people in the study communities, especially in Egbema, see the compensation their communities receive as “inadequate”, the basic issues behind the conflict in the two study communities are largely *historical* and *sociological*, and not just compensational inadequacies.

As a result, whereas there was a desire in both communities for “adequate” compensation, the findings suggest that most respondents would not accept “compensation” at the expense of certain socio-historical values. To illustrate this, in Table 7.2.1, respondents in the study communities showed significant opposition to accepting “monetary” compensation for ancestral land and homes. In Enugu-Ngwo, for instance, 115 respondents or 96 percent, and 110 respondents or 92 percent in Egbema would not leave their houses or land for any reason if they had the right to refuse acquisition. To emphasise their view on monetary compensation, in the follow-up question a suggestion for increment to ten times the worth of

their personal houses and land was made, yet it did not significantly change the response pattern. Only four percent of the respondents in Enugu-Ngwo showed interest in the suggestion for an increment to ten times and only one percent in Egbema. In the follow-up question, which sought to know why the respondent may not want to leave his/her house or land for any reason, the survey also recorded a significant rejection of the suggestion that anyone would swap their land for monetary compensations – 54 percent in Enugu-Ngwo and 48 percent in Egbema indicated that their value for their houses and land cannot be compensated; while 25 percent and 37 percent in Enugu-Ngwo and Egbema respectively indicated all the options that did not tend towards “accepting” compensation for houses and lands (see options c and d of question 13). What this finding implies is that, although adequate compensation may be a way of dealing with the effects of appropriation of individual or community property, for the study communities, “justness” for their socio-ecologic values goes beyond financial compensation. It highlights local attachment to basic sociological and historical values, and explains why Enugu-Ngwo for instance has “always” agitated for the return of its land inspite of the fact that it has been relatively “well compensated”.

This finding shows similarity with related studies in other socio-cultural contexts. In these contexts, local people also hold strongly to their socio-historical values. For instance, in a study by Goodin (1989:74), where house owners were presented with options of swapping their five thousand pound apartments for five million pound houses in a London neighbourhood, about 8 percent indicated they would not leave their houses no matter how much was offered. Goodin (1989:74) concluded that, “in my terms, it is the ‘impossibility of compensation’, not the ‘inadequacy of compensation’, that was at issue here”. In similar incident, certain Israelis offered to pay Palestinian house owners high prices considered well

above the value of their properties in order to induce them to sell their houses to Israelis in East Jerusalem. Although some Palestinian house owners accepted the offer, other house owners who considered their “identity with East Jerusalem” of greater importance than the high prices offered by the Israelis vowed not to sell their homes. In a notable situation where an Israeli buyer offered a million dollars for a property well below what was offered to a Palestinian owner who did not want to sell at any rate, the owner replied, “even if you [the Israeli buyer] pay for every single centimetre in gold I won’t agree to leave. I’ll only leave my home dead – or they’ll have to throw me out in the street” (see Bowen, 2010:1).

What do local people in the study communities see as “unjust” in their relationship with the state? The findings revealed a long history of resistance to state appropriation of land and mineral resources dating back to when the acquisition of land for coal and oil productions in both communities first began. Archival documents and oral histories of the study communities reveal how the evolution of the Nigerian state and the mining economy led to the loss of indigenous socio-ecologic sovereignty to the Nigerian state, community resentment to the appropriation of their lands, and the deprivations suffered by local people whose lands were taken. In Enugu-Ngwo, for instance, the research found that the community had been in conflict with the state since its land was acquired for coal mining in 1915. In Enugu-Ngwo, the effect of land acquisition on the availability of land for indigenous uses, the launch of the privatisation of the colliery in 1999 which the community sees as a breach of historical agreement between their ancestors and the colonial state is seen as “injustice” to the community. The relative provisioning of socio-economic infrastructure, scholarships for its citizens and other benefits did not prevent community agitation for the return of its land since 1916. In Egbema, like in other oil producing communities in the Niger Delta, the effects of the appropriation of community and individual lands, intrusive method of

oil production, inconveniences resulting from oil facilities in the community and stringent post-colonial legislation such as the Petroleum Act of 1969 and the Land Use Decree of 1978 are seen as “unjust” to the community. As in Enugu-Ngwo, opposition to oil production in Egbema also commenced with the oil industry in the community in 1950s, although it was not violent.

The research also found that, the failure of the state to address what the study communities see, as “injustices” seem to have alienated the communities and hardened local oppositional stance towards the state. The sense of alienation among the study communities is revealed in the way local people construct indigenous “ownership rights” to land and mineral resources vis-a-vis the rights of the state and extractive firms. To the study communities, the “land and mineral resources” in their localities are exclusively “theirs”, and the state is simply an “intruder”. To explain it further, while the state and extractive firms claim “ownership” of land and natural resources based on state legitimacy and corporate licence, the study communities lay historical claims to their land and the “natural” resources in it. The collective memory of the history of community ownership of natural resources in the pre-colonial era gives impetus to grassroots mobilisation against what the communities see as “unjust” dispossession. To underscore this view, the survey data show that 92.5% and 67.5% of the respondents in Enugu-Ngwo and Egbema respectively, believe that “state ownership of land and mineral resources” in their communities “is the major contributor” to the conflict between their communities and the state (see Table 7.5.1).

Archival sources from South-eastern Nigeria, where the study communities are located, also reveal that exclusive community ownership of land and natural resources in local communities has often been used against the state and extractive firms since the evolution of mining economy in colonial Nigeria and has continued several decades into the post-colonial

period. The present reconstructions of ownership rights in the study communities convey the history and memories of lost rights and the resolve to “reacquire” what the communities think they had lost “unjustly” to the state (colonial and post-colonial). Hence, the study communities often draw on this memory of “lost rights” to press for community control of the land and natural resources in their locality as a way of appropriating “justice” from the state. This sense of history, the research revealed, has been the main driver of what local people in Enugu-Ngwo see as agitation to reverse the ownership of “Crown land” back to the community.

How then is “justice” or “justness” constructed in the study communities – Enugu-Ngwo and Egbema? The research found that local people see “justice” as reversing unjust historical events. For instance, the survey question: “What do you think your community wants to achieve from their struggle with the government?” gives insights into what the study communities see as “justice” in their relationship with the state. A total of 77 percent and 73 percent of the respondents from Enugu-Ngwo and Egbema respectively want “to recover the land and control the way” coal and oil are produced in the two communities. This would therefore imply that the study communities see “justice” as regaining control of their ecology or in fact, “reversing” the existing framework to pre-colonial ownership structure when local communities had sovereign rights to determine what their land is put to. This, for instance, would mean the return of the land acquired for coal mining in Enugu-Ngwo in 1915, and land acquired in Egbema for oil production beginning from 1958; or granting greater ecological control to Enugu-Ngwo and Egbema communities in relation to land acquired for coal and oil production. This connection between the history of the state-community relations and present agitation in resource-producing communities is central to understanding how “justness” is constructed in the study communities.

Finally, while compensational inadequacies in oil-rich Egbema may be “a trigger” to community agitation, the study revealed that “injustice” in state/community relation is constructed around the loss of community’s ecologic rights to the state and the extractive firms, the “dominance” of corporate licence vis-a-vis community rights, intrusive mining and lack of land for local uses.

8.4 Deduction from the findings

The following lessons can be deduced from the findings:

- State-community conflict in mineral-rich communities, such as the study communities, is rooted in colonialism. While violent revolt against the state in mineral producing regions such as the Niger Delta may seem a post-colonial phenomenon, in certain context such as Enugu-Ngwo and Egbema, opposition against the state and mining dates back to when explorations for mineral resources began in the colonial era. As already noted, the socio-ecologic and economic relationship that developed between the colonial state, mining companies and local communities is seen by mineral rich communities as “unjust”. It was a relationship in which the state and corporate interests profited, while local communities suffered deprivation. Hence, opposition against the state in relation to land use, mineral exploration and exploitation rights have its origins in state appropriation of local resource sovereignty. As the archival sources in Chapter 7 showed, citizens in rural communities had questioned the right of the colonial state to explore, or licence extractive firms to explore, for minerals in their communities. To these communities, state intervention in the exploration and exploitation of mineral resources in their localities was a breach

of their socio-economic and ecologic sovereignty. This particular attitude towards the state has continued to the present era.

- The intersection between different conceptions of the same ecology by different actors – the state, extractive companies and local communities – often leads to conflict. While for local communities, the ecology serves as living neighbourhood with socio-economic and certain religious significance, to the extractive companies, it is more or less, an “economic space”. These perceptions as we saw in chapter 3, results to different management approaches. For instance, what local people see as a socio-ecologically intrusive form of mineral extraction around their neighbourhoods, may be seen by the extractive firms as an exercise of their “state-given licence” to explore or extract mineral resources from an “ecological space” (see Shell, 1957). Hence, using the same ecology for different purposes by the state, extractive corporations and local people inevitably leads to conflict. Even when “adequate” or “just” compensation is said to have been paid, the continued interface of indigenous rights, state legitimacy and corporate licence in the same ecology creates conditions for conflicts between local people and the state/extractive firms (see Lea, 1992:52-53).
- Closely related to the above is the fact that the different conceptions of “ownership rights” between the state and the study communities also lead to conflict. While indigenous understanding of ownership of land and natural resources is driven by the collective memory of ownership of natural resources in its locality, the state claims ownership by statutory legitimacy, while corporate firms, having obtained licence from the state, also exercise some rights of ownership. The conflictive conceptions of “ownership” and opposition to state appropriation right raise questions about whether the state is accepted or rejected at the local community level (where natural resources

are located). Reference to collective memory shows that ordinary people in the study communities may not have fully accepted the authority of the state, even though the process of nation-building in Nigeria began in 1900 when formal colonialism was declared.

- Attainment of “just compensation” on land acquired through eminent domain may be challenging. The goal of achieving a “just compensation” on properties expropriated under the principle of eminent domain – without the consent of the owner – may be problematic. The study shows that since the inception of corporate mining (but especially in the colonial era), extractive firms have sometimes occupied personal and communal lands forcefully, without the consent of landowners. Empirical evidence also suggest that extractive firms did not negotiate the “compensation” paid with property owners. This framework therefore raises ethical questions on the “justness” or otherwise of the compensation paid in such acquisitions. As John Bratland (2006:2-3) noted, the “justness” of compensation does not necessarily depend on the amount of money communities or individuals receive from the state or corporate organisations, but on the “assent” of the property owner. Bratland (2006:2) describes this requirement as the “moral and ethical metric” that surrounds the attainment of “justness” or otherwise of compensation paid when appropriation is made (see also Radin, 1992). Hence, while it can be argued that “justness” can be achieved through the payment of “adequate” compensation to resource-producing communities, issues such as a property owner’s “assent” or “refusal” when his property was appropriated cannot be overlooked.

8.5 Recommendations

The following recommendations are based on the above deductions.

- Empowering the “local community”.

It is important to note that since the 1990s in Nigeria, there has been clamour for the convocation of what advocates have titled variously as: “sovereign national conference” (Mukoro, 2009:89; see also Nwokedi, 2003; Babawale, 2001) or simply “national conference” (Ojatorotu and Olawale, 2009:5). The “national conference” as often argued, would involve a discussion by the various federating *ethnic nationalities* aimed at finding solutions to the various intractable problems with Nigeria’s federal system, devolution of more powers to the states, revenue allocation formula, national integration and other issues related to the Nigerian nation-state (Ojatorotu and Olawale, 2009). This call has been bolstered by agitation for ensuring “fiscal federalism” and “resource control”. These imply ensuring that each state (province) gets greater revenue that comes from the sale of natural resources produced in that state (see also Ukiwo, 2009:2; Babawale, 2004).

While these calls for “national discourse” have focused on ways of reducing over-centralisation of state authority and devolution of power to states (provinces) and ethnic groups in Nigeria, they do not seem to recognise the differences between “the states” (provinces), “ethnic constituency”, and “autonomous communities”, *especially in Eastern Nigeria*. These levels or constituencies are different from each other. Their differences, as already highlighted in chapter 6, lie in the “pre-Nigeria” notion of identity and ownership of common property resources. While the nation-state, the states (provinces) or the local government areas (LGAs) came with colonial rule, the

autonomous community¹¹⁸ framework is indigenous and often associated with the rural origin of citizens of the nation-state (see Uzoigwe, 2004).

In Eastern Nigeria where “urbanity” is relatively a 20th century development (see Hair, 1954; Isichei, 1976), individuals identify themselves, firstly with their rural roots (autonomous communities) before their cities of residence, local government areas or states. Although the autonomous community lost its sovereignty to the nation-state, it is erroneous to assume that it is no longer relevant to Nigerians.

To illustrate the resilience of the autonomous community within the framework of the nation-state, Akpan (2010) noted the affinity existing between urbanity and rurality in Eastern Nigeria especially since the growth of urbanisation. The author (citing a popular modernist logic in the 1960s) noted that researchers had believed that as a result of growing urbanity and modernity, “the rural roots of urban dwellers would wither” (Akpan, 2010:123). Interestingly, this notion was found to have profoundly misinterpreted the sociological values of the “emigrants” vis-a-vis their rural communities. In the late 1980s when researchers, led by Professor Josef Gugler, a German sociologist, who had carried out the initial research in the 1960s repeated the research in the same area of Eastern Nigeria, they found to their surprise that the rural communities were strengthened by the same citizens who had “migrated” to the cities. According to the findings of the research, the commitment of the city dwellers to their rural communities “had increased rather than decreased” (cited in Akpan, 2010:123). On this finding, Akpan (2010:123) added “as the urban areas were modernising, so also were the rural areas”. This finding reveals the relevance people attach to the

¹¹⁸ As pointed out in Chapter 6, the constitution of the autonomous community differs from region to region. While in Eastern Nigeria, the units are smaller, in other areas such as in Northern Nigeria, where the emirate system or district levels form the basic unit of individual identity, the units are larger. However, whether the units are large or small, it is this basic unit that owns common property resources.

autonomous communities, a fact which the state and scholars often ignore. Traditionally, it is at the autonomous community level that the common property resources are owned and benefits shared among members. It is also at this level that an individual's identity is constructed. It is hardly "ethnic" as Ekeh (1975) sees it.

Revitalising the socio-political and economic relevance of autonomous communities, imply the following:

i. Changing the image of the state.

Reviving local institutions and allowing communities some measure of participation in the ownership and management of natural resources in their localities would contribute to changing the "leviathan" image of the state. This could be done as a way of redressing the alleged "injustices" of colonialism – such as exclusive state ownership/control of all mineral resources in local communities. It could be a vital way to build trust in the state.

ii. Granting partial political authority to traditional institutions.

Instead of having the Western-modelled "Local Government Area" (LGA)", the traditional (autonomous) community institution with defined political powers can act as the "third tier" of government. The "LGA", as presently constituted in Nigeria, is in essence a combination of several formerly independent or autonomous communities, governed through Western political institutions. Here, local politicians are often in disagreements with local chiefs and town unions.

iii. Integration and inclusiveness.

Allowing local communities some form of participation in the ownership and management of natural resources in their localities would give the communities some inclusiveness. The present framework excludes local communities. Such exclusion

reinforces local suspicion of the state and distances local people from crucial development processes (see Rosoux, 2010:6-8; Guibernau, 1997). The integration of the local communities (the often excluded “solidarity” in Cultural Theory term) in governance processes is being adopted in several countries. For instance, since the 1990s, countries such as Australia, the Philippines, Canada and Bolivia have considered measures that would fully incorporate indigenous justice systems for specific communities. What this new framework does is to allow each community to be administered by elements of its peculiar indigenous justice system rather than by a complete set of Western (English and Spanish) legal systems (see Dale, 2004; Mascapac, 2010; Caistor, 2010). The aim of the integration of sections of indigenous systems in governance is to deal with the age-long suspicious relationship between indigenous peoples in these countries and the prevailing settler/Western jurisprudences. The agitation for this reform has taken many years and in 2010, Bolivia introduced those measures, while Canada is still fine-tuning its policy (Caistor, 2010). Even in Nigeria, the largely Islamic North has always had sections of the Sharia Law in its justice system. The idea of integrating specific indigenous/religious legal codes as part of the justice system in a country can be applied to land-use regulation and ownership frameworks in Nigeria as way of incorporating local communities into the resource-ownership and regulatory framework.

8.6 CONCLUSION, CONTRIBUTION TO KNOWLEDGE AND NOTES FOR FURTHER RESEARCH

The thesis has shown the role of “collective memory” in shaping community grievances towards the state and extractive firms in two mineral resource-producing communities – coal-

rich Enugu-Ngwo and oil-rich Egbema. The experiences of the study communities in relation to the loss of local political and socio-ecologic sovereignty to the colonial state, the continued land alienation by the modern state, ecological problems associated with the exercise of corporate licence, policies/contentions related to land ownership, and the intrusive nature of mineral resource extraction in inhabited neighbourhoods – these serve to concretise memories of a pre-state ownership era, when local communities had control over their land. The urge to redress perceived historical “injustices” takes different forms – in the case of the study communities, deep-seated animosity towards the state.

Adopting a socio-historical perspective to the conflictive relations between the selected mining communities and the Nigerian state/extractive corporations, the thesis found that the wider socio-historical issues arising from the evolution of the Nigerian state, and their effects on indigenous ecologic and economic sovereignty formed a crucial basis upon which local communities construct “justice” and “injustice”. Compensational “injustice”, for instance, is seen as a part of a “network of injustices” resulting from the creation of the nation-state and its sovereignty over local communities. Put differently, the agitation for “compensational justice” is embodied in the wider quest for socio-historical and ecologic justice. It is not an isolated case. What this implies, therefore, is that, even after “adequate compensation” has been paid by the state or extractive firms, the continued effects of what the communities see as “unjust” historical relationship with the state and extractive firms continue to engender (sometimes violent) agitation. To illustrate this, while Enugu-Ngwo is often seen as a “model” of a well-compensated mining community as a result of its many benefits from the state and the Nigerian Coal Corporation (NCC), agitation over land ownership has featured prominently in its relationship with the state since the inception of the colliery in 1915.

The major theoretical contributions that this thesis makes both to the discourse on compensational justice and to the broader subject of state-community and corporate-community relations, especially as regards mining, can now be summarised as follows:

- In a post-colonial context, especially when it comes to mining, collective memory matters. The thesis has shown how collective memory around land-related “injustices” conscientises marginalised communities to seek “redress” for what local citizens see as age-old deprivations. Therefore, in analysing present-day conflicts between business corporations/the state and local communities, especially in relation to land acquisition and mining, it is pertinent to understand that, while present policies and practices of the state/mining companies may trigger community rebellion, such a rebellion may have a historical (or even an “imagined”) base. This could be easily ignited by collective memory.
- Compensational justice is socially constructed. Various communities see “compensational justice” from different perspectives, and these may not always have economic connotations, as much of the liberal discourse on compensation would seem to suggest. While for certain communities, “compensational justice” may consist of the sum of the financial and infrastructural benefits accruing from mining companies and the state, for other communities, “economic justice” or “compensational benefits” could be only a small part of a community’s demand for socio-historical justice. In these communities, in addition to economic benefits, “justness” also connotes remedying socio-historical and ecologic injustices, such as, rolling back state’s authority over indigenous land and restoring specific indigenous rights.
- Compensational justice does not often reconcile the different environmental risk perceptions of opposing actors in mineral resource production. In other words, the contentious relationship between the two major solidarities in mineral resource

production – the state/corporate alliance (or hierarchy/individualism), and the local citizens – egalitarian/fatalist alliance – remains even after just compensation has been paid. As Cultural Theory states, the differences in ecological governance procedure adopted by each actor (or solidarity), inform the manner in which it relates to the opposing actor or alliance.

As the data from Enugu-Ngwo and Egbema have revealed, the “unequal” and “unjust” relationship between mining communities and the state is institutionalised in the “alliance” between the state (hierarchy) and the extractive firms (market) in the exploitation of mineral resources in local communities. It is this “alliance” and its exclusion of local communities that ensures the skewed distribution of risks and benefits between resource-producing communities (in this case, Enugu-Ngwo and Egbema) and the other actors (the state and mining corporations).

Based on this conclusion, subsequent research could explore a policy framework that would best address the grievances created by the unequal relationship between the state and extractive firms on the one hand, and local people on the other. Such research could focus on the building of a viable model that would facilitate the redistribution of risks and benefits between the three actors involved in resource production – the state, the extractive corporations, and local communities. Thompson’s (2008) idea of “mutualism” could be a useful resource in such an inquiry. During his Fellowship as a “Young Scientist” in 2009 at the International Institute for Applied Systems Analysis (IIASA) in Laxenburg, Austria, this researcher laid the foundation for postdoctoral work in this area and will now pursue it with greater vigour.

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Appendix 4.1: Letter of introduction from researcher's supervisor

University of Fort Hare

ADMINISTRATION OFFICES

Alice (main) Campus:
Private Bag X1314, King William's Town Rd, Alice, 5700, RSA
Tel: +27 (0) 40 602 2011 / 086 010 3526
Fax: +27 (0) 40 653 1554



20 November, 2007

TO WHOM IT MAY CONCERN

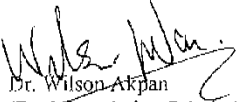
Dear Sir/Madam:

I hereby introduce the bearer, Mr. Ikechukwu Umejiesi, who is in Nigeria to conduct field research as part of his doctoral studies at University of Fort Hare, South Africa. His inquiry focuses on compensation-related issues in the Nigerian coal and petroleum industries. All data collected by Mr. Umejiesi are strictly for academic purposes.

I would greatly appreciate every assistance you could extend to him to facilitate his successful completion of his field research.

Many thanks.

Yours faithfully,



Dr. Wilson Akpan
(Ford Foundation Scholar)
Supervisor & Deputy Head of Department

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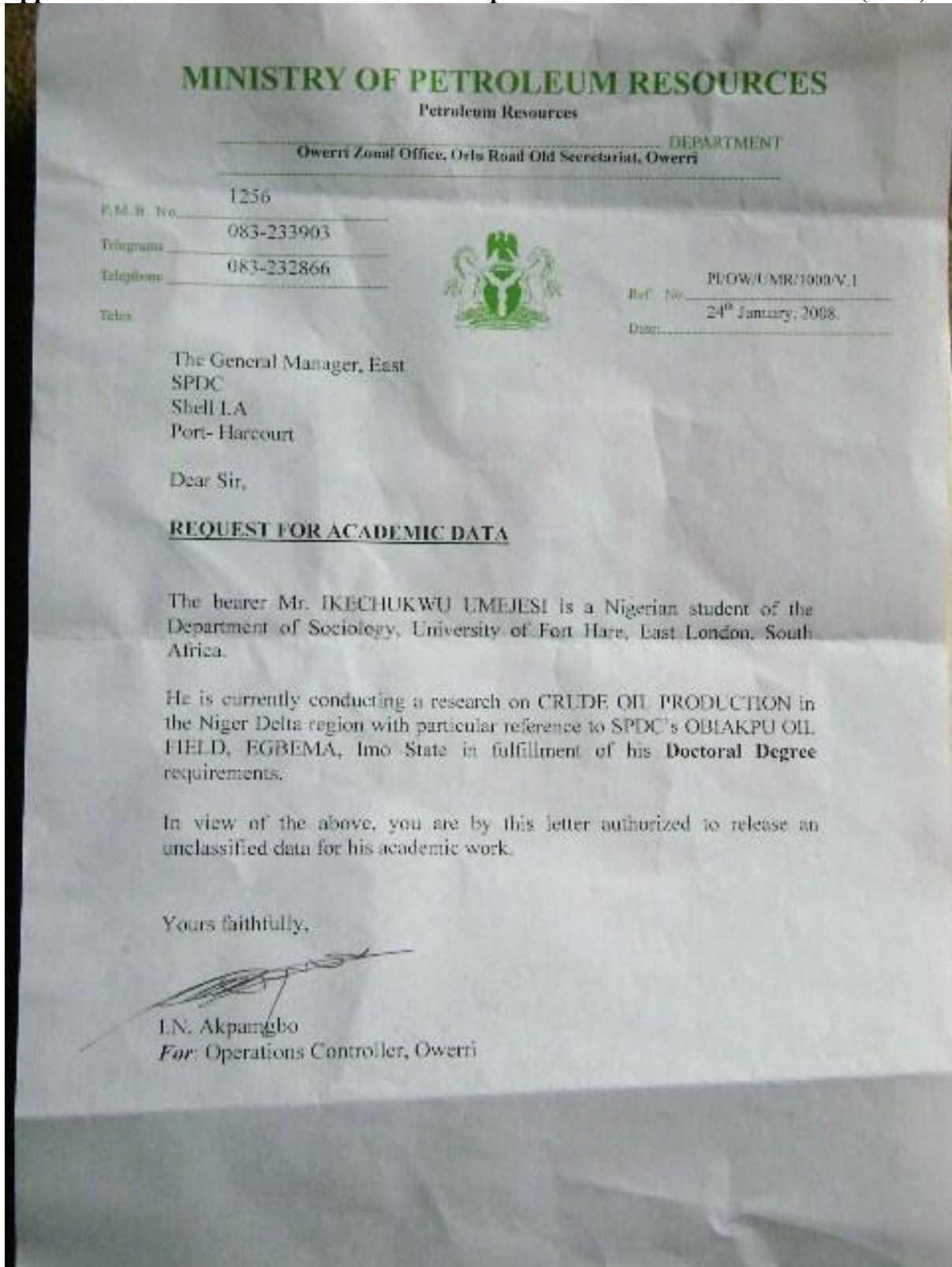
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P.O. Box 7426, 50 Church Street, East London, 5201, RSA
Tel: +27 (0) 43 704-7000 • Fax: +27 (0) 43 704-7005
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together in excellence



Appendix 4.2: Letter of introduction from Department of Petroleum Resources (DPR)



APPENDIX 4.3: Sample of interview

1. What are the things you see as “adequate compensation” from the government or oil companies?
2. In what ways does oil production in Egbema affect the way this community use their land?
3. What do you think about ownership of land and minerals such as coal?
4. Explain the various ways oil production affect human life in Egbema.
5. What are the uses of land in this community?
6. Do you think that the ownership of land and coal by the government contributes to the conflict between the government and your community?
7. Do you think your community will be peaceful if they own the land and coal?
8. How much do you think Shell can pay you that will make you leave your land for them?
9. If you had the right to oppose the acquisition of your land, what will you do if Shell or Agip wants to take your land?
10. If you had a right to keep your land by all means, would you accept compensation for your land?
11. Do you think your community can co-exist peacefully with coal mining without regular conflict with government and NCC?
12. How would you describe coal mining in Enugu-Ngwo since 1915?
13. What is the major issue that Enugu-Ngwo community is fighting for?
14. How would you describe oil production in Egbema since 1958?
15. Do you think your community is well informed about mining activities (explorations, blasts, subsidence) by NCC?
16. How would you describe the role of government in the life of this community since oil production began?
17. In what ways do you think government policies on land and mineral resources contribute to the conflict in this community?
18. What do you think is the solution to the conflict between mineral producing communities and mining companies?
19. What do you think your community wants to achieve from their struggle with the government?
20. Do you think local people in Egbema also contribute to the destruction of their land in some ways? (Mention some of those ways in which local people also destroy the land).

Note: The questions listed in this Appendix were randomly selected from the list of questions used in both study communities. The questions were framed the same way, although they reflect the peculiar mineral resource in each community.

APPENDIX 4.4: Sample of Focus Group Discussion Guide

The questions in this discussion will focus on the history of the colliery, the relationship between Enugu-Ngwo and the government, privatisation of the colliery, present conflict with the government over the Crown land and compensation of Enugu-Ngwo. Please cast your mind on these issues and other issues that might come up. You must not make contribution to all the questions asked in this discussion. Thank you for your time.

1. What do you know or heard about government acquisition of the of the Crown land?
[Probe: What did your parents or grandparents tell you about the Crown land?].
2. How would you describe the relationship between your community and the government since coal mining began in 1915?
[Probe: Has it always been?].
3. When did the relationship between Enugu-Ngwo and the government go wrong?
[Probe: What led to it?].
4. What is your opinion on government continued ownership of the Crown land?].
[Probe: Is it the cause of the conflict? How does it contribute to the conflict?].
5. What is your opinion on government privatisation of the colliery?
[Probe: how has it contributed to the conflict? Should it be cancelled? Do you feel betrayed by the government?].
6. What is the major issue that Enugu-Ngwo community is fighting for?
[Probe: More compensation or recovery of its land for community uses?].
7. How would you describe the role of government in the life of this community since oil production began?
[Probe: Has helped the community, has not helped the community]
8. In what ways do you think government ownership of minerals such as coal contributes to the conflict between your community and the government?
[Probe: Creates scarcity of land, brings people into contact with mining activities, treats land as ordinary object, etc].
9. What would you consider as “justice” to Enugu-Ngwo community in this conflict with the government?
[Probe: More compensation? return the Crown land to Ngwo?].
10. In what ways do you think coal mining has affected this community negatively?
[Probe: Land scarcity? subsidence?].

11. What do you think will happen if the government returns the Crown land to Enugu-Ngwo community?

[**Probe:** In-fighting among people, amicable settlement?].

12. What do you think will happen if the government does not return the Crown land to Enugu-Ngwo community?

[**Probe:** Will Ngwo begin war like the Niger Delta?].

Note: This Appendix was used exclusively for Enugu-Ngwo. Similar questions were used for Egbema, except where peculiar community issues differed in both communities.

Appendix 4.5: Samples of Files Retrieved from National Archive Enugu (NAE)

Department	
FILE No. <i>OK 763</i>	
DATE REGISTERED <i>10th August, 1939.</i>	
SUBJECT <i>SHELL-DARCY EXPLORATION PARTIES</i>	SUBSEQUENT FILES
LIST OF ENCLOSURES IN THIS FILE <small>(Entries to be continued on third page of cover if necessary)</small> <i>closed</i>	
PREVIOUS FILES	MINUTES OR INSTRUCTIONS <i>OKIDIST 5/1/19</i>

Source: National Archive Enugu

General 2

PROVL. ADMN. Department

File No. OW: 7915 DO OK
for disposal
Pw/ok

DATE REGISTERED: 2: 5: 79

4P Kofun 25/24/50

SUBJECT

SHELL D'ARCY EXPLO-
-RATION PARTIES:
OCCUPATION OF LAND.
CAMP SITE (ON CROWN LAND)
AT OKIGWI AND OWERI

SUBSEQUENT FILES

6578: ^{SHELL D'ARCY} Programme of Works

7925: ^{SHELL D'ARCY} Compensation for Damage

OW: 8493 - LEASE OF LAND FOR SPORTS GROUND AT OWERI

OW: 8610 - LEASE OF CAMP SITE, NO. 1 EXTENSION CAMP AT OWERI

OW: 8668 - LEASE OF CAMP SITE NO. 2 EXTENSION CAMP AT OWERI

9237 - No. 4 Extension

8968 - No. 3 ✓

LIST OF ENCLOSURES IN THIS FILE
(Entries to be continued on third page of cover if necessary)

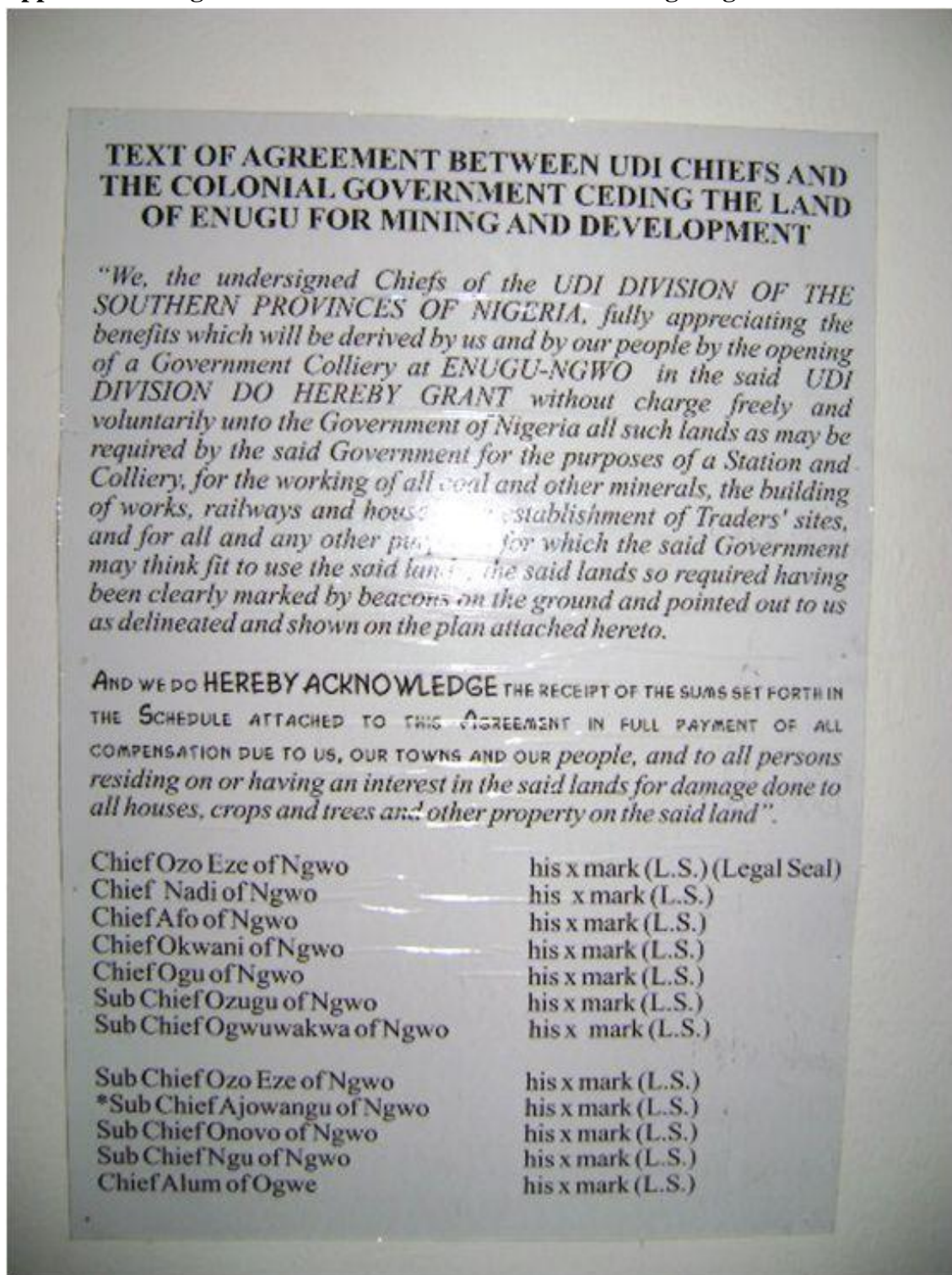
OKIDIST. 9/1/268

PREVIOUS FILES

MINUTES OR INSTRUCTIONS

Source: National Archive Enugu

Appendix 5.1: Agreement of Land Cession of 1915 in Enugu-Ngwo



Source: National Museum and Monument, Enugu.

Appendix 5.2: Press Release by Shell D'Arcy in 1951

1906

1

RELEASE DATE - IMMEDIATE PRESS RELEASE 19/56.

FIRST OIL SHOW IN DELTA

As a result of tests carried out at Shell-D'Arcy's exploration well at Oloibiri, in Brass Division, some oil has been found in quantities somewhat larger than so far discovered in other wells.

However, until tests in this well are completed, and possibly further wells drilled in the vicinity, the extent of the find cannot be ascertained.

T H E E N D

Enquiries to:
The Shell-D'Arcy Petroleum
Development Co. of Nigeria Ltd.,
O W E R R I.

Telegraph Address: Darshell, Owerri

Telephone No. 20.

① c/c: open a new file for this & BU. Pl. by c/s. 1/2.

② Good P.A. by c/s. 1/2.

Source: National Archive Enugu.

Appendix 5.3: A sample of Shell's "Receipt": an evidence of rent paid to landlords

THE SHELL PETROLEUM DEVELOPMENT COMPANY OF NIGERIA LTD.
 COMPENSATION RECEIPT BOOK FOR PIPELINE ACQUISITION

892

Paid By: IAA, V. R. (PRE-11/02) 14/05/02

Receipt B No 31861 E

NAME OF LOCATION: 16" EGBEMA - ASSA D/L

FILE REF: FIELD BOOK NO: 018123 E

AREA: 1.9840 Ha (without reference to title with individuals, CHY. PETERS R. O, & ESIOTHA Community)

PILLAR NOS: EAS-35 TO EAS-46

NAMES(S) OF CLAIMANT(S): ONUOHA FAMILY

REP. BY: MOSANU INT'L Co. LD.

ADDRESS: 80 (Ectur) FIFTH A ST. DIORU, PH.

Received from The Shell Petroleum Development Company of Nigeria Limited the undermentioned total payment in full compensation in respect of my/our properties situated at or on above-mentioned site.

DETAILS
 Being Compensation Payment for loss of use for the acquisition of 16" EGBEMA - ASSA D/L (Four hundred and ninety six thousand Naira, only) TOTAL N 496,000.00

In view of this payment, I/We have no further claim whatsoever to make against the said company. I/We agree to indemnify the said company against any cost it may incur as a result of a third party establishing title to all or part of the above-mentioned items. I/We will also notify Shell Management whenever Shell representative(s) demand any gratification from this payment which is the agreed entitlement of the beneficiary.

WITNESS: Elder Emanuel Onuoha
 OCCUPATION: Farmer
 ADDRESS: Obiakpu, Egbema

14th day of May 2002

SIGNATURE/MARK: A. M. Ikuror 14/5/2002
 Mosanu Int'l. Co. Ltd
 NO 70 Ejorhwa St, PH

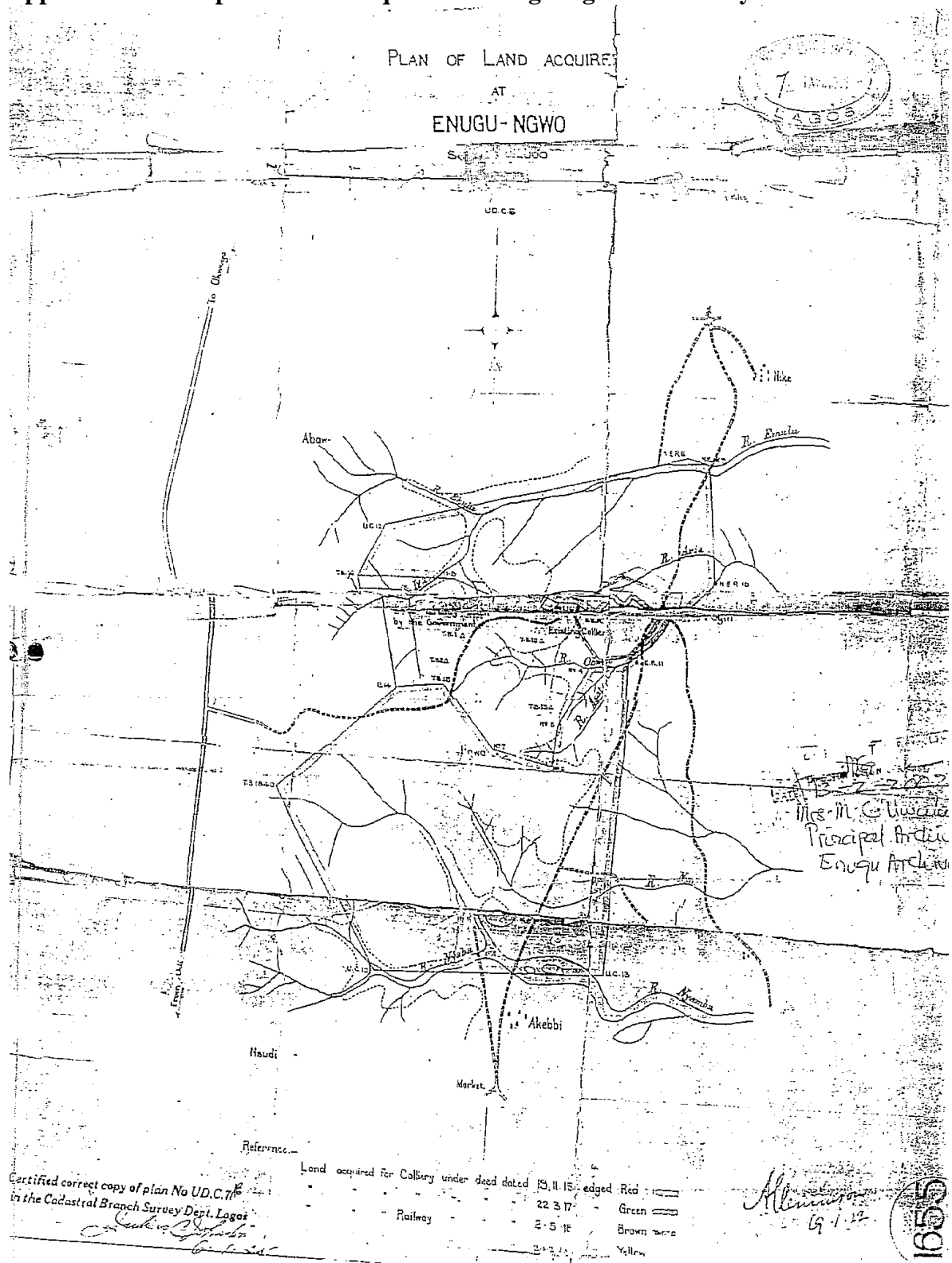
The contents of this document have first been read over and interpreted to the illiterate claimant/claimants in language when he/she/they appeared perfectly to understand the same before making the right thumb impression in the presence of the witness.

WITNESS: INTERPRETED BY (NAME): Ugwunaku Joseph SIGNATURE: [Signature]
 OCCUPATION: CONTRACT STAFF DATE: 14/05/2002
 ADDRESS: Obiakpu - Egbema

*(Insert as appropriate e.g. Land Capitalise Loss of Fishing Farming rights Siltation, Pollution etc.)
 Uchenna Onuoha (14/05/2002)

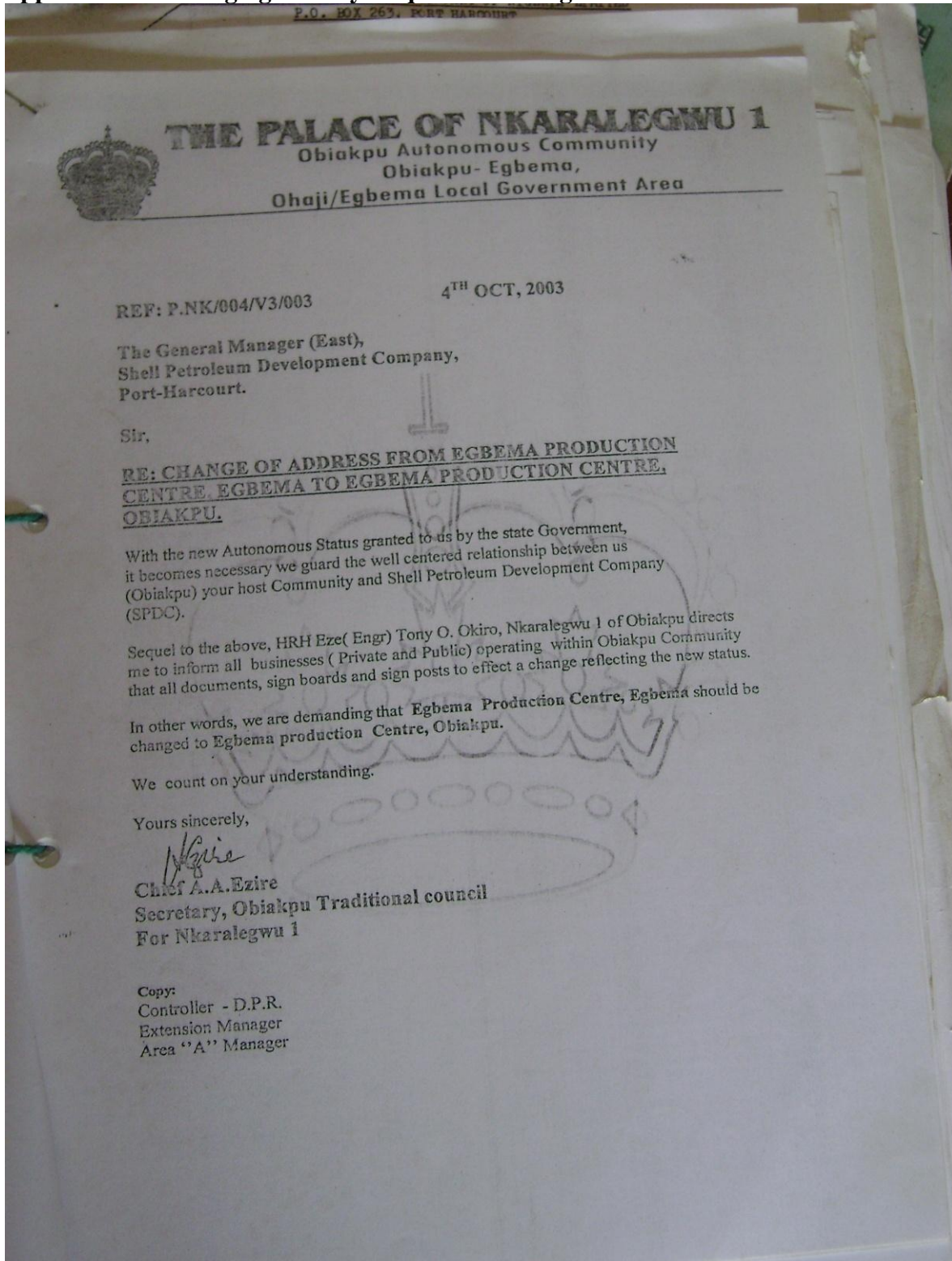
Source: Obiakpu Traditional Council, Egbema.

Appendix 6.1: The plan of land acquired at Enugu-Ngwó for colliery in 1915 and 1917




Source: A community chief in Enugu-Ngwó

Appendix 6.2: Changing identity: request for change of name



Source: Obiakpu Traditional Council, Egbema.

Appendix 7.1: Verification of landowners of SPDC's Egbema oil field



THE SHELL PETROLEUM DEVELOPMENT COMPANY OF NIGERIA LIMITED
VERIFICATION OF LANDOWNERS OF SPDC'S EGBEMA OIL FIELD

LAND NAME: Egbema Flowstation & Flaresite (8.2 Ac) DATE ACQUIRED: 01/04/66

ORIGINAL LANDOWNERS	AREA	LAND TYPE	NAME OF NEW SIGNATORIES	SIGNATURE OF SIGNATORIES
Boy Egwe (RIP)	0.6800 Ha	Dry Land	CHF MARK EGWE	<i>[Signature]</i> 11/7/96
Chf. Kevin Ekwueme	0.4300 Ha	Dry Land	CHF KEVIN EKWUEME	<i>[Signature]</i> 11/7/96
Orugbu Maduaba (RIP)	1.3400 Ha	Dry Land	OKWADA DRUGBAE ETI	<i>[Signature]</i> OKWADA DRUGBAE
Jude Omelu	0.8600 Ha	S./Swamp	JUDE OMELU	<i>[Signature]</i>

WITNESS (1):
 NAME: CHF. K. O. EKUENINGE
 OCCUPATION: TRADITIONAL RULER
 ADDRESS: OBOKOFIA VILLAGE, EGBEMA
 SIGNATURE & DATE: *[Signature]* 11/7/96

WITNESS (2):
 NAME: CHF R. O. PETERS
 OCCUPATION: TRADITIONAL RULER
 ADDRESS: OBIAKPU, EGBEMA
 SIGNATURE & DATE: *[Signature]* 13/7/96

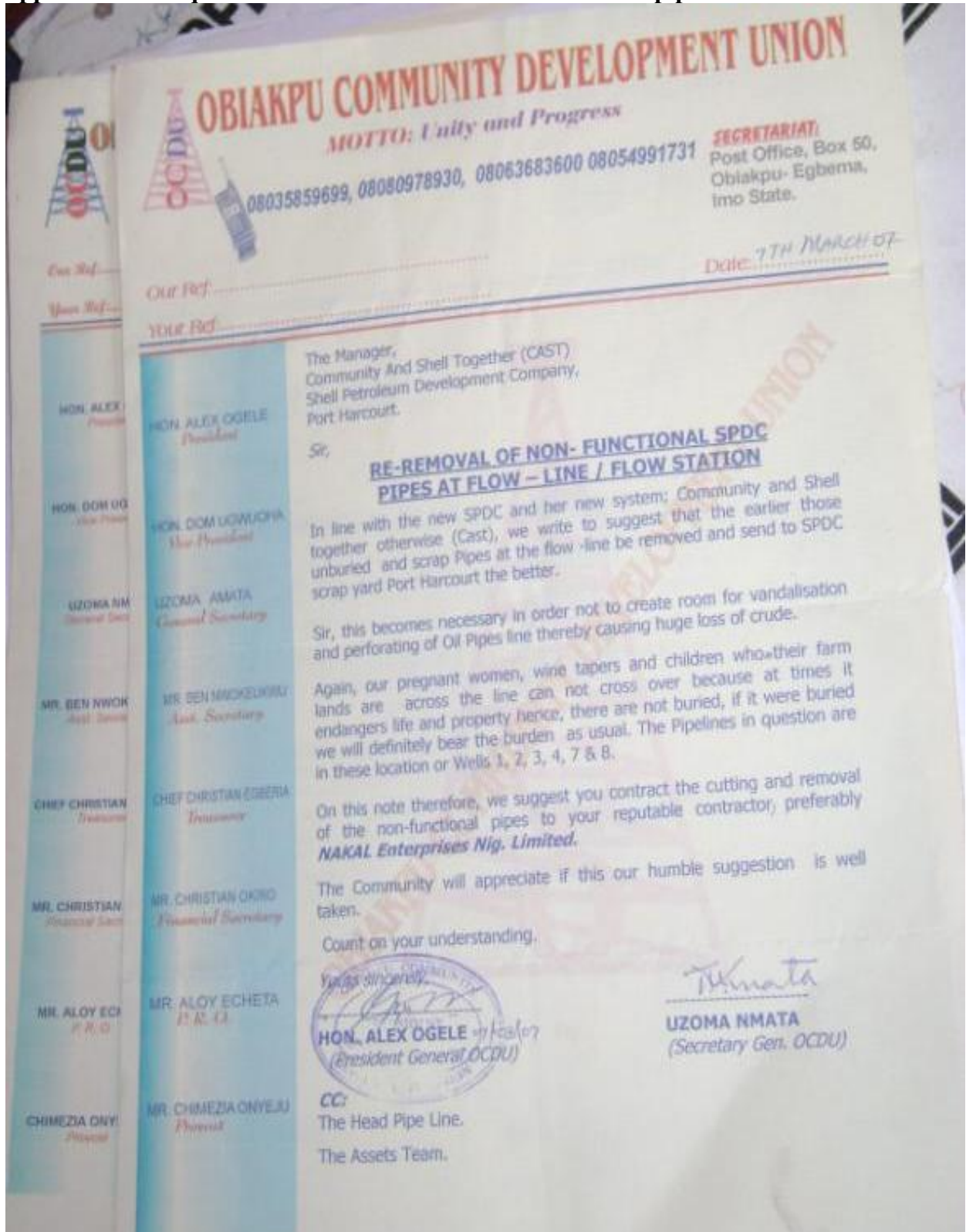
SPDC REPRESENTATIVES:

NAME: OLANIYAN, K. A. (Mr.)	NAME: ELUWA, V. O. (Miss)	NAME: NWAKOBI, Kate N. (Mrs.)
JOB TITLE: LANDS OFFICER	JOB TITLE: LANDS OFFICER	JOB TITLE: LANDS OFFICER
SIGNATURE & DATE: <i>[Signature]</i> 13/7/96	SIGNATURE & DATE: <i>[Signature]</i> 13/7/96	SIGNATURE & DATE: <i>[Signature]</i> 13/7/96

Note the acquisition and the date.

Source: Obiakpu Traditional Council, Egbema.

Appendix 7.2: Request for the removal of decommissioned oil pipelines



Source: Obiakpu Traditional Council, Egbema.

Appendix 7.3: Sample of Questionnaire

Note: As a study of two communities, similar questions were asked in Enugu-Ngwo and Egbema. However, the contents differed where it is required to indicate the specific mineral resource, such as coal for Enugu-Ngwo or petroleum for Egbema.

ENUGU-NGWO

MINI SURVEY

Dear Respondent,

My name is Mr. Ikechukwu Umejisi, a Nigerian doctoral student of University of Fort Hare, East London campus, South Africa. I belong to a research team – *African Resources and Comparative Sustainability Research, Department of Sociology/Industrial Sociology*. I am currently on a fieldwork in Enugu-Ngwo and Egbema communities. My research focus is on land use and compensational issues in energy resource extraction communities of Nigeria. I am carrying out a small-scale survey aimed at understanding the views of indigenes of these communities on the question of land use, energy resource extraction and compensational issues. This research is purely for academic purposes and does not represent any other interests such as government, NGO, etc. Your opinion will be treated confidentially.

Thanks,

Ikechukwu Umejisi.

SECTION ONE

Note: Please tick the options that best apply to you.

Age group	18 – 30		31 – 40		41 - 50		51 - 60		61+	
Gender	Male			Female						

MINI SURVEY

Please note: You may tick more than one option and you may also comment. In this questionnaire, “mining companies” is used to represent Oil Companies and Nigerian Coal Corporation (NCC).

1. What do you think about ownership of land and minerals such as coal?
 - a. Communities should have greater right to land and coal than the government
 - b. Ownership should be shared between the government and indigenes on equal basis
 - c. Government should have greater right to land and coal than indigenes
 - d. Full ownership should belong to the communities
 - e. Full ownership should remain with the government
 - f. Don't know
 - g. Other comments

2. Do you think that the ownership of land and coal by the government contributes to the conflict between the government and your community?
 - a. Ownership of land coal by the government does not contribute
 - b. Ownership of land and coal by the government contributes partly
 - c. Ownership of land and coal by the government is the major contributor to the conflict
 - d. Don't know
 - e. Other comments:

3. If you answered “B” and/or “C” in Q.2, in what way do you think government ownership of land and coal contributes to the conflict between the government and your community?
 - a. The indigenes do not determine what use their land is put to
 - b. NCC has more rights to land than indigenes
 - c. Indigenes are treated like strangers in their land
 - d. Don't know
 - e. Other comments:

4. Do you think your community will be significantly peaceful if they own the land and coal?
 - a. Yes, my community will be significantly peaceful
 - b. No, my community will not be significantly peaceful
 - c. There will be chaos in this community
 - d. Don't know
 - e. Other comments:

5. How can you describe coal mining in your community since it began?
 - a. It has been a blessing to my community
 - b. It has been a curse to my community
 - c. It has been a mixture of blessings and curses
 - d. More of a blessing than a curse
 - e. More of a curse than a blessing
 - f. Don't know
 - g. Other comments:

6. What do you think is the most likely cause or causes of conflict between the government and your community?
 - a. Police and army brutality
 - b. Non-payment of adequate compensation for acquired or destroyed land
 - c. Lack of development in your community
 - d. Lack of information on mining activities
 - e. Lack of land for farming and building homes
 - f. Inconveniences – pipelines, oil spill, gas flare or coal mine wastes and pollution of streams
 - g. A, B and C
 - h. D, E and F
 - i. Don't know
 - j. Other comments:

7. Do you think your community can co-exist peacefully with coal mining without regular conflict with government and NCC?
 - a. Yes we can co-exist without conflict
 - b. We can co-exist with minimal conflict
 - c. No we cannot co-exist without conflict
 - e. Don't know
 - f. Other comment:

8. If you answered “C” in Q. 7, why do you think your community will always have conflict with coal mining?
 - a. Underground coal mining will always result in conflict with our community
 - b. Nigeria Coal Corporation will not keep their promises in the MoU
 - c. We need land for farming and building of houses
 - d. We are tired of coal mining in our midst
 - e. Don't know
 - f. Other comment:

9. Do you think your community is well informed about mining activities (explorations, blasts, subsidence) by NCC?
 - a. Yes we are well informed by NCC
 - b. We are not well informed by NCC
 - c. No we are not informed at all by NCC
 - d. Don't know
 - e. Other comments:

10. What do you think is the solution to the conflict between mineral producing communities and mining companies?
 - a. Payment of adequate compensation to land owners
 - b. Development of the communities
 - c. A and B
 - d. Give ownership of land and minerals to communities
 - e. Mining companies such as NCC should leave local communities
 - f. Don't know
 - g. Other comments:

11. What do you think your community wants to achieve from their struggle with the government?
 - a. My community wants to recover its land and control the way coal is mined
 - b. My community no longer wants to be part of Nigeria
 - c. My community wants more compensation from mining companies or the government
 - d. Don't know
 - e. Other comments:

12. What would you accept from NCC to relocate from your land/home?
 - a. Five times the value of my land/house
 - b. Another better house somewhere in this community
 - c. A better house in the city such as Onitsha, Aba, Owerri, Lagos, Enugu or Abuja
 - d. Will not leave my house or land for NCC for any reason
 - e. Don't know
 - d. Other comment:

13. If your answer in Q.12 is "D" why will you refuse to give up your house or land for more money or better house elsewhere?
 - a. Mining companies should not have my land/house
 - b. It is against our customs to give up my land/house for money
 - c. My value for my house and land cannot be compensated with money
 - d. All of the above
 - e. If the Mining Company had offered ten times the worth of my land/house (in cash)
 - f. Don't know
 - g. Other comment:

14. If you had a right to keep your land by all means, would you accept compensation for your land?
 - a. No, I wouldn't accept compensation
 - b. Yes, I would accept compensation
 - c. If I consider the amount adequate, I would accept compensation
 - d. Don't know
 - e. Other comments:

15. Who provided the amenities (road, electricity, water and clinic) in your community?
 - a. The government
 - b. Community's self-help efforts
 - c. Nigerian Coal Corporation (NCC)
 - d. A and B
 - e. A and C
 - f. B and C