

Oil Corporations and the Environment: the case of the Niger Delta

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by

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Dedication

This thesis is dedicated to the memory of my father

Alhaji Ismaila Musa Gusau

Garkuwan Maradun

25th September 1938 - 20th June 2012

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“It always seems impossible until it’s done” - Nelson Mandela

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Oil Corporations and the Environment: the case of the Niger Delta

Tukur Ismaila Gusau

Abstract

Nigeria is the world's thirteenth largest oil exporter, with exports of over 2.2 million barrels per day (OPEC report, 2010). The capital-intensive oil sector provides 95 per cent of the nation's foreign exchange earnings, and about 65 per cent of budgetary revenues. Despite the huge resources from oil sales, the major stake holders within the Nigerian oil sector (the government, host communities, and oil companies) generally believe there is environmental degradation in the oil region. However, they sharply disagree on what precisely constitutes environmental degradation in the Niger Delta and who bears responsibility for it. The major stake holders; accuse one another as being responsible for the situation (Frynas 1999).

My research examines the conflicting set of voices and claims among the stake holders in the Nigerian oil industry in describing what environmental degradation is and how it affects their relationships with each other. My argument is that though the key players in the Nigerian oil industry render quite different accounts of what the environment means to them, they all seem to be plausible and, indeed convincing in their own accounts. As a result, the more 'convincing' the accounts seem to be, the more dramatic the views become and the more apparent it becomes that we need to employ rigorous analyses to create order in the diversity of their different conflicting accounts by showing that there is much to be gained by setting free the different versions of voices that the key players use to explain what the environment means in their relationship.

This thesis considers face to face interviews as a method to explore how my respondents give their own versions of what their environment means to them in their social world. The thesis argues that the way people give their version can be interpreted within the perspective of Goffman's dramaturgical metaphor which views the performers acting on stage as "merchants of morality" (1956:156).

Acronyms and Abbreviations

AI	Amnesty International
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BDS	Biodiversity Bill
BP	British Petroleum
CBN	Central Bank of Nigeria
CNA	Clean Nigeria Associates
CCB	Climate Change Committee
CCC	Climate Change Commission
CFCs	Chlorofinorocarbons
CNL	Chevron Nigeria Limited
DPR	Department of Petroleum Resources
EIA	Environmental Impact Assessment
EPNL	Elf Petroleum Nigeria Limited
FEPA	Federal Environmental Protection Agency
FHR	Federal House of Representatives
FMo ENV	Federal Ministry of Environment
FRSC	Federal Road Safety Commission
GDP	Gross Domestic Product
GFB	Gas Flaring Bill
GHG	Green House Gas Emission
GMoU	Global Memorandum of Understanding
HRDN	Human Right Defenders
HRW	Human Right Watch
IYC	Ijaw Youth Congress
JIT	Joint Investigation Team
JIV	Joint Investigation Visit
JTF	Joint Task Force

LUA	Land Use Act
MEND	Movement for the Emancipation of the Niger Delta
MOSOP	Movement for the Survival of the Ogoni People
MPN	Mobil Nigeria Producing
NASS	National Assembly
NDDC	Niger Delta Development Commission
NDPC	Niger Delta Peopled Congress
NDVF	Niger Delta Volunteer Force
NDVS	Niger Delta Volunteer Service
NESREA	National Environmental Standards and Regulations Enforcement Agency
NGL	Natural Gas Liquid
NGO's	Non Governmental Organizations'
NIMASA	Nigeria Maritime Administration and Safety Agency
NLNG	Nigeria Liquefied Natural Gas
NNPC	Nigeria National Petroleum Corporation
NOC	Nigerian Oil Company
NOSDRA	National Oil Spill Detection and Response Agency
NOx	Nitrogen Oxide
NPC	Northern People's Congress
OCIA	Ogoni Central Indigenous Authority
OECD	Organisation of Economic Corporation and Development
OPA	Oil Pipeline Act
OPL	Oil Prospecting License
OPTS	Oil Producers Trade Section
PIB	Petroleum Industry Bill

PPMC	Pipeline and Production Marketing Company
PPP	Polluter Pays Principle
RSMoEnv	Rivers state Ministry of Environment
SGES	Shell Global Environmental Standards
SO	Sulfur Dioxide
SNG	Shell Nigeria Gas Limited
SNOP	Shell Nigeria Oil Productions Limited
SPDC	Shell Petroleum Development Company
TFEU	Treaty of Functioning of the European Union
TUPN	Total Upstream Nigerian Limited
UN	United Nations
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme
UNFCCCC	United Nations Framework Convention on Climate Change Committee
USEPA	United States Environmental Protection Agency
WAGP	West Africa Gas Pipeline

Chapter One: Introduction

Background of the study

“Less than two weeks after BP's rig exploded in the Gulf of Mexico, thousands of miles away, an ExxonMobil pipeline burst in Akwa Ibom state Nigeria, spilling more than one million gallons into the Delta environment before it was patched two weeks later” (Chen 2010:1). While the first incident received global attention, the second received virtually no attention, except from the people living within the areas affected. In some communities around the oil exploration areas, oil related environmental degradation is as old as the history of the Nigerian oil industry.

The implications and effects of oil related environmental degradation has continued to affect the lives of the people in the area. Though it is generally agreed that the people and the environment are affected, the causes of the environmental degradation have been a major bone of contention; with quite intense fallout in localities where oil exploration takes place (UNDP report 2006). Many arguments revolve around who is responsible for most of the ills of oil exploration. Is it the government? The oil companies? Some youth groups who are accused of vandalizing oil facilities for personal reasons? Or who? What are the remote and immediate causes of environmental degradation in the Niger Delta?

The Nigerian Government in 2008 invited the United Nations environmental Program to conduct a scientific ‘unbiased’ assessment of the situation and make recommendations to it. The findings of the reports, instead of serving as a road map towards finding a sustainable solution to the environmental problem in the region, become a source of disagreement between the oil communities, oil companies (particularly Shell who were accused of sponsoring the study) and the Nigerian government. The report was rejected by the communities more than six month before it was published.

The lack of sustainable solution to the environmental problems in the past is a major challenge and one of the reasons why Nigeria failed to realize the United Nations millennium development goal 7 which seek to ensure environmental sustainability by reducing environmental degradation arising from natural and manmade causes as well as inefficient use of resources, and to improve environmental management through private sector participation and environmentally friendly technologies by 2010. For degradation resulting from oil and gas production in the Niger Delta to be understood there is need to study the problem from a context which will involve all the key players in the sector, such as the communities involved, the oil companies and the representative of the Nigerian government who provide the legislative and legal framework in the oil industry.

The drive for wealth by corporations through exploration of natural resources is leading the world to environmental crises. The quest contributes to environmental crises that encourage global energy crises and insecurity. Environmental destruction was also caused by the global dynamics of industrialization which promotes capitalist accumulation of resources (Dobson 1995). The impact of this today is what we see in water pollution, air pollution, land degradation, acid rain, and depletion of the ozone layer, global warming, greenhouse gas omissions, and insecurity. Though the terminologies stated above may seems to be associated more with natural science, social scientists like Karl Marx and Fredrick Engels were the first 'prophets' of social ecology and new social ecologists have followed their lead (Benton 1996). Though Marx and Weber never wrote directly on ecology, their earlier writings on capitalism suggest there is a rift between human beings and the earth. Engels, for example, suggests that ecology was reactionary in context and elitist in terms of the immediate interest it is intended to represent. He further pointed out that apart from being

insensitive to the aspirations of the poor it also lacked the basic interest to improve the living standard of the people (Redclift and Benton 1994).

Capitalism is at the centre of global environmental crises because its actions contribute to the environmental crises. Though the corporations showcase themselves as environmentally friendly organizations concerned with the protection and preservation of environment as against the notion that the business of business is business (Friedman 1970). This environmental friendliness is described as a 'green-washing' by Rowell (1996) and Manwaring (2002).

Corporations are increasingly becoming key players in the life of humans. (Popper, 1996) and exposing the poor to hazards largely because they are less powerful than the corporations or even nation states (Pellow 2004, Bunyard and Greenville, 1987). On the other hand, Benton (1996) considers industrialization as of little consequences to environmental crisis but rather suggests that is due to the organization of human life itself. However, Gorz (1980) considers the capitalist mode of industrialization as always anti environment, destructive and promoting a class consciousness which make social movements almost inevitable. According to Goldsmith and Hildyard (1986) any exploitation of the environment is also an exploitation of the people so therefore, emancipation of the environment from destruction is necessary. Kassiola (2003) believes the environmental crisis facing humanity is political and therefore must involve political solutions. Some of the arguments advanced by the writers above are clearly evidenced in the role of oil corporations in the Nigerian oil industry. They are described as being above the law and implementing double standards to protect their businesses. The next section will discuss the context within which this study is predicated.

Contextual Framework and Motivation

Having established the general picture above, I will narrow down the situation to the Nigerian context which is the motivation for this study. Niger Delta communities are located in the southern part of Nigeria which harbors oil reserves that make Nigeria the six largest oil producer in the world and first in Africa. Figures from the Nigerian National Petroleum Corporation indicate that the region accounts for over 90 per cent of the Nigeria's oil exports, and also accounts for more than 80 per cent of government revenue. According to recent official statistics on Nigeria's revenue profile from Federal Ministry of Finance showed that in the second quarter of 2011 about 90 per cent of the revenue generated was from oil sales.

Approximately, between 2.5 to 2.6 million barrels of oil is being extracted daily by the oil corporations in a joint venture agreement with the federal government of Nigeria from over 5,284 oil wells and over 7000 kilometers of pipelines crisscrossing over 1500 communities in the region. Despite the enormous contribution of the region to the Nigerian economy it is believed to be the most backward among the six geo-political zones in Nigeria. This is in terms of provision of social infrastructure and other amenities which are occasioned by environmental degradation and socio-economic challenges caused by the activities of the oil corporations. It is estimated that 70 per cent of the 28million population lives below \$1 per day which by UNDP standard is below poverty line. Even life expectancy has been threatened by the environmental hazards from oil exploration. According to an UN report in 2006 the life expectancy in the Niger Delta is 44.7 years for men and 46 for women. In other parts of the country is higher, 46.76 for men and 48 for women (CIA World fact book 2011).

The feeling of the Niger Delta people is that despite the contribution of the region to the Nigerian economy there is no development commensurate to its contribution as a 'cash cow' of the nation. The discovery of oil in the environment has become a curse instead of a blessing and has resulted in them losing most of their local businesses which they were living on (farming, fishing, hunting etc). Nigeria has the highest spillage and flaring rates in the world, between 1976 and 2001 over 6,800 spills equivalent of 400,000 tons of oil was spilled (Wax et al., 2003). According to the National oil Spill Detection and Response Agency (NOSDRA) 2,405 oil spills were recorded between 2009-2010 (NOSDRA Report 2010). In 2009 alone over 14,000 tones were spilled into the water and soil. In total an average of 13 million barrels of oil have been spilled in the Delta from the inception of the oil industry (UNEP Report 2011). This figure represents about 40 percent of the entire oil spilled by oil corporations globally and this made Nigeria the number one place for oil pollution. The oil corporations, through active collaboration with the government, did very little to salvage the situation or provide alternative source of livelihood, instead the oil money is being use to develop other part of the federating units which residents like Asari Dokubo described as 'parasites' and unproductive (Sun, June, 21, 2008).

The above feeling among the communities is common. Oil corporations and the Nigerian government are not helping them to stop environmental degradation in the Niger Delta. Some of the community members argued that the oil companies just ignore the situation in the Delta. Similarly, the lawmakers do not care and people live with pollution as part of their daily life. The communities decided to protect themselves through various means; notable among them includes shut down of major oil operations, threats, violence and attacks on oil facilities to attract attention from government, oil companies and even the

international community to their helplessness, because of the feeling that the environmental laws were not addressing the issue appropriately. The frequent attacks from militant groups in the Delta affected the Nigerian revenue profile which is largely dependent on oil revenue. The Ministry of Petroleum resources indicate the country can no longer meet its OPEC quota of between 2.6 to 2.7 million barrel per day. In 2009 oil production drop to 1.7 million barrel per day. The situation moved Nigeria from first rank in Africa to second after Angola.

The development in the region has spread beyond the shores of Nigeria because the country is a major partner to some big economies in the world like US, UK and most recently China. Currently, 12 percent of US oil is imported from Africa. Nigeria has been the fifth largest supplier of crude oil to the US, with exports to the country averaging nearly 600,000 barrels daily. As at 2008 Nigeria supplies 6 per cent of US oil consumption. About 65 percent of Nigerian crude oil being light and sweet; makes it suitable for US refineries since it yields high volumes of gasoline (Andrews et al. 2010).

In 2008, at the peak of insecurity in the Niger Delta, the British government expressed an interest in assisting the Nigerian government to “tackle the lawlessness” in the oil rich Delta. The then Prime Minister, Gordon Brown said “considering the level of lawlessness in the region the militants are too risky to be ignored by the United Kingdom” (The Independent, Jul 11, 2008). This offer was considered as an attempt by UK to protect its interest in the sector. This interest in the security of the Nigerian oil industry by the international community asks a lot of questions concerning the double standards applied in other nations. For example Friends of the Earth argued that during the Gulf of Mexico spill “We see frantic efforts being made to stop the spill in the US, but in Nigeria, oil companies

largely ignore their spills, cover them up and destroy people's livelihood and environments. The Gulf spill can be seen as a metaphor for what is happening daily in the oilfields of Nigeria and other parts of Africa. ” (Chen, 2010:1).

Many arguments revolve around who is responsible for most of the ills of oil exploration. The next section details the objectives and contribution of this study part of which is to use dramaturgical approach of Erving Goffman (1959) to provide interpretative analysis of how the major actors in the Nigerian oil industry theatrically construct an image through role playing in their various interactions with each other.

Objective and Contribution

The objective of this research is to show how the major key players within the Nigerian oil sector represent what the environment means to them within the public discourse, why it matters to them and to show how an understanding of their points of view also provides understanding of the complex relationships that exist among the key players in the Nigerian oil industry. This will be presented based on the accounts of the respondents interviewed. This study will interpret the accounts of the respondents using Goffman's (1959) dramaturgical approach. In accordance with the objectives stated above, this study is expected to contribute positively to the understanding of how environment is defined and discussed among the key players in the Nigerian oil industry. In addition to making a contribution to knowledge it is also hoped that it will draw more attention on the need to have a socio-political and legislative framework that will be both workable and sustainable in the oil industry. This will be done through segmented recommendations targeted at the key stakeholders.

Scope

The scope of this work cannot possibly cover the whole Niger Delta and all the oil companies in the Nigerian oil sector due to its size and time constraints. In this case I have narrowed down my area of study to Ogoni land, Shell petroleum Development Company and the government regulatory agencies. The primary reason for this is due to the fact that I believe the communities and organizations selected provide the context for the kind of questions I want to investigate. The overall organization of the study is structured in the following way:

Structure of the Thesis

The study is spread into nine chapters. The first Chapter is introductory and starts with an overview of the focus, context, motivation set objectives and the overall structure of the thesis. After this introduction to the study, chapter two will set out the background literature for the study and locate the arguments earlier advanced by other writers in this field of study. The first part will review literature showing the nature of the relationship between oil corporations and the environment, discuss what the environment means within the scope of this study, and some theories underlying its definition. The second part presents the connection between oil corporations, the Nigerian oil industry and Ogoni communities in the Niger Delta region. Similarly, this section also traced some historical claims of the Niger Delta oil communities relating to the environment within the process of the social formation of Nigerian as a nation state. Chapter three is divided in to two parts, the first part is an overview of the dramaturgical approach of Erving Goffman (1959) and its relevance to the data collected through selected methods and its limitations. The second section is the application of the theory to some themes identified in the empirical data

collected among the key players in the Nigerian oil sector and the views of other respondents who presented the ‘meaning’ of environment to them.

Chapter four will stress the rationale of the choice of the research design, methods and why the approach selected is more appropriate for answering my research questions based on philosophical, methodological and ethical grounds. Here also, I will justify my choice of research sites, research participants and how access to them was negotiated; and also explores my ethical relationship with the research subjects. The final part presents methodological challenges associated with the study and practical issues encountered in the field and also proffer prospects for future studies in the field.

Chapter five contains my interviews with various categories of respondents representing eight communities covering four Ogoni local governments in Rivers State. The communities are, Eleme, Gokana, Khana and Tai. A total number of 18 respondents were interviewed based availability, snowballing and importance of respondents in their respective domains. Most of the respondents defined what their environment means to them how it is affecting the relationship between them and the oil companies and the government in the other hand and what they felt the world should know about them. They also give an account of what they felt is responsible for environmental degradation in their communities and what steps should be adopted to change the situation. Chapter six describes my visit to Shell Petroleum Development Company (SDPC)’s Port Harcourt facility. As explained in the literature review section, the SDPC is the sole petroleum producing company operating in Ogoni land. Specifically, this chapter presents an interview with a senior official in the environmental affairs unit. The interview covered the account of the official as a corporate man as well as a concerned Nigerian on environmental

problems in the Niger Delta. The respondent explained the nature of relationship between his company and Ogoni people and what his company considers as environmental degradation and who is responsible for the degradation. Chapter seven begins by presenting my interviews with representatives of the three regulatory agencies in the Nigerian oil industry, namely; the Department of Petroleum Studies, the National Oil Spill Detection and Response Agency and the National Environmental Standards and Regulations Enforcement Agency. Secondly, interviews with agencies that collaborate with the three regulatory bodies or conduct oversight functions in the oil industry are presented. The organizations are the Nigerian Senate Committee on Environment and ecology and the Rivers State Ministry of Environment.

In chapter eight, four interviews are presented. Two of these interviews were with agencies, which are considered to be outside the Nigerian oil industry but not completely an uninterested party in environmental issues in the Niger Delta. The first interview is with the Nigeria's first independent Oil Minister, who provided an important historical account of the relationship between Nigerian politics and environmental issues in the Nigerian oil industry. The second interview is with the United Nations Environmental Programme (UNEP) in Ogoni land, a United Nations agency invited by the Nigerian government as an independent, body to provide 'neutral' scientific facts about the current state of the environment in Ogoni land. The third interview is with a senior member of one of the security agencies in the Niger Delta. The last is with a resident Priest who provides a different insight into what environmental degradation is in Ogoni land.

The conclusion summarizes the thesis and the research work performed. The chapter also provides a discussion of the research findings my reflections and recommendations. The

chapter elaborates the Goffmanesque approach that will enhance understanding of the contradicting scripts performed by the various stakeholders studied.

Chapter Two

Environment, Theories and Niger Delta Communities

Introduction

The aim of this chapter is to review some literatures on the environment, present the key stakeholders in the Nigerian oil industry and explain the relationships between them. There are three main stakeholders identified in this research. The first is the Nigerian government, represented by its regulatory agencies, the second are the major oil companies operating in the region, and the third are the oil hosting communities who are divided into different ethnic and interest groups across the region.

What is the Environment?

The word 'environment' has no generally accepted definition, it depends on who is defining it and within what context is the study located. 'Environment' is like water it doesn't have its own shape, rather it is shaped after the container that bears it (Fox 1990).

Whereas some people consider it as connected to nature others view it from the human perspective. One of the key factors in the study of the environment is the idea of a relationship, because objects do not exist in their environment in complete isolation. Each is affected by adjacent objects which in turn influence them and vice versa (Kemp 2004).

Environment is concern with the immediate surroundings. It is the totality of the circumstances that surround human surroundings. Environment is a combination of external physical conditions that can effect and influence the growth, development and survival of organisms. Brooks in his book *The Pursuit of Wilderness* (1971:77) argued "We shall never understand the natural environment until we see it as a living organism. Land can be healthy or sick, fertile or barren, rich or poor, lovingly nurtured or bled white. Our present attitudes and laws governing the ownership and use of land represent an abuse of the concept of private property.... Today you can murder land for private profit. You can leave

the corpse for all to see and nobody calls the cops”.

The environment can also be defined as part of the complexities associated with socio cultural conditions of the individuals or the communities. The American Heritage Science Dictionary defines the environment as “all of the biotic and a biotic factors that act on an organism, population, or ecological community and influence its survival and development. Biotic factors include the organisms themselves, their food, and their interactions. A biotic factor includes such items as sunlight, soil, air, water, climate, and pollution. Organisms respond to changes in their environment by evolutionary adaptations in form and behavior” (p25). Kemp (2004) further argued that most of the current environmental crises have arisen due to ignorance of environmental interrelationships, or disregard of them. Theoretically, both human beings and animals are also part of the environment and are subject to the restraint which that implies. Historically the human interaction with the environment has become the main source of disruption and deterioration in the environment (Kemp 2004). This might lead us to ask why has the interaction of humans with the environment sometimes lead to disasters and deteriorations of the environment.

The reason why it has been so varies. The most important reason is the nature of modern development and the attitude of many towards environmental sustainability and its knowledge. Modern technology has not been very ‘fair’ to the environment; because the more it encourages or promotes natural resource exploitation for the survival of mankind the more the environment is explored or destroyed. Lovelock (1995) Suggests that earth and the individual elements must coexist in a symbiotic relationship. And since the human species is at present the source of most environmental degradation, he suggests the partial

or complete removal of mankind from the earth as the answer to the current environmental problems. This opinion is closely related to the position of deep ecologists which I will discuss along with two other environmental theories; social and ecofeminist theories.

The Three Environmental Theories

Deep Ecology

Naess's deep ecology's main argument is that all human beings are part of the ecology of this planet, and he believes that only by understanding our unity with the whole of nature can we come to achieve full realization of our humanity (Glasser 2005). The theory is a direct response to shallow ecology theory which views the environment as a place humans should strive to protect and preserve in a sustainable manner for the coming generation to 'plunder'. This is simply because the environment provides humans with the needed oxygen for survival. This line of argument was vehemently criticized by the deep ecologist as self serving and as promoting the belief that the environment is a right for humans only, neglecting its other components like trees, air, water, animals, mountains etc. Deep ecology portrays itself as "deep" because it asks deeper questions about the place of human life (Zimmerman et al. 1998). The deep ecologist assumes that humans and organisms have equal right to exist and that humans are by no means a greater creature than other species.

The core principle of deep ecology is that the whole of the living environment has the right to flourish and live, like humanity. As the word implies "deep" in deep ecology means to persist asking questions such as "how" and "why", and to have more understanding about the effects of human impacts as a part of the ecosphere, with a broader view rather than

viewing it as a branch of science in biology which is called ecology which deals with environmental conservation for human and exploitation purposes only is therefore avoided. Deep ecology has a holistic view that humans live and interact with the different parts of an ecosystem and that the ecosystem functions as a whole. Arne Naess was the first philosopher to advocate replacement of the destructive philosophy of modern industrial society with the development of a new ecosophy or eco-philosophy (Naess 1973). To support his argument Arne Naess propose the following principles :

1. The well-being and flourishing of human and non-human life on Earth have value in themselves (synonyms: intrinsic value, inherent worth). These values are independent of the usefulness of the non-human world for human purposes.
2. Richness and diversity of life forms contribute to the realization of these values and are also values in themselves.
3. Humans have no right to reduce this richness and diversity except to satisfy vital needs.
4. The flourishing of human life and cultures is compatible with a substantially smaller population. The flourishing of non-human life requires a smaller human population.
5. Present human interference with the non-human world is excessive, and the situation is rapidly worsening.
6. Policies must therefore be changed. These policies affect basic economic, technological and ideological structures. The resulting state of affairs will be deeply different from the present.
7. The ideological change will be mainly that of appreciating life quality (dwelling in situations of inherent value) rather than adhering to an increasingly higher standard of living. There will be a profound awareness of the difference between bigness and greatness.
8. Those who subscribe to the foregoing points have an obligation directly or

indirectly to try to implement the necessary changes. (Sessions 1985:70).

Deep ecology, just like shallow ecology, was also criticized for its lack of understanding of the role of socio-economic systems in ecological destruction. Another major argument of deep ecology is that any attempt to separate ecological problems from social problems will mean misrepresenting basic facts about the environmental crisis. The way human beings are organized is also a key factor of understanding the nature of the relationship between the human and the environment. Lack of proper understanding of this basic fact, will mean difficulty in understanding the class relationships which have brought about the idea that natural world can be dominated too. The theory also does consider the need to identify as humans separate from the natural environment. It views the world as a network of phenomena that are fundamentally interconnected and interdependent rather than a collection of isolated objects.

Partly emerging from this critique of deep ecology, another theory promoted is Social ecology which emerged to provide insights into the relationship between environment and human through sociological point of view.

Social Ecology

The concept of social ecology is linked to Murray Bookchin's influence within anarchist, socialist and ecological thought. The key argument of this approach is that:

“Social ecology is based on the conviction that nearly all of our present ecological problems originate in deep-seated social problems. It follows, from this view, that these ecological problems cannot be understood, let alone solved, without a careful understanding of our existing society and the irrationalities that dominate it. To make this point more concrete: economic, ethnic, cultural, and gender conflicts, among many others, lie at the core of the most serious ecological dislocations we face today apart, to be sure, from those that are produced by natural catastrophes” (Bookchin and Eigladd, 2007:19).

According to Bookchin (2001) Social ecology has basically focused environmental crisis on an authoritarian mentality and hierarchical organization of power with the social structure has its basic source. The idea of the domination of the natural world is rooted in social relationships. The domination of nature by man stems from the very real domination of human by human. Another related contribution to the understanding of the nature of relationship between human and environment is Ecofeminism.

Ecofeminism

The ecofeminist view is that there is a connection between social movements, nature and women oppression. Ecofeminists argue that theoretical, and linguistic parallels exist between the oppression and subordination of women and nature in Western cultural tradition through the transformation of their differences into culturally constructed conceptual boundaries and ideological divisions that promote and justify domination by subjects classed into higher-ranking categories over objects classed into lower-ranking categories. For example man is superior to woman or culture over nature (Lovelock 1995). The theory draws a connection between nature, domination, sexism, social inequalities and racism. Ecofeminists feel that men dominate women and humans dominate nature. Ruether (1975:77) wrote in *New Woman/New Earth* that “women must unite the demands of the women's movement with those of the ecological movements to envision a radical reshaping of the basic socioeconomic relations and the underlying values of this society”. Ecofeminism is a political and social movement which emphasizes the relationship between feminism and environmentalism. Their main focus is on what causes oppression of women and the environment, and how to prevent it.

More recently, ecofeminist theorists have extended their analyses to consider the interconnections between sexism, the domination of nature (including animals), and also racism and social inequalities. Consequently it is now better understood as a movement working against the interconnected oppressions of gender, race, class and nature (Miers and Shiva 1993). Another underlying principle of ecofeminism is that racism, classism, and sexism are interconnected; and cannot be fully effective without the liberation of nature, and conversely, the liberation of nature will not be fully affected without liberation of

women. “Conceptual, symbolic, empirical, and historical linkages between women and nature as they are constructed in western culture require feminists and environmentalists to address these liberatory efforts together if we are to be successful” (Warren 1991:1).

Ecofeminists are also concerned with how inter sections develop between racism, sex and social inequality. According to O’Loughlin (1993:148) “We have to examine how racism, heterosexism, classism, ageism and sexism are all related to natural environment”. Plumwood (1991) argued that dualisms can be understood as a prominent factor associated with the problem of rationalism. She further stresses that traditional ethics promotes reason as a means of establishing solid foundations for moral argument; this is due to its supposed universalizability and impartiality. The dualism that exists between emotion and reason gain more ground than other dualisms that may exists in rationalist thought, especially while dealing human/nature, mind/body and man/woman, (Plumwood,1991). According to Plumwood the former is held to be higher and superior to the latter in each of the case. For Plumwood, nature and women both have inferiority with rationalism as their major source. Once this ‘fact’ is achieved, the problems with extending ethical arguments becomes clear as an insufficient means of resolving natural and patriarchal domination. A challenge to rationalism thus is needed to perpetuate a challenge to dualism according to Plumwood.

The presence of rationalism acknowledged in the mainstream of ethical thinking; however, characterization of this by Plumwood can be queried. Can it be proved that rationalism promotes dualism that leads to women’s and nature’s subjugation? Looking at the major arguments put forward to enhance the interests and rights of both natural world and woman

seems odd. Most thinkers believe that rationalist thought is the best for securing hope for issues that concern women and environment. Finally, as seen above, most thinkers believe that individual sentiments and feelings are not a stable foundation for a meaningful ethical framework.

There are many critics of ecofeminism. According Gaard (1987) all forms of oppression cannot simply be related by their nature, and some even contend that ecofeminism further oppresses women. Similarly, Singer, (1989) stressed that any connection between women and nature equally holds for men, and that man's connection to the environment is as natural as woman's. In modern societies what constitutes environmental degradation, what causes it, and who is responsible is still very much debatable. Writers like Benton (1996) see industrialization per se as the inappropriate organization of production and consumption. Green theorists like Barry and Eckersley (2005) argue that capitalism through industrialization which is the root cause of environmental degradation because the competitive dynamics of capitalism lead to environmental destruction. They also argue that the state should have the capacity to impose ecological constraints against capitalism since it is seen as the key to environmental destruction. Gorz (1980) views capitalist mode of industrialization as always anti environment, destructive and promoting class division which makes social movements inevitable.

In the mid 1970's, Ponte (1976: 237) asserted that "the indications that our climate will soon change for the worst are too strong to be reasonably ignored". The impact of ignoring that warning is apparently what we see now in the form of global warming and associated water, air pollution, land degradation, acid rain, and depletion of the ozone layer. Others include global energy crises and insecurity caused by human activities. McCarthy (2001)

draws our attention to the fact that corporations have created illusions about global warming, in other words they green-wash. According to Goldsmith and Hildyard (1986) any form of exploitation on the environment by the corporations is also exploitation of the people. Therefore, could it be possible for the environment to be free from the risk of human exploitation?

Beck (1992) argues the relationship between corporations and the environment is a product of scientific complexity, one that may eventually have negative consequences on even those who profit from them. Then what is the way out? Is the position of Paehlke (1990) appropriate that the environmental crisis facing humanity is political and therefore must involve political values? After laying a foundation towards understanding various theories of the environment within the western literatures, I will now present the environmental situation in the Niger Delta by first showing the complex nature of the relationship that exist among the major players in the Nigerian oil industry.

The Key players in the Nigerian oil Industry

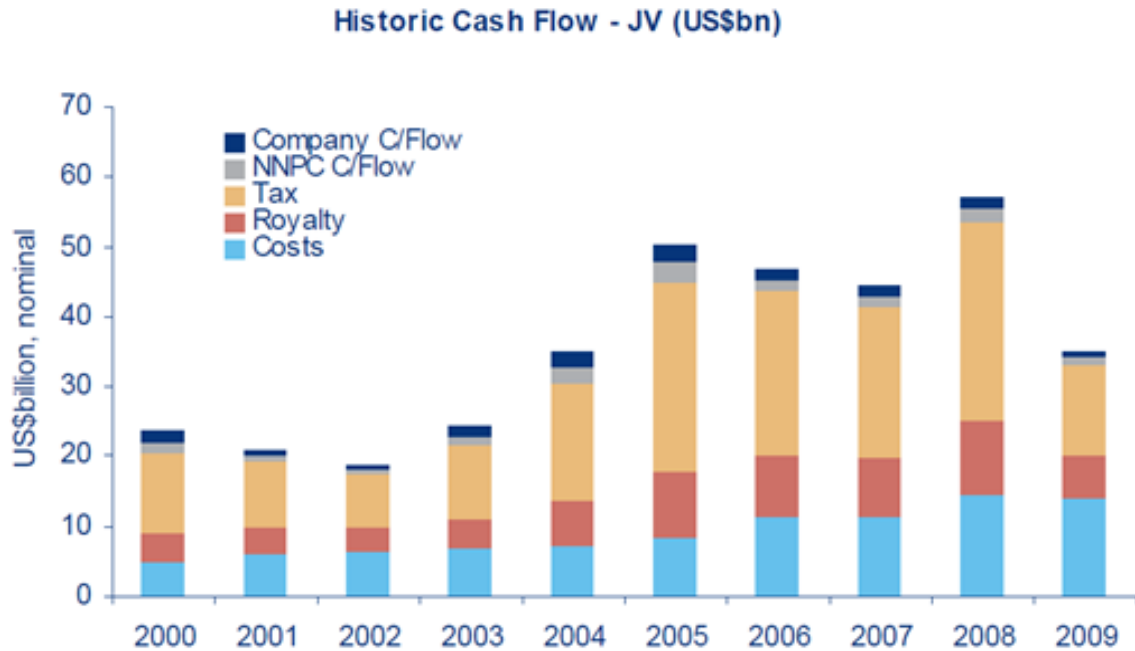
The Nigerian Government

The role of the Nigerian Government in the oil industry has changed over time. At the beginning, the interest of the government was to collect revenue and royalties from oil companies and play a regulatory and supervisory role. However, in 1971 after the end of Nigeria's civil war (1966-1970), the government realized the strategic role oil had played during the war. Since then the government has changed its role to include direct investment in the oil industry. As a result, the government reorganized the industry and established the Nigerian National Oil Corporation out of the remains of the then Nigerian Oil company (NOC) to invest and manage government interest in the Nigerian oil industry.

Under the petroleum and pipeline act of 1990, the NNPC is empowered to grant access and use rights in relation to all lands for the purpose of oil exploration. Similarly, the corporation is also empowered to negotiate joint venture agreements with all the major multinational oil corporations operating in Nigeria under terms and conditions, which vary from one corporation to another.

According to the Nigeria National Petroleum Corporation Act (1977), joint venture agreements are defined as where one or more multinational oil corporations enter into agreement with the NNPC for joint development of oil fields or for jointly held oil mining licenses and facilities. Each partner in the joint venture contributes to the costs and shares the benefits or losses from the venture in accordance with its proportionate equity interest in the venture. All budgets, work schedules and any contract awarded by the multinational oil corporations to other companies or subsidiaries of the NNPC must be agreed by both parties. The agreement includes for both onshore and off shore ventures. As at 2009 the joint venture agreement between Nigerian government and multinational oil corporations is presented in the flow chart below:

Table 1



(Adopted from <http://remembersarowiwa.com/> Accessed 13.12.10)

These joint agreements have been subject to various problems. For example, the multinational oil corporations have accused the NNPC of not always contributing its share of the costs of the agreement, which has affected the exploration and production capacity of the industry. As a solution to this problem, the government adopted a new policy called a production sharing contract. Under this new policy, NNPC can allow companies to undertake the oil exploration at their own cost and risk. If oil is eventually discovered the oil corporation is allowed under this agreement to recover the production cost and almost all onshore explorations are based on this agreement. Currently, a total of six major multinational oil Multinational corporations are operating in different oil fields in the Niger Delta, under specific joint venture agreements with the Nigerian government through NNPC.

The multinational oil corporations

The multinational oil corporations play a vital role in the Nigeria's economy, which is largely financed by approximately 2 million barrels of oil per day (Ebeku 2005). Considering the strategic importance of oil revenue to the Nigerian economy, it is fair to conclude that the multinational oil corporations are major stakeholders in the Nigerian oil sector. Their opinions and expertise is always sought, and their interests are considered, before any major policy decision is taken in the oil sector. The major multinational oil companies currently operating in the Nigerian oil industry in a joint venture agreement with Nigerian government are presented below.

The Shell Petroleum Development Company of Nigeria (SPDC), a subsidiary of Royal Dutch Shell is the largest multinational oil corporation operating in Nigeria and it controls about 40 percent of Nigeria's daily production with about 900,000 barrels per day (Shell Annual Report 2008). The oil exploration activities of Shell in Nigeria have preceded Nigeria's independence. The exploration commences as far back as 1938, then as Shell D'Arcy. However, the exploration abruptly stopped due to the outbreak of the Second World War in 1939. In 1956 the company resumed exploration, after a power play and a major discovery of oil in commercial quantities was made at Oloibiri town in the same year.

The company is in a joint venture with the Nigerian National Oil Corporation, which has a 55 per cent stake while Shell has 30 per cent, Elf 10 per cent and Agip 5 per cent. Most of Shell's operations are of the onshore variety and Shell operates 87 flow stations, eight gas plants and more than 1000 productive wells as well as maintaining over 6000 kilometers of

pipelines in the region. The company has an oil mining lease covering an area of about 31,000 square kilometers (Shell Report, 2008).

Other shell affiliated companies are; Shell Nigeria Exploration and Production Company (SNEPCO), Shell Nigeria Gas LTD (SNG), Shell Nigeria Oil Products Limited (SNOP), Nigeria Liquefied Gas Limited (NLNG) and West Africa Gas pipeline (WAGP).

Total ELF Nigeria Limited was created through two successive mergers, first when the former Total merged with the Belgian oil company, Petrofina to form Total-Fina in 1999 and the second when Total-Fina merged with French oil company, Elf Aquitaine, in 2000 to create Total-Fina-Elf. In 2003, the group adopted the new name of Total. In Nigeria the upstream activities of the group are carried out by two subsidiaries, Elf Petroleum Nigeria Limited (EPNL) which operates the NNPC/EPNL joint venture and Total upstream Nigeria Limited (TUPN), which is involved in gas exploration.

Total-Elf commenced successful crude production in July, 2003 after oil discovery in Akpo which was estimated to generate approximately the 125,000 barrels of oil per day. The company is also the owner of the Ofon Field Phase 2 Project which commenced operation in 2005. Total-Elf also owns about 15 per cent of the equity of the Nigerian and supplies LNG Company 23 per cent of its gas raw materials (<http://www.ng.total.com/> Accessed on 31.11.2010). Eni E & P Division commenced activities in Nigeria in 1962 through a wholly owned subsidy, Nigerian Agip Oil Company Limited, and offered the Federal Government the opportunity to participate in its operations in case of commercial discovery. This option was subsequently exercised in 1973. The activities of this company over the years resulted in the establishment of other companies, these include the Nigeria

Agip Energy and Natural Resources (Nigeria) Limited, which operates in the shallow offshore waters and the Nigerian Agip Exploration Limited which concentrates on the deep-water frontier region. Eni also holds a 5 per cent participating interest in the Shell-led joint venture (discussed above) and a 10.4 per cent equity stake in Nigeria LNG Limited. In addition, the company is also a key partner in Brass Liquefied Natural Gas Limited. The major venture involving Eni is in the swamps areas in Bayelsa, Delta and Delta States, and covers a concession area of about 5,313 square kilometers. Under this agreement, the NNPC controls 60 percent, NAOC 20 per cent and ConocoPhillips (UK) 20 percent. The total production capacity of Eni in Nigeria is about 200,000 barrels per day (http://www.eni.com/en-IT/company/eni-de/eni_worldwide_open page Accessed on 15.10.2009).

Chevron Nigeria Limited commenced oil operations in Nigeria in 1963, when it discovered the Okan oil field in the western part of the Niger Delta region. The company is the second largest oil producer in Nigeria after Shell; it controls about 40 per cent of the joint venture while the NNPC control 60 per cent (NNPC JVR, report 2008). Approximately 400,000 barrels of oil are produced daily by the company, from its oil fields located around Warri in the western part of the Niger River. In addition, CNL also produces about 14 million cubic feet of natural gas and 4000 barrels of liquefied petroleum gas (NNPC report, 2005).

This company, unlike Shell, focuses more on offshore exploration. Chevron is also a major partner in the West Africa Gas Pipeline Project, which is developing a 644 kilometer pipeline for the export of natural gas from Niger Delta to countries bordering Nigeria such as Benin, Ghana and Togo.

The merger between Exxon Corporation and Mobil Corporation in 1999, brought together three oil companies in Nigeria; Esso Exploration and Production Nigeria Limited, Mobile Oil Nigeria Plc and Mobile Producing Nigeria Unlimited. The three corporations employ over 2000 employees, 96 per cent of whom are Nigerians (Exxon Mobil annual report 2003).

Mobil oil operations in Nigeria began when the Vacuum Oil Company started selling Sunflower kerosene in 1907. The company changed its name to Mobil Oil Nigeria Limited and became a limited liability company in December 1951. In 1991 it became a publicly traded company, known as Mobil Oil Nigeria plc. Mobil Producing Nigeria began operations in Nigeria in 1995 under the name Mobil Exploration Nigeria Incorporated and was incorporated as Mobil Producing Nigeria (MPN) in the same year. ExxonMobil's joint venture with the Nigerian National Petroleum Corporation is 60 per cent percent and 40 per cent respectively. MPN is the only major oil company operating completely offshore and the company holds a concession to over 800,000 acres in shallow water in south-eastern Nigeria. MPN has 90 offshore platforms, with 283 flowing stations in 353 wells with a production capacity of about 720,000 barrels of crude, condensate and natural gas liquid (NGL) a day (Exxon Mobil annual report 2003).

Exxon Mobil has a production sharing contract with the NNPC in the development of the Erha major deepwater oil and gas discovery venture (ExxonMobil interest is 56.25 per cent). Field development will be via subsea wells flowing into a floating production, storage and offloading system. In addition Bonga field will also include a Floating Production, Storage and Offloading vessel with subsea producers and an injector in 3,300 feet of water. Target production is 200,000 barrels of oil and 150 million cubic feet of

natural gas a day. ExxonMobil also has a 20 per cent equity share in the Bonga field operated by Shell (Exxon Mobil annual report 2003).

Pan Ocean Oil Corporation (Nigeria) is an exploration and production company also in a joint venture partnership with the NNPC. The company has a 60 per cent interest in Oil Mining Lease number 98 in Delta and Edo states in the Niger Delta, covering an area of 523 square kilometres. In 1970, an Oil Prospecting License (OPL 70/71), granted to the Delta Oil Company was re awarded to the Pan Oil Corporation Inc of New York and converted to an oil mining lease in December 1975. In 1976, the company was acquired by the Marathon Oil Company of USA, who remained the owner until 1983, when its Nigerian subsidiary was acquired by IMPEX Limited of USA. The Pan Ocean Oil Corporation (Nigeria) signed its joint venture agreement with NNPC in 2002 (NNPC report, 2009).

Multinational Oil Corporations and the Nigerian Government

Although the Nigerian government and multinational oil corporations seem to share the same interests through the joint venture arrangements, in some cases, there are disagreements, particularly on policy issues. The proposed Petroleum Industry Bill (PIB) has exposed some of the disputes between the government and the major multinational oil corporations. The Bill is intended to ‘radically’ reform the industry by reviewing existing laws, creating distinct agencies with a clear demarcation of responsibilities, and creating a commercially viable national oil company (Thisday July 2009). The Bill is also intended to strengthen Nigeria’s position in the international oil market, which has recently been challenged by countries like Angola which were hitherto not considered as rivals.

The new arrangement is intended to free the Nigerian National Petroleum Corporation of its regulatory functions, as another body will be established to take regulatory responsibility, meaning that NNPC can concentrate on production and compete effectively with the multinational oil corporations. The multinational oil corporations consider this Bill as incapable of attracting further investment that can match the growth and development taking place particularly in Angola, which is emerging as Nigeria's close rival in the international oil market. The multinational oil corporations are also threatening to stop further investments in the country (Vanguard Oct 2009). Despite the joint venture agreement with the Nigerian government, the multinational oil corporations are also required to adhere to the government's new local content policy.

Local Content Policy

This policy introduced in 2003 was defined by the government as “a quantum of composite value added or created in the Nigerian economy through the utilization of Nigerian human and material resources for the provision of goods and services to the petroleum industry within acceptable quality, health, safety and environmental standards in order to simulate the development of indigenous capabilities” (NLCD 2003: 4). The policy is also intended to promote a framework that could guarantee active participation of Nigerians in oil and gas activities without compromising standards in order to stimulate the growth of indigenous capacity and utilization of local raw materials in the sector. The government's target is to achieve 70 per cent utilisation of local content before the end of 2010. In monetary terms, it is expected that over US\$4 Billion worth of oil contracts are to be handed over to indigenous, Nigerian oil companies within the relevant period (NCD Bill, 2003). The main

requirements in the Nigerian Local Content Development Law (NLCD 2003:32) are as follows:

- a. All operators and project operators must ensure that recommendations for contract awards for all drilling contracts shall include a binding agreement at the technical evaluation stage for sourcing of Barite and Bentonite from local manufacturers.
- b. All projects in and operations in the oil industry must demonstrate strict compliance with the provisions in the National Insurance Act 2003 and submit a certificate of compliance issued by the Nigerian Insurance Commission, as part of the technical evaluation requirements for insurance or reinsurance contracts.
- c. All third party services relating to fabrication and construction, including mechanical tests, as well as certification for welding procedures must be carried out in Nigeria. The Nigerian institute of welders must certify all such tests in collaboration with international accredited bodies.
- d. Detailed engineering design for all projects is to be carried out in Nigeria.
- e. Project management teams and procurement centers for all projects in the Nigerian oil sector must be located in locally.
- f. All carbon steel pressure vessels shall be fabricated locally.
- g. All assembling, testing and commissioning of sub-sea valves, Christmas trees, well heads and system integration test are to be carried out in Nigeria.
- h. Henceforth, all low voltage earthing cables of 450/750 volt capacity and control, power lightning must be procured from local cable manufacturers.
- i. Fabrications and integration of all fived (onshore and offshore) platforms weighing up to 10,000 tons are to be carried out through indigenous contractors.

The role of local contractors in the Nigerian oil industry cannot be over emphasized, particularly considering the local content policy of the Nigerian government. This policy has led to the emergence of about 5000 different local and foreign contractors participating in the industry, which hitherto was not the case. The local contractors engage in making

fabrications, mechanical engineering, supplying equipment, the provision of logistics, camp management, diving services, underwater engineering, aviation services, engineering design, seismic data processing, geology, geo-sciences, surveying and drilling contracts. In addition, they also contract for power generation, catering services, mud logging, gas liquefaction marketing and distribution, transportation, shipping, waste management, risk assessment, IT services, security cover and public relations. Some local sub-contractors are also engaged by the major multinational oil corporations for supplies and for clearing oil spills. According to Amnesty international access to such spills are often associated with conflicts between oil companies and communities (Amnesty international report, 2009).

The Host Communities

Geographically, the physical definition of the Niger Delta is contentious. Dike (1956:19) described the location of the region as follows “The Niger Delta occupies the greater part of lowland belt and may be described as the region bounded by the Benin river on the west and the Cross river in the east, including the coastal area where the Cameroon mountain dip into the sea.”

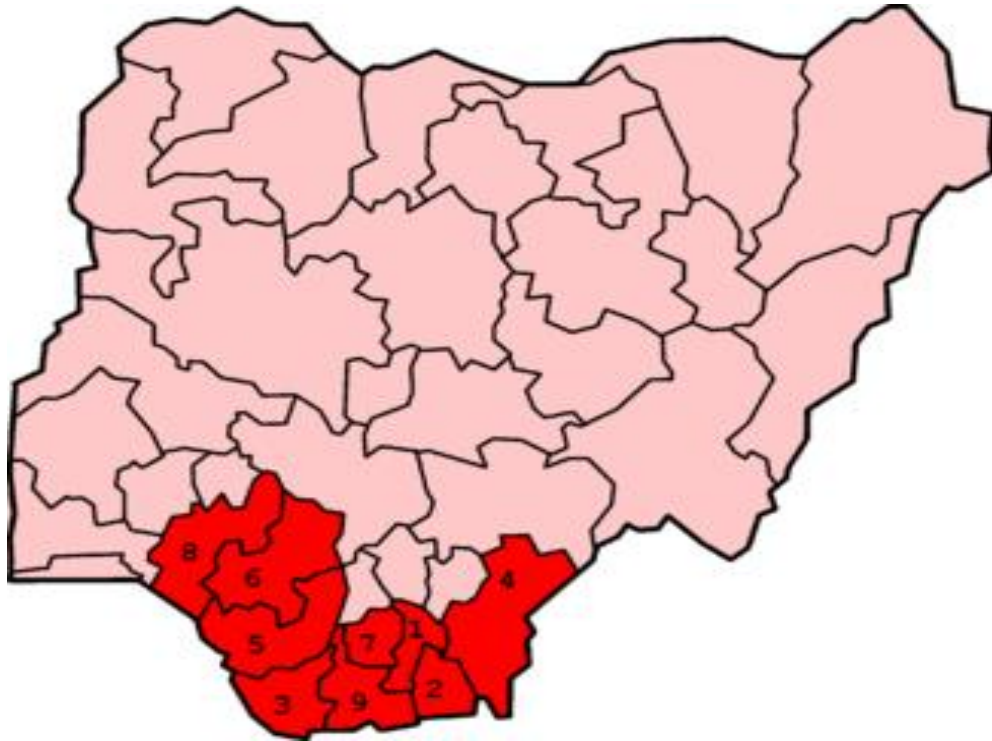
However, due to economic and political factors, the physical definition of the region has changed over time. Currently, there is no consensus on the definition of who is the host community even among the ethnic groups that occupy the Niger Delta region. For some, the Delta region is six states defined in the 1999 Nigerian constitution as comprising the South-South Zone (The Nigerian constitution categorised the 36 states into six zones). The states are Akwa Ibom, Bayelsa, Cross River, Delta, Edo and Rivers. The Niger Delta Development Commission (NDDC) Bill of 2000 redefined the boundaries of the region to

include the coastal creeks and lagoon zones to the west and east of the Delta where there are both offshore and onshore oil and gas fields.

The Niger Delta Development Commission (NDDC Bill, 2000) Bill was further amended by the federal parliament, redefining the boundaries of the region as “The states covered by the Delta formed by the river Niger and its branches as it enters into the Atlantic Ocean, presently comprising of Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo and Rivers states” (NDDC Bill, 2000). The latest divisional amendment above can largely be considered as a by-product of the politics of oil revenue distribution which oil communities agitated for a very long time (Ebeku 2006). Similarly, some people in the region recognize only three states (Bayelsa, Delta and Rivers) as core Niger Delta states while the remaining six are regarded as peripheral Niger Delta states. This sub division was based on the quantity of oil reserve each state contributes to the national economy. For example the three ‘core’ states contributes over 85 of the total oil produced, while the remaining six contributes less than 15 per cent (Fraynas, 1999). Nigerian constitution stipulates that 13 per cent of revenue generated from oil should be shared among the oil producing states based on number of barrels generated from a state. Below is a map of Nigeria showing the nine oil producing states marked in red.

Figure 1

Map of Nigeria showing Niger Delta states



Map of Nigeria showing the nine states considered part of the Niger Delta region by the NDDC Bill of 2000. Source: Wikipedia.

Under the Nigerian oil law the Delta communities have no legal right to the oil and gas resources in their territory. Clause 44 of the 1999 constitution states:

“The entire property in and control of all minerals, mineral oils and natural gas in, under or upon the territorial waters and the exclusive economic zone of Nigeria shall vest in the government of the Federation and shall be managed in such manner as may be prescribed by the National Assembly”. Similarly, under the Land Use Act (1978), the ownership and control of land is directly under the power of the State Governor, and it is lawful for the Governor to revoke the right of occupancy in the overriding public interest. The overriding

public interest includes the requirement for the land for mining purposes, for oil pipelines or for any other purpose. Under this law, communities living on the land cannot prevent oil exploration and associated development from occurring, and there is no provision in the law for consultation.

Relevance of the Niger Delta Region

The Niger Delta region covers 70,000 kilometers and makes up 7.5 per cent of Nigeria's land mass (Alagoa 2005). According to the 2006 official census figures, the region's population is 28, 014, 655 (NPC report, 2006). This is twice the population of Ireland and Scotland put together. The region has more than 40 ethnic groups, speaking 250 local dialects (Saliu et al 2007). The region has a high bio-diversity and consists of extensive swamp and forest areas, with many unique species of plants and animals (Moffat and Linden 1995).

The Nigerian government in partnership with the oil companies extracts oil worth £94 billion a year (Guardian 2009) with about 2.5 million barrels of oil being exported daily from the area. The Delta is host to all the major multinational oil corporations, working in a joint venture agreement with the Nigerian government. The multinational oil corporations have drilled over 5,284 oil wells and laid over 70 000 kilometers of pipelines through 1500 communities (Akpan 2005). Since the oil discovery in 1958, over \$1.6 trillion has been generated for the Nigerian government from the oil extracted from the Niger Delta region (UNDP report 2008).

In 2007, the region was estimated to have reserves of about 35 Billion barrels and 185 trillion cubic feet of oil and gas respectively (Nwokeji 2007). These reserves have made Nigeria the eight largest oil exporter in the world and six largest gas exporter respectively.

The relationship between the local communities and Nigerian government and the multinational oil corporations can be described as anything but cordial. The host communities' claim they have suffered severe environmental consequences and have seen their livelihoods destroyed because of environmental degradation of farm lands from the activities of oil exploration (Watts, 2004). According to Watts et al. (2004), this can be traced back to the politics of exclusion by both the Nigerian government and the multinational oil corporations who, he argues, despite the huge oil resources from the region; have done little with regard to its development. He states that the Nigerian government has failed to utilise the money in productive ways, and has instead used the resources in corrupt and illicit ways that even undermine the source of Nigerian nationalism. The social and environmental problems coupled with the lack of development have led to a lack of trust in the government and multinational oil corporations on the part of the communities as well as constant violence.

This encourages oil communities to mobilize around their own ethnic identities to pursue their demands. Some of the prominent community militant groups include; 'The Movement for the Survival of the Ogoni People (MOSOP), formed by late Ken Saro-Wiwa in 1990 to protect the Ogoni from the oil-related environmental degradation and to forward the demands of the Ogoni against the perceived neglect from the government; 'The Niger Delta People's Volunteer Force' NDVF, formed by Mujahid Asari-Dokubo in 2004 who claimed he draw his inspiration from Osama Ben Laden. The aim of this group is to resist the oppression of the Niger Delta people and stop the devastation of the natural environment by the multinational oil corporations.

Another militant community groups that is active in the area is the ‘Movement for the Emancipation of the Niger Delta (MEND)’, which was formed in January 2006 by a Henry Okah, a South Africa-based activist from the Ijaw ethnic group. The objectives of this organization are; first to ensure the release of its two prominent ‘sons’, a former Governor, who was later impeached and the current Nigeria president then his deputy was sworn in as Governor to replaced his embattled boss who was standing trial for money laundering and the release of its founder of Asari-Dokubo who is also standing trial for arms deals and secondly, to challenge the environmental degradation and the lack of investment in the region. In addition, MEND is also seeking an amendment of the existing revenue derivation formula between the Nigerian states. Other more or less militant groups include ‘The Ijaw Youth Congress (IYC)’, ‘Militant Action in the Niger Delta (COMA)’ and ‘The Martyrs Brigade’ who were to promote and protect the ethnic interests of their founders.

The emergence of various militant groups can be linked to political and economic factors in the Delta region. The first of these issues concerns the way revenue from the oil is shared with the communities in the Delta. The oil revenue is shared federally, using the provisions of the 1999 constitution, which stipulates the formula as follows; the Federal government receives 48.5 per cent, the 36 States receive 20.5 per cent, the 768 local governments receive 20 per cent, the nine oil producing states receives 13 per cent, and 7 per cent special funds (Nigerian constitution, 1999). The revenue allocated in 2010 to the 36 states shows that the four core Niger Delta states (Rivers, Akwa Ibom, Bayelsa and Delta) with a population of 15.2 million (NPC, 2006) received more than all 19 northern states put together with a population of 75.025 million (Vanguard Newspapers Jan 2011).

The oil revenue sharing formula is the most important factor affecting the relationship between the Niger Delta and the other parts of Nigeria today, a relationship that is characterized by suspicion and mistrust. However, there are other factors as well that determine the nature of this relationship. Other factors can be traced to 1914 when the then Governor General, Fredrick Lugard clustered together different nationalities with virtually nothing in common to form Nigeria. According to one of the founding fathers of the Nigerian state, and former regional leader, Obafemi Awolowo, "Nigeria doesn't exist, it is a mere geographical expression constructed by the British colonial powers for their administrative and economic interest" (Awolowo 1972: 19).

This artificial construction continues to determine the relationship between the over 350 ethnic groups in Nigeria and many Delta communities consider the other parts of Nigeria to be parasites, who benefit from oil revenue that doesn't 'belong' to them. The Delta communities also feels that despite the contribution of their region to the economy, they are not only the least developed of the six geo political divisions in Nigeria, but are also politically marginalised due to the relatively small size of their population (Saliu et, al 2002).

On the other hand, people in the other part of the country argue that oil accounted for less than 20 per cent of Nigeria's total earnings until 1974. The majority of the revenue up to 1974 was generated from the sales of cocoa from the western region and cotton, coal groundnut and other agricultural produce from the Northern region, which they further argue was used to finance oil exploration and development of facilities, which was then critical to the development of Nigeria's oil industry. They claim it would be improper for any ethnic group or section of Nigeria to now claim ownership of resources which are a collective heritage of all nationalities in Nigeria.

In this section, I have presented the three key stakeholders in the Nigerian oil industry along with the relevant historical background and have explained the central role of oil in the Nigerian economy. I have also tried to explain the relationships and agreements that exist between the three groups and the relevance of these relationships to the oil industry in Nigeria. This study is concerned with Ogoni land in which 12 communities were visited and interviews with respondents were conducted. In the following section, the area of the Niger Delta with which this study is specifically concerned, namely Ogoni land, is considered in more detail to help clarify its importance to this study.

The Ogoni land

Any meaningful discussion on the environmental struggle in the Niger Delta region of Nigeria should include a consideration of the Ogoni struggle and the role of Ken Saro Wiwa, and, in particular, his execution by the military government of Nigeria in 1995, which had a major influence on the environmental situation in the Niger Delta and in Nigeria generally.

According to historical accounts, the Ogoni people were nomadic traders and peasants who may have originated from other African nations (Ekeh 2007). Ogoni is made up of six kingdoms: Babbe, Eleme, Gokana, Ken-Khana, Nyo-Khana, and Tai. Based on Ekeh's account (2007) the history of the Ogoni can be traced to the present day Volta Region of Ghana. The Volta Region once played host to nomadic people who claimed to be descendents of African Jews. In relation to this, research conducted in 2007 by the National Association for the African Hebrew Israelites of Jerusalem confirms that there are traces of Jewish custom, traditions and practices in the Volta Region where the Ogoni people are believed to have settled years ago.

Another version of Ogoni history suggests that the Ogoni people may have migrated from across the Imo River, based on the grounds that the Ogoni people have commonalities with neighboring tribes across the Imo River. However, most Ogoni's prefer to be identified with the Volta region than the Imo River because of cultural similarities in their ways of life. For example cassava and yams are the staples of both areas and are planted in the same, distinctive ways. Similarly, the general methods of farming in the Volta Region of Ghana and that of the Ogoni people are very similar. According to Nzewunwa (1980), the two areas share common names for villages and tribes.

Geographically, the Ogoni people occupy an area measuring about 100,000 sq km, east of Port Harcourt in Rivers State and according to the 2006 census, the population is estimated to be about 500,000 (NPC Report, 2006). Ogoni people are distinct people who have lived in the Niger Delta area for more than 500 years (Douglas and Okonta 2003). Ogoni land is considered as the most densely populated area in Nigeria. As at 2006 the official statistics from national population commission put the density at 1,250 persons per square mile, which is almost five times the Nigerian average.

Ogoni People and the Environment

Ogoni believe they have strong connection with their environment and have a cultural and moral obligation to fight for its protection against any form of abuse or violation. According to Saro-Wiwa (1992), the Ogoni have a distinct mythological and cosmological worldview that has its basis in the land. According to him:

“The Ogoni, consider the land on which they lived and the rivers which surrounded them very important. They not only provided sustenance in abundance, they were a spiritual inheritance. The land is a god and is worshipped as such. The fruit of the land, particularly yams, are honored in festivals and indeed, the Annual Festival of the Ogoni is held at the yam harvest. The planting season is not a mere period of agricultural activity: it is a spiritual, religious and social occasion” (Saro-Wiwa: 1992: 12).

Cultural value system is very important and significant in the life of Ogoni's in Nigeria (Nwoke, 2012). The identity of Ogoni people cannot be separated from the identity, culture and social values of the Niger Delta people in general. Though Niger Delta people varied in culture, however, their identity remained largely the same. This was illustrated by Haviland (1983) when in 1900 the people of the region resisted an attempt by British merchants to trade in palm kernel to establish a permanent base in any part of the present Niger Delta. Identities are constantly changing, particularly in periods of great socio-economic flux (Mustapha, 2009). Generally, Ogoni people were glued to their environment and culture as their source of identity education and environment has over a period of time influenced the cultural identity and value system of the Ogoni people. Ogoni's believed they are tribe from the clutches of marginalization and grip of puberty through their social and economic predicaments.

According to Chukwuagguh (1998) Niger Delta cultural identity is comprised of beliefs, ideas, values, assumptions and modes of thought which members of group adhere to are covertly transferred from generations to generations. This governs not only the pattern of behavior of a group, but also their view of social reality around them. The cultural values and identity has a significant impact on the personality of Ogoni people.

Ethnic minority identity developed, not necessarily as a question of numbers or cultural differences, but as recognition of their 'powerlessness' in the face of ethnicized electoral politics (Ekeh, 1994). Like most other people who came into contact with colonialism, those now referred to as minority ethnic groups in Nigeria crystallized an ethnic consciousness in the early colonial period (Mustapha, 2009).

The identity of Ogoni's like other ethnic groups in the Niger Delta were constructed along certain factors. The nature of their environment which includes its typology (coastal) made most of the people to rely on fishing as a means of survival while few took to farming. The cultural identity is that of fishermen, with most of the cultural festivals like Dragon Boat racing were conducted either in the river or along the river bank. Secondly the strategic economic importance of Ogoni environment is another factor which Ogoni's construct their identity upon. As explained earlier oil contributes more than 80 percent of Nigeria's earning and the oil is found only in the Delta region. This economic factor is used by the Niger Deltan's including Ogoni's to agitate for a more 'fair' revenue allocation and political control procedure. In practice what they are demanding is that the criterion of allocating resources based on geographical spread and numerical strength should be discarded. This agitation was largely prompted because of the nature of the constitutional provision that allocated more resources with larger population and land mass. This has constitutional provision has put all the state in the Niger Delta at disadvantage. Another demand also includes more representation at the centre which controls the resources. Niger Delta as region has the list number of states compared with other regions therefore; they demand the creation of more states to correspond with their contribution to the national economy shared as 'common wealth'.

Historically, the various struggles and agitations of the Niger Delta were based on the identity of either being a minority among the majority or minority within the minority. If we are to take the case of Ogoni in Rivers state, they argued they produce more oil than any single ethnic group in the region yet they are the smallest in terms of population. Part of their agitation in addition to the general agitation of the regions is to be carved out of the present Rivers state; they want a new state created with Ogoni identity so that they can have more voice at the centre. Ogoni People has struggled against the degradation of their lands by multinational oil companies and non challenge attitude of the Nigerian government. To protest against Shell's actions and the Nigerian government's indifference, the Ogoni people founded MOSOP a social cultural organisation that serves as a 'common' front to provide common identity they can project their cultural values and to also serve as a pressure group campaigning for better living conditions for the its members.

The cosmological world view of the Ogoni is reflected in the Ogoni resistance towards the activities of the multinational oil corporations, which commenced in 1970 when the first petition was presented to protest against the activities of Shell and British Petroleum (BP) to the then military government to draw attention to number of issues, which included:

- a. The high pressure pipelines which ran directly through villages, virtually across the entrances of Ogoni homes.
- b. The fact that all flora, particularly mangrove swamps were dying as a result of waste from the oil exploration entering the river system.
- c. The use of outdated equipment, which had increased spillages, blowouts and other technical failures.

Shell's response to such concerns was that they were an internal matter for the Nigerian government, since they paid the government royalties that were meant to be used to address such concerns. Shell's response prompted the Ogoni communities to seek from the government among other things; that compensation be paid for environmental damage caused by the companies conducting business in their respective areas. Similarly, they also challenged what they called 'oil colonies' which, according to them, were supported by Shell to ensure that they did not gain employment with other oil companies. According to Watts (2004) the Ogoni have seen little benefit despite literally sitting on vast wealth in the form of oil, rather they are victims of exploitation by those seeking to extract and benefit from it. Generally, the condition of Ogoni environment according to Ibaba (2010) can be located within the general environmental conditions in the Niger Delta which he explains in a table below:

Table 2

Major Causes of Environmental Degradation in the Niger Delta

Problem Type	Problem	Direct Causes	Indirect Causes
Land resource degradation	Erosion coastal	Sediment loss infrastructure construction	Upstream dam population pressure Weak enforcement Natural and human induced subsidence sea level rise.
	Erosion riverbank	Heavy rainfall. Unsustainable farming. Sediment loss	Upstream dams, population pressure Weak enforcement Natural and human induced subsidence, Sea level rise.
	Flooding	Heavy rainfall, Agricultural expansion reduced up stream water retention	Upstream dams, population pressures, Weak enforcement, Natural and subsidence,
	Sea level rise		
	Agricultural land Degradation	Climate change	Seal level rise, International air emission,
	Fisheries stock depletion	Unsustainable farming, Decreased sedimentation, Excessive flooding increased erosion. Fishing techniques	Population pressures, Upstream dams, Lack of inputs.
	Habitat degradation	Fishing intensity Post harvest losses	
	Forestry deforestation degradation	Trawling pollution Oil activities Nutrient loss.	
	Biodiversity loss	Agricultural expansion Infrastructural	Post harvest losses. Weak enforcement Open access

	Exotic species Expansion- (1) Water hyacinth (2) Nypa palm water contamination Oil	expansion Indiscriminate logging Hunting Habit loss Introduction (1,2) Forest degradation Inadequate water management Spills and leaks	Upstream dams. Population pressure, weak enforcement Infrastructure expansion Open accesses (limited) Incomplete markets Population pressure infrastructure expansion Weak enforcement Open accesses (limited) weak enforcement Incomplete markets.
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Source: (Ibaba 2010:50-51)

The Ogoni Bill of Rights

In August 1990, the Ogoni struggle over territory and resources led to the development of an ‘Ogoni Bill of Rights’, endorsed by the representatives of all the ethnic groups within Ogoni land. The Bill was presented to the then federal military government of Nigeria and the multinational oil corporations operating within Ogoni land (Watts 2004). Later in 1992, the Bill was amended to include an addendum which was designed to draw the attention of the international community towards the environmental problems in Ogoni land. The original Bill contains twenty points which Watts (2004) consider as challenging the whole idea of Nigeria as a Federated state. The Bill set out a historical argument that the British colonial powers had forced the Ogoni into union with what is present day Nigeria, which

was, according to the Bill, a forced union. The Bill also criticised government policies, which they claimed were not in the interest of the Ogoni. The issues included lack of social amenities, such as electricity, piped water, lack of federal projects and job opportunities despite the oil wealth generated from the area which the Bill estimated to be \$30 Billion (1958-1990).

Successive Nigerian governments were also accused in the Bill of formulating policies that were gradually pushing the Ogoni into slavery and extinction. The Bill also accused the oil companies in collaboration with the government of denying qualified Ogoni employment opportunities in the oil sector. Item 16 of the Bill states that “Neglectful environmental pollution laws and substandard inspection techniques of the Federal authorities have led to the complete degradation of the Ogoni environment, turning our homeland into an ecological disaster” (Obi 2001:122). However, despite this perceived neglect by the Nigerian government, the Ogoni’s re-affirmed their determination to remain as part of Nigeria, but demanded greater autonomy that would guarantee them the following:

- (a) Political control of Ogoni affairs by Ogoni people;
 - (b) The right to the control and use of a fair proportion of Ogoni economic resources for Ogoni development;
 - (c) Adequate and direct representation as of right in all Nigerian national institutions;
 - (d) The use and development of Ogoni languages in all Nigerian territory;
 - (e) The full development of Ogoni culture;
 - (f) The right to religious freedom; and
 - (g) The right to protect the Ogoni environment and ecology from further degradation”
- (Saro-Wiwa 1996:84).

The Bill of Rights drawn up by the Ogoni people suggests that the oil revenues, rather than helping to build the Nigerian nation, are fragmenting its political unity. Michael Watts (2008) points out that the lack of control over or benefit from the oil in the Ogoni community has helped to create a militant territorial demand for resource control. This movement represents a serious challenge to Nigerian federalism. The Ogoni Bill of Rights was presented to the Nigerian government by the Movement for the Survival of the Ogoni People (MOSOP), which is one of the leading Ogoni nationalist groups (see above) in the following section; I discuss MOSOP in more detail and its relevance to the environmental challenges in the Ogoni and the Niger Delta in general. The map below shows the geographical location of Ogoniland.

Figure 2

Map of Nigeria showing location of Ogoni land



Oil Map of Niger Delta showing Ogoniland (red dot) (Source: www.waado.org/cgi-bin/Maps/NigeriaLeMonde.jpg, Accessed 18.03.2010).

Movement for the Survival of the Ogoni People (MOSOP)

The Movement for the Survival of the Ogoni People (MOSOP) was established in 1990 as the umbrella organization through which all Ogoni demands were to be pursued. MOSOP is a social organization representing the Ogoni people in their struggle for ethnic and environmental rights. The Ogoni argue that they have been trying to achieve empowerment for decades through the political process without success and that the only way this is likely to happen is through constitutional change and reform of the existing political structures. Therefore, they adopted an alternative strategy to move forward the realization of their goals. In addition, the organization seeks to promote democratic awareness and protect the

environment of the Ogoni People; seek social, economic and physical development for the region; protect the cultural rights and practices of the Ogoni people and seek appropriate rights of self determination for the Ogoni using non-violent means. Although MOSOP still exists as a socio cultural organisation, it is no longer considered by some Ogoni members as an umbrella organisation for all. Others consider it to be elitist and the organisation's leadership has been accused of being ineffective and corrupt.

MOSOP has also been tainted by charges of corruption and in 2009, some members of the organization reported MOSOP to the Economic and Financial Crime Commission of Nigeria (EFCC) when it was found \$150 million from overseas and domestic organizations, given as donations for the benefit of the Ogoni people, had been misappropriated. In addition, the organization was also accused of having lost its track in terms of vision of its founding fathers like Ken Saro-Wiwa, a founding member of the organisation. In November 2011 Ogoni Central Indigenous Authority (OCIA) was established as a breakaway faction of MOSOP by some members who felt the undemocratic stance of its leadership which refuses to call for election in the last ten years was the main reason why they form a splinter organisation to replace MOSOP. The aim of the faction is to serve as a political body that will genuinely represent the interest of the Ogoni people within the federation (Tribune, Nov, 13 2011). Part of the mandate the organisation set for itself also includes, promoting peace, security and development of partnership, as well as the effective management of Ogoni environment (Diigbo, 2011). The formation of OCIA is a manifestation that not every Ogoni indigene is pleased with the activities of the organisation particularly how it represent them on environmental issues. Another reason why the division manifests itself could be because of the recommendation in UNEP report

that the MOSOP should be involved in the clean up exercise which the UN agency estimated to cost \$1 billion (Leadership newspaper, Oct 24 2011). Some indigenes felt the organization has lost its usefulness and cannot effectively represent them in this very important project because it has strayed away from the focus and vision of its founding fathers particularly Ken Saro-Wiwa.

Ken Saro-Wiwa

Kenule Beeson Saro-Wiwa (October 10, 1941-November 10, 1995) was an Ogoni author, television producer, environmental activist, and winner of the Goldman environmental prize. He was one of the founding members of MOSOP in 1990, and was elected as its first spokesperson, and then later as President. Saro-Wiwa created MOSOP as the focus of a nonviolent campaign against environmental degradation of the land, air and rivers by the operations of multinational oil companies, especially Shell. He was an outspoken critic of the then Nigerian military government, which he accused of being reluctant and unwilling to enforce compliance with environmental regulations on the multinational oil corporations operating in Ogoni land. Saro-Wiwa was particularly concerned about the treatment of the Ogoni within the Nigerian Federation. His call for more economic and political autonomy for the Ogoni led to his dismissal in 1973 as Regional Commissioner for Education in the Rivers State cabinet.

Saro-Wiwa was arrested, tried by a special military tribunal, and executed along with eight others in 1995 by the Nigerian military government. Saro-Wiwa's assassination drew condemnation from the international community and human rights organisations. The then British Prime Minister, John Major, described the trial as "fraudulent trial, a bad verdict ...followed by judicial murder" (Olukotun 2004:129). Similarly, US said the trial flouted

“even the most basic international norms and universal standards of human rights” (French 1995:1).

Following the murder Nigeria was expelled from the Commonwealth. The execution of Saro-Wiwa focused the attention of the international community on the Niger Delta region and other minority tribes in Nigeria. During his closing address at the military tribunal, he stated “In my innocence of the false charges I face here, in my utter conviction, I call on all Ogoni people; the people of the Niger Delta and the oppressed ethnic minorities in Nigeria to stand up and fight fearlessly and peacefully for their rights. History and God is on their side” (Williams 1998:67).

Osha (2006) argues that the killing of the Ogoni nine can be located within the colonial history and development of Nigeria. He identifies two phases of colonialism in Nigeria and suggests the first was imposed by the colonial regime and the second was pursued by the postcolonial state often in conjunction with multinational capital. The implication is that the investment by the multinational oil companies in the Nigerian economy is itself neo colonialism.

Ogoni after Saro-Wiwa

Saro-Wiwa means different things to different people; to some Ogoni, and many in and outside Nigeria, he is a hero who fought a government who, in collaboration with the multinational corporations were oppressing the Ogoni. However, despite Saro-Wiwa’s fame and heroism, there are different views about him among his people. Despite the claim that Shell was involved in his trial and subsequent execution, the charges drawn against him and eight others were not related to Shell or its operations. The Ogoni Nine were

charged with the murder of four prominent Ogoni, known as the 'Ogoni four'. In May 1994, The Ogoni Four were assassinated by group suspected to be connected to Saro-Wiwa, who had earlier accused the victims of being traitors for disagreeing with his call for an election boycott. The 'Ogoni Four' and their supporters believed Saro-Wiwa's confrontation with both the government and the oil companies was counterproductive

Other critics, such as Kogbara (1996) argue that Saro-Wiwa transformed Ogoni land to a war zone where militancy was encouraged and moderates discredited. It is also fair to say that Saro-Wiwa was far less popular with communities in other parts of the Niger Delta. Another source of conflict between Saro Wiwa and some members of his tribe (Ogoni) was the nature of his organised resistance which was considered by the political and traditional rulers in the communities as opposition to their claim to power. This was viewed as a threat to the authority of the traditional chiefs (Haller and Blochliner 2007).

Even after his death, the families of the Ogoni eight disagreed with Saro Wiwa's family over the sharing formula of the \$15.5 million Shell agreed to pay as a 'humanitarian gesture' to compensate the plaintiffs, including Mr. Saro-Wiwa's family, for their loss and to cover a portion of their legal fees and costs (Mouwad 2009). Although, Saro-Wiwa played an important role in the environmental struggle in Nigeria, it is important to note he was not the first environmentalist in the Niger Delta region. The first person to engage both government and oil companies was Isaac Adaka Boro, a police officer and two associates, Sam Owonaro and Nottingham Dick, who formed an organisation called the Niger Delta Volunteer Service (NDVS) in February, 1966. The NDVS declared the Ijaw speaking area of the Niger Delta an independent republic and declared all existing agreements in respect of oil exploration in the area as null and void. Under his new republic, all multinational oil

corporations operating in the area were required to renew their operating licenses with the new republic. According to Boro “If we did not move then, we would have thrown ourselves into perpetual slavery” (Maier 2000:124). Boro’s regime was crushed by the then eastern government of mainly Igbo extraction after only 12 days.

The significance of Boro’s uprising was that the voice of the minority was heard within and outside Nigeria for the first time. Secondly, the uprising, though short-lived, re-opened an old demand presented to Willink’s commission of 1958 (set up by the colonial government to look into minority agitations prior to independence in 1960) demanding a separate state for the Delta region. The major significance of both Boro and Saro-Wiwa’s struggles were the attempts to emancipate minority ethnic groups from the ‘larger’ groups who have dominated the political landscape since independence in 1960. In the next section, the historical dynamics of minority majority agitation are discussed and how such agitations manifested themselves as claims for economic and political control.

Historical Conflict over Resources

Further discussion about the intra and extra ethnic conflicts in the Niger Delta Region can be better understood if it is set within the context of the historical dynamics of ethnic tension, which pre-dates Nigerian independence in 1960. As explained above, the agitation for self emancipation by ethnic communities is not new. It is important to understand that while the minority groups have succeeded to some extent in having states created out of the former eastern and mid western region of Nigeria, these new states end up creating ‘minorities within minorities’. In this section, I will discuss how the ethnic groups in the Niger Delta region have continually agitated for independence and recognition even before the discovery of oil in the region and how the discovery of oil altered these demands. To do

this, the three different dominant ethnic groups in the region (Ijaw, Urhobo and Itsekiri) are discussed in relation to the power relations between these groups and other ethnic groups in Nigeria.

Historically, the occurrence of conflict over access and control of resources in the Niger Delta can be located within the inherent contradictions that exist in the Nigerian federation. According to Williams (2002), the present situation of the Niger Delta is an extension of the gunboat diplomacy and protection of treaties inherited from colonial rule. At independence in 1960, political power was shared between the three major ethnic groups, the Hausa-Fulani of Northern Nigeria who are predominantly Muslims, the Igbo of Eastern region, predominantly Christians and the Yoruba of Western Nigeria, a mixture of Christians and Muslims. These three ethnic groups account for about 66 per cent of the Nigeria's population while about 500 other tribes make up the other 34 per cent of the population (Usman, 2002).

The major problem with the Nigerian nation state is that it is based on the principle of inequality between ethnic groups. However, Nigerian federalism promotes the majority over the minority. This can be noticed through representations in the national parliament since pre independent period which is skewed in favour of population and size of a tribe. At the time of Nigeria's independence, the situation grew worse. The table below shows how the Nigerian leadership evolves since independence.

Table 3**List of Nigerian Leaders showing their Ethnic origin**

	Name	Type of Govt	Ethnic Origin	Period of Rule
	Abubakar Tafawa-Balewa	Civilian	Hausa-Fulani	1960-1966
	General Aguiyi Ironsi	Military	Igbo	Jan 66-Jul 66
	General Yakubu Gowon	Military	Angas (Northern minority tribe)	1966-1975
	Gen. Murtala Mohamed	Military	Hausa	1975-1976
	General O. Obasanjo	Military	Yoruba	1976-1979
	Shehu Shagari	Civilian	Hausa-Fulani	1979-1983
	General M. Buhari	Military	Hausa-Fulani	1983-1979
	General I. Babangida	Military	Hausa	1985-1993
	Earnest Shonekan	Interim govt	Yoruba	Aug –Nov 93
	General Sani Abacha	Military	Hausa	1993-1998
	General AA Abubakar	Military	Hausa	1998-1999
	Olusegun Obasanjo	Civilian	Yoruba	1999-2007
	Umaru Yar'Adua	Civilian	Hausa-Fulani	2007-2010
	Dr. Goodluck Jonathan	Civilian	Ijaw(South- south minority)	2010- Date

Minorities with the larger Context in Nigeria

Much has been written on the ethnic minority question and development, but this question remains largely unanswered due to the following reasons. The minorities in Nigeria are considered to be all other ethnic groups because they are outside the Hausa, Igbo and Yoruba ethnic groups. Other groups such as the Ijaw, Kanuri and the Tiv though with relatively large populations are categorised as minorities within Nigeria. The definition of minorities can also be extended to encompass the religious minorities in the various parts of the country, for instance, the Christian population are considered as a minority in the North, while in the South Muslims are also considered as a minority population.

The minority question, and the related agitation by these groups, centers around the continued dissatisfaction by the ethnic minorities with the distribution of power and resources in the nation and the lack of equitable distribution of resources, which is perceived to have affected the development of their respective regions. There are similarities in the demands of these ethnic groups in the North and South, as the minorities in all areas want a 'fairer' distribution of Nigeria's resources and equitable distribution of state power. However, there are dissimilarities in what these minorities are seeking; for instance, the groups in the North i.e. the Middle-Belt Region in particular, seem to be agitating for greater participation in the central government and the equitable distribution of resources as a means of bringing about significant development to their people, but not the direct control of their resources. The minorities in the South on the other hand are seeking the direct control of their resources as a means of achieving meaningful development of their region

Minority dissatisfaction and agitation dates back to the colonial period when it was directed against the regionalisation policy of the then colonial government. For example, in Northern Nigeria, minority grievances were based on the imposition of Hausa-Fulani rulers on the other indigenous ethnic populations. This meant the exclusion of these ethnic groups from political and economic opportunities, including the control of markets.

The push for independence in the 1950's further strengthened the fears of the minorities about their future in an independent Nigeria. These complaints of oppression and exploitation were voiced by minorities from other parts of the country. Some of the demands were designed to put pressure on the authorities to guarantee autonomy (e.g. the creation of the Calabar-Ogoja-Rivers state in the East, the Mid-West state in the West and the Middle-Belt state in the North) of the ethnic minorities. The Willink Commission of 1957 was established to look into these fears and recommend solutions. However, the demands were dismissed as frivolous and unfounded. The commission was of the opinion that the creation of more states would not answer the fear of the minorities but instead would lead to endless divisions, which would undermine the unity of the country.

The creation of new states in 1967 resulted in a new minority question of an entirely different kind as, the larger ethnic minorities groups in these states were accused of domination and marginalization of the later. Thus, "the minorities within minority" question problem arose. An example of this is found in Benue state of Nigeria, where the Tiv ethnic groups are considered as a minority within the Nigeria context, but constitute majority over the Idoma. The Idoma claim the Tiv are using their numerical strength to dominate and relegate them to the background in terms of political appointments, civil service vacancies etc. They also complain lack of development of Idoma areas i.e. light,

water, roads, schools and government projects. These agitations reached their climax in 1995 when they demanded a state of their own with the related Alago another ethnic minority in neighboring Nasarawa state (in the North central), but this request was turned down by the then Federal Military Government (Onazi 2002).

According to Elaigwu (1998) the continual partitioning of Nigeria into an ever expanding number of states (12 states in 1967, 19 states in 1976, 21 states in 1987, a 30 state structure in 1991 and the latest 36 state structure of 1996), provides a means for the minorities to become either new majorities or new minorities, and often creates more problems than it solves. The minority groups in Nigeria have consistently challenged the allocation formula which has given the upper hand to the majority tribes. An early attempt by the minority tribes to challenge this was made a few years before Nigerian independence when the colonial government set up the Willink commission in 1957 to look into fears by minorities in Northern, Eastern, and Western Regions and to recommend measures for addressing them. This is discussed in more detail below.

‘Minorities’ within the ‘Minorities’ in the Niger Delta

The Willink Commission provided an opportunity for the three major ethnic groups in the Niger Delta; the Ijaw, Itsekiri and Urhobo to present their grievances. While the Urhobo supported the creation of Midwest Region, the Itsekiri opposed the attempt to merge them with Ondo Province as part of the Western Region. Rather, the Ijaw asked to be merged with the Eastern Ijaw to form a Rivers State (Odeh 2005). The Urhobo and Ijaw in Warri continued to demand separation from the Itsekiri. For instance, the Ogbe-Ijoh Local Council Area told the Commission that: This unconstitutional subordination has greatly affected them; they don’t have a voice or representation in the Western Nigeria Regional

Government. They claim they are being administered dictatorially by the Itsekiri in the local government affairs. This according to them is capable of eliminating the title 'Ijaw' when Nigeria attains independence. The Ijaw further argued that they are remembered only at the time of taxation or head-count but completely forgotten when social amenities are shared (Ukiwo 2007).

However, the Willink committee did not recommend the creation of any states in the region due to the complexity of the mix of ethnic groups in the Delta. The tensions between these groups continued into the newly independent Nigeria. The state creation exercise of 1967 was an attempt to resolve the decade's long agitation by creating River state. However, instead of addressing the minority domination, the exercise created national minorities rather than regional minorities in a minority state (Lewis 2004).

This change in status has come with new patterns of minority reactions. Individual states now have direct access to power at the two levels of government the states and local councils. This promotes more agitation for a fairer share of the national cake on the basis of numerical strength. Osaghae (1991) likened the situation to a 'shareholder dividends' that accrue depending on the number of 'shares' held. The place to begin then is to consider the 'shares' the minorities have in the federation. These 'shares', in practical terms, boil down to the leverage or access that they have to power and resources in the federation's distributive system.

The problems over resource allocation and control led to the convening of the National Political Reform Conference in 2005 to address these issues. However, the talks broke down when the South-South delegate walked out following the refusal of delegates from

the North to adopt a recommendation for a phased increment of derivation funds (special allocation for oil producing states) from the present 13 percent to 50 percent. They also asked that derivation funds should be channeled directly to the local governments and communities instead of the state governments. This type of regional tension is characteristic at the constitutional conference or at legislative level, especially when issues are put to a vote. According to Sagay (2001: 44);

“It is clear that no bill can pass through the house without the concurrence of the Northern States. But bills sail smoothly through the House, even if the whole of the Southern representatives oppose them. That is permanent power, installed by a combination of the colonial master, the AREWA (northern) political oligarchy and the Northern military organization. The statistics are interesting. Whilst the Southern States have a total of 357 councils, the Northern States have 419 councils out of a countrywide total of 776 (sic). On the issue of representation in the House of Representatives, the North has 182 seats as against the South's 154. It was therefore no surprise that the courageous bill for resource control was defeated by the permanent Northern majority by 81 votes against the 64 in favor. In the same manner, the numbers of local governments per state have been so structured, as to give the North a permanent majority in local governments. The major implication of this is that the direct funding of local governments from Abuja means that the bulk of the 20% of the Federation Account that goes to the North.”

However, in the Niger Delta, this numerical domination is repeated with the dominant ethnic groups, Ijaw, Urhobo, and Itsekiri overshadowing the smaller ethnic groups and results in conflict over resources, communal rivalry, intra elite struggles for power, and struggles for positions in the three tiers of government and in oil companies respectively. The three groups are highly suspicious of each other. For example, the historical Itsekiri

fear of Urhobo domination in Delta State led the Itsekiri to oppose all Urhobo-led demands for a new state (Omuta 1982). However, Itsekiri fears seem to have been confirmed as all elected governors of the state since 1991 when Delta State was created, have been Urhobo. The Itsekiri accused Urhobo governors of working against Itsekiri interests and fear that the Urhobo dominated State Government would create Local government areas for Ijaw and Urhobo in Warri if states were granted the powers to create them.

Watts (2008) identified three major reasons for the intra ethnic conflicts in the Delta; first, the issue of territorial control and land ownership and second, political control, which impact on control of resources. The third factor is criminality, such as oil theft, armed robbery, kidnapping, illegal tax collection and arms proliferation, which has fueled clashes between the three main ethnic groups and other minority groups.

Political, and sometimes violent, conflicts are common characteristics of the relationship between Itsekiri and Urhobo. For example, in 1997, there was conflict over the political control of the oil city of Warri, which is the next most important city in the Delta after Port Harcourt and hosts two out of the four refineries in Nigeria. This conflict arose as a result of the relocation of Warri South Local Government Council headquarters from Ogbe-Ijoh (an Ijaw community) to Ogidigben, a largely Itsekiri community. The Ijaw resisted the government decision because local government chairmanship has become one of the most attractive and lucrative elective positions, after the presidency and governorship, as it guarantees a steady stream of oil revenue and employment opportunities. The conflict became violent and about two hundred people were killed as a result of clashes between the two ethnic groups and seventeen villages were completely destroyed (Sagay, 2001).

Similarly, in 1999, before the military handover of power to the Obasanjo civilian government, the Ijaw attacked an Itsekri village close to the Chevron export terminal to attempt to gain control of the Warri Sea. The attack led to the death of over 200 people. The Ijaw perceived the Itsekri as being too close to the joint military task force set up by the federal government to secure the region. Earlier in 1993/94, over one thousand people were killed in a conflict involving the Ijaw and four other ethnic groups Edo, Ilaje, Itsekiri's and some Urhobo. (Ojakorotu and Okeke-Uzodike, 2006).

Asuni (2009) also notes that the three ethnic groups are often in conflict over oil spill clean-up contracts, rent, and employment from the oil companies. The groups that succeed are characterised as rich and influential, while those that do not are regarded as poor and weak. Ethnic or inter-ethnic or struggle for the control of political apparatus at the federal, state or local government levels determines resource allocation in Nigeria as political control is considered as a guarantee over control of oil rents (Watts, 2009).

Kemedi (2006) also suggests that gangs of militia from the three major ethnic groups pose a threat to communities in the Niger Delta. In some communities, illegal tolls and taxes are extorted from members of the community by the militia groups operating or claiming to be protecting the communities. Some of the militia organizations provide security for oil bunkering gangs and act as mercenaries during political activities and are well linked to the political class.

The militia groups impose themselves on the communities, taking advantage of the breakdown of traditional social structure in the region to intimidate and coerce the communities. For example, in some communities, commercial sex workers are required to

pay for 'landing rights' because of their patronage by the 'rich' oil workers. This type of intimidation and coercion has forced some young men and women out of their rural communities into urban areas like Port Harcourt and Lagos.

From the above, it seems clear that the communities and the militant groups are in conflict with one another. This suggests that these rivalries and conflicts are encouraged by both the Nigerian government and the multinational oil corporations, acting under the philosophy of divide and rule. A Human Rights Watch (HRW Report, 1995) report argued that the government played an active role in encouraging such ethnic antagonism and that some attacks on the rural minority were carried out by plain clothes government security agents. In the next section I will present three major ethnic groups in the Niger Delta because the groups also represent the environmental struggle and agitations in the Niger Delta apart from the well known Ogoni tribe which was discussed earlier.

The Major ethnic groups in the Niger Delta

The Ijaw Ethnic Group

The Ijaw group is the major ethnic tribe in the Niger Delta. According to the 2006 census report, the Ijaw are approximately, 14,828,429 (NPC, 2006) in size and account for one out of every three people in the Niger Delta. The tribe is dominant in Bayelsa state, but also has a significant presence in neighboring states like, Delta, Akwa Ibom, Edo, Rivers and Ondo states while they can also be found in Gabon and Sierra Leone along the West African coastline.

The Ijaw's are categorised into two linguistic groups, the first is predominantly found in the western Ijaw. The second major linguistic group is the Kalabari, or the eastern Ijaw. They can also be found in Bayelsa and River state. Other related Ijaw sub groups which also have

distinct but very close kinship, cultural and territorial ties are also found in Delta state (Kouwenberg 1994). They are the fourth largest ethnic group in Nigeria (Ejibuno, 2007).

Traditionally, the Ijaw are fishermen which they also supplement with farming. The Ijaw are socially organised into several clusters of villages but the Ijaw generally, consider themselves as a single coherent nation, bound together by ties of language and culture. In particular, they have an understanding to defend one another against 'outsiders.' This cultural duty to defend each other is considered a major cause of intra ethnic conflict in the Delta.

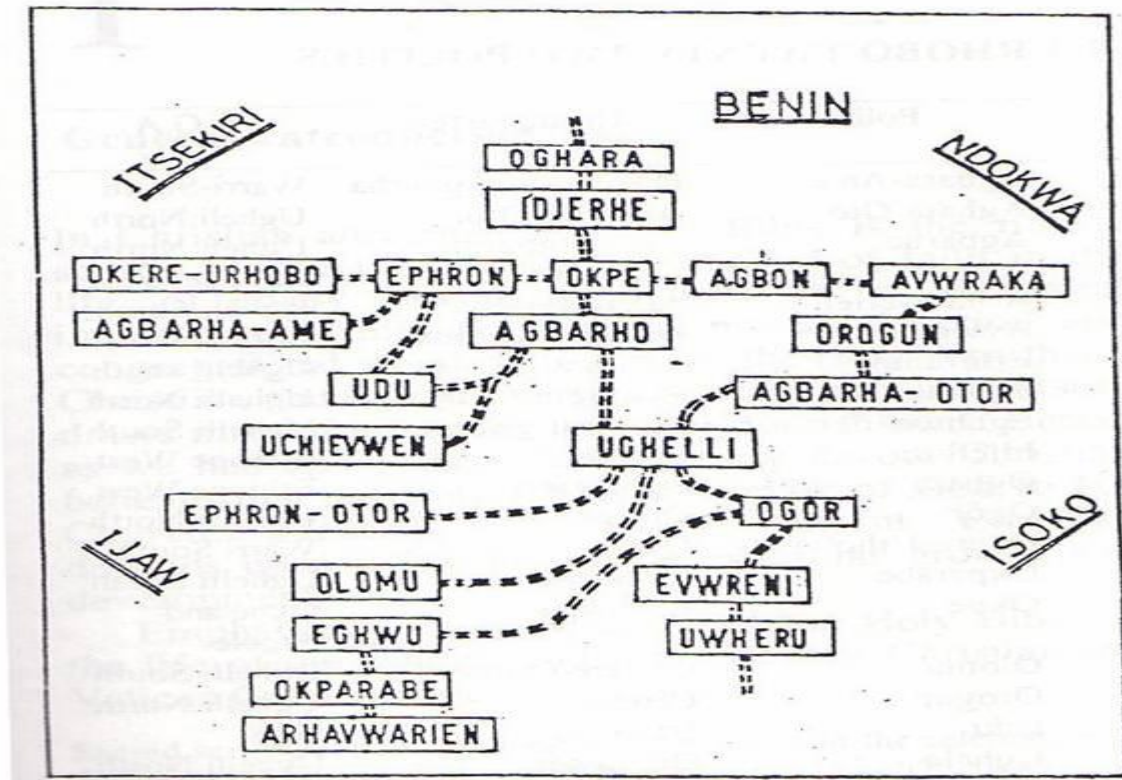
In December 1998, Ijaw youth groups drawn from over five hundred communities in forty clans, met to re consider the future of the Ijaw ethnic groups within the Nigerian State. The meeting led to the Kaiama declaration, which condemned the balkanisation of the ethnic group into six states across the Niger Delta. They argued that this was against the collective interest of the Ijaw. The declaration also called for more oil revenue to be allocated to the Ijaw communities whose land they argued contributes more than 60 per cent of the entire oil generated from the region. The declaration gave a one week ultimatum to all the oil companies operating in the 'Ijaw nation', to pay full compensation to the communities affected by environmental degradation due to oil exploration and production. The Ijaw declaration also demanded that the 'Land and Petroleum Decree' (1978) that vested power over land matters in the government be abolished and demanded a new law that gives power over land to the native population.

The Ijaw press their demands through organisations, such as the Ijaw Youth Council and the Ijaw National Congress National Union of Ijaw students. Two prominent organisations worth noting are the ‘Movement for the Emancipation of the Niger Delta’ (MEND) led by Henry Okah, the ‘Niger Delta Volunteer Force’ (NDVF) of Asari Dokubo and the ‘Niger Delta Volunteer’ (NDV)’ a splinter group from NDVF led by Tom Ateke. The NDV, unlike the NDVF which is in a legal battle with the Nigerian government, accepted an amnesty deal with the government in exchange for their weapons. The second largest ethnic groups after the Ijaw are the Urhobo, who are discussed in more detail below.

The Urhobo Ethnic Group

The Urhobo are dominant in Delta state, with a population of approximately 1.5 million people (NPC, 2006), made up over twenty subgroups. According to Ekeh (2007), Urhobo scholars have identified twenty-two Urhobo subgroups that were in existence before the rise of the Benin Empire in the 1440s and before the arrival of the Portuguese in the Western Niger Delta in the 1480s. The map below is used by the Urhobos to support their claim to land ownership.

Figure 3



Source: Urhobo Historical society report p18.

Ekeh (2008:35) states:

“Every Urhobo subculture has a territory that has boundaries with other sub-cultures and occasionally with non-Urhobo cultural entities, such as the Isoko, Ijaw, and Ukwuani. A unique aspect of Urhobo land is that the Urhobo people were the first to occupy their own portions in the hinterland of the rainforests of Western Niger Delta. In most instances, therefore, bearers of each subculture of Urhobo occupy territory that their ancestors were the first to conquer and occupy. This attribute of Urhobo subcultures has imparted a sense of collective ownership of the territories of these units of Urhobo culture. The integrity of each of Urhobo subcultures derives from its ownership of its own territory that it has conquered and occupied through its own exploits”

The Itsekiri Ethnic Group

The Itsekiri are the third biggest ethnic group in the Niger Delta region with a population of approximately 500,000. Traditionally, the Itsekri engaged in fishing and trading. Although they are smaller than Ijaw and Urhobo, they are considered as the most educated in the region due to early contact with Portuguese traders.

The Itsekiri have inhabited an area, which is now constituted by the three Warri Local Government Areas of Delta State for centuries. Itsekiri modern history dates from the late fifteenth century when the Itsekiri adopted a prince from the Benin Kingdom as their monarch. Prior to this time, Itsekiri lived independently in different communities that included Irigbo, Ureju, Omadino and Ugborodo. With the adoption of the monarchy, these communities coalesced to become a Kingdom. The 500 years old Itsekiri monarchy is a rallying point in their society and remains its supreme leadership (Talbot, 1967).

This section discussed how ethnic identity has become a mobilising element not only for contesting access to state and oil power, but also a modality for organising social forces to resist alienation, and the politics of exclusion by the dominant groups in all sections of Nigeria. The history of conflict and agitation, which predates Nigerian independence, has also been considered. It has been suggested that the creation of more states and local government has succeeded in creating ‘minorities within minorities’, which seems to have marginalised these groups even more. Agitation for more political space continues among and between Ijaw, Urhobo and the Itsekri. Ethnic groups have failed to realise that they are all victims of a system where they are impoverished and set up against each other.

Community, Military and Corporations

The industrial revolution in the 18th century marks a major turning point in history; almost every aspect of daily life was influenced in some way. One of the historical epochs of this industrial revolution was the change that marks the Industrial production and the relationship between the state and the industries. Militarily this period mark the beginning of the mass reproduction of weaponry with accuracy and precession because they were easier to make, large quantities could be produced in a short period. This has not only changed the relationship with the state but also open another vista of how such complex weapons can be deployed to save businesses and the statecraft. The Industrial Revolution also marked a major turning point in the relationship between ecology humans and environment. The Industrial Revolution dramatically changed every aspect of human life and lifestyles the journey to a more 'modern' world had begun. The impact covered areas like human development, health, social improvements and the impact on natural resources, public health, energy usage and sanitation, the effects were enormous. The industrialisation processes gave rise to increases in production capacity and affect all basic human needs, including food production, medicine, shelter, and clothing. Historically, industrial technology has been part of the military fighting power.

The industrial revolution spark the need for more fossil fuel and coal to fueled the huge Industrial machines. The more oil need for the consumption of the machines the more political such consumptions becomes. Oil becomes a more critical commodity during the First World War when heavy military arsenals and motorized armored personnel carriers were used for the first time in a battle. A pragmatic approach was made by US President Dwight Eisenhower (1953-1961) towards identifying the military as a vital element in

keeping not only peace but economic development. In his farewell address he said “Our arms must be mighty, ready for instant action, so that no potential aggressor may be tempted to risk his own destruction”. This statement was later translated to mean imperative military influence on economic, political and even spirituality for national development.

In Nigeria, the relationship between the state, military and corporations is also closely related to the ideas of Eisenhower. The state has to mobilise all its strength to achieve economic and political prosperity (Abiodun, 1974). The civil war (1966-1970) affirms this position to a larger degree. Though the civil war started as a political problem, later events proved it was prompted by other motives such as the urge by the federal government to have a firm control of the natural resources particularly oil which is the main cash commodity. The support of foreign government’s i.e. British and America has further shown that they are rather interested in the oil flow rather than the official position which was to prevent the break-up of the country along tribal lines. Some revelations suggest that British oil interests played a much more important role in the determination of the British attitude to the war than is usually conceded. Specifically, Britain was interested in protecting the investments of Shell-BP in Nigerian oil. Furthermore, Britain was also at the time desperate to keep Nigerian oil flowing in order to mitigate the impact of its domestic oil shortfalls caused by the Middle East Six Day War. Supporting a ‘One Nigeria’ solution was considered its safest bet in order to achieve the above objectives (Uche, 2008).

Since the civil war years the Niger Delta communities were militarily dominated to checkmate any possible sabotage to the vast oil investments by the multinational oil corporations. Periodically conflicts between the communities and the military do occur and sometimes

led to shut down of operational activities resulting lost to oil revenues. The communities believe the military is in the region only to safeguarding the oil assets of foreign companies whom they argued make their lives miserable. This anger has led increasing numbers of people from the communities in the oil communities to protest the exploitation of what they see as “their” oil though the constitution provides that all oil is owned by the federal government without benefit to them or compensation for the damage done to their land and livelihoods (HRW, 1999). The Nigerian constitution of 1999 gives federal government the exclusive ownership of oil resources. The land use act vested the ownership of land on state governments. The exclusive economic zone act by which the federal government has exclusive right over resources within 200 nautical miles for the coast to the sea, thus the dichotomy between on-shore and off-shore oil etc. Those laws and their operation are perceived by the ethnic groups to be both offensive and derivational alienation. Those views and experiences form the basis of agitation for demand for resource ownership and control by the people of the Niger Delta. Militant groups emerged to challenge the federal government; some had the support of the respective states affected.

However, it is interested to also note that the role of the military in the oil communities has gone beyond the interest of the Nigerian government alone. In 2002 two warships were donated to the Nigerian Navy by the US to protect oil facilities because Nigerian oil is so vital to the American economy. US State Department declared that along with all other African oil imports it was to be considered a ‘strategic national interest.’ That essentially meant that the president could send in the U.S. military to protect oil assets in Nigeria and any other part of Africa to protect its economic interest (Schwartz, 1980). The military in some cases is also involved in the suppression of community agitations against both the

state and the oil corporations. Ogoni's believe the Military Internal Security Task Force was specifically created to suppress the protests organized by MOSOP. According to Vidal (2011) confidential memos, faxes, witness statements and other documents, released in 2009 by ICJ, show the company regularly paid the military to stop the peaceful protest movement against the pollution, even helping to plan raids on villages suspected of opposing the company. Some of the oil companies like Shell finance deployment of security agencies and in some cases provides funding to train them according to their corporate needs. For instance, Shell in Nigeria has a special arm of the Nigeria Police Force, trained by the national police force but funded and paid by the multinational company. The assertions above clearly prove the interest of the military is in direct conflict with the communal interest, and this is rooted into the post colonial legacy of social economic relationship between the powerful and the powerless, which is another extension of deep rooted colonial relations with former colonies and this has also affected the environmental legislation.

Environmental Legislation in Nigeria

Nigeria has put in place various legislative frameworks for the protection and management of the environment. Nigeria has significant environmental problems in addition to those discussed above. For example, Shell flares about 86 per cent of its gas (UNEP Report 2011). Despite signing almost all the international and regional protocols on environmental protection. Prominent among the laws is the 'Polluter Pays Principle' which is directed mainly at the multinational oil corporations. The following section will describe the framework of environmental legislation in Nigeria, review the application and also present a case of how the legislation is applied in the Niger Delta. I will also discuss how

environmental degradation is assessed and who determines the procedure and outcome of the assessment.

Environmental legislation in Nigeria was regulated through the establishment of various governmental agencies, which were the result of the 1972 Stockholm Conference on Human Environment. The conference prompted the Nigerian government to adopt a holistic, rather than a sectoral approach to environmental protection matters. A unit called the 'Environmental Planning and Protection Division' under the Federal Ministry of Works and Housing was established to handle environmental matters. Nine years later, a bill for the establishment of a 'Federal Environmental Protection Agency' was tabled in the legislative assembly. However, the Bill was not passed into law by the assembly before the government was ousted by the military in December 1983. After the military coup, not much attention was given to the development environmental law by the military. However, in 1988, as a result of the illegal dumping of 3,884 metric tons of waste from Italy in five shipments at Koko village in Delta State (Akpofure, et al 2000), the government was forced to consider environmental legislation more seriously to protect the environment.

Due to increasing awareness on the need to prevent and control spills in Nigeria, 'Clean Nigeria Associates' (CNA) was formed in November 1981. The CNA is a consortium of eleven oil companies operating in Nigeria, and the NNPC. The primary purpose of establishing the CNA was to develop and maintain a capability to combat spills of liquid hydrocarbons or pollutants in general. The CNA employs a range of different methods and techniques for responding to oil spills, like adopting internal control mechanisms such as use of bioremediations, ignition, in-situ burning etc.

The 1988 illegal shipment of hazardous industrial waste from Germany was followed by the introduction of various elements of environmental legislation. The laws include: the Federal Environmental Protection Agency Act of 1988; the National Environmental Protection (Effluent Limitation) Regulations; the National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations; the National Environmental Protection (Management of Solid and Hazardous Wastes) Regulations; the Environmental Impact Assessment Act of 1992 (EIA, Act); the Harmful Wastes (Special Criminal Provisions etc.) Act of 1988; and the Harmful Wastes Act (Adepipe, et al 1997).

The Federal Environmental Protection Agency (FEPA) was created with the responsibility of protecting and developing the environment, with biodiversity conservation and sustainable development of Nigerian's natural resources in general. It also had responsibility for introducing environmentally-friendly technology, including initiation of policy related to environmental research and technology, among other functions. Section 38, of the FEPA Act defines the environment thus “Environment includes water, air, land and all plants and human beings or animals living therein and the interrelationships which exist among these or any of them (FEPA Act 1988).” With the return of democratic rule in 1999, Nigeria replaced the Federal Environmental Protection Agency, with a Ministry of Environment under the supervision of a Federal Minister, directly answerable to the President.

The Federal Ministry of the Environment has the responsibility of protecting and sustaining the Nigerian environment through the formulation and implementation of regulatory frameworks. The National Policy on the Environment is one of the instruments developed

by the Ministry to carry out its responsibilities. The policy sets out the guidelines and strategies for achieving the policy goal of sustainable development (Ntukekpo, 1996). In addition, the Federal Government set up another agency in 2006, the ‘National Oil Detection and Response Commission’ (NOSDRA) with the sole purpose of managing oil spills in the Nigerian Coastal and Inland waters. Other agencies that deal with pollution are the ‘National Maritime Authority’, which deals with pollution in Nigeria’s maritime waters and the ‘Department of Petroleum Resources’, which is the environmental watch dog for the oil industry.

In 2004 another key environmental agency, the National Environmental Standards and Regulations Enforcement Agency (NESREA), was created.

“NESREA is charged with the responsibility of enforcing all environmental laws, guidelines, policies, standards and regulations in Nigeria. It also has the responsibility to enforce compliance with provisions of international agreements, protocols, conventions and treaties on the environment. The vision of the Agency is to ensure a cleaner and healthier environment for all Nigerians, while the mission is to inspire personal and collective responsibility in building an environmentally conscious society for the achievement of sustainable development in Nigeria” (NESREA Act, 2004:14).

All these agencies play a role in managing pollution although there appear to be overlaps and conflicts in roles and responsibilities. The Nigerian Government also enacted legislation that creates the Niger Delta Development Commission. The NDDC Act of 2000 empowered the Commission to carry out the following tasks: (a) Survey the Niger Delta area to ascertain measures which are necessary to promote its physical and socio-economic development; (b) Prepare plans and schemes designed to promote the physical development of the Niger-Delta area; (c) Identify factors inhibiting the development of the Niger- Delta

and assist the member states in the formation and implementation of policies to ensure sound and efficient management of the resources of the Niger-Delta; (d) Assess and report on any project funded or carried out in the Niger-Delta area by oil and gas producing companies and any other company including non-governmental organisations and ensure that funds released for such projects are properly utilized for the development of the Niger-Delta area (e) Liaise with the various oil mineral and gas prospecting and producing companies on all matters of pollution prevention and control. Essentially, the NNDC Act is a strategic way of dealing with all forms of pollution and related in the Niger Delta (NDDC Act 2000). The legislative framework in Nigeria continues to undergo amendments based on the prevailing circumstances. Some of the relevant environmental legislation that has either been reviewed or is under review includes:

- Gas Re-Injection Act
- Endangered Species (Control of International Trade and Traffic) Act.
- Minerals Act
- Forestry Laws
- Harmful Wastes Special Criminal Provisions Act (NDDC Report, 2002).

The Regulatory Framework

Part of the means of managing the environment is to have the necessary laws and regulations and guidelines. Nigeria already has a number of laws that deal with oil activities and the environment generally, as we have seen above. Nigeria has also signed international agreements relevant to the environment. Some of these laws, regulations and international agreements include:

“The International Convention for the Prevention of Pollution of the Sea by Oil 1954, as amended in 1962, this has been enacted into law and referred to as the Oil in Navigable Waters Act, 1968. The International Convention on Oil Pollution Preparedness, Response and Co-operation, which requires party States to prepare a National Oil Spill Contingency Plan and in line with the provisions, NOSDRA was set up in Nigeria, the International Convention on Civil Liability for Oil Pollution Damage 1969, (Civil Liability Convention), the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971, (Fund Convention), the International Convention on the Prevention of Marine Pollution by the Dumping of Wastes and Other Matters 1972, (London Convention), the Convention on Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central Africa Region 1981, the Basel Convention on the Control of Trans boundary Movements of Hazardous Wastes and their Disposal 1989 and the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990” (Okenabirhie 2007:23).

Despite Nigeria being a signatory to the above agreements, environmental management has continued to be a challenge in Nigeria. The application of the laws seems to be a major problem to the Nigerian government and oil corporations makes it difficult for such laws to be implemented. Prominent among the laws not in well implemented in the country is the Polluter Pays Principle (PPP). In the following section I will discuss the application of the principle within the environmental framework in Nigeria.

Payer Pays Principle (PPP)

The polluter pays principle is “The principle according to which the polluter should bear the cost measures to reduce pollution according to extent of either damage done to society or the exceeding of an acceptable level (standard) of pollution” (Glossary of environmental statistics, 1997). The origin of the PPP dates back to 1960 when member countries of the Organization of Economic Cooperation and Development (OECD) realized that industrialization through the exploitation of natural resources was necessary to economic development of their nations. However, they also realized that industrialization also has consequences particularly to the environment. Therefore, the countries made an attempt to protect the environment through the adoption of PPP in 1972. The principle has been part of European Law and it is included in Article 191(2)7 of the Treaty on the Functioning of the European Union (TFEU).

“The guiding principle that whoever is guilty of pollution should bear the cost of carrying out measures, decided on by public authorities, to ensure that the environment is returned to an acceptable state and that the cost of those measures should be reflected in the cost of goods and services which cause pollution in production and in consumption” (OECD 1989). This principle was a replication of Plato’s Statement that “f any one intentionally, spoils the water of another ...let him not only pay damages, but purify the stream or cistern which contains the water” (Jewett, 1953:48). Although the polluter pays principle is integrated into most of the member nation’s legal framework, there is no agreed definition of the term or of any precisely defined method of application, nor of any clear agreement on permissible exceptions (McLoughlin and Bellinger, 1993). Under this principle it is not the responsibility of a government to meet the costs involved in either prevention of

environmental damage, or in carrying out remedial action because the effect of this would be to shift the financial burden of the pollution incident from the polluter to the taxpayer (Mann, 2009).

However, there is ambiguity in identifying the polluter. Although a polluter is someone who directly or indirectly damages the environment or who creates conditions relating in such damage, this definition is too broad and cannot be applied in all situations (Eide and Van der Bergh 1996). According to Mann (2009:2) “The principle’s precise legal definition for the purpose of application remains elusive”. While Nigeria has adopted the PPP, it is rarely applied in practice. It is obvious some UN conventions, like Article 16 of the Rio declaration, which states that “National authorities should endeavor to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment” (Aust, 2010:10).

Okenabirhie (2007) argues that in Nigeria the polluter use the UN article 16 to avoid liability. This is because, under Nigerian environmental law, the amount of compensation is largely determined by the polluter unless the victim is unsatisfied then the court determines what the compensation should be. Another reason could also be a Nigerian supreme court judgment S.11(5) (c) of the Oil Pipelines Act which states that compensation for oil spills need not to be paid if they are a result of third party interference or through the action of the aggrieved or affected persons. Finally, the Nigerian government is lax on the enforcement of PPP possibly because of its dependence on the earnings from the oil industry.

Application of Environmental Laws in Nigeria

Until the 1980's, Nigeria had no industrial regulations on industrial pollution and waste. This, Adegoke argued (2002), was possibly because the government wanted to attract industries to establish businesses in the country. The major environmental policy framework in Nigeria is enshrined in the 1999 Constitution of the Federal Republic of Nigeria. Under section 20 of the Constitution, the States are responsible for the protection of the environment and safeguarding the water, air and land, forest and wildlife of Nigeria. Section 2 of the Environmental Impact Assessment Act of 1992 (EIA Act) clearly states that no sector of the economy, public or private sector economy shall undertake, embark, or authorise projects or activities without consideration of the environmental consequences (Ibaba, 2010).

According to the Nigerian oil and environmental laws, activities that cause pollution and environmental damage should be prohibited or controlled. However, the law makes certain provisions in relation to interference with waterways and land use rights, and also allows for potential damage, under the proviso that approval must be granted by the government and compensation must be provided.

However, section 5, sub-section (1) of the Oil Pipeline Act, stipulates that the holder of a permit to survey is allowed to dig and bore into the soil and sub soil to cut and remove trees and other vegetation, and to carry out other acts necessary to ascertain the instability of an oil pipeline or ancillary installations to pass over land adjacent to such route to the extent that it may be necessary or convenient for the purpose of obtaining access to land upon the route specified.

Similarly, under Section 6 of the same law, a holder of survey permit can enter any building or land attached to any building for the purpose of survey provided a notice of 14 days is served to the owner or occupants. Under Section 9, any objection should be communicated either in writing or verbally stating reasons for the objection. The final decision is at the discretion of the government, state or local governments.

"Notwithstanding the foregoing provisions of this section, the entire property under the control of mineral oils and natural gas, under or upon any land in Nigeria or, under the territorial waters and Exclusive Economic Zone of Nigeria shall vest in the government of the federation and shall be managed in such manner as may be prescribed by the national assembly" (Nigerian Constitution 1999 Section 9).

Land Tenure System in Nigeria

Section 4 of the Land Tenure Law No. 25 of 1962 declares that "The whole of the lands of Northern Nigeria, whether occupied or unoccupied, are native lands" and Section 5 declares that all native lands are under the control and subject to the disposition of the state's accredited representative. In the Southern part of Nigeria, land is jointly owned by the whole community, the village or the family. Thus, all the members of the community, village or family have an equal right to the land. However, the Head of the Community, village (i.e. the local chief) or the head of the family, has charge of the land; and although he is often regarded as the owner of the land, he is in fact only assuming the position of a trustee, and as such holds the land for use of the community or family. Any member who wants a piece of land for cultivation or to build a house must get permission from the head of the community. But the land so given still remains the property of the community or family (Angaye, 1986).

British colonial rule introduced a new land tenure structure, based on English Common Law, which changed ownership from a communal one to an individual one. One of the arguments for the change in tenure system was that the local chiefs in Southern Nigeria were abusing their trust. The new law vested all powers on land matters to a board of trustees nominated by the government. This indirectly, returned ownership and control of land to the government, just like in the Northern part where lands were administered by the native authority.

Environmental legislation in Nigeria has had little impact on the environmental situation in the Niger Delta. According to the findings of the World Bank (World Bank report, 1996). Most of the decisions in the Niger Delta regarding environmental pollution control are more in the interest of industry than the community. Further the regulations are not enforced and favour the State and oil companies to the detriment of local communities, principally, because the latter are excluded from any input at the formulation stage of the laws. The legal framework of operation remains largely unchanged. For example, the 1969 Petroleum Act only strengthened the pre-existing colonial legislation. Thus, postcolonial legislation basically serves to deepen the pre-existing ties between the colonial state and oil companies and to favour that linkage to the detriment of the environment and local communities (Agbonifo, 2002).

The legislation unconditionally granted multinational oil corporations exploratory rights over the environment without first safeguarding the rights of local communities or ensuring the protection of the environment. Adebayo and Falola (1987:11) observe that, “Throughout the whole period of its (petroleum) exploitation by the colonial government, nothing was done to regulate the activities of the companies, not to talk of controlling

them.” The same structure was maintained after independence in 1960. A decade after Nigeria attained independence from Britain, the *modusoperandi* of the oil industry remained virtually unchanged despite attempts to review oil legislation in 1969. Such attempts were unsuccessful, however, and this further confirmed the colonial status quo. For example, the first postcolonial oil-related statute in Nigeria was the Petroleum Act of 1969, which replaced the colonial Mineral Act of 1914. According to Frynas (2000), the 1969 Ordinance was largely a confirmation of its colonial forbear. The only new provision was that for the first time the law went beyond the granting of licenses, it also introduced the principle of joint venture with the oil companies.

The legislation of 1969 cemented the relationship between oil companies and the independent state of Nigeria. Under the new legislation, statutes such as the Anti-Sabotage Decree No. 35 offered security to oil companies and undermined the autonomy of local communities. Again, nine years later, the federal military government issued the Land Use Decree, which handed over ownership rights over all land within a state to the state governor. This new legislation denied communal rights over land, and any compensation for land acquired by oil companies. Under to the law:

“Subject to the provisions of this Decree, all the land comprised in the territory of each state of the federation are hereby vested in the military governor of the 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” (Ebeku 2006:108).

To consolidate this legislation the Federal Appeal Court in 1979 ruled as follows:

“The ownership and title to lands in Nigeria is now vested in the governors of the various states of the federation for the benefit of all Nigerians as a whole. Communal and individual title ownership (sic) to land is now a thing of the past. The conception of land being in the family for the past, present and future members of it is no longer valid...The freedom of alienation and dealing with the land which was vested in the heads of the family or traditional authorities is now vested in the government” (Human Right Watch Report 2003:15).

Moreover, the Land Use Act 1978, Section 29, sub section 3 states:

“If the holder entitled to compensation under this section is a community the governor may direct that any compensation payable to it shall be paid to the community; or to the chief or leader of the community to be disposed of by him for the benefit of the community in accordance with the applicable customary law; or into some fund specified by the governor for the purpose of being utilized or applied for the benefit of the community” (Ebeku, 2005:101).

One of the major weaknesses of the LUA of 1978 is that it gives too much power to the state governors, who often exploited this for economic and political reasons to the detriment of local communities, as well as individuals who might require lands for industrial or agricultural developments. Sections 21 and 22 require the governor's consent for the alienation of customary and statutory rights of occupancy, the procurement of which is, however, characterized by long and frustrating delays. This act also allows the state governor or through his representative to issue a certificate of occupancy which specifies that the land is leased to the beneficiary individual or organisation, and can be re possessed by the government due to overriding public interest. Without ‘proper’ documentation, right to compensation is always difficult to prove, which is why the multinational oil

corporations exploit this weakness in the law to refuse to pay compensation or pay less than the full amount. The general weakness and complexities of the Nigerian environmental and oil related legislation allow the multinational oil corporations to largely decide how they handle environmental matters in the Niger Delta. The Batan oil spill of 2006 was a manifestation of the inconsistencies and contradiction in the legislation as is discussed further below.

The Batan Community Story

A major oil spill occurred on October 20, 2006, at Shell's delivery line situated at Batan, a community in Warri South-West Local Government Area of Delta State where Shell has been operating since 1968. The local communities strongly believe that the incident was the result of equipment failure, while Shell argued it was the result of third party interference or sabotage.

One month after the spill, Shell was accused by the communities of doing nothing to address the situation, which was a clear violation of the environmental guidelines and standards issued by the Department of Petroleum Resources (DPR), which said clean-up should commence within 24 hours of the occurrence of the spill. Shell blamed the delay on the community for refusing to allow access to the site of the spill until certain conditions were met, such as the “access payments” before allowing oil workers to gain entry into the affected site.

The oil spill created both economic and health hazards for the community. A report by Environmental Research Action (2007) reported that eight infants under the age of three died as a result of the incident while several more were ill from either consuming poisoned

water, or inhaling polluted air, from the Batan River, which serves as the only source of drinking water for the community. Moreover, the surrounding creeks in which the local people carried out their fishing activities were severely polluted by the spill. One of the local resident claimed “I inherited the fish ponds from my late father. Since the spill I have lost most of my income. Now we live from hand to mouth, sometimes a company gives me a day’s job for 500 Naira (£1.80)” (Amnesty International Report, 2009: 27).

Shell accused the community of manhandling its workers during the process of joint investigation and forcing them to sign a distorted report of the situation. Consequently, Shell repudiated the Joint Investigation Report which reported that the cause was production equipment failure, not an act of third party interference. Even though the community insisted on the validity of the report, Shell declined to accept responsibility. The Pipeline manager insisted the pipelines were safe, stating “If I declare anything no one can say otherwise, if I say it is this that is what it will mean, not even the General Manager (his immediate superior) or the Managing Director (of Shell) can change it.” (Friends of the Earth Report, 200:5) The manager emphasised “This is the way Shell work.” Shell subsequently offered the community a development package of approximately US\$100,000, without conceding that the spill was due to production equipment failure, which the community reluctantly accepted when it was clear they had no other option (CS&CR Field Report, 2007).

Under the deal, no mention was made about the lives lost or the health hazards created; instead Shell offered what it called a ‘community development package.’ This act is in violation of Article 14 of United Nations which states that transnational corporations and

other business enterprises are directly accountable for the environmental and human impact of their activities? The article states as follows:

- a. Transnational corporations and other business enterprises shall respect the right to a clean and healthy environment
- b. Transnational corporations and other business enterprises shall be responsible for the environmental and human health impact of all of their activities
- c. Transnational corporations and other business enterprises shall take appropriate measures in their activities to reduce the risk of accidents and damage to the environment by adopting best management practices and technologies... and reporting of anticipated or actual releases of hazardous and toxic substances (Amnesty International Report, 2009:12).

The case of Batan clearly demonstrated that the multinational oil corporations have a large say in how the cause of environmental degradation is determined, and the outcome of the Joint Investigation Team (JIT) report even though is suppose to be a collective exercise agreed jointly by all parties concerned. The Batam case exposed the flaws in the oil spills investigation process which includes documentation cases where the data recorded during a joint investigation process, have substantially been altered by the oil companies (Amnesty International Report, 2012).

Conclusion

The first part of this chapter reviewed some definitions of the environment and some selected theories on environment and ecology and placed these within the context of the research. The second part identified the key stakeholders in the Nigerian oil industry and the nature of their complex relationships. This chapter also discussed the relevance of environmental legislation within the historical formation of Nigeria as a nation-state. The

enquiry has suggested that although Nigeria had enacted several pieces of environmental legislations since 1914, the legislation has not had much, if any, impact on the problems it was supposed to address. The chapter also discussed the role of intra ethnic agitations among the major ethnic groups in the region and how this has metamorphosed into agitation for more economic and political control and the relationship between the military and the communities.

In the next chapter I will present my analysis on some of the issues raised by the respondents using thematical order adopting Erving Goffman's (1959) theoretical framework in *the presentation of the self in everyday life*.

Chapter Three

Oil Corporations and Environment the Goffmanesque Perspective

Introduction

This chapter is divided into two sections. The first section is an overview of the dramaturgical approach and its relevance to the data collected through face to face interviews. The second section will present the main ideal that will form a structure for data analysis in subsequent chapters. This approach was chosen because studies have shown that dramatism as a method can be used to address empirical questions concerning how people explain their actions to themselves and others, and what the cultural and social structural influences on these might be (Overington, 1977). This approach was adopted because face to face interaction, like interview interactions, can be interpreted as a theatrical performance.

The way the respondents' present their social reality is similar to Goffman's dramaturgical framework concerning how people (re)construct themselves in the presence of others. The analysis will consider how people perform before others, how groups cooperate with each other to perform or to remain in character, and, the impression management strategies performers use to influence or control the perception of the audience into accepting the their' own viewpoint of the situation. The discussion illustrates that a coherent account of the arguments can be created, which will show both the philosophical view point from within which the respondents present their claims and also the way they want to be seen while presenting themselves. The analysis also shows that social construction of 'self' cannot be separated from the life of those constructing 'self' which could be imagined as a 'mask' in which everyone more or less plays a role.

Philosophically, Goffman's dramaturgical approach was influenced by Kenneth Burke's theory of dramatism which suggests drama can be viewed from two perspectives. First as an ontological system which offers literal statements regarding the nature of human beings as a symbol user and the nature of language as an act, or secondly, as an epistemological system which assumes one way of viewing human beings and human activities is through the manner they use language to explain the social reality around them (Burke, 1950).

This chapter also establishes how the data presented in the previous four chapters can be understood in relation to the themes that emerged from the interviews and allows the reader to better understand the different perspectives of the respondents. I argue that the respondents presented their social world based on their individual or collective identities. People present themselves and their activities to others and try to control the impression they create (King, 1973). While doing this they were involved in 'face saving' to protect an image already constructed around them. The idea of the analysis is to move beyond a comparison that merely presents interview data organized into themes or relating them to each other.

Overview of Dramaturgy Model

Goffman's book *The Presentation of Self in Everyday Life* (1959) offers a perspective into how social relations can be understood and interpreted using the tools of theatre. The basic assumption of dramaturgy theory is that social interaction can be understood from the perspective of a theatrical performance. According to Goffman, all humans are performers playing a particular role, either individually or in a team (Goffman, 1990). "The dramaturgical perspective can be used to sort instances of inter group relations" (Hare

1992:111). The approach also assumes all humans are skilled actors in the art of impression management through monitoring of the behavior of others we encounter (Goffman, 1959). The way an individual plays a role in his or her daily interactions is also connected to his/her individual 'self' or personality. "It is rather recognition of the fact that everyone is always and everywhere, more or less consciously, playing a role. It is in these roles that we know each other, it is in these roles that we know ourselves" (Park, 1950 quoted in Goffman, 1990:30).

In dramaturgy all social interactions are viewed as a theatrical production in which life can be understood (Hare, Blumberg, et al., 1988). The term 'performance' was used by Goffman to show the kind of activity in which an individual is engaged in the presence of others. According to Goffman performance takes place in the daily life of an individual to justify him/herself as a self before the others whom she/he regards as an audience. In other word it is also "an activity of an individual which occurs during a period marked by his continuous presence before a particular set of observers and which has some influence on the observers" (Goffman, 1959:22). Principally, the aim of any performance is to convey an idealized impression of self through manipulation of favorable impression before a target audience.

In this context actors only perform when they are before an audience, who can either approve or disapprove of their performances (Goffman, 1990). The concept of 'Self', according to this approach, is only possible through what Goffman calls 'mundane interaction'. Humans as social beings cannot exist without communication and this is facilitated through performance, which is shaped by a setting (environment) and the audience, which usually constructs impressions that are in line with the objective of the

performance. The process of performance leads to the construction or realization of the self. “Human self is constituted in coordinated interaction with others” (Mykanen, 2007: 86).

Dramaturgy identifies two elements that each performer utilizes while performing. This is essentially because when an individual is in the presence of others they try to acquire information about him/her so that it can be used to understand his/her performance (Goffman, 1990). Seiler and Seiler (2004:1) argued that “in these everyday encounters, we convey vital information directly and consciously when we provide verbal documentary evidence about who we are and what we do and indirectly and involuntarily when we reveal non-verbal information about our attitudes, beliefs, and emotions. We understand this interaction as the rhetoric of everyday life”. This leads to the process of self-construction or social identity. In performance the individual is involved in two ‘radically’ different kinds of activity; she/he ‘gives’ and also ‘gives off’. The latter involves verbal symbols which she/he uses to convey information that he/she wants his audience to consider as the reflection of what she/he is dramatizing. This is usually a verbal expression. The former on the other hand involves a wide range of actions that others might consider to be symptomatic of deceit by the actor and conveying contrary or conflicting information to affect the conduct of others (Goffman, 1990). This is usually involuntary communication which an individual tries to control. When an individual is in the immediate presence of others, her/his activity will have a promissory character (Goffman, 1990) by convincing the audience through manipulating what she/he gives and gives off as a reality.

Dramaturgy theory views the individual as a social actor moving in and out of roles intermittently; and also in between roles, from script to script, and out of stages or settings influenced by certain conditions such as culture, social orientation, environment etc.

Goffman adopts the concept of 'Front' or 'setting' as a tool people used to present their performance. He defined it as "that part of the individual's performance which regularly functions in a general and fixed fashion to define the situation for those who observe the performance" (Goffman, 1990:32). Before a performance is staged the performer as a basic prerequisite of performance must bring himself to a particular setting for an audience to accept his/her performance. This setting is normally created not constructed, and as soon as the performer leaves the stage, he is disconnected from the performance.

Front stage

According to the theory, front is an official stage and is visible to the audience. It is that part of the individual's performance which regularly functions in a general and fixed fashion. It is the "expressive equipment" of a standard kind intentionally or unwittingly employed by the individual during his performance (Goffman, 1990:32). Giddens (2009) argued that front regions exist where individuals act out formal roles, when they are basically 'on-stage'. Performances in front regions often require teamwork in order to be successful. Impression management also occurs in the front regions as the actor is trying to give the audience certain impressions of himself (Goffman, 1959). Front, according to this approach, is also a 'mask' which represents the self, the conception we have formed of ourselves, and the role we are striving to achieve. The mask is the true identity of the individual and the self s/he wants to project. And finally our perception of the role becomes an integral part of our social reality (Goffman, 1990). According to Ritzer and Goodman (2004:212) "The front region in all social interaction is the parallel of the stage in all social interaction in a theatrical performance". The front according to this context has two attributes, physical and behavioral.

Front also requires two key elements, performance and audience. Each performer uses verbal and non verbal communication to express his/her identity (face) that indicates a particular point of view (Goffman, 1969). As part of front, Goffman identified what he called 'vehicles for conveying signs'; this can include insignia of office or rank, clothing, sex, age and racial characteristics, looks, posture, speech patterns, facial expression, bodily gestures and the like (Goffman, 1990). He argued that though they are relatively fixed, they can change based on situations.

Back stage

This is a place where the preparations for the front stage performance are made. The actor uses the stage to organise, prepare and rehearse their roles and it also serves as a meeting point before or after the performance. This space is described by Goffman as 'physical space'. In this region performers are present but the audience is not visible. Back stage is outside the purview of the audience therefore everything that is dirty is made open (Goffman, 1990). It is also a setting where the performer can reliably expect that no member of the audience will intrude" (Goffman, 1959: 112-113). Back stages according to Kivisto and Pittman, (2007:280) "have two major purposes, both related to the maintenance of the proper persona or atmosphere on the front stage. They must serve as a storing ground for physical items that cannot be on the front stage, and they must also provide employees a place to regroup, a place where they take care of their emotional needs". We preserve our "backstage" selves as an essential part of our identity and it is this protected part of our personality that we attempt to mask, while harboring a strong desire to penetrate those of others (Feldman, 2010). The back stage also represents the 'truthful' type of performance; where the impression fostered by the performance is knowingly contradicted it is within

this region that conflict and indifference towards social values and norms are more fully explored.

Off stage

In this region there are only performers but no performance takes place; the audience is also not visible and interpersonal relationships exist. In this region other groups of people though not part of the performance relate with the performers; according to Goffman this is a stage where roles are mixed. The “Non-person” exists in this region; though not part of the performance they also have access to the stage. Service specialists like costumiers, hairdressers, and cleaners are also positioned in the off stage to provide some specialized services that will enhance the performer’s performance before the audience. You also have the “Colleague” who though not part of the team but are members of another team or have relevant expertise or experience to share with the team. The final group is the “Confidante” who acts as informer, hill, spotter or spy. They pretend to be part of the audience but they gather information from the audience about a performance and report back to the team. This group mix between the performers and the audience, the information generated, negative or positive, is used to improve future performances or to reward individual team members. Fronts are exhibited through, appearance, manner and setting.

Manner, Setting and Appearance

In dramaturgical theory, manner (role in interaction) is a stimulus which functions to warn about the interaction role the performer will expect to play in the oncoming situation (Goffman 1990). “He/she may give the impression that the actor expect to follow the lead of others, or at least that he/she can be led to do so” (Goffman 1959:24).

“Setting is a scenic part of expressive equipment, one may take the term ‘personal front’ to refer to the other items of expressive equipment, the items that we most intimately identify with the performer himself and that we naturally expect will follow the performer wherever he goes” (Goffman, 1990:34). Setting is fixed and the performers can only perform when they are on it and according to the theory they switch out of the role as soon they leave the scene. Appearance is considered as those stimuli or the behavior of the performer while performing and it tells of the performer’s social status. The ‘stimuli’ also expose what Goffman calls the ‘temporary ritual state’ of the performer, whether he is engaging formal or informal behavior. They are integral elements of the front and are regulated by culture and the environment and they move or change with time. Appearance also expresses social compliance or social status of the individual to gender, occupation, age, physical environment, posture, speech patterns, body gestures and other social relationships. Manner, appearance and setting can be managed together in a performance without conflict between the three, particularly if the performance is very formal.

Relevance application and Limits of Dramaturgy

In dramaturgy, for performance to be fully understood as a performance it must involve six elements. These are Performance, Teams, Regional and regional behavior, discrepant roles, communication out of character and impression management. The analysis in this thesis considers the theoretical elements a performer adopts in a play and applies it to the data generated based on face-to-face interviews with respondents representing the key players in the Nigerian oil industry. Within the context of this study the performer is defined as any individual who participates in this study as a respondent. The audience is the world outside of the Nigerian oil industry which also includes me coming to the stage to ask questions

concerning how actors dramatize the word around them. The stage represents the individual and corporate settings the respondents occupy and represent. This includes interview locations in both the communities and the office premises of the corporate organizations interviewed like Shell, NOSDRA, DPR, and the Senate complex and UNEP offices in Abuja and Port Harcourt.

I want to argue that the kind of response obtained from the respondents was influenced to a large extent by the setting the respondents were occupying and the kind of information obtained about the researcher. This is similar to Goffman's argument that "we all know that, when an individual enters the presence of others, they seek information about him/her or bring about her/him they already possess" (Goffman, 1959: 1-2). This was demonstrated when I attempted to talk to one of the officials in UNEP. After obtaining certain information about me he changed his mind about talking to me as agreed earlier and asked a local staff member to talk to me instead. Similarly, the DPR officials also expressed concern about their safety because they were not sure if I would be able to protect their identity from getting into the 'wrong hands'. Again while others were not willing to participate in my research, the retired soldier agreed to talk to me after realizing I am from the northern part of the country, a place he spent most part of his service in the military.

Despite the popularity of Goffman's presentation of life in everyday life using dramaturgy as a metaphor to describe social reality. This approach was under criticism from writers like Gouldner who argued that 'whilst Goffman's work is rooted in the social action paradigm he lacks an adequate theory of social action or agency which accounts for man's ability to change his environment' (cited by Johnson Williams, 1986:359) Goffman was a symbolic interactionist, although when asked if he would call himself one, he replied that it was too

vague a name to create much distinction (cited in Manning, 1992:19). Gouldner is worried that dramaturgy reduces humans to mere commodities

Williams (1986:361) also argued that though Goffman use ideas of structuralists like Durkheim. However he was not mindful that a class structure is not dependent on individual. Williams argued the way Goffman described performances made the theory unpopular among other sociologists because he focuses on the negative in society and yet makes no recommendations on how to correct them (1986:356). Another critique of the approach was based on the assumption that theories should not be used where they have not been tested. Dramaturgy as a theory it is argued has not been tested. As a theory dramaturgy does not contribute to the social understanding of the legitimacy of society therefore, it cannot represent how social reality is constructed as a 'stage'. Goffman himself contradicts his metaphor that "the entire world's a stage" in his frame analysis (1986:1) "the entire world is a stage, certainly the theatre isn't entirely". Goffman himself states (1990a:9) that he never intended the dramaturgical metaphor to be taken literally (Smith, 2006:44) rather as a conceptual framework for interaction analysis and is to be taken as such.

Scheff (2006) described dramaturgy as insufficient to differentiate between misrepresentation and dramatic realisation. It is claimed to be drifting on positivism which does not offer an interest in both reasons and rationality. Therefore Goffman should be considered more of an artist than a social scientist. The theory should only be applied in instances that involve people associated with total institutions. Theories should not be applied where they have not been tested.

The Emerging Themes

The discussion in this section focuses on an analysis of findings based on themes in the data collected and linking them with the aim of providing a structure that will guide the reader to understand how the key players want their social world to be understood. The basic essentials for the analysis are to understand:

- a. Group relations and how characters in the Nigerian oil sector consider themselves to be related.
- b. The perceived position of each character (key player) in the play.
- c. How each character (performer) wants the part they played to be understood?
- d. How the individual (performer) character characterizes others to achieve what he /she want to achieve in the play.
- e. The impression the character wants to send out to its audience as an “end product”

The themes are as follows:

- a. The environment and the Ogoni people.
- b. Who is responsible for environmental destruction?
- c. Effects of environmental degradation.
- d. Motive for the destruction.
- e. The relevance of environmental laws.
- f. The importance of ethnicity.
- g. The government and Shell.
- h. MOSOP and Ogoni land.
- i. Solutions.

The interpretation of the data concerning these themes demonstrates how the respondents represent diverse interests and present themselves before others and how they put on a performance, designed to persuade the audience into accepting their claims from their own point of view.

Environment and the Ogoni People

One of the respondents was asked what the environment meant to him. He rhetorically replied “You mean you don’t know what the environment is. Don’t you have eyes to see things for yourself?” This respondent wants me to accept the ‘general agreement’ among his people that the environment is actually degraded. It seems to me that there is a “working consensus” or “real agreement” among the communities to avoid any definition that will be perceived as being in open conflict with the definition of the state of the environment (Goffman 1959). In fact, most of my respondents attached a different meaning to what the ‘environment’ means to them while trying to ‘remain in character’. Whereas some of them considered the ‘environment’ as something physical, some understood the environment as something connected to spirituality. “The environment means everything except you” (t14) was the view of the respondent from NESREA. He presented a view of the environment as a physical entity. The head of MOSOP disagreed with the definition above by arguing that there is a spiritual connection between ‘self’ and the environment.

“First, as an African, unlike most indigenous populations, we do not take the environment as just flora and fauna. In our culture, land has spiritual significance; we consider it as the abode of the ancestors. So that is why if you come to Ogoni before drinking there is what is called libation, you pour some on the ground to allow the gods to drink first because they own the land. They are the owners of the land so when the land is desecrated people do not think you have destroyed only one factor of production, they perceive an ancestral resting place has been desecrated. There are some forests that are sacred to our people that you are not supposed to touch and you cannot cut certain trees they are suppose to be sacred. There are even some rivers we don’t fish, there are some animals people don’t kill because people believe they are totems, and if they are killed it impacts on the people. But when oil came, all this were taken as superstitious, primitive beliefs” (t17).

The respondent's argument that oil companies consider the belief system of his people as primitive can be linked to Goffman's argument that "many gods have been done away with, but the individual himself stubbornly remains as a deity of considerable importance" (Goffman, 1967:499). He directs the worship due to him and wants to be treated with ritual care.

According to this respondent, these issues he mentioned are contributing factors to the environmental crises in the Niger Delta and unless the environment is treated based on how people want it to be, the problem will continue. Based on the above, it is possible to understand the anger of the respondent about the way that the environment is presented. The respondents are presenting an image of an 'idealized' version of the front which they think is consistent with the norms and societal expectations rather than the behavior or presentation of the actor before the audience (Goffman, 1959). This also leads us to move to the next state of investigating who respondents say is responsible for the environmental damage.

Who is responsible for the environmental destruction?

Most of my respondents interviewed in the communities presented a view that harmonized with their claims that Shell was responsible for the environmental degradation. At the same time, they present themselves as helpless, suppressed and oppressed despite their contribution to the nation's economy through the vast amount of oil wealth that is 'expropriated' from 'their' land. This is similar to the idea of a "presentation of 'actable area' that may take the form of compact image that is usually an emotionally loaded word picture, a theme with a direction of movement and an emotional tone, a plot with an

indication of the major characters and the development of their relationship in a series of acts, or a script with detailed description of the parts played” (Hare, Blumberg, et al., 1988:100). Actable area in this context is referred to the stage used by the stake holders in the Nigerian oil industry to present their various accounts.

On the other hand, the oil companies used what Goffman (1959:11) identified as basic moves in social interaction; such as ‘covering’, ‘uncovering’ and ‘counter covering’ moves to achieve some advantage compared to other players to present themselves. They argued that they fully complied with modern standards of best environmental practice, that they had integrity and were good neighbors. The regulators, who represent the Nigerian government, present a picture of a serious and skilled regulator facing challenges in maintaining good relations with oil companies, communities and even the government they represent in the oil industry. However they are involved in the act of managing information which is carefully selected and ‘fixed-up’ to be attractive to the audience (Goffman, 1990). Other respondents presented what they claimed are ‘unbiased’ views but I called them different views because in Nigerian oil industry (and perhaps all social interaction) it seems no party can claim to be an uninterested party. Some of them perform either as “non-person” “confidante” “spotter” or “renegades”. In the following section, the presentations of these three key stakeholders are discussed.

As mentioned earlier it appears to me that most of my respondents in the communities are in agreement with the claim that oil companies are responsible for the environmental degradation in their various communities. Some of the respondents described their environment in terms of two clearly defined periods, pre oil and post oil, arguing that the environment had significantly changed, but with radically different claims about the cause.

Pre-oil environment

The pre oil period is before oil was first discovered in commercial quantities in Nigeria in Oloibiri district by Shell Darcy on Sunday 15 January 1956. The respondents from the community noted that the environment had been considerably better before 1956. The 95 year old blind chief said “When I used to go to the farm with my father and mother before the oil discovery, the cassava was growing fine, but it is not the same now” (t8). Similarly, the Retired Soldier presented his environment as a place where his parents did not need to use fertilizer to gain high yields. The MOSOP Vice Chairman similarly agreed that his environment was better before 1956. “Right from 1956, when they (Shell) entered this place to now they keeps us poor by destroying our environment which is our means of living” (t12). This respondent is trying to create a favorable impression before the audience which is the hall mark of dramaturgy. The Priest who gave his own account of when he was growing up argued that the delta environment is not the same now because of environmental changes “In the past, the rainy season could be predicted but now it is not consistent and the heat of the sun in the past three, four years has increased I remember as a child, the crop production was wonderful” (t5). The Young MOSOP lawyer who relied on oral history obtained from his elders to present what his environment was before the oil discovery argued “Ogoni land was well known for having a very rich physical environment before the discovery of oil” (t14). However, while some of the respondents argued that 1956 represents a watershed for deterioration of environment in the Delta, they believed the post independence leaders from 1960-70’s were genuinely interested in the environmental well being of their communities.

A respondent who was a cabinet member of the first republic and a founding member of the Nigerian oil industry noted that the leadership at this time was concerned with fairness and patriotism. “We were more interested in them, we were so much committed and dedicated to these people and we were concerned with their interests and welfare. We used to tell the oil companies that they might argue that they were fulfilling their legal obligations, but that they were not fulfilling their moral obligations” (t23). He believed that their approach to dealing with the oil industry was one reason why a high degree of ‘trust’ had been established between his government and the people of the Niger Delta and that this in turn was the basis for a strong political alliance in the first republic. This kind of ‘trust’ is a missing link in Nigerian politics today. The views expressed by the first oil minister represent the position of a “renegade” who was part of the team in the beginning as colleague but had left the team to be a sole performer performing outside the team.

Post oil environment

This represents the environment in the period from 1956 until the present. The environmentalist presented the present state of the environment as moving from physical degradation to health degradation because “the people are consuming contaminated seafood due to lack of other options, people also swim in polluted waters, children are bathed in polluted water because parents don’t have potable water and this is also affecting the psyche of developing children, sometimes they behave abnormally and the end product of this is that such children are being branded as witches in the communities” (t23).

In dramaturgical performance the performers in some situations adopt defensive and protective measures to create a favorable image before the audience. The retired community Nurse also agreed with the claim of the environmentalist that her community

was experiencing various health issues such as “Itching of the body, rashes on the body, typhoid and malaria due to consumption of dirty and oil contaminated water (t2). The retired nurse is using her professional skills to legitimate her performance, rather than in an unprofessional or general manner. The Paramount ruler argued that his community is better than it was in the past because “They [Shell] have constructed a medical centre and schools for us. In the past when somebody was sick, we had to travel all the way to Bori and, in some cases, before getting there, the person might die, but now is not like that, now we have community clinic”(t4). According to Goffman (1990) when a performance is growing a larger “team of performers” may exist with some performing as ‘solo’ performers performing in one location while the other performers are in a different location. My interview with the Priest in tape 5 reflects a performance by solo player in different location.

Having presented how some of the respondents present the world around them in relation to how they categorized their environment, the discussion below continues with a consideration of who the key stakeholders perceive as being responsible for environmental degradation.

What is responsible for environmental degradation?

Most of respondents in the communities cited greed, criminality, lack of effective standards and policies, security issues and poor literacy as some of the reasons for environmental degradation in the Niger Delta. Additional reasons given included operational and equipment failure and other non-oil related factors such as natural factors. Some respondents presented their reasons from the respective ‘scenic settings’ they occupy, for example as community members or official positions. This is part of what Goffman (1959)

described as “expressive equipment”. One respondent from the DPR presented criminality and greed as the reason for environmental degradation in the Delta. The respondent from NOSDRA agreed that criminality and greed play a key role, and noted that since 2006, when his organization was established, third party interference was the primary cause of oil spills in the Delta. This, according to a NOSDRA official, was proved by individual companies’ records and by aggregate figures from all the companies put together. He argued “when people tell you they are going to blow up your pipelines and indeed they carry out the threat, this is one reason for the high rate of oil spills which, in our opinion, have degraded the environment” (t13).

The respondents from NOSDRA and DPR were adopting a harsh and aggressive manner to give the impression that as actors they expect to be the one to direct the course of the play (Goffman 1990). The Priest, who is a resident in one of the communities, explained the involvement of some youth groups in environmental degradation. “Vandalism of oil facilities by some youths in the community has also caused environmental degradation, and in some cases the youth denied access for more than two months to carry out either joint investigation visit or to contain oil spillage” (t5). The claim by the Priest was consistent with another account by another respondent from NOSDRA who opined that the local communities consider any oil spill as a potential source of income to the community. “They try to delay the response, and, in some cases, the Joint Investigation Team has to pay for ‘permits’ to the communities to enter the affected area, to access the facility to stop the source of the spill, resulting in increased environmental damage” (t13).

Supporting the argument of the NOSDRA respondent, the Shell manager used a coffin seller metaphor to present the opinion of his company. “If you ask a coffin maker how business is and he says it is bad, he is actually saying that people are not dying so he cannot sell coffins. These coffin-sellers would pray for people to die so that they could sell their product and that is what is happening in the community” (t22b). The metaphor adopted by the Shell manager is in line with norms and conventions that exist in all cultures and social situations. When participating in interactions, something is said which means something other than the words suggested (Morgan 2010). The security agent put it succinctly that the harsh nature of the creek makes the people search for alternatives. However, he quickly put a caveat that whatever the justification, the theft and illegal refining of oil were still a crime in our laws. The agent in this study is identified as a “spotter” who has a dual loyalty to both audience and players and has to contend with the interests of both.

The Priest also explained that environmental degradation in Ogoni land is caused by multiple factors. Some of these are non oil related such as population growth. Population growth has led to a demand for more habitats and farming lands. Secondly, “There is high rate of deforestation because people are cutting trees for firewood and furniture” (t5). Other reasons are oil related factors such as deliberate sabotage of pipelines. This often involves groups of youths demonstrating their anger at either the oil companies or the government or, in some cases, oil pipelines being sabotaged as the spills can be used to attract compensation. “Vandalism of oil facilities by some youths in the community also caused environmental degradation, and in some cases the youth denied access for more than two months”(t5). The claim by the Priest was in line with another account by another respondent from NOSDRA who opined that the local communities consider any oil spill as

a potential source of income for some people in the communities. “They try to delay the response, and, in some cases, the Joint Investigation Team has to pay for ‘permits’ to the communities to enter the affected area, to access the facility or to stop the source of the spill, this attitude result to in increased environmental damage” (t13).

The NOSRA official, as a government official who is operating under an oath of allegiance to the government, applied a dramaturgical loyalty by abiding to the social norm in conformity with the setting he is performing in. In hostile conditions, the Shell manager said the 24 hour response, which is a legal requirement, is hardly ever met “...[b]ecause of community restrictions and at times the communities have to be mobilized in their own way, you have to go round and engage them, plead with them to give you access, and at times they insist on you doing some preliminary ‘things’, like paying homage to the traditional rulers, and this doesn’t help us carry out normal joint investigation visits” (t2b). The Shell manager is presenting his company as participating in an unstructured setting in which the performer will have to cope with changes or trends of the moment (Goffman 1990).

The Shell manager in another performance also believed the communities are only attacking his company because they do not have access to the government. The communities see the oil companies as representatives of the government, which they cannot access and so target the oil companies instead. The manager seemed to be suggesting that the anger of the communities is not necessarily with the oil companies themselves but represents a kind of transferred aggression. He is using protective measures as crucial elements used to save his own account because he realizes that defensive impression management is not enough to guarantee success in performance.

The people, according to his account, are angry because “They have not received much benefit from the oil reserves while the oil companies and government exploit this oil”. (t22a). The Shell Manager used leadership accountability to exonerate his company, by maintaining that the Nigerian government lack leadership and accountability and this is also affecting the way that the oil sector is being managed. In dramaturgical terms, the respondent is involved in “face-work” to sell a particular self image based on an interpretation of the existing situation.

The Shell manager argued that lack of accountability and good leadership by the political class was the reason why the Niger Delta is the major security issue in Nigeria today. “Today, it is dangerous to work in the Delta because people are aggrieved and are not happy with the way the economy is being managed. They are not happy with the government, because they cannot access the government, they hold oil companies hostage and hope that will attract government attention” (t22b). In this sense the respondent is maneuvering the communication process for self rediscovery or false revelation which is a way of concealing or revealing certain information about themselves to different audiences they encounter (Goffman, 1959: 8).

The Environmentalist claimed that some elements within the community were contributing to the environmental degradation through sabotage and illegal oil refining but he noted it was not as serious as the oil companies presented it. He agreed that some militant groups in the past had been involved in vandalism of oil facilities. He defended the communities by asking “Why would communities sabotage oil pipelines when the law is clear that if an oil spill is caused by sabotage no compensation will be paid to the people? What is the point of

the communities sabotaging oil pipelines, destroying their own environment, killing their crops and fish; I don't see any sense in it" (t23). However, the respondent added that he was aware of the proliferation of illegal refineries in the Niger Delta. He argued "It is an organized business involving some 'economic militants' who own illegal refineries to earn money." (t23). He tried to exonerate communities through his argument that "setting up illegal refinery requires special skills and knowledge of the production system before they are set up" (t23). He further exonerated the communities by saying "Nowhere in Nigeria is crude oil sold in street market so who would the locals sell it to?"(t23). Just like in any performance, this performer used impression management to protect "dirty-works" like concealment of the secrets of previous performances, errors, or concealment of the process of the performance, and tries to only show the end product. These techniques can be seen as a means of self control, that is, dramaturgical discipline to handle or avoid embarrassment. The audience is also used directly or indirectly in the efforts to cover up this "fakeness". The next section is going to consider how the effects of the environmental degradation were dramatized by the respondents.

Effects of Environmental Degradation

The way the respondents present the effects of the environmental degradation varies based on their situated identities and the role they are playing at a given time. In this theatrical approach the performer needs to have his/her identity well defined before proceeding in an interaction (Goffman 1959). Some of them limit their presentations to the geographical features like land, air and water degradation while others connect the effects to economic predicaments. In the opinion of the Priest, "poverty is walking on its two legs in this

environment” (t5). This respondent is using metaphor to explain the level of poverty in the land because the land and water are no longer available for farming or fishing activities.

The MOSOP Lawyer presented the adverse effects of the environmental degradation as follows. “Sometimes we are forced to inhale air that is contaminated; we suffer water-borne ailments that are the result of drinking contaminated water. We also have problems with acid rain which is very frequent here. Other diseases include coughs and increased incidences of cancers that causes premature death” (t14). The MOSOP Vice Chairman supported the views of the MOSOP Lawyer on the health effects of the environmental degradation in his community, because “When we take in contaminated air and water it destroys our health” (t12). The MOSOP Chief presented the effects of environmental degradation in terms of the economic and social relations among the oil communities in the Region. “There is no fishing because rivers have been contaminated by this oil, people are starving and this causes conflict among the people” (t12). The relationships between starvation, fishing and conflict among people present potential contradictions in the claim and this depicts Goffman’s argument that performances are not necessarily authentic, and sometimes they contradict there front stage.

The Shell manager from his position tried to give a favorable impression of his company by presenting his organization as responsible, friendly and a good neighbor “In 2009 alone, we paid compensation of over four million dollars as well as providing relief such as water, food and accommodation for the affected people even in sabotage situations”(t22b). The Shell manager is playing out an image of company with high moral commitments. In the social theatre the respondent is “saving-face” to maintain self respect or to protect self from gaffes or insults from the audience who may be suspicious about his/her performance.

Based on what the respondents are presenting as their social world in their own way, it is very apparent that we need to consider how people speak about the laws that relate to the environment.

Relevance of Environmental Laws

“Our laws cannot punish these big fishes that control about 80 or 90 per cent of the nation’s economy” (t17) stated the MOSOP leader who is also a lawyer. He argued that the environmental laws as they stand today are not effective enough to enforce any effective compliance. The Environmentalist was of the opinion that the Nigerian government lacks the political will to implement its own environmental laws. The MOSOP leader, emphasizing his point, noted that it was difficult to expect a company to comply with national laws when it had defied a 2004 UN resolution outlawing gas flaring. This respondent is presenting himself in “positive-face” and viewing others in “negative-face” (Morgan, 2010).

The Shell manager, not surprisingly, disagreed with the views of the previous respondent. In relation to this, he stated “Shell is not above the law because the regulators are always there to give a sound opinion of what they think is the reality out of every situation” (t22a). The Manager instead blamed the Nigerian government as the main problem. He wondered why an organ of government like NOSDRA that regulates the major contributor to Nigeria’s gross domestic product is not adequately funded. He was of the opinion that unless government lived up to expectations, the regulators may not be able to regulate the industry, because “You cannot regulate what you don’t have control over” (t22a). In dramaturgical terms the Shell manager is attempting to stage a role that encourages his

audience to accept that he is related to them in a more ideal way than may be the case (Goffman 1990). He is presenting his organization in a good light.

The MOSOP lawyer argued that the Nigerian constitution has adequate provision for environmental protection, but suggested enforcement was the major problem. The MOSOP Chief agreed with him and expressed himself philosophically by quoting the French philosopher Montesquieu as follows “When I go to a country I don’t ask what laws are in their books, because even idiots have laws in their books. I ask for the ones in their books which have been implemented” (t17). The Lawyer is highlighting the contradiction between our all-too-human selves and our socialized self (Goffman 1959).

The respondent from the Nigerian Senate committee on Environment, which is the arm of government responsible for drawing up environmental laws, noted that the laws were old and unrealistic “We have a number of laws dating back to the 1950’s, 60’s and most of these laws are not fit for purpose and are no longer relevant to contemporary realities, or address current environmental issues as set out by the United Nations” (t15). The respondent argued that the military, who were in power until May 1999 (after almost sixteen years of military rule), were to be blamed for the situation. According to her, the military interventions had interrupted the development of an effective legislative framework which could have modernized environmental enforcement. The senate clerk was clearly presenting a performance characterised with a desire to move the performance forward rather than looking backward. This is described by Goffman as ‘social mobility’ moving in between roles by performers in the front stage. The retired civil servant argued that the environmental legislation was never meant to protect the people; rather, they were meant “to protect the pipelines as soon as they were lowered down the ground” (t7). The

respondent here is acting as someone “socially disgruntled and doubting the realness of what is presented” (Goffman, 1990:28).

The respondents from NOSDRA and DPR, the two major regulators, provided an explanation, suggesting that they were unable to effectively handle their responsibilities. The stories are almost the same except that the way my respondents present their arguments was distinctively different. The respondent from NOSRDA argued that lack of funding from the government was the major challenge. He stated that the agency lacked both the necessary technical and logistical support to carry out its official responsibilities. However, he suggested that his organization had performed creditably despite the lack of necessary support from the government. For example, he noted that his organization had in the past sanctioned oil companies, the latest one being Shell, which was found guilty of not responding to oil spill on time and was fined one million naira (about \$6,600). While noting that the fine was paltry in comparison to the companies’ economic resources, he suggested it was the indictment itself which was important. Furthermore, he suggested that such indictments were the major reason why Shell had commenced on a reform of its environmental portfolio so that it could present itself as responsible law abiding company that operates to good environmental standards. He went on to note that environmental ‘image’ was now an important factor in determining share values and cited BP as an example of how negative environmental image could affect company value.

Agreeing with this position to some extent, the Shell Manager’s account suggests his company is pragmatic and not above the law. He went on to note “If you look at what happened in the Gulf of Mexico, no company wants to get into that kind of situation where BP has had to pay between \$20-30 billion to remedy or compensate for the spill. This was a

massive blow to their business” (t22a). The view expressed by both NOSDRA, DPR and Shell suggest what Goffman (1990:31) described as “managers having become less cynical about the performance that they stage, they themselves are becoming middle class and more and more conscious of the selves their clients attached to them”. However the manager doesn’t see the payment of \$6,600 as an admission of guilt. His position was that whenever an oil spillage is discovered the communities always insist being ‘mobilized’ in their own terms. This always causes a lot of delay so that more compensation can be claimed. Secondly, due to the security situation (kidnapping of oil workers and threats to life) no company will move into the communities without protection. According to him, this is sometimes delayed. As a responsible company they always abide by the decisions of the regulators by paying the fine. This can be described in Goffman’s term a little self-illusion which leads to movement back and forth between cynicism and sincerity using through the use of masks, another hall mark of dramaturgy.

One of the respondents, who did not want to be identified, argued that legislation did not help his agency particularly when oil companies were involved and he went on to note that it was social network systems like Twitter and Face book that were helping his agency by heightening public awareness and exposing the activities of the oil companies to the world which kept the oil companies in check to some extent. Another respondent agreed with the Shell Manager that no oil company would want to have a bitter experience like ‘in the Gulf of Mexico. The Shell manager is presenting “dramatic expressions of modernity, competence and integrity, while in fact those standards have a different significance in different occupational performance” (Goffman, 1990:36). In this section the performers presented a common front by almost all agreeing that the role of environmental laws is very

relevant even though the laws are not effective enough to protect the environment. These discussions lead to the next topic, the role of the Nigerian government in environmental issues.

The Nigerian Government

“They behave in the same way so we can’t differentiate between them” (t7). This was the opinion of the Retired Civil Servant. He said his people considered Government and Shell in the same ‘coat’. He noted that although he had worked for the Rivers state government for thirty five years, the government he had served had not treated his community very well. The Blind Chief also agreed with the civil servant and stated “We know they are both the same” (t8). The opinion of both respondents present government as a “shill” who pretend to be part of the audience but in reality is in agreement with the performer. The Environmentalist is identified in this study as “colleague” because he is participating in the play as a team member from outside the stage (communities). He is based in Port Harcourt and cited other reasons why the government and oil companies maintain a ‘cordial’ relationship. One of these was the over reliance of the Nigerian government on the oil sector making it very difficult for government to develop a clear environmental framework. In relation to this, the official from the Rivers state ministry of environment also suggested that the federal government was unable to impose rules because the nature of relationship that exist between Nigerian government and the oil companies is different with what is obtainable in places like United States. This was attributed to ‘Nigerian factor’.

DPR respondents presented the ‘Nigerian factor’ as a major influence on the relationship between Nigerian state and the oil companies. They declined to elaborate on this factor and noted they were bound by the Official Secrecy act. They noted, however, that every

Nigerian including the researcher should know what the 'Nigerian factor' is. The DPR officials are adopting protective and defensive measures to prevent a non team member from having access to their back region where "dark secrets" are displayed. The First Oil Minister explained this in a more pragmatic way. According to him, government leaders had misappropriated resources meant for the development of the Niger Delta region. He gave a practical example concerning the oil revenue received when Nigeria returned to a democratic regime since 1999. According to *Human Rights Watch Report* (2008), "The country has earned well over US\$223 billion in oil revenues since the end of military rule in 1999, but millions of Nigerians still lack access to basic health and education services because so much of the money has been lost to corruption and mismanagement". (HRW 2008:137) He argued "If fifty per cent of that money had been used judiciously, the area would have become another Dubai" (t23).

In relation to this, the Shell Manager noted his company had always paid taxes to the appropriate authority. According to him, the misappropriation of oil revenues by the government should be considered major reasons why the region remains backward. In the opinion of the Shell respondent the emoluments of the political class has shown that the oil revenues are been misapplied by the government. He suggested that the nation is deceiving itself because this is not sustainable if the oil market slumped. These assertions come close to those in a recently published paper 'Cost of Justice' by Nasir El-rufai (June, 2010) a former Nigerian Minister (2003-2007) in *Thisday* newspaper (Friday, 24 Jun 2011). He presented figures that suggest the Nigerian legislative arm of government, which is next after the executive, consumed \$3 billion dollars, representing 15 percent of the nation's \$27 billion gross domestic earning in 2010, on payment of their salaries and allowances. The

team members here seem to agree among themselves “to maintain a given definition about a situation before their audience” (Goffman, 1990:88). In summary, the Shell representative is exonerating his company and defining the environmental situation in Nigeria as an extension of ‘the Nigerian factor’ which one of the DPR respondents also agreed is key factor.

Ethnicity as a factor

The Young MOSOP Lawyer thinks ethnicity is a major problem. He argued that there is a shared consciousness among his people as ‘Ogoni’. Therefore, he felt that whatever affected one Ogoni man or woman would affect the whole ethnic tribe. He suggested that the environmental degradation affecting Ogoni land can be viewed from an ethnic perspective. The Retired Civil Servant also agreed with the position of the Lawyer that “the suppression and oppression of the Ogoni people has never been experienced by another ethnic group, and there is an ethnic perspective to the treatment they were receiving” (t7). The Ogoni lawyer also noted another facet to the ethnicity argument by noting that the Ogoni were not democratically well represented “because our population is only five hundred thousand in over one hundred and forty million people; though we are blessed with oil our people are not in government” (t1).

The former militant leader noted “The Ogoni people are poorly represented in the national assembly in Abuja, the institution that makes law for the nation. Since democracy is a game of numbers, it is impossible for the Ogoni’s voice to be significant in the national assembly where the Ogoni and Andoni tribes are represented by only one Senator out of 109 so we need to have more representation to get our voice heard” (t11). In relation to this, the

Ogoni lawyer claimed that if oil was found in land occupied by the major ethnic groups in Nigeria, such neglect would not be possible due to their political power.

The Retired Soldier presented a different perspective. To him being Ogoni is not the issue; rather the whole problem is a ‘collective destiny’ and challenge to all the peoples of the Niger Delta. On the contrary, the Priest thinks ethnicity is not an issue, and that anybody can be treated in the same way by both the oil companies and the Nigerian government. His argument was supported by the Paramount ruler who argued that there is no ethnic dimension to the environmental problems in the Delta. “There is nothing like that and that is the truth” (t4). The opinion of the respondents can be understood as team-mates cooperating to foster a given definition of a situation created by the certain social settings or to reveal a complex system of interaction which in this case is a feeling of ethnic marginalization, despite the huge economic contribution of the communities to the national economy. The next step will be to find out how the respondents feelings of ethnic marginalization were translated into the setting up of MOSOP.

MOSOP

The respondents from the communities strongly suggested that everyone was influenced by MOSOP. They used different metaphors to present what MOSOP means to them in their social settings. The Paramount Ruler described the organization as integral to the Ogoni people by noting “If you don’t belong to MOSOP then you are not an Ogoni man or woman” (t4). Other respondents agreed with the ruler. For example, the MOSOP Vice Chairman felt that MOSOP was a regional ‘umbrella’ organization not only for the Ogoni people but for all the people of Rivers state and Niger Delta as a region. To show how strong his organization is he argued that ‘Nobody can do anything (in the region) without

contacting the President of MOSOP” (t12). The Retired Civil Servant presented MOSOP as the ‘mother’ of the elites whose children don’t go against because “Before they do anything they will invite the elites in the community to find out what they want” (t7).

The Young MOSOP Lawyer presented the organization as the ‘voice of the people’ and the only law his people recognized since the nation and its agents cannot to protect them against environmental destruction. In his opinion, MOSOP was created to provide protection to his people whom he argued have been forcefully thrown out of their occupations by the oil companies. In his view, the Ogoni’s are “United under the auspices of MOSOP to confront Shell because no single individual or community can confront Shell alone” (t14). The performer here is obviously attempting to control the conduct of the audience through the definition of the situation he constructed to give an impression that he hopes he will lead others to act in accordance with his own views (Goffman 1990).

The Blind Chief also agreed that MOSOP is the ‘sole’ organization recognized in his community; however, he had a different perception of the organization, and noted that “They keep on saying they have done a lot for us but they have not done much for us” (t8). He thinks that MOSOP does not represent his interests effectively. His experiences with Shell for about five decades led him to believe that MOSOP as an elite organization has not done anything to help him. Similarly, the Female Church leader also perceives MOSOP to have a mediating role between her community and the oil company, particularly on matters related to environmental degradation, but in her own words “We have not seen (benefited) anything yet” (t9). The respondents are illustrating how impression management shapes the performance when he/she knows that the impression they project is not in line with the script that they are acting out. The respondents argument can be summed up to suggest that

some people in the communities described MOSOP as a protection, whilst others don't see it in that light but as an elitist organization with no direct bearing on them. Having gone this far I will now begin to draw down the theatre curtain by summarising how the respondents understood the solution to the environmental problem in the Delta to be.

Solution

Most of the respondents from the communities are suggesting special treatment from both government and the oil companies. They believe that their communities have not benefitted from the oil money and instead, that non oil producing areas are more developed than the communities that 'own' the oil money. The only solution to the environmental crises, according to another respondent, is to revisit the 'Ogoni Bill of Rights' which asks for more oil revenue for the development of the area that produces the oil. In relation to this point, the MOSOP leader presented two opinions; firstly, as a tribal leader and secondly, as a lawyer. As the leader of MOSOP he felt the 'national question' is the only answer to the environmental crisis. In his view, unless the issue of resource control is addressed and the nation decides how oil revenue should be shared among the federal units in Nigeria, the objective will not be realized. As a lawyer, he also presented a legal option, suggesting that in some cases, it might be possible to try serious 'crimes' against the environment in international courts, because he lacks confidence in the Nigerian courts. In his opinion, if such issues are not addressed "even if Ken Saro-Wiwa were alive today or he rises up from his grave and asks the Ogoni to allow Shell to come back, I am not sure the people would obey him" (t17). This last statement takes us back to the earlier arguments that every Ogoni man or woman is heavily influenced by MOSOP or considers MOSOP as the only law in Ogoni land. MOSOP Vice Chairman advocated a 'grand agreement' as the

minimum requirement for allowing any oil company to explore for oil in Ogoni land. This is according to him is related to the 1995 execution of Ken Saro-Wiwa and eight others, which he said is still fresh in the minds of the Ogoni people.

Other respondents from the communities presented contrary views to the MOSOP leaders. Some suggested economic solutions by asking for more oil revenues to be given to the Ogoni while others thought a political solution, involving more national representation was the only option. The Blind Chief suggested that the only option was to create a state for the Ogoni. He noted “If we had our own state, we would get the things we want because we will have more representation and the government will be closer to us” (t8). The respondent seems to believe that having an Ogoni state may secure more resources from the central government by virtue of the fact that the Ogoni would have a closer relationship with the centre. The Retired Civil Servant was in agreement with the Blind Chief and stated “If we are given a state, the situation will change because we can meet them (the government) directly, at the moment, the government is not close to us” (t7). In dramaturgical play the respondents are involved in producing performances rather than producing things. “In the world there is a keen sense of the irrationality of the relationship between individual achievement and the magnitude of reward, between actual contribution and social reputation” (Gouldner, 1970:378-379). In this case, the people are becoming skilled actors by showing disenchantment with their standardised roles; they want a role that will promote enhancement of self.

The Retired Soldier argued for what he called ‘balanced democracy’ which can guarantee freedom of expression or opinion which he thinks is lacking in Nigeria despite the return of Nigeria to democracy. In relation to this, he noted that he had been arrested and tortured

when he had tried to express his views about the condition of the environment on his return to his community after discharge from the Army. He also thought Nigeria should create more states. The oil wealth he argued can support 100 states in Nigeria as against the present 36 states structure. The Former Militant Chief also noted that the present 36 state structure did not favor the Ogoni and the Niger Delta even though the area contributes about 90 percent of the nation's wealth. He was of the opinion that the only solution is for more representation in the national assembly, and this is only possible if the Ogoni have their own state outside the present Rivers state. "At least this will guarantee us a better voice at the national assembly if we have three Senators instead of just one and more members in the lower house" (t11).

However, the ex militant was very concerned about being a 'minority within a minority'. Unlike other respondents who are willing to share the state with other neighboring tribes like the Andoni, he was against this idea and noted "It is either a state for the Ogoni's only or nothing" (t11). The Former Militant Chief also wants local people in the community to be employed by Shell as community liaison officers to monitor oil facilities like pipelines because, as he noted "Without community liaison officers we cannot do anything about vandalism" (t11). This could be interpreted as a call by the ex combatant for jobs as a reward for laying down their weapons. The response of the respondents above illustrates the acceptance of being treated as a commodity. The ex militants now use their weapons as a commodity in exchange for a job. According to Goffman as cited in Gouldner (1970) as long as they treat us well (with more economic and political control) we are fine (Gouldner, 1970: 385). The Priest did not agree with those respondents who thought having more

states, resources or jobs were solutions to the problem. His response was to read out a prayer, as follows:

“We pray to God in this holy month that no petroleum oil will be discovered in our communities. Indeed, Lord, let the oil underneath our houses and farms drift away from us. Lord, spare us the pains and the misfortunes and diseases that petroleum oil brings to our people and to our farms and rivers. Lord, protect us from further harm in the hands of those who want our properties. Amen” (t22a).

The Priest’s prayer signifies his dramaturgical skills to mobilize convincing props like setting or front (his position in the church) to maintain a specific perception of self before others. The communities seem to be presenting different solutions based on the role they play in their respective communities, however, the other groups of key respondents also ‘present’ alternative solutions based either on their official positions or their past experiences in the sector. In the following discussion, the views of the other non-community stakeholders are discussed. The Shell Manager to some extent agreed with the respondents who want more resources allocated to the development of the oil communities. He wants the government to invest more oil income in the communities, using the funds oil companies contribute for this purpose. He specifically gave an example with the 3 percent paid by Shell from its profit to the Niger Delta Development Commission (NDDC). Despite the considerable sums collected from Shell and other oil companies, “There is nothing to show on the ground” (t22a). He accused government officials, and particularly the NDCC, of corruption. Specifically, he noted the allegations made against an official of the commission that had authorized the transfer of \$20million from the NDDC to his personal account abroad. If such resources were applied appropriately, he explained that he could see no reason why Niger Delta could not be like New Orleans in the United States,

which he had recently visited. The view of the Shell manager qualifies him as a “merchant of morality” concerned with moral matters though Goffman (1956:156) points out in “performance we are all merchants of morality”. Often actors will try to present themselves as moral by engineering a convincing impression to convince the audience that moral standards are realized in the performance.

While Shell was concerned that its contributions to the NDDC were being wasted through official recklessness, the First Oil Minister alleged that the corruption and greed of present leaders was a key causal factor in the environmental problems in the Delta. The First Oil Minister wants the leaders to “.....[e]ncourage people to live as brothers, we should be our brother’s keepers. Whatever is found in any part of Nigeria should belong to all of us and the leadership should be honest and not be corrupt and greedy. The leadership should be concerned with the plight of the people not only in the oil producing areas but everywhere in the country. It is then that the people will have confidence and not feel they have been cheated” (t23). He stated finally “May God grants that we may have leaders not rulers or looters” (t23). This second prayer indicates his views concerning kind of leadership present in Nigeria.

The First Oil Minister, who is one of the founding fathers of Nigerian’s democracy, felt the basic principle of democracy should be accountability to the electorate but he felt in Nigeria today there is disconnection between democracy and public accountability. The relationship between lack of accountability in governance was well presented by Mustapha (2010:169) following revelations by House of Representatives (lower house) concerning NNPC accounts. “One of the sterling revelations was that NNPC does not have record of what the country earned from crude oil sales since 1968 (two years after the first oil minister vacates

office). There is no record anywhere to show how much barrel of oil has being sold in the last 40 years. The Views of the first oil minister here represents an image of a “non-performer” who does not hide his real identity in his role. He is visible during the performance but participates and does not share the risk or guilt of the presentation before the audience (Goffman, 1959).

The security agent in charge of the Niger Delta region felt he has a solution to the problem. As somebody who once lived in United States he suggested that Nigeria could adopt the US policy where pipelines are considered a means of transportation and are covered by the Federal Transportation Code and subject to the supervision of the Secretary of Transport. This would improve the maintenance culture and replacement of old pipelines. The security agent as part of the performance is revealing the “free secrets” of the team already known to each other but without discrediting the overall performance of the team. The Shell Manager instead noted that his company maintain asset integrity of its equipment at all times and suggests that “If everybody performs his or her responsibilities well that will change things for better” (t22). The manager is using defensive attributes and practices to show that the team is not performing as a team and there is need to act as a team if the performance is to be taken seriously by its audience. In this section most of the respondents were basically ‘fitting’ into a setting based on their interest or organizational settings. While setting stays constant during performance it is rarely that the setting follows us (Goffman, 1959: 22).

Conclusion

In the first part of this chapter, a presentation of Goffman's dramaturgical approach led into a discussion of how this could be applied to the data generated. The discussion suggested that humans by their nature are involved in a theatrical performance through their presentations either willingly or unwillingly. Most humans are skillful actors and people in their daily interactions with others present themselves with an image they want to be accepted. The second part presented the philosophical view point from which my respondents based their arguments about the environmental conditions around them. This was shown through the manner in which they lay claims, opinions and metaphor to dramatize their performance using theatrical tools to influence the opinion of their audience. The respondents presented what the environment means to them in terms of their social standing either in the community or in the organizations they represent. They all agree that the environment in the Niger Delta is degraded but seem to accuse each other as the main cause. Their arguments have been organized based on the themes that were identified in the data and their position in the dramaturgical performance so that the reader can understand the arguments from different perspectives.

The next chapter also provides a discussion of the philosophical and theoretical underpinning of this study while, in the final part of the chapter, I will justify the use of photographs in this study and the practical challenges of conducting research particularly within the context of this research.

Chapter Four

Methods and Methodology

“We not only interpret the character of events.....we may also interpret our interpretations”.
-Kenneth Burke

Introduction

This chapter will restate my research questions and provide a justification for the choice of the philosophy for this research. I will show why I believe the approach I have selected is the most appropriate for answering my research questions on philosophical, methodological and ethical grounds. My argument here is not that elements of my proposed methods do not have any potential weaknesses, but rather that these are overcome, through triangulation so that the value of my analysis and conclusions remains very robust. A similarly critical approach will be used to discuss the choice of methods employed in generating and analyzing my data. Here also, I will justify my choice of research sites; research subjects and explain how access to them was negotiated; and as well explore the ethical relationship between me as a researcher and the research subjects. In the final section I will present methodological and practical problems encountered in the field.

Research overview

This study will examine the conflicting set of voices and historical claims about the environment by the stakeholders in the Nigerian oil industry. My argument is that though the key players in the Nigerian oil industry render quite different accounts of what the environment means to them, they all seem to be plausible and, indeed convincing. As a result, the more ‘convincing’ the accounts seem to be, the more apparent it becomes that we need to employ rigorous analysis to create critical order in the diversity of their conflicting

accounts by showing that there is much to be gained by setting free the different versions of voices the key players use to explain what the environment means to them.

Generally, this research is qualitative, and generates its data through face-to-face-interviews among the four categories of key players in the Nigerian oil industry viz; the oil communities, oil corporations (using Shell as the example), government regulatory /legislative agencies and other agencies and individuals who are interested parties. The research considers six communities in Ogoni land (Eleme, Tai, Gokana, Babbe, Ken-khana and Nyo-khana). Shell was selected to represent the oil companies because it currently is the only oil company conducting business in Ogoni land. The government agencies visited are Department of Petroleum Resources (DPR) National Oil Spill Detection and Response Agency (NOSDRA), National Environmental Standards and Regulations Enforcement Agency (NESREA) as well as Senate committee on the environment and ecology. The other agencies visited outside the oil industry are a key security outfit responsible for the provision of security in the Niger Delta, the United Nations Environment Programme on Ogoni, and the Nigerian oil Minister.

Research questions

This study will be based on the following questions:

1. How is the environment defined among the key players in the Nigerian oil industry?
 - a. What does the environment mean to them?
 - b. Who is responsible for environmental degradation?
 - c. How does environmental degradation affect relationships among the key players?
2. How are different ethnic identities constructed and managed through historical relationships/claims to the environment and land?

- a. How are ethnic groups organized in the Niger Delta?
 - b. Is there a relationship between ethnicity and environmental degradation?
3. Are environmental laws useful in the Nigerian oil industry?

Research Methodology

The following sections of this chapter provide a discussion of the different methodologies, strategies and procedures applied to investigate how environmental degradation is discussed among the key players in the Nigerian oil industry. The section will discuss the research philosophy as well as justify the research methods. I will also explain the process of data collection, and how the data was analysed. In the latter part, I will also examine the ethical implications of conducting the research.

Research philosophy

Research differs in a number of aspects but they do all share some commonalities. Every research has its particular ontological and epistemological baggage (Blaikie 2010). The ability of a researcher to situate his or her research within the more appropriate philosophy is very desirable. This study will adopt an interpretivist approach. Interpretivism is the most apt research philosophy for this study because it allows for an examination of the details of the situation according to the perspective of the research participants. From the interpretivist point of view, it is necessary to explore the subjective meanings motivating people's actions in order to understand those actions.

Interpretive epistemology has a basic assumption that knowledge can only be created and understood from the point of view of individuals who live and work in a particular culture or organization. Therefore, every individual acts in the 'context of the situation' and makes sense of what is happening based on their experiences of the situation and the expectations

they bring into it. This means that there may be different understandings and interpretations of reality and interpretive epistemology leads to an attempt to access meanings made by others and an examination of how they create those meanings (Hatch and Cunliffe, 2006). The philosophy fits my research design, approach, choice of method, analysis of the findings, and even my presentation. My respondents gave a different account of what environment and its degradation means to them and how it affects their relationship with other key players based on different perceptions of how they understand the situation.

There are two reasons for situating myself within this philosophy. I want to gain first-hand knowledge about the issues and the resulting data analysis is expected to shed new light (positive or negative) on how the key players interpret their relationships using different set of claims. I used this philosophy to explore my research questions and by analyzing the position of the four groups of key players. Second, by adopting qualitative methodology, I want to place myself in the position of not only a researcher but a subject whose personal reflection will form part of the knowledge as well.

Research methods

“Collecting credible data is a tough task, and it is worth remembering that one method of data collection is not inherently better than another. Therefore, which data collection method to use would depend upon the research goals and the advantages and disadvantages of each method” (O’Leary 2004:150). There will be two main advantages to doing this research in a qualitative manner. The first is that it allows me as the researcher to interact with the respondents through face to face interaction. This creates opportunities for the in-depth probing of issues just as it elicits greater levels of detail in subjects’ response and allows me to present thick descriptions from the natives’ perspective to the reader (Stake

1995). “Qualitative methods provide the most appropriate forms of evidence on ‘experiences and processes’ especially as understood by research participants themselves” (Becker and Bryman 2012:27).

Secondly, the paradigm is relevant because the research is exploratory trying to find out new insights into area not well explored. This approach is a preferred means of finding out “what is happening, to seek new insights” or “to ask questions or assess phenomena in a new light” (Saunders et al, 2007; Robson 2002:19). My study utilizes the principal ways of conducting exploratory research which include: literature search; talking to research respondents about the subject; and conducting face-to-face interviews and taking field notes and other relevant materials that will aid my findings. With qualitative data the researcher can accumulate large amount of information which can be generated through different methods (Hardy and Bryman 2004). In addition I also used photographic materials because some of my respondents draw my attention to them as a means of justifying their claims. Some of my respondents express their ideas, feelings, emotions that may not be captured in words using photographic materials. This method of data collection is not new in social research as it could also be used as an extension of field notes (Rose 2007).

Nonetheless, the use of visuals provides a data in its own right (Bryman 2008b). Visual elicitation using photographs can be used to invoke comments, memory and can even be used as a basis for semi structured interview (Banks 2007). Use of visuals can illicit some data that was otherwise not considered in the initial research design. In this context all visuals collected were treated as texts. Use of this method also involves consideration for ethical regulations, the protection of research subjects is very essential. Reporting or dissemination of details with identities of the participants is highly undesirable. This

research uses pseudonyms for people and locations except in cases where there is no potential harm to the participants whose image was used. In some few instances I pixelated the face in the image to make it blurred to protect the respondents from possible litigation.

Like any other method, qualitative research as a research methodology is also subjected to criticisms. Its lack of rigor can lead to procedural problems, because its replicability is very difficult. Data generation is usually labour intensive, expensive and data analysis very difficult. “One of the principal problems of interview project reaches their high point when the researcher is confronted with many pages of interview scripts” (Kvale and Brinkmann 2009:189). However, a good qualitative researcher should be interested in generating data through any available means that is accepted instead of limiting the quest to the initial research design.

Primary and secondary sources of data

This study explores the environmental issues surrounding the Niger Delta and aims to evaluate the perspectives of the key players. There is not much need to rely on statistics since the focus of qualitative study is finding the stories behind the issue by analyzing unstructured information. This information was basically derived from the interview transcripts with the key players in the research sample. Interviews were conducted in different settings. The participants in the interview come from four different groups of key players in the Nigerian oil industry, viz, oil corporations, oil community, and government legislative/regulatory agencies. It is through them that information about the interplay of the three groups identified and the environment was generated. This study primarily used semi structured interviews to generate data. Apart from government agencies, oil companies, and international agencies other, official reports and write ups from

international and local non-governmental advocacy groups such as Human Rights Watch, Amnesty International, Friends of the Earth, Human Right watch, Environmental Rights Actions, Civil Liberties Organisation, Greenpeace, to name a few, were utilised because the organisations have published extensively on the Niger Delta environment, and the Nigerian oil industry in general. Some of the studies were as a result of first hand data collected and have dwell extensively in the context of the far-reaching social, political, economic and environmental impacts of oil-based accumulation. And this has shown a deep knowledge of the issues and the region.

The use of any method in research is entirely the choice of the researcher and how they planned to deploy the method to effectively collect the data required. This study used semi structured interviews as a research instrument due to the number of reasons advanced by Gray (2004: 214):

- a. There is a need to attain highly personalized data.
- b. There are opportunities required for probing.
- c. A good return rate is important.
- d. Respondents who are not fluent in the native language of the country, or where they have difficulties with written language.

Similarly qualitative interviews examine the thoughts, feelings and actions which can serve as a means of exploring relationships between different aspects of situations. It also focuses more towards understanding the account of the informant rather than the accuracy of the account (Arksey and Knight 1999). Semi-structured interviews are non-standardized and are frequently used in qualitative analysis. "Interviewing is a way to collect data as well as to gain knowledge from individuals" (Kvale 1996:14). The interviewer does not do the research to test a specific hypothesis (David, & Sutton, 2004: 87). In this method the researcher list key themes, issues, and questions to be covered in the interviews. The order

of the questions can be changed to provide flexibility. Interview guides are also used with opportunity to ask additional questions.

I adopted this method because of the discretion it gives the researcher to choose the wording of the interview without necessarily adhering to a particular format. At every point in time questions can be re phrased as appropriate and in the words considered appropriate. More explanations and clarification can be sought if the response is not clear, and the respondent can be prompted to explain further if necessary. Probing is a way for the interview to explore new paths which were not initially considered (Gray, 2004: 217). Also the advantage of “having key themes and sub-questions in advance lies in giving the researcher a sense of order from which to draw questions from unplanned encounters (David, & Sutton, 2004: 87).” Patton (2000:343) recommends “... exploring, probing, and asking questions that will elucidate and illuminate that particular subject ... to build a conversation within a particular subject area, to word questions spontaneously, and to establish a conversational style but with the focus on a particular subject that has been predetermined.” Generally, an interview is not simply concerned with data collection alone, it reflects the human embeddedness in life itself and is inescapably social (Cohen, at el. 2000).

The use of this method “has its own issues and complexities, and demands its own type of rigor” (O’Leary, 2004: 162). The method is also subjected to some criticisms, for example inexperienced interviewers may not be able to ask prompt questions, and this can affect the reliability of the data, because a vital information or link may be missed.

Choice of respondents and sampling

The choice of respondents for this research was based on the type of questions the study seeks to answer. The first sets of respondents were drawn from the oil communities located within some selected communities in Ogoni land. Data collection was conducted in Ogoni land which has a population of approximately 500,000 people and accounts for more than 40 per cent of Nigeria's oil reserves and is host to one of the major oil corporations, Shell. The first oil well (Oloibiri) was drilled in the region in Ogoni land. Despite the oil wealth the area is said to experience more environmental degradation from oil operations than other parts of the Niger Delta.

My second group of participants was Shell Petroleum Development Company (Nigeria) as the only oil corporation operating in Ogoni area. One interview was conducted with the representative of the oil corporation. Shell account for over 40 per cent of Nigeria's daily oil production and they are accused by some section of the oil communities, environmentalists and even international organizations like Amnesty international of causing most of the environmental degradation in the area.

The third categories of respondents interviewed are the government and legislative agencies, whose responsibility it is to make laws and regulate environmental practices in the Niger Delta. In this category, I conducted interview with the Clerk of the legislative committee in charge of environmental and ecology in the Nigerian Senate. Other government agencies visited were Department of Petroleum Resources (DPR) a subsidiary of NNPC, National Oil Spill Detection and Response Agency (NOSDRA) and National Environmental Standards and Regulations Enforcement Agency (NESREA). Fourthly, this research also take in to consideration that there are other group of persons or institutions

that though are not key players in the Nigerian oil industry but can provide appropriate information that can address some of the information needed to answer some of my research questions. In this category, the first Nigerian Minister of Energy, under whose supervision oil was first discovered in 1956 and who was the first government official to receive a petition from the oil communities concerning environmental issues that may arise as a result of the discovery was interviewed. A security chief in one of the organizations in charge of the security of the Niger Delta was also interviewed. Also in this group the United Nations Environment Program on Ogoni was also visited in Port Harcourt. The last respondent was a resident Priest in one of the Ogoni communities, but originally from another part of the Niger Delta.

Since it is not possible to contact everybody in the research population, a criterion of sampling that best suits the methodological enquiry was adopted. This study adopts several techniques to source for respondents. As Holstein and Gubrium (1995) point out, in qualitative research respondents can be selected through various methods. The researcher can choose respondents based on research design, theoretical sampling, snowballing, or convenience design, or by asking a particular respondent to act as a key informant. This study applied snowballing among the oil communities by asking respondents to suggest others who may be able and willing to contribute to the study. I also used gate keepers like youth groups, women group leaders, traditional leaders in the communities and few professionals. Purposeful sampling was applied among the oil companies and government agencies, because at this level the decision on who will participate in my study rested with the relevant authority in the selected organizations who nominated key people to talk to me.

Access

One of the major challenges in any social research is where to start from. How can access be negotiated; what type of respondent or informant can provide useful information and what kind of ethical relationship should exist between the researcher and the informant? It is very important for the researcher to reflect upon their relationship with the research participants (Blaikie 2010). As mentioned earlier, the research subjects were chosen based on the research questions to be addressed. The questions vary depending on the category of the subject. Therefore, access to them was also negotiated differently. Access to the oil communities was negotiated through my local guides, some gate keepers like community and Youth leaders and in the area. Similarly, access to Shell, was negotiated through the Department of Petroleum Resources (DPR) Headquarters based in Lagos. The government agencies were approached through direct contacts via a letter of introduction from University of Leicester, and access to the persons and organizations of interest was done directly through telephone, e-mail and other personal contacts.

Local guides were engaged to facilitate trust and to bridge up any language barrier that may arise. Local guides are people who either reside among the communities or are familiar with the local language, who can also help with communication gaps particularly with respondents who express themselves better partly in their local language.

Research Instruments

Three key instruments used in this study are interview questionnaire, interview consent form and interview schedules. An interview questionnaire is comprised of carefully constructed questions directed at specific category of respondents. The point of interview schedule is to ensure that all essential information about interviewees was recorded like

time, venue, date and social standing of the respondent, age and other necessary contacts. This information proved to be very handy during the data analysis stage. Interview schedules are also more suited for qualitative studies (Lindlof and Taylor 2002). They are also meant to comply with ethical issues that concern the informed consent of the respondent.

All interview locations were negotiated and agreed before the interview started and most of the interviews were conducted outside my control. Most of my respondents prefer the interview in their places of choice. I only intervened when I observed their place of choice is either noisy, attracts distraction or posed a security or safety risk to either the interviewee, the interviewer or both.

Data storing methods

All interviews were audio taped with the consent of the interviewees and in few cases notes were taken because the respondents declined to be on tape for reason I explain in my interview with DPR in chapter five, the retired soldier in chapter four and the senior security chief in chapter seven. Each interview was allocated a code; for example - participant, 1 2, 3, 4 etc. In case the interview lasted more than 60 minutes the tape is marked as Tape 1a and 1b and dated according to the date of the interview and marked with a given name of the respondent and interview location for easy identification.

All interview transcriptions and field notes were stored electronically. The use of information and communication technology in research is desirable and useful because it helps to store large quantities of data and also makes their analysis much easier and timelier. However, despite the general acceptance of this method, I am also aware it also

attracted a wide range of ethical concerns. Some of the concerns are how a researcher can ensure that the data is protected against access by unauthorized persons. As a researcher I consider this as a moral obligation to assure participants that all data stored electronically will not be accessed by persons not connected with the research and the data will only be used for research purposes only. Though some of my respondents particularly in the communities gave their consent for me to identify them in the study, I still felt it is not the best research practice.

Analysis and presentation

“Data analysis is the process of bringing order, structure and meaning to the data collected. It is a messy ambiguous, time-consuming, creative and fascinating process. It does not proceed in a linear fashion. It is a search for statements about relationships among categories of data” (Marshall and Rossman, 1989:111). Data analysis is also a method of moving from the descriptive to the interpretive stage (Hitchcock and Hughes, 1995). After gathering and transcribing data, thematic analysis of the data was used to identify emerging themes and their relationships. Thematic analysis refers to the method of analyzing the contents of data and identifies how the themes relate to the study. From those themes, the study develops insights regarding the subject. This type of analysis is highly inductive as the themes emerge from data and ideally are not imposed by the researcher. Additional information was used to form part of the analysis.

Research bias

As a researcher in qualitative paradigm I am aware I am part and parcel of the construction of knowledge, therefore, I am mindful of my personal idiosyncrasies and how they may affect the study. Some of the researcher's bias includes the tendency of wanting the research to be exactly the way the researcher wants it to be. This can be caused by certain factors like culture, sexuality, ethnicity and other socially motivated factors. Individual researchers cannot step outside their own social position (Smith and Hodkinson, 2005). I want to acknowledge that researchers go to the field carrying cultural baggage. I also understand the importance of the research preventing the data from being pushed into my personal biases although every social research is a "partial rewriting of partial understanding of partial data" (Parker, 2000:240). Researcher's objectivity and subjectivity are issues that cannot be down played particularly in qualitative research. Similarly, "Understanding subjectivity therefore demands an understanding of emotions not because it seeks to uncover an essentialist depth psychology but because the fictions of subject positions are not linked by rational connections, but rather by fantasy, by defences which prevent one position from spilling into another" (Walkerdine et al. 2003 in May 2003:180). I also share the view of Christiana Amanpour (the ABC television journalist) that there are some situations one simply cannot be neutral about, because when you are neutral you are also an accomplice. Objectivity doesn't simply mean treating all sides equally. It means giving each side a hearing. If the researcher's personal bias is handled appropriately, the research can achieve the objectives of any social research, which is trustworthiness. Guba and Lincoln (1982) are of the opinion that qualitative research instead of paying much attention to achieving validity and reliability should emphasize trustworthiness. According

to them there are four procedures for establishing trustworthiness in social inquiry. They are credibility, transferability, dependability, and confirmability.

Ethical considerations

Ethical issues cannot be ignored, as they relate directly to the integrity of a research and of the discipline of study (Bryman, 2012) Similarly, in qualitative research in ethical issues involve more than following rules or adherence to certain ethical codes (Kvale and Brinkman, 2009). To a larger extent this instead involves the researcher's personal experience and judgment since the knowledge produced depends on the relationship between the interviewer and the interviewee. As a researcher I needed to find a balance between my interest in generating knowledge and how the procedure of collecting that knowledge may affect the participant directly or indirectly. Being ethical is not a matter of imposing my views on other people but instead is a means of understanding why people behave in the manner they are behaving and interpreting the implications of such behavior from the perspectives of the participants.

My approach to ethical issues is to be honest as far as possible in my observations and analysis, to be tolerant, and willing to admit to error, and to place the pursuit of knowledge and understanding above personal gain or the promotion of a particular philosophy or ideology above another. Similarly, I tried as much as possible to act within the bounds of the University's ethical research procedures, policies and principles. Consent forms were filled before the beginning of each interview and handed over to the participants to sign, some agreed to sign the form while others declined. The interview still continue either on or off tape, this is evident in my interview with the senior security agent and the retired

soldier. Before getting interviews recorded, the consent of the participants was sought if it is acceptable to the person to be interviewed on tape. While most agreed to being on tape two respondents and representatives of one of the organizations declined.

One of the limitations of the interview method is the extent to which my respondents reveal 'sensitive' information particularly to an 'outsider' like me. Another limitation is the fact that their responses are inherently subjective specifically because of the strength of their organizational and community affiliations. For example the oil companies' presentation to me was based on the information they perceived about me, for example getting information that I have visited communities before visiting them placed my respondent in a defensive position. For example before the interview the respondent told me "I know when you went to the communities they told you Shell is their enemy" (t.21). The oil communities on the other hand were also very suspicious of me for number of reasons. First they wanted to be sure they were not talking to Shell's agent which, according to some of them, is a worse offence than being caught as an armed robber. Secondly, they want to be sure what they will tell me will make sense to whoever sends me to talk to them. And thirdly, they were curious talking to a 'stranger' coming from the area that benefits more from the oil resources than the 'owners' of the oil. Some of the regulators interviewed were also very concerned about who will read my report and what my reader will feel about the government they represent in the oil industry, or even their own individual identities. All this has contributed to the type of response I got from my respondents. In summary, I am not sure if somebody else different from my back ground went to conduct similar research would receive the same response from the respondents.

Although full disclosure of the research purpose and procedures is not overly necessary; this is more important to me because if I make a full disclosure of who is funding my research, and the University I am studying, the local oil communities may not trust me due to the animosity between them and the government and on the other hand with the foreign companies whom they accuse of neglecting their welfare despite the huge earnings derived from their ‘backyards’. Despite this, research subjects were provided with some explanation of the general purpose of the study and its beneficial consequences and how it can enhance their situation (Kvale, 2007). My research subjects were also made to understand that participation is voluntary; they were well informed about the research so that they can make an informed decision about their participation or the right to withdraw participation at any stage. While conducting the research, ethical issues like anonymity, confidentiality and respect for the respondents’ views were my guiding principles because any research that fails to consider these is likely to yield misleading, inconclusive or biased results (Seiber, 1992).

Photographs in social Research

Combination of text and images generates very rich understanding (Chaplin, 1994). In the last two decades, the interest in the visual dimension in social life has rapidly increased, the potential of vision methods to provide a deeper and more subtle exploration of social contexts and relationships is recognised, allowing us to see everyday life with new eyes (Knowles and Sweetmeat, 2004). In the academic environment the use of photographs for advance arguments has increased recently. Academics now rely on visual displays using power point and bespoke websites, blogs and galleries or flickers or video clips from YouTube, to make presentations. When giving lectures, photographs are effective tools for

communication, as they tend to spark the audience's interest in the subject, as well as portraying unfamiliar ideas and objects more vividly (p12). Images can give visual meaning to objective of the study.

According to Banks (2001:71) the study and use of visual images is only of use within broader sociological research enterprises, rather than as ends on themselves. Research is often enhanced by the inclusion of visual material which gives a broader context, allowing a more detailed understanding of everyday social life (Spencer, 2011). Discussion of photography social research have been concerned with two principal areas; the use of still photographs as a methodological tool in social research and the use of photography as a research method (Caldarola, 1985; Wagner, 1979).

Using photographs in any social research requires a theory of how pictures get used by both picture makers and viewers. In order to use photographs either as a data or as data generators we need to have some degree of knowledge of how viewers treat and understand visual images, either as viewers, respondents or researchers. Ruby (1973 1976) has drawn attention to the pitfalls waiting people who take up photographs as a research tool with too little awareness of the social practices surrounding photographic production and use. The following discussion offers a theoretical foundation for using photography in qualitative research.

The Theoretical arguments

Why should researchers in the social sciences focus their attentions on visual methods? Spencer (2011) argued there are two reasons for becoming a ‘visualista’, firstly, visual is recognised as central to the human condition and to expressions of humanly which predate language, affecting our emotions, identities, memories and aspirations in a most profound way. As humans we are visual beings in a world visual array of meaning. Secondly, despite this, social sciences have undervalued the visual, or relegated its use to mere subsidy illustrations to written text. We are living in a visually saturated culture (Mirzeoff, 1999) and that late modernity has undergone a ‘virtual turn’ towards an increasingly ‘ocularcentric’ culture (Jay, 1994; Jenks, 1995).

Most recently, Community studies and most social sciences disciplines specifically addresses visual forms and their place in mediating and constructing human social relationships, as well as discussing the visual presentation of research findings through film and photography (Banks, 2001:2). Community studies have often used photographs to help place or ground sociological discourse and add another dimension to the argument they pursue (Payne, 1996:18-20). Similarly, there is a significant expression in the use of visual representational strategies in texts, teaching and conferences, as well as in the use of visual research methodologies and their interpretations. This is for a number of factors of expanding array of digital technologies which are inexpensive and easy to use. Our knowledge of the world is shaped by our senses. Seeing become better word and establishes our place in the surrounding world. It supports the connection between visualization and the organisation of human existence of being in the world (Meller and Shilling, 1997:6).

Images represent the reflection of the social world we live; this includes both humans and their environment, they convey sense of place in another perspective. Photographs reveal what is hidden in the inner mechanisms of the ordinary and the taken for granted. Reveal vast amount of information about culture, gender, race and age. We are concerned with connections between things of different scope and scale, how things are contacted to others within a particular social setting (Berger's, 1997). The inclusion of photographs has the advantage of being more memorable for the audience (reader) as simultaneously use words and photograph have greater depth of analysis and lead to a "longer lasting, stronger memory trace" in comparison with shallower level of analysis (Eysenck and Flanagan,2000:46). Can reinforced and support research because of their mental impact on reader than the written word.

Despite the popularity of using photographs in social research some writers have caution the extent upon which a researcher can rely on the method. According to Becker, H (1998:91) every form of social science data has exactly these problems, and none of the commonly accepted and widely used sociological methods solves them very well either. Selection of photos and interpretation needs to be done with a degree of caution in a study. Burke (1950) argues that photographic images should not be regarded as extension of the social contexts in which they were created. This should arise from the placing of photographs within a contextual framework, where viewing a sequence of images provided a more reliable insight than individual photographs" (Becker, 1998:13)

Pictorial representations are highly selective, and can be manipulated to present the desired effect ((Becker, 1998:14)). Their ability convey emotional tune of event, photographs are potentially less ambiguous or even misleading than other forms of qualitative data. The

selection, transcription and subsequent recontextualisation of a fragment of recorded conversation, for example can split it of all traces of irony, human or other verbal infection, allowing the literal meaning of a spoken word. In a photograph on the other hand, the smile, laugh or scowl remains (p13). While such criticisms have some validity, however they also show a remarkable tendency to overlook similar difficulties with other form of data or other methods of research.

The use of same photograph may convey an entirely different message to from one person to another, which was not necessarily intended by either the photographer or the researcher. The old adage that one picture is worth a thousand words is only true (to some extent) if we already know which thousands of words it is intended to replace.

Methodological issues

Use of photos present several methodological issues which need consideration (Knowles and Sweetman 2004). Despite the combination of skills required to produce visual images how the photographs under study were collected and if they are representation of the subject being considered is also a subject of argument (Rose, 2001). Some sociologist and anthropologist believe that photographs may be considered a unit for analysis and rich source of data (Schenk and Williamson, 2005).

According to Plummer (2001) for any picture to be used in a social research the researcher need to ask some basic questions:

1. What is your immediate impression of the picture?
2. Who and what do you see in the picture?
3. What do you notice about physical intimacy or distance?
3. Is the background against which the photo is taken of any real or symbolic significant?

According to Penn (2000) analysis of images is difficult because they are always polysemic (signs conveying multiple meanings) or ambiguous. Images have always been more difficult to reproduce accurately and in a size that makes them publishable in a journal.

In addition there are also ethical issues because often photographs are taken without the knowledge of the people involved and this is in contradiction to the ethical requirement that photographs of people should not be used in a publication without obtaining their informed consent. There are also philosophical concerns about use of photographs in social research. Relationship between linguistic and pictorial, and in particular attaching the image as idolatry, false consciousness or form of fantasy. Indeed, a strong thread in the understanding of visual culture as passively in thrall to mass media spectacles, celebrity, sports and even welfare help to maintain a collective social order.

Pictures are less reliable as vehicles for conveying simple message; they are open to multiple interpretations. The meaning we deduced from such an image is equally open to speculation. Images operate at the, most basic level of human perception, and yet there is still a great deal we do not understand about the complex process of recognition and attribution of meaning. Dependent on researcher's subjectivities. A picture can hold us captive and we could not get outside of it (Mitchell, 1994:12). It seems clear that the visual evidence of photographs or video is only a partial representation of the reality which we perceive, a reality which is intimately linked to social values and culture, a reality which is collectively constructed.

According to Banks (2001) while photographs can be used to deceive or disguise at the same time they present 'truthfulness' to the appearance of things and explicitness' they can also be misleading in intention. Pictures are personal and specific to particular situations their generalization can hardly be replicated.

Banks (2001) argued that visual methods are not without number of difficulties. Some of them they identified as follows:

1. Problem of ascribing anonymity or confidentiality to research subjects who have been photographed, equipment costs associated with use of photography.
2. Difficulties with dissemination particularly where images are moving from and issues of copyright, where existing images are to be used.
3. Another major objection to the use visual method in social research is ambiguity of most visual material when compared with texts that take a written or verbal form.
4. The inherently polysemic nature of most forms of pictorial representation renders analysis of such material highly subjective and in some traditions this is regarded as problematic.

Ethical, moral and consent issues on visual research

Informed consent is a central principle in ethical research and is no less central to visual research than other types of research. A further legal issue regarding research with children concerns confidentiality in cases where a child discloses that they are being seriously harmed or mistreated. Failure to take appropriate action in such cases could result in legal liability. Researcher need to clarify how the disclosure of such information will be managed as part of informed consent process with children (Wiles et al, 2007).

Visual research is subject to number of legal considerations which relate to both taking images (photo or video) and the use to which images are subsequently put. There is a close relationship between law and ethics but not everything that is legal is ethical. Frequently law attempts only to set the minimum acceptable standard. The aspirations of ethical practice are higher. It can be appropriate to defend proposed practice solely on the basis that it is legal (Masson, 2004). Visual research with children is complex and poses particular difficulties. A further legal issues regarding children concerns confidentiality in cases where a child discloses that they are being seriously or mistreated. Failure of the researcher to take appropriate action in such cases can result tom legal liability.

One of the central ethical issues confronting visual researchers is how to manage the research convention of anonymity and confidentiality in relation to visual material. Anonymity and confidentiality are long established principles in social research (Wiles et al. 2007). The issue of internal confidentiality, that is confidentiality between members of a specific community or group, is also one that warrants consideration. People who are interconnected can easily identify others in visual images from costume, clothes gestures or gait, despite the attempts to anonymise individuals. It can also be difficult for researchers to ensure the confidentiality of images taken by respondents for research purposes. Methods of obscuring people's identity include increasing the pixilation of facial features in order to blur them. The use of specific anonymisation software that converts visual images into cartoons or drawn images and blocking out eyes, faces or other distinguishing features. Obscuring or blurring images has negative connotations which may be communicated to people in their viewing of the research. Pixilation of images has associations with crime. It

is a commonly used device in the media when talking with ‘criminals’ or ‘victims’ of crime who fear being identified (Banks, 2001).

One of the difficulties with visual data is that images tend to view as representations of social reality but are inevitably constructions of a social reality that are influenced by the attributes of both the researcher and subject (Pink, 2003). Images are not only created but also consumed within a social context (Banks, 2001). The way images are consumed may be different to that which the researcher intended (Pink, 2007a). It is important to consider how the image or film will be interpreted and, in order to minimize misinterpretation. The use of picture and text should be explicit enough to convey intended meaning (Prosser, 2000).

Goffman and visual images

Dramaturgical studies are largely interested in symbols, explaining how they come to have a meaning, how people make a meaning out of them, and how they use them (Yanow, 1996). Goffman (1979) analyse visual media in the form of printed advertisements, his focus was a gender message as constructed and sent through images and text. Goffman grouped pictures to illustrate what “we think of a natural pose or piece of behavior for one the sexes” (Goffman, 1979). According to Goffman individuals perform social roles based upon their perception of how people in these roles are suppose to act and the immediate feedback they receive from people in their presence.

This study gives attention to the photographs collected during data collection process which some of the respondents use to present themselves. Visual data is how people actually use

what they see to navigate the world (Emmison, 2011). We might make great use of photographs to tell friends, families about our lives (Pink, 2004:395).

Goffman's focus was not on personal development or change development issues or crises, or internal psychological structures. Instead, his concern was micro-level social interactions how individuals present themselves during periods of co-location, and particular roles people occupy when they are in the presence of others (Birnbaun, 2008). The belief that pictures do not speak for themselves and require greater amount of interpretations than written words (Goffman, 1979, Rose, 2001).

Despite his use of images to illustrate behavior between sexes Goffman points out that images do not speak for themselves," and require a greater amount of interpretation than written words (Goffman, 1979).

Limitations of the research design

Like any other study, this research will not be free of its potential limitations. Part of these relate to the fact that data was generated through interviews. Limitations could arise due to the amount of information my respondents may wish to disclose. As such, there is also the inherent weakness of accessing only the information that is relative to the interviewee's knowledge and personal experience. Participation may also be a limitation of this study as there may be some who will not be willing to participate or who may participate wholeheartedly.

Challenges associated with social research are not uncommon, particularly in a different cultural setting. Conducting research in a different cultural context from the researcher's will require extra caution. This is more so because as mentioned earlier I come from the

Northern part of the country (a non oil producer) once described as ‘parasites’ by one of the agitating groups’ leaders for benefiting from the oil resources to which, in his view, they lay no legitimate claim. Secondly, as expressed by Wax (1971) there is the tendency of facing suspicion and hostility during the interviews associated with a research project particularly at the initial stage. I also believe “social embarrassment is a real possibility” (Hammersley and Atkinson, 1992:102). An example of this is in my visit to UNEP office in Port Harcourt in chapter seven.

Talking to both government and oil company’s officials also presents its unique challenges as some of them pay little attention to the timings of appointments, and there are details of this in the section of my visit to Shell and Rivers state Ministry of Environment. Paucity of funds and time also affected the duration of my stay in the field because I had to shuttle between four Nigerian cities. Despite this I was mindful of the fact that it is not so much length of time spent in the field that matters but the quality of data collected (Kvale 1996). Mobility to some of the areas is difficult due to bad roads and difficult mangrove terrain that is generally swampy and water logged. Therefore, one of my options for reaching some of the sites was the use of speed boats and ferry, which I am very familiar with.

Methods in Perspective

My field work took me to six major Nigerian cities; I covered about 2,000 miles by road. A total number of 30 interviews were conducted among the three key players identified in my research design. All the interviews were face to face and tape recorded except few respondents that declined to be interviewed on tape due to reasons I will explain subsequently. Generally, my personal experiences varied according to the category of respondent I talked to.

Oil Community Visits

My study covered the four local government council that made up Ogoni land in Rivers State. The local governments are; Gokana, Khana, Tai and Eleme. In each community I interviewed at least 2 to 3 people representing different opinions in the area. At every point in time access was negotiated using a local gate keepers from the area, though I had two guides pre- arranged from Port Harcourt. One of them was a sixty year old man of Northern extraction but born and brought up in Port Harcourt by parents who relocated to Port Harcourt from Northern Nigeria in the 1920's. The other guide is an Ogoni man from one of the communities though resident in Port Harcourt. The role of the second guide was to direct and identify gate keepers in each community and also use local language to explain our mission in the area while the first guide serves as a gate keeper to the first. Generally, Ogoni people are always suspicious of people outside their own communities, the only way to get them talking is getting local folks within the community to introduce you to the people; otherwise nobody will agree to be part of the study. Traditional practices in Ogoni land also demands an elaborate procedure of consultation before visiting a specific site (UNEP report, 2011). In this case I had different sets of gate keepers throughout my sojourn in Ogoni land. Most of the gatekeepers used are Youth leaders and some ex militants that were granted amnesty early this year by the Nigerian government in exchange for their weapons. The ex combatants controlled various enclaves in the region, and the locals feel more secure with the militants around them, though at times the relationship is based on intimidation, threat and coercion.

In one of the communities one of the community leaders I interviewed had to send for other people from the community to witness the interview, otherwise he would be accused of collecting money from the oil companies and might be attacked by the youth and be robbed the money he is perceived to have received from the visit. On a general note the locals regard the militants as their leaders rather than the political class whom they regard as collaborating with the oil companies to deprive them of their basic rights. In some communities the local politicians are considered to be worse than Shell.

Movement to Ogoni communities was very difficult, particularly because my movement was during the rainy season and due to traffic and health hazards some days we had to cancel our movement for hours or even days. Acid rain is a prominent occurrence in Ogoni land, this is for number of reasons, first, Ogoni land accounts for more than 50 per cent of the oil explored and produced in Nigeria, the area has the highest number of oil wells, secondly, one of the four oil refineries is situated in Eleme town, thirdly, the Liquefied natural gas plant jointly owned by the government and Shell and its gas flaring in the area is said to be the highest in the world, and finally the National fertilizer company is also in the area. The fumes coming out of these industrial plants contribute to chemical composition of the rain in the area. As a researcher I was also exposed to such danger when I experience skin inflammation and rashes.

Though talking to people was very easy, however, in some cases I had to go through some form of traditional ritual to talk to the traditional leaders. This is because as an ‘outsider’ tradition demands I had to offer some form of libation before audience is granted. My personal experience with the traditional rulers in the community is divided into two because I spoke with two different categories of traditional rulers. First the high chiefs who are

appointed and paid by the state government and also enjoy monthly gratification from the oil companies through the Oil states council of traditional chiefs and the lower chiefs who are appointed and paid by the local councils. Based on my interaction with the two categories of traditional rules, the High Chiefs are mindful of what they say about oil corporations and the government and their response was more pro government or pro Shell than the people they represent. This kind of response makes the lower chiefs more critical of the high chiefs whom according to them were in the pay roll of the oil companies and in some cases their appointments were influenced by Shell. One of the community members gave an example of how one of the oil companies influenced the appointment of one of its employee as a high chief in his community.

Another interesting encounter is with the elites in the communities. The elites vary according to their professions, some are lawyers/activists, environmentalist and politicians. However I noticed most of the people within this category live outside their communities, they reside in bigger cities like Port Harcourt or Lagos, but they are always in constant touch with their local communities. My visit to the village of a MOSOP leader confirmed to me that some of the elites are very much in touch with their local communities. Less than an hour after my arrival in the town which is about 60 miles away from Port Harcourt, a young MOSOP vigilante officer approached me in his uniform to tell me the MOSOP President wanted to talk to me on phone. I asked how he knew I am in town, the young man just smile and told me since I am not from this community they have to report my presence to their leaders so that I will explain my mission in their community. After talking to the MOSOP President he advised I should meet him in his Port Harcourt office the following day and also direct the MOSOP vigilante accompanying me to let me talk to

anybody I wish to talk to in his community. The other categories of elites in the communities are the lawyers. Most of them also live outside the communities but they are also in touch with their communities and handle most of the legal cases concerning environmental matters involving the communities and the oil companies. I also noticed Lawyers from outside such communities, no matter how experienced they may be, are not allowed to handle environmental cases involving the communities.

Talking to the other category of elites which involves activists and environmentalist was amazing, because most of the respondents I spoke with told me they enjoy doing what they are doing due to the recognition and funding they are enjoying from various organizations including foreign organizations. One told me that early in 2010 he was sponsored to attend a stake holders meeting at Chatham house in London. The young man said he enjoy being an environmentalist more than Hydro biologist which is his field of study. According to him he contributes more to his community as environmentalist/activist than as a biologist. The last category of elites is the political class, particularly those elected by the local communities to represent them at state and local government levels. All efforts to talk to some of them proved abortive despite the appointment and assurances I got from them. Like other category of elites the political class doesn't reside with the electorates or constituencies, rather they live in cities due to safety reasons, and hostilities from their own people. The only local politician I spoke with is the Commissioner in charge of Rivers state Ministry of Environment, who spoke to me as the commissioner in charge of environmental matters in his state as well as a local politician.

Shell Visit

My visit to Shell was at the beginning becoming a futile journey despite the earlier contacts made even before setting out for the trip. The company kept on bringing new procedures to grant access to the facility. This according to them was based on the security threats they received from the aggrieved militants, threatening their facilities. Despite series of attempts to talk to the Shell officials using the letter of introduction from the University, they declined and instead directed me to Lagos to obtain a letter of introduction from the Department of Petroleum Resources. Though I didn't have any problem convincing DPR to give me the letter which they always issue to other researchers like me. However, getting the two paragraph letter cost me two weeks waiting in Lagos. When eventually the letter was said to have been ready and wired to Shell office in Port Harcourt, I was given a name of a contact person who will attend to me on arrival at Port Harcourt facility and direct me to the office that will attend to my enquiries concerning environmental matters in Ogoni land.

Getting to Port Harcourt Lagos was very easy because there is a regular flight schedules between Port Harcourt to Lagos and the roads were fairly good though dangerous. My initial thought was that everything will go well since I am coming to deal with a well organized multinational oil company. I was surprised when I was told the contact person I am suppose to meet on arrival does not work in Port Harcourt, instead he work with the companies' facility in Lagos, secondly the letter from DPR is yet to be received in Port Harcourt after three working days. Therefore, I cannot be granted access into the highly secured facility. Having waited for DPR letter in Lagos for two weeks, I realized I am in for another long wait which will further deplete my meager resources because Port Harcourt as

the oil capital of Nigeria is the highest in terms of cost of living. When the frustration become so apparent I decided to use other contacts to help me get in touch with some high ranking officials within Company. Luckily enough, within one hour the hurdles were cleared and a Professor on sabbatical from University of Port Harcourt was directed to usher me into the waiting hands of two officials including the Shell Regional Manager in charge of environmental affairs in Africa. Later I was meant to understand some schedules were cancelled to attend to me even though my letter of introduction was yet to be wired to them from Lagos.

Regulatory Agencies Visit

The Nigerian oil industry is regulated by three governmental agencies; they are National Oil Spill Detection and Response Agency (NOSDRA), National Environmental Standard Regulatory Enforcement Agency (NESREA) under the Federal Ministry of Environment and Department of Petroleum Resources (DPR) under the Federal Ministry of Petroleum Resources. The three agencies are the government organs that regulatory the oil industry technically. On the other side there are also other institutions that by virtue of their constitutional roles are also indirectly regulating the oil industry. The agencies include the Senate committee on Environment and Ecology whose constitutional duty is to provide the legislative framework for all matters concerning environmental issues in Nigeria, and where necessary the committee also performs oversight functions on environmental related issues in the oil sector. Another agency in the second category is the State Ministry of Environment, whose duty is to police and safeguard the environment of their respective states, through formulation, execution and review of government policies on environment.

The Agencies mentioned above are independent government agencies all backed by constitutional provisions and some with executive powers like the State Ministries in charge of Environment. Based on my interaction with all the agencies I understand their roles are not only overlapping but they are contradictory. For example in Rivers state, the State Ministry of Environment claimed it is in charge of all environmental matters in Rivers state, but according to the Nigerian constitution all matters concerning oil exploration and production are in the exclusive control of the Federal government of Nigeria and not the States where oil exploration or mining activities is taking place. The implication here is that though Rivers state government has the 'right' to enact any law on environment, such laws can be over ruled by the federal laws.

Another key organization also not in my initial design is a government security agency given the responsibility of maintaining security across the region. Access to the highly security compound was negotiated through personal contacts though not without some difficulties. My initial attempt to talk to the senior security chief was unsuccessful because it coincided with the visit of the Nigerian President who was visiting his home state for the first time in his capacity as Nigerian President, so I was asked to re schedule my visit.

Out of the three regulatory agencies I interviewed only DPR was interviewed in Port Harcourt the rest were interviewed in there Abuja Head offices. One of the distinctive features of my interaction with the officials of the three agencies was whereas NOSDRA and NESREA officials were happy to be interviewed on tape; the case was not the same with DPR officials in Port Harcourt. Interviews with Abuja agencies were with the Principal Managers in charge of key departments, while in DPR it was slightly different, instead four officials were selected to talk to me. After the normal introduction before the

interview they then refused to identify themselves and the positions they occupied in the organization, and also refused to be recorded on tape. The reason is that they don't want to give any chance of being identified in my research because most of them are indigenes of the Niger Delta and if identified their personal safety may be in jeopardy. Despite assurance that I will protect their identity properly they declined saying supposing I am kidnapped and my research materials were seized by the militants and their identity or voice were identified they will be in trouble. Instead the interview went on in a form of focus group and off tape. The officials discussed extensively the official version of the environmental problem from their organizational perspective and at the same time their personal account as Nigerians.

Another agency not in my original research design, but on getting to the field most of the people and agencies I interact with advised I should try and talk to, was UNEP. Access to the organization was negotiated through NOSDRA Zonal office in Port Harcourt who partner with them. Initially, I was scheduled to talk to the Coordinator of the Program, a Briton, but on my arrival I was told he had travelled to UK but I could talk to a local staff, a young man in his early 30's an indigene of Ogoni land. Though I tried to ask some questions concerning some of their work in Ogoni land, the official told me answering my questions would amount to pre-empting their report, and he advised me to wait for the final report. However he went ahead to explain their mission in Ogoni land, their mandate and how they are discharging their duties in the area without any hindrance since according to him all the local staff were recruited from the four Ogoni local governments. In my personal opinion the local staff is very conscious about his image after the program finally completes its assignment. I also recall an earlier encounter before the interview

commenced when I met one of the officials an expatriate who asked me which part of Nigeria I hailed from, when I told him I am from the northern part of the country, he look at the local staff and jokingly said then “we have to be very careful with you”.

Another very interesting encounter was with the first independent Minister of Energy, Power and Mines under whose responsibility the oil sector was during its critical stage of formation. He discussed at length the politics of the oil industry as far back as 1959. Though he is not presently a key player in the industry, my interaction with him suggested there is a missing historical link that most people from the oil region are ignoring or are not ready to accept due to certain political and economic interests.

My visit to the Nigerian Senate committee on environment and ecology was also very interesting despite the three month recess of the apex legislative body. Nigeria adopts a unicameral legislation with two chambers or houses, officially recognized in the 1999 constitution as The Senate and the Federal House of Representatives. The Senate is the upper legislative house and is made up 109 senators with 3 senators each representing each of the 36 states and one representing the federal capital territory Abuja. While the lower house the Federal House of Representative is made up 360 members. Unlike in the Senate where membership is on equal basis, in FHR the number of representatives is based on population and land size of a state. For example Kano and Lagos, all non oil producing states, have 24 members each, while Bayelsa state which is the number one oil producing state is represented in the chamber by 5 members. The two chambers are situated in the same complex officially known as the National Assembly with each having its own wing in the complex. The NASS is located in an exclusive security zone called three arms zone.

Three arms zone is a reflection of the way Nigerian democracy is organized - the executive, the legislature and the judiciary. They are all located in the same zone.

As indicated earlier, during the data collection period the two chambers were on three month recess and most of the members returned to their constituencies to campaign for reelection as candidates of their respective political parties. Therefore getting the chairmen of the senate and house committee on environment and ecology to talk to me personally was almost impossible despite the assurances that they will find time to come down to Abuja and talk to me. Much later the Senate committee chair agreed to allow the committee clerk to talk to me, even though the clerk is also on holidays, I was lucky she was still within Abuja. But the counterpart in the House of Representatives insisted he would talk to me personally despite being 600 miles away from Abuja. I suggested other options for interviewing him, like telephone, Skype or yahoo messenger, but he declined saying he wanted to talk to me face to face. After the party nomination he lost the election, which means he has no chance of contesting the main election, or coming back to his post, at that point he stopped answering my calls.

Conclusion

In this chapter the research design and framework for the research have been highlighted. The emphasis was on the philosophy and research strategy applied and the method of data collection although ethical concerns were also presented. While collecting the data for this research, I want to modestly say I tried to be as honest as possible with both the research respondents and with myself. Finally, this research is not about searching for definitive answers (Bentz and Shapiro, 1998). Instead I seek to know how a social phenomenon is understood and interpreted among the complex set of key players based on their personal

accounts. The next chapter will present my visit to the Ogoni communities where 18 interviews were conducted in about 12 locations in 4 local government areas of Ogoni in Rivers state.

Chapter Five

Environmental degradation: the oil communities' perspective

Introduction

This chapter will present interviews conducted in the four Local government areas that make up Ogoni land in Rivers state. Detailed descriptions of the areas considered in this study were presented in the literature review section. In total about eight oil communities were visited, and 13 interviews were conducted based on the availability of appropriate respondents and snowballing. Access was negotiated through different means, and is explained according to individual respondent.

The MOSOP Representative

He is one of the founding members and a very influential member of the Movement for the Survival of the Ogoni land (MOSOP), a lawyer and a link man between the Ogoni and the government, on the one hand, and the oil companies on the other hand. I met this respondent through one of the local MOSOP vigilante group members during my visit to one of the communities. I spoke briefly with him on the phone and he obliged to grant me an interview the following day in his Port Harcourt office. He is in his mid-fifties and a successful lawyer in Port Harcourt, perhaps due to the large scale of cases his chamber handles on behalf of the Ogoni people against the oil companies operating in the area. He also served in several government committees and commissions on issues concerning the Niger Delta region.

The MOSOP leader agreed to discuss the basis for the establishment of his organization, his perception of the Niger Delta environment when he was growing up and its present state. He also discussed areas he felt were not highlighted when environmental issues are

discussed in the region which in his opinion are very important factors. As a legal luminary, he discussed his view about environmental law in Nigeria particularly as it affects people from his area. Similarly, the respondent also discussed land ownership and compensation procedures in the Niger Delta and the way it affects the Ogoni. I also sought his opinion about the relationship between the Ogoni and the oil corporations operating in the communities. Finally, he also discussed two political issues: the 'National question' seeks and the 'resource control' in their area.

I ask my respondent to explain the essence of establishing MOSOP, which was the basis for my interview with him. He explained that the reason why his organization was established was to serve as a platform for his people to stand up and fight for their existence, which they felt was under threat from the actions of the multinational oil companies, particularly Shell which is the major oil company in the Ogoni area. He argued that the environmental portfolio of Shell and other oil companies was threatening the existence of the Ogoni. He said "our people have been going to the streams but they understand that their streams have been desecrated; they understand that their ancestors have been desecrated and that is the basis which we had to stand up and fight even at the risk of our lives" (t17).

I also ask him to describe what his environment was like when he was growing up and its present state. He explained that he was born at almost the same time as oil exploration commenced in the region, though in a very small quantity, and the effect of its exploration was less than what it is five decades later. "We grew up in a situation where you could get fish in our rivers, which even women can stay in our village without 10 kobo (1 cent) and can survive. You can plant your crops and get a good harvest. As a child we just went to the river with small nets and you got fish. Today people need to travel for about 30 hours into

the sea by boat before you can see fish to catch, because of the impact of oil. If you compare when we were growing up to the present day you will find out that the lives of our people seem to have been devastated ” (t17).

The MOSOP leader argued that the environment means a lot to the people of the Niger Delta and that there are other aspects of the environment and the impact of oil in the Niger Delta that are not even known or highlighted. “As part of the things people don’t understand is the role environmental factors played in the conflict that is in the Niger Delta today. First, as an African, unlike most indigenous populations we do not take the environment as just flora and fauna. In our culture land has spiritual significance we see land in our culture as the abode of our ancestors” (t17). He backs up his argument with traditional rituals which he says are still practiced as a mark of respect to the custodians of the land, the ancestors. “If you come to Ogoni land, before they drink there is what they call libation: you pour some on the ground to tell the gods you have to drink first because they are the owners of the land. So when you desecrate the land, people do not consider you to have destroyed just a factor of production, they also consider that as desecration of their ancestors abode” (t17). He also claimed that there are some forests that Ogoni people consider as sacred places and nobody is allowed to farm or cut a tree.

Similarly, there are also rivers people don’t fish in it; and there are some animals people don’t kill because they believe they are owned by the ancestors and if killed there may be a calamity. He argued that the oil companies don’t have regard for such cultures. According to him “the companies don’t even respect the oil mining laws which prohibit exploration activities on a piece of land under effective cultivation; you are also not to do it when the

land is sacred, but that is what is happening every day, even school buildings have given way to oil facilities” (t17).

I ask my respondent as a lawyer to discuss the role of environmental legislation in Nigeria. In his opinion the main problem is implementation because Nigeria is full of laws. To back up his argument he quoted Montesquieu who said “when I go to a country I don’t ask what laws are in their books, because even idiots have laws in their books. I ask for the ones in their books which have been implemented” (t17). He also argued that despite the fact that it is a criminal offence to pollute streams and farm lands, how many people or companies have been prosecuted or found guilty for manslaughter despite the chemicals used by the oil companies to conduct their business in the region which, in his opinion are causing death. He argued “why should it matter if I killed somebody by gun or by machete or I poisoned you through chemical pollution or gas pollution, death is death, so when a company comes round and poisoned people to death it is even worse because slow death is even more painful as it is happening each day yet no one has ever been arrested and prosecuted” (t17). He believed until such issues are highlighted, the situation will not be sorted out. As a lawyer he advocated the elevation of crimes against nature to be the same as crimes against humanity and should also be treated in the international criminal court if the need arises. “I advocated this because our laws cannot punish these big fish that produce about 80 or 90 per cent of the economy” (t17).

I ask the MOSOP leader to describe the relationship between the Ogoni people and the Oil companies, particularly Shell. According to him there is no relationship that exists. “I must tell you that it is easier for any other company to come to Ogoni to operate than Shell” (t17). He further explained that in Ogoni land “nobody wishes to have any relationship with

Shell any more. Indeed it is a worse connotation to be identified as an agent of Shell than for someone to say you were a thief; to the Ogoni people today, if someone were to accuse you of being a Shell agent, I think it would be a worst connotation than if someone were to say you were a thief or that you were even an armed robber, because people will say that an armed robber steals one person's property, but whole people even the children in Ogoni believe that Shell is responsible for the murder of their people" (t17).

I ask him about the possibility of reconciling with Shell considering its huge investment in the area. He ruled out the possibility as impossible, he argued that "even if Ken Saro-Wiwa were alive today or he rises up from his grave and say Ogoni people let's allow Shell to come back, I am not sure the people will obey him" (t17). He argued rather that the Ogoni strongly support what Late President Yar'Adua said in 2008 to the effect that Shell should be replaced with other oil companies in the area.

My respondent was also of the opinion that whereas the Government Issue legal licenses to operate to the oil companies from Abuja, the companies should also obtain a social license from the people (communities). According to him "if the two are not conterminous you can't operate, because getting a license in the name of oil block over my father's land or our ancestral graves from Abuja will just be like another Berlin conference (1884-85) where Africa was balkanized and shared according to the interests of some European countries" (t17).

I ask the respondent to explain what the Ogoni mean by the 'national question'? He said is about asking how the oil resources are shared and how the Niger Delta environment will be factored into the distribution. He argued that his people want to be given autonomy over

issues concerning land allocation and how oil revenue should be shared among the federating units in Nigeria. In addition he also argues that his people want to be given an adequate proportion of the resources of their land for the sustainable development of the area. “In other words let us get something out of what you are getting from my land for my own development” (t17). The respondent noted that implementing the national question may be very difficult considering the population of Ogoni people in Nigeria; he said they acknowledge that “we are a tiny minority in the country and in Rivers state for instance” (t17).

The MOSOP representative was also of the opinion that Nigeria should empower its environmental regulatory agencies similar to the ones in the UK, because the regulatory agencies here are not independent agencies. “In a conflict situation between communities and the government or the oil companies NOSDRA, NESREA or DPR are not disinterested parties” (t17).

The Ex-Militant Leader

This respondent was a once deputy leader of one of the militant groups in Rivers state. I spoke with him through my local guide in Ogoni land; I met him in his village in the Khana local government area of Rivers state which has about 18 oil wells owned by Shell. He agreed to talk to me in a beer parlour at a waterfront location. He is 34 years old and not educated beyond secondary school (high school) level; he is one of those who accepted the federal government amnesty programme offered to the militants in the Niger Delta region and has handed over his arms to the government security agents. My discussion with the ex-militant leader was based on his opinion about what the environment is to his community, the role of his group (militant group) in environmental issues, his views on

environmental legislation in Nigeria and the relationship between his community and others.

I ask the respondent how his environment is affected by the activities of the oil companies in his area. He argued that based on the account of his parents the environment in his local community was better than it is at present, because plants were growing fine and the rivers produced a large amount of fish. The respondent further argued that presently his people don't get fish to either eat or sell. The crops don't germinate well either. He said "if you cross from here to Opobo which is 15 minutes boat ride you cannot pass because crude oil has polluted the whole place. This is a pollution you can even scoop with a bucket, and if you go there you will see all these things. So all these things happening to our environment are due to oil spillage or pollution" (t11).

In terms of the impact of environmental degradation, the respondent claimed that "oil pollution is systematically affecting the health of the people, who had to travelled to Bori town Port Harcourt which is about 70 miles to seek medical attention over minor ailments that can easily be treated in the ordinary community dispensary" (t11). According to the respondent, ailments like coughs, skin disorders, asthma, cancers and severe headaches are becoming a normal occurrence in his community and he attributed this to the impact of oil exploration on the environment. I ask the respondent to explain the role of his organization in the environmental crisis considering the fact that militant groups are being accused by the oil companies of also contributing to the environmental situation. The ex-militant leader argued that the oil companies are responsible for the environmental degradation, because according to him the oil companies are not conducting proper maintenance of their facilities which is why they burst or rupture due to lack of inspection. He is also of the

opinion that lack of proper security of facilities encourages vandalism by militant groups. “If you have your oil well you cannot take care of it, people will vandalize it and you cannot call it sabotage, because if you are there to monitor your facilities, nobody will sabotage it. So we cannot call it sabotage” (t11). He advised the oil companies to engage the services of the locals as the liaison officers who can monitor the oil facilities for them. He stressed “without that we cannot do anything about vandalism” (t11).

I ask my respondent to discuss the role of environmental legislation in his community. He argued that environmental laws are not functional because if they were functional the oil companies would be compelled to maintain asset integrity over their equipment. The pictures below illustrate just how difficult it is to imagine how this could be done.

Figure 3



Pipelines crossings in one of the communities. (Source: a respondent).

Figure 4



Oil pipelines run directly through a town.

(Source: <http://www.guardian.co.uk/environment/gallery> Accessed on 15.02.2011).

Figure 5



Another example of pipelines and gas flaring in a community (source: UNEP report, Aug 2011).

When I drew his attention to the fact that the national assembly has enacted enabling environmental law, my respondent was of the opinion that the politicians who made such laws are not concerned with how they are implemented. He argued that the politicians need to go round the oil communities to ensure compliance with the laws in the constitution.

I ask my respondent to explain the relationship between the communities, the political class and the other communities in the region. The respondent claimed that the political class of Ogoni land is ineffective due to their insignificant number particularly at the national assembly in Abuja, the institution that makes law for the nation. His argument was “since democracy is a game of number it may be very difficult for the Ogoni’s voice to be significant in the national assembly because every decision is put to a vote, and the whole Ogoni and Andoni are represented by only one Senator out of 109 so we need to have more representation to get our voice heard” (t11).

I ask my respondent what is the way out. He argued that the present 36 state federal structure of Nigeria doesn’t favor the Ogoni and the Niger Delta in general considering the economic contribution of the region to the economy which he put at 90 percent. He is of the opinion that the only solution is for more representation in the national assembly, and this is only possible if the Ogoni have their own state outside the present Rivers state. “At least this will guarantee us a better voice at the national assembly if we have three Senators instead of just one and more members in the lower house” (t11). When I ask if the new state he is proposing should also include the neighboring Andoni or Opobo ethnic groups, he said “No! It is either a state for the Ogoni only or nothing” (t11). Finally, I ask him to describe the relationship between the Ogoni and other neighboring tribes. The ex-militant

argued that the relationship is very cordial between the Ogoni and their neighbors, particularly the Andoni and the Opobo, though historically the three ethnic groups considered one another as tribal rivals and they fought tribal wars among themselves. He further claimed that such rivalries were encouraged by the political class in most cases due to the struggle for political offices which are usually rotated between the three ethnic groups. It is on this basis that his people are advocating a state of their own.

The Young MOSOP Lawyer

I met this respondent in a local beer parlor in Kpor, the headquarters of the Gokana local government area of Rivers state. Gokana is one of the four Ogoni local governments with a population of about 228,828 based on the 2006 official census. He is about 30 years old and a lawyer who also handles some legal cases for his community under the auspices of Ogoni professionals. The respondent is from a neighboring village though he claimed he works in Kpor town, being the headquarters of his local government council. Throughout the interview he keeps changing his identity, possibly to avoid being identified in the research.

My interaction with the young lawyer was based on his views about what the environment which he claimed to be its advocate means to him and his people. He also discussed the effect of the oil exploration on his community and the roles played by the government regulatory agencies and environmental legislation. My respondent, like the MOSOP leader I interviewed earlier, also discussed the role of MOSOP in both Ogoni land and the Niger Delta region in general. He also opined that ethnic identity played a leading role in environmental destruction in Ogoni land. Finally, he also expressed what he felt the world should know about the Ogoni people.

From the perspective of my respondent, the environment can be seen in terms of human beings, vegetation, rivers, lakes and the forest. Based on the historical account, he argued “Ogoni land has been noted as being a very rich environment, in terms of physical environment it used to be very rich before the discovery of oil” (t14). He claimed that presently his community is affected by oil spills and this is causing starvation among the Ogoni family. According to him “people are dying before one’s time, in the Ogoni sense, we are referring to catching up with a sickness that ordinarily wouldn’t have been the fate of that person or persons, and poverty hinders medication. People are dying of common ailments like malaria that can be cured easily” (t14). The picture below describes the medical condition the respondent is talking about.

Figure 6



Example of poor medical accessibility in the communities.
(Source: A respondent)

I ask the respondent to be specific on the impact of oil exploration in his community. He believed “The adverse effects of the environmental degradation are enormous, they range from rampant health hazards, the spills cause a lot of epidemics in the area, sometimes we are forced to inhale oxygen that is contaminated, we developed ailments that are water-borne, either through drinking of contaminated water or acid rain which is very frequent here. Other diseases, include coughs and some diseases that cannot be easily diagnosed, due to the absence of medical services in the immediate area, and this results in sickness that generates more complex medical conditions like cancer that causes premature death” (t14).

In the area of economic well being, the respondent argued that oil production has a negative impact on the well-being of the people because it has affected the aquatic life of the people he claimed that “these days we pull to the high sea and we struggle all night, all day and don’t get any catch; the same happens to our crops, we plant and we apply fertilizer and the output of the crops cannot be compared to what we used to get in those days when our crops were planted in the natural environment without the application of any fertilizer” (t14).

In his opinion, because of lack of protection from environmental destruction, the Ogoni decided to provide protection for themselves through the creation of MOSOP. According to him, “we see it as the voice of the people who have been forcedly thrown out of their occupations” (t14). The Ogoni, in his opinion, united under the auspices of MOSOP to confront Shell in the 1990s because they believe no single individual or community can face Shell. That is why all six Ogoni kingdoms came together and united under the umbrella of MOSOP.

I ask the respondent to describe the relationship between the Ogoni and other ethnic nationalities in the Niger Delta. He claimed that “The relationship between the Ogoni and other ethnic groups in the Niger Delta is cordial; we don’t feel oppressed in any way because we are the frontier group, because we are the first to protest against environmental destruction and the whole world knows that we cried first when others couldn’t” (t14). He argued, though, that at the beginning of the Ogoni struggle, other ethnic groups were not ready to join the struggle until it became a success story and it is now a unifying factor to the whole Niger Delta region.

I ask the respondent to comment on the role of government and its regulatory agencies in the environmental crises. Unlike the other respondents, he exonerated the state and the local governments because they render assistance when necessary. According to him, the governments at state and local government levels always do their best to compel Shell to live up to their social responsibility. However, “Shell, as a stubborn company, wouldn’t like to yield to positive advice. From what I observed, when they realized that the cost of remediating the loss they have caused the people both in terms of economic and social aspects is enormous, they normally avoid the cost and deploy the tactics of using the people against themselves, thereby generating internal conflicts so that at the end of the day the focus of the people will be off the company” (t14).

In terms of the role of environmental legislation, the respondent, as a lawyer, argued that the Nigerian constitution made adequate provision for environmental protection. Similarly there are conventions that prohibit any environmental destruction that may have an adverse effect on the people and how the environment can be protected from destruction for economic gain. According to the lawyer, if Shell cannot respect the Nigerian constitution

and the voice of international organizations like the United Nations they cannot respect any local regulatory agency.

I tried to find out from this respondent whether he believes that ethnic identity contributes to the present environmental condition in Ogoni land and the Niger Delta in general. The respondent is of the opinion that the ethnic identity of the Ogoni contributes to their predicament; in his view, “it is our collective destiny” (t14). He argued that if the oil was discovered in another place outside Ogoni land or among a major tribe in Nigeria which has more numerical strength than Ogoni people or the whole Niger Delta, perhaps more attention would be paid towards environmental destruction.

Finally, the respondent thinks there are other issues about the Ogoni which the world, according to him, perhaps will never know or to which it is not giving the attention they deserve. “What the world should know is that the Ogoni are beginning to die, they are at the verge of extinction, and we need better medical services, good educational facilities and environmental remediation. Let the wrongs be righted, we also want the international regulatory bodies to implement the environmental laws. When the defaulters should be made to feel the impact, so that they will go back to their drawing board and learn to obey the law, if that is done millions will be saved from joblessness or dying before their time” (t14).

The Environmentalist

The respondent is in his late thirties, a trained hydro-biologist, now an environmentalist by choice, and works across the Niger Delta mainly in the coastal areas that are vulnerable to environmental disasters principally caused by crude oil spillages. He is one of the few environmentalists in the region who had the opportunity to voice their opinion on the environmental conditions in the Delta region in Chatham House, London and the Dutch parliament respectively. The meeting with this respondent was negotiated through a local BBC correspondent in Port Harcourt who is a very familiar face among the environmental activists in Rivers State.

The interview only lasted for about forty-five minutes due to his other commitments. He agreed to discuss the role of environmentalists in the region, the effects of environmental degradation in the area, the relationship between the environmentalists and the communities and, on the other hand, the relationship with the oil companies in the area. He also presented his opinion on the effects of environmental laws in the Niger Delta and the role of local politicians in the environmental sector.

As an environmentalist, I ask him to describe his role in the Niger Delta region. The respondent explained that the role is essentially to tackle problems that are peculiar to the environment associated with crude oil exploration that have been very frequent and causing loss of livelihood in the communities and, according to him, are “deepening the poverty level in this area so we basically try as much as possible to defend the rights of the communities through an advocacy campaign, through carrying out field base research from which data can be generated to support the advocacy campaign in the Delta” (t24). I ask him to explain who they are defending the people against? He said they defend the people

against the oil companies and the government anti-people policies that arise due to the current joint venture arrangement in the Nigerian oil industry.

I want to discover from my respondent what specific environmental conditions exist in the Niger Delta. In his analysis, the problems are diverse and complex “but what bothers me most is the level of environmental degradation, that destroys the livelihood structures of the communities like people’s farmland, communal creeks” (t24). He also point out that the level of environmental deterioration has also transcended health implications because “the people are consuming contaminated seafood due to lack of other options, people also swim in polluted waters for fishing, children are bathed with polluted water because parents don’t have portable water and this is also affecting the psyche of the environmental consciousness of developing children, sometimes they behave abnormally and the end product of this is that such children are being branded as witches in the communities” (t24). He is of the opinion that as long as this situation persists in the area, the dream of Nigeria achieving millennium development goals will be a mirage.

I ask the respondent why the people felt more comfortable engaging the environmentalist to ‘defend’ them instead of the political leadership that is constitutionally saddled with this responsibility. In his own opinion “governance in Nigeria is yet to be demystified and there are barriers and it is difficult for the people to connect with the political class, the rural communities don’t have access to the government or leadership structures so they have to rely on those who can be accessed at any given time, those you can meet without bureaucracy, that is why they rely so much on development (human right) workers and environmentalists” (t24).

After explaining the role of the environmentalist and their position in the communities, I also ask the respondent to describe the specific service they render the oil communities. According to him, the environmentalists primarily bridge the gap of literacy in the community which is also economically impoverished by providing the base line information and monitoring to ensure that the oil companies do not cheat on the communities especially in areas like joint investigation visits (JIV) to oil spill communities.

Another area the environmentalists assist the communities is provision of public enlightenment, engage some consultant from research institutions to do post-impact assessment to get a document that could be acceptable in a court of law. I ask him who paid for such services; he explained that “there are conventional funding agencies to which we apply for grants, some international agencies like Amnesty International (AI), Human Rights Defenders Network (HRDN), we collaborate with them” (t24).

On the relationship with the oil companies, he explained due to the nature of their engagement in the region, they always try to open a dialogue through channels of communications between the oil corporations and the communities and when the opportunity presents itself they try to point out lapses within the system which in his own opinion are not compatible with current realities for environmental sustainability. He argued that “it has not been easy to talk to the oil companies because of the nature of the contract that exists between the companies and the Nigerian government and this makes the companies more or less sacred because you can’t access them due to long procedures before getting an appointment” (t24). He cited the example of Shell, which he claimed is only accessible at international forums outside Nigeria.

The researcher asks the respondent to comment on the nature of the relationship that exists between the environmentalists and the government agencies, federal or state. He described the relationship as two-way because the government reliance on resources from the oil sector makes it difficult for the government to have a clear framework on environmental degradation in the oil communities. This, according to him, is the basis for the relationship that exists between the environmentalists and other government agencies. He argued that the environmental laws could not protect the environment because the government lacks the political will to implement its own laws. He cited an example with one of the communities he covered: “a High Court in 1992 ruled that gas flaring in the Ewekan community and indeed the whole of the Niger Delta is illegal as far as Nigerian law is concerned, and despite the fact that there have not been any appeals to that judgment yet, the judgment of the court was not implemented” (t24). Below is an example of a community living with gas flaring.

Figure 7



Gas flaring: Local communities have claimed to live in this way since 1961.
(Source: <http://www.guardian.co.uk/environment/gallery> Accessed on 15.02.2011).

The respondent is of the opinion that the judiciary ought to be the voice of the common man, but often that is not the case, because of corruption. This makes cases involving the local communities and oil companies were prolonged without judgment, due to the manipulation of the process which discouraged people from challenging the ills of the oil companies in court.

I also asked the respondent to give his personal opinion on the role of regulatory agencies in the environmental sector. He believed they are more than enough that often their activities are complicit but their main problem lies in their ability to deliver. He argued that their personnel are not properly trained to function effectively as applicable in other countries. “They don’t have vehicles to go on their own and do an independent assessment, so this is a big problem, they lack capacity to deliver. I think this is the main problem” (t24).

From his point of view as an environmentalist working in the Niger Delta, what is his opinion about the likely causes of environmental degradation in the communities? He claimed that as a scientist he is very familiar with the way oil is discharged into the environment through different means. He said oil could be discharged on balanced water (flow of water in and out of source) it could be a failure of equipment, it could be spillage during loading at the terminal and then most recently, by sabotage, though argued this has been a very contentious issue between the environmentalists and the oil companies. In his argument his is because the process of discovering the cause of oil spills has not been credible, the process is distorted and the oil companies take the lead because the agencies of government lack the capacity to take the lead. The respondent also contended that the claim by Shell that 98 percent of oil spills in the Niger Delta are caused by sabotage is very contentious and he personally challenged this at one of the meetings in Chatham House. According to him, “for the first time, the government representative that attended the meeting disagreed with Shell over oil spill data saying that 95 percent is sabotage and 5 percent is equipment failure, but at that point in time some of us became worried why the government data should deviate from the oil company because as much as we know the government agencies depend on the data supplied to them by the oil companies” (t24).

The respondent further claimed that most of the oil pipelines in the Delta are aged and have outlived their life span. Conventional oil production system pipelines are supposed to be replaced after 25 years and here in the Delta, you have pipelines that were laid in 1958 and they are still used to transport oil from one part of the Niger Delta hinterland to the terminus and the companies cannot be bothered to replace the pipeline, because the oil has to flow. In his own personal view, “most of the oil spills in the Niger Delta are actually

caused by equipment failure” (t24). When I ask him if he can back up his argument statistically, said that it is not easy to have any percentage because the process of obtaining the data which will give the right percentage has never been credible. However, due to his interaction with the local communities he concluded that oil spills in the Niger Delta are mainly caused by equipment failure.

However, the respondent did not rule out the possibility of some elements within the community also contributing to the environmental degradation through sabotage and illegal oil refineries but he claimed it is insignificant. He argued that some militant groups in the past have been involved in vandalism of oil facilities, but if they did, they always issued a press statement claiming responsibility. He defended the communities by asking why any communities would sabotage oil pipelines when the law is clear that if an oil spill is caused by sabotage no compensation will be paid to the people and so what is the point of the communities sabotaging oil pipelines, destroying their own environment, killing their crops and fish, I don’t see any sense in it” (t24).

I ask him if he is aware of the proliferation of illegal refineries in the Niger Delta. He argued that it is an organized business involving some ‘economic militants’ and it requires special skills and knowledge of the production system before the oil can be stolen. The picture below shows the level of high skill and equipment deployed to siphoned oil from the main lines.

Figure 8



Oil bunkering in Niger Delta using high tech equipment (source: Shell's Environmental management Presentation to Senate Dec 2009)

The respondent further argued that since there is nowhere in Nigeria where crude oil is sold in the streets so who will the locals sell it to? I ask him to shed more light on what he means by 'economic militants.' He described them as the actual owners of the illegal refineries involving some militant groups, some of whom, unfortunately ventured into this occupation as a means of getting money which was of course not sustainable and is very dangerous to their health and some people have died in the process.

Finally, the respondent links the environmental problems in the Niger Delta to the political climate in Nigeria. In his opinion, the two are inseparable. He argued if the democratic process is right every other thing will follow; "we need to have credible people elected not imposed in government by some cabals, when communities are given the opportunity to elect people into the government, they will be more answerable to them" (t24).

The Church Woman Leader

This respondent is in her early fifties. Originally she is not from Ogoni but married an Ogoni man from another ethnic tribe three decades ago. She set up the only Catholic Church in the community about 20 years ago. In fact the interview took place inside the church hall because that is the only building that has a small generator and guests are usually received there as a mark of honour. The community has three oil wells all operated by Shell. Access to the community which is located in Khana local government area in Rivers state was only possible through speedboat ride which takes about half an hour from Bean, another oil community. One distinctive thing about this community is that whereas other communities pride themselves on being fishing communities, this community felt that it is a mockery to be identified as a fishing community because there is nothing left to fish for due to river contamination by the oil companies. Most of the inhabitants are involved in farming and petty trading as a means of survival. My respondent, like other women in the community, is also a farmer who is also paid to farm on other people's land.

I ask the respondent about the relationship between her community and the oil companies, the effect of oil degradation in her community, and whether ethnicity played any role in the present predicament of her community. She also presents her opinion on the role of local politicians and ethnic groups representing her. The relationship between her community and the oil company operating there, according to her, is not in existence because despite the three oil wells located in her community, which she argued fetch a lot of money for the government, her community even lacks potable drinking water and all the streams have been devastated by oil. The whole community relies on a commercial bore hole owned by a private individual. "The only day we have free water is when the rain falls though that is

also full of acid but we have to take it despite the health hazards” (t9). I ask her to describe the health hazards. She claimed because of the high volume of acid in the water, it results in diarrhea, vomiting, general body weakness and skin rashes.

In respect of the under-development of her community, which is only accessible by boat, she argued that despite the government erecting some poles to supply electricity to her community, there is still no light: “Look at the poles everywhere, no light, we are in darkness, the whole village has only one small generator in the church which we use to serve God” (t9).

I ask my respondent whether she thinks her ethnicity has any relationship with her condition. She claims that she doesn’t know much about other communities, but in her opinion “the whole Niger Delta is treated in the same way”. In her own personal opinion the local communities have lost faith in the politicians she said they are only in authority for personal gain. She argued that the local politicians representing their community hardly regard anybody outside their immediate family members. “Unless God helps you will remain suffering” (t9). Finally, I ask for her opinion about the role of organizations like MOSOP in Ogoni land. The respondent was aware of MOSOP which she said was set up after the death of Ken Saro-Wiwa because her people were not happy that he was killed. I ask her if she felt protected under the umbrella of MOSOP. She said MOSOP is in charge of anything to do with oil and the environment, they always tell the community whatever they get as a result of negotiations with oil companies and this will be for the benefit of every member of the community; however she claimed “we have not seen anything yet” (t9).

The Traditional Paramount Ruler

The respondent is a traditional and spiritual leader of one of the oil communities; he is the custodian of the traditions and values of the community. He is also considered as the representative of the ancestors who according to the tradition owned the land. He was an employee of one of the oil companies before taking over the throne a decade ago. An interview with the paramount ruler was negotiated through his son who offered to be my gatekeeper in the community and its surroundings. Before an audience was granted to me I had to go through some traditional ritual of providing a bottle of hot drink, referred to as a libation, to the ancestors. This tradition is only applicable to the ‘strangers’ visiting the area, and I was completely unaware about such traditional demands so I didn’t make any provision for it. Later my ignorance was accepted and I was asked instead to ‘monetize’ the libation. The interview took place in the presence of palace courtiers, and he agreed to answer my enquiries in the following areas: environment and environmental effects in his domain, the relationship between his community and the oil companies operating in the area, the intertribal relationship between his community and other neighboring communities and the role of local organizations in his community.

In the opinion of this respondent, his community is very peaceful and they welcome visitors, particularly those coming to ask questions like the researcher. He argued that recently population increase has affected his community; the farm land is becoming unavailable for farming and other economic purposes. I ask him if oil exploration has played any significant role on farming activities in his community. The respondent wasn’t too sure; at the beginning he said “No, we don’t have” (t4) but later he acknowledges “we have damage to our crops, and some of our farm and fishing ponds are badly affected” (t4).

I ask if the problems he cited affect the relationship between his community and the oil companies in his area. He claimed that the relationship is working well between his community and the oil companies like Shell, ELF, AGIP and NPDC. He said “they [Shell] have constructed a medical centre for us” (t4). He opined that his people are very happy with the oil companies “because in those days when somebody was sick you had to travel all the way to Bori and in some cases before you get there the person may die, but now is not like that, now we go from our houses to the community clinic” (t4).

In terms of health hazards, the community leader believed the availability of free medical care in his community has changed the situation. The researcher asks the respondent to explain the relationship between his community and the neighboring ethnic groups. “There was a time when we had inter-tribal wars and buildings were damaged and until now the same people were unable to build, if you go behind the house here you will see it” (t4). He argued that disagreement was hatched between his community and the neighboring community over oil pipeline issues. The two communities could not agree on whose expanse of land the pipeline was laid because of the money paid by oil companies to the host communities. In his opinion, one of the oil companies organized the fight so that the money would not be paid to either of the communities.

Finally, the Paramount leader explained the role of socio-cultural organizations in his community; he identified his community as one of the strongholds of MOSOP. He argued MOSOP was set up to save the people and it represents the Ogoni nationally and internationally. I ask him if everybody in his community shares similar views to him with regard to MOSOP. “Everybody belongs to MOSOP; if you don’t belong then you are not an Ogoni man or woman so we are an integral part of each” (t4). Lastly, I ask him if there is

any sense that the situation in his community has any connection to his Ogoni identity. He claimed “there is nothing like that and whatever I told you is the truth and nothing but the truth” (t4).

The Nonagenarian

The respondent claimed he is 95 years old and the oldest in his community in Gokana local government area of Rivers state. He recalls two court cases involving Shell, the first was in 1957 and the second was about ten years ago. He is visually impaired and does not understand English, so I relied on interpretation from his 22-year-old undergraduate granddaughter and my local guide who also understood the dialect. The respondent shared with the researcher his personal experience, what the environment was before oil exploration and its present condition. He also discussed the relationship between his community and the oil companies and other communities.

The respondent shares his experience as far back as 1957 when oil exploration commenced in Nigeria. He claimed that Shell spoiled his farmland with oil and when he demanded compensation he was reported to the colonial authority and the land was confiscated. He went to court afterwards but “the court refused to judge the case because Shell wants it to be prolonged until he is dead so that his children will inherit the case” (t3). I ask him what kind of hardship this type of situation is exposing him to. He said the oil companies refused to award compensation for their land, the oil is giving them problems and, the odor is blinding them and there is no good hospital, which according to him Shell or government is supposed to build but they have not despite the health hazards they are exposed to.

He argued that it is very difficult for them to buy food, they have no money, their farmlands are gone due to damage caused by oil; he believed that the government, instead of coming

to their rescue, “plan with Shell to cheat them, the government and the oil companies have no regard for people here” (t3). The respondent also argued that being Ogoni has a direct relationship with the situation his community is facing. He said because they are from Ogoni that is why Shell is disrespecting them and treating them differently from other ethnic groups in other parts of Nigeria. He also claimed that oil had played a significant role in inter-tribal clashes between his community and its neighbors. He described the source of the problem in this way. “When oil companies dig the ground and get oil they will tell each community the oil belongs to them and that has always been a problem” (t3).

The MOSOP Vice Chairman

He is the Vice Chairmen of one of the local MOSOP chapters in Gokana local government area in Ogoni land. He is in his early sixties and seems to be well regarded among the elders in his community; this is evident based on the number of people that were arriving during my visit to his mud house situated close to a river bank. My meeting with this respondent was through the local MOSOP vigilante member who summoned me before his ‘Boss’ for my failure to seek his audience first before moving freely in his community. Later I apologized and the respondent offered to volunteer any information I would need from him. Unlike in some communities where I had to offer some libation for the ‘ancestors’ this respondent offered a gift of cocoa nuts and urged me to take it to my people as a mark of good will from the peace loving Ogoni people.

The respondent discussed with me his opinions about the present state of the environment in his community, relations with oil companies, the socio-economic impact of oil exploration on his community, relationships with other ethnic groups, government impact in his community, environmental laws and the role of his organization in the community.

The respondent expressed his opinion about the relationship between his community and the oil companies. In his personal account, “Shell is the only oil company we have here but the relationship between us has been thwarted; the beginning was good in the 1950’s but towards the middle of the 1960s, the whole thing turned bad, they don’t listen to us they don’t attend to us” (t12). He argued that the oil company disregards the community despite the good will they enjoyed from the people. “When Shell came, we were thinking that they will abide by their rules and regulations and the agreement that they made with our fathers but later on the whole thing was thwarted by Shell when they discovered that we have more oil resources than they imagined earlier” (t12). The MOSOP representative claimed that despite having more than fifty oil wells which makes his community the oil base of Rivers state, “you don’t see any single project from Shell, instead when we remind them about the project they will give out money to people so that they will fight on it and the project will not work, right from 1956 when they entered this place to now they keep us poor” (t12). People evidence this claim based on their living conditions shown below.

Figure 9



Housing pattern in a typical Niger Delta village. (Source: UNDP Human Development Report on Niger Delta 2006:29)

In the opinion of the respondent, which he also claimed is the opinion of his people, the only solution to the environmental problem in his community is that “Shell must leave our land; we have tried them for long since 1956 up till now Shell has not given us a tangible project here. So the only solution is we want them to go so that we will be in peace” (t12). However, the Ogoni, according to him, are willing to have another oil company on the condition that they enter into a ‘grand agreement’ with the new company because they cannot afford to have another oil company that will kill our people like Shell killed those people (pointing to the calendar of the Ogoni 9 in his leaving room).

I ask my respondent if there was any attempt by Shell to reconcile with them as the host community. He claimed that there were demands by Shell though “their demands are always fake, if we sit down with them and we decide what we want them to do, after a few

days the whole idea will collapse, they are not stable in their promises, so we don't trust them" (t12).

The MOSOP leader was asked by the researcher to describe the relevance of the political class in the relationship between his community and the oil companies. According to him, until recently there was a feeling among the Ogoni people that their representatives in government were collaborating with the government against them. He cited an example with the role he claimed their people in government played in the killing of Ken Saro-Wiwa and eight others.

"Initially they are the ones that collaborated with Abacha (then Military Head of State) to kill these people, so they were thinking if Ken is not there they can succeed. They didn't know that Ken is another person that God has sent to us to save us but due to their criminal mind they didn't understand what Ken was doing thinking that if they kill him they can succeed, they don't know that they cannot succeed. So it is now that they have realized and some have regretted killing Ken" (t12).

Socially and economically the respondent believed the environment in his community has been destroyed due to oil exploration and there is no fishing because rivers have been contaminated by the oil. The three pictures below illustrate the level of land air and water pollution in some communities in Ogoni land.

Figure 10



An aerial view of Ogoni community encircled by oil pollution. (Source UNEP report, Aug 2011)

Figure 11



Air pollution. Source: *Curse of the Black Gold: Hope and betrayal on the Niger Delta*
Published: February 2007 Nigerian Oil

Figure 12



Air and land pollution in the Niger Delta.

(Source: <http://www.guardian.co.uk/environment/gallery>, Accessed on 15.02.2011)

According to the respondent the people are starving and this is causing some disaffection within the community like clashes among the people over land and fishing ponds, which are very scarce. He acknowledged that this is personal to them as people and they tried to manage it as leaders in the community. In terms of health matters the respondent was of the opinion that oil exploration “causes health hazards because when we take air and water it destroys our human system because of the level of pollution” (t12).

Though environmental laws are in the Nigerian legal framework, the respondent argued they don’t make any impact in his community; he said there is no evidence to show they exist in his community. The only law they recognize in his community is MOSOP. I ask him to describe the relationship between his community and MOSOP.

MOSOP is the head of all organizations in this area, it serves as an umbrella not just to the Ogoni people but to Rivers state and Niger Delta in general. According to him, nobody can do anything without contacting the President of MOSOP. In his opinion, the organization is non-violent, it tries to maintain peace in all the areas, enlighten the Ogoni by giving them a sense of belonging among other ethnic groups, and to unify the Ogoni toward actualizing the Ogoni bill of rights, which he said is critical to the survival of the Ogoni people. He argued that at the beginning some people even among the Ogoni don't believe in Ken Saro-Wiwa's struggle on environmental issues in the area, they dismissed him as a noise-maker seeking attention.

Finally, I ask my respondent to describe the relationship between his community and other ethnic groups. He argued that contrary to what other tribes believed, that the Ogoni are troublemakers, the Ogoni are peace loving people who only stand against any form of injustice meted out to them as a result of oil exploration and bad government policies towards them and their environment. This well acknowledged struggle, he argued, has put Ogoni ethnic groups ahead of others. And now other ethnic groups are using Ogoni names to attract favour and sympathy outside Nigeria. He cited a particular tribe which he said is well known for that though at the beginning of the struggle they abandoned them.

I ask the respondent why he claimed other people are using Ogoni names for benefit. In his opinion because Ogoni is a special place in Nigeria "God has given us everything, we are rich in everything as you pass in the land you will see that we are blessed naturally, and God loves us" (t12). He therefore argued that they need special treatment from both government and the oil companies because the money generated from the oil sector is mainly from his area.

The Retired Civil Servant

He is in his late sixties and retired from the Rivers state civil service about a decade ago and is now a farmer and community leader in one of the fishing communities in Khana local government area of Rivers state. Access to this respondent was based on snowballing. Initially he declined to grant an interview to me until my local guide who is from a royal clan within the community assures him the interview is purely for research purposes. Before the interview begins he sends for other people from the community to witness the interview, otherwise he will be accused of hosting and collecting money from the oil companies and can be attacked by youths and asked to hand over the money he is perceived to have collected.

The respondent explained the frustration of his community with regard to the oil companies particularly on assessing impacted areas for compensation, and the role of federal and state government in the killing of his people. He also expressed his opinion about environmental laws, ethnicity and the need for the Ogoni to have a state of their own as a way of solving the environmental problems in the area.

The environment in his community he argued was a prosperous one before the start of oil exploration in the area, he said “now there is a great difference because of all these things destroyed by the oil people can’t train their children in schools compared to the olden days; I feel strongly that the olden days were better than this present time” (t7). In his opinion, the situation could have been better if some aid was granted to the community like provision of scholarships to the children.

The retired civil servant described the relationship with the oil companies as very sour because as the only company operating in his community Shell always accused the

community of sabotaging their oil facilities to avoid paying compensation. According to him, when oil spills occur, “government and Shell invite the community, to attend an interview but there’s a slogan that they always use and the slogan is sabotage, sabotage, sabotage throughout, whereas it is not” (t7). The respondent was asked to explain what the oil companies mean by sabotage. “What they say is that we the community destroyed the pipes, that we have caused the oil to explode or the pipes to break, that’s what they call sabotage, that we have caused it though we always challenge them to produce evidence but they hardly ever produce any” (t7).

“When we mentioned our rights instead of them to sit over the table with our leaders to talk, they refused; the only thing they did was to see that our people were killed” (t7). I ask him if he can back up this claim, he said that “the world saw it” (t7). He further explained that apart from Ken Saro-Wiwa and eight others that were tried and executed, some were removed and have not been seen since mid 1990s. I ask him the reasons that could have led to this situation. He said “They said that the leaders were waging war against them [the oil companies], that was the allegation I think, whereas we don’t have guns, we don’t have machetes to fight them, How can we face somebody with gun?” (t7).

On the impact of environmental laws in his community, he argued that they were never meant to protect the people; rather, they were meant to protect the pipelines. He claimed “we were oppressed, suppressed, we cannot go anywhere to complain” (t7). However, he was very optimistic that having a state of their own can make a difference: “if we are given a state the situation will change because we can move to them directly, unlike now where the government is not close to us, Ogoni people cannot travel to Ahoada (next city) to demand their rights, the women cannot demand their rights because of distance, but if it is

very close they can even trek down and talk to the government” (t7). The respondent was also of the opinion that suppression and oppression was never experienced by another ethnic group apart from Ogoni people, he claimed there is an ethnic perspective to the treatment they were receiving.

The researcher asks the respondent if his community is prone to any health hazards as a result of the oil exploration in his area. He explained that during the crisis period when the guns were sounding here and there, many people could not access medical services. He gave an example with his community in which he said if it had not been for the small health centres, they all would have died because of different diseases, the air was polluted and Shell have not done anything to improve the health care services here; that is why we have lot of quack doctors here practicing” (t7).

I ask my respondent to explain the relationship between his community and other ethnic groups around them. In his opinion, Shell is the sponsor of the various clashes between the Ogoni and the Andoni. He claimed Shell went to the Andoni to set the fight so that when we react they will come up to suppress us but now everything has cooled down we marry from them and they marry from us unlike before, we don’t fight again, we are friends, they know they wrong us, so we have forgiven them because to err is human, but they were misdirected by Shell and the government” (t7). I ask him to explain the role of government as he claimed. He said some people from his community who are in government connive with Shell to provoke the Andoni against the Ogoni so that they can get certain favors from the oil company. The respondent was asked to explain the role of MOSOP in his community, and he explained that the organization was set up by his own people and they are doing well only if the government will listen to them. His opinion suggest his

community identify MOSOP, as the mother, “we don’t go against them because before they say anything they will invite the elites, and find out what we want and they will go there to relate it to the government, only the government don’t implement it because the government and Shell wear the same coat” (t7). I seek explanation from him why he thinks the oil companies and the government is the same. He claimed “they have the same behavior so we can’t differentiate them” (t7).

I ask the respondent under what terms his community will agree to reconcile with Shell. In his opinion, that is entirely the decision of MOSOP, whatever they decide they will abide by it because it is the mouth piece of his people.

Finally, I ask the respondent if there is anything else he wants to tell me which I haven’t asked him. “When you are going out don’t forget to think of Ogoni at large, we are oppressed people, we lack electricity, water, health care, health care” (t7). He urges me to go to the next village and see a very nice cottage hospital but without a doctor.

The Ogoni Lawyer

The young man is in his late forties, a lawyer by profession and he is based in Port Harcourt though he spends most of his weekends in his home town in Tai local government area of Port Harcourt. The respondent was met through a local guide. At the initial stage he was very skeptical about granting an interview to a ‘stranger’ insisting he wanted to know the criterion that qualifies him to be selected as a respondent. My guide explained to him that he personally recommended him. As a lawyer, he presents his opinion on environmental laws, the effects of oil exploration in his community, the impact of federal, state and local government in his area. The respondent also expressed his opinion on the role of ethnicity

in the environmental struggle in his domain and the Ogoni bill of rights which he argued has been neglected by the government and treated as a 'no go area'.

In his opinion, the environment meant so much to him because that is what everybody belongs to, but his own environment he claimed has been destroyed by the oil companies with the active collaboration of the government. Shell, being the only company in his community, caused all the problems in his community. He accused the oil companies of adopting different environmental standards in other parts of the world. He said "when our leader Ken Saro-Wiwa travelled to other parts of the world to see the relationship between oil companies and the landlords in terms of development manpower, in terms of employment he said what companies including Shell are doing here is destroying our land" (t1). The respondent recalled as a child in the early 1970's the company was not closed to the host communities, but now, "Shell will come here from Port Harcourt with their air conditioned caravan they will dig their bore hole, will do their work, clear their location and lock the tap and drive back to Port Harcourt and leave the people without drinking water. They will resume the next day, open their tap, complete their job, lock the tap and go away. What they left behind was empty cans of food" (t1). He said despite the contribution of his community to the national economy his community is one of the least rewarded in terms of infrastructural development.

According to him, a few meters away from his house there is an oil well that is producing, but his place has no light, water, school or hospital yet the oil is been taken away to develop other places at the expense of his people. He pointed to the only tarred road that passes across his community as the only federal project in his community and which was constructed to link the oil exploration fields not to connect the people.

I ask the lawyer to explain the level of environmental degradation in his community. He argued that the presence of the United Nations Environmental Program in Ogoni in his community is enough to show that the federal government and Shell have agreed that the environment in Ogoni land is a polluted land. That single act has shown an element of guilt and acceptance that the land is polluted. Unlike most of the respondents interviewed, this one acknowledges that the state and local governments had a better impact in his community and Niger Delta in general. He also explained that the Rivers state government under the present dispensation has shown reasonable interest over the condition in his community. He argued that it is “embarrassing to say that we are just getting a health centre and medical doctor posted to the community; since independence in 1960 this community had only a dispensary” (t1).

The respondent was asked to share his view about any possible connection between ethnicity and the condition in his environment. He argued his people are marginalized “because, we are a small unit five hundred thousand in over one hundred and fifty million people; though we are blessed with oil our people are not in government” (t1). He claimed that most of the government policies are to suit the majority of people who do not produce oil because they have more representation in government and they support laws that are only suitable to them and leave the place that produce the oil neglected. He argued that the environmental laws as they stand today are done “to cheat the Ogoni and take our oil by force” (t1). And some of these policies pushed his people to go into exile because they don’t feel a sense of belonging in their fatherland.

Finally, the respondent argued that as long as the Ogoni bill of rights is not revisited “anything you are doing without discussing the bill of rights will not bring a desired solution” (t1).

The Retired Community Nurse

She is one of the female respondents that participated in my research a retired nurse in Gokana local government area of Rivers state. She worked for thirty-five years though she said she is in her forties but doesn’t know her exact age. I interviewed her in her community which is about 15 miles away from Bori, the local government’s headquarters. She is a widow and took to farming recently because her monthly pension is not being paid regularly by the government. As a retired community nurse I ask her to be specific about the claim by her people that oil exploration in the community is affecting their health. She also commented generally on the health care system in her community.

The respondent argued that the farm products, water and the water life in her community have been affected by the activities of the oil company in the area. This makes it very difficult for her people to have quality water for consumption because neither government nor any oil company has provided them with any alternative source of drinking water. The retired nurse argued that the community suffers from general oil spillage. As a nurse, I ask her to explain the nature of oil exploration diseases her community is vulnerable to. She claimed: “Itching of the body and rashes on their body due to dirty and contaminated water, typhoid due to drinking dirty water and malaria” (t2). I ask if the diseases she mentioned affected everyone or just a particular category of people. The diseases, according to her, affect everybody in the community men and women, young and old. She was asked what the government did about the situation. She explained that the only

government intervention was early last year when the outbreak was so great that the government announced on the radio that people should stop taking rain water. According to her that announcement didn't work because "we had already taken the water before we heard the radio announcement and most people, like me, don't even have access to a radio" (t2). Apart from the radio announcement, she argued that the government has done nothing towards the treatment of the people, instead "people take care of themselves" (t2).

I ask the respondent to comment on the health care facility system in her community. "In this village, there's no hospital, what we have here is only a health centre which was built about ten years ago by Shell but not equipped" (t2). She further explained that the only period health workers visit her community is during immunization as part of a World Health Organization programme. The closest health care system available to this community is at Bori town, about 15 miles away.

In terms of overall development in her community, the respondent claimed that at the moment "there is no visible project either ongoing or done in this community by the oil company or the government" (t2). The respondent also believed this problem may not be peculiar to her own community, but rather it is a general problem in the whole region. I enquire from the respondent about the ostentatious houses I saw towards the entrance to the community. She said such houses are owned by people in her community who either work for the government or the oil companies and the houses are empty because the owners are based in cities, and they only visit occasionally.

Finally, I ask her if there is anything she wants me to know that she didn't tell me during the interview. She said she hoped my research will be a source of blessing to her community by attracting the government and the oil company's attention to the environmental condition and hardship her community is exposed to as a result of oil exploration. Her prayer is that good roads, electricity and potable water should be provided for her community.

The Retired Soldier

The respondent served in the Nigerian Army for about three decades before retiring to his native community in Tai local government area of Rivers state. This respondent personally invited me to his compound when he learnt that I am from the northern part of the country, a place he said he spent most of his active years in the Army and where three of his children were born. He requested my identity and mission and after some explanations he asked me to follow him to his house so that I would talk to his children in my local language, because since they relocated back to his community couple of years ago they have never seen anybody with whom to speak the language. The soldier was very happy to see me talking to his children aged between 9-14 years old. He later agreed to grant an interview to me but on the condition that it will be off tape. My discussion with the respondent was based on his reflections on what his environment is, the changes and effects on his community, the relationship between his community and the oil companies and the relationship between the Nigerian political system and environmental issues in the Delta. As a child when he was growing up he recalled his parents didn't need to apply any fertilizer to the farm and the harvest was usually a bumper one. His community, he argued, never had any experience of oil related sicknesses like whooping cough or water-borne

diseases as a result of contaminated water usage. Now, the respondent claimed his community experience gas fumes all over the place as a result of a 2008 oil spill that destroyed crops and the life of human beings (fn16). This problem, he argued, also affected other communities in the Niger Delta because they share a common river. I ask him if the oil company has done anything to the community; he claimed “Shell understands violence rather than resolving matters amicably, if we have good community relations we will sort it out (fn16). The community, according to him, has no means of channeling their problems apart from the courts, and the courts usually ask for scientific evidence from the people and this is very difficult for them to establish. However, he is optimistic that if the problem between the communities and the oil companies is to be addressed properly the oil companies should appoint community liaison officers (fn16).

The respondent was asked to describe the relationship between the government and his community through the constitutionally recognized representatives. He said the representatives don’t even visit the people, they are in Abuja which is a no-go area for us, and they only come to the communities when it is time to seek for votes (fn16). He blamed the attitude of the local politicians on an offshoot of the military regime in which the power doesn’t rest with the people but with cliques of individuals who barely seek the opinion of the general public before decisions are taken. The retired soldier also suggests that a councilor elected by the people should be residing in the ward, not in the local government headquarters, so that he can be an eye of the government in the community. Balanced democracy, he opined, should be allowed to prevail so that “people can express their opinion and should be allowed to write petitions unlike under the military regime (fn16).

The respondent is of the opinion that his people are still being treated by military fiat. He claimed he was arrested by the military task force in the Niger Delta for voicing his own opinion, for saying you cannot start something without providing an alternative (fn16). I ask him if he felt being an Ogoni man contributes to some of the issues he mentioned. He argued being an Ogoni man has nothing to do with our problem; the problem is a challenge to the whole region. The respondent believed having more states in the Niger Delta could be the only panacea for the region to receive the attention it requires. States creation is inevitable, can provide work and employment and Nigeria is rich enough to have even 100 states (fn16). He argued that if the states are granted the better because in his own prophetic revelation, the Northern part of Nigeria will secede from the rest of Nigeria because of the oil that is being discovered from the desert regions in the North. To buttress his belief system he claimed his traditional religion was instrumental to the emergence of Barack Obama and Good luck Jonathan as Presidents of the United States and Nigeria respectively.

Finally, the respondent said he has set up a nongovernmental organization called ‘a voice for the rural dwellers’ to enlighten people in his area about the environment and, as an ‘unbiased’ Nigerian who works in the northern part of Nigeria where there is no oil, he wants to encourage friendship and cooperation between the two regions because, he believed there is a lot of misinformation sent across to both by the media. He said, as an Ogoni man who works in the North he is in a good position to lead the enlightenment campaign, because, in his opinion, northerners are very friendly people (fn16).

The Community Chief

This respondent is one of the community leaders in his community which has about nine oil wells. He is in his early eighties and his health is not stable. Talking to this respondent was not very smooth because he doesn't understand English adequately enough, so in some cases he expressed himself in his local language and a local guide assisted with the translation. The interview took place in his community in Bori local government area of Rivers state. The respondent discussed his perception of the environment in his community, the relationship with the oil companies, effects of environmental degradation in his community, environmental laws and the relationship between his community and the social organizations in the Niger Delta. He also argued that having more representation in government may be the only option for his community to have a greater voice.

The respondent argued that his environment was better when he was a child compared to its present condition. I ask him to explain why. He argued "when I used to go to the farm with my father and mother before the oil discovery, the cassava was growing fine, but is not the same now" (t8). In addition to the effects on farmland he also claimed that the condition of the environment also has an effect on health. In his opinion, despite the fact that his community does not believe in violence, "the oil companies treat us as they like" (t8). He argued that the only word Shell understands is conflict and the more trouble a community causes the more money Shell doles out. "If we make trouble they give us more money" (t8). The old blind man was asked the frequency of oil spills in his community and the response from both government and oil companies. In his opinion, the frequency of oil spills in his area is high; though he said he doesn't have any statistics to prove that, but he

claimed the oil is destroying the environment. In terms of a response, he said they always notify the oil companies but they respond in their own time.

The respondent was asked to comment on the role of government and its agencies in his community. His opinion was that “we know they are all the same because anything government says Shell will not refuse, the two of them are one” (t8). The respondent’s opinion on his ethnic identity as a factor in the condition in his area was that this can happen to anybody in the Niger Delta. As a Chief in Ogoni land, I ask him to comment on the relationship between his community and socio-cultural organizations in the area. He said the only organization in his community is MOSOP. He was asked how important the organization is to his people: “They keep on saying they have done a lot for us but I have never seen it” (t8).

The impact of environmental laws, according to my respondent, is absent in his community; he said his community don’t know anything about that. He argued that “an individual cannot win a case against the government because taking Shell to court is the same as taking the government to court” (t8).

Like most participants in my research, this respondent is also of the opinion that having a state created for the Ogoni people could be a way out of the problem in the region. Unlike some respondents who want a specific state created, the blind chief said that the decision of which state is to be created should be left with the various community leaders to decide, and whatever they decide is acceptable to him. He was asked how having a state could change the present status of his community. In his opinion “if we have our own state,

anything we want we would get because we will have more representation and the government is closer to us” (t8).

Conclusion

This chapter presented my visit to some of the oil communities in the Delta region. The opinions and thoughts of the respondents in respect of the environmental issues and other factors associated with it have been presented based on the personal account of the individual respondents so that the reader will be in a position to understand the different opinions about environmental issues from one respondent to another. In chapter five, I will present my visit to Shell and my interview with one of its principal officers in charge of environment portfolio.

Chapter Six

Niger Delta Environment: the Shell's Account

Introduction

This chapter will explain my visit to Shell Petroleum Development Company (SDPC) which is the sole petroleum producing company in Ogoni land. I discuss my visit to the Port Harcourt facility, how access was negotiated and my interview with a senior official in the environmental affairs unit. The interview covered the account of the official as a corporate man as well as a concerned Nigerian on environmental problems in the Niger Delta region of Nigeria. I will present the opinions of the Shell's Manager in his own words.

Meeting the Shell Manager

The Shell premise in Port Harcourt is one of the most high security facilities in Nigeria. Having worked previously in highly secured zones earlier I was able to compare the companies' security and safety standards as one of the best in Nigeria and this is obviously due number of factors, first the location of the company being in the oil hub of the nation which makes it vulnerable to threats from the aggrieved communities. The threats keep the company consistently on high alert and rapidly change its visit procedures based on the security alert on the ground. This is why the company doesn't have a private security outfit of its own like other corporate organizations, and instead is secured by Military and the regular Police. Ordinarily, the company don't allow non-staff motorist within the complex, but on being permitted we are allowed to drive in our vehicle with a police escort attached to us from the main gate. I noticed there is a lot of emphasis concerning using seat belts which most Nigerians are not too comfortable using (unless prompted by road officials) as

a safety procedure. This was explained to us by the police escorts who always insist our vehicle should not move until every one of us belt-up. Sign posts warning about consequences of not using seat belts and respect to crossings are very conspicuous in the large complex. Similarly, getting in to the buildings also has both security and safety procedures. Despite the security clearance at the gate each unit has its own security post at the entrance that do a sort of final screening before being allowed into any office, this screening also covered even Shell staff from other departments or buildings.

The Manager is a Nigerian from a non-oil producing area of the country is in his mid 50's. He told me that he has worked for the company for three decades and is set for early retirement so that he can join his family back in the in United States, because his name is sounding a lot of bells in the region and the best thing for him is to leave when the ovation is loud. This means the Manger is very mindful about his personal safety; hence he opted for early retirement and relocation abroad.

After settling down in his moderately furnished office, he told me he will talk to me for about one hour because of his engagement, despite this he ended up spending two hours with me though the interview was often interrupted by phone calls or his staff who come in with files, or urgent messages for his attention. The Manager also notified me that if his boss (the Managing Director) sends for him he would have no option than to reschedule this interview to a later date which he cannot say when because of his impending travels and tight schedules. So I decided to start my interview with questions that are key to my research. I begin by asking the company policy towards the environment.

Shell and Global Image

The Manager portrayed an image of a company that is conscious of global environmental practices which he called Shell Global Environmental Standards (SGES) according to him his company has a short and long term plan which ranged from 5 to 10 years. This plan is meant to manage all Shell major installations to reduce green house gas emissions (GHG). Elimination of continuous gas flaring is another major environmental problem that Shell intends to end within a specific period of time, depending on the operational area. The company also intends to safeguard water, land and sea to standards that are physically and chemically compatible with international practice and to employ the use of technology that is environmentally sensitive. Shell also seeks to comply with World Bank onshore standards of emissions of sulphur dioxide and nitrogen oxide in its new production facilities and existing sites. They also intend to eliminate Chlorofluorocarbons (CFCs) and halons (man-made chemicals that exist as gases or liquids) in all Shell operations before the end of the year 2010. And finally to engage the communities in the area of impact assessment and environmental education.

Shell and Environmental Education

The senior official also explained the policy of his company on environmental education. “The beauty of environmental impact assessment is that it enable you to identify how a project will affect the environment positively and negatively and you then begin to develop mitigation measures just to make sure you can protect the environment, it is very critical, and based on that you produce environmental management plans which is a life cycle document that enables you complete a project both at construction and at production phases. This also assists in environmental investigations, revelations, reports and reviews.

More importantly within the oil spill response, management, recovery and equipment, we also go into the mediation of sites impacted (t22a).

The Shell official explained to me his company's investments complies with the best environmental standards in the Delta, although in some instances the company runs into hitches. "We have to build our own infrastructure, we have to manage our own infrastructure, and we put incinerators, land fill and temporary land fill site" (t22a). His company he explained also tried to build two land fill sites but ran into some problems but there is hope that private sector partnerships will be able to take it over and they are encouraging the government to get involved in that. Shell, as a responsible organization, is also involved in a study on current global issues about climate change, issues of carbon emissions and carbon management, and currently the company is engaged in research on how to sell carbon with the aim at reducing emissions because of their global warming effect on the environment. "In a nut-shell that is the sort of things that our environmental portfolio covers across the company, anything that has to do with emission effluent and environmental monitoring, we are also mindful of our environmental stewardship to be sure that they are consistent with the international regulation and laws" (t22a). In terms of gas flaring the official explained that as an environmentally responsible company Shell is involved in environmental education as a part of its environmental stewardship.

"people don't understand environmental education because they are looking to eat and unfortunately that quick fix of getting money today is resulting in the devastation of the bio diversity and the environment, for example the fishes are dying you cannot fish, you cannot farm, this is an issue that require creating jobs among the people" (t22).

The respondent is of the opinion that environmental education can better be handled by government and Non Governmental Organizations (NGO'S) with oil companies only supporting them because people will believe what the NGO's tell them. The senior official believed environmental education goes beyond telling the people not to pollute the environment, rather it should be matched with action to make sure that what motivates people to cause spills that damage the environment should be discouraged. This can be done through;

The provision of incentives to make sure they can now go back and do what is right. We should be able to go into co-cooperative fishing, you should be able to improve the agricultural base of the Delta so that people can stop these crimes and go back to fishing, and exploration of natural resources in a sustainable manner which says you don't exploit the world today so that people tomorrow cannot live, you should engage in sustainable development which means eat what you can today in the manner that you live a lot for the people coming behind (t22).

Doing this according to the company official should not be handled by the oil company because of the nature of the relationship between the company and the communities will raise suspicions among the communities therefore the company is of the opinion that environmental education should best be handled by others.

Shell and its Regulators

I ask my respondent what sort of relationship exists between his company and the regulatory agencies. He said "the relationship with the regulatory agencies is set by enabling laws and laws governing our stewardship, our performances, our operational activities in Nigeria ranging from oil pipeline act to the production to environmental regulations given by the DPR Federal ministry of environment, state ministries of

environment and all sort of agency, including Nigerian Maritime Administration and Safety Agency (NIMASA). It is huge but then the issue is that we are subjected to obey these rules and as a responsible organization we try not just only to obey the national rules but to meet the international standard as applicable” (t22).

I ask the Shell official to tell me about his company’s opinion on the level of collaboration that exists between his company and the multiple regulators. The official explained that his company wants collaboration based on achievable standards and based on the availability of technology. He said the major issue is can you achieve that within the availability of technology, limits of international and local laws of the country.

the relationship is good and it is working the only complaint is that there are many multiple regulators in the industry and that is a big challenge and we believe that coming from the government and the states there should be focused regulatory agency that represent government at all level and if that is done it makes it easier rather than have a thousand and one agencies (t22a).

However the company is of the view that the government recognizes that there is a need to have a common legislature that is applicable across the board and easy to relate and implement. In principle according to the manager his company enjoys a good rapport and good understanding among the regulators and Shell is genuinely concerned anytime the company breaks the rules and it then looks at its operational challenges. He said “if you look at what happened in the Gulf of Mexico, no company want to get in that sort of problem where BP has had to produce between \$20-30 billion as a remedy or compensation for the spill, that is a big dent on the business” (t22a). He further explained that in principle oil companies realised that the government is not passing laws simply to make

them uncomfortable, but to protect the environment and also help the people protect oil staff and the oil industry in general.

I ask his opinion about the effectiveness of the environmental regulations in Nigeria. He is of the opinion that when it comes to environmental regulations they are more than enough but the missing link is the enforcement. He said the people who enforced need a lot of technical competence to be able to do that job but more importantly they need to be resourced but “what you find today is that for regulators to do their jobs, we the oil companies have to provide all the logistics they need, including vehicle, transport, plane tickets and you cannot be an effective regulator if you cannot be resourced to deliver a function for a state”. In the words of the Manger “You cannot regulate what you don’t have control over” (t22a).

To put it in perspective the senior official explains it in this way “if I have people from Ministry of Environment, National Oil Spill Detection and Response Agency (NOSDRA) inclusive and they came to regulate me, they need to tell me to provide them hotel accommodation, I provide them logistics, I provide them transport, and that is not ideally what it should be” (t22a). He cited his experience in UK as the best practice “I have been to the UK for an environmental assessment assignment and we were looking for the equivalent of our ministry of environment in the UK to come in and do some inspections to give us authority to go ahead, the guys came on their own drove their vehicle did what they were going to do and gave us the certificates and they left” (t2a).

According to him the opposite is the case in Nigeria because the regulators are not well mobilized, they don't even have enough resources. He said "if Department of Petroleum Resources (DPR) cannot go to the field unless they tell me to provide transport, but as a regulator you don't even need to tell me you are going to my facility you appear in the facility and say look this is DPR we have come for inspections and the responsibility will be for the location manager to call and say we have DPR officials here to see this" (t22a).

The official wondered why regulatory agencies who regulate an industry that contributes more than 90 per cent of the nation's Gross Domestic Product (GDP) should not be funded enough to be effective, yet the some state governors use up to fifty vehicles in their official motorcade.

The Official said that from Shell's point of view the regulators integrity and honor should be well protected by the government. He said "if a regulator has to go to the field and he has to come in a Shell car or Shell bus you already created an erroneous impression about your partner in that business, but if I had to drive my vehicle to the location and the regulator drives his independent of me then you begin to see some independence and you can probably trust that is a reality, if he has to go to the swamp I have to provide the boat if he has to fly I have to prepare my helicopter for him to go. It creates a false impression about this collaboration; the enforcement should be firmer than it probably is" (t22a).

In his opinion, despite the shortcomings of the regulators in the Nigerian oil industry, "Shell is not above the law because the regulators are always there to give a sound opinion and unbiased opinion of what they think is reality" (t22a). I ask the Manager what is his company's profile on environmental impact assessments in the Delta. He said the impact

assessment and mitigation process is part of the idea of managing the environmental impact of all Shell's operations.

“Shell does environmental impact assessment and as a prerequisite you must get the permit and approval to do a new project. Environmental impact assessment is an articulation of all the environmental effects of impact on that activity or that project on the environment and then you began to put mitigation measures, how do I manage this impacts so that it can limit the effect on human beings and the environment” (t22a).

He cited the example of Shell's policy on gas flaring, which was part of Shell's mitigation measures. Under the policy you are not allowed to start any project until you can demonstrate how you are going to manage the gas, if you are not able to harness and utilize the gas the project will not be approved, and this is also applicable to the already existing projects. According to the senior official his company is committed to stop gas flaring in the Niger-Delta by engaging in massive gas curving for export through its Nigeria Liquefied Natural Gas (LNLG) project and domestic power plants for domestic utilization. However the company said lack of proper town planning in most Nigeria's major cities is a big challenge to this project.

Shell's Environmental Impact Assessment Program

The manager explained to me that the impact assessment and mitigation process project is seriously challenged because “communities are now full time beginning to see oil spill and remediation as a means of revenue or livelihood because when the spill occurs they say they must be the people to clear it, they must be part of the remediation process, because it becomes a source of revenue for them, what it means is that when there is no

spill they are out of money, when there is no spill even the contractors would instigate spills so that they can have jobs” (t22a).

The Senior official described the situation as that of a coffin seller “if you go to a guy who sales coffin and you ask him how is the market and he say there is bad market, what he mean is that people are not dying so that he can sell, this people who sells coffin would be praying for people to die so that they can sell their product and that is what is happening in the community” (t22b). I ask my respondent how his company handle oil spills in its operational zones he explained the procedure as follows:

“If a spill occur depending on the magnitude and where it occurred, there are various parameters on how we can get to know, one of which is that if it occur on a pipe line which is under pressure we will be able to see it, we can pick it up because we have on-line system that can tell us or we visually see it or people noticed it and report to us, in that wise a lot of civilian, communities are doing very well to help us, once a spilled occurred they let us know, once we get that information, our first and foremost reaction is to isolate and sent people to that site and to found out what is happening, and if, I conformed that there is a spill. What we do is to quickly intervene to isolate the spill, do what we call joint investigation visit with community, government, regulators and with everybody” (t22).

He explained that the idea of a joint investigation visit is to basically determine the cause of the spill, how much is spilled and how to contain and isolate it. A joint investigation team involves representatives from the impacted communities, the government, and the operator and the visit is to establish the cause or volume of the spill. A JIV is supposed to be done within 24 hours and once that is done every other thing takes effect. In principle once there is a spill the first step is to respond, isolate the flow, contain what is spilled, and begin the

recovery and once the recovery is finished move to remediation and repair. If it is a pipeline rupture you repair it then continue operation.

The Shell manager explained that from a legal stand point “JIV is very critical in the process of defining what is the cause of this spill because the rule says if it is a sabotage spill we don’t pay compensation but if it is an operational spill that impacted people we pay compensation but ideally whether is operational or sabotages when there is a spill we take responsibly to respond and clean it up, the only thing we don’t do when it is sabotage is we don’t listen to any body on compensation” (t22a).

In Nigeria Shell has three tiers of responses to environmental degradation caused by oil spills. First is by the company, the second tier is a mutual system for response which is the Clean Nigeria Association (CNA) - a joint venture organisation founded by the oil companies. If the oil company cannot do it on its own they call CNA out and if they cannot contain it the third tier is a regional body. The biggest environmental collaboration that Shell is involved in is on the West African Coast and is based in Ghana. However due to the tension and security problems in the Niger Delta they are not always available when called out to response operations.

Shell and its Host Communities

On the relationship between Shell and Ogoni communities the respondent is of the opinion that the relationship ideally is supposed to be cordial based on the mutually beneficial relationship with which the company operates and its corporate social responsibility profile in the communities. He cited example with the Global Memorandum of Understanding (GMoU) initiative, which the company introduced in 2006 as a ‘life-changing’ opportunity

for communities with funding from SPDC. Under the GMoU about \$65 million was spent on over 270 communities were covered in Rivers, Delta and Bayelsa states. The GMoU in the opinion of the Manager is one of the biggest corporate social responsibility portfolios operated by a private company in Sub-Saharan Africa, and this demonstrate the concern of SPDC about the wellbeing of the local communities in which it do business.

However the Shell official said “something has gone wrong in the Niger-Delta over the years there have been complete neglect of the Niger-Delta by government at all levels because in real terms a company like Shell like in most businesses are not necessary developers or to be vested with the responsibility of infrastructural and community development in the areas they operate” (t22). He argued that the oil companies have a responsibility to pay their taxes and royalties to the host country, but then they also recognise that they have responsibilities of some kind in showing interest directly as companies investing where they are operating. The manager cited the example of New Orleans, a place he visited in 2001, and he was amazed to discover that the area has a similar terrain to the Niger Delta, but in terms of infrastructural development he observed the place is well developed with flyovers constructed across a terrain he described as not too far from that of the Delta.

As a Nigerian he said “If I take Rivers state for example, the only city you have there is Port-Harcourt so what happens to the millions of people living in the creeks, government have not put back enough of what they have collected from this community” (t22a). He further noted “if I take the core Niger-Delta states of Bayelsa, Rivers, Delta and Akwa Ibom, they collect between 30-36 per cent of the federally allocated revenue for the 36 states, you look around and ask where the money is. A state like Rivers state makes about 9

billion naira (\$60million) from federal government alone every month and if you look at the internally generated revenue you are still talking in the excess of N15-20 billion(\$100-134million). What is happening with the money over years? Because of this neglect of the Delta which has brought poverty, hunger in the area, the people are aggrieved and that is the aftermath we have seen the issue of bombing, destruction of pipeline, because what they are arguing is that we cannot have much resources and nothing to show for it and rather than the oil companies and government exploit this oil and take it away we might have as well stop them for generation till we decide how to utilize it” (t22a) He believed that a huge investment in the Delta could turn around the situation. Despite the huge resources mentioned above, he said his company pays 3 percent of its annual budget to Niger Delta Development Commission (NNDC) for the development of the region (t22a).

The reason why the communities are in conflict with the oil companies is because the communities in their own perspective consider the oil companies as the government because it is very difficult to hold the government, it is very difficult for people from Nembe, Brass or Escravos (all in Niger Delta) to go to Abuja or state headquarters to have access to the government officials because you cannot even penetrate due to security barriers. He argued that in the 60s, 70s and 80’s Shell enjoyed a good relationship but because of the leadership failure at all levels things changed. He said his company in the past never worked with the army or police and communities welcomed them with open arms. The current problems he attributed to lack of leadership accountability towards the people. He cited the example of a Governor of Illinois accused of trying to sell the Senatorial seat vacated by President Obama, and if found guilty he stood the chance of

going to jail (already jailed). This is the type of leadership accountability missing in Nigeria.

Shell and Ogoni People

The Shell senior official explained that it is very difficult for his company to operate in the Ogoni lands. The people want development, want infrastructure, want businesses to thrive in their area but if they are not getting it then that is what lead us to where we are. Today it is unsafe to work in the Delta because you are working with aggrieved people who are not happy with the way the economy is being managed and they are not happy with the government and the government they are accessible to is the oil companies and that what they think is that if they hold oil companies hostage they will attract government attention” (t22).

While discussing oil related environmental degradation he strongly believed that most of the oil spills were historically documented as sabotage from the oil communities. He said “in 2009 about 98 per cent of the spill in Niger-Delta come from sabotage and that its from things like willful damage to our facilities, militant attack to our facilities, hack saw to our materials and of course, oil theft, illegal bunkering of crude oil” (t22). The manager released the following pictures to back up his claim that communities are involved in third party interference.

Figure 13



Third party interference with oil pipelines: Source Shell's Environmental management presentation to Senate Dec 2009

Figure 14



Third party interference with oil pipelines: Source Shell's Environmental management presentation to Senate Dec 2009.

Figure15



Figure 16



Figure 17



Third party interference with oil pipelines: Source Shell's Environmental management presentation to Senate Dec 2009.

He argued that tampering with the oil facilities particularly pipelines is a very risky business because crude oil is highly volatile and is highly inflammable because of its pressure, if you don't have the skill and the right equipment, it will explode. Shell has had a lot of pipelines set on fire from this form of sabotage, which is a major source of environmental degradation. The respondent added this act of sabotage also caused Nigerian government billions of dollars lost.

Though the manager blamed most of the spills on third party interference, however, he pointed out that his company also has operational challenges which he said they have the skills to handle. Some of them are pipeline corrosion, human error, operational failures or equipment failure. According to the official his company makes sure they are able to manage the spills "as well as to maintain the integrity of our assets" (t22b).

When I ask if Shell recorded any operational failure the official said “as a company we do have operational failures, they do occur and when they do happen it is not always intended, but it is easy to manage because the signals are there within our right to see it and we respond quickly, but the real third party spills are sabotage spills that we cannot manage, but when they occur the first thing is to respond, contain the spill and recover the spills then isolate the floor, contain the spill, recover and remediate site, we have a whole department for remediation of the impacted site”(t22b).

I ask the Shell manager what is the opinion of his company about the Ogoni as a host community. He said “If you go to communities like you did they will tell you Shell is enemy but the reality is that we need to call a spade a spade and make things right, tell them we can no longer continue this fight and I can tell you in since we pulled out in 1993 no single oil have been produced in Ogoni ever since, that is not good for their economy, that’s not good for the environment” (t22b). In his company’s opinion the Ogoni have become political and there are some people benefiting from that among and they are not allowing the peace process to move forward. He explained that Shell had recognized that things didn’t go well and it could be better and that is why the company paid \$15 million which was something done “just to demonstrate good will not that we felt guilty” (t22b). As a company with huge assets in Ogoni land there is need to secure the wells even if the communities don’t want Shell to operate there again. Despite the fact that the company have not operated for seventeen years in Ogoni land the company need to get there secure the wells, remedy what has happened and then move forward. The senior official said that “as long as we keep pointing backward we would never make it so it is a highly political thing” (t22b)

When I ask if Shell is making any effort to reconcile with the communities and resume its operations in the Ogoni land he said the Federal government is doing something in that direction, and cited the example of the United Nations Environmental Programme in Ogoni land (UNEP) a UN body invited by the government to carryout independent study on the level and type of environmental degradation in Ogoni land. The Official quickly draws my attention to the fact that “whatever is being spent in this study is being paid by Shell” (t22b).

The respondent also raised concern on the number of illegal refineries in Ogoni land. The company views this as a major source of environmental degradation in the region because the youth are refining crude manually using locally sourced materials.

Figure 18



Remnants of the artisanal refinery site in Ogoni land (Source UNEP report, Aug 2011).

Figure 19



Another example of artisanal refining in the Niger Delta. (Source: Joint Task Force Public Relations Department, Yenegoa, Bayelsa state).

Figure 20



Example of impact of artisanal refining on environmental in another Ogoni community (Source: UNEP Report, Aug 2011).

Figure 21



Another site impacted by artisanal refining (Source: <http://remembersarowiwa.com/> Accessed 13.12.10).

This action, according to the Shell manager, apart from its impact on the environment, as well as health and safety is “causing the nation to lose roughly about 100,000 barrels every day not only in Ogoni, all over the Niger-Delta” (t22b). Policing the Delta is not the only issue but making sure that everybody performs their civil responsibilities. Unless people learn to be responsible, the issue of militancy and arms proliferation in the Delta will continue.

Figure 22



Criminal gangs in the Niger Delta, a source of insecurity in the oil industry (Source: NOSDRA Quarterly publication June 2010)

He said “when you hold a gun, its power is so much that you will not want to do without it, so a guy who has tested it finds it very difficult to surrender without an alternative” (t22). The manager is also of the opinion that most of the militants who claimed to have surrendered their weapons through the government amnesty program cannot be trusted. They still have arms reserves and he attributed this to politicians who help to proliferate these guns all over the place during elections, and this has encouraged kidnapping, hijacking, armed robbery and other violence in the region.

When I enquire if Shell is willing to go back to Ogoni land and on what terms, the official responded in this way “we have made a commitment that we are not preaching to go back to Ogoni, we are not saying that we discount it as impossible, if the people don’t want us, we don’t want to go back” (t22b). He said already efforts are been made to make sure that Shell repair whatever ill that has been felt, and first of all secure the wells because the company moved out of Ogoni in a hurry, so the pipes in most of the flow stations has

been vandalized. “If Ogoni people don’t want us, we are not going back, but overtures we are making today is not because we want to go back but is to have a closure of our equipment and if that closure then lead to us going back, then it must be under a mutually agreed principle, if they don’t want us no problem and that is the stand of this company” (t22b).

Shell’s Response to oil Spills

I ask the company senior official how Shell monitors spills and what procedure is used to determine compensation to the people whose lands or properties are affected. He explained to me that if a spill occurs, depending on the magnitude and where it occurred, there are various ways in which Shell can get to know, one of which is that if it occurs on a pipeline which is under pressure the company will be able to see it from its on-line system.

The Manager explained that under company and regulatory policies, the response should be made within 24 hours of a report and in most cases the company tries to comply with the policy. “However, in most cases we have difficulty of compliance because the communities in some instances consider this oil spill as revenue source; they try to deny us access to the locations when such spills occurred particularly when it is sabotage. They deny us access though we have community liaison officers but sometimes we have to involve government to help create access. That is a problem because there are circumstances we are not able to do it within 24 hours because we have to ‘mobilize’ the communities in their own way. To get a community access you need to first of all go round and engage them plead with them to understand why you need to contain the spill in a timely manner. At times they insist on us doing some preliminary things like paying ‘homage’ and other things, and this don’t

help us under normal joint investigation visit (JIV) without any hindrance we go often within 24 hours” (t22b).

Apart from the community, Shell also liaises with government security agencies like the Army, Navy and Police to obtain security access, but because of the security situation in the Niger-Delta this type of access can also be delayed. According to the official delayed access has a huge economic impact on his company. “In 2009 such delayed access cost over 300 hours cumulatively the lost time with consequent impact on both environment the communities and the business, but we still do our best to recover all the spills when they occur, last year we spilled over 100,000 barrels but we were able to recover some 72,000” (t22b).

On compensation the official explained that Shell have a process of determining compensation based on company rates, and a direct negotiation between the company and the communities and the rates are paid depending on the number of crops damaged, the expense of the spill and all sort of parameters which the company take into consideration. He said “in 2009 alone we paid a compensation of over 4 million dollars as well as providing relief materials like provision of water, food and accommodation for the affected people even in sabotage situations, particularly when the magnitude of the spill turned to a disaster” (t22b).

I ask him if his company had a reason to overrule a JIV report. His response was “It is not in our interest to overruled a report, but the only thing is when the spill occur what we do is to sit down and agree intelligently with the communities and the regulators” (t22b). However he acknowledged that in some cases the decision is not always agreed jointly

among the team, with the company and the communities in particular disagreeing on the volume of the spillage. He explained “Let’s assume is 100 barrels that was spilled, most times the communities want to say this is one million barrels, so you go into all sort of debate like how do you arrive at one million, look at this, look at the quantity, look at the circumstances, you can deep look at how long the spill lasted and estimate the sort of flow from this how is it one million so you go into some sort of debate because the more the spill the more the compensation they get, the reality is that they didn’t seem to trust us and the regulators, they want everything in their favour” (t22b). It is a company policy, according to him, not to impose itself on any JIV report.

Manger’s solution to Environmental Degradation in the Niger Delta

In his final comments he argued that “the whole idea of environmental devastation and degradation in the Delta is not going to go away very quickly until everybody decides to do what is right”. He is of the opinion that the agitation for resources control is self serving not patriotic, and that the communities have to recognise that they need to allow peace to reign for things to happen and that the government has a role to play in terms of demonstrating commitment to the development of the Delta.

The Shell senior official personally felt the manner of education the Nigerian youth are exposed to makes them less self-sufficient, doesn’t empower them to get into private entrepreneurship or be attractive for private sector employment. In his own opinion since government is not a good employer of labour it should create an enabling environment for the economy because the private sector drives the economy. Government should encourage the private sector instead of spending over 30 percent of the national budget on paying the

salaries and allowances of the political class. For example, the money could be channeled to revamp the railway system which could employ more than three million people.

In an effort to show his concern over the neglect of the private sector the Shell official draw my attention to some of his statements which he said are political, but as a Nigerian he said he can't help it. He cited an example of clear financial misappropriation as follows: "The Senate President earn roughly put together \$1.8 million dollar per annum while US President earns \$250,000, in summary what Nigeria's Senate president earns in one year US president will earn in four years and while another person is just earning \$1,440 per annum, that does not make sense, and this is a terrible situation we find ourselves, we are just deceiving ourselves" (t22). He warned that when the flow of oil ceased, Nigeria will be in trouble because the oil revenue contributes about 90 per cent of the Gross Domestic Product.

Conclusion

In this chapter I presented my interview with a senior official of one of the major stakeholders in the Nigerian oil industry, The Shell Producing Development Company. I tried as much as possible to present the views expressed in his own words without making my comments so that the reader can identify consistencies and contradictions as expressed in the corporate and personal opinions of the oil worker. In the next chapter I will present my interviews with the five government legislative and regulatory agencies in Nigeria.

Chapter Seven: Environmental Regulation: the regulators perspective

Introduction

In this chapter I will firstly present my interviews with representatives of the three regulatory agencies in the Nigerian oil industry, namely; the Department of Petroleum Studies, the National Oil Spill Detection and Response Agency and the National Environmental Standards and Regulations Enforcement Agency. Secondly I will cover interviews with agencies that collaborate with the three regulatory bodies or conduct oversight functions in the oil industry. The organizations are the Nigerian Senate Committee on Environment and Ecology and the Rivers State Ministry of Environment.

Visit to National Oil Spill Detection and Response Agency (NOSDRA)

The researcher was able to gain access to the official representative of NOSDRA with the help of an introductory letter from the University of Leicester and the acting agencies Director General arranged for me to interview a key departmental head. For the purpose of this study, I will simply identify the respondent as senior regulator.

Functions of NOSDRA

NOSDRA is the sole agency with federal responsibility for regulating oil related environmental matters and is unique in not having responsibility for non-oil industry related environmental matters as is the case for other environmental agencies in Nigeria. The respondent was first asked to explain the statutory functions of NOSDRA. The senior regulator explained that the functions are regulated by the federal Ministry of Environment which has the overall mandate to protect and conserve the Nigerian environment while

NOSDRA has responsibility for implementing various aspects of the national environmental policy, specifically within the petroleum sector.

The regulator was asked how NOSDRA carried out its responsibilities of regulating the oil industry exactly. He noted that the basic responsibility of NOSDRA is to respond to any oil spill through reporting procedures. He explained further “By law, all oil spills irrespective of the quantity must be reported, and the oil companies usually abide by this requirement. However there are cases where oil companies may not know that they have a spill, and, where such spills occur, they are often reported by the community and then we immediately inform the oil companies concerned who have first responsibility to organize remedial measures ” (t13).

The regulator also explained that his agency works in collaboration with others as part of a Joint Investigation Team (JIT). The team is comprised of the oil companies, the regulatory body and the state counterpart, the State Ministry of Environment and the host communities. The JIT jointly determine the cause of the spill. If the spill is the result of sabotage or third party interference, no compensation will be paid but the oil company concerned must make all reasonable efforts to take remedial action. In cases where there is no third party interference, remedial action must be taken and the JIT will carry out a damage assessment and compensation must be paid accordingly.” (t13).

The respondent also argued that the Joint Investigation Visit is necessary because “we have a peculiar situation in Nigeria. In other parts of the world oil spills would be almost certainly accidental but here we have third party interference, that is oil bunkering, oil theft, sabotage and so on, so a joint investigation visit is necessary to ascertain the cause of the

spill and the extent of the spread of the spill because, according section 11(c) of the Oil Pipeline Act (OPA) of 1990, when a spill is caused by third party interference through vandalism or sabotage, the oil company that is operating in that area does not have to pay compensation but still has to take remedial action”(t13).

A JIV approach is also necessary because of the poor levels of trust between the oil companies and the community. The community where the spill occurs may sometimes argue that the spill has been caused by equipment failure or human errors in maintenance while the oil company may also argue that it is sabotage or third party interference. The senior official explained that according to the law “there are three ways of reporting oil spills, first by telephone. Secondly, when it happens the community filled a form called form A. When we get there we establish the cause and the extent of the spill and the facility owners are required to put remedial measures in place within the first 14 days, depending on the nature and extent we do remediation especially when the screening shows that it could have negative impact on human health and the environment” (t13).

However, the official explained that in some cases it has not been possible to comply with the legal requirement to respond to a report of a spill within 24 hours and to put in place remedial measures within two weeks because of hostility from the community who sometimes delayed the response because of the belief that a delay would lead to a greater spill and the opportunity to claim more compensation. “In one instance, where the spill was caused by third party interference, the community took the company to the court to get an injunction restraining the facility owner from gaining access. It took about four meetings before we could persuade the host community to remove the junction in the court before we could gain access to stop the spill. This process took about a month and half, imagine a

breach leaking for that period, so those are some of the problems we face in responding to oil spills in Nigeria” (t13).

Regulators and the Host Communities

The local communities consider any oil spill on the environment as something of a bonanza, so they try to delay the response, and, in some cases, the Joint Investigation Team has to pay for ‘permits’ to enter the affected area, to access the facility to stop the source of the spill, resulting in increased environmental damage. He pointed out that Joint investigation visits were therefore very difficult and complicated. The senior NOSDRA official noted that the claim by the community that JIV reports are sometimes ignored or altered under Oil Company’s pressure may not be “entirely correct, the reason being this is if we are part of the joint investigation team that carry out the joint investigation visit, if the diver goes down there and comes up with a report that it is equipment failure, obviously it is of upheld. It is not possible for a manager who sat in the office to say what is there, for instance I am there, am relying more on the report submitted by my officer, I may have the mental impression of what happen could be, for instance pipeline leaking or manifold under water, two reasons could be, It could be vandals who could dive down to alter the pipelines, but it is more probable that it is corrosion because, the pipelines are within an area that is perpetually wet ” (t13).

Cause of Environmental Degradation

The senior regulator is also of the opinion that it is possible the water which is essentially salty may hasten the level of corrosion coupled with the differential pressure inside and outside the pipelines. According to him this is more of equipment failure than third party interference. However, in some cases NOSDRA experience a situation where during the

crisis time some people destroyed pipelines and in such cases large spills are recorded and nobody knows whether it is sabotage or third party interference.

Another angle according to the NOSDRA representative is that “in many cases where JIV’s are carried out host communities are very hostile and aggressive even when they know the cause is third party interference and may attempt to get the regulators to report that it is equipment failure because that is the only way compensation can be guaranteed. If you refuse, you may be attacked. Our approach in these situations is to remain calm and not release our findings until later from a less intimidating environment” (t13). I link this argument to the statement by the Petroleum Minister, who told the House of Representatives (lower house) that the government needs \$2bn to repair the vandalised pipelines (Sun newspapers, 23, Nov 2011).

I ask the NOSDRA official what are the main cause of oil spills in Nigeria. He cited statistics released by individual oil companies and the official statistics kept by NOSDRA since the inception of the agency in 2006 he claimed that third party interference has been the main cause of oil spills rather than equipment failure. “This was proved by individual companies and by aggregate of all, and of cause when people tell you they are going to blew up your pipelines and indeed they carry out the threat, so all of this is responsible for the high rate of oil spill which in our opinion degraded the environment”(t13).

However, the regulator noted that equipment failure was a cause of some spills; he cited the case of Exxon-Mobil, which operates mainly offshore, and noted the problems they had with salty water corrosion of pipelines. The regulator also explained that NOSDRA is also mandated to sanction violations of environmental laws. He said after every JIV a scope is

set and his agency follow up to ensure compliance. However, in some cases, he noted that some oil companies do not comply in a timely manner. “Shell was guilty of that and we imposed a fine of one million naira (about \$6,600) on it” (t13). The regulator conceded that the amount was relatively small but noted that “NOSDRA cannot raise the amount without amending the law itself” (t13). The Manager also explained that NOSDRA had also previously sanctioned The Pipeline and Production Marketing Company (PPMC), a subsidiary of the government-owned Nigerian National Petroleum Corporation (NNPC).

The BP Gulf of Mexico Spills Angle

The NOSDRA regulator noted that the financial penalties imposed on oil companies (see above) had helped to change the attitude of the oil companies towards environmental issues, because of the global attention on good environmental practices. The official suggested that the penalties imposed on Shell had led to significant changes in their environmental policies and procedures. Before the fine was imposed, Shell had only had a Health, Safety and Environment manager who had to deal with a wide range of issues whereas now they had developed a much more comprehensive structure with a manager for oil response, a manager for remediation, a manager for compensation issues, and a communications manager who had the task of ‘interfacing’ with government regulatory agencies. The regulator explained that “at least now they have seen that there is need to comply because as an international oil company if anything happens to it, it will affect its shares in the New York stock exchange, just like BP. And when investors noticed you are causing environmental pollution, they will either refuse to invest in your company or de-invest their existing share and the company know what can come out of it, that is why they quickly adjusted”(t13).

Challenges of Enforcing Environmental Regulations

The official admitted that enforcing environmental regulations in the petroleum industry has been a major challenge for NOSDRA. He explained that lack of funding from the government was becoming a major problem for his organization. “Our immediate challenge is lack of funding, we need adequate funding to enable us to purchase technical equipment and to provide effective logistical support, which would mean we could respond more rapidly, because speed is the key to effective oil spill response”(t13).

I asked the respondent whether or not NOSDRA received any other funding besides the government statutory allocation, he replied that “The funding of this agency comes mainly from statutory allocations. At the beginning of each fiscal year the budget is set and we have to work within this budget but we have been exploring other possibilities such as getting some form of assistance from international donors” (t13).

Relationship with other Regulators

On collaboration between NOSDRA and other regulators, the manager explained that his agency maintained a good relationship with other stakeholders particularly these in the Joint Investigation Team. However, he observed that:

“There are overlapping responsibilities between the Ministry of Environment and NOSDRA, although the government has tried to reconcile these, there has been an element of territoriality involved a reluctance to give up areas of influence so there is still some overlap in functions with respect to regulating the petroleum sector. But in the last 3 to 4 years the attrition was high but now it is weathering down they are beginning to concede day by day to the fact that environmental issues should aptly be in the environment ministries and its agencies like NOSDRA” (t13).

The next section will present my interview with the second regulatory agency also under the Federal ministry of Environment (FMoEnv).

Visit to National Environmental Standard Regulatory Agency (NESREA)

This government agency has its head office in the centre of the Federal capital territory. Gaining access to this agency was problematic and the researcher had to apply through the Ministry of Environment. The agency's Director General arranged for the researcher to interview one of the principal officers a US trained environmentalist. The respondent will be identified as Senor Official.

Functions of NESREA

The primary mandate of his agency is to protect the Nigerian environment and to thus ensure that human health is also protected. The agency ensures that all regulations and standards are properly implemented at a national level. While carrying out this function, the agency collaborates with other stake holders.

“We sign a memorandum of understanding with various agencies, organizations, state governments and the private sector. In fact, any agency that has related responsibilities to those of NESREA. We also work closely with state government that's why we have about 16 state offices across the country in addition to the six zonal Headquarters, which have responsibility for the states within the zone just like the same six geo political structures in the country. The reason is that we work closely with the state and part of that is that interrelationship and cooperation is to let the states have some level of ownership, were ever we go the state government provided us with an office so that they will have some sense of ownership” (t14).

The NESREA official also noted that his agency also collaborates with individuals, civil society, academia and international organizations. He pointed out that one of the major achievements of NESREA has been to develop eleven new regulations already documented and thirteen more are undergoing expert review. He explained “the laws are meant to balance our environmental consideration in every aspect of our development effort” (t14).

Sources of Environmental Degradation

The researcher asked the respondent to outline what his agency considered to be source of environmental degradation and the role of his agency in oil related environmental degradation in the Niger Delta. In his opinion in Nigeria environmental degradation is not limited to oil related degradation. He explained, “There are lots of forms of environmental degradation, of course, and particularly land degradation in the North and problems with desertification and in the South with erosion” (t14). However, he noted that oil pollution in the Niger Delta is a major problem for his agency. In relation to this, he noted that the agency was also concerned with the level of poverty in Nigeria; the official said “poverty is a problem because it causes indoors pollution. The local communities use large quantities of firewood by for cooking and unfortunately even those who do a lot of smoking are creating problem” (t14).

Other Threats to the Environment

The respondent further explained that another major threat to the environment is the problem of disposal of old electrical goods. According to the senior official Nigeria is becoming a global dumping ground for unserviceable, end of life electronic products. As a government regulatory agency, he explained “we check the influx of e-waste to Nigeria, we have to also deal with those who are bringing them in, and we work closely with the Alaba

(Lagos) International Electronics Market, because a lot of guys are bringing shipment from there. We also have to work closely with the consumer protection council and standards organizations of Nigeria because part of the problem relates to the standards of equipment coming into Nigeria. There's no point importing equipment that is waste even before arrival" (t13).

Environmental Education and Awareness

In order to address the problem of electronic dumping and other related abuses NESREA is also involved in an environmental education awareness campaign involving security agencies like the Nigerian Police, the immigration and customs services and the road safety commission. The purpose of the education programmes is to give officials of these agencies the tools to identify environmental violations, understand the legal implications of these and the role of these agencies in enforcing environmental legislation. He cited the example of NESREA's collaboration with the Federal Road Safety Commission (FRSC) to reduce vehicular emissions, and with the Nigerian police to report and respond to noise or air pollution. NESREA also work with the immigration authorities to prevent the illegal smuggling of flora and fauna across Nigerian borders, which in the opinion of the official, is also another source of environmental degradation. There is also close cooperation with the Nigerian customs service to stop the importation of e-waste.

I ask the senior official what specific role his agency is playing in regulating the Nigerian oil industry. He noted that the only function his organization has in regulating the oil sector is in ensuring that whatever terms were reached in public hearings involving oil companies and oil communities are complied with either by the Oil Company or the communities. He also noted that oil related environmental degradation is the responsibility of NOSDRA.

However, the respondent explained that his regional offices conduct inspections of oil facilities on occasion and any environmental violations are reported to head office, and in some cases the agency also encourages the neighborhood watch to report contraventions on environment. When such reports are received NESREA investigates and can prosecute violators if necessary. NESREA also ensures compliance with any actions imposed by the courts in such cases.

Although NESREA has a mandate to protect the environment, the official noted that there was some overlap in responsibility and function with other agencies. However, he maintained that NESREA is doing everything possible to find common ground to work together with other agencies without losing focus on the primary objective of the agency. Next I will present a similar visit to Department of Petroleum resources, a federal government agency that also played a key role in the petroleum sector.

Visit to Department of Petroleum Resources (DPR)

The interview with the DPR differed from the other interviews I was given access to four officials to interview. However, unlike the previous interviews, these officials refused to be identified or to allow the interview to be recorded on tape. They stated that they belonged to the ethnic groups inhabiting the Niger Delta and did not want to risk being identified through the research as this could jeopardize their personal safety, despite my assurance of identity protection. The interview was therefore carried out in a form of focus group and off tape. The officials discussed the official version of the environmental problem from their organizational perspective and at the same time their personal feelings as Nigerians. It is worth pointing out that during the discussions, there was wide disagreement between the participants and various contradictions and inconsistencies emerged. As is discussed

further below. The DPR officials agreed to answer only questions that concerned their operational responsibilities and not issues relating to the politics of the Nigerian oil industry. However, the discussion did include some discussion of this more controversial area.

The DPR focus group were asked questions on seven key areas including Environmental Impact Assessment (EIA), environmental laws, collaborating with other agencies to tackle environmental problems in the petroleum industry, and the opinion of the DPR on environmental degradation in the Niger Delta and the solutions.

Environmental Legislation in Nigeria

According to the respondents, environmental legislation in place today is effective, unlike in the early 90's, when there was no specific law specifying who is responsible for environmental issues in the oil sector. However, they noted that the 'Nigerian factor' is always a problem. The respondents were asked what they meant by the 'Nigerian factor', however, they reminded me that, as a Nigerian, I should understand this concept and that as civil servants they would not want to say more than that.

The respondents all agreed that implementing environmental legislation in Nigeria is difficult because of the resistance from some oil companies, however, the DPR tries to apply sanctions where necessary. According to the respondents "What is also helping us now as a regulatory agency is the general level of environmental awareness on issues like climate change and global warming. There are now powerful NGO's raising public awareness of environmental problems and, from our experience, this puts pressure on the oil companies to be environmentally aware. Another forum are the social networks like

‘Twitter and ‘Face book’, which also heighten public awareness, no company wants to have a bitter experience of BP in the Gulf of Mexico” (fn18).

This reason, according to one of the respondents, is now forcing the parent companies to monitor the activities of their subsidiaries worldwide to ensure compliance with good environmental practices. This is unlike before when the subsidiaries in other countries were treated as separate entities.

Collaboration with other Regulators

I ask my respondents how DPR collaborate with other agencies in the sector. One of the respondents argued that regulating the oil industry requires close collaboration among the multiple agencies as provided by relevant laws. However, the respondents were of the opinion that the collaboration is not working as it should. This, according to one of them, is due to the lack of well defined roles and boundaries for each regulatory agency. One of them cited the example of NOSDRA as one of the agencies that abandon its primary mandate as a third tier regulatory agency to be involved in non-oil spill issues (fn18). They argued that “unless Nigeria adopted a model similar to that used in the United States where the Environmental Protection Agency (USEPA) formulates laws, which are widely applicable to the agencies both at state and local levels, in Nigeria the level of ignorance of the laws and greed among the regulators make the problem more severe” (fn18).

As well as the problem of collaboration among the regulatory agencies, the Department of Petroleum resources is also facing some challenges and constraints in respect of funding which in some cases have seriously impacted on the DPR’s effectiveness. The respondents all agreed that funding is a major problem. DPR has the technical know-how but logistics and security has changed all that, “we can’t get to relevant locations on our own, we don’t

have the necessary logistics, the closest we can do on our own is to visit downstream sector, but in upstream sector is impossible we can't" (fn18). The respondents were asked to explain the logistics problem, and they noted that they were supposed to be provided with helicopters, boats, and operational road vehicles. At present, they only have operational vehicles, and at times due to the topographical nature of the Niger Delta they had to abandon them and trek for several kilometers before reaching sites. One of the respondents explained that they had to rely on oil companies to provide them with logistical support like helicopters and boats. In relation to this, one of them advised me to read the Irekife Report of 1991 which suggested ways the DPR should be funded to be more effective.

Challenges from the Oil Communities

Another major challenge for the DPR according to the respondents comes from the oil communities themselves "who at times will not allow access by Joint Investigation Team due to criminality and greed, there are some cases where one of the parties challenged the findings of the Joint Investigation Team report. Sometimes they use threats to change the findings of the report and on occasion warn the JIT not to come otherwise they will attack the team" (fn18).

The officials also noted that certain communities would justify their criminality using cultural reasons, stating that some areas were sacred, and could not be visited by non-indigenes as this would bring calamity on the community. On occasions, they also request for traditional rituals before access is granted. The official stated that thought these were often deliberate attempts to delay access to the spill in order to increase the amount of environmental damage and the corresponding amount of compensation. "At times we are

compelled to do our job by proxy and they believe the more the spill the more the compensation” (fn18). I asked the respondents to explain what exactly he meant ‘by proxy’ but he was prevented by another respondent from providing further explanation, because that will mean compromising their personal safety.

Causes of Environmental Degradation

Finally, the respondents were asked for their opinion on the causes of environmental degradation in the Niger Delta. One of the officials explained that “oil theft account for about 90 percent of the oil spills, which is widespread despite the danger to the population and the environment. The attraction of making ‘quick money’ makes it very difficult for some people to resist the temptation of stealing oil from the oil facilities” (fn18).

Other major challenges to both the environment and public health over the last ten years, according to the respondents, include crude oil theft and illegal refining. However, another official also noted that equipment failure, corrosion, operational error (human error) had also led to oil spills and environmental degradation. Overall they agreed, DPR has zero tolerance approach to oil related environmental degradation, though none of the officials could explain if there is any target set to achieve this.

The Solution to Environmental Degradation

The officials also express their own opinion as Nigerians. They argued that if there were more honesty and integrity over the way both environmental and oil sector is managed in Nigeria, then the environmental problems would be minimal if not eradicated completely. But as long as corruption is widespread, particularly among the government officials and the political class, then our environment will continue to suffer degradation (fn18).

In the following section, the interviews with the official of the Nigerian Senate Committee on Environment and Ecology and with the representative of the Rivers State Ministry of Environment are presented.

Visit to Senate Committee on Environment and Ecology

Functions of the Committee

The Nigerian Senate Committee on Environment and Ecology is one of the standing committees of the Nigerian legislature or the national assembly. The primary responsibility of this committee is to make laws on all issues related to the environment in Nigeria. The committee oversees environmental matters under the standing rules of the Nigerian senate. The committee legislates on issues like environmental pollution, air water, land degradation, and matters relating to marine pollution.

The committee is also responsible for allocating funds to all agencies under the federal Ministry of Environment. Another mandate of this committee is to identify key projects within the environmental sector and ensure the government gave them the priority they deserve. A third main responsibility of this committee is to perform an oversight function for the national environmental sector through the monitoring of budgetary allocations and expenditure on the projects that were approved originally in budgets. The Nigerian legislature is bi-cameral and, therefore, the Senate Committee on Environment and Ecology performs its legislative duties in tandem with the sister committee in the Federal House of Representative. Before any bill becomes law or budgetary allocations and projects are approved, the two committees must harmonize any differences in their positions before is forwarded to the two chambers for ratification and assent by the Nigerian President.

From the discussion above, it can be seen that the Senate Committee is strategically important in the environmental sector in Nigeria and, therefore, an essential source of information in the data collection process. Findings from the earlier interviews with agencies regulating the oil sector and from the oil communities suggested that environmental laws in Nigeria are either obsolete or they are not regulated. In addition, it had been suggested that the government was too corrupt to enforce standards or enforce sanctions when the laws were violated.

My original plan was to meet with the two chairs of the Committees in the Senate and House of representatives respectively. However I was unable to interview the House Committee chair despite five separate interviews having been arranged. Therefore, I decided to focus on the senate committee, the superior committee by hierarchy.

The interview covered five major issues. First, the perception of the Nigerian Senate on environmental issues in Nigeria, second, the legislative framework of environmental legislation, third, the politics of environmental legislation in Nigeria, fourth, how the committee regulates the regulators and, finally, the opinion of the Nigerian Senate on global environmental issues.

General Environmental Issues in Nigeria

The senate committee clerk suggested that the environmental problems in the Niger Delta cannot be treated in isolation because every area in the country is crying for attention “In the Northern part of the country the desert is encroaching at an alarming rate, claiming about five kilometers per annum, and this makes drought increasingly likely as new diseases are emerging, people and animals are dying and there are more and more conflicts between farmers and herdsman over grazing lands. If you take the South eastern part of the

country the erosion, the land slide clearing villages and taking people along with them recoding lot of death, people will wake up and they are buried under the ground. So the focus is not only on the Niger Delta. But agreed there are major problems in the Niger Delta like pollution, unprecedented soil degradation, farmlands, water, everything is polluted, gas flare, public health, their houses roof tops etc. So I would say that no one problem is more important than the other but we must use a holistic approach to tackle all the problems simultaneously, rather than focus on one thing and neglect the other problems” (t15).

Environmental Legislation in Nigeria

The respondent argued that most of the laws regulating the environment in Nigeria are not in line with contemporary environmental challenges. She stated “We have a number of laws dating back to the 1950’s, 60’s and most of these laws are not fit for purpose and are no longer relevant to contemporary realities, or address current environmental issues as set out by the United Nations Framework Convention on Climate Change Committee (UNFCCC), so a lacuna exists in terms of legislation with respect to the environment sector” (t15).

In addition the respondent noted that one of the major problems in developing effective environmental legislation in the past was the relatively unstable democracy in Nigeria where military coups had interrupted the development of an effective legislative framework. Nevertheless, she was of the opinion that the stable democracy attained since the inception of this political dispensation in 1999 has meant that the legislature had been able develops the legal framework and create, for example, the agencies regulating the environmental sector. She noted that these agencies were already having a positive impact on environmental protection. The Clerk explained that now the National assembly had

created a number of bills that were presently before the legislature. She explained that these included the Climate Change bill that would lead to the establishment of a climate change commission, the Petroleum Industry Bill the Biodiversity bill the Bio Safety bill and Gas Flaring bill, which are intended to improve the sector and make operators to comply with acceptable standards.

The Problem of Environmental Legislation in Nigeria

I asked the respondent to what extent the problem of environmental legislation affect the environmental regulations in Nigeria. The respondent explained that most of the problems are economic and political in nature. She argued that “There is a school of thought that says we don’t have money to keep setting up agencies, that the financial resources required are huge, and that we should strengthen the existing ones and give them more teeth to function instead of duplicating agencies to create jobs for the boys. If you want to give specific task to specific agency, for the purpose of effectiveness and productivity there will be nothing wrong creating it, like setting up the Climate Change Commission which is absolutely necessary in the face of the present environmental trends” (t15). On the other side, she claimed, strengthening NESREA or NOSDRA would take care of the demands by the political class. Currently, the national assembly is being asked to create a Desertification Commission by some northern Senators and then the Senators from the eastern part of Nigeria also want erosion commission and according to the committee Clerk the committee is of the opinion that one agency can be established to cater for both desertification and erosion.

The respondent also acknowledged that the roles of the various regulatory agencies in the environmental sector sometimes overlap and leads to clashes of interest. She stated “The Committee has noted that there is some overlap in terms of function and responsibility among the regulating agencies both NOSDRA, NESREA, DPR and parental ministries and some other agencies. The committee is studying the problem to see how we can reduce the overlap and make them more effective and efficient. The senate is currently formulating amendments to strengthen them and also remove areas of duplication in the existing legislation so that they can reflect the provisions of the United Nations Framework Convention on Climate Change” (t15).

The Clerk also noted that the Senate Committee has a limited constitutional mandate to drive these changes as the main role of the Committee is purely one of oversight in relation to the regulators. She pointed out that the Ministries of Environment and Petroleum Resources are solely responsible for the activities of these agencies. She said “We are not responsible for their day to day operations but our role is to see the outcome of the field assignment, how they are doing this particular job that has been budgeted for in the budget how effectively they carry out their role is not in our mandate. We are more concerned with the impact they are having on the environment than how they carry out their duties and we don’t interfere in their internal operations” (t15).

I asked the respondent if the existing environmental legislation was effective enough to enforce standards in the oil industry. She had doubts as to whether such legislation is effective enough to regulate the oil industry in Nigeria. The committee receives many petitions from the affected oil communities but the Committee, according to the respondent, has been making serious efforts to tackle the problems. She noted that the

problems are multi faceted and that, on the one hand, the oil companies claim it is sabotage, while, on the other hand, the community claim the causes are mainly operational failures.

According to the respondent the Committee was committed to ensuring that the operators operate within the standards that are globally acceptable. “Nigeria is not the only country where oil exploration and extraction is taking place and this exploration is mostly governed by set standards. Nigeria should follow the same standards, we know that we need to strengthen legislation to further enforce compliance in Nigeria, and we are really working hard to achieve this. We are talking with the oil companies and visiting locations to see things for ourselves and, despite the enormity of the problems we are trying to ensure something is done” (t15).

Application of Sanctions and Compliance

Concerning the use of sanctions and compliance, the senate committee acknowledges it doesn't enforce any sanctions when there are violations. The Committee has no constitutional mandate to do this. The regulatory agencies have the responsibility to impose sanctions such as shutting down the operations of the companies, taking them to court or fining them. The Senate can only direct the relevant agencies to take action or summon them for investigative purposes or public hearings. The Clerk was also of the opinion that while there was a need for proper enforcement of the law, there was also a need for enlightenment and education. She noted that people and corporations need to understand the dangers of degrading the environment and the future consequences. According to her, Nigeria is now taking the lead in Africa by creating the first national Climate Change Commission to tackle the issues of climate change.

This section will be followed up with a visit and interview with a state politician and a senior official in the Rivers State Ministry of Environment, Port Harcourt.

Visit to Rivers State Ministry of Environment (RSMoEnv)

The researcher had initially not been intending to interview key personnel in the Rivers state but it soon became clear that it would be necessary to try and interview representatives of the Rivers State Ministry of the Environment. This was because the ministry represents the environmental interests of the Rivers State government and at the same time has close connections to the communities and the oil companies in the area. Access to a state environmental official who is also a local politician was difficult at the beginning; the interview had to be rescheduled more than five times before access was gained to interview the senior government official.

The ‘interview’ was unusual it took the form of a group interview with journalists who were doing a personality profile interview with the politician. Initially, a separate interview had been requested but this was turned down on the grounds of time pressures. The discussion with the senior official concerned the role of his ministry on matters relating to oil related environmental issues, environmental laws, and relationships with the oil companies, the federal government, and the communities, other regulatory agencies in the sector and the environmental politics in the state.

Functions of the Ministry

The major function of the ministry is to safeguard the environment of Rivers State. Its primary mandate is to formulate, execute and review policies on environment and ecological matters within the state; monitor and evaluate environmental and ecological programmes and projects in the state; and to protect the physical, biological and chemical

environment. Its mission statement is to bequeath to the present and future generations of the state a healthy and sustainable environment.

The Ministry also liaises with other key stake holders in the environmental sector of Rivers state. The ministry is one of the regulators in the sector it works with the DPR, NESREA, and NOSDRA in particular. The ministry is also part of Joint Investigation Team that investigates oil damaged sites, the impact of the spill on the environment and possible claims for compensation. By law, spills have to be reported to the Ministry within 24 hours by the oil companies or the impacted community.

The Ministry is also involved in the payment of compensation, the cleaning and remediation of the sites. The Ministry is also responsible for re-inspecting affected sites after they have been cleaned, and remediated. If the Ministry is satisfied with the remediation efforts, a certificate is issued to that effect, and if it is deemed unsatisfactory, the facility owner is urged to go back to site. As a key stake holder in the regulatory process, the senior government official was asked his opinion on the relationship between his organisation and the oil corporations in the state.

Regulating the oil Corporations

In relation to this, he noted “it has been problematic dealing with them because they do not apply the same standards in Nigeria as they do elsewhere. You will also find out that they also exhibit a high level of ignorance here, because when you have a polluted environment, it also affects you because that is where you work, that is where your family exist so I don’t see any reason why somebody who is very well enlighten and who understands this problems will want to allow a polluted environment to remain for the purposes of making profit. We have to be alive to enjoy the money we are making” (t21).

The respondent was also of the opinion that the responses to the cases of spills by the oil companies were dictated more by economic value than making good the environment. “I don’t think they feel sorry that they are polluting the environment, they are more concerned with the cost of the oil spilled. If it is possible not to lose money and continue polluting the environment; you won’t get any reaction from them” (t21). The official explained that the Ministry had organized a corporate forum to consider ways to minimize the emission of greenhouse gases and to combat climate change, which none of the oil companies had attended. He further explained that the oil companies had different set of policies of paying compensation to impacted communities. In Nigeria the responsibility of determining compensation rests with the Oil Producers Trade Section (OPTS) The senior official noted that the OPTS “is made up of only the facility owners, how can you be the polluter and at the same time also determine how much you pay for polluting? The proximate sufferers are not members of the OPTS. So what it means is that there is a line you cannot exceed in terms of compensation” (t21). Again on compensation, if it is discovered that the spill was the result of sabotage, you don’t pay compensation, the Ministry of Environment is also of the opinion that this policy is not fair because it is against the interest of the people who suffer such spills.

“If a spill occurs in community ‘A’ and affects innocent and innocent man in community ‘D’ far away from community ‘A’ got his fishing pond or farm affected by that spill, from community ‘D’ that innocent man in community ‘D’ even though loses his source of livelihood completely and if it is discovered that the spill in community ‘A’ was as a result of sabotage the man impacted in community ‘D’ who was not part of the sabotage who did not contribute in any way is entitled to nothing” (t21).

Causes of Environmental Degradation

The senior official argued there is a high level of negligence on the part of the facilities owners and the third party is made to suffer. The innocent person should not have to suffer from the negligence of the people who are supposed to secure the pipes against sabotage. He also claimed that when a spill occurs the oil companies do not make serious efforts to contain or clean the spill as stipulated by law, nor in the time period specified. He cited several spills that had not been cleaned for two to three years in which time the spill had spread and affected a much wider area than it should have. According to him the Rivers state government was introducing new laws as a result to address certain aspects of compensation procedures. He noted that in the new bill “If there is a spill there, it must be contained and cleaned up, within a given time. If it is not done within this time, the facility owner will be fined. If there is an impact on the property of the third party and it is clearly discovered that he was not part of the sabotage he should be entitled to compensation. Whoever is responsible for safeguarding that facility should pay compensation for being negligent; whether it is the government or the facility owner” (t21).

Environmental Policy

The respondent was asked if the oil companies are above the law based on his earlier claims. He explained that the companies are not really above the law but the Nigerian government has a major problem and that is why it is unable to take proactive step just like the USA did in the case of Gulf of Mexico spill incidence. He noted that “This is because the relationship that exists between government organisations and the facility owners in Nigeria is not the same type of relationship that exist between the US government and the oil companies that operates in the United States. It is not that they are above the law but because the contractual basis on which the oil companies operate is that of a joint venture

between the oil companies and Nigerian government. In a joint venture situation if your partner is in default it means you are part of it, too. We are of the opinion that we don't need to run a joint venture or review the venture but to cancel the contract. Let the companies operate pay what they ought to pay to the Nigerian government and be fully responsible for whatever misconduct that arises from their operations, that way the government will be able to stand up and say we cannot tolerate this in our environment” (t21).

Communities Ignorance

Having discussed the nature of relationship between his ministry and the oil companies in Rivers state, my respondent was asked about the kind of relationship that exist between the Ministry and the oil communities. He stated that “There is also high level of ignorance on the part of the communities, which is hinged on the literacy level. Here you find that in a community that is supposed to care about its environment, some elements of the community are actively responsible for pollution of the environment. Of course, we have very high levels of sabotage in this part of the world, people sabotage oil facilities to make money and it is unfortunate situation.” The picture below shows different brand of oil from artisanal refining sold in the communities.

Figure 23



The products derived from artisanal refining sold at roadside stalls. (Source UNEP report, Aug 2011)

“Aside the issue of sabotage sometimes they try to prevent the containment of the spill because they also want the spill to extend to their own area so they can make compensation claims and there is little concern about the impact of this on the immediate environment”(t21).

The Gulf of Mexico Case

Though the senior official blamed the communities for this, he is also of the opinion that the system for paying compensation, as explained previously, played a key role in inciting people to sabotage as the people felt exploited by the facility owners. He cited an example of the Gulf of Mexico oil spill, where funds were immediately set aside for compensation, but it never happened here in Nigeria. As a result of this shortcoming, the senior government official said the Rivers state government was implementing new environmental

legislation in the state which will guarantee justice to both parties. The newly proposed law stipulates that “Whereas if there is a spill there must be a time line within which facility owner must curb the spill, within which you must contain it, you must clean it, within a particular period which you must carry out remediation, if you don’t do it within this time line, then the facility owner is also committing an offence and will be finalised. Again if there is an impact on the property of the third party and it is clearly discovered that he was not part of the sabotage he should be entitled to compensation”(t21).

The official also added that “The state government is also determined to discourage people from sabotaging the facilities, so we have also included in the new bill penalties for sabotage should be long term imprisonment or death sentence” (t21). Despite the efforts of the state government, the official claimed that people don’t understand the technicalities and so they don’t appreciate what the government is doing to protect them.

The Ineffectiveness of Environmental Laws

The respondent was asked how effective the present environmental laws were. He noted that the existing environmental laws are either difficult to enforce or not in line with contemporary realities as some of the laws were made over twenty years ago. He cited the example of one of the environmental laws in Rivers state which is on environmental litter. The law forbids littering and street hawking. It is a criminal offence and the penalty on conviction carries a fine of five hundred naira (£1.90). This, according to him is not realistic because “you have to carry out the arrest, have a trial and the outcome of all this is a five hundred naira fine” (t21). According to him in most cases “people ask us why you wasted your time to go through legal process instead of just asking me to pay five hundred naira (£1.97) and continue my business” (t21). The respondent said a new compendium of

all environmental legislations in Nigeria is planned so that the country will have a one stop shop for environmental laws.

Another major feature of the proposed environmental laws is that it addresses the issue of multiple regulatory agencies in the petroleum sector. The respondent stated that multiple regulations “were not desirable omen because in this sector you need specialisation. The agencies presently carry out virtually the same assignments and it does not make sense. But it is better if you have specialised agencies carrying out specialised tasks. Presently, because of our level of development, you find out that most of these agencies overlap, most of them virtually do the same thing” (t21).

Environment and the Niger Delta Politics

I ask the respondent his opinion about the politics of environment in the Niger Delta. He noted that environmental problems were not the result of political issues. But that they had become politicised. According to him “Today, President Jonathan is from the south-south, some people said he has to be a president, if not there will be no Nigeria, because the oil money comes from this part of the country, because we now agitated that this place has been polluted we must be given opportunity to also hold that office, that is political” (t21).

The respondent also claimed that some environmental problems in the Delta were the result of “past bad administrations in that sector, it started as a result of greed by the operators in that sector, the race for profit has resulted negligence over issues that ordinarily will not have been neglected. Some of the pipelines that cut across the Niger Delta are over 50 years but they are still being used. In other places they would have been changed” (t21). The respondent is also of the opinion that the environmental problems not only hinge on political issues, they also hinge on problems that have made people see themselves as

helpless, being denied of their source of livelihood, being deprived of existence and of course being very hungry. There is an abject poverty in the Niger Delta region, and he equates the situation to that of a goose that laying a golden egg but without anything to eat itself.

Bad Administration in the Past

The respondent also claimed that “In some places the oil heads are so close to people’s homes that they literally hang their clothes on, yet they don’t have food to eat, there is no potable water, no clinics, and yet every other day wealth is leaving that place. This is taking place while yields on farmlands are going down; oil pollution is affecting the livelihoods of fishermen etc” (t21). In his opinion when people are exposed to such situations, definitely you will expect a reaction because they are rendered jobless “an idle mind is a devils workshop” (t21).

I reminded the respondent that the communities had claimed that politicians at all levels were responsible for their predicament, and they ignored them until election periods. As a politician, he agreed to some extent but he also blamed the behavior of the people during elections “when they come back to them they demand money before voting and when they give them money what do you expect?” (t21). He also stated that people should not be blamed for demanding money before voting, “if you want to balance it you will also find out that the people are hungry, and so we come back to them with little food rather than stay back and die they will prefer to chase that little food and allow you take the vote (t21).

Finally, the senior official of the Rivers State Ministry of Environment was asked to describe the relationship between his ministry and the federal Ministry of Environment. His explained that, by law, his ministry was supposed to work in conjunction with the federal

Ministry of Environment, but it is only recently we started having some positive relationship with the federal ministry of environment on two projects the integrated waste management scheme and the proposed plastic recycling plant. Besides these two projects we have not felt the presence of the federal government. Being as it may this projects are yet to pick up” (t21).

Conclusion

This chapter presented my interviews with the five regulatory/legislative agencies in the Nigerian oil industry. The interviews have been presented with little explanatory commentary to better represent the views of the respondents. In the next chapter, four interviews are presented. The first is with the representative of the United Nations Environmental Programme in Ogoni land and a senior security official in one of the security outfits in the Niger Delta and lastly the ‘founding father’ of the Nigerian oil industry and the last is with a resident priest in Ogoni whose view were sharply different from other community members. It is hoped this will provide a rich source of information and opinion to inform the thesis from the perspective of those outside the Nigerian oil industry.

Chapter Eight

Environmental Degradation: the ‘outsider’s’ Perspective

Introduction

In this chapter, four interviews are presented. Two of these interviews were with agencies which could be considered to be ‘unbiased’ and played key roles in environmental issues in the Niger Delta. The agencies are the United Nations Environmental Programme (UNEP) in Ogoni land, invited by the Nigerian government as an independent, international body to provide neutral scientific facts about the current state of the region’s environment. The second is with a senior member of one of the security agencies in the Niger Delta responsible for security in the Niger Delta. The first Interview in this chapter was with the Nigeria’s first independent and longest serving Oil Minister, who provided an important historical account of the relationship between Nigerian politics and environmental issues in the Nigerian oil industry. The last interview is with a resident Priest in one of the Ogoni communities whose opinion differs with other members of the communities.

Meeting the First Oil Minister

The respondent is the longest serving Nigerian independent Oil Minister. He was also formerly Nigeria’s envoy to the United Nations, a former presidential candidate in late 70’s and now a senior councilor in one of the most influential emirates in Northern Nigeria, now in his 80’s. Access to the elder statesman was organized through a local journalist who is a regular visitor to his house and well known by most of the family members of the first oil Minister. On the appointed day I travelled from Abuja to Kano covering about 400 miles to

meet up with the appointment which was so sudden because of his scheduled medical trip abroad.

The interview covered the history and politics of the early formation of the Nigerian oil industry, current problems in the industry, and his suggestions for solutions to the current environmental problems in the Delta. As a politician from the age of 21 when he won a parliamentary seat in the colonial period, his thoughts were based on his experiences as a foundation member of the first republic (1960-66). Despite his age he was able to recall the developments that led to the formation of the oil industry and the monopolistic tendency of one of the oil companies from the beginning.

Historical Account

The respondent was asked to explain the circumstances that led to the birth of the Nigerian oil industry. He took me back to the beginning to prove that the politics of oil history in Nigeria is even older than the petroleum industry itself. He explained that in 1958, Shell BP was the only company exploring for oil in Nigeria. At this time, they invited officials from Nigeria to London and informed them that after years of exploration and considerable expenditure, they had not been able to find oil in commercial quantities and were therefore pulling out. The Nigerian government responded by telling them that if they were leaving they should also remove their assets, such as filling stations and other assets. Shortly after this, the company announced that they had found oil in commercial quantities. According to the respondent, Shell had in fact found oil much earlier but they had wanted to hide this until it suited their purpose to start exploiting it.

The First Oil Minister also pointed out that Shell had resisted any attempt by the other oil companies to get oil concessions in Nigeria. He counseled the then government that having only one operator in the new oil industry, would be unhealthy and prevent competition. Based on this argument, other companies like MOBIL, ESSO Gulf, ENI Agip and others were granted concessions though not without a fight from Shell who sponsored a campaign of calumny suggesting that some of the prospecting oil companies were owned by communist countries. This campaign, according to the respondent, almost convinced the Nigerian government until the respondent pointed out that “since some of the operators did not belong to the seven Sisters, they would bring in the kind of competition we wanted in the industry, because we must have competition in the oil industry if we really want to get maximum benefit from it” (t23).

The respondent also explained how the National Oil Corporation (NOC) (now the Nigerian National Petroleum Corporation -NNPC) came into being. He explained that the NOC was set up because “Matters relating to oil and oil exploration were was at first part of the Ministry under the Permanent Secretary, but we could not attract oil workers, oil experts to work in the ministry because nobody working for the ministry could earn more than the permanent secretary. In order to attract the right caliber of people so that we could get maximum benefit from our oil, we had to separate the oil sector from the Ministry and make it an independent organisation. So, we decided, therefore, to create The National Oil Corporation, and gave them complete independence and allowed them to employ the right caliber of people and to give them salary commiserate with their qualifications” (t23).

The respondent also cited other issues like joining the Organization of Petroleum Exporting Countries - OPEC. According to the respondent the attempt to join the organization was

strongly resisted by Shell. Some of the oil companies, led by Shell, argued that joining OPEC would mean joining a club of irresponsible communist countries. The respondent advised the government at the time that that “All the members of OPEC were like Nigeria, they were oil producing countries, they were developing countries, we therefore had the same problem and, therefore, all of us were seeking solutions to our common problem and that if our buyers could unite, then why couldn’t we the sellers not also unite? The Prime minister accepted my argument and he agreed that we should join OPEC and so we did” (t23).

Another major political issue at the foundation stage of the oil industry was the regional political rivalry within the country from the then Eastern regional government, which at that time, argued that “Territorial waters contiguous to a region belong to the region. They made this argument knowing that many of the oil deposits were in the sea; again I had a lot of trouble trying to convince them that federal territorial waters could not and never would belong to any state government. Territorial waters in all federal countries belong to the central authority, because it is the central government that has the Navy to protect the waters, you cannot claim something that you cannot protect”(t23). My respondent further explains that the issue of resource control, and who benefits from it, is as old as the Nigerian oil industry but because successive governments had not dealt with the issue properly, it was still a problem. He argued that the problem in the Niger Delta is well known and the Nigerian leadership know where the problem lies and how can be resolved if the leadership is serious and has the political will and determination to solve it.

Between Moral and Legal Obligations

I asked the former oil minister if they had encountered any environmental issues at the beginning. He noted that at that time they believed that the oil belonged to Nigeria as a nation and not to individuals and that their main concern was for the people of the area and Nigeria as a whole. He went on to state “We used to tell the oil companies that while they might argue that they were fulfilling their legal obligations, they were not fulfilling their moral obligations. We went further and tell them that they must fulfill their moral obligations. They were working in the Niger Delta, destroying roads with their heavy vehicles, polluting waters and killing fish, ruining the land and farm lands. We told them they should give scholarships, build schools, build community centers, and employ them. These were some of the moral obligations we insisted that they should meet” (t23).

The respondent argued the sense of fairness and patriotism they used to handle the oil sector resulted in a political alliance between the Northern region which was controlling the central government then and the Niger Delta region. “We are more interested in them. We were so much committed and dedicated to this people and we are concerned with their interest and welfare and as a result of this when they formed their political party the Niger Delta people’s congress (NDPC) they went into alliance with the NPC (Northern people’s congress) the governing party, they trusted the Prime minister and his party and their representatives always contested election on the platform of that party Niger Delta people’s congress/NPC alliance and they always won” (t23).

Mistrust between Niger Delta people and others

The respondent was asked what he thought had led to the mistrust between the Niger Delta people and other ethnic groups in Nigeria. He argued that “This is unfortunate because during the colonial days about 70 per cent of the revenue of this country come from the North, from ground nuts, cotton, hide and skin, and tin. Some came from farm kernel and cocoa from the western part of the country but about 70 per cent of the revenue came from the North. And no special concession was given to the North because it supplied most of the revenue and even when exploration for oil was started the central government’s contribution came from the revenue most of which from the North. The revenue of the country was also generated from the mining activities in the Plateau which was also destroying the fertility of the land in the area. Yet there was no special consideration given to Plateau or the North” (t23).

The respondent also argued that the problems began later when oil concessions were given out to individuals and also when people started bunkering oil. The leaders in that area were siphoning the money meant for the development of the region. If, for example during the 8 year tenure of the last regime (1999-2007) if 50 per cent of that money was used to develop the area, it would have become another Dubai” (t23).

Leadership

He also cited the attitude of the leadership as another factor. He felt it was immoral for government officials to award oil concessions to themselves and to abandon their basic responsibilities by not developing the Niger Delta area. He felt this had provoked the people in the area and was one of the major causes of the agitation for resource control, vandalism and other form of hostilities.

In his opinion, agitation for resource control will continue unless “we try to encourage people to believe to feel to live as brothers, we should be our brothers keepers, whatever is found in any part of Nigeria should belong to all of us and let leadership be honest and let not be corrupt and greedy let the leadership be concerned with the plight of the people not only in the oil producing area but also every where in the country it is then that the people will have confidence it is then that people will feel they are not cheated”(t23).

Solution: Leaders not Rulers

The respondent was finally asked for his opinion on possible solutions to the environmental problems in the Niger Delta. He insisted it was a leadership problem. He stated “we should try to restore sanity not only to the industry but also to Nigeria as a whole; we should try to encourage people to believe and to live as brothers. Whatever is found in any part of Nigeria should belong to all of us. Leadership should be honest and should not be corrupt and greedy, let the leadership be concerned with the plight of the people not only in the oil producing areas but also everywhere in the country. It is only then that the people will have confidence in leaders, it is then that people will feel they have not been cheated” (t23). His final prayer for the solution was “May God grants that we may have leaders not rulers not looters” (t23).

Visit to United Nations Environment Program (UNEP)

This agency was invited by the Nigerian government in 2006 to carry out a comprehensive environmental assessment of oil-impacted sites in Ogoni land, in the Niger Delta region of Nigeria. As part of its remit, the organization is also to recommend suitable remediation actions to the government of Nigeria based on findings in the field. The study was based on the broader government reconciliatory efforts and was subsumed within the United Nations

Development Programme (UNDP) programme framework for the development in Ogoni land and the Niger Delta. Presently, this programme is one of the largest environmental assessments ever conducted by UNEP (UNEP, Newsletter Aug 2010).

Mandate in Ogoni Land

The mandate of the programme is to identify, evaluate and minimize the immediate and long term human, social, human and economic impacts of oil contamination in Ogoni land, as well as those related to environmentally and economically important ecosystems like land, soil, water, agriculture, fisheries and air and to determine the indirect effects on biodiversity and human health. In implementing the assessment, the agency deployed teams of both international and local experts to conduct field assessments in over 300 sites in Ogoni land. The Agency has a mandate to establish the appropriate levels of remediation required to rehabilitate contaminated sites to a condition that meets international standards while being mindful of community expectations. The agency also had a remit to conduct the environmental assessment in a manner which maximizes benefits to the local communities through employment, capacity building, information and consultation, recommending appropriate remediation that is environmentally acceptable in line with international standards and also to publish a detailed environmental assessment report and make it available to the general public. However, the UNEP does not have responsibility for determining the causes of oil spills; this is the responsibility of the Nigerian government through its regulatory agencies. The organization is expected to publish its report early 2011 and its key findings are to be translated into the local Ogoni languages.

Meeting with the Local Staff

I tried to ask my respondent to discuss the level of assessments and the methods used to collect the data that may lead to a total overhauling of the environmental sector in Nigeria. The respondent was very careful and kept emphasizing that I should visit the UNEP web site to source the information required or obtain it from the local media. The respondent agreed to discuss the technical component of the assessment, the relationship between the UNEP and the local communities, the government agencies involved, the oil companies and other groups, the sensitization programme they are involved in and the structure of his agency in Ogoni land.

Structure and Functions of UNEP

Structurally, the UNEP study is divided into four main phases, the background research phase which involved review of previous reports and collation of local data. This stage also included field observation and evaluation of potential impacts. The second phase involved sampling, which was based on data collected in the first phase. Samples were collected from selected sites of soil, ground and surface water at varying depths and locations. The third phase involved laboratory analysis by an independent and internationally accredited laboratory to ensure unbiased and reliable scientific analysis. According to my respondent “All data collected are sent to UK for laboratory analysis because there are no laboratories here that can carry out analysis required and this is quite challenging we could not deal with the samples locally despite the priority we have for local content”(t24).

The fourth stage involves the reporting of the results of the environmental assessments which will be collated and published in a comprehensive report. The report will reflect the findings of the different technical teams and offer recommendations for remediation. This

report is expected to serve as a frame work for stakeholder discussion on how to proceed with remediation process for sustainable development (UNEP, Newsletter Aug 2010). In August 2010, the UNEP presented what it called project key facts in its monthly Newsletter, covering its activities up to the end of August. They are as follows:

Table 3

UNEP Key Facts in Ogoni land	Numbers
Number of samples collected from soil, water, ground water, sediments	1200
Number of community outreach meetings	84
Number of participants at outreach meetings	21,300
Number of medical records reviewed	412
Plant samples analysed	750
Ground water monitoring wells installed	109
UNEP project team, involving local and international staff, educational institutions and volunteers.	110

Source: (UNEP, Newsletter Aug 2010: 4).

UNEP and the Ogoni Communities

The respondent was then asked to describe the nature of the relationship between his agency and the communities in Ogoni land during the data collection phase. He stated “It was not easy but, eventually, we received a high level of cooperation from the communities” (t24). The respondent noted that his agency has visited many communities and sensitized about 21,000 people from the 4 local government regions in Ogoni land in conjunction with key stake holders such as the youth, the chiefs, women’s groups, and all the major warring factions. The communities also serve as security to UNEP because they participate in all the agencies programmes from the beginning. The UNEP official noted that the relationship between UNEP and the communities was positive and this is due to the nature they were engaged they work with various teams in the field and are paid a daily

wage. UNEP policy is to engage with the local populace and it has recruited its field officers in the four local government areas from the local community.

The respondent was asked to clarify what he meant by saying that the local community provided the UNEP with ‘security.’ He stated “What I mean by security is when we go and sensitised them they come out to participate and they guide us and they show us where the spill sites are so if that is done you know we are with them we will eat with them have a drink and buy a beer for them that means we are creating a sense of security in this way. We do not work with armed escorts or, with community vigilante groups as this is not how we operate” (t24).

UNEP and Regulatory Agencies

The respondent was asked to describe the relationship between his agency and other regulatory agencies. He explained that as part of its mandate the UNEP works with other agencies, including both federal and state Ministries of Environment and NOSDRA. He noted “We collaborate with them a lot because we are both in the field. We work with NOSDRA, the state Ministry of Water resources, the NNPC joint venture research team, and the communities so there is a lot of shared experience in the process” (t24). The organisation, in line with its global policy of strengthening local institutions, also work in the field with local agriculturalists and geologists who work with the international experts to provide them with local knowledge.

UNEP and oil Corporations

Finally, I asked the respondent about the relationship with the oil companies in the region. He explained that the only assistance provided by Shell was the provision of foundation data used as a basis for further research.

Next, I will present my interview with a senior security agent whose institution is in charge of security in the Niger Delta region.

The Senior Security Agent

The Agencies' Role in the Niger Delta

Since the early 1990's, various security agencies have been engaged in safeguarding and protecting the oil industry in the Niger Delta. This was partially due to threats from groups such as the MOSOP. Initially, the deployment of security agencies was in Ogoni land but due to increasing violence against the oil companies' assets and inter community clashes the security agencies are now deployed in virtually every part of the Niger Delta with a mandate to secure the oil facilities against any attacks or sabotage by the local communities.

Encounter with the Security Chief

The interview with this high level security agent in the Niger Delta was as a result of my encounter with him during the first phase of data collection. After explaining my mission in the region, he asks me if I am willing to listen to their own account because according to him without the presence of his agency the whole region will be in a state of anarchy. Secondly, his security outfit having been on the ground for over five years should be able to give its opinion which he called as 'un-biased.' However, the interview could not hold immediately because the time of my visit coincided with the visit of the then newly inaugurated Nigerian President who was visiting his home state for the first time as President.

The interview took place in the headquarters of the security outfit in Bayelsa state. The state is one of the four core states in the Niger Delta and is located between Delta and Rivers state and has one of the largest crude oil and natural gas deposits in Nigeria. The interview with the senior security agent was short due to a variety of interruptions related to pressing security matters. The respondent requested that the interview be carried out off tape due to the sensitive appointment he occupies in the region. He also requested that he should not be identified in any way in this study. I asked him to discuss the opinion of his agency in respect of the environmental issues in the Niger Delta.

Security Issues and Environmental Degradation

The security agent stated that 90 per cent of the oil spillages in the Niger Delta were due to security issues. He categorized these issues into four categories; militancy, oil theft, vandalism and unemployment. He explained that currently there was a major problem which is oil theft by foreigners with the active collaboration of the local communities who use ships of various sizes to siphon the oil to foreign lands. He also stated that local communities were setting up local refineries to refine stolen oil. He supported this contention with the following photographic evidence.

Figure 24



Example of another artisanal refinery in Niger Delta. (Source: Senior Security chief).

Figure 25



Large vessels used for Oil bunkering (theft) in commercial quantity (Source: Shell's Environmental Management presentation to Senate Dec 2009).

The respondent noted that the geography of the area makes it very difficult to establish standard petrol dispensing stations. For example, Yanegoa the capital of Bayelsa state with a population of about five hundred thousand people had less than five petrol stations to serve the state capital. He argued that the harsh nature of the creek make the people look for alternatives which he described as an example of necessity being the mother of invention (fn 10). However, he noted that whatever the justification, the theft and illegal refining of oil were still a crime.

Inadequate Operational Standards

The senior security officer also argued that the regulatory aspect concerning oil pipelines was inadequate as there were no set standards for laying pipelines. In relation to this, he noted that some pipelines were buried 10 feet below the surface while others were exposed on the ground surface, making them vulnerable to attack or vandalism. He also thought that there was a wide disparity between the safety standards of the oil companies in Nigeria and their operations in other countries. He argued that if Nigeria could adopt the US policy where pipelines are considered a means of transportation and are therefore covered by the federal Transportation Code and subject to the supervision of the Secretary of Transport, this would improve the maintenance and timely replacement of pipelines. The respondent was asked about the nature of the relationship between his agency and the oil companies. He said his agency shares ideas on how to improve security in the sector. In addition his men are also physically stationed at the oil facilities (fn10).

Role of Inter Community Clashes

The respondent was also asked to respond to a claim that the security agents in the region were only concerned with the oil companies and were not interested in protecting the communities. In response to this, he argued that if his men were to withdraw from the region there would be total anarchy, war among the communities over money from the oil companies or over which group will vandalized or attack which oil facility for money (fn10). He also cited the frequent communal clashes, which his men were usually able to stop or prevent. He also pointed out that during the interview he had received several calls from community members reporting clashes among groups and that the previous morning, his men were in three communities stopping violence over disputed claims to land ownership which he said is fuelled by scarcity of land due to environmental degradation in the region. According to him, without his men a lot of people would desert their homes (fn10). In the next section I will present an encounter with a 'Man of God' from another community outside Ogoni land but resident in Ogoni land due to his pastoral posting.

Meeting the Priest in the Parish

He is a Reverend Father and a resident priest in the only Catholic Church in a community that has over 16 oil wells in the Gokana local government area of Rivers state. I interview him in the parish house within the expansive church premises which is the only prominent building in the community followed by an abandoned hospital building whose construction commenced a decade ago but was abandoned by the local builder contracted by Shell. The Reverend Father is in his mid forties and not from Ogoni land by birth, but has lived here for almost a decade in various Ogoni cities as a priest and has spent four years as the resident priest of the community. Meeting with the man of God was through the son of the

traditional ruler of the community. Initially, he hesitated to grant me an audience because he didn't know me or about my mission in the area. After a short chat he accepted to talk to me after verifying my identity as a research student.

The Environment in the Niger Delta

The interview focused on his perception of environmental degradation in his community and who he felt was responsible. He also discussed the relationship between his community and the oil companies, the role of environmental laws in his community, and the relationship between ethnic factors and environmental crises. In his opinion the environment in the Niger Delta is not same as before. According to him there are changes that are visible; “before now the rainy season could be predicted but now it is not consistent; secondly the heat of the sun in the past three, four years has increased. As a child, the crop production was wonderful, however, the increase in population has affected the environment; thirdly, the discovery of oil in the Niger Delta also helped in reducing the size of land available for farming and then the oil exploitation in the place has also affected the quality of what has been produced, the quality of the texture of the soil and the rampant oil spillage in many communities has also affected the effectiveness of the land” (t5).

Other Factors outside the oil Industry

Unlike other respondents, the priest also considers other factors outside the oil industry as likely causes of environmental degradation. First, he identified climate change as a factor that affects the availability of land for farming. Secondly, “the population has grown in such a way that where you could have a hundred persons managing a particular land, it will now be managed by at least two hundred people. In addition there is high rate of deforestation because people are cutting economic trees for firewood and furniture” (t5).

The respondent also argued that vandalisation of oil facilities by some youths in the community also caused environmental degradation. He cites an example of a fire incident caused by youths in the community involving one of the oil wells which lasted for more than two months because the youths prevented the facility owner from containing it” (t5).

Figure 26



Example of a facility set on fire by the youth in Ogoni land (Source: Shell’s Environmental management presentation to Senate Dec 2009).

In the respondent’s opinion, environmental degradation also leads to health related challenges, like skin disorders and other diseases related to consumption of contaminated water. I ask my respondent to discuss the role of environmental laws and the government in the situation.

Political and Legal Impacts

The respondent argued that “The impact of environmental laws and government presence has not being felt locally, what we see is personal enrichment at the expense of the community or at the expense of the masses, you don’t see any visible thing on the ground. The impact of government is more experienced at the personal level than the community level” (t5). The Priest also noted that his community has had no electricity for the last two years despite its proximity to the gas turbine which is less than 20 miles away. Lack of functional medical facilities and poverty among the people also contribute to the spread of ailments in the community. “In this area people resort to spiritual healing instead of the conventional way because of poverty which is walking on its two legs in this community” (t5).

The Communities

The respondent also painted a picture of how relationships among the communities have been affected by the activities of oil companies in his community. “Some individuals in the community are being settled in order to ensure that the people are pacified in the event of any aggression against the communities, this creates bad blood among the people” (t5). He cited an example with his community, which was almost torn apart some years ago because of a struggle over who became the link between the community and the oil company. This attracts some money paid as royalties to either leaders, the royal Highnesses in the community, the youth leaders, or some of the elites because these are the people who are considered by the oil companies as having the capacity to challenge the company in court. According to him “out of fear they are settled and the common man who is illiterate and who does not know his basic rights does not benefit from it, and so it affects the social relationship of the community” (t5).

Another source of conflict among the communities, the respondent argued, is that fuelled by these oil wells that are located in the boundary section between the two communities. The communities argued that a particular oil well belongs to them and that this can eventually lead them to war in order to defend the oil wells that are in their own section. He claimed lives and property have been lost in such circumstances.

Ethnicity as a Factor

Finally, the respondent was asked if he felt ethnicity is a factor responsible for the condition of the people in his community. He argued that it is not because they are from a particular ethnic group that they are treated that way. His opinion suggests “the environmental problem in the area is from a political perspective and lack of leadership vision by the leaders. The effect of environmental destruction can only be cushioned through leadership vision” (t5). I also ask my respondent if having a state outside the present Rivers state is the solution. He agreed that “Yes, some people in Ogoni have been agitating for a state of their own and I feel if that is granted this may bring speedy development in the area considering the immense wealth that is generated from the area. The state, if created, can also generate some kind of income for the people” (t5).

Conclusion

This chapter presented four interviews. The first was with the first oil minister who provides another perspective into the understanding of the environmental issues in Nigeria from historical account. The second, third and fourth interviews were with respondents representing organisations one government and the other an international agency and another respondent who claimed to provide ‘neutral or ‘unbiased’ account. The interviews have been once again presented in the words of the respondents without much commentary.

Chapter Nine

Summary, Conclusions and Implications

Introduction

This final chapter starts with an overview of the specific findings from the data collected in chapters' four to seven. The researcher then elaborates on some of the issues presented by the respondents so that the reader may better understand some of the 'back stage' activities that were not fully explored in earlier chapters. The final part of the conclusion presents implications for both policy makers and the oil companies operating in Nigeria.

Summary of key findings

This study attempted to investigate how the environment is understood and interpreted by the key stakeholders in the Nigerian oil industry and how such interpretations constructed the relationships between these stakeholders. This was done through understanding the environmental degradation in the Niger Delta through the accounts of the key stakeholders in the oil industry. In order to better understand these interpretations, the study explored three major research questions, as follows. How is the environment presented as an issue in rhetorical strategies by the key stakeholders in the Nigerian oil industry? How are different ethnic identities constructed and managed through historical relationships or claims to the environment and land? How are social-economic relations with and between oil communities and other federating units in Nigeria mediated by these environmental relations? A face to face interview technique was adopted using semi-structured interviews as explained in the methodology chapter. Theoretically, this study argued that the various accounts of respondents interviewed can be understood through Goffman's theory of Dramaturgy (1959).

Findings on Communities

This study found wide agreement on the long record of environmental destruction in the oil producing region; and this is evident from various accounts of the respondents who participate in this study. This is affecting relationships between the communities and the oil companies operating in their areas, particularly the relationship between Shell and the Ogoni people. A number of factors were put forward as possible explanations for this poor relationship. The respondents believe that oil exploration has impacted negatively on the social well being of the people in the area and has not resulted in the desired benefit. Socio economic factors have significant implications on natural resources and ecology in the Niger Delta.

Similarly, the quest for natural resources by the oil companies is widely believed to be destroying an environment that more than half of the population depend on for survival and without provision of alternatives is another major source of insecurity in the region. Some of the respondents believed that there is a connection between the environmental conditions in the Delta and poverty and unemployment. In the absence of basic services like health care, education and electricity, people resort to finding available means to earn a living. This is another primary reason why some members of the communities vandalize oil facilities to 'steal' oil despite the danger to their lives, properties and environment.

The study also shows that the people from the communities believe that the period before oil exploration began in the 1960's was better in terms of economic well being than at present time. They believe that oil exploration is destroying their environment socially and economically. Moreover, they suggest legislation is ineffective because it is insufficiently powerful to properly sanction violations by the oil corporations that contribute enormously

to the national economy. Generally, the communities argued that the environmental laws are designed to protect the oil companies and their investments rather than the communities themselves.

Another key finding of this study is that the communities feel that the oil companies have no regard for an environment which has both spiritual and cultural significance for them. There is also a perception that the communities in the Niger Delta are being treated differently to those in other places the oil companies are operating. For example, Shell operates in over 120 countries, but the communities argue they suffer some of the worst treatment because the Nigerian government lacks the political will to enforce its own laws to effectively regulate the activities of the multinational corporations.

This study also brings in to focus the role of ethnicity in environmental issues, as the communities suggest that they are discriminated against because they are from minority tribes in Nigeria. Moreover, they believe that if the oil resources were geographically situated among the major ethnic groups in Nigeria, such as in areas inhabited predominately by Yoruba, Hausa or Ibo tribes, this would not be the case, because such tribes are well represented in the government and the parliament and could, therefore, force the adoption of legislation that would promote good environmental practice. This, according to them, may be the reason why the oil companies are treating the Niger Delta oil communities differently. Despite the fact that Nigeria is ostensibly democratic, some respondents in the communities claimed that the government still operates with a military fiat to protect its major source of revenue, which is, of course, the oil.

Another key finding of this research is that some of my respondents do not believe that the 36 states structure favours the Ogoni people because the present political arrangement does not guarantee a voice to the Ogoni and Niger Delta people despite the economic contribution of the region (t11). Some sections of the community also argue that environmental degradation is pushing the Ogoni to the verge of extinction because poor environmental conditions are forcing the youth to leave in search of livelihood and rarely return to the Delta. These respondents fear this drain will lead to the destruction of the Ogoni as an ethnic group.

As this study has shown, many people feel that the Nigerian legal system has not adequately protected the communities in cases involving oil companies. The communities' have won very few cases involving the oil companies because the local people do not have the technological expertise to prove responsibility for spills (t24). This research has also investigated the attitude of the Nigerian government towards the Ogoni and the Niger Delta as a whole. Some respondents consider government and oil companies to be inseparable (t7). The study also identified the demands of the communities which include the removal of Shell from Ogoni land for the reasons cited above. Some respondents stated that their communities are willing to accept oil companies in the Delta on condition that it must be in 'grand agreement' with the communities (t12). They also believe that the Ogoni bill of rights should be used as a basis for a solution to the environmental crises in the area. They also feel that unless the 'national question' is discussed, the environmental problems in the region will continue unabated. State creation is also often desired and there is a belief that it could provide more employment opportunities and bring governance closer to the people. The people also want to be allowed to exercise their democratic rights freely without undue

influence. According to one of the respondents “it is only when people know that their vote counts, then those elected will be accountable” (t17). Most of the respondents are of the view that present political leaders are imposed on people and that they cannot hold them responsible.

Concerning environmental degradation, the communities hold the oil companies responsible for most of the environmental degradation in the Niger Delta. This is due to lack of asset integrity by the oil companies which encourages some people in the communities to vandalize oil facilities. Environmental degradation from the communities’ perspective is mainly caused by the spills from equipment failure. Indeed, the very presence of UNEP in Ogoni land is an admission of guilt that oil companies are degrading the environment. Some oil facilities in the region have outlived their life span and not been replaced by the oil companies so they rupture easily. However, some of the respondents admitted that some elements within the community could be sabotaging oil facilities, while noting that allegations of sabotage are a very contentious issue because of issues of credibility concerning the role oil companies took in investigations. No individual or community can legitimately challenge the activities of Shell in the region so the communities are left with little choice but to resort to violence rather than amicable resolution of disputes. In summary, environmental degradation in the communities is a key element that constructs the relationship between the oil communities and other stakeholders in the Nigerian oil industry. Next, I will present my key findings with Shell Petroleum Development Company, the only oil corporation in Ogoni land.

Key Findings concerning Oil Companies

Shell's representative presents his organisation as what Goffman defined as "merchants of morality" (1956:156) a law abiding corporation that is committed to stopping all forms of environmental degradation. The company representative is of the opinion that people in the communities lack basic understanding of environmental education. The Senior Shell manager suggested that, despite the risks involved in sabotage, communities consider oil spills as a means of earning revenue or livelihood because the greater the number of spills, the greater the potential for compensation. Company officials also claimed that parts of the community prevented oil companies from conducting remediation within the 24 hours legal requirement. Shell officials also suggested that the community aggression was a consequence of perceptions of a lack of benefit from the oil wealth, which makes up about 90 percent of the nation's gross domestic product (GDP). Moreover, they suggested this aggression was directed at government but, because the communities could not access the government, their aggression was targeted at oil companies who were perceived to represent the government. They argued that oil companies were being held hostage to attract government attention. Shell representative argued that more investments from the oil resources in the region could result in better community relations.

Shell representatives was also of the opinion that oil spills in the Niger Delta were more likely to be the result of third party interference; such as oil theft, illegal bunkering or destruction of oil facilities. It was stressed that illegal refineries are having a serious impact on health, security and livelihood, particularly fishing, and this is being done through organized criminal gangs who steal crude oil on an industrial scale, using money to hire tankers and buy the influence needed to move the 'goods' around. However, company

officials also accepted that operational problems such as pipeline corrosion, human error and equipment failure were responsible for some spills, though the company claimed it tried to minimize these as much as possible through regular inspection of facilities. Company representative also noted that the number of illegal refineries is a major source of environmental degradation and a hazard to public health and safety. This act of economic sabotage through illegal oil refining accounts for a loss of about 100,000 barrels per day. Despite the level of sabotage by the communities, a Shell employee is of the opinion that heavy policing of the Delta may not be the solution; rather, he feels that everybody in the sector should act responsibly. The research also found that Joint investigation visit (JIV) reports were sometimes not agreed on by all team members despite the fact that the report is extremely important as it is the basis for deciding whether communities receive compensation for damage done to their homes, fields and fisheries.

Despite the allegations of neglect, the employee felt strongly that Shell made significant contributions through the taxes and royalties paid as part of the joint venture agreement with the Nigerian government. Moreover he also stated that his company was a 'responsible neighbor' and had invested significantly in infrastructure and job opportunities for the local people.

Another area explored in this study is the nature of the relationship between the oil companies and the Nigerian government and with its regulators. The regulators argued that they needed to be better resourced by the former to be effective, and need to have a more effective legislative frame work across the board instead of multiple regulators. The Shell representative thought that the government needed to adequately resource the regulators to increase their effectiveness like some countries in a similar situation with Nigeria. He is of

the opinion that though environmental factors played a key role in the relationship that exist between them and the oil communities, investing more resources generated from the oil to the communities may change the hostilities against them and attract government attention to the deplorable environmental conditions in the area. In the next section, I will present similar findings among the regulators in the industry.

Findings on Regulators in the Oil Industry

This study has presented the arguments of the regulatory agencies in the Nigerian oil industry in chapter five. The major arguments advanced by the regulators' concerns the level of third party interference in Nigeria. They noted that oil bunkering, theft and sabotage of facilities were major sources of environmental degradation. Hostility from the communities also prevents immediate remedial action and sometimes the JIV team faced threats from the community due to greed and criminality. Sometimes such threats forced the regulators to sign JIV reports outside the incident area due to safety reasons. The regulators also noted that explosives were used by some members of the communities to destroy oil facilities for self gain. In the opinion of the regulators, third party interference is the main cause of oil spills rather than equipment failure. This study also discovered that the operators work under threat and intimidation from the communities, as demonstrated in the interviews with the DPR respondents. The regulators also refuted claims by the communities that the environment has spiritual and cultural significance to them and that acts of violence and hostility were attempts to defend their cultural identity. In the opinion of some of the regulators, these acts were deliberate attempts to delay access to spill sites in order to increase the potential for compensation.

The research also investigated the contentious issue of responsibility for the environmental degradation. The regulators claimed that oil theft accounts for ninety per cent of oil spills. During the last decade oil theft and illegal oil refining have been major sources of spills and environmental degradation. Regulators also noted that there is a high level of ignorance on the part of the communities on the dangers of interfering with oil facilities. The way compensation is paid has also played a key role in the environmental problems

It was also suggested in the interview with NOSRA representative that the salty nature of the creek is also likely to hasten the level of pipeline corrosion and rupture. In such cases, penalties are applied to oil companies that violate environmental standards, though the penalty is a paltry sum. Regulators believe these penalties contribute to changing the behavior of the oil companies towards the environment, particularly due to the current level of global attention on environmental issues which is becoming increasingly effective. On a general note, the regulators noted that enforcing environmental regulation in the petroleum industry was a major challenge because of the resistance from the oil companies. They also felt that a different set of standards was being applied by the companies in the different countries that they were operating in.

Other key findings from the regulatory agencies were that funding continues to be a major constraint, which impacts on the ability of the regulators to acquire the necessary technical and logistical equipment. They noted that they sometimes have to rely on oil companies for logistical support. In many if not most cases, the oil companies has significant influence over determining what caused an oil spill, and over much of the data recorded on the investigation report. Most of the regulating bodies have no independent means to initiate oil spills investigation. They are usually dependent on the company both to take staff to the

site and to supply much of the data about spills. The UNEP report of August 2011 point to the direction that Government agencies are at the mercy of oil companies when it comes to conducting site inspections. The company's dominant role in the investigation process is a major source of conflict between the oil communities and the oil companies.

In addition, they noted that there are also multiple regulators in the industry and this promotes greed and inefficiency among them. Despite the challenges, the current increased global awareness of environmental issues, driven by social networks and the publicity given to major incidents such as the recent disaster in the 'Gulf of Mexico' have shaped the conduct of oil companies toward good environmental practices and this has helped address some of the environmental abuses in the Delta. The regulators were also of the opinion that the joint venture agreement between the Nigerian government and the oil companies makes it very difficult for the government to implement its laws because most of the oil company's has a substantial control over the process that determines the parameters for liability. Most respondents in this category also asserted that there is widespread corruption in the oil industry, due to poor administration by past administrators and they called for more transparency in the way the sector is being run. For example the Nigerian Extractive Industry Initiative (NEITI) government oil and gas audit agency established in 2007 discovered that between 2006 and 2008 \$2.33bn was underpaid to the Nigerian government by the major oil companies as dividends. This is partly because the regulators lack the technical mechanism of interpreting the volume of sales and daily production and corrupt practices (Vanguard, July, 30, 2012). Office of the Auditor general of the federation in Nigeria observed that the actual computation of royalties payable by the oil companies was based on the actual crude oil lifted by them instead of the actual production figures which is

contrary to the provisions of the Memorandum of Understanding (MOU) with the relevant companies which stipulates that the payment of royalties should be calculated base on production volume multiplied by the prescribed royalty rates (Thisday, Aug, 09, 2012).

On a final note, the regulators noted the need to adopt a more robust environmental framework similar to the US or the UK. The present set of environmental laws does not reflect contemporary realities, and is, therefore, not capable of addressing contemporary challenges in the oil industry. They also argued that the responsibilities among the regulatory agencies sometimes overlap leading to clashes of interest. Some respondents also suggested that unstable democracy is another factor that hinders the development of an effective legislative environmental frame work; this is supported by the findings of the Senate interview. In conclusion, the regulators felt strongly that the environment in the Niger Delta is degraded due to multiple factors caused by both oil communities and the oil companies. The regulators felt as government representatives in the oil industry if their roles are properly demarcated and the agencies well funded the environmental situation could have been different from what it is now.

Findings on other respondents outside Petroleum Industry

The respondents from the oil communities claim that non oil producing regions in Nigeria benefit more from the oil resources than the region that produces that oil on account of numerical strength. They argued the South-south (Niger Delta) is the last among the six geo political regions in Nigeria in terms of population which is factored into the distribution formula of oil funds. On the other hand, the non-oil producing areas argued that the environmental problems in the Niger Delta are due to the attitude of leaders who are siphoning funds meant for the development of the region. Similarly, this category of

respondents argued that about 90 percent of oil spills are due to militancy, oil theft, vandalism (t22) and unemployment. In addition to setting up illegal refineries the communities collaborate with foreigners to steal oil using large vessels. However, they were all in agreement that life in the Delta is very harsh, which is a contributing factor in forcing people to seek alternative means of livelihood. The respondents also suggested that there is a lack of proper procedure for laying pipelines and a wide disparity in the application of safety standards among the various countries the oil companies operate in (t1). The respondents in this category agreed that the friction between the oil companies and non oil communities was basically due to leadership problems at various level of governance which has not done much to change the harsh nature of environmental degradation in the region. In the following section I will discuss the credibility and authenticity of the data generated in this study.

Data authenticity and credibility

There is general agreement among qualitative researchers about the importance of critically evaluating research through the application of criteria. However, when it comes to choosing criteria, there is considerable divergence of opinion (Willig, 2001). Guba and Lincoln (1994) argued that, “the issue of quality criteria has not been adequately resolved and further critique is needed. The major challenge of conducting qualitative research is how to justify the credibility and authenticity of the trustworthiness of the research. The value of qualitative research needs to be argued for and justified against established criteria. Without this, qualitative researchers lay themselves open to criticism from those of the positivist persuasion who regard qualitative research as “‘merely’ subjective assertion supported by unscientific method.” (Ballinger, 2006: 235).

A qualitative research like quantitative should be able to demonstrate its value and integrity, by convincing its readers if the criteria adopted to evaluate the research differ from those applied to quantitative research and what emphasis the criteria should be? Rigor or ethical integrity? In chapter four I have demonstrated that this study's philosophical assumption is based on moving away from traditional positivist approach which gives more emphasis on reliability, validity and generalisability. Instead, I rely on some alternative criteria which have been proposed by Lincoln and Guba (1985) which considers transferability, dependability and conformability as criteria any qualitative research should seek to achieve. The three concepts of reliability, validity and generalisability provide a basic framework for conducting and evaluating traditional quantitative research. However, qualitative researchers contest and reject these positivist concepts.

This study does not seek to be consistent or to gain consistent results; rather it seeks to elicit the responses of a participant or researcher at a specific time and place and in a specific interpersonal context. The research takes the position that situations can never be exactly replicated. For instance, what emerges in my interview in various communities across the Niger Delta communities and stake holders was contingent on my approach and the specific interviewer-participant relationship I established during the period. Should another researcher, or even me interview same respondents again at a different time or place I might not elicit exactly the same account.

Qualitative researchers view validity as inappropriate. This is due to the diversity of the social world, they argue which obviously is not the same; therefore, it will be wrong to assume the existence of one reality to which all findings must respond. Instead qualitative

researchers rely on whose reality the research addressing. Similarly, my research involves subjective interpretations (often delivered by both participants and/or researchers). If one accepts that interpretation cannot be excluded from the research process, it follows that any one analysis can only be presented as a “tentative statement opening upon a limitless field of possible interpretations” (Churchill, 2000:164).

In terms of generalisability most qualitative researchers do not seek to construct or prove data statistically based on a specified sample to the wider population. Instead, they are concerned to show that findings can be transferred and may have meaning or relevance if applied to other individuals, contexts and situations. The argument of this study is base on the fact that though a section of the Niger Delta was considered for data collection and only one out of over seven multinational oil companies was also considered. It is the general opinion of this study that the findings may give meaning and relevance if applied in other settings using another community or oil corporation in Nigeria.

In qualitative research, the integrity of the research process and the quality of its end product would in addition require evaluation of criteria in a different order. The criteria would need to allow researchers to “acknowledge that trust and truth are fragile... [while enabling them] to engage with the messiness and complexity of data interpretation in ways that...reflect the lives of ...participants” (Savin-Baden and Fisher, 2002:191). As motioned in chapter four this study is not a ‘fact’ finding mission or intended to establish truth about a situation, rather it is more interested in how my respondent view the social world around them and how they present it before its audience, hence the adoption of the Goffmanesque dramaturgical theory which enable my audience (readers) to understand how the participants give a complex account of the subject matters under investigation.

The use of explicit criteria also offers a qualitative research opportunity to highlight the strengths or weaknesses of the research presented and to claim rigor or critical thoughtfulness in the research approach. My analysis in turn helps the readers to tune into the significant issues at stake and to better understand my research interests. This study also considers researchers reflexivity as an important element of justifying the criteria used in the study. It is important for researchers to engage their research criteria explicitly and reflexively (Finlay, 2006). They need to show readers whether they are primarily seeking accuracy or trustworthiness; rigor or relevance. At various points through the data collection I tried to give opportunity to my respondents to give their own account of the subject matter of research.

On the question of the trustworthiness of the visual images I used, that is, whether the pictures were free from distortion, I can only say that all the pictures I have used were collected independently none of them was produced for my benefit. I therefore believe that they were genuine and represent the subject of study as at the time the data was collected and could not have been altered for my benefit or to mislead me. The question of trustworthiness also applies to my respondents. I believe that the views that these people expressed were made honestly regardless of the fact that they could have erred in fact or in judgment of the situation. I have no grounds to believe that their accounts could have been to mislead me or my audience. Similarly, the views expressed by the regulatory officials were made in their representative capacity. The extent to which their views reflect or represent those of the organisations they represented cannot be considered as the general views of the organisations they represent. Although a possibility exists that not all the views represented the organisations opinion on the subject I regarded such limitations as

genuine and not a fraudulent means of generating data and not intended to mislead my readers.

Concluding remarks

Finally, in this chapter it is worth considering what this research has achieved. First what the data generated from this study suggest is that performance rarely seems content with safe channels for expressing discontent with the working concessions. They often attempt to speak out a character in a way that will be heard by the audience but will not openly threaten either the integrity of the two teams or the social distance between them. Some of the performances are motivated by desire to impress the audience favorably or avoid sanctions. Performance is also not always about drama in every social life, there is a 'back stage' where the performer can stop out of character and when there is little chance of being seen, opportunities can be taken. Performers like my respondents can stop giving expressions but cannot stop giving them off. The more performance involves other constituents parts like in the communities, separate knots or clusters of verbal interactions are likely to occur because all of the groups have their stories to tell, and their justifications for their accounts. The performance of an individual in a front region may be seen as an effort to give the appearance that his activity in the region maintains and embodies certain standard. Several conversational sub groups which constantly shift in both membership and size.

It has been suggested that when individuals come together for the purpose of interaction, each adheres to the part that has been cast for him within his team's routine, and each joins with his team mates in maintaining the appropriate mixture of formality and informality of distance and intimacy, towards the members of the other team. Similarly, when two teams

establish an official working consensus as a guarantee for safe social interaction, we may usually detect an unofficial line of communication which each team directs at the other. In a situation where the stake holders are at cross roads with one another the unofficial communication may be in a form innuendo, mimicked accents, well- placed jokes, significant pauses, veiled hints, purposeful kidding, expressive overtones and other sign practices. If no care is honesty are experienced, then the performers are not likely to be understood “only too well” but they may be misunderstood, insufficiently understood, or greatly limited in what they can build out of the dramaturgical opportunities open to them. The circumspect performer will also attempt to select the kind of audience that will give a minimum trouble in terms of the show the performer want to put on or he does not have to put on. Once the audience is to see only a brief performance, than the likelihood of an embarrassing occurrence will be relatively small, and it will be relatively safe for the performer, especially in anonymous circumstances, to maintain a front that is rather false.

In conclusion it is worthy to relate this study to Goffman’s view that people are acrobatic actors and gamesmen who have, somehow, become disengaged from social structures and are growing detached even from culturally standardized roles. They are seen less as products of the system, than as individuals "working the system" for the enhancement of self. Although disengaged or partly alienated from the system, they are not” (Gouldner, 1970b:390). In Goffman’s social world, it is not the moral code (or "respect") but "tact" (or prudent sociability) that cements (Gouldner, 1970b).

Further Study and Recommendations

There are a variety of ways to conduct any piece of social research, none of which can be seen as right or wrong. Therefore, it seems reasonable to suggest that this research could be carried out in a different way, which may have produced different results. As a result, and also due to the limitations outlined above; it is not possible to generalize the findings as the views of all the communities in the Niger Delta. This study only considers some communities in the four Ogoni local governments of Rivers state. Therefore, further study could perhaps focus more on using a quantitative method or mixed methods. In addition, further research would need to be conducted with different groups of participants outside Ogoni land in whose communities other multinational oil corporations like Chevron, Exxon-Mobil, Agip or Texaco are working. These extensions and modifications would help in achieving transferability to my conclusions.

Future research should also investigate what kinds of environmental standards are applied by other oil companies in the various communities they are operating and whether or not these are the same as those applied by Shell. This could help shape the future of the relationship between oil corporations and the host communities, especially now that Chinese oil companies who, according to Sarkis et. al (2011), are not standard setters when it comes to Corporate Social Responsibility will soon join the ranks of other oil corporations operating in Nigeria. Before drawing the curtain, I wish to add my voice to other recommendations previously made on how to improve the environmental situation and relationships in the Nigerian oil industry. I believe this would make reasonable changes to the present environmental situation. The recommendations will be made first to the Nigerian government who make laws and policies in the sector, secondly, to the oil

companies whose businesses are based in the communities and finally to the people in the oil communities who felt the 'heat' more.

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Appendix (Recommendations)

To the Nigerian government:

- a. I recommend an integrated community based approach involving commitment from all stakeholders. There is a need for constructive engagement with the communities that will be productive and sustainable.
- b. There is a need to sensitize the communities about the dangers involved in tempering with oil facilities which are very volatile. This can be done through public environmental education enlightenment using social forums at community levels.
- c. I suggest repealing and harmonising existing laws, especially the ones communities feel are antagonistic to them.
- d. There must be adequate funding of the regulatory agencies. The current arrangement cannot regulate the industry effectively. Multiple regulators should not be proliferated at the expense of effective regulation.
- e. A standard procedure for payment of compensation that will involve all stakeholders should be put in place.
- f. In the light of the people's complaint that they have not benefited enough from the oil resources due to mismanagement of resources by the various agencies funded by the government and the oil companies to develop the region, it will be modest if this study recommend a model whereby revenue would be distributed directly to the population rather than being held by government. This will in no small measure resolve some of the problems caused by environmental degradation, like oil bunkering and vandalisation of oil facilities. Instead the communities will protect the facilities.

To the oil companies

- a. The oil companies should consider the host communities as partners in progress not antagonists. This can be done by engaging them in continuous dialogue.
- b. The oil companies need to understand and respect the idiosyncrasies of its host communities.
- c. Protection of people, particularly the most vulnerable and properties should be taken into consideration by the oil companies, as against the notion of only exploiting the natural environment for economic gain.
- d. Asset integrity of the oil companies should be a prime concern, particularly areas that concern public health and safety.
- e. Oil companies need to encourage programs that will empower people to have a meaningful means of livelihood.

And to the oil communities:

- a. Violence calls for immediate attention but it has never been a successful way of resolving disputes. The communities need to embrace peace in order to move the communities forward. The threats will continue to be used as excuses by both oil companies and government to avoid basic responsibilities to the communities.