



# TFDC Policy Briefing

In partnership with the DRC on Citizenship, Participation and Accountability.

## The Paradox Of Plenty: Oil, The Niger Delta And Accountability.

### Introduction

This policy brief focuses attention on the issues of rights and accountability at both local and state levels in the Niger Delta. It carries forward the debate in the first issue (December 2003), which was on the citizenship question and, what entitlements being a Nigerian citizen may guarantee one. The brief captures experiences from the field and reflects some of the ongoing debates on resource control and management in Nigeria. Focusing on the Niger Delta in the third phase of its research work on 'Citizenship, participation and accountability', the Theatre for Development Centre (TFDC) has been exploring the inter-linkages of the 'meanings and expressions of citizenship' to 'claiming rights and accountabilities at local levels in the Niger Delta.' The twinning of rights and accountability in the research agenda in the Niger Delta underscores the importance of responsibility, people's participation and the promotion of development.



### The Niger Delta and the Nigerian Economy

The Niger Delta is home to Nigeria's estimated 22 billion barrels of oil reserves. Oil from this region accounts for about 50% of the country's GDP; it also constitutes 95% of all foreign exchange earnings and contributes 80% of budgetary revenues. Oil and the Niger Delta are central to the understanding of citizenship in Nigeria because the agitations around resource control, and the call for a sovereign national conference are issues which frame the socio-economic, cultural and political contexts of the day. It is therefore difficult for any one interested in understanding citizenship and rights to ignore issues around the management of oil resources; it is equally difficult to fail to notice the presence of oil companies and their critical role in the debate on resource exploitation, distribution and management in Nigeria.

However, the riches that accrue from oil may not have impacted positively on the condition of the ordinary Nigerian. As a matter of fact, the people of Niger Delta especially have little to show for years of environmental invasion. The Catholic Relief Services Report, 'Bottom of the Barrel: Africa's Oil Boom and the Poor' captures the situation aptly: "more than 70 per cent live on less than a dollar a day, 43 percent lack sanitation and clean water; and infant mortality is among the highest in the world. So overwhelming is mismanagement and rent-seeking that Nigeria has unfortunately become virtually synonymous with corruption. The capture of oil monies is the only big game in town".

#### Researching the Issues

Using a cocktail of research techniques in conversation with one another, the project in the Niger Delta sought to find out people's

### Key Issues

- ◆ "Oil creates the illusion of a completely changed life, life without work, life for free . . . the concept of oil expresses perfectly the eternal human dream of wealth achieved through lucky accident . . . In this sense oil is a fairy tale and like every fairy tale a bit of a lie" Ryszard Kapuscinski, Shah of Shahs.
- ◆ "Oil in itself is not bad, it is the manner of handling it and the people who handle it that create problems." -A Community Chief in Bayelsa.
- ◆ Often we could track a process of escalation in the actions that a community has taken before it is brought to violence. Therefore, one can conclude that the signs for communal crisis and its aggravation are always there and if responded to at the early stage, bloodshed can be prevented.
- ◆ The conflict over the 'black gold' or crude oil in the Niger Delta further complicates the definition of citizenship, ethnicity and the creation of spaces for governability. This is because the distribution of oil resources has marginalized the producing communities and distanced them from feeling a sense of belonging to the country.
- ◆ Oil activities have not only impacted on the environment; they have changed values and altered livelihoods. The sense of community has been severely undermined and a passion for lucre dictates day-to-day relationship leading to acute criminalization of relationships.
- ◆ The superiority of common law concerning ownership of land causes confusion about the entitlements that belong to the people and poses limits on citizenship rights. The implications of the current system invoke the notion that oil communities have no rights to struggle for control of the resources on 'their' land.





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understanding and experiences of accountability with regards to their relationships with the Nigerian State, the oil companies and the authority structures at the local level run by the people themselves. The research took place in Bayelsa and Delta States. In Bayelsa, the communities were Otuegwe and Otuokpoti in Old Yenagoa LG; Nyambiri and Tuburu in Old Ogbia LG). In Delta, the research spanned Eku- Orhono and Samagidi (Ethiope East LG), Sanubi and Odovie (Ughelli North LG).

The research process itself was an act of accountability and demonstrated participation. In the two states, the research made use of drama, participatory rural appraisal tools and also administered questionnaires in the various communities. During the fieldwork phase...

- \* The selection of sites was approved by the chiefs and elders;
- \* The participants, together with the resource persons from the Theatre for Development Centre (TFDC), spent time together unpacking concepts and developing a shared understanding of the research area
- \* The number of participants from each community was equal and they were gender-balanced;
- \* The concepts and the checklist of questions that we went with from the TFDC were unpacked, disciplined and stripped of baggages and misconceptions.
- \* In this process of participation and collective decision-making, the research analysed and understood the context of the crisis in the Niger Delta in particular, and that of the Nigerian nation in general. More importantly, it explained some of the issues behind the rights claims by the Niger Delta people.

## Rights Issues in the Niger Delta

### Accountability-

Accountability is about justice and fairness with the underlying principle that people have a right to participate in the decisions that affect their lives. It demands transparency, access and redress. And it is also about the process through which people or organizations are made to be answerable for their actions and the consequences that derive from them. Accountability is deemed crucial, and this constantly showed in our interactions with people and communities, because the activities of the oil companies, the government and the people shape the environments in which we live. The research work confirmed how intertwined and complex the map of accountability in relation to the exploitation of oil is. On the one hand, it reflected a general failure of accountability in Nigeria. On the other hand, it demonstrated a complexity that stems from the diversity of actors and actions. Hence, demanding accountability is not simple at all as it forms a complex web of different agents and circumstances. In a general description, the map of accountability involves agents of the community, the three levels of government and the trans-national companies (TNCs). There are interactions between and within these groups in addition.



### Environmental Pollution and Destruction

Forty-eight years of oil mining has created major ecological problems in the Niger Delta. The lands and farms have been contaminated by the oil activity: the pipelines, flow stations, gas flares, oil spills have all combined to make the Niger Delta an environmental disaster area. Figures from the Nigerian National Petroleum Corporation (NNPC) document a staggering number of oil spills which show that between 1976 and 1990 alone there were 2,676 occurrences. There was also an equally high percentage figure of 76 for natural and associated gas flare accidents. The result of all of these is the destruction of livelihoods and health.

In August 2004, some researchers from TFDC visited the flare sites near one of the flow stations in Delta State. The story of the pollution was driven home for us: burning 24 hours per day in a temperature of 14,000 degrees Celsius, the flares produce 35 million tonnes of carbon dioxide that are harmful to the people and environment. But we saw women, accompanied by their children, who go to the flare sites daily to dry their laundry and cassava!

In Nigeria, the oil companies have breached rather than respect environmental laws that regulate practices to protect people and the environment. The breach is taking place against the background that Nigeria is a signatory to the Kyoto Protocol and the United Nations Agencies 21 in addition to other international conventions. However, none of the provisions of these conventions seem to have been brought to bear on the environmental and ecological devastation caused by oil mining in the Niger Delta. The consensus in the research communities is that the Federal Environmental Protection Agency charged with the responsibility to bring environmental abusers to book is ineffective because the same Federal Government gives the oil companies latitude and protection.

### Social and Economic Degradation

The demands of the people of Niger Delta usually concentrate on the right to education, equal distribution of social amenities, employment, compensation for the land taken, and a more equitable share of the oil revenues derived from their soil.

Available research information demonstrates that compared to the enormous wealth from oil, the social situation in the Niger Delta presents a mammoth discrepancy, and is generally worse than the situation in most parts of the country. Okechukwu Ibeanu's study also discloses that the doctor-patient ratio in the Niger Delta is 1 to 132,000 three times more than the national average of 40,000. In terms of safe drinking water, only 27% have access and only about 30% have access to electricity. Added to these is the peripheral presence of telephone services save for the recent introduction of GSM nationwide and a few tarred roads. A 1995 World Bank report corroborates this stating that in Bayelsa State, incidences of water-borne diseases and poor transportation infrastructure were the worst in the country. Ten years on, the facts of this report remains largely the same.

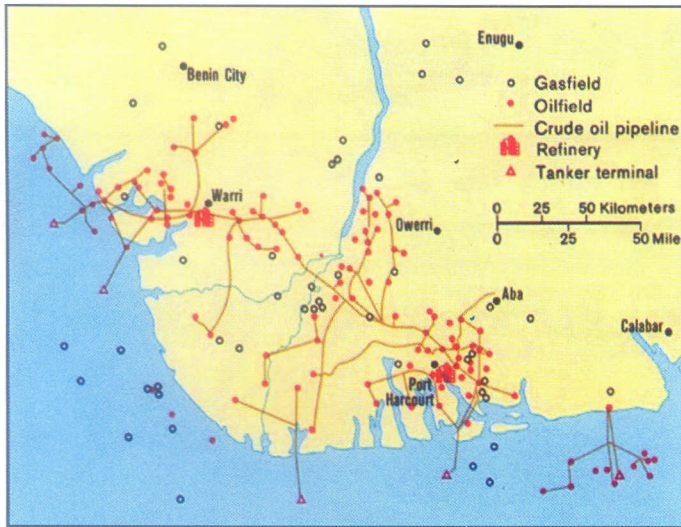
While poverty remains pervasive, it has been made severely chronic by the high cost of living due to the petrol economy. For example, the cost of living index in urban areas of Rivers State is 783, the highest in the country. In fact, unemployment in most of the Niger Delta is over 30% with primary school attendance far below what operates in the rest of the country. Even Shell acknowledges that "poverty remains a serious and endemic problem throughout Nigeria, and is acute in parts of the Niger Delta, the core area of operation for the SPDC".

### Conflict, Community Mobilization and the Transformation of Power Relations in the Niger Delta

In this terrain where most citizens feel neglected and marginalized, various interest groups have emerged to challenge the status quo and to fight for recognition and inclusion in the development process, and to benefit from the oil resources. Years of neglect and rights' violations have pushed many groups to organize and struggle for their rights. A sense of injustice, coupled with a difficult reality of unemployment and environmental degradation in the communities have led the communities to mobilize for their rights. Community mobilization has different faces: it could range from advocacy and letter writing to the companies and government officials, to demonstrations, or road blockage to abduction and violent fighting.



## Gas and Oil



### Youth Groups

Youth organizations have become a prominent part of the Niger Delta political and economic discourses. Their emergence is a function of several factors. They have fed into, fed from and organized around conflict situations in the Niger Delta. One of the results is the change in the power structure. Our work in both Bayelsa and Delta States clearly demonstrated how conflict changes power structures within the community. The adverse relationships between different community members and the TNCs on the one hand, and between the people and government on the other, influence the decision-making procedures and the individuals involved in a community. If in the past the traditional leaders were highly respected and considered to be the ultimate authority in the community, nowadays new groups such as youth and women groups have emerged as strong parts of the decision making bodies. While such changes may be inevitable in the lives of communities in the long run, we found that conflict intensifies and hastens it.

Although many of the communities have been a gold mine for the TNCs with cooperation of the government in producing high revenues from oil, the chronic unemployment situation in the Niger Delta affects mostly the youth, whether educated or not. Frustrated by the desolate economic reality and the corruption of some of the community chiefs, leaders and elite, the youths in many cases have decided to 'take the law into their hands'. They have therefore established youth organizations in order to fight for their rights. As a group they attempt, for example, to negotiate directly with oil contractors in order to distribute job opportunities among the members in a more equitable way (since the leaders many times would give the jobs only to family members and friends).

Nevertheless, often, because of lack of agreement and competition over limited resources and employment (sometimes manipulated by the TNCs), these groups would divide up and form into 'gangs' of rivals and violent youths who would cause mayhem in the community. This division is also encouraged by the fact that the TNCs in order to protect themselves hire some of the youths as security personnel. Once in the employ of the TNCs, the youths safeguard the interests of the TNCs and hence clash with their own community's interests and objection to mining activities.

### Women's groups

The participants who took part in the TFDC research workshops in Bayelsa and Delta States confirmed that the conflict over oil has increased women's involvement in the community. As the main players in farming and fishing, they pay the heaviest price for the environmental pollution and destruction as well as the lack of justice in dealing with lost livelihoods. They have therefore waged campaigns against the oil companies by occupying oil installations. In general, their activities are mostly peaceful such as demonstrations and protests accompanied by singing and dancing. They have however threatened supreme acts of protest of going naked in public to back their demands. In the cosmogony of African societies, the act of nudity in public by women (earth mothers) threatens the harmony of the cosmos and it is a curse on society and the people who provoked it. The constituencies that would be gored by it are the Niger Delta community, the TNCs and the workers connected to Shell. This is normally too much a price to pay. So, negotiations normally happens.

In other situations women's protests have been used as preludes to men's and youth involvement. Sometimes men use the women of their community as a 'human shield' to protect them during a protest, as they know that the women will not be beaten or shot at. These women's activities often brought concessions and formed the initial step of dialoguing with the TNCs. The power of the women is recognized and very often therefore, powerful and well-positioned leaders who have benefited from the companies may attempt to delay such mobilization without revealing the relationship and benefits they derive from the corporate bodies. Indeed, in the Niger Delta every community in which oil extraction activities are taking place, has at one time or the other mobilized - perhaps violently - to press its case.

### Customary Rights versus Common Law: A Clash Sharpened by Oil

The conflict over resources is as a result of what people claim to be the violations of their rights and entitlements. In Nigeria, as in other places around the world, some of the rights are socially, culturally and historically constructed. In pre-colonial times the Niger Delta communities derived their legal system and laws from traditional values, customs and mores evolved and modified over time. With colonialism, the English system of common law was introduced and this created a dual system of customary and common laws. Meanwhile the customary laws, which have largely shaped the consciousness of the people, are treated by the government as inferior to the common law. Therefore, in the conflicts in the Niger Delta, the government has used the common law as the prevailing legal instrument to enforce statutes and decrees that protect its interests and enable the TNCs to carry on their activities, sometimes in conflict with the interests of the Nigerian citizens.

Some examples that point to the transcendence of the common law over and above customary laws are: the Offshore Oil Reserves Decree of 1971 which gave all the minerals in the continental shelf of the coastal littoral states to the Federal Government; and the National Inland Waters Authority Decree 13 of 1977 that placed all navigable waters under the Federal Government. Also, Section 28 of the 1978 Land Use Act declares that a governor can revoke a right of occupancy for overriding public interests which include: 'requirements of the land for mining purposes or oil pipelines for any purpose connected therewith.' All these have become legal instruments that the Federal Government invokes in order to take the lion share of resources as expressed in the Federal budgetary allocations.

There is a definite conflict in all of these legislation, based on common law system, with the customary law provisions, which although may not have been emblazoned into written statutes, do in general allow village communities and families to hold the land, not individuals. Under the such laws, each member of the community is entitled to acquire a portion of land, for the usage of agricultural purposes. These laws may differ in detail and application according to different ethnic groups and villages but generally, land was held in trust by constituted authorities for common good according to unwritten laws.

### Trans-National Oil Corporations (TNOCs) and Corporate Responsibility

In the Niger Delta, community members generally refer to Shell when they talk about the oil companies, even though there are other companies that operate in Nigeria like Agip, Chevron, Elf, Halliburton, Mobil, etc. Shell has become the symbol of the petroleum companies because it was the first one to explore oil in Nigeria and has the largest share of activities in the Niger Delta.

The oil companies have responded to certain demands from communities for social development. Schools and health centres have been built in some places. In others, they have been responsible for building roads. However, there is still a general outcry that many of the projects agreed with the companies are not executed; infrastructural development like roads, electricity or water supply are only provided in communities where they have direct operational interest or through communities where the TNCs can access their operations.





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\*Many in the communities blame the unjust and immoral conduct of the oil companies as one of the main reasons that underlie the relationship of violence between the companies and the communities in which they work. The communities consider that the TNCs are generally insensitive to their suffering, and social/cultural codes.

\*Oil companies operating in the area are implicated in corrupting and manipulating the communities to get a quick fix and easy access to oil fields. Often, they will choose to bribe the chiefs and leaders since this is less costly than building social infrastructure usually demanded by communities. They are also compromised in the rise of militias and violence. Evidences show that TNCs pay some kind of protection money to militia groups in the form of ghost employments and even engage their services to protect their installations or to cow recalcitrant communities into submission.

\*The TNOCs do not always comply with their obligations to pay adequate compensation for the damage of the communities and its land because they enjoy the protection of government.

## Governmental Accountability:

\* In our encounters with people in some communities in Bayelsa and Delta States, they expressed frustration at the complete lack of government accountability and indeed of the absence of government presence. People believe that politics is only for graft because of what they continue to experience from politicians. The communities are only taken into consideration in times of political campaigns and elections; once politicians are in power, they completely ignore the electorate.

\* There was a general feeling of disenfranchisement as they complained that there were no elections in most of their communities and that they were therefore unable to put forward their desired candidates. They argued that in the current process, where those in power were selected and placed by powerful godfathers; they feel very impotent to demand accountability from government officials.

\* Communities are very pained by the way and manner politicians have turned their children into killers to the extent that for elders, the fear of the youth is the beginning of wisdom! The belief is that the militias are armed and used by politicians to rig themselves into power. Although the elders in the communities are not happy about the situation, they are keeping quiet to protect their lives.



\* The communities feel strongly that the Federal Government of Nigeria has, over the years, used the oil money from the Niger Delta to develop other parts of Nigeria while they are completely neglected. They cite the example of Abuja and insist that for them to have justice in the distribution of oil wealth, they have to control the resource and pay royalties to the Federal Government.

## Policy Options

\* The Federal Government of Nigeria should contain itself to what all Federal Governments do under a federal system and devolve the appropriate powers to the states whose roles it may currently be usurping.

\* The government should revert to derivation principle in resource allocation. This will encourage the stimulation of other export opportunities and remove the dependence on oil. It will make more money available to the states and shift the blame of lack of development away from the Federal Government.

\* It should be made mandatory for the oil companies to disclose how much money it is making and how much it is paying Nigeria for oil. When people have access to the right information it is easier for them to hold public officials accountable.

\* The government should establish the right of information for all Nigerians under which all government or public functionaries at all levels must make public the resource allocations they get and the way they are being expended. Such information should also be made available on request to any Nigerian and prescribed penalties enforced for failure to comply.

\* The enforcement of environmental regulations to international standards should be a joint partnership between government and oil producing communities.

\* There should be an elaborate program of reorientation of youths in the Niger Delta to go hand in hand with a system of employment which is worked out in a participatory manner, that is consensually agreed upon, so as to take the militias off the streets.

\* There is need for new systems of political representation that makes it difficult to access oil wealth for personal aggrandizement so that only those with genuine interest and commitment to serve may go into politics.

From the groundswell and entrenched feelings of discontent with, and disconnect from the Nigerian State by citizens generally and the Niger Delta people in particular, it seems that the crisis of the Nigerian State, and especially of oil will continue to plague the country unless politicians and government muster the supreme will to address the above policy issues in addition to others being canvassed for. As the late Professor Claude Ake observed: "What is at issue is nothing less than the viability of Nigeria, for oil is the real power and the stuff of politics in Nigeria as well as what holds the country in a fragile unity of self-seeking."

TFDC Policy Briefings are published by the Theatre for Development Centre (Nigerian Popular Theatre Alliance), to highlight key policy issues for debate and possibly, action. This briefing was produced in conjunction with the development Research Centre on Citizenship, Participation and Accountability. For further information go to <http://www.npta-cda.org>

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