COPYRIGHT AND CITATION CONSIDERATIONS FOR THIS THESIS/ DISSERTATION

- **Attribution** — You must give appropriate credit, provide a link to the license, and indicate if changes were made. You may do so in any reasonable manner, but not in any way that suggests the licensor endorses you or your use.

- **NonCommercial** — You may not use the material for commercial purposes.

- **ShareAlike** — If you remix, transform, or build upon the material, you must distribute your contributions under the same license as the original.

**How to cite this thesis**

OIL AND THE IJAW PEOPLE OF THE NIGER DELTA STATES:

1956 TO 1998

BY

SAMUEL T. ABEJIDE

THESIS SUBMITTED IN FULFILMENT OF THE REQUIREMENT FOR THE DEGREE OF DOCTOR OF LITERATURE AND PHILOSOPHY IN

HISTORICAL STUDIES

IN THE

FACULTY OF HUMANITIES

UNIVERSITY OF JOHANNESBURG

SUPERVISOR: Prof LWF Grundlingh

NOVEMBER 2012
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledgement</td>
<td>7-8</td>
</tr>
<tr>
<td>Abstract</td>
<td>9</td>
</tr>
<tr>
<td>List of Abbreviations</td>
<td>10-12</td>
</tr>
<tr>
<td><strong>Chapter One</strong></td>
<td></td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td></td>
</tr>
<tr>
<td>11. Aims</td>
<td>13</td>
</tr>
<tr>
<td>1.2. Research Questions</td>
<td>15</td>
</tr>
<tr>
<td>1.3. Structure</td>
<td>15</td>
</tr>
<tr>
<td>1.4. Historiography</td>
<td>18</td>
</tr>
<tr>
<td>1.5. Sources</td>
<td>27</td>
</tr>
<tr>
<td><strong>Chapter Two</strong></td>
<td></td>
</tr>
<tr>
<td>IJAW BEFORE c.1500</td>
<td></td>
</tr>
<tr>
<td>2.1. Introduction</td>
<td>32</td>
</tr>
<tr>
<td>2.2. Niger Delta Environment</td>
<td>32</td>
</tr>
<tr>
<td>2.3. Ijaw history of migration and settlement</td>
<td>34</td>
</tr>
<tr>
<td>2.4. Environmental influence on the development of the Ijaw traditional Political system</td>
<td>38</td>
</tr>
<tr>
<td>2.5. Environmental role on the Ijaw economic activities</td>
<td>40</td>
</tr>
<tr>
<td>2.5.1. Traditional agricultural activities</td>
<td>42</td>
</tr>
<tr>
<td>2.5.2. Traditional industrial activities</td>
<td>28</td>
</tr>
<tr>
<td>2.5.3. The development of internal long-distance trade</td>
<td>44</td>
</tr>
<tr>
<td>2.6. Conclusion</td>
<td>47</td>
</tr>
</tbody>
</table>
Chapter Three

PALM OIL, TRADE AND THE ENVIRONMENT: EUROPEAN INVOLVEMENT IN THE IJAW AREA DURING THE 16TH TO 19TH CENTURIES

3.1 Introduction 49
3.2 The Ijaw and Europe in the Age of Exploration, Expansion and Trade 49
3.3 Ijaws' participation in the Atlantic slave trade 50
3.4 The Ijaw in the age of legitimate commerce 53
3.4.1 Growth of palm oil export in the Delta 54
3.4.1.1 Expansion of trust system in palm oil commerce 58
3.4.2 British Palm Oil Trade and Changes in the Ijaw Local Politics 60
3.4.2.1 Formation of a new House system 60
3.4.2.2 The Changing structure of the palm oil commerce in the 19th century 63
3.4.2.3 British Environmental Exploitations and Political Interference by the Mid-1880s 66
3.4.2.4 Ijaw Resistance against the British Control over their Environment and Resources 70
3.5 Conclusion 72

Chapter Four

NIGERIAN AND IJAW POLITICAL ECONOMY DURING THE COLONIAL ERA, 1900-1960s

4.1 Introduction 75
4.2 The structure of the British Colonial Political Economy in Nigeria 75
4.2.1. Infrastructure development 77
4.2.2. British Mineral Rights 78
4.2.3. Agricultural Development in British Colonial Nigeria 85

4.2.3.1. Promotion of palm oil resources for exportation in eastern Nigeria 87

4.2.3.2. Groundnut as an export crop in the north 88

4.2.3.3. Cocoa as an export crop in the south-west 89

4.3 The structure of the Ijaw Economy in the Colonial Era 91

4.3.1. Impact of the Colonial Welfare and Development Act on the Ijaw after 1945 97

4.3.2. Nationalist Agitations and Reactions of the Ijaws to the British Oil Regulations in 1946 98

4.4 Shell D’Arcy Exploration and oil discovery in Ijawland, 1947 and 1960 103

4.5 The Nigerian government’s earlier responses to the discovery of oil in the 1960 108

4.6 Continuation of Agricultural Export Crops 112

4.7 Crude oil as important foreign exchange earnings by the late 1960s 113

4.8 Conclusion 119

Chapter Five

OIL EXTRACTION, PRODUCTION, LEGISLATION AND MANAGEMENT STRATEGY FROM THE 1960s TO 1990s

5.1 Introduction 122

5.2 Government Legislation on Oil Operations 122

5.3 Government Joint Venture with the Oil Companies 126

5.4 Other Environmental Regulations of the Oil Industry 135

5.5 Reasons for Non-compliance with Environmental Oil-Related Legislation 139
Chapter Six

THE CONSEQUENCES OF OIL PRODUCTION BY SHELL BP AND CHEVRON NIGERIA ON THE IJAW PEOPLE AND THEIR ENVIRONMENT, 1960s TO 1990s

6.1. Introduction 147
6.2. Concept of Environmental Pollution 147
6.3. The Impact of gas flaring 148
6.4. The Impact of oil spillage 155
6.5. Causes of oil spills 157
6.6. The Social, Economic and Political impact 167
6.7. The Economic impact 169
6.8. The Political impact 172
6.9. Conclusion 175

Chapter Seven


7.1. Introduction 178
7.2. Resource control and revenue distribution in post-colonial Nigeria 178
7.3. Demand of resource control by the Ijaw community, 1990s to 1998 185
7.4. Contradictions of resource control and the non-oil producing states 189
7.5. Responses to pollution in the Ijaw oil-producing community 195
   7.5.1 Reducing the oil and gas pollution 195
   7.5.2 Establishment of Development Agencies 198
Chapter Eight

SURVIVAL STRATEGIES OF THE IJAW OIL-PRODUCING COMMUNITY IN ADAPTING TO AN OIL-POLLUTED AND DEGRADED ENVIRONMENT, 1966 TO 1998

8.1. Introduction 218

8.2. Political Strategies as a means of survival by the Ijaws 218

8.2.1. Adaka Boro’s resistance strategy of 1966 219

8.2.2. The Ogoni uprisings in the 1990s 222

8.2.3. Kaiama Declaration in 1998 226

8.2.4. Ijaw Youth Council (IYC) of 1998 229

8.3. Survival Strategies of the Ijaw People 234

8.3.1. Combinations of jobs 234

8.3.2. Migration of the displaced Ijaw people to habitable environment 237

8.3.3. Scooping of Fuel from Leaking Pipelines 238

8.3.4. Litigation for compensation payments 239

8.4. Impact of Ijaw survival strategies on the Ijaws, Oil industry and Nigerian Economy since 1990 to 1998 242

8.5. Conclusion 245

Chapter Nine

CONCLUSION 247

BIBLIOGRAPHY 256

APPENDIX 298
ACKNOWLEDGEMENTS

Above all, I would like to thank the Most High God, the creator of all mankind. His mercy, wisdom and provision have helped in writing the thesis. Glory, honour and power belonged to His holy name forever.

I would like to thank my supervisor Prof Louis Grundlingh, Historical Studies Department, University of Johannesburg, for his patience and kindness right from the beginning of this study up to the completion. He was very committed to my research, as demonstrated in particular by providing necessary guidance to ensure the completion of this thesis, and by his prompt responses and useful comments. I appreciate the contribution of Dr Phia Steyn, History Department, University of Stirling, Scotland. Her comments were very incisive in the drafts, particularly the extra effort she made to send very useful archival materials from the British Petroleum archive in London to support my argument in writing the thesis. I also thank Andrew Graham who edited this thesis.

I would like to appreciate the contribution of other lecturers in the Historical Studies Department, University of Johannesburg, particularly Prof, Natasha Nerlank, HoD of the Department. Others are Prof Gerald Groenewald, Dr Mildas Chawane, Dr Surya Chetty, Dr, Stephen Sparks, Dr Nafisa Essop-Sheik and Mr Juan Klee for their cooperation and moral support. I have the pleasure to specifically thank Mrs Julia Kotze, the secretary to the department for her hospitality and kindness to me as a foreign doctoral candidate. I thank the Department of History for financial assistance and the Faculty of Humanities for a supervisory linked bursary that supported me toward the completion of this thesis.

I would like to thank my family members, particularly my dearest wife, Olufisayo, Yemi K, Abejide, for her sacrifice over the last three years, and our children, Paul, Jerry, and Favour. I owe them deep appreciation for their understanding, as I was not physically present to play my role. I thank my beloved sister Tumininu Jegede, for initiating the programme not minding the financial implication. I also appreciate my twin brother Kehinde Abejide, for his moral and financial commitments toward me. I also appreciate others, particularly my mother, Marion Abosed Abejide, Olu Abejide, Remilekun Yeyeodu, and Ayodele Aina.

I would not forget the support of other extended family members both in South Africa and Nigeria. I thank Pastor Funsho Ologun and Mrs Maria Ologun, my elder sister Dolapo Abanida, and my brother Seyi Ajabonna and Mrs Wumi Ajagbonna, Femi Ajayi and his family for their moral and financial assistance. God in His infinite mercy will reward their labour of love toward me.
I would like to thank friends such as Oluwagebmi Gbenga, Sarafadeen Nasiru, Tunji Mustafa, Bolaji Amuda, Mrs Taiwo Oyeniyi, Dr Yusuf Raji, Prof Samuel Aghalino, Prof Raimi Olaoye, Emile Cotzee, Mayowa Olaniru and Cyprian Mbigho.

Moreover, I would like to thank the interviewees, and organisation that supported me with documentation and information on the complex nature of the research, the Niger Delta Development Commission (NDDC), Shell Nigeria Warri, Chevron Nigeria Warri, British Petroleum (BP) archive London, for the permission to use the copied archival sources on Shell operation in Nigeria.

I would like to thank some staffs of the National Archive Enugu, Ibadan and the National Library Lagos Nigeria. I also appreciates the support of some librarians at the University of Johannesburg, particularly, Zelda, Gelderhuys (History Librarian), Theresa Vukeya, Michael Sifile, Tyson Mabunda, Daniel Molosane amongst others.

I would like to thank our daddy in the Lord, Pastor Dele Briamoh of the House of Liberty Parish Church in Centurion, South Africa, Prof Akhabue Okharedia, Godday Peters, Bro Alfret Mafura and others. Thank you all for your prayer support in time of need.
ABSTRACT

This thesis focuses on Oil and the Ijaw people of Niger Delta States: 1956 to 1998. The rationale and motivating factor is to trace the general environmental problems associated with oil production in the Ijaw village communities that have impacted on the livelihood of the Ijaw people. The thesis is the product of research conducted into the Ijaw environment before the discovery of crude oil, to determine whether their socio-economic and political activities impacted on it through conflict as a result of oil-related pollution and degradation in the 1990s. Oil was discovered in commercially viable quantities in 1956 in the Oloibiri Ijaw community. Extraction by Shell-BP and Chevron started soon afterwards. It examines the complexities of the operations, management and control strategy employed by the federal government under a joint venture agreement with the oil multinationals, particularly through the various regulatory laws passed to protect the Ijaw inhabitants and their environment. This thesis explores and investigates the impact of oil production, particularly of the perennial pollution and flaring of gas, on the soil, vegetation and climate in areas allocated to major oil producers in the Ijaw community. It contributes to existing knowledge on the responses of the federal government and the oil multinationals to pollution and its impact on the traditional fishing and farming of most Ijaws. It explains the main reason the Ijaws demanded greater control of oil resources and a fair share of revenue in the 1990s. The government’s repressive responses exacerbated the environmental struggle by the local protesters against both government and oil companies. This thesis explores the various steps undertaken by the federal government to resolve the conflict associated with environmental problems in Oloibiri, Nembe, Otuasega, Imiringi, Anyama, Kolo-Creeks, which constitute some Ijaw oil-producing communities. The performances and functioning of government agencies, such as NDDB (1961), FEPA (1988) and OMPADEC (1992), at local level are investigated. The main reason for survival strategy in adapting to the environmental problems associated with oil pollution by the Ijaws, and why they were unsuccessful, is also examined.
<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ALSCON</td>
<td>Aluminium Smelter Company of Nigeria</td>
<td></td>
</tr>
<tr>
<td>ANEEJ</td>
<td>African Network for Environmental and Economic Justice</td>
<td></td>
</tr>
<tr>
<td>BPD</td>
<td>Barrel Per Day</td>
<td></td>
</tr>
<tr>
<td>CNL</td>
<td>Chevron Nigeria Limited</td>
<td></td>
</tr>
<tr>
<td>CM</td>
<td>Chicoco Movement</td>
<td></td>
</tr>
<tr>
<td>DPRA</td>
<td>Drilling and Production Regulation</td>
<td></td>
</tr>
<tr>
<td>DPR</td>
<td>Department of Petroleum Resources</td>
<td></td>
</tr>
<tr>
<td>EIC</td>
<td>Environmental Impact Certificate</td>
<td></td>
</tr>
<tr>
<td>EIA</td>
<td>Environmental Impact Assessment</td>
<td></td>
</tr>
<tr>
<td>EIAD</td>
<td>Environmental Impact Assessment Decree</td>
<td></td>
</tr>
<tr>
<td>ERA</td>
<td>Environmental Right Action</td>
<td></td>
</tr>
<tr>
<td>EU</td>
<td>European Union</td>
<td></td>
</tr>
<tr>
<td>FEPA</td>
<td>Federal Environmental Protection Agency</td>
<td></td>
</tr>
<tr>
<td>GNPC</td>
<td>Ghana National Petroleum Corporation</td>
<td></td>
</tr>
<tr>
<td>GMOU</td>
<td>Global Memorandum of Understanding</td>
<td></td>
</tr>
<tr>
<td>IYC</td>
<td>Ijaw Youth Council</td>
<td></td>
</tr>
<tr>
<td>IRPL</td>
<td>Ijaw Rivers People’s League</td>
<td></td>
</tr>
<tr>
<td>LUA</td>
<td>Land Use Act</td>
<td></td>
</tr>
<tr>
<td>MOSOP</td>
<td>Movement for the Survival of the Ogoni People</td>
<td></td>
</tr>
<tr>
<td>MOSIEND</td>
<td>Movement for the Survival of the Ijaw Ethnic Nationality in the Niger Delta</td>
<td></td>
</tr>
<tr>
<td>MORETO</td>
<td>Movement for the Reparation of Ogbia</td>
<td></td>
</tr>
<tr>
<td>MOU</td>
<td>Memorandum of Understanding</td>
<td></td>
</tr>
<tr>
<td>NNOC</td>
<td>Nigeria National Oil Corporation</td>
<td></td>
</tr>
<tr>
<td>NNPC</td>
<td>Nigeria National Petroleum Company</td>
<td></td>
</tr>
</tbody>
</table>
NDDB: Niger Delta Development Board
NDDC: Niger Delta Development Commission
NDC: Niger Delta Congress
NCNC: National Council for Nigeria and Cameroon
NDVF: Niger Delta Volunteer Force
NYCOP: National Youth Council of Ogoni People
NDES: Niger Delta Environmental Survey
NDES: National Directorate of Employment Scheme
NEPR: National Environmental Protection Regulation
NAFCON: National Fertilizer Company of Nigeria
NLNG: National Liquefied Natural Gas Project
NOSCP: National Oil Spills Contingency Plans
OPEC: Organization of Petroleum Exporting Countries
OELS: Oil Exploration License
OPLS: Oil Prospecting License
OMLS: Oil Mining License
OMPADEC: Oil Mineral Producing Area Development Commission
PI: Petroleum Inspectorate
PPTO: Petroleum Profit Tax Ordinance
RNC: Royal Niger Company
RSISTF: River States Internal Security Task Force
SFC: Standard Cubic Feet
STTC: Shell Transport and Trading Company
SPDC: Shell Petroleum Development Company
SNG: Shell Natural Gas
UAC: United African Company
UNO: United Nations Organization
UNOC: United Nations Organization Convention
UNEP: United Nations Environmental Programme
WHO: World Health Organization
CHAPTER ONE

INTRODUCTION

1.1 AIMS

This thesis focuses on the experiences of the Ijaw people of Nigeria since the discovery of oil in 1956 and the major environmental changes that followed. The Ijaw people are the fourth largest ethnic group in Nigeria, with an estimated population of 13 million during the last census. They occupy the coastal fringes of the Niger Delta. This thesis aims to situate the Ijaws within the larger society of Niger Delta. It will therefore not discuss the environmental issues of the whole of the Niger Delta.

The Niger Delta is divided into two sections: the Northern Delta, known as the Hinterland, and the South-Eastern and Western part, which is referred to as the Ijaw Swampland. The migration of the Ijaw people to the coastal region has been attributed to favourable environmental conditions along the aquatic routes down the Niger prior to 1500 A.D. The Ijaws were the earliest group to live in this region, following a simple lifestyle and surviving on their exploitation of the natural environment. At first they fished and farmed, but later became involved in craft industries and later in the slave and palm oil trades, helped by the favourable environmental conditions and proximity to the ocean.

Due to the concentration of vast agricultural resources, the Ijaw people had experienced steady economic growth up to the 20th century, with the chiefs having authority over the trade routes and amassing great wealth. However, the sustainability of this fortune relied on the role of slaves and freemen, the latter being the middlemen between the Ijaw chiefs, the Hinterland traders and the Europeans on the coast.

The imposition of British colonial rule greatly altered the Ijaw traditional socio-economic and political patterns towards the end of 1900, causing them to lose not only their power but also their authority over their land, in turn precipitating a period of struggle. This pattern continued unabated, and became more severe following the discovery of oil at Olobiri in 1956. Since then, the Ijaws’ lives and their natural environment have changed dramatically.
Beginning from the discovery oil in 1956, the thesis traces the change up to 1998, when the Ijaw people, particularly the youths, proclaimed the Kaiama Declaration as a first attempt to normalise the relationship between them, the local and Federal government, and the multinational oil companies (*Shell Nigeria* and *Chevron Nigeria*). It examines the effects on the people of general environmental degradation brought about by oil exploration, extraction and production on their traditional homeland, and explores alternative and various mechanisms the Ijaw people employed to survive this assault on their traditional agricultural system. This thesis takes note of these recent developments and views by concentrating on the relationship between the Ijaw people and the environment, particularly after oil was discovered and commercial extraction and production began in the area.

**RESEARCH QUESTIONS**

The main research question posed is:

- How did the discovery and exploitation of oil impact on the Ijaw people and their local environment?

Secondary research questions are:

- What was the nature of the Ijaw environment and how did that affect the lives of the Ijaw people before the discovery of oil in 1956?
- How did the oil industry change the natural and human environments in the Ijaw territory?
- How did the relationship between the Ijaws, the government and the oil industry change after 1956?
- How did the Ijaw people survive this changed environment?

**STRUCTURE**

Chapter 1 serves as an introduction to the thesis and focuses on a literature review and a discussion on the primary sources, particularly archival records and documentation relating to the early history of the Oloibiri and the Ijaw environment, from the time crude oil was discovered in 1956, up to 1998. Other important sources are newspapers, both local and international, and interviews conducted with selected members of the Ijaws, *Shell-BP*, *Chevron Nigeria* and government representatives.

Chapter 2 focuses on the antecedents of the Ijaw people and their environment before 1500. It will provide the background to the reasons for and conflict over the environmental problems associated with oil pollution and gas flaring between the major
role players (government and oil multinationals) to be discussed in greater detail in Chapters 4 to 8. It further discusses the physical features of the Delta environment, the history of migration and settlement there of the Ijaw people. An outline of the history reveals how the Ijaw kings, with their 'house system', were directly in charge of the exploitation of their own environmental resources even before the European contact in the 17th to 19th centuries. The importance of the Delta environment in the growth and development of traditional, socio-political and economic activities is explored and evaluated, as are salient factors that influenced the establishment of internal long-distance trade with their neighbours.

Chapter 3 focuses on ways in which the Europeans’ quest for trading ventures across the Atlantic Ocean facilitated contact with the Ijaw people along the Niger Delta coast from the 17th century, including the slave trade and palm oil trade, and how changes led to greater involvement by Britain in the region, ultimately resulting in annexation. This history serves as a background to the environment of the region prior to crude oil extraction in the 1960’s.

Chapter 4 addresses the political-economic context of Nigeria and the Ijaw people at the onset of colonial rule up to the discovery of oil and the post-colonial government responses to its extraction. This includes British colonial economic policy and political administration in Nigeria, particularly mining rights, agricultural exports after the First World War to meet its high demand in Great Britain, and the development of infrastructural facilities to enable the transportation of export commodities to Port Harcourt and Lagos. Specific attention is paid to the development of the local administration, the continuation of palm oil production, the Colonial Welfare and Development Act of 1945 and local agitation and resistance to mineral ordinance on land matters. The discovery of oil changed the economic bedrock of palm oil to crude oil. This marked the turning point in their history.

Chapters 5-8 form the core of the study. Chapter 5 provides a detailed account of the extraction, production, legislation and management strategies employed the post-colonial period. It investigates why, despite legislation to guide the operations of oil multinationals, serious pollution still occurred.
Chapter 6 focuses on the consequences of oil production by the multinational companies on the Ijaw people and their environment. It specifically unravels the impacts of the two major oil producers in the area, with attention paid to the environmental problems in the Ijaw oil producing communities, particularly the Oloibiri. The chapter concentrates on the impacts of gas flaring and oil spillages on the Ijaw environment, especially between the 1960s and 1998. The second part focuses on the social, economic and political impacts of oil production and associated environmental problem on the Ijaw in general, and the Oloibiri in particular. It discusses the increasing internal contradictions involving the Ijaw youth and their elites in perpetuating environmental pollution on their own land. It investigates how the production of oil distorted the pre-existing socio-economic activities of the Ijaws.

Chapter 7 examines the responses of the Federal government to the Ijaw oil producing community through various agencies as well as the responses of the oil companies to the perennial oil pollution caused by their operations in the area. In addition, it investigates the factors responsible for the demand for resource control and the inherent contradictions. The pertinent question is whether their demand was as a result of environmental neglect by the federal government or the oil operators.

Chapter 8 focuses on the survival strategy of the Ijaws in adapting to the polluted and degraded environment through the operation of oil companies. It focuses on the political strategies used by the Ijaw people as a means of survival, in particularly Adako Boro’s resistance strategy of 1966, when the Federal Military Government abrogated the oil revenue allocated to the Niger Delta. It examines the Ogoni uprisings as an influential factor in the spread of survival for the entire Delta by the 1990s, the emergence of the Kaiama Declaration and constitution of the Ijaw Youth Council in 1998, and the internationalisation of the Ijaw political strategy. In addition, it details survival strategies adopted by the Ijaw citizenry, such as the combination of jobs, migration to a habitable environment, scooping of fuel from leakage in pipelines and litigation for compensation by individuals and whole communities. The impact of these survival strategies on the Ijaw people, oil industry, and Nigerian economy is also investigated. Findings in this chapter increase our knowledge of the Ijaw’s means of survival, and are intended to
create wider awareness of their environmental problems and demands for environmental justice and security.

Chapter 9 concludes the thesis and consists of a thorough evaluation of the oil-related environmental struggles in Ijawland and Oloibiri.

**LITERATURE REVIEW**

Since a growing awareness of the environment and how it is being threatened by human exploitation developed during the past few decades, many disciplines started to focus on environmental issues. As a result, general literature on this is vast. The same can be said for the historiography on environmental history. Because an engagement with this literature will entail numerous separate studies, it was decided not to engage with this literature. The focus will thus rather be on literature pertaining to the impact of oil exploration in Niger Delta with specific reference to the Ijaw people.

As this is already quite extensive, the following historical issues and debates relevant to this study were identified and will receive specific attention:

- The politics of multinational companies
- The impact of the activities of the major oil producers on the Ijaw people
- Other reasons for pollution of the environment
- The issue of compliance
- Government responses and the work of agencies
- Survival strategies

*The Politics of Multinational Companies*

The Politics of Multinational Companies

The politics of the multinational companies in African countries in which oil was found has been critiqued by historians. Renowned historians like Brown, in her study on the
African environment and its communities\textsuperscript{1}, sought to know the relationship of local people with their environment. Although his work did not focus specifically on environmental problems associated with oil pollution and flaring of gas – the focus of this study - it encouraged historian's engagement with research on the Africa environment. In the same vein, Olena's, work emphasised a colonial policy on Africa's forests and trees, using an environmental approach and focusing on the pre-historic period. He discovered that as a result of deforestation, desertification, resistance from local people to post-colonial government was encouraged. They resisted government policy on agriculture, science, and land protection laws.\textsuperscript{2} His conclusion has encouraged further study into the politics of multinational companies in Africa, particularly in the oil producing communities like Ijaw of Niger Delta in Nigeria. This thesis indeed aims to fill that gap by investigating how the operations and the management tactics of the oil producers have impacted on the environment and the people.

The challenges of pollution, depletion of the ozone layers, climatic change and global warming, with its impact on humans and the environment, have formed part of the wider ambit of discussion among historians.\textsuperscript{3} The role of oil in the world’s energy sector, particularly in economic growth and development from 1945 to the 1990s was phenomenal. However, it also had another side to it. According to Steyn, Rachel Carson’s *Silent Spring*, published in 1962, triggered a wide-spread public concern about the environment in the 1960s. The issues of debates among scholars revolved over the impact it had on population and economic growth.\textsuperscript{4} Her opinion is endorsed by authors such as Phillippe and Michelle who agreed on the need for constant research into different locations where oil is found in the world, emphasising the role of multinational

\textsuperscript{1}Brown, K, ‘Trees, Forest and Communities’ Some Historiographical Approaches to Environmental History of Africa’, *Royal Geographical Society*, 35 (4), 2003, p.213.


\textsuperscript{3}Eweje, G, ‘Environmental Cost and Responsibilities Resulting from Oil Exploration in Developing Countries: The Case of the Niger Delta of Nigeria’ *Journal of Business Ethics*, 69(1), 2006, pp.27-56

companies. In his work, *Aids in the Midst of Plenty: Oil Wealth, Misery and Advocacy in Angola*, Phillippe discovered the extent of damage brought on land, water and vegetation in most oil-producing countries. He concluded that further research into those centres by historians was required.

In a similar study Michelle, *Venezuelan Oil Crisis*: How to Secure America’s Energy*, revealed that environmental pollution and the human degradation has become a daily experience of people in such countries as Australia, Canada, Ecuador, Iraq, Venezuela, Angola, Nigeria, Indonesia and the Philippines. Both studies have identified how these resource-rich nations have been plunged to varying degrees into constant conflicts due to political clashes over oil and interests between their home governments, external actors, the oil multinational companies and local populations.

**The impact of the activities of the major oil producers on the Ijaw people**

The direct consequences of oil-related environmental problems have raised environmental consciousness in most developed and developing countries. For example, Rees’s study shows that the oil crisis and the Arab oil embargo of the 1970s, which led to economic recession, to a larger extent encouraged Western countries to place environmental security higher on their own political agendas. At the time, the human environment was not the primary concern of most oil multinationals, despite instances of local resistance to oil production. However, environmental consciousness spread across most oil-producing regions in the Middle East, Africa and Europe in the 1980s and year 1998 as a result of the perennial impact of oil. This encouraged more historical discussion on using scientific research as proof to determine the problems associated with oil, both on humans and the natural environment. For example, Stanislow’s, investigation revealed that the perceptions of most oil companies began to change from their initial apathetic attitude to environmental conservation of their host

---


communities. However, the focus of this thesis will be more on the Ijaw people who had suffered land degradation as a result of oil production.

Linked to this is the work of Steyn, ‘The Politics of Oil in Ecuador and Nigeria’ sought to compare the environmental experiences of the local people in Ecuador and Nigeria as a result of oil production. Her work has revealed the complexities that surround the production and distribution of oil revenue in both countries. Of importance, was her focused on the Ogoni oil-producing state in the Niger Delta Nigeria. She argued that the unequal allocation and distribution of oil revenue in Nigeria has orchestrated the raging crises among this minority group. Her work has helped to explain the main reason why the Ogoni people began their agitations between the 1980s and 1990s. This was linked with the total neglect by the Nigerian successive governments to address their environmental and economic problems. Her work further provides useful information on the management of the Nigerian environment vis-a-vis oil production during the colonial rule. To her, despite the fact that the colonial government’s early oil legislation did not make provision for safeguarding the environment during exploration, it adequately provided for payment of compensation to the local landowners. Matters changed during the independence of Nigeria as most government’s environmental policies were not adequately planned, but rather to include environmental consideration into economic development planning. As a result of decades of government neglect to improve on their environmental protection laws, the Ogoni oil-producing region of Niger Delta has suffered environmental degradation. The emergence of civil rights movements in the area was linked to the government’s ineptitude. Despite the usefulness of Steyn’s work, the current study however differs from most issues analysed in her thesis. Her work has attempted to compare the experiences of the Ogonis in Nigeria with the Ecuador oil producing region. This study traces the experiences of the Ijaw people who had similar experience with the Ogoni, but has not received any scholarly attention.

---

7 Stanislow, J, *The New World Order: Strategies for the 1990*, pp.22-23. The Gulf War oil crisis of 1990s, for instance, brought the oil related issues of security into the international and national attention particularly in the Niger Delta area of Nigeria.

In entering this debate, the thesis investigates how the operations of two major oil producers in the Ijaw area impacted on the people. Of particular importance in this regard are the works by Aghalino, Ikelegbe, Frynas, and Eweje. They all share the view that the environmental degradations of the Ijaw communities and the local people began as a result of the discovery and production of crude oil.\(^9\) Aghalino revealed the government’s ineptitude toward the Ijaw environmental pollution which eventually encouraged resistance from the local people. Likewise, the meticulous studies by Ikelegbe and Frynas severely criticise the multinational oil corporations and the Federal government. In particular they emphasise the long neglect by these oil corporations and the government that contributed to the resultant resistance of the Ijaws after 1966. On the other hand, Eweje in his study, admitted that despite the major destruction of their environment, the oil company (*Shell Nigeria*) also invested in the infrastructure, youth employment, and education.

Regarding the contribution of the oil companies to the rehabilitation of the infrastructure, Ashton revealed that the issue of environmental impact assessment programmes of the oil companies was participatory, particularly their contingency plan to combat spills.\(^{10}\) At more or less the same time Moller and Santner reiterated this point. They stressed the role of the local oil companies and concluded that it was the responsibility of the company facility operators to prepare contingency plans, identifying the risks and threat posed by spills, the most likely spills scenarios, and the range and level of resources needed to deal with them.\(^{11}\) These works has sparked-off further research on this issue.

---


So far historical literature has partly covered debates on social-political and economic impacts of oil and gas problems in Ijaw oil-producing communities.\textsuperscript{12} Of particular important is Avwunudiogba's study in which he elaborated on this issue. He sought to discover how oil and gas has impacted on the local people. His conclusion revealed that loss of employment in the traditional local economies such as farming, fishing and trading, served as the underlying factors why both the skilled and unskilled local people drifted to the cities, whilst some engaged in anti-social behaviours like prostitution and crime.\textsuperscript{13} Ikelegbe confirmed Avwunudiogba's position. Decades of exploitation and marginalisation and poverty were the main reason for political and open confrontation with the Federal government.\textsuperscript{14} This thesis will argue that it laid the basis for the suffering and neglect of the Ijaws through power politics.

It was crucial for this study to consult literature by scholars from disciplines that also address environmental issues. Scientists investigated the reasons of what constitute flaring of gas in a particular oil-producing site. In the early 1970's Augustine and Sanford already investigated the relationship between the temperature of gas flaring and the soil. He experimented in Ebubu, Bomu, Elenlewe and Ibigho in Eastern Delta. His finding was that it was 100 degrees celcius 15 cm from the stack and therefore had indeed serious consequences. Brouwer's study pointed to the reality: it could lead to decreased agriculture yield.

Ashton's research added another aspect to another important process in oil extraction: oil spills and in this case in the Ijaw oil-producing community. His study found that blow out, pipeline corrosion, equipment failures and sabotage were major causes of oil spills.\textsuperscript{15} His conclusion has led to similar investigations, confirming this finding.\textsuperscript{16} Emordi

placed this in an historical context, pointing out that the Ijaw environment prior to oil
discovery had high concentration of biodiversity which provided them with crops,
medicinal plants and fresh water fish.\textsuperscript{17} This research and findings does not leave a
shadow of doubt of the impact of oil extraction on the Ijaw environment

\textbf{Other reasons for pollution of the environment}

That oil and gas were not a major cause for environmental pollution in the Ijaw oil-
producing has become another issues of concern among historians. In a study by
Fagbami and Duru, their work shows that damages link to spills and gas was from
consumptive rather than productive or industrial sources as with pollutants in the Ijaw of
Delta and Nigeria at large.\textsuperscript{18} Oil and gas pollution were contributory factors with
attendant effects on land degradation when compared to the full scale of environmental
problems found across Ijaw land.

An important research finding by Fagbohun in 1999 was that the blame for
environmental pollution in the Ijaw area cannot exclusively be laid at the door of the oil
companies. The fact of the matter was that millions of litres and thousands of tonnes of
hazardous as well as toxic gases are emitted into the air from private homes, cars,
industrial plants and other sources contributing to the pollution.\textsuperscript{19} Thus, when comparing
this pollution with that emitted by oil extraction it becomes clear that matters are not as
clear cut as the earlier research meant us to belief. These findings significantly informed
the approach followed in this thesis.


This thesis argues that the causes of spills could be attributed to both the local people and the oil companies. It will further argue that the activities of oil producers have not been the only factors responsible for the environmental pollution and degradation in the Ijaw area. This is borne out by interviews conducted with representatives of the oil companies in the oil-producing communities.

**Issues of Compliance with Environmental Legislation**

The problem associated with compliance to environmental legislation has also come under serious criticism. To some historians, lack of compliance was linked with the joint venture agreement with the Federal government and the oil companies. Omotola and Aghalino, for example, provides useful information on this issue. To them the failed performances of the statutory agencies such as, NDDB, FEPA, and OMPADEC served as important reason for non-compliant to legislation. Aghalino concluded that pervasive corruption and inappropriate diversion of funds meant for monitoring the operations of companies crippled the performance of government agencies.\(^{20}\) Omotola’s study concurs with Aghalino. Paying more attention to environmental insecurity in the Ijaw area he discovered that major oil producers paid little attention to the plights of the people since these federal government’s statutory agencies have failed to fulfil their role.\(^{21}\)

Eliagwu pointed out that divide and rule, corruption by government officials and penalty attached with violation of petroleum laws constituted problems with compliance.\(^{22}\) Investigation by Omoweh on this issue revealed that petroleum laws has been violated several times by those companies like *Shell-BP* and *Chevron* without penalties, because the laws were made without due consultation with the affected Ijaws.\(^{23}\)


Linked to this, Omofomnwan’s recent work emphasised the challenges faced by government agencies. He concluded that despite the legal basis that governed FEPA’s actions, the agency had performed below expectations in the oil rich area of the Ijaw. His study has informed further investigation why the oil operators had failed to cooperate and explore petroleum in accordance with the rules and regulations made by FEPA, especially on modern environmental management techniques in the oil sites.\textsuperscript{24}

In addition, and linked to non-compliance, is the debate on why flaring of gas has continued unabated in Ijaw and Delta communities. An important study by Aghalino, revealed that the Gas Re-injection Act of 1979 which mandated the oil companies to submit proposals for the utilization and a reduction in the amount of gas to be flared, permitted an exception for flaring.\textsuperscript{25} His conclusion demonstrates an underlying factor why the oil companies prefer to flare gas rather than preserving it.

These actions changed in the 1990s when the Federal government took a step further to reduce flaring and its impact on the Niger Delta and specifically in Ijaw land. The studies by Usman and Gao attributes this with the Rio de Janeiro summit of 1992.\textsuperscript{26} According to them this greatly influenced the establishment of new environmental laws in Nigeria. In Usman’s opinion this imposed a legal binding on all oil companies to carry out an environmental impact assessment in any new area of operation in order to receive a concession. In retrospect, Gao’s accounts on this issue revealed how most oil companies have assessed and fully understood the likely effects on the environment and its inhabitants.\textsuperscript{27}

\textbf{The Issue of Resource Control}

\begin{itemize}
\end{itemize}
The politics of control over oil resources has been an issue for most of Nigeria’s history. Wheare’s investigation on this issue revealed that the regions must have control over the natural resources. It was in line with Wheare’s vision of a federal system in which there is no hierarchy of authority that permits central government to impose itself on other federating units, as all levels maintain horizontal relationships. In a similar study by Nwabueze, the central government and component units or states must permit each unit to have the power of control over its natural resources without interference. In advancing this debate, important study by resource control activists such like Nnimmo Bassey, Ebeku, Itse and Saro-wiwa, revealed that the 50 percent of the proceeds from oil resource was payable to the state based on derivation. The work of Ikelegbe revealed that the repressive method use by the Federal government to stop protests rather than dialogue or negotiation over resource control exacerbated the crisis in the Delta region.

The demand for resource control by the Ijaw people has come under stern criticism by the non-oil producing states. Again this has become another subject of debate among historians. The non-oil producing states argued that this might disintegrate the country. To Darah, his work did not agree with that. His conclusion revealed that the debate over resource control will not threaten the corporate existence of the country, but would bring unity. Other historians noted that it was an attempt to regain the control over ownership, and suggest that the political economy of Nigeria was the main reason why

---

Federal government have resisted to permits community control over oil resources. A different opinion was presented by Dibua on this debate. His study revealed the motive behind the agitators of resource control. Contradicting other historians and scholars on this issue, he noted that those agitators like the local people and the elites in Ijaw land, may not be sincere but mere opportunists who want to further their own interests.  

A major other issue relating to resource control is that of compensation to the Ijaw people. Recent literature like the work of Ifeka, on the intricacies of oil politics, specifically with regard to resource control and compensation in the Ijaw area pointed out that perennial gas flaring, oil spillage, and the ‘divide and rule’ policy of the Federal government and the oil companies were the major factors complicating the issue. However, his report falls short of explaining the clash of interests between the Niger Delta state government, the local chiefs and the youth forum in Ijawland, topics that this thesis addresses.

A number of scholars asked the critical question: “Why did compensation become so controversial among the joint ventures, individuals affected and the communities in the Ijaw oil-producing area? Mwalimu’s concluded that legislation on oil and gas had consistently generated legal disputes and litigation as a result of unfair play by the oil companies. This in part may be as a result of absence of legal procedures for litigation in most Nigerian courts. To Adewale statutory agencies established for assessing, monitoring and control of environmental pollution has failed in this regard. Frynas’ work sought to discover problems associated with compensation not caused by damage through oil pipeline. His investigation revealed that the use of sabotage by the oil

---

companies amounted to falsehood and evasion of payment to the affected people.\textsuperscript{37} Investigation conducted by an activist of resource control, Itse Sagay, has linked this with the provision of the 1978 Land Use Act. His study revealed that the Act only acknowledged the rights of the people to the surface land and not below it, especially minerals.\textsuperscript{38} The complexities of compensation raised by these scholars will further be explored in this thesis focusing specifically on the need for a review of burden of proof that would ensure equitable remedy for compensation payment to the ordinary people.

\textbf{Government's Responses, Work of Agencies and Oil Company Community Project}

The failures of the government’s development agencies in the Ijaw community have become a matter of concern and debates among scholars. Omotola, and Frynas, in their related studies over this issue, maintained that the government’s repressive responses caused the on-going crisis in the Ijaw and its environs.\textsuperscript{39} However, they also agree that further investigations are required into the performance and failure of these agencies in the Ijaw area, because of misguided perceptions the affected Ijaw people had of the Federal agencies. Likewise, Aghalino questioned the efficiency of these agencies, and concluded that they failed to execute their objectives as stated in the constitution.\textsuperscript{40} For Oguine corruption and misappropriation of funds marred their functioning.\textsuperscript{41}

This thesis investigates both issues, namely the constraints on the functioning of the Federal government agencies at the local and state level in Ijawland and whether the


Ijaw people were aware of the existence of the government initiatives in their local areas, intended to provide physical development.

This latter issue as well as community development project of oil multinationals in Nigeria has received considerable attention\(^\text{42}\) and has generated a heated debate. The thesis therefore revisits the debate on the perceptions of the local people in the oil-producing communities but this time concentrating on the Ijaws and the role of *Shell Nigeria* and *Chevron Nigeria* toward environmental and physical development of their area. It provides a detailed account of the oil company’s involvement with community development and specifically contrasts it with the previous research on Corporate Social Responsibility (CSR) in Ijawland\(^\text{43}\).

Whilst Aghalino, indeed touched on the physical development of the Ijaw community,\(^\text{44}\) this thesis will slot into this debate by addressing other aspects not covered in his work. For example, historically oil companies were not successful to take the place of government as a corporate entity, via the provision of health, infrastructures, which constitutionally belonged to the Nigerian government.

Linked to this, the thesis relies heavily on the ground breaking work of Ite who was particularly concerned of what really constituted the role of multinational oil companies and what should be their purpose in a society like the Ijaw. His study concluded that the current adoption of CSR policies and corporate community relation (CCR) strategies by oil companies in Ijaw area has failed to reduce the crisis by the local people.\(^\text{45}\) The thesis will argue that lack of participation and proper integration of the local community to policies of Shell/Chevron are responsible for such perennial problems.


\(^{45}\) Ite, UE, (2004) Multinationals and Corporate Social Responsibility in Developing Countries: A case study of Nigeria. *Corporate Social Responsibility and Environmental Management* 11,
Some scholars argued that there is also another dimension to the role of the oil companies, namely the steps they have already taken towards addressing the physical development of the oil-producing community of Ijaws. The economic historian, Frynas, refers to the way oil multinationals took practical steps. His work sought to emphasise openness and transparency from SPDC/Chevron in terms of environmental reporting and securing firm agreements with the host community on their development programme ahead of operations.\textsuperscript{46} He concluded that the SPDC’s CSR to certain extent ensured a sustainable growth and development of Ijawland.

The important study by Wheeler, Fabig and Boele revealed that oil companies that are active in the provision of social responsibility and environmental practice have received certificate of award to encourage other companies.\textsuperscript{47} Other important issue of concern by historians was the extent of oil company involvement with community development project. An important study by David Vogel sought to discover whether the movement for CSR has achieved success in improving some labor, human rights and environmental practices in a developing country like Nigeria. In advancing this issue, his investigation revealed that there are limits to improving corporate conduct without extensive government regulations.\textsuperscript{48} The work written by scholars from other discipline, Watts, concluded that most oil companies in Ijawland have fulfilled those responsibilities and standard to some extent, they have partners with NGOs, civil organization, and leadership of host community in order of compliance with CSR in Niger Delta.\textsuperscript{49} This thesis will argue that the oil companies in the Ijawland, to some extent have become accountable for their failure and impact of operation on the people as a result of pressure from independent institutions and global movement. It will address the extent

\textsuperscript{46}Frynas, JG, ‘Corporate and State Responsibilities to Anti-Oil Protest in the Niger Delta’, \textit{African Affairs}, 100 (27-54), 2001, p. 398;


the oil industry are expected to conduct their social responsibility without taking over the role of Nigerian government.

**Survival Strategies**

Aghalino, among others, have argued that as a result of the wanton destructions of the Ijaw people’s main occupations (farming and fishing) through the operations of the oil industries, they resorted to various alternative practices to, make a living, such as: fishing/farming, fishing/trading, fishing/lumbering, fishing/hunting, and/or fishing/brewing.\(^\text{50}\) This thesis explores other means of survival, such as the scooping of fuels and litigation for compensation payment through direct communication with the Ijaws.

The controversy which surrounds migration of displaced Ijaws to a safe community in Saplele, Port-Harcourt and Lagos, and the emergence of the civil rights movements has become another matter of concern by historians as well as writers from related fields. Ikelegbe, identified this as another survival strategy aimed at attracting the world’s sympathy, and raising awareness of the demand for equity, justice and freedom from the Nigerian Federal government and the oil companies.\(^\text{51}\) However, he concluded that their relocation to a safe environment did not resolve their environmental problems. On the issue of proliferation of civil right movement, Watts, study revealed that it was a challenge for unjust control of their oil resources they were not necessarily intended to cause a crisis in the area.\(^\text{52}\)

Another means of survival by the citizenry of the Ijaw oil-producing community was the proliferation of civil rights movements driven by the sustained neglect and environmental problems associated with oil pollution. Watts’ study revealed that it was a challenge for unjust control of their oil resources they were not necessarily intended to

---


cause a crisis in the area.\textsuperscript{53} An important section of this thesis links up with this vital aspect of survival mechanisms employed by the Ijaws in addressing their environmental problems, especially between 1990 and 1998.

Whilst the thesis does not examine the culture or religious belief of the Ijaw people, an attempt has been made to address some important economic and social relationship of the village communities within the period of study. The focus is on the environment, oil exploration and production, with its attendant impact on the local people and their environment. The environmental policy of the Nigerian government, politics of control and resistance from the Ijaw people serve to underline the contribution of the thesis to the existing knowledge of oil and conflict in the Ijaw village communities.

Thus, since there is no detailed account of any academic research into the impact the extraction of oil has had on the environment in the Ijaw oil producing communities, this thesis provides new insights into the intricacies of the complex relationship between the Ijaw people, the government and the oil industry. It also differs from other publications in providing a detailed investigation of the reason for the national governments’ ineptitude in dealing with the impact of the oil sector on both humans and environment in the Ijaw area up to the early 1970s. It addresses the socio-economic, political and environmental problems of the Oloibiri people, where oil of commercial quantity was first discovered in Nigeria.

**SOURCES**

This study is based on primary and secondary sources and followed a qualitative research methodology. In addition the well-established historical process of analysis was followed. The bulk of the research is based on a variety of unpublished material in the British Petroleum Archives, Coventry, the National Archives, London, the Nigerian National Archive - Enugu Branch, the Nigerian National Archive - Ibadan Branch and Official Publications. This material was greatly enhanced by oral interviews in order to

follow a “bottom up” approach to the study. This helped tremendously to access the experiences of the ordinary Ijaw people.

**Primary sources**

The documents in the Enugu and Ibadan Nigeria national archives as well as the British Petroleum archive provided essential historical information on, *inter alia*, government intelligence reports and assessments and colonial records on the ownership of mineral resources in Nigeria.

All the documents collected from these archives were released through special permission, particularly the intelligence reports on intra-community conflict between the Ijaw/Itsekiri over Warri oil-related crisis, colonial mining policies of 1914, 1916, and 1945, as well as in post-colonial Nigeria. These reports were already declassified at the time of writing this thesis. Information collected from the reports provides useful information on the perceptions of the colonial government of oil exploration and production, and what was obtainable after colonial rule in Nigeria. Nevertheless, unfortunately both the Nigerian and British Petroleum archives have a closed period that made access to any sources in the 1980’s and 1990’s impossible. There are also serious gaps in the archival collections of independent Nigeria. This can be attributed to the fact that consecutive government was not really concerned with the preservation of material. This made the use of additional sources even more important.

The researcher also consulted documentation from the Niger Delta Development Commission (NDDC) on constraints to the functioning of the Niger Delta Development Board (NDDB) and Oil Mineral Producing Area Development Commission (OMPDEC). These documents provided historical evidence of the impact the actions of these organisations had on the environment, and the government’s responses to environmental degradation in the Ijaw area. They provided information useful in corroborating the main factor responsible for their non-performance and functioning at the local level within the Ijaw oil-producing communities.

Some related primary material, such as letters written by human rights activists in the Ijaw area, assessment and intelligent reports, a report on the Ijaw/Itsekiri crisis of Warri
and resource control, were useful as additional data as well as for contextualising the study. They provided new insights into the eyewitness account of environmental problems associated with oil extraction and production in Ijawland. This was particularly the case with the relationship between the local people, the government and the oil multinationals.

In addition, periodicals and newspapers were also consulted, notably Nigerian newspapers such as the *Guardian, Punch, Daily Sun, Nigerian Compass, This Day, Vanguard, Nigerian Tribune, The Herald, Daily Triumph, Post Express, National Concord, The Nation*, and the *New Nigeria Newspaper*.

These newspapers have detailed accounts of the oil-related environmental problems associated with oil pollution and gas flaring in the Ijaw oil producing communities, resource control demands and the politics of oil, particularly the relationship between the local Ijaws, the government and the oil multinationals. Some of the newspapers provided relevant articles on civil rights movements, the activities of non-governmental organisations such as the Environmental Right Action and the impact of oil production on the Ijaw environment.

International newspapers included *New York Times, Financial Times, African Insights*, and *The Mercury* and periodicals used were *Tell Magazine, New African Magazine, Shell Magazine, West African Review, Human Right Watch* and *Oil watch*. They helped to cast light on the intricacies that surround the activities of oil companies in the Nigerian oil sector, and provided useful information on their management strategies and compliance – or lack thereof - with Nigeria’s oil regulatory standard in their area of concessions. The periodicals provided incisive information on the violation of human rights as stipulated in the 1979 and 1999 Nigeria Constitutions. They pointed to a lack of viable environmental legislation aimed at preservation of the environment and people living in areas where oil was responsible for the perennial conflict in the Niger Delta. However, it should be noted that despite the usefulness of these newspapers and periodicals in writing this thesis, external and internal source criticism was employed to guard against problems such as bias and journalistic sensationalism.
The **Oral interviews** provided important historical perspectives on the problems of environmental pollution and resistance by the Ijaw people. As this proved to be a vital source they were conducted through structured and open-ended methods, enabling the researcher to have direct access to firsthand information from the Ijaw people themselves. The researcher was also aware of the shortcomings in using oral sources, therefore the methods employed during the interviews were designed accordingly in order to reduce them.

Ten Ijaw interviewees were selected on the basis of their experience of oil pollution in the Ijaw area, and how the activities of the industry affected their environment and local people. They comprised two representatives each of the various segments that made up the Ijaw society, namely the chiefs, women’s associations, youths, working-class citizens and businesspersons. These interviewees were sufficient to draw a picture of pertinent issues in writing the thesis.

The multinational oil companies selected for interviews were *Chevron Nigeria* and *Shell-BP*, as they are major shareholders of the oil wells in the Delta States and were therefore major role-players. Ten interviewees were again selected from each of the two oil companies, namely two representatives each from the oil companies, the chief executive officers, directors, senior managers, senior officers and the junior staff. It is important to note that this group was selected because of their years of experience (10-20 years) in the petroleum industry. They provided insight into how their policies and decisions had directly impacted the Ijaw people and their local environment since 1956. Information collected from the interviewees was treated with caution and checked against the written sources.

**Secondary sources**

The literature on the environmental impact of oil on the communities in the Niger Delta is vast. An attempt was made to reflect on this and focus on the main issues raised by the literature. (See literature discussion above.) The most important secondary sources pertaining to each chapter was used in the text and/or referenced.

Of particular importance as far as secondary sources were concerned, was the need to capture the interdisciplinary nature of the study. This called for the use of secondary
sources from amongst others, disciplines dealing with the environment, economics and politics.

Despite the usefulness of the secondary sources consulted in writing this thesis, the primary sources, especially archival materials and oral information provided a detailed account on the environmental problems associated with oil pollution to which these different authors did not attend. Thus the thesis endeavoured throughout to be mainly informed by these primary sources.
CHAPTER TWO

IJAW BEFORE C. 1500

2.1 INTRODUCTION

This chapter examines the antecedents of the Ijawa people and their environment before 1500. It traces the impact on the Delta environment of the migration and settlement of the Ijaws, concentrating on the growth and development of traditional, socio-political and economic activities of the Ijaws before the European contacts between 1600-1900. Additionally, some salient factors that influenced the establishment of the internal long-distance trade between the Ijaw traders and their neighbours are explored and evaluated.

2.2 NIGER DELTA ENVIRONMENT BEFORE 1500

The Niger Delta region is situated in the southern part of Nigeria, with the Atlantic Ocean to the south and Cameroon to the east. It occupies a surface area of about 70,000 square kilometres of the vast land in Nigeria, it is also the largest wetland in Africa, and third largest in the world. The Delta region traversed by a large number of rivers, streams, rivulets, creeks and estuaries which flow through the Niger, Benue and Lokoja rivers into the sea.

The physical features of the Delta environment consist of diverse ecological zones such as coastal barrier islands, mangrove swamps, freshwater swamp forests, and lowland rainforest. A chain of low-lying sandy barren islands protects the coast of the Niger Delta between the Benin and the Imo estuaries, which are situated at less than a meter above high tide level.

The topography of the mangrove zone includes sandy outcrops with freshwater vegetation on the barrier islands, which is necessary for human habitation. This zone occupies the inter-tidal land in a wide zone of tidal creeks behind the barrier islands and is quite different from the neighbouring region in which mangroves are found in small

55 Steve, Inequities in Nigerian Politics, pp.39-43;
bands of seawater along the coast. Similarly, the mangrove zone has peculiar characteristics, with trees growing in their natural habitat in the mud or at the edge of rivers with roots above the ground. The trees growing in the Creeks in the freshwater mud allow many invertebrate species such as crabs, shrimps, clams and eel-like fish to survive. The Delta mangrove zone covers about 40km, including the areas of Sapele, Warri and Port Harcourt. However, it is limited in flood-dominated area such as Nembe, Okrika, and Oloibiri, where the discharge of the Niger has diluted and reduced its saline waters.

The freshwater swamp forest zone of the Delta covers about 17,000km². Historically, this zone was a major source for timber products and was conducive to wildlife, with such trees as Lophira alata, Pycnanthus angolensis, Ricinodendron heudelotii, Sacoglotis gabonensis, Uapacca spp, Hellea ledermannii making it a lucrative source of timber. Primates and pigmy hippopotami inhabit this zone, and according to Grubb have made the delta area a small centre of endemism. The hydrological features of this zone contribute to its importance, with freshwater in which plants and trees grow and the silt-laden white water of the Niger floods having great potential for fishing and agriculture. There is a high diversity of habitats, such as flood tree leaves, back swamp and cane forest.

The freshwater swampland is sub-divided into two broad zones, the first of which, the upper Delta zone, is inhabited by the Central Delta Ijaw in areas such as Bonny, Nembe and the Old Kalabari. This zone contains large sandy river channels and is exposed to high flood levels, compounded by the predominant sandy, loamy soils which are interspersed with clay soils. The second, the swampy tidal freshwater zone, lying between the flood forest and the mangrove zones, contains narrow and muddy

---

56 The Niger Delta Regional Development Master Plan, 2001 p.60
60 Niger Delta Development Master Plan, pp.50-59
channels and a marsh forest area in the Delta. It is about 10km inland from the Atlantic Ocean, from which it is separated by a band of mangroves.

The last ecological zone in the Niger Delta environment is the lowland rainforest zone. Historically, this housed the non-riverine or upland people of the Delta, such as the Isoko, Urhobo, Itsekiris, Ogoni and Ughelli. Frequently referred to as the hinterland, its significance lies in its potential for intense agriculture. This is due to its elevation and consequent protection from constant flooding during the rainy season that hampers intensive agriculture in the other zones. The common vegetation of this area is oil palm, cocoa, coconut, and rubber.

The climatic condition of the Niger Delta environment is characterised by a long rainy season, between March and October, however, there are regional differences in precipitation with annual rainfall levels increasing from the north, which has an average of 2,500 millimetres per annum, to the coastal areas with 4,000 millimetres. The dry and hot season peaks in November and lasts to February, however the term ‘dry season’ is a misnomer since an average of 150 millimetres of rain falls in this region per month during this period. Humidity levels are also high for most of the year, fluctuating between 90% and 100%, only dropping to below 60% during the dry season. Moreover, rainy season cloud cover is nearly continuous, resulting in 1,500 mean annual sunshine hours in the Delta region. The average monthly maximum and minimum temperatures of the freshwater swamp forest zone vary from 28°C to 33°C, and 21°C to 23°C, whilst in the lowland forest zone they range between 24°C and 32°C, and 25°C during the rainy season. The highest temperature of this zone is about 27°C, from February to March.

Human agricultural activities on the Niger Delta before 1500 impacted on the flood zones and caused bank erosion to the coastal and riverine zones. The subsisting equilibrium

---

62 Niger Delta Development Master Plan, pp. 50-59
64 Niger Delta Regional Master Plan, pp. 60-6 and Barbour, *Nigeria in Maps*, p.245.
was then changed and the arable land no longer supported cultivation as a result of annual flooding and poor drainage.\(^{66}\)

### 2.3. IJAW HISTORY OF MIGRATION AND SETTLEMENT

From circa 500BC the Niger Delta environment saw the migration of the Ijaw into the Delta region, and according to Alga, few modern-day Ijaws have a tradition that reflects having lived elsewhere. Dike, wrote that the delta environment was an empty coast and too hostile for human habitation.\(^{67}\) Alagoa, in advancing this argument claims that they migrated from Benin before other peoples and came to reside in places such as Ogobiri, Ikibiri, Oporoma, Apo, Creeks and Obiama.\(^{68}\) Thus, the development of overseas trade in slaves and palm oil is linked to the Ijaws’ migration from the Igbo or Benin Kingdom into the Delta.

Another perspective on the migration, by authors such as Benabi, reveals that the Ijaw people came to the Delta from the Chad region,\(^{69}\) linking with the ancient ancestors, the Orus and Tobu-Otu in the Chad civilisation of Daima region c 500-2000 BC. This suggests that they had, between 500BC and 1000 BC, left what are today Benin, Yoruba, Igbo, Sudan and Chad, down the Niger River. The settlement pattern in the Niger Delta was largely determined by the availability of dry land as well as the physical landscape. The low relief and poor ground drainage, for example, were primary factors responsible for the low numbers of large settlements before 1500.\(^{70}\) The early Ijaw settled in scattered hamlets,\(^{71}\) villages and compounds, such as Ogobiri, Ikibiri, Apoi, Furugbaha, Creeks and Obiama. Larger settlements were found in the interior, which had better drainage and was more accessible.\(^{72}\) According to Dike, this form of larger settlement was usually separated from some clusters of rural residence by rotational

---

\(^{66}\) Niger Delta Development Master Plan, pp. 39-42.


\(^{68}\) Alagoa, EJ, ‘Oral Tradition among the Ijaw of Niger Delta,’ *Journal of African History*, 7(3), 1966, pp.405-419;


\(^{71}\) Alagoa, EJ ‘Oral Tradition among the Ijo,’ pp. 405-419.


\(^{72}\) This shows the division of the Delta into swampland and hinterland areas. The Ijaw group form the major dialect clusters such as eastern and the central land.
farming methods, whether of palm oil, rubber and food crops cultivation, and bush or stretches of the secondary forest. The large settlements include Bonny, Nembe and the Old Kalabari.

An increase in migration took place from the Central Delta area to other parts of the Eastern Delta sub-region about 7,000 years ago. More importantly, the early migration and settlement from Benin kingdom, Yoruba, Sudan or Chad region originally took place first in the Central Delta zone, which Dike describes as the heartland, inhabited by other groups, such as Apoi and Creeks. Migration from the Central area of the Delta was necessitated by the large population, which brought pressure on available land resources and rivers meant for farming and fishing.

It is therefore evident that the Ijaw people have had an impact on the relative ecological balance within their environment. Alagoa, however, claims that their fishing, farming and hunting practices were affected by overfishing, over-cropping and loss of soil fertility, leading to the movement of some Ijaws to the Eastern Delta. Many were forced to change from farming to salt collection and fishing in their new settlement. The Niger Delta environment influenced the cultural activities of the Ijaws, particularly the language spoken in different settlements and locations. They belong to the Niger Congo languages of the Jodi branch, of which there are two prominent groups, spoken by the Central and the Eastern Ijaws. The Izon (Ijaw) consists of the western Ijaw speakers, among which are Ekeremor, Segema(Mein), Bassan, Apoi, Arogbo, Boma(Buno), Kabu

---

75 Dike, *Trade and Politics*, pp. 50-56.
79 The term Ijaw was the Anglicized version of the Ijo or Ejo, a variation of the Ujo or Ojo. The ancestors called them Ijos people. Other modern variations includes; Izon(Ijo), Eazon(Ejon) and Uzon (Ujon) which has similar meaning; See also Vogel, JO, ‘History of Ijaws and Neighbours in Southern Nigeria’, *Encyclopedia of Pre-Colonial Africa, Archeology, History, Languages, Cultures and Environment*, 1997, pp.172-174.
(Kabuowei), Ogboin, Tarakiri, and Kolokuma-Opokuma (Yenogoa). The Nembe, Brass and Akassa (Akaha) cultural dialects represented the southeast Ijaw (Ion), while the Buseni and Okordia dialects, according to Anderson and Phillip, were considered as the inland Ijios (Ijaws). Other Ijaw people in their scattered settlements, such as Kalabari, Kirirko, Ibani, Nkoro Nembe, Akassa, Detaki, according to Michael and David, belong to the same linguistic group.

Other sub-groups which had a distinct language with a relative kinship and cultural affinity with the Ijaws as a result of the environment are the Epei-Atissa, Engenni people and Udekama. Despite the compartmentalisation of the clusters of villages, and their settlement in a different environment, the linguistic ties among Ijaws facilitated the continuation of a single coherent group identity prior to 1500.

Figure 2.1: Location of the Ijaws and their neighbours in the Niger Delta

80 See also Dike, Trade and Politics, p.579.
83 They speak Edoid (Edo) Delta language as well.
84 Eluwa, A History of Nigeria for Schools and Colleges, pp. 69-70.
2.4. EVIRONMENTAL INFLUENCE ON THE DEVELOPMENT OF THE IJAW TRADITIONAL POLITICAL SYSTEM

The Niger Delta environment greatly influenced traditional politics and economic activities in the Central Delta. Historically, the main political system of the Ijaw people in the Central zone was the village system, representing the conventional agreement on local politics in the Eastern Delta. The highest authority under this form of political system lay with the Village Assembly or Amagula, which consisted of all adult males in the society, headed by the oldest man, known as the Amakosowei or village elder. The

---

85 The above map shows the location of the Ijaw people, especially the Bonny, Okrika, Opobo, and their neighbouring villages such as Ogoni land.
86 The above map specifically shows the Ijaw area and her neighbours such as Isoko, Urhobo land, Itsekiris, Ukwani. The relative vicinity of these areas to the Ijaw largely encouraged the growth and development of internal trade mentioned.
87 Alagoa, The uses of the Hindsight for foresight, p.50
spokesperson, or Ogulasowei, was in charge of the executive activities of the community. ⁸⁸

In ritual matters, a village priest or Orukasowei was appointed to perform rituals on behalf of the community to the gods. Alagoa agrees with Horton’s claim that these gods, collectively known as Amaoru, Ama-temesuo, and Amanyanaruo, ⁸⁹ were recognised for their spiritual guidance and accepted by the Ijaws as their ancestors, with power derived from a Supreme God. The power and authority over the farms in the freshwater were placed directly in a lineage of authority called the Wari or Polo. ⁹⁰ The Wari, according to Alagoa, was a strong trading unit which had the lineage head as its executive. ⁹¹ The Wari or Polo had to ensure adequate security and protection of life and property of the local communities from any external attack. The only overall authority in the Central Delta resided with the ritual power of the Pere, the High Priest and mouthpiece of the gods, who settled disputes and maintained justice and peace. The limitation to his powers was that he exercised no rule or control over the Ijaw people. Such power, as claimed by Alagoa, resided with the Amakosowei or town elder. ⁹²

However, the migration of most Ijaws from their original settlement in the Central Delta between 1400 and 1500, to the Eastern Delta, brought certain changes to their political system. Whilst the fishing village retained its old structure of the assembly of all adult males, the Amakosowei was no longer the oldest member of the group, but gradually developed into an efficient kingship. This occurred when a man was selected as a result of his personal ability from the lineage of the founding ancestor. It supported Alagoa’s claim that the founding lineage retains the right to appoint the Amanyanabo as the head of the village assembly and the owner of the new settlement in the Eastern Delta. ⁹³

---

⁹⁰ The terminology of ‘House’ and compound are likely to be confusing to others. The Ijaw terms of ‘Polo and Wari’ has been linked with them. The Polo is quite literally a compound of different Waris. Wari also means individual houses, but depends on how it is been use. It could mean a household or homestead for a clan; Alagoa, ‘Oral Tradition among the Ijo’, pp.405-419; Alagoa, EJ, The Small Brave City States: A History of Nembe (Brass) in the Niger Delta, Madison and Ibadan, 1964, pp.91-100.
The title of the eastern lineage head was ‘Amanyanabo,’ while the village elder of the Central area continued to be called the ‘Amakosowei’. The lineage head became the new trading chief as a result of the new trading environment that emerged as a result of the transatlantic slave trade, which further consolidated their control and authority over the Wari or House. The House system in the Eastern Delta was established as a trading corporation based on the same blood ties, freed slaves and bonded slaves. As a result, the ‘Amanyanabo’, which founded the Houses, gained considerable control and authority and so enhanced the formation of city states such as Nembe, Bonny, Kalabari and Okrika of the Ijaw community between 1400 and 1600. These city states administered justice, peace, made war, conducted peaceful trade, and kept law and order within the communities. In comparison, the members of each House, by obligation, paid certain taxes in return for state protection, peace and stability.

The villages in the Eastern Delta thus witnessed political transformation largely as a result of the new economic opportunities presented by the slave trade in their environment toward the end of 1500. This afforded a House head the opportunity to harness and mobilise sufficient people and wealth to protect his trading rights and subjects. He became recognised by the other chiefs and overall king as having authority over his own war canoes and as a chief of his own right. The various Houses in the Eastern Delta, particularly in the fishing areas, exploited the creeks and water-ways without any claim to lineage differentiation, and adapted their political systems and practices to better exploit the resources, including people, of their new environment. They wished to obtain the maximum benefits from the new transatlantic slave trade.

---

94 ‘Amanyanabo’ implies ownership or proprietorship of the land on which the village was built. The founder of such lineages emerged as amanyanabo or president of the village.
96 These city states includes: Bonny, Nembe, Okrika, Kalabari, Opobo. (Eluwa, A History of Nigeria for Schools and Colleges, p.68).
2.5 ENVIRONMENTAL ROLE ON THE IJAW ECONOMIC ACTIVITIES

The economic activities of the Ijaw were closely related to the environment in a number of ways, in particular in agriculture and industry, as well as trade. These are discussed in turn in this section.

2.5.1. Traditional agricultural activities

Agriculture was the most important productive activity of the Ijaws before 1500, the traditional farming system being subsistence crop farming. This involved a peasant clearing the land, cultivating, planting and harvesting by manual labour within his household.\(^98\) The access of a family unit to a piece of land, however, depended on the size of the family, because land was available in abundance and each household produced what they needed. The yields were processed and stored to feed the family, and to provide seed for the next farming season.\(^99\) The Ijaw environment was very rich in nutrients and water was always available for cropping.

Additionally, in order to preserve the fertility of the soil and the yield, shifting cultivation was practiced,\(^100\) whereby a particular piece of land is left for a year or two to revitalise its nutrients. Through this process the farmers reduced misappropriation and overuse of land. However, crop farming was limited to the Eastern Delta as a result of the swampy nature and constant flooding of the villages.

The making of canoes in the Central and Eastern areas greatly improved fishing skills and was popular with the swamp dwellers. Initially, the early Ijaw people of the Central Delta relied on inefficient methods of fishing, such as harpoons, basket traps and poisons, leaving little surplus to exchange in trade. However, the adoption of canoes as well as increases in those of the Ijaw, especially Eastern, engaged in fishing generated a large supply of fish which enabled them to trade in surplus stock. Again, the land tenure system adopted on the farmland was extended to the fishing economy, with

\(^{100}\) The bush fallow or land rotation system was adopted for the preservation of the soil nutrients up to two or three years among the Ijaw people. See Ashton, *The Human Ecosystem in the Niger Delta*, p.40; Cookey, *King Jaja of the Niger Delta*, p.42.
fishing rights sometimes being sold for specific seasons or year to another group or families in the villages.\textsuperscript{101}

The agricultural practices, however, disorganised the Ijaw’s social relations, because certain segments of the society became low class citizens, and were slaves to the wealthy farmers and fishers. The relationship was reciprocal, whereby the social needs of the slaves were entrusted to the farmers or fishers in return for their services.\textsuperscript{102} Their relationship was not a slave mode of production, because they were allowed to take decisions or terminate the agreement, although elements of a master-servant relationship existed during the sixteenth century.\textsuperscript{103}

\textbf{2.5.2. Traditional industrial activities}

The Ijaw people had developed certain traditional skills and techniques towards the production of goods and services prior to 1500. Salt processing was one of the skills evolved by the Ijaw people to meet their needs. The availability of water in the Central and Eastern Delta greatly enhanced the collection of salt, with proximity to the swampy river encouraging the growth and development of skills in salt processing. The processing of salt involved the boiling of seawater in a large brass basin, which Alagoa suggests was imported from the European countries.\textsuperscript{104} Salt processing was first noticed among the Bassan Ijaws of the Central Delta, from where it spread to the Nembe, Bonny, Elem-Kalabari and other places along the coast. It became a common craft in the Ijaw city states, with salt at first being used as a commodity in local trade. Producers exchanged it for fish, as between those of Gbaramotu village and the Nembe fishermen.\textsuperscript{105} The development of long-distance trading networks facilitated an increase in the demand for salt from the hinterland, from people such as the Itsekiri potters, and the Ibos, Ibibios, Urhobos, Isokos, and Kwales.\textsuperscript{106}

\textsuperscript{101} Steve, \textit{Inequities in the Nigerian Politics}, p.27.
\textsuperscript{102} It was clear that the pawn (slave) system encouraged the Portuguese traders to venture into buying of slaves at the interior by the early 1800’s.
\textsuperscript{103} Interview with Chief Edward, Yenogoa, Bayelsa state, 19/19/2010; Interview with Obeche Phillip, Sagbama village, Ijaw area, 27/12/2010
\textsuperscript{105} Steve, \textit{Inequities in the Nigerian politics}, p.66.
\textsuperscript{106} Alagoa, \textit{Long Distance Trade}, p. 326.
Historically, the engagement of the Ijaws with timber production was made possible as a result of their closeness to the freshwater forest zone of the Niger Delta areas, such as Upper Orashi River, the Nun River, and the Lower Orashi forest in the current River state, contained a large number of different tree species, such as Abura (Hallea ledermannii), Lophira alata, Pycanthus angolensis, and Triplochiton scleroxylon. Prior to the expansion of the transatlantic and interior trade, the Ijaw mostly exploited forest resources for their own use. This led to the development of wood carving skills, which were used to obtain wood for building poles, bamboos, firewood and canoe building. Due to their proximity to the coast the Ijaw of Apoi in the Eastern Delta were actively engaged in the production and marketing of timber trees for the canoe carvers. Over time, timber became another important trade item during the long-distance trade between the Ijaws and the hinterland. Alagoa writes that the timber trees provided raw material for canoe-making, and because the hinterland people had limited timber resources suitable for canoes they obtained them from the freshwater swamp Delta where they were abundant. They relied on the Ijaw canoe manufacturers for more canoes in exchange for their goods.

Another important traditional skills employed by the Ijaws was the evolution of canoe building which is linked to environmental influences. The availability of the timber trees was another factor which facilitated and encouraged the practice of canoe carving. They relied on the favourable environment of the Delta creeks, which made raw materials readily available. To a large extent, the River Niger dictated the art of canoe building, which had been part of the coastal Ijaw people’s livelihood since the earliest recorded times. The art of canoe making, according to Alagoa, ‘came from heaven’ with the Ijaws. This argument supported the view that though the art of canoe production was known in the Delta, not every village had the timber tree required for making it.

---

109 Alagoa, Long Distance Trade, p. 324.
111 Alagoa, Long Distance Trade, p. 324.
example, the Apoi, Arogbo, Furupagha, Olodiama and Egbema, according to both Alagoa and Dike, became centres of canoe manufacture in the Central and Eastern Delta since they had the appropriate timber tree.\textsuperscript{112} Boatbuilding involved both carving and firing, and to make a canoe the Ijaw carvers hewed some of the raw material (logs) into different sizes and shapes. Nembe and Bonny city states thus became centres for canoe production and trading states before 1500.

Additionally, the production of canoe by the Ijaws was strongly linked to the development of transportation along the coast, since there were few accessible roads, particularly during the rainy season in the Central and Eastern Delta. Canoe travel was therefore the only means to reach out to the other trading centres situated along the waterways of the hinterland.\textsuperscript{113} To a large extent, canoe travel prepared the Ijaw traders for the long-distance trade across the Niger waters. Economically, it became a source of wealth and shelter during periods of flooding.

Canoe carving and travel played a significant role in both the daily and ritual life of the Ijaws. For example, the canoe was used in funeral rites and offering sacrifices to the water spirits or goddess.\textsuperscript{114} Traditional dancers employed paddle canoes in motion and mimicked movement on the water during the festive period or sacrifices.\textsuperscript{115} The Ijaws also built large canoes for military purposes, with evidence of canoe carving being utilised for wars and socio-cultural purposes among the local people. Large canoes were specifically made for use in waging war. For example, a larger canoe is from about one to seven meters longer than the one used in a funeral rite or other social functions.\textsuperscript{116} Since the Ijaw chiefs were independent traders and operating a navy of cannon-bearing war canoes, their canoes were large enough to take more than a hundred musket-armed warriors during the 1500s.\textsuperscript{117} In addition, sacrificial canoes that

\begin{itemize}
  \item \textsuperscript{112} Alagoa, \textit{Long Distance Trade}, p. 325; Dike, \textit{Trade and Politics in the Niger Delta}, p. 109.
  \item \textsuperscript{113} Alagoa, \textit{Long Distance Trade}, p. 323.
  \item \textsuperscript{114} Alagoa, EJ, \textit{Non, nengia, here nengia; Nembe nakabie}, (More Days, more wisdom: Nembe proverbs) Delta Series, No5, Port Harcourt, Nigeria, University of Port Harcourt Press, 1986, p16; Asthon, J, \textit{The Human Eco-system}, p.78.
  \item \textsuperscript{116} Encyclopedia of Water Ethos: African folklores, The Ijows of the Niger Delta, p.111; Alagoa, \textit{Long Distance Trade}, p.329.
\end{itemize}
served as spiritual vessels were made to ward off evil spirits and any contagious or epidemic diseases in all the villages.\textsuperscript{118}

2.5.3 The development of internal long-distance trade

The Ijaws were involved in extensive internal trading activities, making use of existing and newly developed long-distance trading network. This trade connected them with different parts of the Delta region, vis-à-vis the south-east, south-west and the northern Delta.\textsuperscript{119}

A number of factors influenced the Ijaw trading activities. One was the emergence of the Ijaw internal traders. The development of craftsmanship within the Central and Eastern Delta zones in the fifteenth century necessitated the organisation of Ijaw traders referred to as the mercantile class or the professional traders.\textsuperscript{120} Initially their trading activities were at local markets in villages such as Apoi, Olodiama, and Ogbiri, and in the city states of Nembe, Bonny and Okrika, trading in products such as dried fish, vegetables and salt. The internal trade networks were based on the aforementioned local trading association and controlled by the chiefs and lineage members of the various Houses.

However, the expanding wealth from the local trade facilitated long-distance trade among the Ijaws, which was carried out in the form of a trading caravan system. The Ijaw traders were well organised and moved in large groups across the Niger water for trade. Itsueli claims that they numbered about 1500-2000 traders in a single trip.\textsuperscript{121} The reasons the Ijaw traders made use of trading caravan included the prevention of the loss of goods and failure; safeguarding their goods from slave raiders, armed bandits and thieves; overcoming the boredom associated with travelling along the bush; ensuring mutual price agreement with their competitors; allowing creditors to monitor

\textsuperscript{118} Encyclopedia of water Ethos, p.45; Interview conducted with elder Edward, at Egbemo Ijaw clan, 8/12/2010, Niger Delta Nigeria.
\textsuperscript{119} National Archive Ibadan (NAI), WRI Prof/2051/89, Trading activities of the Ijaw traders.
\textsuperscript{120} These professional traders to a large extent contributed to the development of the internal trading activities of the Ijaw by this period. At the same time their trade items were complemented to the hinterland traders; NAI, War Prof /205/89, Trading Centres of the Ijaws.
\textsuperscript{121} Itsueli, BJE, ‘Trade and cultural dispersal in the pre-colonial Nigeria’, Paper presented at the 39\textsuperscript{th} and 40\textsuperscript{th} Congress of the Historical Society of Nigeria, 1995, pp.10-12.
traders by simply including a representative in the party; securing of credit; and obtaining enough porters to carry their goods.\textsuperscript{122}

The caravan trading system was another factor that spurred the establishment of the trade routes by the Ijaw caravan traders. This system facilitated the dispersal of local goods and cultures through trade within the Niger Delta. For example, the Ijaw fishermen of Igbide and Araya sold fish for yam and cocoyam of the Oleh people, particularly during the dry seasons.\textsuperscript{123} The caravan trading activities were however not new among the Ijaw traders, with Alagoa finding evidence of internal trading having already taken place in the Ijaw areas before embarking on the caravan trading.\textsuperscript{124} In retrospect, the caravan trading system is an expansion of a trading network developed by the Ijaw traders in order to reach other parts of the Niger Delta and beyond.

Trade between the Ijaws and their neighbours was mainly conducted through a complicated network of canoe routes, especially during the rainy season.\textsuperscript{125} They went through Kugodo, Frucama, and Gana-gana to exchange fish and vegetables for food crops. Likewise, the caravan route along the creeks connected the Ijaw traders to the Urhobo market village, such as Okpara and Ughelli.

The terminus of the Ijaw caravan trade route was the Igbide market, which directly connected them with the Isoko people. Traders in large numbers converged at this entrepôt to sell fish and crayfish in exchange for other trade articles, such as cassava, palm oil, and yams.\textsuperscript{126} In addition, before the European contact, the Okan market equally served as an important trade route from Agharho to Itsekiri through the large Ijaw market.

As a result of the increased demand for dried fish and other Ijaw trade items, the latter part of the sixteenth century witnessed an extension of the caravan routes beyond the Niger Delta. As an illustration, the Ijaw traders travelled the Niger Delta as far as north


\textsuperscript{123} Itsueli, ‘\textit{Trade and cultural dispersal in pre-colonial Nigeria},’ pp. 10-12.

\textsuperscript{124} Alagoa, \textit{Long Distance Trade}, p. 329.


\textsuperscript{126} Itsueli, ‘\textit{Trade and cultural dispersal in the pre-colonial Nigeria},’ p.12
of the Niger Benue Confluence of Lokoja, where articles of trade such as dried fish, salt, canoes, timber and rubber were exchanged for yams, kernels and other agricultural produce of the Igbo, Igala, Nupe, and Hausas, amongst others.\textsuperscript{127} The extension of trading activities by the Ijaw outside the Niger Delta is consistent with the city states’ trading strategy in sustaining a dynamic network across the Niger Delta, and having access to their articles of trade.

The internal long-distance trade of the Ijaw people continued uninterrupted towards the end of the sixteenth century, when overseas trade links began to arise. They had built a formidable trade relationship with the Igbos, Benin and the Efik people.\textsuperscript{128}

Lastly, the availability of food resources also serves as another important factor for the development of internal long-distance trade in Ijawland. Trading activities were based on the local produce for domestic consumption as well as external use, for example maize, cassava, cowpea, yam, fish, meat, pawpaw and vegetables. The abundance of these products to a large extent encouraged the Ijaw professional traders to embark on the long-distance trade in the Niger, and across the Niger River.\textsuperscript{129} They were greatly assisted by their proximity to the river, especially during flooding experienced in the Central and Eastern Delta during the rainy season, which hindered agricultural production.

2.6 CONCLUSION

This chapter has attempted to explore and investigate the Niger Delta environment, the Ijaw inhabitants, and their interactions with the natural resources before 1500. It argued that the Ijaw people were the first group to settle and occupy the coastal areas of the Niger Delta. Evidence in support of this argument, in particular by Alagoa, Dike, and Eluwa, reveals that migration of the earlier Ijaw settlers occurred either from Benin, Igbo, Sudan and Chad, going back over a thousand years. This argument went further to show that the Ijaw people’s culture, social, political and economic system were


\textsuperscript{128}The Ijaw traders to a large extent had been involved with trading activities with the Igbos, Benin, and the Efik, because they had history of common origin, migration and settlement at the coast.

\textsuperscript{129}Steve, Inequities in the Nigerian politics, p.66, Alagoa, Long-Distance Trade, p. 269; Vanguard Newspaper, Sept 10\textsuperscript{th} 2003, p.6.
influenced within the context of their wetland environment. It was found that the Ijaws had exploited their environmental resources in the Central Delta zone to the extent that it necessitated further movement into the Eastern Delta.

The trading lineages of the Ijaw people developed into a dynamic trading corporation referred to as the House system, the economic activities and politics of which were under the authority of an elected Ijaw chief. He was expected to provide adequate protection from rivals for his people and their trading activities. The most significant aspect of the House system was the authority which the various heads had to harness over the resources within its environment, without any interference. It was found that although each Ijaw chief was independent in his own House, the Houses were engaging one another in active trading competition. This became necessary in order to benefit from the trading opportunities along the coast and the interior markets. Cookey writes that trading competition within the Houses in search for economic fortunes led to strife and power tussles, particularly in Bonny and Old Kalabari. This serves as a remote and disintegrating factor in the collapse of the Ijaw city states by the nineteenth century.

The chapter also illustrated how the Ijaw people lived by fishing, supplemented by farming produce such as palm oil, yams, cocoyams and other vegetables. They traded in smoked fish, timber, palm oil, kernel and canoes into the heart of the hinterland area, as well as across the Niger Delta River. This evidence supports the claim that their status was largely based on a favourable wetland environment.

It was found that the Niger Delta environment, to a very large extent, had encouraged the development of internal trade within the area towards the close of the sixteenth century. Evidence presented in this chapter further reveals that the Ijaw people had established trading relationships with their hinterland neighbours such as Urhobo, Isoko, Ogoni, Itesekiri, Kwale, among others. Additionally, they had a well organised merchant class which carried out trade internally at first, and then went further to engage in the caravan trading system across the Ijaw environment. The caravan trading system was conducted through a dynamic trade network, from the Ijaw area through to the Igbo, Igala, Benue, Yoruba land, and as far as the Hausa area of the northern Nigeria, before European contact.
It became clear that state formation had begun to manifest itself both in the Central and Eastern Ijaw area, with a well-established village formation with centralised political control. They became city states, kingdoms and trading centres before the close of the sixteenth century. The already established trading centres greatly attracted the Europeans to the region, with their favourable environmental conditions, that continued in the Delta during the course of the sixteenth century and beyond.
CHAPTER THREE

PALM OIL, TRADE AND THE ENVIRONMENT: EUROPEAN INVOLVEMENT IN THE IJAW AREA DURING THE 16\textsuperscript{TH}-19\textsuperscript{TH} CENTURIES

3.1 INTRODUCTION

This chapter examines the way in which the Europeans’ quest for trading ventures across the Atlantic had facilitated and necessitated their contacts with the Ijaw people along the Niger Delta coast since the 16\textsuperscript{th} century. It discusses the initial trading transactions between the Europeans and the Ijaws and the participation of the Ijaw merchants in the Atlantic slave trade. The transition from slave trade to legitimate commerce, in particular the palm oil trade, had an impact on the Ijaw and these changes led to greater involvement by Britain in the region, ultimately resulting in the annexation of this territory by the end of the 19\textsuperscript{th} century. The following are some of the main points that will be investigated: the modus operandi of the British trust system; monopolistic trade tactics by British traders; influences on the existing traditional Ijaw political system (House system); the activities of the British Court of Equity; and the activities of the Royal Niger Company (RNC), its exploitations of the Ijaw environment and resources, and internal agitations and struggles against it. This chapter fills a gap in research on the environmental impact of socio-economic and political activities on the Ijaw village communities prior to the discovery of crude oil.

3.2 THE IJAW AND EUROPE IN THE AGE OF EXPLORATION, EXPANSION AND TRADE

The first external contact of the Niger Delta Ijaw people with the Europeans was with the Portuguese in the 15\textsuperscript{th} century, who by 1481 had established strong trading contacts along the Niger Delta River, exchanging trading items such as pepper, ivory, coral beads, iron, tools, weapons, clothes, horses, hardware, guns and manila for slaves in Benin.\textsuperscript{130} Portuguese dominance of the region and monopoly of trade with West Africa

was challenged and broken by other European nations, such as the Dutch, French and British, in the course of the 17th century, who together with the Portuguese, and to a lesser extent the Danish, became actively involved in the slave trade at the ports of the major city states of Bonny, Kalabari, Okrika and Nembe.131

The emergence of overseas trading between the Ijaw and Europeans was closely associated with the topographic nature of the Niger Delta, particularly the creeks that provided many natural harbours along the Atlantic. Other factors, such as the existence of a vibrant internal trade between the Ijaws and the inland ethnic groups, dynamic trade routes, and experienced professional merchants largely fuelled the growth and development of overseas trade in the Central and Eastern Delta. The scene was thus set for the Ijaws' active involvement in the Atlantic slave trade with Europeans between the 16th and 19th centuries.

Historians such as Crowther and Horton believe that the coming of the European slave trade to the Ijaw territory stimulated growth in a number of trading stations.132 Wariboko specifically affirmed Alagoa’s claim that the “internal long-distance trade laid the foundations for the emergence of the canoe-House trading system”,133 especially in the pre-Atlantic slave trade. This is in contrast with Crowther and Horton’s view that most of the Ijaw institutions developed as a result of it.

3.3 IJAWS’ PARTICIPATION IN THE ATLANTIC SLAVE TRADE

Before the commencement of the Atlantic slave trade in the late 15th century, the Ijaw people survived on the sale of dried fish and sea salt to the hinterland communities.134

---

133 Wariboko, N, Pattern of Institutions in the Niger Delta: Economic and Ethological Interpretations of History and Culture, Port-Harcourt, Onyoma Publication, 2007, p.146. Alagoa’s suggestion is subject to more debate, because Cookey disagrees with both Alagoa, Horton and Crowder claiming that the canoe-house trading unit of the eastern delta was engender by indigenous means of transportations, and that the internal long-distance trade not the European trade influenced the overseas trading in slaves.
From the 16th century onwards, however, the overseas trade in slaves dominated Ijaw economic activity. Most Ijaw trading houses had representatives who served as middlemen on the coast who facilitated the trade between European slave traders and those of the Aros and hinterland.\(^{135}\) Slaves were exported from the Ijaw ports of Bonny, Okrika and New Kalabari to Europe and the Americas.\(^{136}\)

According to Crowder, the Ijaw traders could not meet the high demands for large numbers of slaves made by the European slave traders.\(^{137}\) As a result, they had to be sourced from the interior, and were provided by hinterland traders who raided the numerically larger hinterland Ibos, and Ibibio communities. Hundreds of thousands of slaves were therefore transported from hinterland market centres such as Ohambele, Azumini, Uzuakoli, Aboh and Ikot Ekpene to the European agents at the coast, where they were exchanged for European goods such as cloth, guns, gunpowder, salt and dried fish.\(^{138}\) According to Eltis, Lovejoy and Richardson, more than 450,800 slaves were exported from the Ijaw trading centres in the Niger Delta between the 16th and 19th centuries.\(^{139}\)

In addition, the proximity of the Ogbia district of Ijawland occupied by the Oloibiri people, Kolo Creeks, Anyama in the Niger River largely precipitated their participation in the Atlantic slave trade. The Oloibiri traders were involved in slave trading before its

\(^{135}\) The AROS are the slave dealers who supplied the Ijaws at the coast with slaves for resale to the European dealers. The Ijaws served as representatives of the British and other foreign slave dealers at the Niger water.


\(^{138}\) It must be inter-alia said that the British firearms were aimed at equipping the Ijaw middlemen and its Hinterland neighbours against wars and slave mutiny along the coast.

\(^{139}\) David, E, Paul EL and David R, ‘Slave-Trading Ports, towards an Atlantic-Wide Perspectives’ in Robin, L and Silke Strickrodt, eds, *Ports of the Slave Trade (Bight of Biafra)*, Centre of Commonwealth Studies, University of Stirling, Occasional Paper Nr, 6, October 1999, p.21. We must note that the numbers only refers to actual identified slave departures. According to the Trans-Atlantic Slave Database (www.slavevoyages.org) 1,594,560 slaves were shipped from the Bight of Biafra between 1501 and 1866. Of that total, more than 50% of the slave would have come from the Niger Delta.
abolition by the British, and acted as agents or middlemen between the city states of Brass (Nembe) and the Europeans through constant raiding and selling of slaves.  

The *Amanyanabo* managed and controlled trading activities within Ijaw territory, and his intermediary position brought immense wealth and fame to the economic and political fortunes of the Ijaw chiefs. His functions that had been largely ritual were, according to Crowder, transformed into the hereditary monarch and leading trader of the state”. The title of *Amanyanabo* was retained, marking a continuation from the old to the new structures of the house. It was a response to the need for stronger centralised control of the economic interests of the Ijaw people. Instead of assemblies of all adult males exercising power and headed by the *Amanyanabo*, the new city states were organised into house systems from which the heads were elected, especially in Bonny. The Ijaws’ central and eastern Delta was to serve as a main trading centre for the Atlantic slave trade until the start of the 19th century.

At the peak of the trade at the eighteenth century, some Ijaw villages had experienced internal socio-economic transformation, with the population growing from small villages of 1,000 to towns of between 5,000 and 10,000 inhabitants. It brought changes to the economic fortunes of the traders that redefined and determined their political status. This was consistent with an increase in population of the Ijaw fishing villages, linked to the importation of slaves from the Ibos and Ibibio not sold to the Europeans. This, according to Alagoa was the “quickest way of increasing the labour force” into the trading houses.

As a result of the participation of the Ijaw in slave trading, hundreds of thousands of able bodied men and women were exported from their communities in the Niger Delta hinterland and transported across the Atlantic as labour for the plantation economies in the Americas. Thus, part of the productive human labour force required for the

---

acceleration of the socio-economic advancement of the Ijaw’s hinterland Ibos and Ibibio was exported to Europe. The Ijaw intermediaries in the trade thus effectively undermined the development of other ethnic groups in the hinterland, while defending the economic interest of the city sates. The Ijaw people therefore did not lose their own productive labour force, but did share in the blame for the underdevelopment of their neighbours.\textsuperscript{146}

3.4 THE IJAW IN THE AGE OF LEGITIMATE COMMERCE

The British ban on the slave trade in 1807 ushered in massive changes for West Africa in general and the Niger Delta in particular.\textsuperscript{147} Cash crop production in palm oil became the main thrust of the British trading activities with the Ijaws,\textsuperscript{148} who thus viewed it as a legitimate trade.\textsuperscript{149} Hopkins has suggested that the change from the slave trade to legitimate commerce created a crisis of adaptation for the Ijaw middlemen in the eastern Delta of Bonny and Elem-Kalabari.\textsuperscript{150} The introduction of the legitimate commerce in palm oil at Bonny and Elem-Kalabari had encouraged the traders and producers to believe that the transition from slave trade would become very easy. As it transpired, it was a continuation of the same pattern of credit or trust system but expanded to accommodate the ordinary Ijaw traders and hinterland oil producers.

The Ijaw intermediaries were believed to have developed the palm oil trade earlier against an anticipated decline in the slave trade,\textsuperscript{151} as was the case of Opubu, the King of Bonny, who in the 1820s decided to open a palm oil market in the Ibo hinterland area.

\textsuperscript{146} I must point out that several related sources have extensively dealt with the issue of slavery in the Ijaw area, therefore my main focus in this chapter is more on the palm oil trade between the British and the Ijaws. This will particularly examine the exploitation of palm oil product and its impact on the environment as well as the ordinary Ijaw people during this period; John, WB, \textit{West Africa: Quest for God and Gold 1454-1578}, London and Dublin, Curzon Press Ltd, 1977, pp.79-80; Hopkins, AG, \textit{An Economic History of West Africa}, New York, Columbia University Press, 1973, p.104; Colonial State Office (CSO.) 26/file 28003, Intelligence Report on the Ijaw group of Warri Province.

\textsuperscript{147} Crowder, M and Abdullahi, G, \textit{Nigeria: An Introduction to its History}, Hong Kong, Longman Publisher, 1979, pp.80-84.


\textsuperscript{149} Dike, \textit{Trade and Politics}, p. 53; See also, Jones, \textit{The Trading States of the Niger Delta}, p26; Alagoa, \textit{The Small Brave City States}, pp. 91-116.

\textsuperscript{150} Hopkins, \textit{An Economic History of West Africa}, p.132

when he perceived that the British were determined to end the slave trade around the world, and particularly in the Delta Rivers. Dike however agreed that “The determined attack on the slave trade by the British Naval Squadron had greatly undermined it, and the Delta middlemen eager to maintain their position, turned to the new trade.”¹⁵² This pointed to how the continued British Naval patrol impacted on the Ijaw traders, who were reluctant to accept the new trade. Though they had the option of not adapting to new commerce, the economic benefits attracted them to switch to palm oil trade with the Europeans.¹⁵³

Resistance of the Ijaw slave merchants to the changeover to palm oil exports was linked to the status many had attained in the slave trade. They were famous, wealthy and relied on the profits to build their socio-political, cultural and military institutions, particularly in Bonny, Nembe and Elem-Kalabari as well as in Oloibiri village. Before switching to the palm oil trade they perceived the British Naval patrols on the coast as detrimental to their immediate income, wealth and political fortune,¹⁵⁴ and it took the British traders a long time to persuade the Ijaw slave intermediaries to become involved in the palm oil export.¹⁵⁵

3.4.1. Growth of palm oil export in the delta

The growth of the palm oil export trade in West Africa, particularly in the Ijaw area, began as a result of the availability of palm trees that grew naturally in the Delta environment.¹⁵⁶ The Niger Delta area, especially Bonny and Elem-Kalabari, became an important entrepôt, partly due to the abundance of palm trees in its hinterland, and because the Niger River provided easy transportation for oil across the Atlantic. Northrup argues that the preparedness of the Delta’s hinterland region for the palm oil

¹⁵² Dike, Trade and Politica, pp. 68-9.
¹⁵⁵ The Ijaw middlemen were convinced that the prices of palm oil meant huge profits and that the new trade would not jeopardized their earning capacity and status.
trade dated back over centuries of internal development.\textsuperscript{157} The hinterland oil producers combined knowledge of extracting oil from palm fronds with a desire for commerce and established trading links between the coastal people and the inland areas to facilitate the rapid growth of palm oil export in the early 19\textsuperscript{th} century. The growth in the palm oil export trade could therefore be said to have been a response not to the decline of slave exports but to its growth having already started in the Niger Delta.\textsuperscript{158} The Ijaw middlemen were conversant with the trade techniques and had traded in palm oil commerce locally before it became a valuable commodity demanded by the British traders.

Adding to the above, palm oil processing did not require any modern machinery during this period, and could be sold in small or large quantities by ordinary people in the hinterland and amongst the Ijaws.\textsuperscript{159} Slave trade was so capital-intensive that only the ruling class or King could venture into it, leaving the ordinary Ijaw people to serve as human labour under the traditional authority. A driving force behind the British involvement in the trade\textsuperscript{160} was the need for lubricants in the British industries in the age of the Industrial Revolution, as well as a demand for soap by Europeans increasingly concerned with personal cleanliness.\textsuperscript{161}

By the mid-19\textsuperscript{th} century, British merchants had imported large numbers of palm oil products from the eastern Delta, Ibo, Ibibio and other hinterland areas through London and Liverpool.\textsuperscript{162} The Ijaw traders had, for their part, maintained a constant supply of palm oil to the British merchants, largely as a result of the availability of palm trees and producers in the hinterland.\textsuperscript{163}

\begin{flushleft}
\end{flushleft}

\begin{flushleft}
\textsuperscript{158} Northrup, ‘The Growth of Trade Among the Igbo’. pp. 218-219; Arguable, the palm oil trade would not have grown as much as it had, if there were not ban on the trans-Atlantic slave trade by the British from 1807.
\end{flushleft}

\begin{flushleft}
\textsuperscript{159} Isichel, \textit{History of West Africa Since 1800}, p.151.
\end{flushleft}

\begin{flushleft}
\end{flushleft}

\begin{flushleft}
\end{flushleft}

\begin{flushleft}
\textsuperscript{162} Dike, \textit{Trade and Politics}, p.109
\end{flushleft}

\begin{flushleft}
\textsuperscript{163} Crowder and Abdullahi, \textit{Nigeria: An Introduction to its History}, pp.18-21.
\end{flushleft}
The Elem-Kalabari and Bonny city states in the central Delta became centres of palm oil exports in the Niger Delta and the rest of West Africa between 1840 and 1855. Lynn remarks that palm oil was the centre of the relationship between the British traders and the Ijaw people, “because as far as the Ijaw people were concerned, they bought and sold what the British traders demanded”.\footnote{164} Bonny was the richest part of the Ijaw Delta in palm oil trading, and had by 1855 exported 15,000 to 20,000 tons to Europe.\footnote{165} New Kalabar and Brass, the rival city states to Bonny, had exported 4,000 and 2,280 tons of palm oil to London and Liverpool by 1855 respectively.\footnote{166} Palm oil was a valuable export commodity, amidst other products such as palm kernel and groundnuts that became export trade articles in the second half of the 19th century.

Despite the unprecedented growth in the export of palm oil in the 19th century, it did not end the trade in slave in West Africa or the Niger Delta. Lovejoy has asserted that the “shift to agricultural exports, particularly palm oil and palm kernels-two products of ‘legitimate trade’- resulted in the use of many slaves in the local economy”\footnote{167} It was evident that internal slavery continued to run alongside the trade in palm oil after 1807, despite the British Naval patrols. Scholars such as Crowder and Abdullahi claim that 26 years later, more European slave ships were seen in the port of Bonny and Brass.\footnote{168} Expansion of the palm oil export trade thus led to massive expansion of the internal trade in slaves.

Supporting the above, Ade Ajayi and Austen believe that trading in slaves internally was required in order to sustain human labour by the Ijaw traders and to carry palm oil to the river port.\footnote{169} Slaves became the largest component in the labour force as they served as porters and pullaboys in the transportation by canoe of the palm oil to the market.\footnote{170}

\footnote{166} Crowder, The Story of Nigeria, p. 152.
\footnote{167} Lovejoy, Transformations in Slavery, p. 166.
\footnote{168} Crowder, and Abdullahi, Nigeria, an Introduction to its History, pp. 18-20.
\footnote{170} Pullaboys were those who paddle the trading canoe in their various houses
David Northrup writes that the “rise in palm oil did not coincide with a decline in the slave trade, but that the two trades expanded in tandem until 1830”. As the British merchants were determined to ensure transition from the slave trade to palm oil commerce, the Ijaw traders in both Bonny and Elem-Kalabari were engaged in both, linked to the large numbers of slaves waiting along the coast.

Evidence found in Bonny at the peak of palm oil exports showed that most Bonny traders sought to supply palm oil to the British at the same as supplying slaves to the Europeans. This occurred as a result of the spread of plantations in the Americas, Brazil and Cuba, as well as the increase in the prices of slaves. On the other hand, the palm oil traders could not effectively compete with the slave traders, as oil ships were found off the coast for 18 months waiting for a cargo. Most of the coastal traders in Bonny were involved in both trades as far as was practical, and only from the 1850s did they shift seriously to palm oil, as UK policing of the waters off the Delta became more effective.

**Table 3.1**: Statistical data on the continuation of Atlantic slave trade and palm oil commerce in Bonny between, 1800 -1850

![Graph](image)

Source: Long term variation in the trade in slaves and palm oil from the Bight of Biafra 1800-1850 (Year-to-year fluctuation not shown) cited in D Northrup, p.358.

---

174 Between 1808 and 1870, over 300 000 slaves were exported to the USA, despite the abolition of this trade, and most especially the British efforts to establish trade in goods. They lacked effective agents to check on the human trafficking along the Niger coast; Colonial State Office ( CSO), 82/61, Fernando Po, Nicolls to Hay, 28/Oct 1837.
This table depicts the relative trends in the palm oil and slave trades. The downward trend in the export of slaves began from the mid-1830s, reaching zero point by 1850, while palm oil exports had by 1819 risen to 30,000 tons, and by 1829, 13,600 tons. The total palm oil exported in the Bight of Biafra by 1850 was 25,000 ton yearly.\textsuperscript{175}

Lovejoy has captured the continuation of slave export trade vis-à-vis the legitimate commerce in West Africa and the Delta as follows:

The fight against the slave trade, the shift to legitimate commodities and the consolidation of European outposts in Sierra Leone, Gold Coast, at Lagos and the Niger Delta, and at Fernando Po were elements of the shift from exporting slaves to exporting other commodities, but the transition from slave exports to other commodities did not result in the decline of slave trade and slavery within the coastal zone.\textsuperscript{176}

Based on the above, it was evident that slave labour was necessary in order to increase the production of palm oil, kernels and food crops like rice and yams. The internal slaves made it possible for the owners to direct their labour force into the development of local trade, particularly in Aro, Efik, Elem-Kalabari, Igbo and the Ijaw area.

The main reason prominent Ijaw city states such as Bonny and Elem-Kalabari had to change from the external slave trade to the palm oil trade was the presence of a British Naval patrol that made it difficult for the slavers to continue after the 1860s.\textsuperscript{177} The increase in palm oil production and exports thus led to massive growth in the internal slave trade. It became cheaper to work a slave to death than to treat him or her humanely.

The palm oil trade, like the slave trade, operated on the trust (credit) system. On a general note, the slave trade in Africa depended on the capital goods of the British

\textsuperscript{175} Northrup, ‘The Growth of Trade among the Igbo,’ p.359.
\textsuperscript{177} Bonny, for example, could not continue in the slave trade, because it was located directly to the open sea, and the British Naval patrol could easily watch the slave ship or take it over. The slave trade was however diverted to the Brass area because it was surrounded by a maze of creeks and the slave ship could not be noticed by the British navy until the 1860s.
merchant, principally in the form of credit given to local traders in return for slaves. The trust system in the legitimate commerce was however expanded and became more complicated and problematic than the Atlantic slave trade. The expansion of the ‘trust’ system by the British traders in Bonny and Elem-Kalabari in the 19th century was necessary to ensure prompt and sufficient supply of palm oil to their waiting agents along the Niger coast. Goods from Liverpool traders, such as spirit, cloth, guns, beads, lead and copper rods were advanced to trusted Ijaw traders in the river towns of the Delta and across the river estuary. These goods were in turn sent to the interior markets, following the pattern adopted by the Atlantic slave trade, in exchange for the palm oil products of the hinterland Ibos, Itsekiri, Isoko, Ukwani and the Urhobo producers. Dike, Alagoa and Crowder, claim that credit goods worth 5,000 pound sterling were entrusted to the Ijaw traders for a year or two. This pointed to the smooth trading relationship that transpired between the British traders and the Ijaw intermediaries before the 1860s.

The trust system in legitimate commerce was not only a source of strife and conflict of interest among the traders, but also a weapon of commercial rivalry. The Europeans wanted African traders to remain loyal in paying back the goods entrusted in palm oil when due. Thus, the British traders in the Delta did not want their trust totally repaid, preferring to keep foreign rivals such as the Dutch, French and Portuguese out of the trade.

The British trust system built in an element of monopoly of trade in the Ijaw area. Initially, the palm oil trading activities were conducted only within the trading centres of the New-Kalabari and Bonny. However, in the 1870s, palm oil trading activities had been directed toward other communities outside the Delta coast, such as Whydah.
Badagry, Cameroon and Gabon, as well as Angolan trade routes, by the British.  
Based on the extension of trading networks across the eastern Delta, the British sought to monopolise the trade in palm oil within the Ijaw Delta for onward transfer to Liverpool. The British, in carrying out their monopolistic tactics, started eliminating other foreign competitors from trading along the coast. They tactically entrusted the Ijaw middlemen with more European goods in order to bind them to their trading interests, as against the French, Dutch and the Portuguese. Dike believes that the British monopoly over palm oil products was clearly manifested in New-Kalabari and Bonny, where credits were given extensively to the Ijaw middlemen. The Ijaws traders were thus operating within the confines of British trust.

3.4.2 British palm oil trade and changes in the Ijaw local politics

The change from trade in slavery to a palm oil trading system brought certain changes into the existing political structure of the Eastern Delta, which aimed at ensuring the smooth running of the trading activities in palm oil. This largely informed the establishment of strong trading links by the Amanyanabo with the British merchants, the local oil producers and hinterland producers, aimed at maximising profits in the palm oil trade.

The new trading activities in palm oil expanded the position occupied by the Amanyanabo or the king. He became the defender of the economic interests of the entire Ijaw land, the trading houses, as well as the people. Jones claims that the

---

183 Lynn, Commerce and Economic Change in West Africa, p 216; Robin, L, ed., From Slave to Legitimate Commerce; The Commerce Transaction in Nineteenth Century West Africa, pp.20-26; It must be stated that the British were not the only role players in the palm oil trade. Other foreign competitors such as the French, Dutch and the Portuguese equally participated in the trade. It was clear that the British had more trade links with the Ijaw traders than others.


187 Alagoa, ‘The Development of institutions,’ p.273
Amanyanabo controlled the funds of the house, investing the profits and using the capital to maintain the war canoes, secure ammunition from the White traders and protect trading interests.\textsuperscript{189} Alagoa, on the other hand, believes that the new trade afforded the king and middlemen the opportunities of having a very strong hold over the palm oil product.\textsuperscript{190}

The changing roles in the house system in the eastern Delta necessitated the fishing villages naming the house the ‘canoes house’. Crowder explains that the house or wards required a war canoe to back up its trading activities along the coast.\textsuperscript{191} The houses in the eastern Delta, however, had numbers of trading canoes carrying palm oil from the markets into the interior, and the canoe house or war canoes were larger. They were able to take about 80-100 warriors for maintaining adequate security within the Ijaw city states, especially in Nembe, Bonny and New-Kalabari, which were the centres of palm oil trading.\textsuperscript{192}

The canoe house is a corporation which, according to Wariboko, was a ‘simple hierarchical arrangement that enabled merchants to internalise transactions that had previously been made across market boundaries’.\textsuperscript{193} The chief was known as the head of the house and the controlling power over a number of people in a trading unit, with strict compliance to customs and rules.\textsuperscript{194}

The changes in the houses of the eastern Delta were however not the initiatives of the British traders, but rather were based on the transformation taking place in their lineage administration.\textsuperscript{195} In advancing this debate, Alagoa agrees that the canoe house was a response to the emerging European overseas trade in slaves and palm oil products.\textsuperscript{196} On the contrary, Horton argues that the European trading contacts with the Ijaws necessitated the adoption of the canoe house, because of the credit in British good

\textsuperscript{189} Jones, Trading States of the Oil Rivers, pp. 55-56.
\textsuperscript{190} Alagoa, The Development of Institutions’, p273; Ashton, The Human Eco-System in the Niger Delta, pp.40-50
\textsuperscript{191} Crowder, The Story of Nigeria, pp.82-83.
\textsuperscript{194} Jones, Trading States of the Oil Rivers, p.55-56, The canoe houses in line with the suggestion given by Jones were therefore not a lineage or descent group but a ‘compact and well-organized trading and fighting corporation capable of manning and monitoring a war canoe’.
\textsuperscript{196} Alagoa, The Development of Institution, pp. 269-78.
made available to the Ijaw traders. In retrospect, Cookey claims that both Alagoa and Horton failed to note that the lineage of the eastern Delta adopted the canoe house in response to the ‘indigenous means of transportation’. However, he agrees that the internal long-distance trade claimed by Alagoa, and not the European overseas trade, influenced the transformation in the political and trading structure of the eastern Delta. It reveals that the trading houses in the eastern Delta extensively depended on the canoe house in maintaining adequate security and supply of palm oil to the British traders.

The slight changes in the House system also necessitated the incorporation of freemen and slaves under the King or the chiefs. This largely permitted the sharing of the trading power and control among the chiefs, sub-chiefs, freemen and the slaves. A successful slave in a particular house emerged as the head of such a house based on his performances in the palm oil trading activities in the hinterland. The canoe house was thus sustainable, flourishing and profitable, though it might have been integrated or merged with the more prosperous house whenever it became less successful. Therefore, the re-structuring of the house system significantly ensured a prompt and increasing supply of palm oil from the hinterland producers on the Niger coast.

Trading competition among the various houses engendered civil wars within the Ijaw city states. This was the case within New Kalabar, Brass and in Bonny, because Brass had by the 1860s lost out on its flourishing slave trading as a result of its total elimination by the British squadron. Therefore, Brass’ decision and shift into the palm oil trade brought sharp resistance from the other city states. Conflict and resistance through trading activities broke up the New Kalabar into three states, namely Abonnema, Bakama and Buguma. Alagoa and Dike agree that trading conflict in Bonny

198 Wariboko, A, Theory of the Canoe House Corporation, p.146.
199 The various claims made by these historians suggest that the use of canoe houses vis-à-vis the trading canoes by the houses in the eastern Delta served as complements for the internal trading activities, and not as a result of the British overseas trade.
201 Wariboko, Theory of Canoe House, pp. 141-172.
was also responsible for the founding of Opobo Town by King Jaja in 1869. This occurred as a result of internal rivalry between the King of Bonny over Jaja’s successful trading links in palm oil, which was significant in the emergence of Opobo Town as another trading centre of the eastern Delta.

Lastly, the modification of the Ijaws’ local politics before the 1880s to a large extent enhanced the growth and development of Bonny, Nembe and the New-Kalabari as great trading centres. These agreed to end slave trading for palm oil commerce, believing it would spur a flourishing trade and the expansion of trading links. Most of the kings in the trading states therefore had minimal control of resources, trade routes and articles of trade, having depended on palm oil supplied from the Ibibio traders at Ikpa across the River north of Old Calabar to complement what they produced internally, as well as maintaining a sovereign and sustainable political dispensation until British colonisation towards the end of the 1890s.

Until 1840 there was very little difference between the slave trade and the palm oil trade, because the slave trading system was simply adapted for oil trade and hence was a continuation of the trade pattern that had existed before the 19th century. Isichei agrees with other scholars that the palm oil trade and slave trade continued to thrive side by side until the 1840s, when slave exports started to decline.

The change in the structure of palm oil exports began to manifest in the mid-1900s, as a result of the influx of a new generation of traders who were not associated with the slave trade. In Bonny, legitimate commerce paved the way for the incorporation into the house of outstanding slaves to act as intermediaries and distribution of goods to the interior equivalent of palm oil. Dike has shown that the city states had between 1850 and 1875, “experienced serious political unrest” as slaves and ex-slaves challenged the authority of the established wholesalers and rulers. This did not however mean that

204 Abbasattai, A History of the Cross River Region of Nigeria, p. 56.
206 Northrup, The growth of Trade, p.364.
207 Isichei, The Story of West Africa since 1800, p.117.
208 Hopkins, An Economic History of West Africa, p.146
209 Hopkins, An Economic History of West Africa, pp.146-147.
the legitimate trade initiated the social change in the trading states, but rather that it accelerated it, because the slave has acquired talent and trading techniques during the Atlantic slave trade.

The structure of the new trade in palm oil exports did not reduce the power or authority of the ruling house, but was specifically undertaken by the new traders to improve their condition and status. Alagoa suggests that the revolts had occurred when the “slaves became conscious that they had come of age... and that on their labour entirely depended the economic welfare of the city states”\(^\text{210}\) At Bonny, slave revolts presented an opportunity for the rise of slaves such as Jaja to the position of economic importance in the region between 1860 and 1869. The Ijaw intermediaries became wealthy within their communities as a result of trading in palm oil produce,\(^\text{211}\) linked to the favourable terms of trade between the British traders and the Ijaw middlemen, which brought a dramatic change into their financial status.\(^\text{212}\) The Ijaw middlemen had complete sovereignty over their environment and territorial boundaries, especially since trading activities with the British were based strictly on partnership and business treaties.\(^\text{213}\) The British merchants’ terms of trade with the Ijaws were therefore not politically motivated at this stage.

The Ijaw traders did not allow direct trade contacts with the Hinterland palm oil producers, but in exercising their middlemen’s role they had deliberately prevented the Liverpool traders from having contact with the Ibos and Ibibio Hinterland producers. A British Consul captured this as follows: “The black brokers (Delta middlemen) are strict protectorate, and allow no trade with white or black except what passes through their hands, at their own price, and each tribe on their own river or coast, does the same, with its inland neighbours.”\(^\text{214}\) This observation to a large extent explains the status of


\(^{214}\) Dike, \textit{Trade and Politics}, p.103.
the Ijaw traders, especially in maintaining strong economic and political authority over their resources, environment and trade routes.

The development of new trading techniques from ship to shore increasingly changed the permanent stationing of Europeans along the coast and largely necessitated the involvement of the British traders in the Ijaw local politics. The transition from sail to steamboat brought a sharp reduction in the cost of shipping, as palm oil commodities became cheaper and profitable. Webster, Boahen, and Idowu believe that the regular steamship in the 1850s greatly increased the numbers of European buyers on the Niger coast, partly in Bonny, New-Kalabari, Lagos, Brass and Itsekiri. Active competition started among the traders in the city states, since the supply of palm oil exceeded demands, coupled with a fall in the price of oil for export.

The British government, in consolidating their hold on the palm oil trading in the Ijaw area and hinterland, declared the Niger Delta coast as the ‘British Oil Rivers Protectorate’ by the 1880s. This was to prevent other European trading companies from entering the Delta. In achieving their overriding trading monopoly in palm oil, the British entrusted more capital goods to the Ijaw traders, which Dike claims other foreign competitors could not provide.

Lynn, whilst supporting the above, has however claimed that the foreign competitors, in order to counter the British treaty of protection over the Niger Delta coast, countermanded the British trust by giving more European goods on better terms of trade to the Ijaw middlemen. As a result of this, the Ijaw agents refused to pay the debt owed to the British, which led to conflict of interests and the establishment of the British Court of Equity. The intervention was significant, as British traders had begun to

---

218 Falola, Colonialism and Violence in Nigeria, p. 118.
219 Dike, Trade and Politics, p. 98-110.
220 Lynn, ‘Change and Continuity in the British palm oil trade with the West Africa’, p.240; Alagoa, E.J. The Small Brave City States; A History of the Nembe (Brass), pp. 91-116.
221 The European competitors used this strategy to outlaw the British monopoly. Conflict and clash over trading interests started, because the Ijaw agents had declined payment in palm oil for the goods collected from the British. A countered method was to seize the oil vessels at the Niger coast, whether it belonged to them or not.
seize ships carrying palm oil along the coast to cover the cost of goods made in advance to the Ijaw traders.\footnote{222}{The British Court of Equity as we shall see in the next section of this chapter played a significant role in the gradual loss of power and authority over trade and the Ijaw environment towards the close of 1900.}

To buttress the above, confidential evidence given by Lieutenant Huntley, who visited Bonny in 1837, revealed that the British traders had resorted to cutting off oil through seizure from the Ijaw traders in Bonny, to offset their old debt.\footnote{223}{FO, 2/7. No 1. Encl.3. Huntley to Craige 27, Mar, 1837, cited by Dike, \textit{Trade and Politics}, pp.109-110.}\footnote{224}{Dike, \textit{Trade and Politics}, p. 113.} Captain Turkey, in 1841, had also attempted to close the Bonny River to hinder oil vessels from the port until old debts owed by traders in Bonny were settled.\footnote{225}{According Webster, it was in these circumstances that the British firms broke through the Delta and established themselves on the middle Niger at Aboh, Onithsa and Lokoja. Webster, \textit{The Growth of African Civilisation}, pp. 203-204.} Thus, the internal commercial rivalry resulting from the changing pattern in the structure of palm oil, trade to some extent contributed to the beginning of the British merchants' intervention in the city states of Bonny, Opobo and New-Kalabari politics.\footnote{226}{Crowder and Abdullahi, \textit{Nigeria: An Introduction to its History}, p.122.}

The establishment of the British Court of Equity for mediation and reconciliation among the conflicting trading interests in the eastern Delta, to a large extent marked the beginning of the environmental exploitation and political intervention in the Ijaw area. For example, the British collaborated with the chief of Bonny (William Dappe Pepple) for the removal of a regent called Alali, simply for impinging on the British trade relations in his area in 1839. Alali allegedly arrested the British naval officer and imprisoned him for taking over the Spanish and Portuguese slave ships coming from Bonny in 1830, and despite the agreement with the Navy to prevent future aggression on any British, Alali arrested another British palm oil trader in 1837.\footnote{227}{Alagoa, \textit{The Development of Institutions}, pp. 40-45; Dike, \textit{Trade and Politics}, p. 69. The British Navy forced Alali out of power for its violation of the agreement reach in 1830s.} The British action exacerbated the gradual loss of power over their environmental resources, political authority and total disintegration by the mid-1880s.\footnote{228}{Alagoa, \textit{The Development of Institutions}, pp. 40-45; Dike, \textit{Trade and Politics}, p. 69. The British Navy forced Alali out of power for its violation of the agreement reach in 1830s.} Likewise, many Ijaw agents who were found guilty or in contravention of any trade treaties were sentenced, imprisoned or punished severely.
established to grapple with trade, and to provide some legal backing between them.\textsuperscript{228} The British had overriding power granted by the Court of Equity to interfere in the local politics, but the favouritism afforded the British merchants by the court was a significant factor in the eventual collapse of the local control over the environment and resources.\textsuperscript{229} The British decision to trade directly with the hinterland Ibos, Ibibio, Ukwani, Urhobo and the Isoko palm oil producers in the interior Niger Delta can be linked directly to the activities of the Court of Equity.

Falola writes that the activities of the British consular authority aided the penetration of the British into the hinterland, especially by establishing many trading stations in the interior.\textsuperscript{230} This was in line with a European quest to side-line the Ijaw middlemen by the mid-1880s, which Michael argues was a deliberate action to buy more palm oil at a very cheap price in order to gain more profits in England.\textsuperscript{231} Despite the favourable treatment from the Consular Authority, the British endeavour was not achieved until the 1890s, because of the internal rivalries between the British and the Ijaw merchants, especially against the British free-trade policy.

The internal rivalry between trading houses vying for economic supremacy of power in the eastern Delta was a crack in their political edifice. An intelligence report shows that the rivalry was linked to the economic depression of the mid-19\textsuperscript{th} century, which necessitated unhealthy competitions over palm oil produce.\textsuperscript{232} Internal strife started in New Calabar over securing their oil palm markets from the rival city states of Bonny, Nembe (Brass) and Okrika.\textsuperscript{233} The struggles within the Delta city states were also linked to competition between the trading houses to make the most profits from the palm oil trade. However, the intervention of the Europeans through their local consul

\textsuperscript{229} Dike, \textit{Trade and Politics}, p. 130.
\textsuperscript{230} Falola, \textit{Colonialism and Violence in Nigeria}, pp. 50-52.
\textsuperscript{231} Crowder, \textit{The Story of Nigeria}, p. 120.
\textsuperscript{232} NAE, (National Archive Enugu) War Prof, 1234/4091,  89 Intelligence Report on the crisis between the Ijaws tracing Houses ; NAE War, Prof 440/180, Gbaramotu clans intelligence report, 1944/57.
necessitated the persistent British involvement in the internal affairs of the coastal states for the purpose of maintaining their trading interests in palm oil.\textsuperscript{234}

Another decisive factor of British involvement in the Ijaws' local politics and eventual environmental exploitation was their “civilising mission” or imperial ambition. At the end of the Berlin Conference in 1885, the British declared the Niger Delta as their Oil Rivers Protectorate.\textsuperscript{235} With this declaration, the middlemen positions of the Ijaws were eliminated, because the British desired to enter into new trade networks with the interior markets, as well as direct access to the exploitation of palm oil.

The British efforts to take over the intermediary position of the Ijaws and increase their profit met with serious resistance from the city states. There was evidence of consistent strife between the British traders, French firms, African traders from Lagos and Freetown, Brass and New-Kalabari to the British policy of elimination through free trade treaty.\textsuperscript{236} Both foreign competitors, such as the French and Portuguese firms and the Ijaw middlemen, were denied entry to the ports of trade on the Niger coast as they became the exclusive rights of the British traders.\textsuperscript{237} This explains the gradual loss of trade routes and political control of the Ijaws to the British company and its home government.

George Goldie, the manager of RNC, had by 1879 united the British firm on the Niger into the \textit{United African Company} (UAC), and had stationed 100 trading posts with 20 gun boats, and provided high prices for palm oil in order to eliminate its rival firms, the French, Lagos and Brass traders.\textsuperscript{238} In 1886, Goldie secured a royal charter for his company, renamed the \textit{Royal Niger Company} (RNC). This was required for the purpose of safeguarding the British trading interests in palm oil export, and because of the downward trend in the prices of palm oil in the mid-1880s in the United Kingdom.\textsuperscript{239} The

\textsuperscript{235} Crowther, \textit{Colonialism and Imperialism in West Africa}, p. 78.
\textsuperscript{236} Webster, \textit{The Growth of African Civilization}, pp. 202-203.
\textsuperscript{237} Dike, \textit{Trade and Politics}, pp. 109-119.
\textsuperscript{238} George Goldie was appointed as the manager of the British chartered company to manage and control its interests in palm oil export. Goldie had by 1882 bought over all other trading companies in the Delta. Flint, JE, \textit{Sir George Goldie and the Making of Nigeria}, London: Oxford University Press, 1960, pp.1-36.
two rivals, foreign companies and the Ijaw middlemen were eliminated by Goldie in order to increase access to the resources in the interior eastern Ijaw Delta. The discovery of crude oil in Pennsylvania in the USA by 1860 was another contributory factor to the decline in the prices of palm oil products in the European market. The crude oil was cheap for the industries in most parts of the United Kingdom.  

Table 3.2: Statistics Abstract of the United Kingdom for the Years, 1856-90

<table>
<thead>
<tr>
<th>YEARS</th>
<th>PRICES (PALM OIL) IN POUNDS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1856-60</td>
<td>43.6</td>
</tr>
<tr>
<td>1861-65</td>
<td>37.2</td>
</tr>
<tr>
<td>1866-70</td>
<td>38.4</td>
</tr>
<tr>
<td>1871-75</td>
<td>34.2</td>
</tr>
<tr>
<td>1876-80</td>
<td>33.0</td>
</tr>
<tr>
<td>1881-85</td>
<td>31.0</td>
</tr>
<tr>
<td>1886-90</td>
<td>20.4</td>
</tr>
<tr>
<td>1891-95</td>
<td>23.6</td>
</tr>
<tr>
<td>1896-90</td>
<td>21.4</td>
</tr>
</tbody>
</table>

Source: Allan Mcphee p.33

The above table reveals the downward trend of the value and prices of palm oil in the United Kingdom in the years 1856-90.

The British merchants therefore consolidated their access to the interior markets and over the environmental resources through the RNC. The RNC re-affirmed the British monopoly of trade on the Niger River by introducing policies of pricing and establishing numerous trading stations. The RNC was authorised to levy custom duties, and had control over land, and the exploitation of the minerals and agricultural produce in every

---

241 The prices in the table are found by dividing the total declared or computed value of imports into UK by the total amount of import for each year, 1886-90. See detail in Mcphee, *The Economic Revolution*, p. 33.
242 Lynn, ‘Law and Imperial Expansion,’ p. 204.
part of the Ijaw land and the hinterland.\textsuperscript{243} Goldie’s trading strategy supported the British free trade policy and its imperial movement towards the interior Eastern Delta trade.

The RNC had a standing and well-armed constabulary that was used largely in securing strong trading contacts and markets for the British. Foreign competitors in palm oil produce were denied access to the area, and trading activities were mostly permitted by the RNC at the ports of entry on the coast. The lucrative palm oil markets in the interior were closed ports and exclusively utilised by the British traders. This significantly reaffirmed the British monopoly of rights over the exploitation of palm oil in the entire Ijaw environment and the Niger Delta. Thus, the RNC played an important role in the British Government’s eventual control and administration over the Ijaw environment and the Niger Delta territories. This was consistent with Dike’s suggestion that the intervention of the British Consul and the RNC “laid the foundation of British power in Nigeria and initiated the politics which were to characterise the consular period of Nigerian history”.\textsuperscript{244} The RNC therefore utilised their divide and rule policy in order to unseat the Ijaw kings as its intermediaries towards the close of the 1890s.

The exploitation of the environmental resources in palm oil by the RNC prompted the local struggle for resource control and rise against British imperialism in the Eastern Delta. The British Government had made several attempts to combat the Atlantic slave trade, which increased their gradual involvement in local politics in Bonny and Lagos. However, the administrative acumen of King Jaja of Opobo and other Ijaw chiefs demonstrated their resistance to the control of the environment, resources, agricultural produce and markets. They consistently prevented the British from gaining access to the interior markets for many years.\textsuperscript{245} However, the intervention of the British Court of Equity and the Consular power broke the blockade. The first serious threat to the environment by a European power had thus commenced.

Trading activities in palm oil between the European traders and the Ijaws generated conflict and resistance. The British treaty of protection with the Ijaws was targeted at

\begin{itemize}
\item \textsuperscript{243} Robin, L, \textit{From Slave to Legitimate Commerce, The Commercial Transition in Nineteenth Century West Africa}, p.104.
\item \textsuperscript{244} Dike, \textit{Trade and Politics}, pp. 109-119.
\item \textsuperscript{245} Austin, \textit{African Economic History: Internal Development and External Dependency}, pp. 51-53.
\end{itemize}
preventing other foreign trading companies from entering the interior. Therefore, their free trade policy was not in line with some of the kings, such as King Jaja of Opobo, who accepted the British trading policy on the condition of non-political interference.

Jaja's irredentist action to the British merchants necessitated initial trading cooperation and agreement to pay a certain amount of money at the coast or lose their trading rights. For instance, in order to secure their trading interest, the British Consul signed an undertaking on behalf of the British Crown which recognised the authority, power and control of Jaja over his territory, in 1884. However, Jaja was ignorant of the contents of the British treaty, and by signing the policy he had indirectly relinquished his rights of control over the territory.

Despite resistance movements by the Ijaw people against the British incursion, the RNC intensified its efforts to establish control over them. The RNC therefore represented a conduit of massive exploitations of the Ijaw environmental resources with little or no check on its monopoly over trade and markets. The local agitations to control of trade clashed with the RNC's objectives in the Niger Delta. Therefore, heavy licenses and taxes were imposed on traders in the Niger Delta, Lagos merchants, Brass, New-Kalabari by the RNC. The Ijaw traders were also prevented from entering the RNC's area of trade by confiscating the trading canoes for smuggling.

City states such as Bonny, Opobo, Nembe and New-Kalabari were already on the verge of disintegration and collapse by 1886, because the RNC had denied the kings and the middlemen trading rights. The Ijaw traders, according to Dike, became obstructionists

246 Falola, Colonialism and Political Violence in Nigeria, pp 52-55.
247 Anene, Southern Nigeria in Transition, p. 40 ; Cherry, Relations between Africa and European Traders , pp.89-100; Cooke, King Jaja of the Niger Delta, pp.50-68; Greary, WMN, Nigeria under British Rule, London, University Press, 1977, p.82.
248 Consular Hewett's letter to the King of Opobo, as cited in Dike, Trade and Politics, pp. 107-111.
to the British socio-economic, political and cultural mission into the eastern Delta and the Hinterland.\textsuperscript{251}

Adding to the aforementioned, many Ijaw kings, such as Jaja of Opobo in 1887, Banu of Okrika in 1897, and Koko of Nembe (which Alagoa claims fearlessly challenged the authority of the RNC in his area, especially raiding its head office in Akassa in 1895), were being removed and exiled to the West Indies.\textsuperscript{252} Koko’s war marked the beginning of the loss of control of the RNC in the entire Niger Delta.

By 1898, the RNC had exploited the Ijaws’ natural resources of palm oil produce. The company incessantly raided the Ijaws’ trading states, such as Nembe, Brass, Bonny, Okrika, Opobo, and by inciting internal conflict in New-Kalabari enhanced its exploitation of their resources, especially since these trading states were virtually side-lined from trading on behalf of the British merchants.

By 1899, the British home government was dissatisfied with the outrageous control and misrule of its company (RNC). The RNC was unable to administer the territory fairly or effectively. Several allegations were levied against the company, and it was accused of the confiscation of the Ijaw traders’ goods for non-compliance with the RNC’s trade regulations, particularly as other foreign companies were denied access to trade in palm oil. The RNC charter was therefore revoked on December 31, 1899 and by 1900 the British had reconstituted the region and taken absolute control of the Ijaw territory, as well as other Niger Delta areas as a protectorate of southern Nigeria.\textsuperscript{253} However, the production of palm oil was intensified by the British until the mid-1900s, when other exportable goods such as cocoa, rubber and groundnuts became important trade

\textsuperscript{251} Dike, Trade and Politics, pp. 119-120.
\textsuperscript{252} Alagoa, The Development of Institution, pp. 269-78.
\textsuperscript{253} Flint, Sir George Goldie and the Making of Nigeria, p.104; Geary, Nigeria Under the British Rule, p.82; Obaro, The Fall of Nigeria and the British Conquest, pp.15-33; Obaro, I, Niger Delta Rivalry, London, Longman, 1977, pp.113-167; Obaro, I, ‘Colonial Conquest and West Africa Resistance in the Niger Delta’ in Tarikh, 4 (3) 1973, pp.50-61. We must note despite the withdrawal of its charter, the RNC still retained the rights over minerals in the southern Nigeria that was later challenged by the nationalists in the mid-1940s.
The British colonial government permitted each region an element of resource control over all agricultural produce.\footnote{It must be noted that cocoa and rubber were already in existence in the Delta before the colonial rule laid more emphasis on cash crop production.}

### 3.5 CONCLUSION

This chapter has examined the factors that necessitated the Europeans’ first contacts with the Ijaw people along the Niger Delta coast. The chapter revealed that the initial contacts between them had no influence on their physical environment, because the British relied mostly on the use of human labour. Evidence found to support the argument that the Atlantic slave trade precipitated the beginning of the long-distance trade, revealing that the changes that took place in the Eastern Delta trading houses as a result of the new trade in slaves were merely a continuation of the oil trade. The Atlantic slave trade thus changed the patterns of trading houses whilst the palm oil trade reinforced the structure of the slave trade.

The chapter also presented palm oil trading activities as the main commodity of the British trade between 1806 and 1899. Evidence supported the argument that the palm oil trade was exploited by the Ijaw traders themselves, particularly of its hinterland Ibos, Ibibio, Ukwani, among others. The British traders cannot be blamed for all the exploitation of palm oil trade in the Delta, because the local traders offered to produce and participate in the legitimate commerce in order to retain a fair share in the market. It was found that they had enjoyed maximum profit of about 90% income in the slave trade, thus they had to find a way to trade with the Europeans who could simply divert their goods elsewhere to trade in palm oil.

It was argued that despite the new trading in palm oil, internal slavery continued side by side with the palm oil trade. This was consistent with Ade Ajayi, Falola, Crowther and other historians who suggested that the internal slavery was required to provide labour for the trading houses, especially the canoe houses in the Eastern Delta. The growth in

the palm oil export, based on the evidence found in this study, did not hinder the exportation of slaves into the Americas, Brazil and Cuba. The Atlantic slave trade continued in Brass until 1860s, when the British Naval patrol ended it.

The British trading in palm oil generated conflict and resistance in the Eastern Delta and the hinterland, and evidence revealed that the British Court of Equity was specifically established, based on an agreement reached between the Ijaw kings and the British traders. It was necessary to check the problems of breach of trust based on goods advanced to the local traders. This chapter revealed that the British Government was not willing to take over the Ijaw territory through the intervention of the court of equity, but rather wished to make peace between the traders. Clearly, the activity of the British Consular power in the mid-1850s was the beginning of Great Britain’s involvement in the Ijaw local politics.

The chapter presented and revealed that the activities of the Royal Niger Company (RNC) in the Delta necessitated its active intervention in the interior market. This was consistent with the evidence provided by scholars such as Dike, Alagoa, Horton and Crowder, that the consistent interference in the Ijaw trading houses by the British Consular authority consequently eliminated their intermediary status and resulted in loss of power.

Clearly, the British traders had exploited the Ijaw environment before the palm oil export trade or legitimate commerce. However, the establishment of the RNC reinforced the pattern of environmental exploitation in the Delta city states that eventually favoured the British traders. To a large extent, therefore, the British government’s switch into action against the RNC’s policies in 1899 showed its unwillingness to be involved in the political affairs of the Niger Delta. The unfair treatment and inefficient administration of the territory by the RNC was largely responsible for the suspension of its charter on 31 December 1899 and the reconstitution of the entire Delta under the Great Britain by 1900.\footnote{The next chapters (4-8) will examine the continuing exploitation of the Ijaw environment by the British colonial administration as a result of the discovery of crude oil in Oloibiri area of the Ijaw territory by 1956. The operation of the Royal Dutch Shell and other oil multinationals has left the entire Ijaw area deserted due to perennial oil and gas pollution in the post-colonial Nigeria.}
CHAPTER FOUR

NIGERIAN AND IJAW POLITICAL ECONOMY DURING THE COLONIAL ERA, 1900-1960s

4.1. INTRODUCTION

This chapter examines the structure of the Nigerian and the Ijau economy during the colonial period, with discussion of the British colonial economic policy and its political administration in Nigeria. It details British mining rights, the drive for agricultural export crops after the First World War to meet high demand in the Great Britain, and the development of infrastructural facilities to enable the transportation of export commodities to Port Harcourt and Lagos. The Ijau economy during the colonial period is investigated against the background of political and economic programmes of the British colonial government, with specific attention directed to the development of native administration, the continuation of palm oil production, the Colonial Welfare and Development Act of 1945, and local agitation and resistance to mineral ordinance on land matters. Other significant developments that are discussed include the 1957 Henry Willink Commission of inquiry; the search for oil and its discovery in Oloibiri Ijawland by Shell-BP between 1946 and 1960; the post-colonial granting of licences to prospective oil companies; and the continuation of agricultural exports prior to crude oil became an important foreign exchange earner for the government in the late 1960s.

4.2. THE STRUCTURE OF THE BRITISH COLONIAL POLITICAL ECONOMY IN NIGERIA

As discussed in chapter three, before the creation of the colonial state of Nigeria there were several ethnic groups, each with its own system of politically independent form of government.\textsuperscript{257} They included the Kanem-Bornu Kingdom, the Fulani Emirate in the savannah of Northern Nigeria, the Ife Kingdom, the Benin Kingdom, Yoruba Empire of Oyo, and the city-states of the Niger Delta, such as Nembe, Bonny, New Kalabar and its

\textsuperscript{257} Eluwa, \textit{A History of Nigeria for Schools and Colleges}, 1987, pp. 8-10.
hinterland, and the Igbo people of the Eastern region. These sovereign territories were culturally diverse, until the British colonial rule from 1900 onwards.

The period 1900 to 1906 witnessed multiple acts of resistance to occupation, conquest and establishment of colonial administration in the Nigeria territories. The drive of British colonial power at that time was linked with economic expediency and dictated by industrial capitalism. The economy imposed on Nigeria between 1914 and 1960 was structured in a way to satisfy the needs of the British economy and political hegemony and solve the contradictions within the capitalist system, and explains the motivation behind the promotion and production of cash crops by the British to meet their industrial needs, notably palm oil, cocoa, groundnuts, rubber and later coffee. Mineral resources, such as tin and coal, also became important exports.

The process of unification of Nigeria began in 1906, and was aimed at securing a central direction of policy and pooling resources for administrative purposes. This would in turn allow the southern part of the country to cover the cost of administration and development of the financially weak protectorate of the north. According to Ekundare, the unification of the northern protectorate, Lagos colony and the southern protectorate"... was considered desirable and expedient in order to centralize the administrative control of the country and thus facilitate better utilization of resources and coordination of social and economic development project."

Despite the above, the amalgamation of those protectorates in Nigeria by the British had failed to consider the views of Nigerians on whether the decision for lumping them together was acceptable. As was the norm during the early colonial period, the views

---


of Nigerians were not sought on even the most basic issues. Unification was pushed through for the administrative convenience of the colonial government as well as to utilise the existing and strong export markets of the south, as well as to pay for the colonial administration and economic development in the financially weak north.\textsuperscript{265}

4.2.1 Infrastructural development

Like all other European colonial powers in Africa, the British administration in Nigeria developed the transportation infrastructure with the aim of connecting mining and agricultural production centres to harbours from which these commodities could be exported to Europe. The development of railways and roads in the country was therefore vital in encouraging and expanding the production of cash crops and opening up mineral centres that were inaccessible within the Nigerian hinterland. Ekundare has pointed out that the large distances between production centres and the ports, with palm oil, palm kernel, rubber, and cocoa produced up to 200 miles or more from the coast; groundnuts, cotton, beniseed, hides and skin over 600 miles from the coast; and Jos, the main centre for tin mining, was about 550 miles from Port Harcourt to the seaport.

To facilitate the optimum exploitation of resources the British administration therefore began the construction of railways from Lagos, reaching Jebba by 1909, and the Minna-Baro railway, completed in 1913.\textsuperscript{266} Additionally, the construction of railways linking Lagos, Ilorin, Jebba, Minna, Kano, Enugu and Port Harcourt was facilitated by the availability of raw materials, in particular coal in those areas.\textsuperscript{267} The railway became a major means of transporting goods and services between the north, east and western Nigeria during the colonial period, for instance groundnuts from Bida and Kano, for example, was linked with the railways, because of the remoteness of these centres from the port at Lagos.\textsuperscript{268}

The expansion of roads as feeders to the railways took place in most areas in which natural resources were found, such as the Enugu coalmines, the Jos tin mines, the

\textsuperscript{265} Okonjo, TM 'British Administration in Nigeria, 1900-1950, New York,
\textsuperscript{266} Ige, Major Landmark in Nigeria History, p. 145.
\textsuperscript{267} Abejide, 'Aftermath of the 1914 Amalgamation', p. 43.
cocoa plantations in Ibadan, and palm oil region of the Delta and Igbo. The roads were not built for domestic economic development but were meant to accelerate the exportation of mineral resources and cash crops to Britain.\textsuperscript{269} The construction of railways and roads to a large extent opened up those centres that produced or had the potential for producing minerals and cash crops.

### 4.2.2. British mineral rights

Explorations and geological surveys of the natural resources formed an integral part of the British colonial economic policy in Nigeria. Prior to the 1914 Mineral Ordinance, legal guidelines under which mining companies could operate in a particular concession was passed in 1906 and 1907. This entailed permission being given to the company involved to conduct geological surveys in specific areas.\textsuperscript{270} The mining and oil companies had concessionary rights to commence their geological and geophysical investigation in the area allocated under the 1907 ordinance to explore part of the north, south as well as the coastal waters within three mile limit.\textsuperscript{271}

Evidence reveals that licences for prospecting for minerals and oil permitted the companies the right to start geological and geophysical investigations, to drill and extract samples as well as export to Europe.\textsuperscript{272} While the colonial administration was in general very open to most mineral exploration it was not yet ready at that stage to spend funds on petroleum exploration, which had not yet been found in commercial quantities in the colony at that time.

In 1914, Lord Lugard, the Governor-General of Nigeria, passed legislation to secure easy administration over mining and oil rights, replacing the 1907 Mineral Ordinance and making it a wholly British concern. In terms of section 6 (1) of the 1914 ordinance:

\textsuperscript{271} The Bitumen was granted concession to explore for oil in the southern Nigeria around the Lekki area toward the eastern and Niger Delta by 1907.
\textsuperscript{272} Oil Prospecting Licences (Land and Territorial Water Areas) 51, p.1, (Continental Shelf Area, 1. P.1), Cited in Schatzl, Petroleum in Nigeria, p.78.
No lease or license shall be granted except to a British subject or to a British company registered in Great Britain or in a British colony and having its principal place of business within her majesty’s dominion, the chairman and managing director (if any) and the majority of the directors of which are British subjects.\footnote{273}

According to Okonmah, the Mineral Oil Ordinance of 1914, “vested the right to search for, win and work mineral oils exclusively in British subjects or companies controlled by them.”\footnote{274} This granting of sole concessionary rights over mining and oil empowered the Governor General to grant licences and leases only to British companies and subjects, to a large extent facilitating the concession given to the two British oil companies two decades later.\footnote{275}

More specifically, the mining and oil leases permitted the company the right:

\ldots at all reasonable times to enter into and upon any part of leases area for all or any of the following purposes: (a) to examine boreholes, wells, chattels, plant, appliances, buildings, installations works and effects used for the operation... (b) to inspect the samples of strata, petroleum or water which the lease is required to keep in accordance with the provision of the lease... \footnote{276}

This implies that the landowners had no right to challenge the occupier of the leased land while the agreement was still binding. The mining company had the sole right to start exploration and extract any resource found on such land.

\footnote{273} This principle also allowed non-British directors in the newly integrated nation by 1914 was so, since the director, chairperson and the majority of other directors were British subjects; NAE, (National Archive Enugu) CSO/1914, 95, Mineral Ordinance; National Archive Ibadan (NAI), War Prof, 29/1914, Mineral Ordinance on compensation for exploration in the Nigeria colony. Patrick, OO, ’Rights to a Clean Environment: The Case for the People of Oil-Producing Communities in the Nigeria Delta’, Journal of African Law, 41(1), 1997, pp.43-67.

\footnote{274} Patrick, ’Rights to a Clean Environment’, p.44.

\footnote{275} Agbonifo, J, ’The Colonial Origin and Perpetuation of Environmental Pollution in the Post Colonial Nigerian State’ 1897, pp.56-64

The 1916 Mineral Ordinance re-affirmed the control and ownership by the British Crown over mining and oil rights found in the Nigerian environment.\(^{277}\) Section 3(1) clearly stated:

The entire property in and control of the minerals, and mineral oils, in under or upon any land in Nigeria, and of all Rivers, streams and water courses, throughout Nigeria, is and shall be vested in the Crown, save in so far as such rights may in any case have been limited by the express grant made before the commencement of this ordinance.\(^{278}\)

Although all minerals found on land belonging to the crown in Nigeria were vested in the Crown, non-Crown land belonged to the surface owners, individual owners and the native communities.\(^{279}\) The Crown also retained the mineral rights on all lands alienated before that date, as they had passed to the surface owners. This explicitly revealed that all mineral rights found in the earth belonged to the colonial government, while the native landowners had rights to compensation.

Section 22 of the 1916 Mineral Ordinance, specifically on mining rights, stated that:

…the holder of a mining right shall continuously and regularly carry on mining operations on the lands the subject of the mining right to the satisfaction of the Government Inspector of mines, and shall furnish such reports and returns and shall keep such books as may be prescribed.\(^{280}\)

Moreover, Section 34 (1) of the mining right 1916 ordinance also stated that:

The mining lease shall pay compensation to the owner of any building, or of any economic trees, or crops removed, destroyed or damaged by the lessee, his agents or workmen: provided that compensation shall not be payable in respect

\(^{277}\) NAI, CSO, 1290/1916, Mineral Ordinance to regulate the right to search for mine and work minerals, and for other purposes relating thereto, 30\(^{th}\) March 1916; NAI, War Prof, 30/30136/1916, Mineral Ordinance regulation, Colonial forest development Department in the CSO, Warri Province; Edwin, GC, ‘English Colonial Policy and the Economy of Nigeria’, American Journal of Economies and Sociology, 26(1) 1967, pp.79-92.

\(^{278}\) NAI, War Prof, 84/13/1914, CSO Lagos, Mineral Ordinance; NAE, War Prof, CSO, 422/1916; We must note that this legislation has been repealed and replaced by the Petroleum Act of 1969, which reaffirmed the ownership of mineral resources in the post-colonial Nigeria government.

\(^{279}\) PRO, CSO, Provincial Administration Department (PAD), /2688, Mining Policy Dist, 12/1/1808, minute of the Instruction of memorandum on colonial mining policy 1946, p. 3.

\(^{280}\) NAI, War Prof, 23 May 1916, Mineral Ordinance, p. 15.
of any building erected or trees or crop planted on land in respect of which surface rent is paid by the lessee under section 32 after the date of which such rent commences to be payable.  

These provisions cast light on the British colonial government’s consideration of the local landowners as well as protection of their own companies in the colony. This was contrary to what many authors on colonial development in Africa and Nigeria have written so far, in that they contend that the British colonial rule was merely exploitative. A memorandum on the British colonial mining policy reveals that the British saw minerals as an important economic asset to its colony Nigeria, and also as a gift of nature. Therefore, the benefit had to be shared with the community upon which such minerals were found. The right over the proceeds did not belong to the private company alone, nor to a particular group of people who were alien to the local community.

Being conscious of the problems associated with mineral exploration in territory such as Nigeria, the British in a confidential report required that mining operations be carried out in accordance with a planned programme in order to determine its social effects beforehand, and in an attempt to counteract the evils of unregulated development and its consequent social distress and effects on agricultural village life and diversion of manpower. The above mineral ordinance 1914/1916 played a vital role in the search for natural resources in the British colonial era. By implication, the provision of these ordinances illustrates that geological surveys or seismic and drilling on any environment involved line cutting, detonation of explosives, site preparation and dredging, which according to Ashton, would “…damage human, plant, marine and wild life habitat and affects soil structure and acidity.” This also explains the precautionary measures incorporated into law that companies were expected to take during the course of exploration in any part of Nigerian environment.

---

281 NAI, War Prof, Mineral Ordinance, 1916/sec 34  
283 ONDIST (Ogoni District), Provincial and Administration Department (PAD) /2688, Mining Policy Dist/12/1/1808, p. 2(d)  
284 ONDIST, Prov/Admin Dept./2688, Mining Policy, 1946, p.2(d).  
In 1902 and 1909, two mining companies, the Niger Company and later the Champion (Nigeria) Tin Field Company, obtained licences to start their mining operation in the southern and Jos plateau of northern Nigeria. The Niger Company’s licence covered approximately 900 square miles along the plateau and Bauchi area. The licences also required the mining companies to consider the protection of agriculture lands, forest and rivers and the mining lease agreement required the restoration of land to a state suitable for agricultural operation after mining had stopped, particularly if such land had previously been of pastoral value. The miners had to comply with the payment of rents and royalties to the colonial government in Nigeria, as well as the native community.

The mining for tin actively began with the improvement on transportation and communication facilities and the construction of roads to reach the centres of production. Mcphee has argued that improved communication had a great impact on the opening up of areas, particularly railway construction in the north from Baro-Kano-Lagos across the Jebba bridge. Discovery of tin was made in the Jos area of the plateau and Bauchi in the north by the two mining companies partly as a result of large capital investment by the industry.

The question arises, however, as to why Africans/Nigerians were being excluded from owning mining licences? The answer was perhaps that the mines owned by Europeans originated from large foreign capital investment, which African entrepreneurs did not have access to at the turn of the twentieth century. Section 14 of the Mineral Proclamation of 1910 stated that: “An applicant for a mining lease was required to show that he has sufficient capital to “ensure proper development and working of the mines”

---

287 PRO-CSO, Mining Policy District 12/1/1808, Memorandum on Colonial Mining Policy, 1946, p. 4.
289 Ekundare, An Economic History of Nigeria, p.177;
290 Annual Report and the Blue Books on Nigeria to the year in question, cite in Mcphee, The Economic Revolution, p.58
292 NAI, 1290/Mineral Ordinance of 1916, Sec 22 (2)
Despite the above, local African communities were essential to the operation of the mines, with around 15,000 people employed by the mining companies. They also benefitted from the royalties paid on the sales of tin ore.\(^{293}\)

**Table 4.1**: Output of tin, 1910-1914

<table>
<thead>
<tr>
<th>Year</th>
<th>Tin Exported (Tons)</th>
<th>Ore Worth (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910</td>
<td>739</td>
<td>77,310</td>
</tr>
<tr>
<td>1911</td>
<td>1,529</td>
<td>181,759</td>
</tr>
<tr>
<td>1912</td>
<td>2,803</td>
<td>336,330</td>
</tr>
<tr>
<td>1913</td>
<td>4,142</td>
<td>568,428</td>
</tr>
<tr>
<td>1914</td>
<td>6,174</td>
<td>706,987</td>
</tr>
</tbody>
</table>


The above table reveals the output of tin within the period 1910 to 1914. The capital investment by the London Company increased output from 739 tons in 1910 to 6,174 tons in 1914. Mcphee claims that the output of tin also rose to 9,996 tons in 1917, but had fallen to about 7,000 tons by the 1920s.\(^{294}\)

**Table 4.2**: Export of tin, 1915-45

<table>
<thead>
<tr>
<th>Year</th>
<th>Volume (Tons)</th>
<th>Value (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1915</td>
<td>6,535</td>
<td>723,840</td>
</tr>
<tr>
<td>1918</td>
<td>8,294</td>
<td>1,770,003</td>
</tr>
<tr>
<td>1920</td>
<td>7,913</td>
<td>1,785,724</td>
</tr>
<tr>
<td>1925</td>
<td>9,293</td>
<td>1,737,578</td>
</tr>
<tr>
<td>1930</td>
<td>12,069</td>
<td>1,373,466</td>
</tr>
<tr>
<td>1935</td>
<td>8,949</td>
<td>1,456,753</td>
</tr>
<tr>
<td>1940</td>
<td>14,843</td>
<td>2,726,911</td>
</tr>
<tr>
<td>1945</td>
<td>15,166</td>
<td>3,129,265</td>
</tr>
</tbody>
</table>


The table above reveals the rapid increase in the output of tin in tons to 1915, with about 6,535 tons valued at 723,840 pound sterling. There was a sharp decrease in the


output of tin ore before 1918 and the 1920s as a result of the wars, but the revival of the industry in the 1930s resuscitated the volume from 12,069, valued at 1,737, 578 to 15, to 166 tons in 1945, valued at 3,129,265 pound sterling.

Coal was perhaps the most important mineral resource to be discovered in colonial Nigeria since it provided much needed fuel for the local rail network and could also be exported. Coal was discovered by the Mineral Survey in 1909 along the Enugu-Udi escarpment, and production started in 1915. It was consumed locally and exported during the colonial era. Obogu asserts that:

> Coal deposits were discovered for the first time in Nigerian the early 19th Century near Udi in Anambra state. This discovery created further incentives to intensify the search for coal, bearing in mind the increasing market in other West African countries.\(^\text{295}\)

It should be recognised that in the past many mineral deposits in the world were discovered by prospecting work of private companies, however, the colonial government’s geological surveys have proved effective through the discovery made in some British colonies such as Gold Coast Ghana, Sierra Leone, and Nigeria.\(^\text{296}\) This illustrates that the exploration for coal in British colonial Nigeria had remained a government funded programme from its inception.\(^\text{297}\)

Coal was in high demand as a result of its usefulness to the railway company, the electricity generating plants and for export to other West African countries such as Ghana and Sierra Leone.\(^\text{298}\) Coal was also the main fuel resource the British knew at the time they entered Nigeria, and one on which their technology was largely based. Therefore, the search for coal was linked with the operation of the railways to the production centres in Enugu.\(^\text{299}\) The Nigerian coal was found to contain sub-bituminous class with high ash content useful in the production of tar and synthetic fertiliser,


\(^{296}\) PRO-CSO, Prov/Admin Dept, Memorandum on Colonial Mining Policy, 1946, p. 3(5)

\(^{297}\) Ekundare, An Economic History of Nigeria, p. 182.

\(^{298}\) Ubogu, Mining and Quarrying, p. 55.

\(^{299}\) The intensification in the search for coal lead to more discoveries in the southern Nigeria, in Kabba area
generation of steam, electricity, and the manufacturing of chemicals and liquid fuels.\textsuperscript{300} The extension of the railways to Udi in Enugu by 1916 enhanced the extraction and production of coal,\textsuperscript{301} demonstrating the important role played by the railways in reducing the cost of transporting it from Udi to Lagos, particularly with the construction of a new railway from Port Harcourt to Enugu, and the construction of a purpose-built harbour at Port Harcourt.

As a result of the British funding and provision of easy means of transportation, there was increased output of coal. Between 1930 and 1937 Nigeria exported an annual average of about 34,687 tons to Ghana,\textsuperscript{302} and there is evidence that by 1956 and 1957 the mining companies had contributed as much as 10 percent of the value of tin ore mined to the colonial government annual revenue.\textsuperscript{303}

4.2.3. Agricultural development in British Colonial Nigeria

As part of the British policy on economy policy within Nigeria, expansion of peasant agriculture was encouraged as the British wanted its colonies to become self-supporting financially, and therefore the production of cash crop for export was emphasised.\textsuperscript{304} The British colonial agricultural policy allowed private participation in the economic system, particularly by indigenous farmers, traders and craftsmen and certain foreign merchants such as the Lebanese and Syrian traders in Lagos. In a confidential report Governor Lugard argued that: "Products such as palm oil, palm kernels and cocoa, improved cotton and coffee should not be grown on plantation owned by Europeans, but that such crop should be introduced to the peasant farmers."	extsuperscript{305}

\begin{flushright}
\textsuperscript{300} Annual Report on the Government Railways and Colliery, 1930-1 to 1936-7.
\textsuperscript{301} Ekundare, An Economic History, p182, Mcphee, The Economic Revolution, p 41
\textsuperscript{302} Annual Report, on Government Railway and Colliery, 1930-31 to 1936-7, cited in Ekundare, An Economic History, p. 182
\textsuperscript{303} According to the Annual Report of the Department of Mines, Lagos Government Printer
\textsuperscript{304} Eluwa, A History of Nigeria for School and Colleges, p218, Ekundare, An Economic History, p158.
\textsuperscript{305} Colonial Annual Report (CAO), File No, 409, Northern Nigeria, 1902, p. 60.
\end{flushright}
He added that:

The British Government should merely encourage the production of such product by distributing plants and seeds to peasant farmers and by promising to buy the produce with additional incentives to bonuses for good agricultural production results or productivity.306

Lugard’s decision illustrates the problem of transition and adaptability of the peasant farmers to the new cash crop of cocoa.307 According to Mcphee, the British had in the past nursed the industry to health by means of its botanical gardens, distribution of plants and instructors, experiments with species and fighting fungoid and insect pests, building railways, roads and harbours, and by its establishment of markets.308 Such steps in turn attracted local farmers to the new techniques of planting cash crops and were to improve what they regarded as wrong methods of cultivation in the southern Nigeria.309 This was, however, negative colonial interference, since the British colonial authority believed that it knew best and understood the Nigerian environment better than the local peasants who had been working the land for centuries.

Additionally, the issue of a land tenure system was a reason for the colonial government drive to empower the peasant farmers to produce cash crops on their own land and not that of Europeans. This was an important step taken by the British to discourage any European interference with the African/Nigerian system of land tenure.310 Schatzl cast light on the land tenure system:

308 Mcphee, The Economic, p43.Evidence found that despite the introduction of an extensive services, the southern farmers had continued to produced food crops such like; yams, maize, guinea corn and vegetables, and some cotton and tobacco in the 1920s. See also Olatunji, ‘Yoruba Women, Cash Crop Production’ p.3.
309 National Archive Ibadan (NAI), CSO, 26/1/11874 Vol 14, Colonial Annual Report, Ondo Province, File, 663 and Volume xiv, 1931, It must be noted that direct involvement of the British in agriculture was very limited in scale before 1929, after that date, it became more intensive, mainly because of UK attempt to exploit its colonies more profitably during the great depression, but also owning to real attempts to addressed the huge sufferings that many colonies were undergoing at that time.
In contrast to other colonies, agricultural export products in Nigeria were not grown by foreign producers on capital intensive plantations, but by indigenous peasants on small farms and largely with traditional farming methods.\(^3\)\(^1\)

In order to avoid protests and violent action from the Africans over land alienation, and owing to the great success of African peasant farmers, the British government supported the local farmers to grow cash crops on their own lands instead of promoting European plantation agriculture.\(^3\)\(^1\)\(^2\) Up to that point, most of the African lands had belonged to the community village or lineage, and were not vested in any particular individual. The African lands in most parts of Nigeria were held in trust by the head of the family, who in theory was responsible for sharing them with members of the family according to their needs.\(^3\)\(^1\)\(^3\) The British colonial government, bearing in mind the long-term economic viability of the Nigerians, thus established a policy to protect their rights over permanent ownership of land at the expense of the foreigners.\(^3\)\(^1\)\(^4\)

Palm trees grow in their natural habitat along most of the coastline and in mainland Nigeria, such as in Igbo-land, Calabar and Delta Rivers. However, the promotion of palm oil exports during the colonial era was a continuation of the pre-colonial trading relationship between the Niger Delta people and its hinterland Igbos.\(^3\)\(^1\)\(^5\) They had been supplying Britain and other European countries with oil palm, so the peasant farmers in this region had “evolved a system of palm culture for increased output to satisfied European needs.”\(^3\)\(^1\)\(^6\) Using traditional methods of palm oil processing had directly involved women in the region.

The British colonial quest for palm oil products did not prevent other forms of crops from being grown, or change the traditional ways of planting, but was based on extending

\(^{314}\) Mchpee, *The Economic Revolution*, p45; Dike, ‘Land Tenure System in Igboland’ p.856; The natives had an undivided ownership and perpetual rights over plantations in the post colonial period.
\(^{315}\) As discussed in the previous chapter (3) palm oil product was not new to the Ijaw people and others in the eastern part of Nigeria. They had produced and trade with this product since the abolition of slave trade in 1807.
\(^{316}\) NAI, War Prof, file no, 1602, 1935, pp.4-6.
new ways of improved agricultural practice in Nigeria.\textsuperscript{317} Aghalino claims that the growth of the industry in Nigeria during the colonial period as having been firmly motivated by economics.\textsuperscript{318} Hence, the introduction of the hand pressing machine to boost production had no effects on the traditional processing of palm oil in the eastern region, where palm oil was a household venture by the locals. Improved quality of the product was therefore a motivation behind the British decision to make available its agricultural extension services to the peasant farmers.\textsuperscript{319}

The land of the Niger Delta and the Igbo in eastern Nigeria could not grow cocoa as in the western part. The colonial government’s agricultural extension service was introduced to provide them with the skills for improved oil palm planting and production processes.\textsuperscript{320} Oil palm plantations were therefore introduced in Benin, owned and managed by private farmers, to boost output of in the region. Evidence reveals that the farmers continued to use traditional methods of hand pressing for production, despite the availability of modern machines.\textsuperscript{321}

Groundnuts were another export crop promoted by the British colonial government in Nigeria, with evidence that they had been grown for hundreds of years for domestic use.\textsuperscript{322} The British government put in an extra effort through its agricultural services to secure surplus production for export, and the railway to Lagos enabled them to export this commodity. Additionally, the British distributed groundnut seedlings freely to the peasant farmers in Kano and Bida in 1910 to boost output. As a result of this support, many Hausa/Fulani joined in the farming scheme and thus increased the volume of export of groundnuts between 1911 and 1944.\textsuperscript{323} However, the increase in output was linked with the extension of railways to Bida and Kano, as transportation of groundnuts


\textsuperscript{318} Aghalino, ‘British Colonial Policies and the Oil Palm Industry’, p. 23.

\textsuperscript{319} CSO (Colonial State Office), 1/19 Vol, 16, Annual Report Warri Province 1907, CSO

\textsuperscript{320} The scheme is referred to as the cultivated oil palm ordinance of 1935.


\textsuperscript{322} Ekundare, \textit{An Economic History}, p. 171.

\textsuperscript{323} CAO (Colonial Annual Record), File No, 516, Northern Nigeria, 1905, 6, p. 65; Eluwa, \textit{A History of Nigeria}, p. 221. Eluwa agree that between 1910 and 1930, the volume of trade in groundnut increase from 8,000 tons to 250,000 tons. This was known as the Kano pyramid of groundnut for export in the northern region.
became faster and easier from those centres to the Lagos port for onward shipment to Europe.\textsuperscript{324}

**Table 4.3:** Export of groundnuts between 1900 and 1944

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Groundnut Exports (Tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900-4</td>
<td>47</td>
</tr>
<tr>
<td>1905-9</td>
<td>1,531</td>
</tr>
<tr>
<td>1910-14</td>
<td>8,195</td>
</tr>
<tr>
<td>1915-19</td>
<td>41,300</td>
</tr>
<tr>
<td>1920-4</td>
<td>44,273</td>
</tr>
<tr>
<td>1925-9</td>
<td>109,065</td>
</tr>
<tr>
<td>1930-4</td>
<td>188,744</td>
</tr>
<tr>
<td>1935-9</td>
<td>249,600</td>
</tr>
<tr>
<td>1940-4</td>
<td>181,901</td>
</tr>
</tbody>
</table>


The above table reveals the growth rate of groundnuts as an export crop in northern Nigeria between 1900 and 1944. Specifically, in 1935-39, the volume was 249,600, followed by a downward trend in the following years of 1940-44, when the volume of production decreased to 181,901. Groundnuts thus became an important export crop during the British colonial rule in Nigeria.

Cocoa production was another export crop promoted by the British government in neither Nigeria believed not to be locally consumed nor having originated on African soil. It is believed to have been introduced to the continent during the 19\textsuperscript{th} century,\textsuperscript{325} by migrants with previous experience of cocoa and wishing to secure a foothold on the continent. They also played a vital role in spreading cocoa seed to West Africa during this period.

\textsuperscript{324} Mcphee, *The Economic Revolution*, p.98.

Whilst some reports have shown that cocoa was not indigenous to any part of Nigeria but rather was introduced by the British colonial government under its agricultural development programme, Onimode attributes a role to Africans:

Prompted by information about the demand for cocoa in Europe, it was said to have been introduced into eastern Nigeria from Fernando Po, either in 1874 by a chief Squiss Benego who established a plantation near Bonny, or in 1880 by chief David Henshaw at Calabar.

If this were the case, the colonial government merely encouraged its propagation when they set up a botanical garden for seedlings in 1887, and distributed seeds from the hinterland Delta to western Nigeria farmers. It could therefore be said that cocoa became an important export crop as a result of its usefulness in raw materials for producing beverages and butter in most European industries. The cocoa seedlings were distributed to the peasant farmers in the south, where the land was tested for its usefulness in areas such as Ibadan, Ondo and Ekiti, and where cocoa became another source of income to farmers between 1900 and the 1960s, with many embracing the planting of cocoa as they became wealthy and famous through the profits accrued from its sales.

There were problems of transition and adaptation to the new cash crop in the west, where the farmers had been used to the cultivation of food crops such as yam, cassava and vegetables. Olatunji wrote that “the colonial administration encourage (sic) the cultivation of cash crop more attractive because of the transition that was necessary, the farmers continued to concentrate on food crop production.” Mcphee writes that:

---

326 Annual Report on the Agricultural Department, 1930, Lagos; Government Printer, p.45.
329 National Archive Ibadan (NAI), Oyo Prof, 1290/1900, Record on Cocoa production; Lubeck, ‘Nigeria: A Political Economy’, pp. 5-6.
330 Annual Report on the Agricultural Department, 1930,Lagos Government Printers
331 NAI, CSO (Colonial State Office), 26/1/11874, Vol, ix; Annual Report Ondo Province, 1931, 663 and Volume xiv; Annual Report 1936, and 1937, 778 and 838.
332 Olatunji, Yoruba Women, Cash Crop Production, pp. 3-4. Based on Olatunji’s view, the introduction of cocoa to the local farmers did not stop them from engaging with the production of food crops.
“What enhances the wonder is that cocoa is such a recent importation into West Africa and yet the ultra-conservative native has thrown aside age-old cultures to embrace it as if nothing else mattered.”

The problem of adaptability was resolved through the colonial agricultural extension services to the Western farmers. Despite the special training, food crop production continued in those centres until many of the farmers had become familiar with the planting techniques involved. Despite this, however, the economic depression of the 1920s and 1930s led to a fall in the price of cocoa, and the additional problem of black pod disease and swollen shoot on the cocoa trees in part of Ibadan, Ondo and Ekiti. The British colonial government’s joint effort within its West African colonies established a research institute to deal with the diseases, known as the West African Cocoa Research Institute, based in Ghana in 1944.

### Table 4.4: Export of cocoa 1900-44 (tons)

<table>
<thead>
<tr>
<th>Year</th>
<th>Total cocoa Exports (tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900-9</td>
<td>305</td>
</tr>
<tr>
<td>1905-9</td>
<td>1,167</td>
</tr>
<tr>
<td>1910-14</td>
<td>3,857</td>
</tr>
<tr>
<td>1915-19</td>
<td>131,887</td>
</tr>
<tr>
<td>1920-4</td>
<td>27,276</td>
</tr>
<tr>
<td>1925-9</td>
<td>45,483</td>
</tr>
<tr>
<td>1930-4</td>
<td>62,978</td>
</tr>
<tr>
<td>1935-9</td>
<td>96,000</td>
</tr>
<tr>
<td>1940-4</td>
<td>102,379</td>
</tr>
</tbody>
</table>


---

333 Allan Mcphee, p.41.
336 Annual Report on the Agricultural Department, 1930, Lagos Government Printers; Swollen shoot is a part of the plant that grows larger than the normal as result of infection on the cocoa plant or trees. This kind of disease reduces any infected cocoa trees from producing fruits.
337 Colonial Annual Report, No 1710, Nigeria, 1934, p.38. Evidence found that cocoa plantation continue to flourish with increase export in Nigeria.
The table above reveals the growth in the export of cocoa in southern Nigeria in the years 1900 to 1944, during which the total tonnage of cocoa exported was 102,379. This signifies how cocoa had become an important export crop and source of foreign earnings in colonial Nigeria. The British colonial government was motivated to promote cash crops in the economy as a means of sourcing revenue toward the development of its projects within Nigeria, such as roads, transport, education and health. At the same time sought to increase exports of cash crops to their home country. The British economic system had merely intensified a process that was already well established before the onset of its administration in Nigeria.

4.3. THE STRUCTURE OF THE IJAW ECONOMY IN THE COLONIAL ERA

As was the case with all the other regions in the Niger Delta, Ijaw territory came under colonial rule after the charter of Royal Niger Company (RNC) was revoked in 1900. In order to enhance the smooth running of its administration, the British government established a Native Authority or administration in the Anyama Ogbia district, which held authority over Oloibiri, Otuasaga, Elebele and other villages in the immediate area. The Native Authority represented indirect rule in the region and established a system whereby the British colonial government controlled the local people indirectly through their kings, emirs and obas or traditional chiefs. The outcome of this was that the Ijaw traditional rulers were no longer independent but had to rely on the colonial authority and thus were required to take orders from the District Officer and execute these as directed.

In order to ensure the effective governance of Oloibiri and Ijaw territory the British colonial power also appointed warrant chiefs. According to Lord Lugard warrant chiefs:

339 Dike, Trade and Politics, pp. 119-120.
341 C.O., File 588/1. The Native Court Proclamation of 1901, Clause xii.
Were to be Sole Native Authorities in their respective area, with powers to enforce 'Native Laws and Custom' to make new laws subject only to the approval of the governor and to control all natives residing in their areas. They were to have control over land and the sole right to collect taxes or tribute.\textsuperscript{343}

Warrant chiefs were non-traditional chiefs chosen from an emerging social group who had become wealthy under the export trade system of the British government.\textsuperscript{344} These chiefs had the power to oversee the execution of orders from the colonial District Officer, collect taxation, and encourage the Ijaw farmers and traders in the hinterland to produce more cash crops in the form of palm oil. This further limited the powers and authority of the traditional kings and rulers in the Delta and eastern Nigeria. Umoren writes that in 1906 the Native Court Ordinance gave the Native Court three powers of the colonial government namely: the administrative, judicial, and executive, which also gave the court members more authority.\textsuperscript{345} This was the case in the Urhobo, Kwale (Ijaw) and Igbo area in which warrant chiefs were imposed on the people. These areas complained bitterly against the new system of appointed chiefs, sole native authorities and direct taxation.\textsuperscript{346}

The year 1929 saw a riot by Aba women, linked to the activity of the warrant chiefs who became lords to themselves by imposing taxation on them.\textsuperscript{347} A solidarity protest was staged by women in Calabar in Ijawland and its hinterland in support of the Aba women against the warrant chiefs who were alleged to have imposed a tax on women, children and their domestic animals.\textsuperscript{348} Despite this protest, direct taxation was collected in the south-eastern part with less resistance when due process was employed by the colonial government representative. In addition, the educated members of the Ijaw community and part of Benin and Delta agitated for their non-participation in the native administration. The anti-tax riot in Warri and the Kwale-Igbo revolts of 1927 and 1928

\textsuperscript{343} NAI, CSO, File 1290/1914, Native Authority and Administration in Nigeria.  
\textsuperscript{344} NAI, CSO, File 1290/1906, Native Authority Mineral Ordinance.  
\textsuperscript{347} Umoren, 'The Symbolism of the Nigerian Women', pp. 61-63.  
\textsuperscript{348} Perham, GM, Native Administration in Nigeria, London, Oxford University Press, 1962, p204. Evidence found that the warrant chiefs were not authorised by the colonial District Officer to imposed taxation on the women in the eastern part.
showed the resentment amongst the elites to the colonial administration in the area. By the end of the 1930s there had been revolts in both the Ijaw land such as New Calabar, Opobo and part of the Delta.\textsuperscript{349}

The Oloibiri district of Ogbia Ijawland featured prominently in the Native Authority under British colonial rule, particularly in their political and economic activity. A first class stool created by the Eastern Regional Government in the 1950s for the Regional Council of chiefs and traditional rulers was occupied by a native of Oloibiri called Amangala.\textsuperscript{350} This accentuated the status of Oloibiri people during the colonial era, as Amangala held the paramount position of the whole of Ogbia in Ijawland.

In addition, palm oil exportation was not new to the Oloibiri or other Ijaw people, as they had been involved in the trade during the pre-colonial era. As mentioned in earlier chapters, the industrial revolution in Europe and the abolition of the Atlantic slave trade in the early 1800s saw a switch to palm oil commerce.\textsuperscript{351} Given the importance attached to the production and export of palm oil in the colonial era it became an opportunity for Ijaws to continue in the same trade with the British. The direct involvement of the British colonial administration in the palm oil export in Ijawland started with the new agriculture policy of assisting the peasant farmers with improved planting and production processes.\textsuperscript{352} The production of palm oil was therefore intensified in Ijawland and every part of the Niger Delta, as well as eastern Nigeria. By doing this, the British hoped to secure more profits on the world market and to serve their home industries. The same principle of allowing local farmers to own and manage the plantations was applied in Ijawland.\textsuperscript{353} Agricultural services were extended to the local palm oil producers through the distribution of seedlings and plants, and the incentive to these farmers led to increase palm oil production in Ijawland and its hinterland Igbo areas.\textsuperscript{354}

\textsuperscript{352} Aghalino, ‘British Colonial Policies and the Oil Palm Industry’, p. 23.
\textsuperscript{353} Ekundare, \textit{An Economic History}, p. 158. Oil palm plantation was established in the Delta province between 1928/36 in Benin, Urhobo, Isoko, and Kwale district to boost export trade.
\textsuperscript{354} NAE, \textit{War Prof, Colonial Annual Report}, No, 509, Warri Province, 1920
The British trading companies demanded concessions to own plantations in eastern Nigeria in the 1900s, as the Joint Committee of Liverpool, London and Manchester Chamber of Commerce argued that this would improve the production capacity of palm oil in the territory.\(^{355}\) The British colonial office, however, rejected their presentation, bearing in mind the effect this would have on the African or peasant farmers. The British believed that this should remain a village industry, claiming that any change toward modern methods must be done gradually.\(^{356}\)

However, by 1948 the colonial government had started to reconsider its opposition to European plantations in eastern Nigeria, with production of palm oil by the locals too low to meet British export demands. The granting of concessions to Europeans did not mean the alienation of Africans from their land,\(^{357}\) because the companies were expected to incorporate the local people into their plantation programme through agreements with the local landowners.\(^{358}\)

As an exception to the above, the United African Company (UAC) was granted permission to own plantations in the eastern Delta, Benin and Calabar. Aghalino asserts that:

> The colonial government had earlier decided to embark upon a programme of assisting the local farmers to cultivate improved seedlings... These were the participation of UAC and the individual farmers. The UAC systematically undertook experiments aimed at improving the method for increased yield, and also the method of palm oil extraction\(^{359}\)

---


\(^{358}\) It must be noted that despite this, land was also alienated for the purpose of plantations in the Delta.

The UAC started plantation farming in the western delta of Ajabodudu, and in the district of Ikotombo in the New Calabar area of Ijaw land. The cultivation of these areas increased the volume of palm oil export to Europe.

The number of oil palm plantations in the Delta between 1928 and 1936 is documented in Table 4.5 below.

**Table 4.5: Oil Palm Plantations 1928-36**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of owners</th>
<th>Number of acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dec 31 1928</td>
<td>6</td>
<td>21</td>
</tr>
<tr>
<td>1929</td>
<td>27</td>
<td>119</td>
</tr>
<tr>
<td>1930</td>
<td>53</td>
<td>236</td>
</tr>
<tr>
<td>1931</td>
<td>85</td>
<td>352</td>
</tr>
<tr>
<td>1932</td>
<td>218</td>
<td>691</td>
</tr>
<tr>
<td>1933</td>
<td>382</td>
<td>1,014</td>
</tr>
<tr>
<td>1934</td>
<td>704</td>
<td>1,457</td>
</tr>
<tr>
<td>1935</td>
<td>1,382</td>
<td>2,498</td>
</tr>
<tr>
<td>1936</td>
<td>2,278</td>
<td>41,172</td>
</tr>
</tbody>
</table>


The above table reveals the impact of plantation farming on the Delta province and the eastern part of the country. The effect on those centres to a large extent reduced the acreage of land intended for the production of food crops in the Delta.

---

360 Aghalino, ‘British Colonial Policies and Palm Oil Industry’, p. 25 CSO, 26/File 43683, Minute of meeting on palm oil industry policy committee, 14-21 March, 1945
Table 4.6: Palm oil production: estimates and palm kernel exports 1900-1944

<table>
<thead>
<tr>
<th>Year</th>
<th>Total production (estimates) palm oil</th>
<th>Total export palm oil (tons)</th>
<th>Total export palm kernel (tons)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900-4</td>
<td>117,358</td>
<td>53,729</td>
<td>12,778</td>
</tr>
<tr>
<td>1905-9</td>
<td>115,770</td>
<td>65,177</td>
<td>130,241</td>
</tr>
<tr>
<td>1910-14</td>
<td>154,878</td>
<td>77,771</td>
<td>174,236</td>
</tr>
<tr>
<td>1915-19</td>
<td>164,060</td>
<td>80,485</td>
<td>184,567</td>
</tr>
<tr>
<td>1920-24</td>
<td>180,463</td>
<td>90,352</td>
<td>203,021</td>
</tr>
<tr>
<td>1925-9</td>
<td>227,084</td>
<td>124,716</td>
<td>255,469</td>
</tr>
<tr>
<td>1930-4</td>
<td>224,070</td>
<td>122,302</td>
<td>274,584</td>
</tr>
<tr>
<td>1935-9</td>
<td>296,889</td>
<td>139,000</td>
<td>334,000</td>
</tr>
<tr>
<td>1940-4</td>
<td>284,889</td>
<td>134,377</td>
<td>320,613</td>
</tr>
</tbody>
</table>


The table above reveals the result of the British support and promotion of cash crops through improved planting of palm trees and seedlings in the eastern and western Delta of Nigeria. The increasing number of hand press machines aided the large volume of palm oil supplies from Ijaw land and its hinterland to Britain between 1900 and 1944.\(^{362}\)

It became clear that the palm oil producers in Ijawland as well as the British administrators benefitted maximally in the plantation scheme. The issue of environmental exploitation that many scholars tend to attribute to the British Colonial government must be reviewed, because both the peasant farmers and the British company (UAC) were responsible for the exploitation of natural resources in the Delta region and eastern Nigeria.\(^{363}\)

Lastly, improvement in transportation and communication in the Delta area contributed to the opening up of those centres that produced palm oil in Ijawland and its hinterland.


For instance, the proximity of the railway terminal to Port Harcourt and Ijawland facilitated transport of palm oil products to Lagos and thence Britain.\textsuperscript{364}

**4.3.1. Impact of the colonial welfare and development plan on the Ijaw after 1945**

This section explores the motives behind the initiation of the welfare and development plan by the British colonial government. In the post-war years, the British colonial administration passed the Colonial Welfare and Development Act in Nigeria, as a ten-year project effective between 1946 and 1956. The plan was initiated as a result of economic disarray experienced in Britain after the War,\textsuperscript{365} but was to set the colonies on a path towards development, ensure that its colonies benefitted from economic programmes, and prepare them for self-rule. It was also another option for Britain to use and mobilise resources within its colonies for the reconstruction and building of its own economy.

A member of the British parliament, W.M. Gallagher, commented at a symposium:

> Britain is facing a very deep, very threatening economic crisis. The dollar octopus is sucking the life’s blood out of the country. We take American goods, but America doesn’t take our goods. America demands dollars. To escape this crisis every resource at the disposal of Britain must be utilized. Thus, the urgent need to develop the long neglected resources of Africa\textsuperscript{366}

Ekundare asserts that the Act was necessary to improve health, education, and building of research facilities, such as, dietetic research, a veterinary scheme, and tsetse-fly investigation. It was aimed at creating an infrastructure that would attract foreign investment in industry and agriculture.\textsuperscript{367} Agricultural promotion and production in cash crops was strategically planned to boost the volumes of export to the United Kingdom, particularly in palm oil, cocoa and groundnuts. Colonial report revealed that the peasant

\textsuperscript{364} Eluwa, A History of Nigeria for schools, p. 220. Evidence found reveals that trunk roads were not built by the colonial government within the Ijaw land to avoid competition with the railways. Interview with Elder Edward, Oloibiri, 21/11/2011

\textsuperscript{365} West African Review, ‘Colonial Development on the Grand Scale’, 1947, p. 172


\textsuperscript{367} Ekundare, An Economic History, p. 126.
farmers received more incentives through extensive training and funding toward agricultural productivity in Nigeria.\textsuperscript{368}

On the other hand, Bade Onimode, however, contends that:

The colonial planning was a framework for consolidating and maintaining underdevelopment, which allowed British officials to appropriate the countries surpluses back to Britain by discouraging internal dynamics towards development of manufacturing, stagnation of agrarian sector, and to foster mass illiteracy to perpetuate backward technological know-how…\textsuperscript{369}

Colonial welfare planning was merely meant to streamline the British imperialistic exploitation of the country’s natural resources to the advantage of its home industries. Despite the intention of the British colonial government to increase the amount of imperial assistance in Nigeria, particularly to be able to develop their own resources, the welfare act discouraged traditional manufacturing by reducing it to mere commercial economy.\textsuperscript{370}

As reported by the colonial select committee on estimate, the welfare lasted too long, was unrealistic and failed for lack of funds.\textsuperscript{371} Despite a total of £23 million set aside for the execution of projects, such as agricultural development, construction of trunk roads, education at primary school, technical and vocational training, public health and medical services, only about £8 million was spent between 1945 and 1951 in Nigeria.\textsuperscript{372}

4.3.2. Nationalist Agitation and Reaction of the Ijaws to the British Oil Regulations in 1946

This section examines how the Ijaws participated within the context of the independence struggle and nationalist movement, particularly their reaction to the

\textsuperscript{368} NAI, CSO, 1290/45/ Report on Agric Ext Services.
colonial welfare and development plan on agricultural land and oil ordinances on the local land owners and farmers in 1946.

The Zikist Movement in the 1940s started as a result of the colonial government’s proposed amendment to the existing laws, pioneered by Nnamdi Azikwe, a newspaper editor and founder of the *West African Pilot* that had aroused national consciousness on emerging Nigeria. The Zikist movement was aimed at addressing the journalistic criticism vis-a-vis jealousy and tribalism found among the various nationalist groups in Nigeria. This movement infused a radical action into the liberation struggle toward independence of Nigeria. The colonial government under Governor General Richard proposed amendment of the Crown Land Ordinance, the Mineral Ordinance, and the Appointment and Deposition of Chiefs Ordinance in 1945. The Zikist Movement argued that the public land and mineral ordinances, if amended, would protect the interests of foreign powers while the local shareholders would reap no benefit. The nationalists called these the ‘obnoxious ordinances’. Kaniye believes this to be unjust because it deprived the colonised people of the benefit of their natural property.

As a result of resentment to the proposed amendment bills, the new Governor General, John Macpherson reviewed the bills in 1947, bearing in mind the nationalist demands before it was passed into law. The Zikist Movement represented a revolutionary break with colonialism that expressed a reformist evolutionary way toward freedom in

---

373 The Zikist Movement serves as a cause of the Ijaw and the entire Niger Delta people and the eastern Igbo revolting against the obnoxious ordinance of 1945. The Ijaws became actively involved in pressing home certain demands.


375 *West African Pilot*, 19 February, 1946, p.1


Nigeria. The movement exerted a great influence on all ethnic groups in the country, but in particular in the East and the Delta where their support base was located.\textsuperscript{380} Ijaw nationalist such as Harold Dappa-Biriye got his inspiration from the Zikist movement, which inspired him and the local people to make demands for the growth and development of the relatively backward Delta area. Dappa-Biriye championed the course of the Ijaws within Oloibiri and elsewhere in the 1940s for a separate political entity, based on the argument that this was a large ethnic group that occupied a vast area in the Delta.\textsuperscript{381} Onduku argued that the agitation of the Ijaw Rivers People's League in the 1940s, which comprised city states such as Nembe, Bonny, New Kalabari, and villages such as Oloibiri, encouraged the British colonial government to establish the Rivers province in 1947.\textsuperscript{382}

As was the case with many minority groups within Nigeria by the 1950s, the Ijaw wanted the colonial government to recognise them as a separate ethnic group, specifically because of a fear of domination and lack of infrastructure development. Dappa-Biriye’s campaign was channelled through the Niger Delta Congress founded in 1947, specifically to have equality with other major ethnic groups in the country. This in part illustrates the resentment bred by the colonial government’s practice of favouring the needs of the Igbo, Yoruba and Hausa-Fulani in terms of development during the colonial era to the neglect of the roughly 247 other ethnic groups in the country.\textsuperscript{383}

Within the context of negotiations for an independent Nigerian state, the Ijaw demanded a separate region from the Eastern region, in which they found themselves, which would cover the whole of Ijawland including Ahoada and Port Harcourt.\textsuperscript{384} Port Harcourt, following its establishment in 1913, had become an important commercial centre for the Ijaws, helped by its closeness to Oloibiri, particularly when oil was found on their land in

\textsuperscript{380} The Yoruba people had started to organize themselves in the West at this time and was in competition with the Zikist. The North also started to catch up soon afterwards, especially when negotiations started again in 1949.

\textsuperscript{381} Ehiedu, \textit{Radical Politics}, p.43.

\textsuperscript{382} Onduku, A, \textit{Environmental Conflict : The Case of the Niger Delta, A Presentation at the One World Forth-night Programme Organized by the Department of Peace Studies, University of Bradford, United Kingdom, 22\textsuperscript{nd} Nov 2001.}

\textsuperscript{383} NAE, War Prof, 1280/68/ Eastern region.

The Niger Delta wanted new states such as Apa, Itai, Ogoja, Izon (Ijaw) to free them from the Yorubas, Hausa, and Igbo, and make them a majority group at independence. In order to address minority fears, the British government appointed a commission of inquiry into the claims made by the Ijaws and other minority groups in 1957.

The Secretary of State to the colonies, Oliver Stanley, announcing the creation of the Willink Commission asserted:

Though the desire for the creation of new states might give rise to crises from the fear of minorities, it would be impracticable to meet all the fears by the creation of new states. There are many different ethnic groups and people in Nigeria and however many states were created, minorities would still inevitably remain.

The Willink Commission was set up in 1957 to achieve the following objectives:

1) To ascertain the facts about the fears of minorities in any part of Nigeria and to propose means of allaying those fears whether well or ill founded.

2) To advise what safeguards should be included for this purpose in the constitution of Nigeria.

3) If, but only if, no other solution seems to the commission to meet the case, then as a last resort to make detailed recommendations for the creation of one or more new states and in that case:
   a) to specify the precise area to be included in such a state or states;
   b) to recommend the governmental and administrative structure most appropriate for it.
   c) to assess whether any state recommended would be viable from an economic and administrative point of view and what the effect of its

---

creation would be on the regions from which it would be created and on
the federation.

4) To report its findings and recommendations to the Secretary of States for the
Colonies.\textsuperscript{388}

As was the case with other minorities, the Ijaw’s claim for a separate region was
rejected by the Willink Commission,\textsuperscript{389} as is clear in the words of Phillip Manson, a
member of the commission:

Neither Ogoja nor River showed themselves very anxious to be subject to
Calabar, enthusiasm for a state that would have the Benin Empire dwindled as
one moved away from Benin; the areas that displayed interest in the middle belt
state... who were either indifferent or, as one of them put it, preferred Fulani rule
to Tiv.\textsuperscript{390}

The commission argued further that:

It is of the first importance to find means of allaying fears which do not perpetuate
differences that might otherwise disappear... This is why we do not accept in its
entirety the grouping that is the principle that a recognizable ethnic group should
whenever possible form a political unit.\textsuperscript{391}

In short, the Willink Commission found that the creation of more regions would lead to
new minority disputes that would in turn be contested by other minority groups. In their
view, the creation of new regions to cater for minority fear would snowball over the long
term and lead to the creation of more regions without solving the problem of majority
domination. Despite this, the commission did agree that there was need to permit areas
with ‘distinguishable culture’ within a region to preserve the element of their culture.

On the issue of neglect, the commission argued that a special measure to speed up the
pace of development in terms of material progress should be put in place in the Niger

\textsuperscript{388} NAE, War Prof, 1290/1957/Wilink commission of Inquiry: Akinyele, RT, ‘State Creation in Nigeria: The Willink

\textsuperscript{389} Kathryn, ‘Heroes and Villians, pp. 52-53.

\textsuperscript{390} Akinyele, ‘State Creation in Nigeria’, p. 79.

\textsuperscript{391} CSO, London: HMSO, cmd, 569/1958, Representative of the Commission Appointed to Enquire into the Fears
of the Minorities and means of allaying them.
Delta. The Ijaw, as a result of the Commission’s report, would be given special treatment as an area with a development board instituted by the federal government, as well as the eastern and western regional governments, that would require both human and financial commitments to address the special development problems of the Delta.

The Ijaws did not achieve their goal, despite the recommendation of the commission. However, the colonial government established the Niger Delta Development Board in 1960 to hasten the infrastructural development of the region. It was left for the post-colonial government to attend to their needs.

4.4. **Shell D’Arcy Exploration and Oil Discovery in Ijawland, 1947-1960**

The entry of *Shell D’Arcy Exploration Company* into the search for oil across the entire Nigeria colony in 1937 marked a watershed in the history of oil and gas resources in the Niger Delta region.\(^\text{392}\) The exploration eventually resulted in a large commercial oil discovery in the Niger Delta area. Seismic surveying began in the East, and Enugu became the seat of a temporary headquarters for the company. The colonial government had also granted it about 15,000 square miles of land along the coast of Lagos, and the company had begun their exploration in places such as Nsukka, Okigwi-Afikpo, Port-Harcourt, Benin City, Cross River and Forcardos.\(^\text{393}\) The concentration of the exploration in these centres was the result of an earlier seismic survey by the *Nigerian Bitumen Company*, which found oil in large quantities in the eastern Delta, particularly as reported by its geologist, Wyllie, in 1933.

In the view of Falola and Ihonvbere, the concession of a vast area by the British colonial authorities to the *Shell/D’Arcy Exploration Company* can be attributed to the British monopoly of rights over oil in the entire country, particularly as contained in the Mineral Ordinance of 1907 and 1914.\(^\text{394}\) It was a joint venture between the Dutch and British owned *Royal Dutch Shell* and D’Arcy that would later become *British Petroleum*. The

---

\(^{392}\) The Anglo-Saxon Petroleum according to Steyn was renamed by that of the Shell Overseas Exploration Company on the official license in 1937.


company’s access to more areas of concession indicated the uncompromising stand of the British colonial government over oil exploration in its colonies.\textsuperscript{395}

\textit{Shell D’Arcy} began its geological reconnaissance in 1938 toward the Eastern and Western regions of Nigeria.\textsuperscript{396} Their primary seismic survey was to study the features of the sub-structure of the sedimentary basin using geological methods.\textsuperscript{397}

The exploration activities of \textit{Shell D’Arcy} were more concentrated in the eastern part of Nigeria, especially the coast of the Eastern Delta. Seismic surveys had been conducted in the area to determine the cost of exploration and damage to the land, crops and the trees.\textsuperscript{398} The British colonial confidential sources consulted reported that \textit{Shell/D’Arcy} had spent a total of £70,000 on its geological survey and on the cost of drilling of oil wells in the Niger Delta area at the end of 1939.\textsuperscript{399} This shows the determination of the company to find oil in colonial Nigeria. However, despite the efforts of both the oil multinationals and the colonial government, the outbreak of the Second World War temporarily brought the search for oil to a halt. \textit{Shell/D’Arcy} suspended its oil drilling in the Delta after reaching an agreement with the colonial government in 1941.\textsuperscript{400}

After the Second World War, Britain adopted the Colonial Welfare and Development Act in 1945 in Nigeria. The development plan proposed by this Act did not depend on an oil exportation programme since oil in large commercial quantities had not yet been discovered in Nigeria.\textsuperscript{401} However, \textit{Shell/D’Arcy} had the maximum support of the

---


\textsuperscript{398} Economic Trees are: mango trees, palm trees, oranges, kola, coconut oil bean trees, Iroko trees, banana/plantain, rubber, breadfruit, pineapples, pawpaw, and sugar cane. Crops area: sweet potatoes, maize, rice, yams, cassava, ground nut, beans, and pepper; NAE, War Prof, 1290/1939 Shell Exploration Coy in West Africa.

\textsuperscript{399} National Archive Ibadan (NAI), War Prof, 1580/1937, Proposal for Exploration by \textit{Shell D’Arcy}. National Archive Ibadan (NAI), War Prof, 25/45/1945/46, Environmental survey in the Delta, NAI, War Prof, 1290/75/1293 (10-21), \textit{Shell D’Arcy} Exploration Programme.

\textsuperscript{400} The detail involved in the WW11 is not the focus point in this section of the thesis. Although, it was very significant since the war had necessitated the suspension of all oil exploration in the British colony of Nigeria in order to participate in the war; Pearson, SR, \textit{Petroleum and the Nigerian Economy}, Stanford: Stanford University Press, 1970, p15.

\textsuperscript{401} Steyn, ‘Oil Exploration in Colonial Nigeria’, pp.260-261; The NCNC (National Council for Nigeria and Cameroon) was another nationalist movement in Nigeria during the 1940s.
colonial government, particularly on the fees payable on the area of concessions, which amounted to only £1 per year for about 175,000 squareyards\(^2\) in the Okigwi district of eastern Nigeria.

The Oredo and Mbama clans of the Okigwi district staged protests against the colonial mineral ordinance for favouring the oil company in 1949. This coincided with the nationalist movement and struggle for decolonisation in Nigeria by the National Council for Nigeria and the Cameroons (NCNC).\(^{402}\) The NCNC found fault with and challenged the colonial mineral ordinance that restated the rights over all mineral oil vested in the British Crown.

The local landowners and the NCNC stalwarts believed that the provision of the mineral ordinance in 1945 meant the outright denial and control by the British Crown of oilfields across the entire country. Intelligence report shows that the agitation was intensified by local protesters because the mineral ordinance did not require the joint venture to seek permission from the local landowners before starting their operation.\(^{403}\) The mineral ordinance further barred any interference from the local communities, who could be held responsible, convicted and imprisoned.

The British colonial authority used peaceful means to resolve opposition from the NCNC.\(^{404}\) The local landowners were assured that the joint venture (Shell/D’Arcy) had no right to acquire any land without the permission of the colonial office and that compensation would be paid on such land.\(^{405}\) Hassan believes that with the cessation of hostilities over mineral rights vested in the Crown by the local people in Okgiwe district, and the end of the War, the colonial government intensified its efforts for Shell/D’Arcy to explore in eastern Nigeria and the rest of the country.\(^{406}\)

---


\(^{403}\) NAI, War Prof, 55/84/1945, Regulation made under the Mineral Ordinance; NAE, War Prof, 73/29/Vol I, 1944/46, Western Ijaw Native Administration; NAI, War Prof, 328/123/ Vol I to Vol V, Western Ijaw N.A. Abstract of Revenue and Expenditure 1945/46.

\(^{404}\) Hassan, ‘Petroleum Resources Development, Distribution and Marketing,’ p.104, PRO, CO852/982/5, Prospecting for mineral oil, 1949/1

\(^{405}\) NAI, War, Prof, 529/1914, section 6(1) states that no lease or license shall be granted except to a British subject or to a British company registered in Britain; Nigeria Secretariat, London Office, 18, July 1949, Letter No 317766/vl v/1/160) CO, 852/982/SNA, p.83.

As a result of the compromise reached between the colonial government, the NCNC and the landowners, there was less tension in 1949 and the 1950s, prior to the discovery of oil. This could also be attributed to awareness and consciousness of the nationalists on the viability and potentiality of eventual oil discovery in the Niger Delta and beyond. As such, they were not willing to relinquish government control over resources that would come to them when they took over from the colonial authority at independence.\textsuperscript{407}

Despite opposition over the 1945 Oil Mineral Ordinance, the oil exploration by \textit{Shell/D'Arcy} continued relatively unabated after 1947.\textsuperscript{408} More importantly, on its return to Niger Delta, the company retained the concessionary rights it had enjoyed before the War.\textsuperscript{409} \textit{Shell-BP} intensified its search for oil in the eastern Delta of Nigeria in 1947, conducting an extensive gravity survey of southern Nigeria from 1948 to the early 1950s. Its geophysical activities were successful through an expansive coverage of the Niger Delta by aerial photography in 1951.\textsuperscript{410} The latter was made possible through a further land concession by the British Colonial government, whereby Owerri in eastern Nigeria was added.\textsuperscript{411} \textit{Shell-BP} had by 1951 explored and drilled its first oil well at Iho Town in the northeast of Owerri, but it was found to be dry. The company’s further exploration led to the discovery of more oil wells in Akata by 1953, although the oil was not of commercial quantity.\textsuperscript{412}

After shifting its exploratory focus to the tertiary area of the Delta, \textit{Shell-BP} struck oil of commercial quantity in January 1956, at Oloibiri in the Ogbia District of Ijaw area, at a

\textsuperscript{410} NAI, War Prof, 22/1290/1952, Shell D’Arcy Exploration Parties.
\textsuperscript{411} By 1947, Shell/D’Arcy Oil Company’s operation was undertaken under the new name called the Shell Petroleum Development Company (SPDC).
depth of 12,008 feet.\textsuperscript{413} This site was located about 72 kilometres (kms) west of Port-Harcourt in the Niger Delta.\textsuperscript{414} Shell-BP’s exploration activities led to more oil discoveries at Afam, 40kms east of Port-Harcourt, and the Bomu and Ebubu (Ogoni) areas of the Niger Delta.\textsuperscript{415} The discovery was a great success for both the company and colonial government. More importantly, it encouraged the development of a petroleum sector, especially by foreign multinational companies that would become major role players in the upstream oil sector.

Geological survey reports between 1955 and 1959 reveal that a total of 229,032 feet of exploration drilling and 185,379 feet of appraisal drilling were completed during those years. For instance, in Oloibiri about 16 wells were completed, of which 11 started productions, while others were left up to the end of 1958.\textsuperscript{416} To facilitate the production and exploration of oil in Oloibiri in 1958, a network of pipelines had to be laid between 1956 and 1958, between this region and the oil port at Port-Harcourt.\textsuperscript{417} Infrastructural facilities for effective operation and transportation of crude oil were put in place and about 8,500 tons of crude oil was exported to Rotterdam by 8 March 1958, while the Oloibiri oilfields yielded a daily production average of 5,000 barrels.\textsuperscript{418}

Despite the concession granted to Shell BP, the colonial government succumbed to pressure from other foreign oil companies vying for oil exploration licenses and

\begin{footnotes}
\item[413] Pearson, \textit{Petroleum and the Nigerian Economy}, p. 15; Owen, \textit{Trek of the Oil Finders}, p.1488. It should be noted that after the Second World War in 1947, Shell D’Arcy resumed its exploration under a new name as the Shell-British Petroleum Company (Shell BP).
\item[417] Steyn agrees that Shell BP was prepared for oil exploitation because about 6-10 diameter welded steel oil pipelines was built and laid across the land from the Umualogu village, Egbema village and Obeakpu village to Port Harcourt where the refinery was located. (Steyn, Oil Exploration in Colonial Nigeria’, p.256); Lubeck, P, ‘Nigeria: A Political Economy’, p.6.
\end{footnotes}
In order to achieve that, Shell-BP’s right of monopoly over exploration in western and southern Nigeria was lifted in 1959. Shell-BP thus relinquished certain areas of its concession to non-British oil companies for exploration in Nigeria. The mineral ordinance of 1914 was also amended in accordance with that of 1958, the terms of which made it possible to grant oil exploration licences to non-British owned oil companies.

By 1959/60 Shell-BP had drilled an additional 37 wildcat wells, resulting in about nine oil wells and three gas discoveries. The joint venture’s total production was four million barrels in 1960, an increase on its four oil fields in which the facilities were already installed.

The geological survey of land in Nigeria during the colonial era period had thus laid a solid foundation for further exploration and extraction of oil and gas resources in the post-independence era.

**4.5. THE NIGERIAN GOVERNMENT’S RESPONSES TO THE DISCOVERY OF OIL IN OLOIBIRI IN THE 1960s**

The attainment of Nigeria political freedom from the British government in 1960 ushered in a new political dispensation. Evidence reveals that the post-independence government in Nigeria had limited information of the importance of crude oil toward achieving its national development plans. Politics of ethnicity and tribalism beclouded the political scene of the country, particularly the crises that beset the country from the early 1960s to the period of Biafra secession by mid-1960s.

In order to enhance production of oil, the federal government had also undertaken practical steps to maximise the oil wealth, adopting an open-door economy policy that

---

419 For example, Mobil Oil 1960; Texaco 1961; Chevron Nigeria 1961; ELF 1962; Agip Oil 1962; American Petroleum 1963.

420 Other foreign oil companies were thus granted licenses and land lease to operate, such as Shell BP across the entire Niger Delta and Nigeria.


423 *Financial Times*, 31, May 1967, Jones, JDF, ‘Eastern Nigeria: What Secession will mean to Ojukwu’s Big Sambles. More attention will be paid to this under this section.
permitted oil companies both local and international an equal access to exploration and production rights in the Ijaw area. By doing this, the government had laid a strong foundation for the development of petro-business in the country, and for maximum profits. Consequently, indigenous oil companies were registered and obtained licenses for oil drilling from the petroleum ministry, particularly *Henry Stephen Delta Oil, Niger Oil Resources*, and the *Niger Petroleum Company*, which became significant oil business ventures in the country.

The *Shell Petroleum Development Company* of Nigeria emerged as the major role-player in the oil sector, recording total oil business estimated at 49.12 percent of the country’s total. Closely related were *Chevron Nigeria* and *Mobil Oil*, with a total production capacity valued at 15.9 percent and 12.3 percent respectively. Other oil companies, such as *ELF Nigerian Services, Agip Oil Company, Nigus Petroleum* and *Dubril Oil Company* accounted for about 22.6 percent of production. The high percentage recorded by *Shell-BP* points to the monopoly of rights enjoyed by the company during the pre-colonial period, when it had exclusive rights for oil exploration in the whole country.

---

### Table 4.7: Oil Concessions in Nigeria 1966

<table>
<thead>
<tr>
<th>Company</th>
<th>On-shore (Sq miles)</th>
<th>Off-shore (Sq miles)</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shell-BP</td>
<td>14,992</td>
<td>3,907</td>
<td>18,899</td>
</tr>
<tr>
<td>Nigerian Gulf (Now Chevron)</td>
<td>3,965</td>
<td>3,600</td>
<td>6,965</td>
</tr>
<tr>
<td>SAFRAP</td>
<td>9,336</td>
<td>-</td>
<td>9,336</td>
</tr>
<tr>
<td>Tennessee Nigeria</td>
<td>1,380</td>
<td>-</td>
<td>1,380</td>
</tr>
<tr>
<td>Amosaes</td>
<td>-</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Mobil Nigeria</td>
<td>-</td>
<td>2,000</td>
<td>2,000</td>
</tr>
<tr>
<td>Agip/Phillips</td>
<td>2,031</td>
<td>-</td>
<td>2,031</td>
</tr>
<tr>
<td>Phillips</td>
<td>1,381</td>
<td>-</td>
<td>1,381</td>
</tr>
</tbody>
</table>

Source: BP (British Petroleum) Petroleum Press Service, 1966\(^{427}\)

The table above illustrates concessions granted to oil multinationals in Nigeria during the post-colonial period. Shell-BP at the time had the largest land concession, covering the western and eastern Delta, and the eastern Igbo oil fields.

Table 4.8: Sharing of Oil Profit in Percentage

<table>
<thead>
<tr>
<th>Operators</th>
<th>Partners %</th>
<th>NNPC %</th>
<th>Major oil fields</th>
<th>Barrels per day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shell BP (30%)</td>
<td>Total/ELF 10%, Agip 5%</td>
<td>55%</td>
<td>Bonny eastern division: Nembe, Cawthorn, Channels, Ekuluma, Imo River, Kolo Creeks, Adibawa &amp; Etellebou Forcados, or western division: Forcados York, Olomro, James Creek, Otumara, Sapele, Egwa, and Odidi.</td>
<td>950,000</td>
</tr>
<tr>
<td>EXXON Mobil 40%</td>
<td>None</td>
<td>60%</td>
<td>Edop, Ubit, Oso, Unam and Asasa</td>
<td>500,000</td>
</tr>
<tr>
<td>Chevron/Texaco 40%</td>
<td>None</td>
<td>60%</td>
<td>Meren, Okan, Benin River, Delta/Delta south, Inda, Neji and Robertkiri, Funiwa, Middleton, North Apoi, Penniton and Sengama</td>
<td>485,000</td>
</tr>
<tr>
<td>Agip 20%</td>
<td>Phillips (20%)</td>
<td>60%</td>
<td>Obiama, Obiatu, N’Bede. Abgara and Oshi</td>
<td>150,000</td>
</tr>
<tr>
<td>Total Final Elf 40%</td>
<td>None</td>
<td>60%</td>
<td>Obagi, Aghigo, Okpoko, Upomami, Afia, and Obodo-Jatumi</td>
<td>150,000</td>
</tr>
</tbody>
</table>

Source: NNPC Publications 1997

The above table shows that Shell BP had 30% of the profits accruing from the sale of oil produced, while the NNPC shared 60%. Chevron Nigeria, on the other hand shared about 40% of the total oil produced and sold, while the NNPC was entitled to 60%.\textsuperscript{428} The table explicitly shows the initial arrangement between the government and oil companies that had obtained licenses to explore and produce oil in the Ijaw area. The government, represented by the NNPC, had more money accruing to it from those concessions, while the development of the Ijaw oil fields was not its priority.

Despite the federal government having the greatest share of the total oil proceeds, the expectations of the oil producing area of the Ijaws and other oilfields in the Delta were

\textsuperscript{428} The NNPC is the Federal Government representative in charge of petroleum resources. It was empowered to enter on behalf of the government into any contract with the oil companies in Nigeria; NNPC Act, Section 4 & 5(1), 1977.
not the government’s priority, because of their own interests in oil. The government was expected to distribute the oil wealth fairly among the Niger Delta people and other non-oil producing parts of the country.\footnote{\textit{Africa Insight}, ‘The Oil Fields of Nigeria’, Vol 29, (1-2), 1999, pp. 36-39.}

Initially, the Ijaw oil producing area perceived the discovery of oil as a watershed in their history, with the Ijaws seeing it as a means to transform the Delta area as well as to enhance and consolidate their economic fortunes.\footnote{Interview with P Obeche graduate student, Alhikma University, Ilorin, 19/12/2010; Interview with O Edward, farmer, Oloibiri, Ijaw, 8 December 2010.} In an interview with Obeche from Warri amongst others show that the intention of the Ijaw people was to exclusively utilise the oil wealth by their people rather than the national resource potentials.\footnote{Interview with Raji, 21 January 2011; Interview with SO Nasiru, staff, Federal Character Commission, Abuja, 19/12/2010; Interview with T Francis, business man, Egbema, Ijaw Village, 6/12/2010.} Obeche, commenting on the expectations of the Oloibiri community on oil production, said they were very happy because they would have more business opportunities for their people.\footnote{Interview with Obeche, Warri, 19/11/2010} Aghalino and Raji agree that the Oloibiri people saw oil production in their environment as a prospect for life abundance, full employment, and massive infrastructural development.\footnote{Interview with SO Aghalino, lecturer, University of Ilorin, 21/01/2011; Interview with Raji, 22/01/2011.}

The Oloibiri oil producing area had supplied the country with oil since 1956 until it ran dry and was abandoned. This necessitated a shift in oil production from Oloibiri to other oil producing centres in Ijawland, such as Imiringi, Otuaesga, Anyama and Nembe.\footnote{The first three centres were called the Kolo Creeks after commercial oil was discovered in those areas in 1971.} Significantly, this reveals how the long status maintained by Oloibiri in the Ogbia community was forgotten. The people’s quest to have life abundance, full employment opportunities, massive infrastructural development, and industrial transformation of the whole Niger Delta region, was impeded as a result of neglect by the oil producers and the government.\footnote{\textit{Human Rights Watch}, ‘The Niger Delta, No Democracy Dividend’, Washington DC, 2000, p.24; Interview with Aghalino, 21/1/2011, Interview with T Mustapha, Lecturer, Geography Department, Ilorin, 22/1/2011 ; Campbell, G, ‘No Amount of Crying Extinguishes a Single Flare in the Niger Delta’, p.34. The next chapter explains the actual operation for oil in Oloibiri, particularly to see whether their expectations were met. See appendix for the area map.}
4.6. CONTINUATION OF AGRICULTURAL EXPORT CROPS

The first national development plan in Nigeria exemplified the federal government’s programme toward the acceleration of economic growth and development in all sectors. However, it was greatly concerned with economic development that would bring about political freedom in the entire country. Agricultural production in cash and food crops was to be developed in order to increase domestic food supply as well as to boost foreign export earnings. Palm oil, cocoa, groundnuts, rubber and coffee became the major products of the North, South-West, and Eastern Nigeria before 1967.

Aigbokhan asserts that:

In the period 1960-69 there was minimum direct government involvement in agriculture. The Federal Government largely played a supportive role which regional and state governments were left to take major initiatives. Small holder farmer produced the bulk of the output for both local and export markets. Government focused on research, extension services, and marketing and pricing of export crops.

This illustrates the importance of the agricultural sector in Nigeria during the early period of independence. Cash crop production was the mainstay of the country’s economy as it contributed about 70 percent to the Gross Domestic Product (GDP). Oladokun claims that agricultural practice employed more than 70 percent of the labour force in Nigeria up to the late 1960s, when petroleum became the most important commodity for foreign exchange earnings.

A decline in agricultural export products such as cocoa, palm oil, and groundnuts began in the 1970s, particularly between 1973 and 1974, with demand falling to about 33 percent.

---


438 Aigbokhan, BE, ‘Resuscitating Agricultural Production (e.g., cocoa, cotton, ground nut, palm oil rubber) for Export’, Paper Presented at the 10th Annual Conference of Zonal Research Units of the Central Bank of Nigeria, on the Theme ‘Resource Endowment, Growth and Macro-Economic Management in Nigeria’ held in Owerri, June 4-8, 2001, pp.4-8.

percent as the period coincided with the oil boom era. 440 Despite the federal government’s efforts to improving the situation, the increase in the demand for Nigeria’s crude oil on the international market had overtaken the prices of cash crops. 441

4.7. CRUDE OIL AS IMPORTANT FOREIGN EXCHANGE EARNINGS BY THE LATE 1960S

Crude oil production and marketing were not important export earners in the country during the early 1960s. 442 Evidence found that delay in completion of the Bonny oil flow terminal to 1965 impeded the processes and production of oil in large enough quantity to meet the financial needs of the government. 443 The fall in the prices of cash crops in the mid-1960s boosted the importance of crude oil production in the Nigeria economy. 444

Pearson asserts that:

By the mid-1960s petroleum was a significant and growing social force. For the first time in its history in less developed areas, the production of petroleum had been superimposed on a diversified and growing economy, but one at that time by a political structure of demonstrably questionable viability. 445

Nigerian oil became very important for Britain as an oil consumer, because of its low level of sulphur content and consequent reduction in atmospheric pollution. Britain considered it as an alternative source of supply, given increasing insecurity in the Middle East during the mid-1960s that might hinder adequate supply. British colonial record revealed that the quality of oil produced in Nigeria found a ready market in the international arena in the late 1960s. 446

---

440 Aigbokhan, ‘Resuscitating Agricultural Production’, p. 84
441 The next section of this chapter discusses the detail how oil became more important exchange commodity in Nigeria during the early 1970s.
443 Interview with Aghalin, S.O. 21/01/2011. Ilorin.
446 PRO, OPD (67) (32), Meeting on Possible Blockade and Secession of Eastern Region of Nigeria, Friday 12th May 1967. This equally point to the eventual growth in the Nigerian crude oil later in the early 1970s.
Another reason for the growing importance of Nigerian petroleum in the mid-1960s was linked to the price stability of crude oil on the world market. Schatzl argues that because agricultural raw production has sharp price fluctuations as a result of difference prices, crude oil has maintained high price stabilisation due to price checks used in the oil sector.\textsuperscript{447} For instance, the production of oil in 1964 was 44 million barrels or 5.6 million tons. The estimates of oil produced in 1965 showed an upward growth of 11 million tons, about 10 million of which were produced by \textit{Shell-BP}, while \textit{Nigerian Gulf} (now \textit{Chevron}) oil in the mid-west offshore exploration produced most of the remainder.\textsuperscript{448} Given this level of growth, oil was expected to outgrow cash crops and coal in Nigeria, which did occur in the 1970s.

Welham a former managing director of Shell Petroleum Development Company (SPDC) argued that up till 1973, energy use rose up to 5 percent a year plus oil and gas still rising up bigger shares at the expense of coal in Nigeria, which had been the fuel for the industrial revolution.\textsuperscript{449} This significantly illustrates how oil was in high demands in the international market than cash crop and coal. Oil was very convenient for transportation and had no competition from other energy sources.

\textbf{Table 4.9:} Crude oil production in Nigeria, December 1966

<table>
<thead>
<tr>
<th>Oil field</th>
<th>Province</th>
<th>Ethnicity</th>
<th>Average number of wells</th>
<th>Total production for December</th>
<th>% of total production</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Greater Port Harcourt Area</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Afam</td>
<td>Aba</td>
<td>Ibo</td>
<td>6</td>
<td>103,208</td>
<td></td>
</tr>
<tr>
<td>Afam Umuosi</td>
<td>Aba</td>
<td>Ibo</td>
<td>2</td>
<td>25,773</td>
<td></td>
</tr>
<tr>
<td>Agbada</td>
<td>Aba</td>
<td>Ibo</td>
<td>9</td>
<td>790,276</td>
<td></td>
</tr>
<tr>
<td>Apara</td>
<td>PH-</td>
<td>Ibo</td>
<td>4</td>
<td>37,229</td>
<td></td>
</tr>
</tbody>
</table>

\textsuperscript{447} Schatzl, \textit{Petroleum in Nigeria}, p. 152.
<table>
<thead>
<tr>
<th>Area</th>
<th>Division</th>
<th>Region</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Imo River</td>
<td>Aba</td>
<td>Ibo</td>
<td>28</td>
</tr>
<tr>
<td>Isimiri</td>
<td>Aba</td>
<td>Ibo</td>
<td>8</td>
</tr>
<tr>
<td>Nkali</td>
<td>Aba</td>
<td>Ibo</td>
<td>4</td>
</tr>
<tr>
<td>Obagi</td>
<td>PH-Ahoada Division</td>
<td>Ibo</td>
<td>18</td>
</tr>
<tr>
<td>Obiggo-Nath</td>
<td>Aba</td>
<td>Ibo</td>
<td>10</td>
</tr>
<tr>
<td>Umuechem</td>
<td>PH-Ahoada Division</td>
<td>Ibo</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total Ibo Areas</strong></td>
<td></td>
<td></td>
<td>93</td>
</tr>
<tr>
<td>Bomu</td>
<td>PH-Ogoni Div</td>
<td>Ogoni</td>
<td>26</td>
</tr>
<tr>
<td>Ebubu</td>
<td>PH-Ogoni Div</td>
<td>Ogoni</td>
<td>7</td>
</tr>
<tr>
<td>Korokoro</td>
<td>PH-Ogoni Div</td>
<td>Ogoni</td>
<td>6</td>
</tr>
<tr>
<td><strong>Total Ogoni Areas</strong></td>
<td></td>
<td></td>
<td>39</td>
</tr>
<tr>
<td>B. Oloibiri</td>
<td>Yenagoa</td>
<td>Ijaw</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total Eastern Nigeria</strong></td>
<td></td>
<td></td>
<td>133</td>
</tr>
<tr>
<td>C. Greater Ughelli Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Eriemu</td>
<td>Delta</td>
<td>Urhobo</td>
<td>2</td>
</tr>
<tr>
<td>Kokori</td>
<td>Delta</td>
<td>Urhobo</td>
<td>8</td>
</tr>
<tr>
<td>Olomoro</td>
<td>Delta</td>
<td>Urhobo</td>
<td>17</td>
</tr>
<tr>
<td>Oweh</td>
<td>Delta</td>
<td>Urhobo</td>
<td>4</td>
</tr>
<tr>
<td>Rumuekpe</td>
<td>Delta</td>
<td>Urhobo</td>
<td>1</td>
</tr>
<tr>
<td>Ughelli</td>
<td>Delta</td>
<td>Urhobo</td>
<td>8</td>
</tr>
<tr>
<td>Uzere-East</td>
<td>Delta</td>
<td>Isoko</td>
<td>8</td>
</tr>
<tr>
<td>Uzere-West</td>
<td>Delta</td>
<td>Isoko</td>
<td>10</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td></td>
<td>50</td>
</tr>
</tbody>
</table>
The table above reveals the growing importance of crude oil tithe Nigerian economy, vis-à-vis the cash crop and coal prior to the civil war in 1967. Particularly, the Oloibiri community of Ogbia Ijaw area produced more barrels of crude oil than other eastern and western Delta regions. These were estimated at 143,711 barrels in a single oil field, while a community such as Obagi, with about 18 wells, produced 1,232,616 barrels. More importantly, it shows that the Oloibiri’s oil well had more oil in commercial quantity than those areas, and so brought more revenue to the federal government and oil companies.
Table 4.10: Sales of Nigerian crude oil during 1966

<table>
<thead>
<tr>
<th>Region</th>
<th>% of Volume</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Europe</td>
<td></td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>42.3</td>
<td></td>
</tr>
<tr>
<td>Germany</td>
<td>15.2</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>8.2</td>
<td></td>
</tr>
<tr>
<td>Holland</td>
<td>3.2</td>
<td>73.6%</td>
</tr>
<tr>
<td>Sweden</td>
<td>2.1</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>1.9</td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>0.4</td>
<td></td>
</tr>
<tr>
<td>South America</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Argentina</td>
<td>7.3</td>
<td>9.0%</td>
</tr>
<tr>
<td>Uruguay</td>
<td>1.1</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>0.6</td>
<td></td>
</tr>
<tr>
<td>Caribbean &amp; North America</td>
<td></td>
<td></td>
</tr>
<tr>
<td>USA</td>
<td>4.9</td>
<td>7.7%</td>
</tr>
<tr>
<td>Curacao</td>
<td>1.9</td>
<td></td>
</tr>
<tr>
<td>West Indies</td>
<td>6.7</td>
<td></td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>0.2</td>
<td></td>
</tr>
<tr>
<td>Others</td>
<td></td>
<td>0.7%</td>
</tr>
<tr>
<td>Total Exports</td>
<td></td>
<td>91%</td>
</tr>
<tr>
<td>Local Sales to Refinery</td>
<td></td>
<td>9.0%</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: BP (British Petroleum) Appendix V 1966

This table illustrates the volume of crude oil exported to Europe and other parts of the world during 1966. It reflects the beginning of the switch to oil as the most important foreign earner in Nigeria, and a decline in the demand for cash crops on the international market.\(^{450}\)

\(^{450}\)BPA, 96531, Appendix V.
As was the case in other parts of the Niger Delta, the outbreak of civil war on 6 July 1967 put a halt to the production of oil in the eastern and Ijaw western Delta, as well as its hinterland Ibo region.\textsuperscript{451} The oil industry can only function and prosper in an atmosphere of peace and political stability.\textsuperscript{452} Before the civil war the total oil production was about 28 million tons, of which \textit{Shell-BP} was responsible for about 23 million tons.

\textit{Shell-BP} and other oil companies, such as \textit{Nigeria Gulf} (USA) and \textit{SAFRAP} (French), were in a dilemma as a result of attacks on their installations from secessionists in eastern Nigeria. \textit{Shell-BP} particularly felt the impact on staff in the Enugu station, partly because of its reluctance to pay royalties and rent to Colonel Odumegwu Ojukwu, the leader of the secessionists in the eastern region, instead of to the federal government in Lagos.\textsuperscript{453}

\textit{British Petroleum}, in a confidential circular, reported that:

\begin{quote}
It is well recognized and established under international law that a company carrying out operation in an area which is subject to the effective control of the authority in that area has no alternative but comply with such authorities’ direction and requirements, irrespective of the status of international recognition afforded to such authorities by other countries. In the different circumstances with which Shell-BP Nigeria found itself confronted, it has of course no alternative but to comply with the requirement of international law relating to such situation
\end{quote}

This explains the dilemma of all oil companies operating in Nigeria at the time of the civil war, particularly \textit{Shell-BP}, on whether to make a royalty payment to the Biafran leader Ojukwu or the federal government of Nigeria.

\textsuperscript{451} The detail of the Biafran war with the Federal Republic of Nigeria is not discussed in this thesis, although some important aspects of its impact on oil production during this period are explained in this section.

\textsuperscript{452} PRO, Ministry of Power (POWE), 63/238. It became clear that oil production could not continue as a result of the war.

\textsuperscript{453} PRO, FCC, 65/807, Oil Dept, 2 July 1970.

The British colonial authority had always wanted peace and unity in Nigeria, particularly to protect their commercial interest in oil, and to secure Shell BP’s oil investment.\textsuperscript{455} This prompted David Hunt to argue that Shell BP must not consider aligning with Ojukwu:

I conclude, therefore that if the company (Shell BP) does change its mind and ask the British Government for advice the best that could be given is for it to clamber hastily back on the Lagos side of the fence with cheque book at the ready.\textsuperscript{456}

Secretary of State to the Commonwealth Affairs, David Hunt’s argument significantly illustrates the British government’s position on the dilemma of Shell-BP and the war, vis-à-vis its oil interests, since oil companies can only operate in the absence of political disturbance. Furthermore, as the war progressed, between September and October 1968, the federal troops had taken over a large part of the Ibo territory, particularly Enugu and Port-Harcourt. At the time, the federal government retained most of Shell-BP’s concessions.\textsuperscript{457} After taking much time to repair its oil installations damaged during the hostilities in 1967, Shell-BP resumed production in 1968. The company also secured more concessions over the eastern and mid-western states, aimed at increasing production.\textsuperscript{458} This to a large extent led to increase in output and by the end of 1969 the company had recorded a production rate above 1 million barrels per day (BPD), estimated at 50 million tons per annum in Nigeria.\textsuperscript{459}

Despite the continuous attack on Shell-BP’s installations in July 1969, the deteriorating situation of the rebels’ attacks induced the company to contemplate shutting down its operation.\textsuperscript{460} However, Biafra had started to lose its military and economic stability as a result of a blockade and use of superior military force by the Federal army as it

\textsuperscript{455} PRO, Powe (Ministry of Power), 65/238 Letter from E.G. Norris Commonwealth Relations Officer to R. Cooper Ministry of Defence, 5 May 1967.
\textsuperscript{456} PRO, Powe, 63/238, War & Oil in Nigeria, CO REF: TX106, 24 August 1967 David Hunt: Dispatch letter to the British High Commission in Nigeria to the Secretary of State for Commonwealth Affairs. The detail discussion on Shell BP and Biafran War is not investigated in this thesis, though I have provided some important details on the war later.
\textsuperscript{457} BPA, 53169, BM Davies secret letter to AF Dawn, 9 December, 1968.
\textsuperscript{458} PRO, FCC, 65/807, Oil Dept, 2 July 1970.
\textsuperscript{460} BPA, FN Tottenham, Letter to JC Smith and A Jump, 16 July 1969.
penetrated the heartland. *Shell* used this opportunity to expand its investment programme in the eastern region, with a budget of over £80 million. Oil production in Forcados rose to about 250,000 barrels by July 1969, and continued to flow up to 330,000 barrels per day, double that amount by the end of 1969.\(^{461}\)

A review of the economic impact of the war shows that crude oil began to play a very vital role in the Nigerian economy, as it became a source of foreign exchange earnings up to 90 percent and 22 percent of the GDP in the 1970s.\(^{462}\) As reported in the *Financial Times*, *Shell-BP* had exceeded 1 million BPD in Nigeria as of December 28, 1970,\(^{463}\) which shows production had doubled in the previous 12 months. It also signified the speed at which the oil industry had expanded its production during the civil war. Petroleum thus became an important natural resource to be tapped by the federal government in order to accelerate the growth and development of Nigeria, particularly the Ijaw oil producing communities and other Niger Delta regions.

### 4.8. CONCLUSION

This chapter has investigated the British colonial economy structure in Nigeria and Ijawland. It argued that the British colonial government promoted and exported agricultural products such as palm oil, cocoa and groundnuts. Despite the criticism, the motivation for cash crop production by the colonial authority in Nigeria was aimed at meeting the needs of growing industries in Britain, and to ensure that the colonial enterprise in this colony was self-funding. It was found that local farmers in southern Nigeria had a problem of adaptability in planting cocoa. An extension service was used to encourage them to increase export production. Despite the achievement, food crops were still being produced alongside cocoa for domestic needs.

The chapter has discussed the issue of Britain’s decision to merge the existing protectorate in Nigeria by 1914. Evidence was found of a lumping together of these protectorates, as expedient in enhancing the smooth administration of all Nigeria. It also examined the mineral rights and the British colonial government’s position on mining

---

\(^{461}\) BPA, 53169, BM Davies secret letter to AF Dawn 9 December 1969.


\(^{463}\) *Financial Times*, ‘Shell BP Tops 1m. Barrels a day in Nigeria’, 28 Dec 1970, pp.5-6
and petroleum in ordinances of 1907, 1914 and 1916. It was found that these virtually gave ownership of land and its natural resources to the Crown. However, these laws equally protected the rights of the Africans over their land in terms of compensation for any damage incurred to crops during exploration.

The growth of infrastructural facilities such as railways and feeder roads were described in this chapter. It was found that without the construction of railways from Lagos to Ibadan, the north, Enugu and Port-Harcourt and feeder roads it would have been very difficult to open those centres in which the cash crop products and mineral resources were located for production and exportation to Europe.

The chapter presented the structure of the Ijaw economy during the colonial era as the native authority became more powerful than the Ijaw chiefs. It was found that palm oil production was a continuation of the pre-existing export trade relationship between the Europeans and the Oloibri Ogbia district and the entire Ijawland. Improved seedlings and the introduction of modern pressing machinery increased the output of palm oil in those areas.

The problem of land tenure was presented, in particular the demands by European companies for concessions on plantations to the British colonial administrator in Nigeria. Evidence was presented of the request initially being turned down. The United Africa Company (UAC) was granted an exceptional right to own and manage its own plantations in Benin and Calabar in 1948. The implication of this was that despite the concession the British government protected the rights of the African owners to be incorporated into the company’s programme.

Nationalist agitation championed by the Zikist movement was presented in this chapter. They alleged that the 1945 mineral ordinance marginalised the Africans on lands earmarked for oil exploration. It was found that this movement served as a revolutionary agent in Ijawland and the eastern Delta part. The Oloibiri people of Ogbia district, in conjunction with the desires of the Ijaws, made demands for a separate region as a result of fears of domination and backwardness in the Delta. Their demand was rejected by the Wilink Commission, although the commission did agree that the entire Delta required urgent special attention in terms of physical development.
Lastly, the search for oil by Shell-BP was presented in this chapter. It was found their operations in southern and western Nigeria initially consisted of geological surveys. This was required to estimate the cost and likely effect it would have on the native environment. The intensification of the search for oil by Shell-BP in the 1950s led to discovery of oil of commercial quantity in the Oloibiri environment. This marked a watershed in the history of the Ijaws, Niger Delta and Nigeria. Oil production started in 1958 as a result of the installation of oil flow stations across to Port-Harcourt. Shell’s geological survey and drilling of more wells in Oloibiri continued in the region to the end of colonial rule in 1960.

Evidence found that the promotion and production of cash crop dominated the foreign exchange earnings of the Nigerian government in the early and late 1960s. Oil only became an important commodity in the international market after the Nigerian civil war in the 1970s. It became clear that the federal government’s initial responses to the discovery of oil in Oloibiri was to establish the basis for maximising profits from oil, particularly through its liberal oil policy that allowed both local and international involvement in exploration in Ijawland.
CHAPTER FIVE

OIL EXTRACTION, PRODUCTION, LEGISLATION AND MANAGEMENT STRATEGY FROM THE 1960s TO 1998

5.1 INTRODUCTION

This chapter examines the extraction, production, legislation and management of oil in post-colonial Nigeria. Attention is directed at the development of petroleum legislation, including the adoption of Petroleum Profit Tax Ordinance (PPTO) 1959 (Amendment), Oil Pipeline Act 1963, Petroleum Act 1969, Associated Gas Reinjection Act 1979, Environmental Impact Assessment Decree 1992 and the Oil Spills Contingency Plan 1996. There is also a discussion of the extent to which Shell-BP and Chevron Nigeria oil companies had complied with the legislation in their operations in Oloibiri, other parts of Ijaw and the Niger Delta, as well as investigation into the reasons for non-compliance with these pieces of legislation. The resulting devastation, pollution and abandonment of Oloibiri are examined.

5.2 GOVERNMENT LEGISLATION ON OIL OPERATIONS

The basis of the post-colonial petroleum tax law was the Petroleum Profit Tax Ordinance (PPTO) No, 15 of 1959, adopted by the British colonial authorities in the last year of their rule.\textsuperscript{464} The law made provision for the management of the oil wealth accrued to the government in Nigeria, and the accurate assessment of the multinational oil companies’ taxable income. More specifically, the law made provision for the division of profits that arose from multinational oil production and exportation on a 50-50 basis with the Nigerian government. This law was carried over into the independence era and initially formed the basis on which oil profit were shared.\textsuperscript{465}

\textsuperscript{464} CO (Colonial Office), 1029/257, Oil taxation adviser to the government of Nigeria 1957-1959,
\textsuperscript{465} Oil Prospecting License (Land, and Territorial Waters Areas), Sec 36, p11, Continental Shelf areas, sec 36, p.12, cited in Schatzl, LH, Petroleum in Nigeria, Ibadan, Oxford University Press, 1969p.79; Federal Revenue Nigeria (FRN), Reprint from the supplement to official Gazette No 2, 64, 28 April 1977 Part A.; National Archive Ibadan, NAI, War Prof, COS, 1290/59; Khan, Nigeria: The Political Economy of Oil, p.16. We should note that the Petroleum Profit Tax, particularly section 16 and 17, approved royalties and duties as part of the federal government’s 50 percent share in the total profits from oil.
The adoption of new changes in the payment of royalties by the oil companies to the Nigerian government was in line with terms used by Libya, Venezuela and Saudi-Arabia, countries that formed part of the Organization of Petroleum Exporting Countries (OPEC), founded in the early 1960s to wrest control over their national oil industries from the multinational companies. This change in determining the profits was only one way of securing more money for the oil producing countries, which had equally received payment of royalties and rent through a tax on the oil multinationals operating in their environment. This was not the case in Nigeria, as payment of royalties by Shell-BP and other oil companies was based on profit tax assessment called the realized prices from their total sales. The realized prices permitted the oil companies in Nigeria to state their prices obtained on crude already exported outside the border of the country, while the posted prices of each operating company mandated to declare the prices payable on a barrel of crude oil before exporting it to Europe or America.

The Nigerian government amended the 1959 Tax Ordinance by Decree 1 of 1967, which slightly altered OPEC terms and made provision for the establishment of posted oil prices that became the basis on which royalties and taxes payable to the government would be determined. The posted prices tax option was adopted by the government as operating expenditure practiced in Libya. The result of this amendment was an increase in the revenue accrued to the government by several million pounds sterling. A confidential circular of British Petroleum revealed that total oil profits of £14.9 million had been made during the 1967 financial year, of which about £10 million was paid to the federal government of Nigeria.

Shell-BP, the main oil producer in Nigeria at the time, was the first oil company to comply with this new law. B.M. Davies reported that Shell-BP had paid six months of

---

467 Khan, Nigeria: The Political Economy of Oil,p.17.
468 Pearson, Petroleum and the Nigeria Economy, pp.25-27; Shell had declared a posted prices of $2.17 per barrel for oil in 1967.
royalties to the government under the OPEC agreement signed in April 25, 1967, on equal terms to those applicable in Libya and other Middle East oil-producing countries.\textsuperscript{472}

The multinational oil companies operating in Nigeria, however, were opposed to this new measure. The \textit{Gulf Oil Company} (now \textit{Chevron}) and SAFRAP requested that they be granted sufficient time to study the proposed new form of payment, especially since payment would commence from 1 January 1966.\textsuperscript{473} Their request was turned down since \textit{Shell-BP} had in 1966 already agreed and paid its tax based on posted prices.

Similarly, requests by \textit{Teneco} of Nigeria, \textit{Moseas, Phillips, Garet Basin} and others for a tax break for five years were turned down by the Gowon administration.\textsuperscript{474} The companies had argued that the new arrangements would greatly reduce their profit margins at a time when most had not yet gone over to oil production itself. The companies, however, did stress that they were not against the law \textit{per se}, but that it needed to be implemented gradually in order to allow newcomers to the Nigerian oil industry the necessary time to build up their businesses.\textsuperscript{475}

The move by the Nigerian government was very much in line with those of other oil producing and exporting states since it allowed for far greater profits for the producing country than before. However, the industry at the time was still in control of the multinational oil companies and would remain so until the 1973 oil crisis, when OPEC managed to wrest control from them.

\textit{Shell-BP} and \textit{Chevron Nigeria} were the two main role players in the petroleum sector in Nigeria in the 1960s. \textit{Shell-BP}, in particular, continued to dominate the Nigerian oil sector until the contemporary era. The two petroleum companies had grown extensively as the leading major oil producers in Nigeria, Africa, Europe, Asia and world at large. \textit{Shell-BP} had accounted for about 50% of the total oil production in Nigeria, whilst Chevron Nigeria held 40% interest in the 13 onshore and near offshore oil areas of

\begin{itemize}
\item \textsuperscript{472} BPA, File no, 34443; Ministry of Power (POWE), 63/238, 1967, p.4.
\item \textsuperscript{474} \textit{Financial Times}, 'Oil Companies Protest to Nigeria', 27 Jan, 1967.
\item \textsuperscript{475} BPA, File no, 18275, 27, January 1967. The request made by these companies for tax break was based on the fact that \textit{Shell-BP} had enjoyed one for nine years.
\end{itemize}
concession granted by the federal government in the Delta, as well as in the deep-water blocks.\textsuperscript{476}

In the early 1960s the Nigerian government also passed some environmental legislation to manage and control the operations of Shell-BP and Chevron Nigeria in order to clean the environment and make political peace within the Ijaw oil producing community and Niger Delta. Oil drilling involves disturbance of the environment and affects the natural vegetation, as well as causing pollution to waters and rivers.\textsuperscript{477} The government was pre-empting pollution from mechanical failures or sabotage of oil pipelines.\textsuperscript{478}

The above necessitated the establishment of the 1963 Oil Pipeline Act to effectively monitor the extraction and production of petroleum by all oil companies in Nigeria. The main reason for the promulgation of the Act was to make provision for licenses to be granted for the establishment and maintenance of pipelines incidental and supplementary to oilfields and oil extraction, and for purposes ancillary to such pipelines. The Act at the time was not meant to prevent environmental pollution of other natural resources in Nigeria, but to lay down in law that these pipelines were legal and should not be violated by others.\textsuperscript{479}

Section 5(1) of the Oil Pipeline Act had granted the oil license holder the right to enter and survey the land without interference from third parties.\textsuperscript{480} This section inter-alia states that:

\begin{itemize}
  \item \textsuperscript{478} Details on oil spill and gas flaring shall be discussed in the next chapter (6).
  \item \textsuperscript{479} Other natural resources such as agricultural land, crops, economic trees, mango, pawpaw and rubber
  \item \textsuperscript{480} The Nigeria Constitution 1999: Oil Pipeline Act 1956 No, 31 (Now Repealed as the Law of the Federation of the Nigeria 1990, CAP 338).
\end{itemize}
A permit to survey shall entitled the holder oil license to enter together with his officers, agents workmen and other servants and with any necessary equipment or vehicles, on any land upon the route specified in the permit of reasonably close to such route for the…purposes to survey and take levels of land, to dig and bore into the soil and subsoil…”

The above provision implies that Shell-BP and Chevron Nigeria were mandated to undertake a proper survey of the route for the pipelines to determine suitability of the land before installation and provide for their adequate maintenance in the Ijaw and Ogoni oil-producing communities. This explains the penalty for any unlawful breach of the Act, especially by a local owner.

Part IV Section 20(2) of the Oil Pipeline Act stipulates the compensation the holder of the license must pay for damages resulting from its operation to the land owners or third party:

Any damage done to any buildings, crops or profitable trees by the holders of license in the exercise of the rights conferred by the license, and… any disturbance caused by the holders in the exercise of such rights, and any damage suffered by any person by reason of any neglect on the part of the holder or his agents, servants, or workmen…

Based on this provision, the oil companies were required to take responsibility for their actions and pay appropriate fees to the landowners affected in the oil producing area of the Ijaws and elsewhere in the Niger Delta.

5.3. GOVERNMENT JOINT VENTURE WITH THE OIL COMPANIES

The post-colonial Nigerian government ventured into joint partnership with the oil multinationals. The federal government nationalized the oil industry, which went hand in hand with indigenisation, because it was at the time a trend that all oil producing and

---

481 Oil Pipeline Act, Section 5 (1),( a), (b),, CAP 338 Law of the Federation of Nigeria 1990.
483 Oil Pipeline Act, Section 20 (2), (1) (a) (b), and (c)
484 Oil Pipeline Act CAP 338 1990, Section 11 Sub-Section 5, 1990 presented a vivid picture of the penalty payable to the oil producing community in the Niger Delta for the damaged incurred during the oil exploration and exploitation by Shell BP/Chevron Nigeria.
exporting states followed. It was part of a wider fight for control over the natural oil industries started at the founding of OPEC. Arguably, the reason the Nigerian government did this lay in their greed, as they wanted a greater share of the oil profits and could get that if they controlled part of the oil companies.

Additionally, there was a tendency in post-colonial Africa to shed the financial controls from Europe, including those over banking and industry. There was a similar trend in oil producing countries globally. Nigeria believed that it would be able to control the oil companies, the so-called ‘seven sisters’, if they controlled a percentage of the oil companies operating in the country. Ogunkoya emphasised that, based on the motivating factors presented above, the federal government thus became a major shareholder in the crude oil extracted and produced in the Delta area.

Shell-BP and Chevron Nigeria had entered into a joint venture agreement with the federal government in order to consolidate and enhance smooth oil exploration and production in the Ijaw area. This was signed under the auspices of the Nigeria National Oil Corporation (NNOC) in 1971. The government hoped that the merger of the NNOC and the Department of Petroleum into NNPC would pool enough skilled personnel for the NNPC to start actively participating in the joint venture agreement with the oil companies. This ambition, however, was not to be realised.

Von and Althea contend that the petroleum decree of 1969 was particularly assertive because it established the state’s option to acquire part ownership in the oil operations. This explains the increasing involvement of the government in the activities of Shell-BP and Chevron Nigeria toward the development of the oil and gas industries.

---


487 The Nigeria National Oil Corporation entered into a joint venture agreement with the Shell BP in 1971. However, the Federal Military Government in 1977 had merged the NNOC and Department of Petroleum into Nigeria National Petroleum Company (NNPC) with a view to enhanced efficiency in petroleum drilling and total compliance with the oil legislations in the Niger Delta area; NNPC Act, 1977, Section 48 and 5(1).


industry in the country. The joint venture agreement entailed the participation of both parties in the operation of the business, while the participation agreement permitted the government to be actively involved in the oil company’s concessions, oil mining leases and movable assets of companies, such as exploration, development, production and transportation, export operations and working capital. However, this was never taken up by the federal government, as in practice, over the years; the joint ventures were operated by only one of the parties. Shell Nigeria, for example, is currently (2012) owned by Royal Dutch Shell (30%), Agip (10%), ELF (5%) and the Nigerian national oil company (55%). The joint venture, however, is solely operated by Shell Petroleum Development Company of Nigeria (SPDC), the local subsidiary of Royal Dutch Shell.

To ensure compliance with the oil legislation in Nigeria, the operating agreement permitted the government to monitor the daily activity of oil companies in Oloibiri, Afam, Ebubu, Nembe and other oil bearing communities. Whilst total compliance was legally binding on the oil companies, the NNPC had no legal power to interfere in the internal expenditure or administration of the oil company.

---

TABLE 5.1: Percentage of government participation in the Joint Venture Agreement and with oil majors in Nigeria between 1971 and 1979

<table>
<thead>
<tr>
<th>S/NO</th>
<th>COMPANY</th>
<th>PARTICIPATING PERCENTAGE</th>
<th>DATE OF ACQUISITION</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Agip-Phillips</td>
<td>33.33</td>
<td>1 April, 1971</td>
</tr>
<tr>
<td></td>
<td></td>
<td>55</td>
<td>1 April, 1974</td>
</tr>
<tr>
<td>2</td>
<td>ELF</td>
<td>60</td>
<td>1 July, 1979</td>
</tr>
<tr>
<td></td>
<td></td>
<td>35</td>
<td>1 April, 1979</td>
</tr>
<tr>
<td></td>
<td></td>
<td>55</td>
<td>1 April, 1974</td>
</tr>
<tr>
<td>3</td>
<td>Gulf Oil</td>
<td>35</td>
<td>1 April, 1973</td>
</tr>
<tr>
<td></td>
<td></td>
<td>55</td>
<td>1 April, 1974</td>
</tr>
<tr>
<td></td>
<td></td>
<td>60</td>
<td>1 July, 1979</td>
</tr>
<tr>
<td>4</td>
<td>Shell BP</td>
<td>35</td>
<td>1 April, 1973</td>
</tr>
<tr>
<td></td>
<td></td>
<td>55</td>
<td>1 Aug, 1974</td>
</tr>
<tr>
<td></td>
<td></td>
<td>60</td>
<td>1 July, 1979</td>
</tr>
<tr>
<td></td>
<td>In Shell only</td>
<td>80</td>
<td>1 Aug, 1979</td>
</tr>
<tr>
<td>5</td>
<td>Mobil</td>
<td>35</td>
<td>1 April, 1973</td>
</tr>
<tr>
<td></td>
<td></td>
<td>55</td>
<td>1 April, 1974</td>
</tr>
<tr>
<td>6</td>
<td>Chevron/Texaco</td>
<td>55</td>
<td>1 May, 1979</td>
</tr>
<tr>
<td></td>
<td></td>
<td>60</td>
<td>1 July, 1979</td>
</tr>
<tr>
<td>7</td>
<td>Pan-Ocean</td>
<td>55</td>
<td>1 Jan, 1978</td>
</tr>
<tr>
<td></td>
<td></td>
<td>60</td>
<td>1 July, 1979</td>
</tr>
</tbody>
</table>


Table 5.1 reveals the percentage of government participation in the joint venture agreements with the major oil companies operating in the country. This meant that the federal government was able to reap a greater percentage of the massive oil windfalls that resulted from the 1973 and 1979 oil stocks. With the nationalization of BP, and a 20% stake in Shell-BP on 1 August 1979, the federal government increased its participation to 80% in Shell Nigeria, while it maintained a 60% stake in Chevron on 1 July 1979.

Table 5.2: Equity Interests in the Shell Petroleum Development Company (SPDC)-
Operated Joint Venture (1958-1995)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Royal Dutch/ Shell</td>
<td>50%</td>
<td>32.5%</td>
<td>22.5%</td>
<td>20%</td>
<td>20%</td>
<td>30.0%</td>
<td>30.0%</td>
</tr>
<tr>
<td>British Petroleum (BP)</td>
<td>50%</td>
<td>32.5</td>
<td>22.5</td>
<td>20.0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>ELF</td>
<td></td>
<td></td>
<td></td>
<td>5.0</td>
<td>10.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>AGIP</td>
<td></td>
<td></td>
<td></td>
<td>5.0</td>
<td>5.0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>NNPC: Nigerian Government</td>
<td>35.0</td>
<td>55</td>
<td>60.0</td>
<td>80.0</td>
<td>60.0</td>
<td>55.0</td>
<td></td>
</tr>
</tbody>
</table>

Source: Company (Shell-BP) information cited in Royal Dutch/Shel Nigeria. (Emphasis added on the table)

Table 5.2 shows a changing composition of the shareholders in Shell Nigeria over the years, and illustrates the implications of the increased participation of the government first in Shell-BP, and after 1979 in Shell Nigeria. It is assumed that the role of partnership required a fixed percentage share towards the cost of running the exploration, refining and marketing of oil in each company, and also shared the joint venture’s profits in the same proportion.

The government’s joint venture relationship with the oil operators was rooted in the provision of the Petroleum Act 1969, particularly the protection of environmental rights of the Ijaw people and the entire Niger Delta oil producing region. This shows how the joint venture re-affirmed that exclusive rights over the petroleum resources lay with the federal government and consequently the oil companies in Nigeria.

---

494 This table cast light on the percentage participation of Nigeria government in Table 5.1, particularly when the NNPC assumed the role of British Petroleum in August 1979.
495 This imply that the Federal government after 1979, had 80% share of the total profit accrued from the sale of oil, whilst Shell Nigeria was entitled to 20%.
496 Frynas, Beck and Mellahi, ‘Maintaining Corporate Dominance after Decolonization’ pp. 416-17
497 The Nigerian 1999 Constitution, (Petroleum Act Laws of the Federation of Nigeria 1990), The 1969 Act made provision that permitted the oil company like Shell BP to have access to more land in the entire Delta area.
Up to the 1990s, joint venture agreements and oil legislation made limited provision for the regulation of environmental problems associated with oil production. The Petroleum Act Decree No 25 of 1969 determined that oil operators must implement all practical precautions to prevent the pollution of the land, water, rivers, the territorial waters and other natural resources and “… where such pollution occurred shall take prompt steps to control and, if possible to end it.” Limited protection of the environment was also provided for in the 1968 Oil in Navigable Waters Act. In terms of these acts, the Nigerian federal government did have the necessary control over the country’s oil resources and authority to force companies to comply with the environmental regulations within the acts. The question for historians, however, is why successive federal governments in the independent era failed to act in this regard. Also, why did the federal government opt to protect its oil interests above the environmental, economic, social and political needs and aspirations of the oil producing communities?

As was the case in all matters of oil-related legislation, the oil companies had violated Section 77 of Petroleum Act 1969 that provided for compensation to the landowners. Okonta and Okonmah revealed that the government and the oil operators under the partnership relationship had provided little or no protection for the victims of oil pollution and environmental degradation that had destroyed the basic survival means of the Niger Delta people, particularly their traditional fishing and farming system.

It should be recognised that the joint venture according to Chief Edward became a conduit through which a few rich individuals had siphoned the oil wealth for personal use. Oil production became a source of misery and a curse to the local Ijaw people because the oil operators refused to pay full compensation for damage to the

---


502 Interview with Chief Edward 12/12/2010; Evidence collected from him revealed that few Ijaw people that had opportunity to influenced the government and the oil company, used it to satisfied their own financial interest at the expense of their people and the devastation of the environment.
environment. This was so because of the unflinching support enjoyed by the oil companies under the joint venture agreement with the Nigerian government, particularly the use of military squads against protesters among the Ijaws.

The NNPC joint venture with the oil operators has been questioned by Eweje and Omoweh, according to whom, through the provision of the Petroleum Act, it had subordinated oil related matters under the government and oil companies. This illustrates the complexities of petroleum laws on compensation, as many of the local people in Oloibiri such as Obeche were not aware of its objectives, largely as a result of the failures of government agency such as the Petroleum Resource Department and NNPC, whose environmental campaign did not reach the local people in Ijaw land.

Being ignorant of the salient features of the petroleum legislation by the Oloibiri and Ijaw communities, particularly on their right to compensation, they believed that their ‘God-given’ land could only be exploited by agreement with the oil companies and the government. This illustrated how contentious it was when those bearing the burden of oil exploration were being neglected by the government. The question, however is, why compensation payment had become a controversial issue among the joint ventures, individuals affected and the communities in the oil producing area of Niger Delta. Legislation on oil and gas had consistently generated legal disputes and litigation brought by the ordinary people and a community against the oil companies or the federal government for fair and adequate compensation. This was the case, since there were no specific statutory laws that granted the landowners the right to present their claims.


504 Interview with Raji, 21/1/2011. Ilorin. The details aspect of compensation has been discussed in Chapter Four. Also, the resistance movement among the oil communities in Ijaw land, Niger Delta and government response will be discussed in Chapters 7 and 8.

505 Eweje, ‘Environmental Costs and Responsibilities Resulting from Oil Exploration in Developing Countries’, pp.27-56; Omoweh, DA, ‘Shell, Environmental Pollution, Culture and Health in Nigeria: The Sad Plight of the Ughelli Oil Communities,’ *African Spectrum*, 30(2), 1995, pp.115-120.

506 Interview with Obeche, Warri, 19/12/2010, Interview with Raji, Ilorin, 22/01/2011

507 Interview with Aghalino, Ilorin, 21/01/2012

The aggrieved community or individual was however protected in part by the common law principle adopted in the Nigerian legal system. This was based on the British common law of torts and offered remedy for a person or community whose environment and property had been injuriously affected by oil spills through negligence, nuisance or trespass. Nigeria had not yet developed its own procedures for litigation, except statutory agencies established for the assessment, monitoring and control of environmental pollution in the form of the Department of Petroleum Resources (DPR) and Federal Environmental Protection Agency (FEPA).

Oil-related litigation on compensation for oil spills brought against Shell-BP, Chevron Nigeria and other oil companies increased in number between the 1970s and the 1990s. A case of Shell v Farah (1989-94) was brought before the court to determine whether compensation should be awarded for a blow-out of oil spills to the plaintiff for damages of his farm due to the negligence of Shell-BP. The court affirmed the natural blow-out as the company’s negligence and delay, and ordered the company to pay full compensation for the crops, trees and hunting fields destroyed by the spills.

Another case was brought against Shell-BP in 1987 by a community as a result of the oil spills from a blow-out that polluted a river use for fishing, swampy streams, a fishpond and the religious shrine of the plaintiff. In this case, Shell-BP v Tibet VII (1987-96), Shell claimed that the oil spills had only affected about 2.3 hectares of the swamp and fishpond and offered them 5,500 naira as compensation. The court of appealed upheld the plaintiff’s claims and awarded them 6 million naira (US $275,000) against the company.

---

509 Section 18 Oil Pipeline Act CAP 145 (Amendment 1990). This law granted the jurisdiction of courts in Nigeria in any dispute involving compensation claims.


511 FEPA’s objectives and functions are discussed in Chapter 7.


One important question is why the laws on compensation did not approve payment for damage caused by oil pipeline sabotage. Breaking of an oil pipeline may constitute wilful action taken by an aggrieved community or individual for the purpose of blocking the flow of oil to the terminal and for scooping or recovering some for sale.\textsuperscript{515} Anthony Atubin and others v Shell-BP supported the argument that no compensation was paid to the affected landowners for a deliberate act of sabotage.\textsuperscript{516} The plaintiff claimed about 800,000 naira as compensation for the oil spills that damaged his property through sabotage. Judge Ovie Whiskey held that since the hole in the pipe had been deliberately drilled by a third party and not the company, even if the oil spillage had caused damages to the property or fishing rights of the plaintiff, Shell-BP was not liable.\textsuperscript{517}

Frynas argued that the use of sabotage by the oil companies sometime amounted to falsehood to avoid compensation payment to the damaged environment in the Niger Delta.\textsuperscript{518} For instance, the judge in the case between Shell v Isaiah in 1997 found the company’s claim of sabotage to be based on mere fallacy and unreliable evidence, and therefore upheld the defendant’s claims to compensation.

A problem associated with compensation payment for oil spills in Nigeria has been linked with the provision of the Land Use Act of 1978. Itse Sagay has argued that the Act only recognised the rights of the people to the surface land, not below it, particularly as it pertained to minerals.\textsuperscript{519} This explained why compensation was based on minerals found in the soil to which the local people had no access under this Act.

Specifically, Section 544 (3) of the 1978 Land Use Act (LUA) states that:

\textsuperscript{515} Scooping of fuel for sale is another survival strategy employed by the ordinary people in the oil Ijaw oil community. See detail in Chapter 8.
\textsuperscript{516} Oil Pipeline Act of 1963, Section 15 (1),
\textsuperscript{517} Adewale, O, ‘Oil Spills Compensation claims in Nigeria’, p. 93
Notwithstanding the foregoing provision of this section, the entire property in and control of all minerals, mineral oils, and natural gas in, under or upon any land in Nigeria or in, under or upon the territorial waters and exclusive economic zone... shall vest in the government of the federation...\(^{520}\)

There was no mention of compensation in the above provision for land that already belonged to individual or community before the law was made. It shows that the Niger Delta oil producing areas had lost their power and rights over the land and that the concept of land ownership was no longer acceptable under Nigeria law.\(^ {521}\) The violent actions witnessed in the Delta in the 1990s could be associated with injustices and loss of direct rights to compensation.\(^ {522}\)

The role of courts in matters involving oil and environmental violation by the oil operators, federal government, and oil communities, demonstrates the quest by the government to ensure equity and fairness in compensation. However, the problems associated with payment for oil spills to a large extent reveal lack of effective legislative guidelines and proper management in resolving the complexities that surround compensation after five decades of oil production.

Despite the above, *Shell Nigeria* in compliance with its operating agreement did commit to reducing its impact on the natural environment beyond legal compliance.\(^ {523}\) The company, in pursuit of this objective, with hosts such as Oloibiri, Imiringi, Otuasega, Anyama, and Nembe Ijawland, and Delta, responded positively to the oil wellhead that released spillage in Oloibiri through its subsidiary services for cleaning up.\(^ {524}\) While the oil producers might have partly failed to comply with the oil regulations they did also respond to the plight of those communities affected by their operations.\(^ {525}\)

\(^{520}\) Land Use Act of 1978, Section 544 (3), (Exclusive Economic Zone Decree)

\(^{521}\) Part V Section 28 and 33 of Revocation of Rights of Occupancy and Compensation, Land Use Act 1978

\(^{522}\) Ebeku, ‘Oil and the Niger Delta people’, p.22. The struggle by the local land owners against this law is further discussed in Chapters 7 and 8.


\(^{524}\) The oil well head had been leaking since 1977 after it was abandoned when the oil ran dry. *Shell BP* in order to serve as example to other oil majors responded to clean up the mess in an old well of Oloibiri.

\(^{525}\) The details of the oil company's responses to the environmental pollution brought by their operations will be discussed in Chapter 7 of this thesis.
5.4. OTHER ENVIRONMENTAL REGULATIONS OF THE OIL INDUSTRY

The main motivation for the establishment of the Associated Gas-Reinjection Act by the federal government in 1979 was loss of gas due to flaring. Specifically, the violation of Oil Regulation No, 42 of the Drilling and production established by the government in 1969 necessitated the promulgation of the Associated Gas Re-injection Act of 1979.\footnote{Ashton, \textit{The Human Ecosystem of the Niger Delta}, p. 144.} The act required all oil companies operating in the country to build facilities for the utilisation of associated gas being flared within five years of their operations in any part of Nigeria.\footnote{Associated gas, according to Gao, meant the natural gas found in the oil reservoir. See Gao, \textit{Environmental Regulation of Oil and Gas}, p.548.}

In order to effectively monitor strict compliance with this regulation all major oil operators in the Ijaw areas were mandated that proposals for the utilisation of associated gas had to be submitted to the Petroleum Resource Ministry with the aim of ending all gas flaring in the country by 1984.\footnote{Okogun, B, ‘Current Efforts to Enhance Natural Gas Utilization and Reduce Gas Flaring in Nigeria,’ retrieved from http://www.zite.org/organic/files/ggra/giers 2004, January 2011. pp. 1-3; Aghalino, SO, ‘Petroleum Exploration and the Agitation for Compensation by the Oil Producing Communities in Nigeria,’ \textit{Geo Studies Forum}, 2002, pp.11-20; Korvenoja, T, ‘The Environmental Problems and Politics of Power, Review on the African Elite’ \textit{Nordic Journal of African Studies}, 2(1), 1993, pp.140-153.} Despite its commendable ambitions, the Act was not implemented and was amended by the Associated Gas Re-injection (Amendment) Act of 1985. While the amended act still promoted a reduction in the amount of gas to be flared it also allowed for exemptions to the law. In terms of the 1985 amendment, oil companies simply had to apply to the Department of Petroleum Resources to continue to flare gas. This was granted as a rule on the payment of 2 kobo per 1000 Standard Cubits Feet (SFC) of any gas flared. This was a slight and insignificant increase on the previous 0.50 kobo per million cubit units gas flared provided for in the 1979 Act.\footnote{The World Bank Publication on Oil,Gas and Mining Company: Global Gas flaring Reduction: A Public-Private Partnership at http://web.worldbank.org; MCF (Meter Cubits Feet); Aghalino, ‘Gas Flaring, Environmental Pollution and Abatement Measure in Nigeria, 1969-2001’, \textit{Journal of Sustainable Development in Africa}, 11(4) 2009, pp.219-234; Human Rights Watch; \textit{Nigeria, Crack down in the Niger Delta}, 1999, 11, 2(a). The causes and impacts of gas flaring are discussed in Chapter 6.}
Shell-BP and Chevron Nigeria agreed on the routine flaring and venting of gas associated with the production of oil in the 1990s. Shell and Chevron had commenced gas utilisation in their area of concessions to control the constant flaring between 1989 and 1992, and in spite of oil and gas utilisation projects emphasised that flaring continued unabated in the Ijaw area.

In the early 1990s, other legislation became necessary in order to attend to the devastated and polluted environment in the Oloibiri area of Ijawland. The motivation for the government decision to establish a new law as environmental management was the result of numerous environmental problems present in the country in addition to oil and gas pollution, for example, a drought in the Northern region in the 1970s, gully erosion in the Eastern and Western regions, and adverse environmental pollution of oil production in the Niger Delta. This led to an unprecedented struggle for a clean environment and benefits accruing from oil in Nigeria during the 1980s and 1990s.

As part of a new environmental agenda that most countries signed up to at the 1992 Rio de Janeiro summit, to find a lasting solution to the global and national environmental problems for sustainable development, an Environmental Impact Assessment Decree (EIAD) was introduced for development on government land in Nigeria. This was intended to reduce pollution and preserve the Delta environment, as well as protect all parts of the country’s environment. The EIAD was implemented to determine the environmental impact of any new project before commencement and make adequate planning to minimise it. The EIAD, according to Usman, imposed a legal binding on

---

530 Shell BP had in the 1960s decided to use the gas from the Afam well in Ogoni to generate electricity, and a gas turbine plant was constructed at a cost of four and half million prior to the Gas Reinjection Act of 1979.
534 The government’s decision and attitude toward the non-compliance with oil regulations that necessitated the enactment of the EIAD (Environmental Impact Assessment Decree) in 1979 was meant to ensure unconditional compliance by any major oil company embarking on exploration projects that may have adverse effects on the environment and its people.
all oil companies to carry out mandatory environmental assessments of their major operations, whether in their present concession or any new area in which the lease covered land in excess of 250 hectares.  

The EIAD also mandated all oil companies operating in Nigeria to collect data on the environment, assess and fully understand the likely effects of their business, and take these into account before starting a new project.  Despite the provision of this act, Environmental Rights Action (ERA) reported that Shell’s Environmental Impact Assessment (EIA) conducted in the Niger Delta was done without the knowledge of the Ijaw and Ogoni oil communities, with consequent adverse effects on the environment and its inhabitants.

Ashton contends that the EIA of any oilfields is a participatory project, whereby the local people, local government, government agency (FEPA), multinational oil companies, and some relevant environmental agencies such as ERA, had certain interests to protect in its outcome.

Shell-BP/Chevron Nigeria argued that their companies had been undertaking the EIA survey of the Ijaw environment and the entire Delta oilfields ahead of their new operations since 1992, especially after the EIAD was enacted. Evidence supported their argument that the survey of the Delta environment had been conducted to determine the impact of their proposed exploration project in the Ijaw area.

As part of its environmental management programme towards economic development planning for new development in Nigeria, the federal government adopted and began

---

538 The Shell Report; ‘Continuing Abuses in Nigeria-10 Years After Ken-Saro Wiwa.’ ERA, Environmental Rights Action (Friends of the Earth), Benin City, Nigeria, p. 21.
implementation of the National Oil Spills Contingency Plans (NOSCP) in December 1996.\textsuperscript{542} The decision was based on the Oil Preparedness, Responses and Cooperation Convention (OPRC) held in London in 1990, where about 90 countries at a diplomatic conference converged to encourage international and national governments to bring together its officials and oil company executives to find an efficient way of dealing with oil spills in their area of operation.\textsuperscript{543}

An important principle agreed on at the OPRC Convention was that national governments such as Nigeria’s would handle the contingency plan independently, without relying on local industry to ensure a transparent relationship between government and industry. In an interview with a staff from Shell-BP, this, however, was not implemented in Nigeria, as the government relied mostly on the oil companies to take responsibility for most oil spills emergency in the Delta area.\textsuperscript{544}

The National Oil Spills Contingency Plan was meant to reduce the negative impact of oil spills in the country. It was another step to curtail oil spills and monitor any immediate clean-ups of the affected environment by oil companies, particularly those involving a third party or landowner.\textsuperscript{545} Participation of the public or people affected was thus encouraged, in reporting any spills on their land to the appropriate national agency, for instance the DPR and FEPA for immediate action.

Moller and Santner, writing on the role of the local oil companies’ preparedness for oil spills, argued that "It is the responsibility of the company facility operators to prepare contingency plans, identifying the risks and threat posed by spills, the most likely spills scenarios, and the range and level of resources needed to deal with them"\textsuperscript{546} All oil company officials in charge of oil pipelines in Nigeria were required to be familiar with facilities needed to respond to emergencies and to plan for a reduction in spills.

\textsuperscript{542} Mwalimu, The Nigeria Legal System, p.56
\textsuperscript{544} Interview with Shell-BP staff, Warri, 6 November, 2010, (Anonymous)
\textsuperscript{545} Mwalimu, The Nigeria Legal System, p. 56.
The NOSCP mandated all oil companies in the Niger Delta to design, craft, implement and maintain adequate plans that would ensure minor and medium clean-ups of spills, while any major oil spill was to be promptly reported to FEPA or DPR. The DPR was charged with operating companies in Nigeria to respond and commence clean-ups within 24 hours of an incident.

Shell-BP, for example, started an awareness programme in its area of operation in the western and eastern Delta in 1997. This involved the training of its staff and contractors, communities and local authorities to address the technical environmental and social problems related to contingency plans and for oil spill response in the region.

Amnesty International reported that both the community’s demand for access payment before allowing the oil companies to enter sites of the spills, and their delay in cleaning up caused more damage to the environment and infringed human rights. A scientific study of the Ebubu oil spills after 20 years (1970-1990) shows that oil was still seeping into the rivers and polluting the source of drinking water for the community.

Despite the positive responses from the federal government to environmental management, the country at the time, was far from paying adequate attention to the protection of human and natural environment in the Niger Delta. Oil spills preparedness has not taken a firm root in Nigeria.

5.5 REASONS FOR NON-COMPLIANCE WITH ENVIRONMENTAL OIL-RELATED LEGISLATION

The extent to which oil multinational companies complied with international standards in their host communities, such as the Oloibiri and other Ijaw oil producing areas in Nigeria, is questionable. That many of the operations of Shell-BP and Chevron Nigeria did not conform to the environmental legislation established by the federal government

---

suggests that the government lacked credible institutions to enforce them, particularly monitoring the preservation of the environment in Ijawland and the Niger Delta.

It should be recognised that, despite the existence of post-colonial petroleum legislation, the craving for power and resource control at central government level to a large extent held the oil-bearing states to ransom, because oil power lay within a few hands. Specifically, the 1969 Petroleum Act granted exclusive rights of ownership of all petroleum to the federal government at the expense of the environmental pollution that was daily experienced by the Ijaw people up to 1998.

Another reason for non-compliance with environmental legislation can be found in the joint venture agreements between the federal government and the multinational oil companies. These were undertaken to protect the federal government’s vested interests in oil wealth, and also in a joint fight against anticipated demonstrations and protests by the local inhabitants.

The joint venture agreement also encourages the shifting of responsibility between the government and the oil companies. It is alleged by Bobo Brown, Shell’s public affairs manager that when people are dissatisfied with the results of an election or with the government for stealing their money they vent their emotions on Shell. However, as stakeholders in the joint ventures both the federal government and the oil companies shared the blame for violation of regulatory laws in the Nigerian oilfields.

The oil companies have also failed to take into consideration the protection of the environments in which they operate. The global oil industry was established at a time when protection of the environment was not considered important but rather was seen as only a resource that should be exploited to its full. In an interview with Mustafa, he affirmed that for the global oil industry to acknowledge that the environment should also

---

553 The Petroleum Act 1969 was amended by Decrees No 16 of 1973, No 49 of 1976 and No37 of 1977. The Minister of Petroleum Resources was expected to take precautionary measures that would ensure that the MNOC’s activities did not degrade the quality of human life and the environment. Despite this provision the Oloibiri environment was degraded by non-compliance with the oil regulation.
555 African Insight, p.36.
556 The detail of the relationship and control of oil is discussed in Chapter 7.
be protected from such exploitative activities took a long time, and is still not firmly established today.557

The lack of performance by the federal government’s statutory agencies serves as an impinging factor for compliance with the oil legislation in the oil producing states. The activities of agencies such as the Niger Delta Development Board (NDDB, founded in 1961); the Federal Environmental Protection Agency (FEPA, 1988), and the Oil Mineral Producing Area Development Commission, (OMPADEC, established in 1992), were largely crippled as a result of pervasive corruption and diversion of funds meant for monitoring the operations of companies in the oil-producing areas.558

Another important factor that impeded oil legislation in the Ijaw area was the use of a ‘divide and rule strategy. Both the federal government and multinational oil companies had incited internal strife and conflict among the local people.559 For example, Obeche testified that the creation of local government and states in one area at the expense of the other had increasingly led to intra-community conflict and protest560. Evidence on *Chevron*'s activity in the Ijaw area revealed how the company had supported violent intervention by government forces in Opia, and Escravos oil installations against the youths in the area. *Chevron* also played an unequal role in the Ijaw/Itsekiri crisis over Warri, because it supported the latter over the Ijaws. This explained the unfair distribution of oil companies’ community development projects in the oilfields, with some areas receiving more relief projects than other areas.561

---

557 Interview with Mustapha, Ilorin, 21 January 2011.
560 Interview with Obeche, Warri, 19 November 2010
561 Interview with Aghalino, Ilorin, 21 January 2011; Interview with D Egbefor, Business man, Warri, 6 December 2010.
Corruption was another factor responsible for the lack of enforcement of environmental legislation in the oil-producing regions. As of 1998, oil wealth and political power resided in the hands of a rich few, and oil was a big business venture among politicians. Politics overlapped organised corruption based on oil wealth, with inflated contracts, gratification and kickbacks to the detriment of the Niger Delta people and many Nigerian citizens. The chairman of the Nigeria Revenue Mobilization, Allocation and Physical Commission (RMAPC), Hamman Tukur, claimed that between the early 1990s and 1998, about 13.6 trillion naira of excess crude oil wealth was shared by the three tiers of government without documentation. Corruption was pervasive and endemic in the corridors of power, while many in the oil-bearing states remained pauperised.

However, corruption also occurred at grassroots level. The Ijaw youth have levied various allegations of bribery and embezzlement of monthly oil revenue allocated to the Ijaw and Niger Delta oil-bearing communities from the Federation Account against the Ijaw chiefs in the late 1990s. The chiefs and local elites were induced by bribery, many becoming very rich through collaboration with either the federal government or the oil companies. Therefore, the violation of petroleum legislation in Ijawland was linked to the ineptitude of local elites and state governments, whose ambition had undermined the right of Delta inhabitants to a clean and healthy environment and the development of their own region.

Omoweh and Ojikutu asserted that the penalties attached to the violation of petroleum legislation in the Niger Delta to a large extent encouraged non-compliance. They contend that the EIAD of 1992, amongst others, had been violated severely by

---

564 Simon, C, 'Legal Responses to State Corruption in Commonwealth Africa,' Journal of African Law, 32(2) 1995, p15; This showed how corruption within government circles violated their own legislation meant to preserve the environment and the Ijaw people.
565 Simon, 'Legal Responses to State Corruption in Commonwealth Africa,' p. 15.
566 Interview with Aghalino, Ilorin, 21 January 2011.
multinational oil companies without any penalties against the affected landowners.\textsuperscript{567} Evidence shows that \textit{Shell-BP} had engaged in mineral oil surveys in Nigeria since 1937, and had conducted a thorough geophysical exploration of its area of operations in the Eastern regions and Niger Delta.\textsuperscript{568} Clearly, \textit{Shell-BP} had conducted EIAs for all new development from the 1992 onwards in compliance with the country’s regulatory laws as against the claims made by the ERA and Omoweh, amongst others.\textsuperscript{569}

The Regulatory Law Decree of 1984 before amendment provided total forfeiture of any company’s operating license and concessions as penalty for violation of petroleum legislation in Nigeria and the Delta area.\textsuperscript{570} However, subject to the amendment to this decree in 1985, flaring of gas became optional, and has to a large extent encouraged indiscriminate flaring by all the oil companies since it was found very cheap, rather than re-injecting it into the ground.\textsuperscript{571}

I argue that lack of implementation of petroleum legislation to a large extent deliberately accommodated the non-compliance of the oil producers because they had contributed almost completely to the production process.\textsuperscript{572} This implies that the federal government only provided the manpower and land while the oil companies were directly involved in the extraction, production and sale of crude oil. This provides a strong reason why flaring of gas and oil spills have continued unabated in spite of the Gas-Reinjection Act and EIAD, among others, established by government to control pollution and devastation of the Ijaw environment.

\textsuperscript{567} Omoweh, \textit{‘Shell, Environmental Pollution, Culture and Health in Nigeria,’p.125}; Ojikutu, RO, \textit{‘Overview of Existing Laws and Regulations Dealing with Environmental Problem in Oil Industry Operation in Nigeria,’ Lagos, 1979, p. 104.}

\textsuperscript{568} PRO, CO, 852/982/5. Details of \textit{Shell-BP’s} oil search is discussed in Chapter 4.

\textsuperscript{569} Interview with A Kehinde, Lecturer, Geography Department, Ilorin, 21 December 2011; Interview with Aghalino, Ilorin, 21 January 2011. Despite the lack of a clear law on compensation to the ordinary people affected by oil pollution, the Nigerian courts were permitted to try cases brought before them on compensation claims. \textit{Shell v Farah} was discussed earlier in this chapter. Scientific proof given by scholars on the level of environmental pollution in the Ijaw area is discussed in Chapter 6.

\textsuperscript{570} Omorogbe, \textit{The Legal Framework for the Production of Petroleum in Nigeria’}, p.285

\textsuperscript{571} Omorogbe,\textit{The Legal Framework for the Production of Petroleum in Nigeria’}, p.285

\textsuperscript{572} Akanle, O, \textit{‘Pollution Control Regulation in Nigeria oil Industry:’ Nigeria Institute of Advance Legal Studies, Lagos Nigeria, 1991, pp.27-32.}
5.5. CONCLUSION

This chapter examined and investigated the extraction, production, legislation and management of oil in Nigeria. It focused on demystifying petroleum legislation passed by the federal government as part of its efforts to ensure a clean environment, and to provide adequate measures to guide the operations of oil companies in the oilfields. It was found that the government’s initiative was undertaken to maximise oil profits, particularly through a liberal oil policy that permitted both local and international involvement in exploration in the Delta.

Petroleum legislation, such as the Profit Tax 1959, Oil Pipeline Act 1963, and the Petroleum Act of 1969, was intended to ensure the smooth running of the exploration and production of in the Ijaw area, but it was found that rather than maintaining the rights of the local people in fairness and transparency these regulatory laws compounded the environmental situation and struggle.

The Gas Reinjection Act of 1979, the EIAD of 1992, and the National Oil Spill Contingency Plans of 1996 were presented, but violation of and non-compliance with these laws, particularly the EIAD, occurred as a result of non-consultation with the local people on the likely impact operations would have on the rivers, water, and agricultural land. The government has failed to implement to the full the agreements reached in London in the 1990s, and this is yet to be firmly rooted in the petroleum laws in Nigeria. Despite these laws, oil and gas flaring has not stopped in the Delta region.

The chapter presented the operation and strategies employed by the oil multinationals during their exploration and production for oil in Delta environment. Some oil producing areas, such as Oloibiri, were polluted, degraded and abandoned when the 28 oil wells dried up. Though the laws were passed the government lacked the means to enforce them. Poor maintenance culture among the oil companies also encouraged oil spills and gas flaring, but it was argued that the oil companies could not completely be blamed for the oil spills. Some were linked to the activities of saboteurs and vandals among the oil-producing communities.

The joint venture relationship between the federal government and oil multinationals was to a large extent responsible for non-compliance with petroleum regulations in
Nigeria. Evidence revealed that the federal government did not comply with its own law as contained in the joint venture, therefore, the oil companies followed suit. This engendered a shifting of responsibilities during oil spills or gas flaring, and the host communities, such as the Oloibiri, became devastated and degraded, without adequate compensation for spills resulting from human error.

The number of oil-related cases against Shell-BP and Chevron Nigeria for compensation payment has greatly increased in the Niger Delta. It was found that the courts have been empowered by the Constitution to use the British common law of torts on negligence, nuisance and trespass as precedence when addressing compensation claims from citizens. However, the claimants must prove that their property was damaged by spills from pipeline blow-outs, and not through wilful sabotage. It was found that the Land Use Act of 1978 compounded the problem of compensation to the local owners in Nigeria as it vested exclusive rights to land and minerals underneath the earth to the federal government.

The chapter presented the main reasons for the non-compliance with the petroleum regulations in Nigeria. It was found that a craving for power over the oil wealth at central government level, and corruption in the local oil-bearing areas had impeded compliance with the petroleum legislation in the oil-producing regions. A ‘divide and rule’ policy employed both by the federal government, Shell-BP and Chevron Nigeria, particularly using internal division and collaborators in the oil community, was another encouragement to non-compliance with oil legislations in the oil-producing environment.

The failed attempt of the federal government agencies to monitor and control the operations of multinational oil companies in Nigeria serves as another impinging factor for the implementation of the petroleum laws. Evidence exists that corruption within these agencies was to a large extent responsible for consistent violation of the environmental guidelines.

---

573 The case of fire incidence in the Ijaw area of Jesse and Jones in the earlier part of 1998 revealed the governments ineptitude towards fulfillment of the environmental campaign in the Delta. An interview with Chief Edward, community leader, Oloibiri, 6 December, 2010 shows that both the government and the oil companies failed to take responsibility for the blowout that led to the killing of more than 1000 local people.
The rationale behind the establishment of the Petroleum Resource Department to monitor the operations of multinational oil companies and to ensure that their businesses were conducted in accordance with the laws, through observing the best safety standard in the Delta region, might be partly genuine but evidence presented in this chapter suggests it was unsuccessful. A large discrepancy was found between promulgation of this legislation and execution in the oil producing areas of the Niger Delta. Inadequate environmental laws and lack of an institutional structure for enforcing the existing petroleum legislation and policy on the part of the federal government have been the major constraints to environmental management in the Nigerian petroleum industry.

---

574 Hydrocarbon is an organic compound of hydrogen and carbon whose densities, boiling points, and freezing points increase as their molecular weights increase. Petroleum is a mixture of many different hydrocarbons.
CHAPTER SIX


6.1 INTRODUCTION

This chapter examines the various impacts of oil production by Shell-BP and Chevron Nigeria on the Ijaw people and their environment over time, with particular attention paid to the case of Oloibiri. It focuses on the environmental, social, economic and political impacts of oil production and associated pollution in the Ijaw area between the 1960s and 1998, and discusses the increasing internal contradictions involving the Ijaw youth and their elites in perpetuating environmental problems on their own land.

6.2 CONCEPT OF ENVIRONMENTAL POLLUTION

The environment, according to Gao, is a complex system of biotic and abiotic elements and physical and chemical phenomena that condition the life, development and activity of living organisms. This includes the interaction of humans, flora, fauna, soil, water, climate, landscape, historical monuments, and mineral resources and other physical structures, as well as interdependence among organisms. Humankind’s efforts to control and domesticate the natural environment have led to numerous environmental problems and widespread environmental degradation. The same applies to the Niger Delta, where the exploitation of oil since the 1950s has led to widespread environmental problems in Ijawland and other oil producing communities.

Environmental problems associated with oil production in the Niger Delta include the contamination of nitrogen, phosphorous and sulphur, useful for the preservation of soil nutrients and fertility; widespread air, water and soil pollution; the creation of waste that cannot be disposed of in a short time or recycled; and the depletion of resources that

---

575 Gao, Environmental Regulation of Oil and Gas, p. 553.
cannot be replenished.\textsuperscript{577} According to the United Nations Environmental Programme, in their study on the environmental impact of oil in the Niger Delta, all these environmental problems also pose a wider threat to the health of the global environment, especially through their contribution to climate change.\textsuperscript{578}

6.3 THE IMPACT OF GAS FLARING

According to environmental experts from the UK, the USA and Nigeria, the Niger Delta is rated as the most oil-impacted environment and polluted area in the world.\textsuperscript{579} A major contributor to this is the perennial flaring of associated gas during oil production, which has impacted on the natural and human environment, making these areas a danger to local communities.\textsuperscript{580} Flaring is a means of disposing of waste gases that are a natural by-product oil production,\textsuperscript{581} and occurs during the processing of crude oil through the top of a pipe or stack in which the burner and ignites are located.\textsuperscript{582} This illustrates that gas in the production process burns clean until oil enters into the flare pipelines through the operating machine, and became common practice.\textsuperscript{583} Gas flaring began in Oloibiri in 1958, when the economic value and market for gas was low and there were no


\textsuperscript{578}United Nations Environmental Programme (UNEP), 2009, Environmental Resource Managers Ltd, Niger Delta.\textit{Environmental Survey Final Report Phase1}, 1 p.263.


\textsuperscript{580}UNEP is now focussing on reducing the effects of gas flaring around the world, particularly in the Niger Delta.(Leslie, B, 'Nigerian Communities Demand End to Gas Flaring',\textit{Frontiers of Ecology and the Environment}, 3(6), 2005, p.299).

\textsuperscript{581}Omoweh, DA, ‘Shell, Environmental Pollution, Culture and Health in Nigeria: The Sad Plight of Ughelli Oil Communities’, \textit{African Spectrum}, 30 (2), 1995, p.115.

\textsuperscript{582}Aghalino, ‘Petroleum Exploitation and the Agitation for Compensation by Oil Producing Communities in Nigeria,’ pp. 11-20; Okogun, ‘Current Efforts to Enhance Natural Gas Utilization’, pp.1-3; Eweje, ‘Environmental Cost and Responsibilities Resulting from Oil Exploration in Developing Countries’, pp. 27-56.

pipelines or storage tanks to preserve it. However, burning gas was wasteful and destructive to the Ijaw and Delta environment, as recognised by British Trade Commissioner J.S. Sadler in 1963:

... Shell's need to continue, probably indefinitely, to flare off a very large proportion of the associated gas they produce... it will be interesting to see the extent to which the oil companies feel it necessary to meet these criticism by spending money on uneconomic methods of using gas.

The region was found to be the second largest flare site in the world, after Russia, with the World Bank report showing that over 150 million cubic meters of natural gas were flared or vented annually in Nigeria, worth up to $30.6 billion dollars and equivalent to 25 percent of US gas consumption, or 30 percent of European Union (EU) gas used in a given year.

*Shell BP and Chevron* acknowledged that it was the main ecological problem facing the Niger Delta, but since natural gas was produced as a by-product of oil it was not possible to have one without the other. Gas could not be re-injected into the oil reservoir because of the low technological and industrial base for energy use in Nigeria. Although, in retrospect, these companies according to Collins had taken steps to reduce the cause of flaring in the affected communities, *Shell BP* took responsibility for cleaning up the polluted area of Oloibiri oil site and paid compensation to the landowners.

---

588 Interview with Shell BP/Chevron staff (anonymous), Warri, 6 Nov 2010
590 SPDC, ‘Challenges of Gas Flares-Out in Nigeria’. Details can be found in Chapter 7.
591 SPDC, ‘People and the environment’; SPDC, ‘Environmental complex issue for Shell Nigeria, 2009 pp.3-29, [http://www.resource.online.nl](http://www.resource.online.nl); Interview with Collins, Shell Research office, Warri, 6 December 2010; The responses of *Shell-BP* are discussed in Chapter 7.

<table>
<thead>
<tr>
<th>YEAR</th>
<th>GAS PRODUCTION(mm3)</th>
<th>GAS FLARED(mm3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1958</td>
<td>46</td>
<td>-</td>
</tr>
<tr>
<td>1959</td>
<td>140</td>
<td>-</td>
</tr>
<tr>
<td>1960</td>
<td>144</td>
<td>-</td>
</tr>
<tr>
<td>1961</td>
<td>310</td>
<td>-</td>
</tr>
<tr>
<td>1962</td>
<td>487</td>
<td>-</td>
</tr>
<tr>
<td>1963</td>
<td>626</td>
<td>-</td>
</tr>
<tr>
<td>1964</td>
<td>1,029</td>
<td>-</td>
</tr>
<tr>
<td>1965</td>
<td>2,250</td>
<td>-</td>
</tr>
<tr>
<td>1966</td>
<td>2,907</td>
<td>-</td>
</tr>
<tr>
<td>1967</td>
<td>2,634</td>
<td>-</td>
</tr>
<tr>
<td>1968</td>
<td>1,462</td>
<td>-</td>
</tr>
<tr>
<td>1969</td>
<td>4,126</td>
<td>-</td>
</tr>
<tr>
<td>1970</td>
<td>8,039</td>
<td>7,957</td>
</tr>
<tr>
<td>1971</td>
<td>12,975</td>
<td>12,700</td>
</tr>
<tr>
<td>1972</td>
<td>17,122</td>
<td>16,848</td>
</tr>
<tr>
<td>1973</td>
<td>21,882</td>
<td>2,487</td>
</tr>
<tr>
<td>1974</td>
<td>27,170</td>
<td>26,776</td>
</tr>
<tr>
<td>1975</td>
<td>18,656</td>
<td>18,333</td>
</tr>
<tr>
<td>1976</td>
<td>21,276</td>
<td>20,617</td>
</tr>
<tr>
<td>1977</td>
<td>21,924</td>
<td>20,952</td>
</tr>
<tr>
<td>1978</td>
<td>21,306</td>
<td>19,440</td>
</tr>
<tr>
<td>1979</td>
<td>27,618</td>
<td>26,073</td>
</tr>
<tr>
<td>1980</td>
<td>24,885</td>
<td>22,904</td>
</tr>
<tr>
<td>1981</td>
<td>17,202</td>
<td>14,612</td>
</tr>
<tr>
<td>1982</td>
<td>14,830</td>
<td>11,940</td>
</tr>
<tr>
<td>1983</td>
<td>15,207</td>
<td>11,948</td>
</tr>
<tr>
<td>1984</td>
<td>16,251</td>
<td>12,817</td>
</tr>
<tr>
<td>1985</td>
<td>18,426</td>
<td>14,846</td>
</tr>
<tr>
<td>1986</td>
<td>15,580</td>
<td>12,291</td>
</tr>
<tr>
<td>1987</td>
<td>20,212</td>
<td>14,737</td>
</tr>
<tr>
<td>1988</td>
<td>26,300</td>
<td>18,730</td>
</tr>
<tr>
<td>1990</td>
<td>28,163</td>
<td>21,820</td>
</tr>
<tr>
<td>1991</td>
<td>31,587</td>
<td>25,934</td>
</tr>
<tr>
<td>1992</td>
<td>32,465</td>
<td>24,588</td>
</tr>
<tr>
<td>1993</td>
<td>33,445</td>
<td>25,406</td>
</tr>
<tr>
<td>1994</td>
<td>33,928</td>
<td>25,934</td>
</tr>
</tbody>
</table>

Source: Niger Delta Environmental Survey (NDES), 1996, VOL 1, Socio-Economic Characteristics Lagos: NDES

Table 6.1 shows the growth in natural gas production that lay behind the wanton devastation of the environment through gas production. The environmental impact

has to some extent been established through scientific evidence that shows temperatures at the sites as high as 1,100°C, damaging vegetation growth, animal life and the ecological balance. Flare sites, such as Ebubu, Bomu, Elenlewe, and Ibigho north of the eastern Delta, recorded temperatures within 100 to 120 metres (m) of the stacks varying by up to 60°C between the upper and lower surfaces of the leaf blades. Tests conducted on the soil temperature at a depth of 10 centimetres further showed it to be about 100°C higher at 15m from the stack, and 50°C at 50m. This affects the atmospheric conditions necessary for soil fertility and plant growth.

According to Brouwer, soil temperature over 30°C leads to decreased agricultural yields, with the major impact being desiccation and damage to the micro flora. Air quality was also affected, with damage to vegetation, the microclimate surface and groundwater, as a result of the high concentration of volatile oxides, carbon, nitrogen, sulphur oxide and particulates that exceeded the standard set by FEPA in 1991. Nitrogen dioxide reacts with water from rain to form nitric acid (HN03), falling as acid rain, harmful to human health and the environment as it causes acidification of drinking water in reservoirs, corrosion of metals, and damage to crops and the Delta forest.

Excessive carbon-monoxide, an odourless gas, formed by combustion of carbon materials in the presence of insufficient air had a serious impact on the health of the

598 Nitrogen Cycle@http://www.elmhurst.edu/-chm/on/course/chm/10/ontime/nitorgencycle.htm/.

\textbf{Figure 6.1:} Formation of Acid Rain

Source: Climate Justice 7. Gas Flaring poisons communities

The above picture illustrates the cyclical process behind acid rain, that below the cycle of Nitrogen. It is a colourless, odourless and non-toxic gas that exists naturally in the atmosphere and contains about 78\% of the air any human needs for survival.

\textbf{Figure 6.2:}  Nitrogen circle
The pollution in the first oil producing community of Oloibiri and others such as Imiringi, Otuasega, and Anyama of Ogbia Ijaw area has been a consistent health hazard to many local people, listed by Ashton as including terminal diseases and birth defects. Accusations levied against Shell-BP and Chevron Nigeria by the Ijaw included disease and illness, hearing loss, and severe child delivery problems as a result of gas flaring and oil spills. On several occasions, acidic precipitation was felt in the oil producing areas, through the production of sour gas that produced sulphur-oxide in the air.

Oral evidence revealed that during the flaring of gas the Ijaw people in that area did not need electricity to see in the dark, confirmed by Aghalino who wrote that the “oil industry has banished darkness from the oil bearing enclaves of the Niger Delta”. The oil companies took steps to reduce the constant flaring of gas in their area of operations, and Shell claimed that some of their plants and equipment had been relocated far from the affected villages as a measure to prevent future light pollution. Nevertheless, for five decades the Ijaw communities of Batan, Odidi, Oloibiri, Nembe and Aleibiri were denied bright sunlight during the day and darkness at night. An informant (Aghalino) attributes this to lack of compliance with the Gas-reinjection Act of 1979 that mandated permission to flare or reserve it for economic use. Gas flaring continued to light up the sky at night in many village communities in the Delta and Ijaw area.

---

603 Ashton, J. Causes of Terrorism, p.15.
606 Interview with Obeche, Warri, 19/12/2010
607 Aghalino, ‘Gas Flaring, Environmental Pollution and Abatement Measures’, pp. 219-238.
608 ‘Detail of the oil companies’ responses to oil pollution is discussed in Chapter 7.
609 Interview with Ogunkoya, Shell Office, Warri, 6 December 2010. The step taken by the oil company toward the suffering of the Ijaws is discussed in Chapter 7.
610 Interview with Aghalino, Ilorin, 22/01/2011
The World Health Organization (WHO) claimed that flaring of gas contributed on a global scale to about 2.5 million deaths each year, representing 4-5% of the 50-60 million global deaths that occur in a year.\textsuperscript{612} The World Bank reported that gas flaring in the Delta contributed more to greenhouse gases than all other oil producing countries in sub-Saharan Africa.\textsuperscript{613} Energy lost through gas flaring was equal to over half of the power generation used in most African thermal power stations.\textsuperscript{614}

As discussed in chapter 5, the Nigerian government tried to limit the flaring of associated gas through the passing of the Associated Gas Re-injection Decree of 1979 that required all oil companies to build gas plants or storage facilities within five years in their area of operation. The oil companies were also permitted to flare gas that could not be used with the express permission of the Department of Petroleum Resources (DPR) as amended in the 1985 Associated Gas Re-injection Act Amendment Decree 7 in a particular field on the payment of a fee set by the petroleum minister.\textsuperscript{615} These were largely unsuccessful and gas flaring continued unabated, which in turn meant that gas flaring continued in Oloibiri and other oil producing communities in direct violation of Nigeria’s environmental laws.\textsuperscript{616} According to Aghalino and Ikporuko, the oil companies opted to flare gas rather than utilise it because it was the cheaper option.\textsuperscript{617} Refusal to capture the unused gas for industrial purposes,\textsuperscript{618} and the laxity of both the federal government and the oil companies in implementing the oil regulations were the main reasons oil producing communities in the Delta had been subjected to decades of unnecessary and wasteful gas flaring.

\textsuperscript{612}World Health Organization (WHO), ‘The Health Effects of Industry Air Pollution Exposure in Developing Countries’, Published by WHO, Geneva, Switzerland, 2002.

\textsuperscript{613}World Bank, \textit{Memorandum of the President of the IDA and the IFC to the executive directors on an interim strategy update for the Federal Republic of Nigeria}, New York, 13 February 2002.

\textsuperscript{614}World Bank, \textit{Memorandum of the President}, 13 February 2002.

\textsuperscript{615}The fine was 2 kobo (0.0009US$ equivalence) per 1000 Standard Cubic Feet (SCF) of gas flared. This increases to 50 kobo (0.03US$ equivalence) in 1992 and further to #10.00 naira (0.46US$ equivalence) in 1998.


When oil production began in the Oloibiri town of the Ijawland in 1958, there was lack of infrastructure to conserve or use gas, which was not considered valuable to the economic development programme of the government until the 1970s.\textsuperscript{619} About 20 million barrels of oil were produced from all wells at Oloibiri between 1958 and 1979, when they ran dry and were abandoned by \textit{Shell-BP}.\textsuperscript{620}

Scientific surveys of the vegetation, particularly palm trees, found that no plant could survive within 100m of the flare in Oloibiri. Some plants were found to flower at 120m, while others survived at 150m from the flare site. The light from the flare was not enough to provide photosynthesis, but could prevent the flowering of short day plants in the vicinity.\textsuperscript{621} As discussed above, damage to the soil, climate and vegetation of the Oloibiri environment by gas flaring affected livelihoods and brought health hazards to the ordinary people.

\textbf{6.4 THE IMPACT OF OIL SPILLAGE}

Oil spills have been a common phenomenon in Nigerian oil producing states since the discovery of crude oil in Oloibiri by 1956, particularly between 1976 and the 1990s, during which time a total of 4,647 spills leaked about 2,369,470 barrels of oil into the Delta,\textsuperscript{622} the Department of Petroleum Resources (DPR) reported different figures of spills between 1976 and 1996, about 4,835 barrels of oil per year were spilled into the Delta environment.\textsuperscript{623} An informant from \textit{Shell-BP} affirmed that 7,350 barrels spilled per year through the operations of \textit{Shell-BP} into the Ijaw and Delta oil fields between 1989 and 1994.\textsuperscript{624}

\begin{itemize}
  \item \textsuperscript{619} Emoyan, et-al. ‘\textit{The Oil and Gas Industry and the Niger Delta}’, p. 31.
  \item \textsuperscript{620} \textit{Vanguard} Newspaper, November 25, 2011.
  \item \textsuperscript{622} Nwilo, PC and Badejo, OT, ‘Oil Spills Problem and Management in the Niger Delta International Oil Spills’, \textit{Conference Monitoring}, 2005, p.2
  \item \textsuperscript{624} Interview with Shell production marketing manager, (Anonymous), Warri, 21 November 2011
\end{itemize}

<table>
<thead>
<tr>
<th>Year</th>
<th>Incidence of spills</th>
<th>State</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>July 1979</td>
<td>Forcados Terminal oil spillage</td>
<td>Rivers</td>
<td>570,000</td>
</tr>
<tr>
<td>Jan 1980</td>
<td>Funiwa No 5, well blowout</td>
<td>Rivers</td>
<td>400,000</td>
</tr>
<tr>
<td>May 1980</td>
<td>Oyakama oil spillage</td>
<td>Rivers</td>
<td>10,000</td>
</tr>
<tr>
<td>Nov 1982</td>
<td>System 2c Warri Kaduna pipeline rupture at Abudu</td>
<td>Edo</td>
<td>18,000</td>
</tr>
<tr>
<td>Aug 1983</td>
<td>Oskika oil spills</td>
<td>Rivers</td>
<td>10,000</td>
</tr>
<tr>
<td>Jan 1998</td>
<td>Idoho oil spills</td>
<td>Akwa Ibom</td>
<td>40,000</td>
</tr>
<tr>
<td>Jan 1998</td>
<td>Jones Creek oil spills</td>
<td>Delta</td>
<td>21,548</td>
</tr>
<tr>
<td>Oct 1998</td>
<td>Jesse Creek oil spills</td>
<td>Delta</td>
<td>10,000</td>
</tr>
</tbody>
</table>


The above table shows the situation of the oil bearing states in the Delta as a result of oil spills by blowout. In the case of the Focardos, Funiwa, Oyakama, Oskika oil spills between 1979 and 1983, their environment was contaminated and became unproductive as a result of oil blows out through ruptured pipelines. Idoho, Jones Creek and Jesse Creek were degraded as they had to bear an ever-worsening environmental condition impinging on their survival.

Table 6.3: Number of spills reported in the Eastern Niger Delta 1987-1996

<table>
<thead>
<tr>
<th>Year</th>
<th>No of Spills</th>
<th>%of total spilled</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>105</td>
<td>6.4</td>
</tr>
<tr>
<td>1988</td>
<td>102</td>
<td>6.3</td>
</tr>
<tr>
<td>1989</td>
<td>113</td>
<td>6.9</td>
</tr>
<tr>
<td>1990</td>
<td>125</td>
<td>7.7</td>
</tr>
<tr>
<td>1991</td>
<td>126</td>
<td>7.7</td>
</tr>
<tr>
<td>1992</td>
<td>157</td>
<td>9.6</td>
</tr>
<tr>
<td>1993</td>
<td>166</td>
<td>10.2</td>
</tr>
<tr>
<td>1994</td>
<td>203</td>
<td>12.3</td>
</tr>
<tr>
<td>1995</td>
<td>263</td>
<td>16.3</td>
</tr>
<tr>
<td>1996</td>
<td>269</td>
<td>16.5</td>
</tr>
<tr>
<td>Total</td>
<td>1629</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: NNPC Inspectorate Division; OMPADEC River State Petroleum Department and Community Development Committee (CDC), 1997.

This table shows the number of spills recorded in the entire Ijaw oil producing communities of the Eastern Delta and the increasing level of the spills from the 1980s to 1996, which meant that a spills control and management system was not being enforced by the government, particularly by the oil companies.
### TABLE 6.4: Oil spill data in Nigeria between 1976 and 1995

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of spills</th>
<th>Quantity spilled (barrels)</th>
<th>Quantity recovered</th>
<th>Net volume lost to the environment (barrels)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1976</td>
<td>128</td>
<td>26,157.00</td>
<td>7,135.00</td>
<td>19,021.50</td>
</tr>
<tr>
<td>1977</td>
<td>104</td>
<td>32,879.25</td>
<td>1,703.01</td>
<td>31,176.75</td>
</tr>
<tr>
<td>1978</td>
<td>151</td>
<td>489,294.75</td>
<td>391,445.00</td>
<td>97,849.75</td>
</tr>
<tr>
<td>1979</td>
<td>157</td>
<td>694,117.13</td>
<td>63,481.20</td>
<td>630,635.93</td>
</tr>
<tr>
<td>1980</td>
<td>241</td>
<td>600,511.02</td>
<td>42,11.03</td>
<td>558,094.19</td>
</tr>
<tr>
<td>1981</td>
<td>238</td>
<td>42,722.50</td>
<td>5,470.20</td>
<td>37,252.30</td>
</tr>
<tr>
<td>1982</td>
<td>257</td>
<td>44,2841.00</td>
<td>2,171.10</td>
<td>41,766.60</td>
</tr>
<tr>
<td>1983</td>
<td>17.1</td>
<td>48, 351.30</td>
<td>6,355.90</td>
<td>41,995.40</td>
</tr>
<tr>
<td>1984</td>
<td>51</td>
<td>40,209.00</td>
<td>1,644.81</td>
<td>38,564.20</td>
</tr>
<tr>
<td>1985</td>
<td>187</td>
<td>11,876.00</td>
<td>1,719.30</td>
<td>10,157.30</td>
</tr>
<tr>
<td>1986</td>
<td>155</td>
<td>12,905.00</td>
<td>552.00</td>
<td>12,358.00</td>
</tr>
<tr>
<td>1987</td>
<td>129</td>
<td>31,866.00</td>
<td>6,109.00</td>
<td>25,757.00</td>
</tr>
<tr>
<td>1988</td>
<td>208</td>
<td>9,172.00</td>
<td>1,955.00</td>
<td>7,217.00</td>
</tr>
<tr>
<td>1989</td>
<td>255</td>
<td>5,956.00</td>
<td>2,153.00</td>
<td>3,803.00</td>
</tr>
<tr>
<td>1990</td>
<td>166</td>
<td>14,150.35</td>
<td>2,092.55</td>
<td>12,057.80</td>
</tr>
<tr>
<td>1991</td>
<td>258</td>
<td>108,367.01</td>
<td>2,785.90</td>
<td>105,912.05</td>
</tr>
<tr>
<td>1992</td>
<td>378</td>
<td>51,187.90</td>
<td>1,476.70</td>
<td>47,711.20</td>
</tr>
<tr>
<td>1993</td>
<td>453</td>
<td>8,105.32</td>
<td>2,937.93</td>
<td>6632.11</td>
</tr>
<tr>
<td>1994</td>
<td>195</td>
<td>135,123.71</td>
<td>2,335.93</td>
<td>132,787.78</td>
</tr>
<tr>
<td>1995</td>
<td>417</td>
<td>63,677.17</td>
<td>3,110.02</td>
<td>60,568.15</td>
</tr>
<tr>
<td>Total</td>
<td>4489</td>
<td>2329566.45</td>
<td>547876.58</td>
<td>16899450</td>
</tr>
</tbody>
</table>

Sources: Department of Petroleum Resources, 1996.

The above table shows the increasing volume of spills in the Niger Delta oil fields. The Funiwa Blowout of the 1980 (owned by Texaco Oil Company) was associated with lack of adequate environmental legislation to control and enforce spills management in the country at the time.

#### 6.5 CAUSES OF OIL SPILLS

The major causes for the consistent oil spills in the Ijaw environment or elsewhere in the Niger Delta include blowout, pipeline corrosion, equipment failure and sabotage.  

---

---

Bruce suggests that the obsolete leaking and rusting of oil pipelines had become a major cause of problems for the Ijaw people, as in the case of the blowouts at Jesse Creek and Botem village in Ijaw and Ogoni land in the 1990s (as discussed in the next section), with devastating effects on the courses that supplied them with drinking water. Blowout as a major factor responsible for spills occurs when there is too much pressure on the pipeline transporting oil to the terminal station, as in Bonny or Port Harcourt. Leaking and rusting pipelines led to the contamination of water and soil in the area. An offshore blowout of January 12, 1980 saw about 20,000 barrels of oil (8.4 million US gallon) spilled into the Atlantic, damaging about 340 hectares of the Delta mangrove.

The Jesse Creek and Botem villages of Ijaw and Ogoni land witnessed the devastation of the environment, as the blowout entered the water courses that supplied them with drinking water.

Scientific tests conducted by the ERA to determine whether the waters at Botem village and Jesse Creek were contaminated as a result of the blowout showed that their environment was affected by hydrocarbon, heavy metals and sundry toxic substances. Two informants (Chief Edward and Akpo) said that this has brought serious waterborne diseases and death to the people in the last 40 years of oil production, and cast more light on the implications of oil production on the Ijaw people and their environment after its discovery in 1956. Oil pollution became rampant, and

---


629 Nwilo and Badejo, ‘Oil Spills problem and management in the Niger Delta’, p.2


631 Field trip to the oil site in Oloibiri on 6 December 2010 showed that they have had no drinking water, and had relied on the polluted streams or rivers. As a matter of fact no human being could be drinking such contaminated water and enjoy sound health, Interview with I Akpo, Warri, 6 December 2010, Interview with Chief Edward, 6 December 2010.
brought more damage than the development to their communities toward the end of the 1980s.632

Another serious blowout occurred at the Funiwa-5 oil well on January 12, 1980, with about 40,000 barrels spilled into the Delta swamp. This station was owned by the **Texaco Overseas Petroleum Company** of Nigeria on a joint venture with NNPC and **Chevron Nigeria**.633 Efforts to control it partly failed as a result of the absence of viable environmental laws at the time to enforce the company’s’ prompt response. This blowout eventually caught fire, despite efforts by the **Red Adair Corporation** contracted by **Texaco** to combat the spills.

Scientific tests conducted on the blowout sites to determine impact on vegetation and drinking water of other villages affected, such as Sangama, Kulumu 1, Kulumu 2, and Otuo Island, showed defoliation of the mangrove rhizophora seedlings and death of crabs and molluscs (oysters-crassostrea gasar).634 A total acreage of 836 of the mangrove was killed in those affected areas by the Funiwa blowout.635

Corrosion or rupture of pipelines has accounted for about 21% of oil spills in the Niger Delta area. According to the report of the Niger Delta Environmental Survey (NDES), spills caused by corrosion occurred as a result of the old age of the pipeline and lack of regular inspection or maintenance stipulated in the Oil Pipeline Act 1963.636 The oil companies were required to replace the pipelines after 15 years but most found in the oil producing Ijaw communities were over 50 years old. In March 1997 a **Shell-BP** pipeline installed after 1973 ruptured in Aleibiri in the Ekeremor Local Government Area (LGA) of Bayelsa States, occupied by the Ijaw people.637 This spilled oil into the community forest, environment and wetland and was the result of non-compliance with

---

632 Interview with K Akpan, farmer, Oloibiri, 22 November, 2011; Interview with Ekpe, farmer, Oloibiri, 22 November, 2011. The Ijaw people expected more development in term of roads, housing, and job creation from the government and the oil companies.


634 Rhizophorais stilt roots that give the Niger Delta mangroves forest it characteristics appearance. Molluscs are found on stilt root of Rhizophora (animals).

635 Aghalino, and Eyinla, ‘Oil Exploration and the Marine Pollution’, p. 179. These communities were compensated with huge amount as a result of this blowout that damaged their land and livelihood.


637 This pipeline was installed well over 24 years without replacement or proper maintenance.
the Oil in Navigable Waters Decrees of 1968, which prohibited any discharge of oil into any sea or wetland within the country.\textsuperscript{638} The company blamed this incident on sabotage and refused to clean up in accordance with the Oil Spills Contingency Plans of 1996.\textsuperscript{639} Pressure from the communities after a year of spillage forced \textit{Shell-BP} to contract for clean-up using a scoop-dump and burn method. The sites caught fire and consumed about 15 hectares of forest in March 1998.\textsuperscript{640}

Despite the above, \textit{Shell-BP} and \textit{Chevron Nigeria} admitted that the major causes of oil spills in their operating villages both in Ijaw and elsewhere in the Delta had been the corrosion of pipelines, resulting from the pipelines being old and exposed above ground.\textsuperscript{641} Shell asserted that before the establishment of the environmental legislation in the 1990s it had been difficult to persuade the government under the joint venture of the need to upgrade the deteriorating infrastructure of oil installations dating back to the early 1970s.\textsuperscript{642} This reaffirmed the evidence given by the Ijaw people that vandalism or sabotage of pipelines by militant youth was a minor factor causing spills compared to the lack of maintenance of the pipeline over more than 40 years.\textsuperscript{643}

\textit{Shell Nigeria} had in 1995 claimed that about 50 percent of its spills occurred as result of pipelines which crisscrossed the farmland in their area of operation, especially from Oloibiri to Port Harcourt.\textsuperscript{644} The company admitted that it had spilled about 106,000 barrels in Jones Creek between 1997 and 1998.\textsuperscript{645} The company however argued that the villages in most Delta areas, particularly in Ijaw land, had grown up around the

\textsuperscript{638} Oil in Navigable Waters Decree, 1968, Sec 3
\textsuperscript{642} Moldoveanu, Royal Dutch/Shell in Nigeria, (A), No, N9-399-12, p. 9.
\textsuperscript{643} Interview with Aghalino, Ilorin, 21 January 2011, Interview with Akpo, Warri, 6 December, 2010.
pipelines and so to a large extent contributed to such environmental problems in the area.\footnote{Modolveanu, Royal Dutch/Shell 399-126, pp. 8-9.} This significantly reveals the bitter disagreement between the oil companies and the local people over which of them should be held responsible for the environmental damage in the Ijawa oil-producing community.\footnote{Ogri, OR, ‘A Review of the Nigerian Petroleum Industry and the Associated Environmental Problems’,\textit{The Environmentalists}, 21(1), 2001, p.15.}

Sabotage is another major source of oil spills in the Ijawa oil producing communities. This occurred as a result of the refusal of the federal government and the oil companies to compensate for the environmental damages brought on the people in the oilfields.\footnote{Ogri, ‘A Review of Nigerian Petroleum Industry, p. 14.} In an interview with \textit{Shell-BP}'s staff who claimed anonymous, most oil spilled in Botem, Jones Creek and Jesse Creek and Nembe were linked with saboteurs of oil installations by local protesters.\footnote{Interview with Shell Staff (Anonymous), Warri, 21 November 2011.} \textit{Shell-BP} argued that 77 out of the 111 spills in the Ijawa and Delta oil fields occurred as a result of sabotage, and no oil company is permitted to pay compensation for damages caused by saboteurs. The local protesters were alleged to make spills look as if they were caused by technical failures, for example, by creating holes in the oil pipelines.\footnote{Moldoveanu, Royal Dutch/Shell in Nigeria, (A), No, N9-399-12, p.8; SPDC, ‘Oil and Gas Reserves Crisis and Political Risks, Shares concerned for investors and producers’,\textit{A Briefing for Shell Stakeholders}, June 2004, Jointly Published by the Christian Aid, Friends of the Earth Platform and Stakeholder Democracy Network p.6.}

Estimates of sabotage of oil pipelines by the local people before the 1990s accounted for about 18% of the pollution in the Delta, but as of 1996 it had risen to 60%. Meanwhile, spills due to corrosion had declined, as many oil companies had started the replacement of their older oil pipelines.\footnote{SPDC, ’People and the Environment’, \textit{Annual Report} 1996, pp.13-15.}

The contamination of the freshwater swamp used for drinking in the Luwai area of eastern Delta (Ogoni) was tested and analysed in the USA in 1997 to determine the extent of damage through scientific means. The result shows that the water had 18ppm (part per million) of hydrocarbon, about 360 times the level permitted in drinkable water by the EU.\footnote{Nwilo, and Badejo, ‘Oil Spills problem and management in the Niger Delta’,p.14} A World Bank report shows that the vast majority of the Delta people, close to between 76-80% in rural areas and 50-56% in urban areas, lacked access to safe...
drinking water. This was responsible for up to 80% of reported water-related diseases brought about by oil in the village communities in the Delta.\textsuperscript{653}

The case of accidental spills occurred in Oyakama in 1981. The construction of a road by the \textit{Guffanti Company} between Kaiama and Ahoada Ijaw communities accidentally drilled a hole in the Nigerian \textit{Agip} oil company's 16 inch pipeline.\textsuperscript{654} About 120,000 barrels of oil was reported to have spilled and spread across to other village communities of the Ijaws, such as the Okpodu freshwater and Orashi River. Scientific evidence reveals the loss of fertility of the farmland in those areas a year after the spilled incidence.\textsuperscript{655}

The \textit{Mobil} Quo Iboe oil spill of 12 January 1998 was linked to accidental spills. It occurred at the \textit{Mobil Producing Nigeria Unlimited} Idoho platform and its Quo Iboe onshore station in the south-east of the Delta state. The spillage spread into Fishtown, Koloama and Penington beach in the Ijaw communities, up to 200 kilometres away.\textsuperscript{656} The communities reacted by submitting about 14,000 applications for compensation payment worth over US$100 million, despite the company's prompt response to combat the spills.\textsuperscript{657}

A scientific report of the Quo Iboe oil spill incident shows that the water tested negative, as the Idoho River was not affected. The river water was collected with the reading between 0.82 and 83.15 parts per million (PPM), below the prescribed limit of the DPR standard for oil inland waters. This report was viewed differently by the local people who bore the brunt of the spills. \textit{Shell-BP} claimed in its \textit{Fact Book} that, depending on the environment, oil pollution has a negative impact on the water quality, vegetation and fauna of such an environment.\textsuperscript{658}

\textsuperscript{655} Environmental Health Consultant; Files on Petroleum Exploration and Environmental Health Hazard, 1995.
\textsuperscript{656} \textit{Human Right Watch}, ‘The Pride of Oil’, 1999, p. 24
\textsuperscript{657} Aghalino and Eyinla, ‘Oil Exploration and the Marine Pollution,’ p. 178.
As discussed in previous chapters, the Oloibiri oil-producing community had farmed, lived and depended on farm produce such as vegetables, food crops and legumes, but the operation of oil companies has brought changes to their environment by 1978 when the oil wells dried up. Many of the affected Olobiri and Ijaw people believed that pollution by oil had eroded the soil nutrients which led to sharp reduction in agricultural productivity. Ekpo commented on this when he said that: “As a result of the oil pollution our youths and women are unable to engage in farming, and fishing which are the main occupations in this area. So they have nothing to look forward to.” Aghalino and Raji added that the pollution of oil led to degradation of the environment, created gullies and debris as well as impacted the mangroves, destroying the flora and fauna of the Oloibiri and Ijaw areas.

The above explains the impact of perennial oil spills on the Olobiri people and the environment, particularly the mangrove and the swamp water resources in Oloibiri. Pollution of water had killed the fisheries and other life in the water and rendered the fishermen unproductive. The activities of Shell and Chevron in the oil-bearing areas of the Ijaws had precipitated the destruction of the local ecological balance and biodiversity. Emordi argued that before the discovery of crude oil in the Delta, its eco-

---

659 Steve, Inequities in Nigeria Politics, pp.41-42; Ashton, The Human Eco-system in the Niger Delta, pp.40-41; NAI, War Prof, 256/54/13/1950/57, Native Authority (Timber revenue collection rules) Western Ijaw N.A. Attention is paid to the plight of Oloibiri people after their environment were polluted and abandoned by the oil operators in the late 1970s. This serve as evidence of neglect by the government and the oil companies toward addressing the environmental problems associated with oil production in most Ijaw communities.

660 Interview conducted with F Obe, farmer, Oloibiri, 7 December, 2010. This issue was raised by other scholars such as Campbell, G. ‘No Amount of Crying Extinguishes a Single Flares in the Niger Delta’, pp. 34-35.

661 Interview with Ekpo, E. Oloibiri (Fisherman), 7 Nov 2010.

662 Interview with Aghalino and Raji, Ilorin, 22 January, 2011.


664 Francis contended that the chemical pollution in the water not only destroyed the fisheries, but had decimated the coastlines vegetations. Francis, N, ‘The Politics of Oil Exploitation: Rationalising the Co-existence of Oil Wealth and Extreme Poverty in the Niger Delta Region of Nigeria’ in Ojakorotu, V and Lysias, DG, eds., Checkmating the Resurgence of Oil Violence in the Niger Delta of Nigeria, Johannesburg, 2010, pp.25-35.
system had harboured a high concentration of bio-diversity, which supported a variety of crops, medicinal plants and freshwater fish.  

_Tell Magazine_ presented a vivid picture of the devastated impact of oil pollution on the Ijaw bio-diversity:

> What [the Niger Delta people] used to call upon for their livelihood and well-being has been wreaked for eternity by the coming of oil and its exploitation by the Nigerian state. They cannot fish because marine life has been flushed out, they cannot hunt because the game fled a long time ago, thanks to the oil hunters, and their land no longer yields good harvest.

Bio-diversity in any human environment or habitation, according to Ashton and Awunudiogba, is beneficial for the air, water purification, social conservation, and reduction of the harmful natural effects in such an environment. The absence of these factors in Oloibiri has led to rapid change and a worsening environmental damage. An intelligence report shows that Oloibiri people lost their plants and marine organisms as a result of oil pollution over 50 years.

An example of oil spills into the Oloibiri’s environment occurred after the abandoned oil well 14, shut since 1978, released oil in 2004. Oral evidence shows that the well had been leaking from the source for many years without response from Shell-BP. About 20,000 barrels were spilled in the incident. The SPDC responded promptly for a clean-up at the time. A report from a recent scientific investigation by UNEP into abandoned oil-producing communities of Ogons and Ijaw shows that Shell-BP and Chevron, among other oil operators, had contaminated the soil and bio-diversity of those areas.

---

668 NAE, War Prof, CSO 26, 56628/1966, Intelligence report on petroleum resources and pollution in the Niger Delta.  
669 Interview with Obeche, Warri, 19/11/2010
oilfields. Oil, claimed to have been cleaned up by the companies, was seen seeping out from Oloibiri after many years. 

---

670 Guardian Newspaper, ‘Niger Delta Oil Spills Clean Up will take 30 years say UN’ Thursday 4, August 2005.
671 Field trip by the researcher between 2010 and 2012 to Ijaw oil-producing community.
### Table 6.5: Types of oil spills and number reported in Eastern Niger Delta, 1987-1996

<table>
<thead>
<tr>
<th>Year</th>
<th>Total spills reported</th>
<th>Equipment failure</th>
<th>Human Error</th>
<th>Sabotage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>105</td>
<td>28</td>
<td>12</td>
<td>65</td>
</tr>
<tr>
<td>1988</td>
<td>102</td>
<td>19</td>
<td>28</td>
<td>55</td>
</tr>
<tr>
<td>1989</td>
<td>113</td>
<td>34</td>
<td>39</td>
<td>40</td>
</tr>
<tr>
<td>1990</td>
<td>125</td>
<td>46</td>
<td>15</td>
<td>64</td>
</tr>
<tr>
<td>1991</td>
<td>126</td>
<td>39</td>
<td>20</td>
<td>67</td>
</tr>
<tr>
<td>1992</td>
<td>157</td>
<td>41</td>
<td>53</td>
<td>63</td>
</tr>
<tr>
<td>1993</td>
<td>166</td>
<td>38</td>
<td>32</td>
<td>96</td>
</tr>
<tr>
<td>1994</td>
<td>203</td>
<td>49</td>
<td>27</td>
<td>127</td>
</tr>
<tr>
<td>1995</td>
<td>263</td>
<td>37</td>
<td>39</td>
<td>187</td>
</tr>
<tr>
<td>1996</td>
<td>269</td>
<td>31</td>
<td>29</td>
<td>209</td>
</tr>
<tr>
<td>Total</td>
<td>1629</td>
<td>362</td>
<td>294</td>
<td>973</td>
</tr>
</tbody>
</table>


This table illustrates that the number of spills caused by sabotage rose maximally over the years compared with those caused by equipment failures and human errors.

On a general note, I argue that the causes of oil spills must be attributed to both the local people as well as the oil companies. *Shell* claimed that most communities indulged in sabotage to prevent the company from stopping oil spills with the aim of earning more compensation or to create more clean-up work for their people. However, the problem of perpetuation should be linked to the federal government, because they had shown unflinching support for oil operators through military attacks that led to youth restlessness and militancy in Oloibiri and the Delta.

*Shell-BP* responded to the assertion made by the *Greenpeace* organization that the Niger Delta was an ecological disaster, linked directly to its operation in the 1990s. *Shell* based its argument on the World Bank report on the environmental and development threat in the Niger Delta in 1995 that, the issue of oil spills and gas flaring was found well below many other factors that affected the environment. Flaring of gas, according to this report, was a wasteful emission of greenhouse gases, but no

---

672 SPDC, ‘Oil and Gas Reserves Crisis and Political Risks, Shares concerned for investors and producers’, p.6.
notable acidification of rainwater was found near flaring sites.\textsuperscript{675} This implies that oil pollution in the Ijaw community was only a moderate priority when compared to the full scale of environmental problems found across the entire Niger Delta.\textsuperscript{676} Fagbami and Duru contend that damage linked to oil spills and gas was from consumptive rather than productive or industrial sources, as with most pollutants in the Delta and Nigeria at large.\textsuperscript{677} For instance, they contended that the pollution in Tsekelewu oil field near Port Harcourt, which affected the plants, could not be linked to the effects of oil on the flora and fauna in this area.\textsuperscript{678} Clearly, oil and gas pollution were not the only factors responsible for environmental degradation in Oloibiri, and other oil producing communities in Ijawland and the Delta region.

**TABLE 6.6:** Exhibit 10 World Bank Report Ranking of Environmental Issues In Nigeria

<table>
<thead>
<tr>
<th>Category</th>
<th>High Priority</th>
<th>Moderate Priority</th>
<th>Lower Priority</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land Resource</td>
<td>Agricultural land degradation, flooding(moderate high)</td>
<td>Coastal erosion, Riverbank erosion</td>
<td>Sea level rise</td>
</tr>
<tr>
<td>Renewal Resource degradation</td>
<td>Fisheries depletion, deforestation; biodiversity loss, water hyacinth expansion</td>
<td>Fisheries habitat degradation</td>
<td>Mangrove degradation, Nypa palm expansion</td>
</tr>
<tr>
<td>Environmental pollution</td>
<td>Sewage, vehicular emissions, municipal solid wastes, toxic and hazardous substances</td>
<td>Oil pollution, industrial effluents, industrial air emissions, industrial solid wastes</td>
<td>Gas flaring</td>
</tr>
</tbody>
</table>


\textsuperscript{678} Fagbami et al., ‘Vegetation and Damage in an Oil Field in the Niger Delta of Nigeria’, pp. 61-62.
This table reveals that the environmental problems found in the Niger Delta were many. Oil and gas pollution were contributory factors with attendant effects on land degradation. This however did not detract from claims that oil and gas constituted environmental problems in the oil-bearing community of the Ijaws.

6.6 THE SOCIAL, ECONOMIC AND POLITICAL IMPACT

The social impact of oil pollution in the Ijaw area was linked to years of neglect by the federal government, Shell BP and Chevron Nigeria, particularly in ensuring a clean environment in Oloibiri. Scholars such as Alagoa, Jain and Olusi argued that oil and gas extraction in the Delta, rather than alleviating the problems of the Oloibiri community through meaningful development, had led to inhalation of poisonous gases on a daily basis.679 This was an example of the perennial environmental situation the Ijaw people had suffered and borne for the previous five decades.

The perennial oil and gas pollution also led to displacement of the Ijaw people in the affected environment. Many claimed that their relocation was necessary in order to escape the hazards of a polluted and degraded environment.680 However, Ikelegbe argued that the relocation to safe environments in the Niger Delta did not resolve their problems because they had to start their life again.681 For instance, the oil blowout by a Shell pipeline in Jesse Creek and Jones Creek in the Ijaw area left many homeless and killed more than 700.682 Added to this, Chevron Nigeria had offered no relief materials to the affected people of Opia when their traditional local economic activities were destroyed through oil spills in the 1990s.683

680 Interview with Obeche, Warri, 19 November 2010, Interview with Mustapha, Ilorin, 22 January 2011. Field evidence revealed that whenever there is pollution in any part of the land, the discharge chemicals are very poisonous and sometime bring diseases and death.
682 Gerdicks, AI, Resource Rebels, Native Challenges to Mining and Oil Corporations, Boston, South End Press, 2001, pp.54-70; Frynas, Oil in Nigeria: Conflict and Litigation Between Oil Companies and Village Communities, p.27.
The case of the Ikwoke people of Andoni community in the Eastern Delta confirmed the above claims that migration did not resolve the problems of the displaced Ijaws/Oloibiri in their new environment. Most of the Ikwoke people, particularly the farmers and fishers, had left their own village in search of drinking water from other villages not affected by pollution, or migrated to new places.\(^{684}\) The oil spillage had contaminated the rivers they used for fishing and they were forced to migrate from the Okrika local government area of River State to Azuzuama community in the southern Ijaw local government area of Bayelsa State to continue their fishing and farming activities.\(^{685}\) The devastation of the Ijaws’ wildlife within the swampy area had encouraged forced migration of many local hunters into other parts of the Hinterland, such as Isoko, Urhobo, Ibos, Warri and Port-Harcourt. Aghalino believed that such movement became necessary in seeking good fortunes, since hunting was a source of income.\(^{686}\)

Problems associated with migration included sanitation, unemployment and high crime rates in the urban centres of Warri, Sapele and Port-Harcourt.

Fire disasters that occurred in the oil-producing areas were linked to oil pipeline blowouts. Life and properties had been destroyed in some Ijaw villages, such as the Kolo Creeks, Jones Creek and Jesse Creek between the 1980s and 1998. An eyewitness account revealed the devastating effects of the fire in their villages during this time, signifying the level of human degradation they had to bear as a result of oil exploration and production.\(^{687}\)

Increasing antisocial behaviour in the Ijaw villages, towns and urban centres in the Niger Delta were linked with the attendant effects of oil and gas pollution.\(^{688}\) Oral evidence given by Elder Edward in Oloibiri confirmed that oil pollution increased rates of crime, prostitution, unemployment and health challenges, which demoralised the local

\(^{684}\) Interview with Fishers (Anonymous) Ijaw community, 19 November, 2011.


\(^{687}\) Interview with Chief Edward, Warri, 19 Nov 2010; I share the view of this interviewee because despite the environmental degradations suffered in order for the Nigerian government to have a lion share in the oil proceeds, adequate compensation required in solving their problems were not made available.; Aghalino, ‘Gas Flaring, Environmental Pollution and Abatement’, pp.219-238.

people. Many of the Ijaw people had lost their traditional occupations, such as farming, fishing, and craftsmanship, largely as a result of the environmental degradation caused by oil extraction. This became their option of survival in the midst of oil wealth found in their homeland.

An informant on the increasing wave of prostitution in both Ijawland and the entire Niger Delta reported that:

Most young ladies have been forced to move to other non-oil producing states in Nigeria such as Lagos, Ogun, Oyo, Kaduna, Jos, and Abuja. Some have been deceitfully lured into overseas like Italy, Britain, USA, Saudi-Arabia, Germany, France, Canada, Spain and Malaysia for prostitution, because oil has polluted their livelihood.

This significantly revealed the alternative ways the Ijaws had resorted to, that their future lives and aspirations were uncertain, particularly as a result of the government’s attitude toward addressing their plight.

Lastly, the relationship between the local oil-producing communities and the oil companies became strained, as was clear from the oil operators’ refusal to clean up the mess brought by their operations, and particularly in the payment of full compensations to the affected landowners. Shell BP and Chevron claimed that most of the oil spills had occurred through sabotage by the Ijaw youth, and thus were not liable for compensation. Conversely, the Ijaws believed that the oil companies were seeking a scapegoat rather than taking necessary steps to curtail and clean up the degraded and polluted environment.

The perennial pollution of the Ijaw environment has increasingly led to loss of traditional jobs and rampant cases of unemployment. Many of the local people rely on fishing and farming, which Ashton claims had witnessed a sharp reduction as a result of “oil spills

---

689 Interview with Elder Edward, 19 November, 2011.
690 The concern here is to provide evidence of social crimes in the Ijaw area and not to discuss in full their survival means. The details on their survival strategies shall be discuss in Chapter 8.
691 Interview with Aghalino, Ilorin, 21 January 2011.
693 Interview with Raji, Ilorin, 22 January 2011; Interview with Chief Edward, Warri, 19 December 2010.
which spread quite extensively on the only stream that provided (the) water source of drinking water for the area". The grass, palm trees and other forms of vegetation within the Ijaw village communities had suffered similar pollution.

Avwunudiogba claimed that the loss of employment in traditional farming encouraged the local people in the Delta’s oil rich areas to combine ways of income from fishing and farming; fishing and trading; fishing and hunting; and fishing and brewing. Oral evidence found that the loss of the agriculture and fishing business has crippled their economic wellbeing, especially in the 1990s. The ever-worsening impact of oil and gas pollution on the Ijaws greatly affected their economic skills and their earning capacity, especially in the fishing trade. Overfishing, coupled with the environmental problems of pollution, were factors responsible for the loss of jobs among the fishers. This explains the decisions of most of these fishers and farmers to adopt a combination of jobs as another means of raising more money to meet their basic needs.

Adding to the above, most Ijaw people, both skilled and unskilled, were forced to leave their villages in search of better opportunities in urban centres. The rural-urban drift led to sharp reduction in the economic growth and the development of Oloibiri in the 1990s. An interviewee observed that most of their husbands could not provide for their needs and most young school leavers were forced to work as servants in Warri and Port-Harcourt.

A World Bank report shows that about 50 percent of the Niger Delta youth between the ages of 15 and 24 were unemployed as a result of the associated environmental

---

695 Interview with Aghalino, Ilorin, 21 January 2011.
698 Interview with Raji, Ilorin, 21 January 2011, Interview with Aghalino, Ilorin, 22 January 2011.
699 Ashton, Human Eco-system in the Niger Delta, p.109
700 Detail on the survival means employed by the Ijaw people is discussed in chapter 8.
701 Interview with Agnes, A. Trader, Oloibiri, 22 November 2011.
problems of oil in their areas. In particular, the Oloibiri town where the first commercial oil production started was worst hit by increasing youth unemployment, estimated at 50 percent.

**Table 6.7: Unemployment and underemployment rates in Niger Delta states 2006**

<table>
<thead>
<tr>
<th>State</th>
<th>Unemployment</th>
<th>Underemployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akwa-Ibom</td>
<td>11.3</td>
<td>33.7</td>
</tr>
<tr>
<td>Bayelsa</td>
<td>6.8</td>
<td>19.4</td>
</tr>
<tr>
<td>Cross-River</td>
<td>1.8</td>
<td>12.0</td>
</tr>
<tr>
<td>Delta</td>
<td>9.3</td>
<td>29.2</td>
</tr>
<tr>
<td>Edo</td>
<td>8.0</td>
<td>30.9</td>
</tr>
<tr>
<td>Rivers</td>
<td>11.4</td>
<td>25.3</td>
</tr>
<tr>
<td>South-south</td>
<td>8.8</td>
<td>26.2</td>
</tr>
<tr>
<td>Nigeria</td>
<td>5.3</td>
<td>20.2</td>
</tr>
</tbody>
</table>

Source: Nigeria Core Welfare Indicators Questionnaire 2006

**Table 6.8: Youth (15-24) unemployment and under-employment rates**

<table>
<thead>
<tr>
<th>Area</th>
<th>Unemployment</th>
<th>Underemployment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akwa-Ibom</td>
<td>33</td>
<td>24</td>
</tr>
<tr>
<td>Bayelsa</td>
<td>19</td>
<td>16</td>
</tr>
<tr>
<td>Cross River</td>
<td>5</td>
<td>9</td>
</tr>
<tr>
<td>Delta</td>
<td>21</td>
<td>27</td>
</tr>
<tr>
<td>Edo</td>
<td>22</td>
<td>37</td>
</tr>
<tr>
<td>Rivers</td>
<td>29</td>
<td>20</td>
</tr>
<tr>
<td>South-south</td>
<td>24</td>
<td>22</td>
</tr>
<tr>
<td>Nigeria</td>
<td>14</td>
<td>172</td>
</tr>
</tbody>
</table>

Source: Nigeria Core Welfare Indicators Questionnaire 2006.

---

These tables illustrate that the states occupied by the Ijaw people, such as, Bayelsa, Rivers, Cross Rivers and South-south, were worst hit by youth unemployment when compared with other states in the Niger Delta and Nigeria. This resulted in an increase in youth violence and militancy in the oil-producing states of the Delta.

Clearly, the constant transmission of the un-burnt carbon into the soil brought destruction and near extinction of the Ijaw vegetation, and created permanent hardship and economic disorganisation and underdevelopment in the Oloibiri oil-producing community.\textsuperscript{704} Obeche believed that oil production resulted in the reduction of earnings by the oil companies, whilst the local people in Ijaw area, such as the Oloibiri and Nembe had suffered wanton destruction of rivers that generated income for their survival.\textsuperscript{705}

The many years of oppression, marginalisation and denial of basic rights of the Ijaw people by the central government cast light on the politics of oil in the entire Delta region. Obeche claimed that despite the huge oil wealth found in on their homeland, the people have been subjected to poverty and consistently been the target of the government’s military attack to protect their interest.\textsuperscript{706} This has been the case in other regions of the world where crude oil forms the major source of revenue for central governments. Power politics has been employed by a few rich powers to the detriment of the local people from whose land the wealth was derived.\textsuperscript{707}

Ikelegbe contends that the decades of oil exploitation, environmental degradation and state neglect have created an impoverished, marginalised, and exploited citizenry, which after more than two decades produced a resistance of which the youth were in the vanguard.\textsuperscript{708} This provided vital information on the suffering and neglect of the Oloibiri people as a result of the power politics played by a few elites at federal, state

\textsuperscript{704} Interview with Raji, Ilorin, 21 January 2011; Interview with Obeche, Warri, 19 December 2011.
\textsuperscript{705} Interview with Obeche, Warri, 19 December 2011.
\textsuperscript{706} Interview with Obeche, Warri, 19 December 2011.
\textsuperscript{707} It is evidently clear that countries having oil as their main economy staple often resort to the use of oppression and force on the local resistance. For example in some African oil rich region such like Angola, Algeria, Libya, and Nigeria. Oil has lead to conflicts between the home government and the local people as a result of environmental devastation brought by oil exploitation without taking care of their basic needs. Phillippe, LB, ‘Aids in the Midst of Plenty: Oil Wealth, Misery and Advocacy in Angola’, \textit{Disaster}, 29(1), 2005, pp.110-111; Michele, B, ‘The Venezuelan Oil Crisis: How to Secure American Energy’, \textit{African Affairs}, 83(5), 2004, p.234.
and local government levels. The oil companies were partners in the political oppression, especially against individuals, villages or towns which opposed their business interests in the Ijaw environment and the entire Delta region.

The oldest oil town community of Oloibiri showed examples of abuse of human rights and marginalisation or neglect by the federal government over five decades. These Ijaw people had been forgotten in terms of infrastructure facilities, political representation within the central government. O'Neil contends that this town lacked new development or a single modern industry.\textsuperscript{709}

**Table 6.9: Nigerian Government 1960-1999**

<table>
<thead>
<tr>
<th>Period of rule</th>
<th>Head of State</th>
<th>Type of Govt.</th>
<th>Ethnic origin</th>
<th>How the rule ended</th>
</tr>
</thead>
<tbody>
<tr>
<td>1960-66</td>
<td>Balewa</td>
<td>Civilian</td>
<td>Hausa</td>
<td>Attempted coup/assassination</td>
</tr>
<tr>
<td>1966</td>
<td>Ironsi</td>
<td>Military</td>
<td>Ibo</td>
<td>Coup/assassination</td>
</tr>
<tr>
<td>1966-75</td>
<td>Gowon</td>
<td>Military</td>
<td>Angas/Middle Belt</td>
<td>Coup</td>
</tr>
<tr>
<td>1975-76</td>
<td>Mohammed</td>
<td>Military</td>
<td>Hausa</td>
<td>Attempted coup/assassination</td>
</tr>
<tr>
<td>1976-79</td>
<td>Obasanjo</td>
<td>Military</td>
<td>Yoruba</td>
<td>Elections</td>
</tr>
<tr>
<td>1979-83</td>
<td>Shagari</td>
<td>Civilian</td>
<td>Hausa</td>
<td>Coup</td>
</tr>
<tr>
<td>1984-85</td>
<td>Buhari</td>
<td>Military</td>
<td>Fulani</td>
<td>Coup</td>
</tr>
<tr>
<td>1993</td>
<td>Shoneka</td>
<td>Civilian</td>
<td>Yoruba</td>
<td>Head of interim Govt, Coup</td>
</tr>
<tr>
<td>1993-98</td>
<td>Abacha</td>
<td>Military</td>
<td>Kanuri</td>
<td>Presumed heart attack</td>
</tr>
<tr>
<td>1998-99</td>
<td>Abubakar</td>
<td>Military</td>
<td>Middle Belt Group</td>
<td>Elections</td>
</tr>
<tr>
<td>1999-</td>
<td>Obasanjo</td>
<td>Civilian</td>
<td>Yoruba</td>
<td>Elections</td>
</tr>
</tbody>
</table>

Source: Frynas, 2000, p.43

This table illustrates the neglect and biased nature of the political system and representation in Nigeria. It shows that no person ever held the highest political position from the oil producing communities of Delta states from which the bulk of the government revenue came. The North, Middle Belt and the South-West ethnic groups had dominated the political power in order to control the oil resources from the Ijawland and the Niger Delta, to the detriment of their livelihood and environment.\(^{710}\)

---

\(^{710}\) Until recently, an Ijaw man was elected president of the Federal Republic of Nigeria in 2011. President Goodluck Jonathan is an Ijaw man, and oil producing community of Niger Delta.
The clash of interests among oil-bearing villages led to internal division and conflict, especially among the youth and chiefs, the community and the urban elites. Oral evidence has revealed Ijaw against Itsekiris conflict over Warri province has taken place since the 1950s, linked to its development into an oil rich province by the federal government and the oil multinationals. A confidential report revealed that both the Ijaws and the Itsekiris have claimed ownership over the area in order to maximise the benefits from the compensation paid for land degradation and environmental loss by Shell and Chevron petroleum companies.

An intelligence report on the Ijaw/Itsekiri crisis over Warri reveals that:

The Ijaws of Ogbe-Ijoh were the founders of Warri Town by (sic) scratch and had been there for long before the adventures of other tribes, traders and Government... Before the government of Great Britain sent their Consuls to Warri area for administrative purposes, the Ogbe-Ijoh people had been very old at Warri they were the people directly under the Consulate Warri in those days.

The above illustrates that the Ijaw people founded Warri and not the Itsekiri or Urhobo people.

The creation of Delta State in 1991 by the Babangida military administration for the Ijaw people to a large extent led to increased tension and dissatisfaction amongst the Urhobo and Itsekiri communities for lack of political representation in the state and local government area. The relocation of the local government headquarters from Ogbeh-

---


713 NAE, War Prof, OLGC/38/2/1956, Despatch letter by the Provincial Advisor Delta Province, 21 June 1956.

714 NAE, War Prof, OLGC/38/2/1956, Despatch letter by the Provincial Advisor, Delta Province, 21 June 1956; NAE, War Prof, No, 96/1/106/20, Intelligence report on Ogbe-Ijoh People, Aug 23, 1956; See also, NAE, War Prof, OLGC/38/4/18 August 1956.

Ijoh to Ogidigbon, an Itsekiri area, angered the Ijaw people in March 1997. The internal conflict explains the craving for power and political representation within the Niger Delta politics as a whole, particularly on land matters, for justice and social recognition.

Oil politics in the Oloibiri and Ijawland brought about a struggle for chieftaincy, the emergence of youth organisations, unbridled quests for power and a breakdown of the political system. The World Bank reports that Nembe was an example of a community in which the locals and the chiefs had disagreed over the sharing of compensation payment made by Shell-BP. It explains the decisions made by the youths in the 1990s, stating that since the federal government had resolved on taking total control of oil resources on their land without increasing the allocation there would always be riots and protests within the communities.

Political unrest and internal struggle by the Ijaw people was linked to those petroleum decrees and legislations that outlawed their rights and powers over their own land. As Onduku writes, the federal government, while making the petroleum legislation, did not seek the consent of the Niger Delta people. This aggravated the demand for resource control and full compensation for a worsening and devastated environment, which plunged the Ijaw oil-rich zone into continual chaos, crisis, and conflict with both the federal government and the oil companies up to 1998.

---

716 The Delta State Assembly had since passed a bill that relocated the LGA headquarter back to Ijaw speaking area of Warri in 1999 for peaceful co-existence.
717 Interview with Aghalimo, Ilorin, 21 November 2011
719 Interview with Obeche, Warri, 19 December 2010, the detail on this aspect is discussed in Chapter 7.
720 Details on those petroleum laws is discussed in Chapter 5.
722 The next chapter will examines the result of marginalisation and the question of the existence of Nigeria state by the Ijaws and the Niger Delta people for political representation and resource control.
6.9 CONCLUSION

This chapter has investigated the consequences of oil production on the Ijaw people and their environment over time. Evidence showed that the interaction of people within their environment has brought changes to the human eco-system, especially the extraction of oil by multinational oil companies, which has to a large extent changed the climatic condition of Oloibiri Ijaw land and increased the risk of global warming.

The chapter presented the factors responsible for the perennial gas flaring in the Ijaw oil producing community. Based on the information gathered from the scholarly research of Omofunwan, Micheal and Omoweh, gas flaring occurred in Ijawland as a result of the burning of waste gases by combustion. This was consistent with the argument presented by the local people that the flaring has affected their vegetation, soil and climate, while oil pollution had contaminated the rivers, creeks and mangroves on which their livelihood relied.

Scientific evidence presented on gas flaring reveals that it has caused untold environmental devastation and health hazards to both humans and animals, as a result of the emission of gases such as nitrogen, sulphur oxides and carbon-monoxide, with an impact on vegetation, soil and climate. The incidence of acid rain on the Delta, Ijaw and Oloibiri people was linked to gas flaring. Acidic rain causes acidification of drinking water and increases heavy metals and corrosion of roofing sheets in most oil fields in the Ijaw community.

The chapter presented the main causes for the oil spillage in the Ijaw environment. Spills occurred as a result of lack of proper maintenance of the oil flow lines or pipelines, sabotage, accidental and equipment failures by the oil companies. Claims have been made that the saboteurs among the militant youth were responsible for many oil spills in the Ijaw area. However, the saboteurs had been forced out of their traditional jobs, having fished, farmed and survived off the natural environment until oil polluted and degraded their means of livelihood. Oil spills in the Ijaw area have continued unabated due to oil pipelines that are too old.

Evidence presented in this chapter reveals that oil pollution was not the only cause of environmental degradation in Ijawland and the entire Delta. Other factors were sewage,
vehicle emissions, solid wastes, toxic and hazardous substances. I argued that Shell-BP and Chevron Nigeria and other oil operators in the Ijaw and Niger Delta should not be held completely to blame for all environmental problems, though oil and gas pollution still constitutes the basis for agitation in Oloibiri, other Ijaw oil-producing communities and the Delta.

Scientific evidence presented on oil spillage show that most of the rivers and waters in the Niger Delta, Ijawland and Oloibiri were polluted as a result of blowout, sabotage or accidental spills. Drinking water tested in Funiwa and Iboe blowouts shows that it contained benzene and other pollutants. The soil was contaminated about five meters deep, and most oil spill sites in the Ijaw community that companies claimed to have been cleaned up, remain highly contaminated.

The onerous impact of oil and gas pollution on the Ijaw people and their environment, social, political and economic activities was presented in this chapter. Research evidence showed that the associated environmental problems brought by oil pollution destroyed land, water and fisheries, and precipitated chain reactions from the local people. Oil pollution brought ill-health, death, displacement, and loss of jobs and increased the level of social crime and prostitution in the oil-producing area. It was revealed that the Ijaw people and the Delta areas were politically marginalised, because the government, rather than resolving their environmental problems, preferred a counter attack.
CHAPTER SEVEN

7.1 INTRODUCTION
This chapter examines the responses of the federal government, oil companies and the Ijaw people to pollution as well as the politics of control in their oil fields. It explores and investigates the factors responsible for the demand of resource control by the Ijaw people as well as the contradictions of resource control and the nonoil-producing states in Nigeria. The chapter further examines the responses of the federal government to the demands of the oil-producing communities in the Niger Delta through a focus on the work of federal agencies such as the Niger Delta Development Board (NDDB, 1961), the Federal Environmental Protection Agency (FEPA, 1988) and the Oil Mineral Producing Area Development Commission (OMPDEC, 1992) on the local levels. The responses of Shell Nigeria and Chevron Nigeria to the environmental problems caused by oil production are also examined in this chapter.

7.2 RESOURCE CONTROL AND REVENUE DISTRIBUTION IN POST-COLONIAL NIGERIA
The concern in this section is to provide not a detailed analysis of Nigerian federalism but rather a discussion of resource control and power allocated to the federal state with respect to the exploration and production of oil and revenue-sharing formulae for the region of origin. Resource control is the power and rights of a community or state to raise funds by way of tax or persons, matters, services and minerals within its territory. Scholarly research on resource control in Nigeria shows that the state within

---

which any resources were found has rights to a share in the revenue accrued from their sale, based on the principle of derivation.\textsuperscript{724} The agitators of resource control among the Ijaws and Ogonis in the Niger Delta area, such as Dappa Biriye, Nnimmo Bassey and Ken-Saro Wiwa, argued that they were campaigning to become stakeholders in the petroleum sector, especially to have a voice in the production and distribution of some of the revenue accruing from their land, though not with the intention of denying the federal government of it.\textsuperscript{726} The federal system practiced in Nigeria also negated the minorities and permitted injustices as a result of the level of environmental despoliation impinging on the survival of the Ijaw and Delta people.\textsuperscript{726} The Northern and Western regions played a dominant role in the governance of Nigeria after the 1960s,\textsuperscript{727} with resource allocation biased against the interests of the oil-producing states in the Niger Delta.

Resource control within the context of the Ijaw people in the Niger Delta was interlinked fiscally in a federal system of government, particularly the case in the Nigerian First Republic between 1960 and 1966. The country was initially divided into three regions (four from 1963 onwards) that exemplified a self-governing system, at the same time allowing for agreement on the common defence and protection of the country.\textsuperscript{728} Each region had its own constitution, attached to the federal constitutional document, in particular Part 2 of Chapter 9 of the 1960/1963 Constitution, that allocated the revenue derived from natural resources such as palm oil and rubber in a particular environment to the government, and shared the federally collected revenue among other federating

Interview with Aghalino, 21 Jan 2011.
\textsuperscript{727} \textit{Africa Confidential}, 9 May 1997.
\textsuperscript{728} Section 140 of the 1960 Nigerian Constitution stipulated that the sharing of revenue allocation to the regions shall be based strictly on derivation; Oziegbe, O, ‘Quest for True Federalism in Nigeria’, \textit{The Nation Newspaper}, 11/8/2009, p36-40, \textit{http://thenationonlineng.net/web2/articles/13607}. 
It was in line with Wheare’s vision of a federal system in which there is no hierarchy of authority that permits central government to impose itself on other federating units, as all levels maintain horizontal relationships.

According to the 1958 Raisman Commission Report, petroleum profits were to be divided, with 50 percent allocated to the Niger Delta communities, since oil was located in their territory (derivation principle), 20 percent to the Federal government, and 30 percent to a distributive pool for sharing among other regions in Nigeria, based on population and equality. The relationship between the central government in Nigeria and the component units rested upon a balanced division of power and resources found in the environment, where each possessed the power over its natural resources without interference from the others. More importantly, the demand for resource control by the Ijaw people, up to 1966, was tied to the same principle during the First Republic, a period when the federating unit had control over agricultural produce and shared about 50 percent of its sale based on derivation. However, the power politics played by the federal military government toward the end of 1966 to a large extent impeded the practice of a true form of federalism, that is, one that recognises the states’ access to a fair share of the natural resources on its land.

The intervention of the military forces in Nigerian politics in 1966 had implications for the Ijaw oil-producing area and the entire Niger Delta, namely, the suspension of the people’s rights and control over the entire land, the cancellation of the 50 percent revenue allocation to the Delta area, and neglect of the environment. The petroleum

---

734 The Federal Military Decree no, 23 of 1966 reverted the existing laws that guaranteed the state’s control over its resources, and vested the same in the Supreme Military Council and the Federal Executive Council. We should note that the civilian government before the military government must be blamed for environmental problems in the Delta. Alafuro, E, ‘Taming the Monster: Critical Issues in Arresting the Origin of Youth Restiveness in the Niger
decrees promulgated by the military government became the principle adopted in the oil-producing area by successive government in Nigeria.

As discussed in Chapters 4 and 5, the Colonial Mineral Oil Ordinance of 1914 vested ownership and control of minerals with the British Crown, and was restated in the 1946 Mineral Act. At independence, the power of ownership was automatically transferred to the federal government. More importantly, some mineral rights were ceded to the United Africa Company (the Royal Niger Company’s successor) by the colonial government. As Flint writes:

…the company was to receive one-half of the royalties which the government undertook to impose on all minerals mined in an area between the main Niger and the line through Yola and Zinder, providing they were exported through a British customs house. The concession was to last for 99 years. Protests by the Zikist movement and other nationalists in 1946 made the British reverse this decision by the end of 1949.

Additionally, the petroleum decrees passed by the military government, such as the 1969 Petroleum Act, re-emphasised the exclusive ownership of the government over oil extracted in any part of the country, particularly in the Delta. For example, the 1969 Petroleum Act already regulated community access to communal land and restricted their rights over mineral resources, making it possible for the multinational oil investors to have unrestricted access to explore for oil, despite the problem of pollution associated with their operations.

The period from the 1970s through to the 1980s witnessed awakening of the local consciousness tithe environmental pollution and degradation in the Ijaw community. The state’s ineptitude in dealing with the environmental situation fuelled unrest and agitation

735 This is discussed in Chapters 4 and 5.
737 The Nigerian 1999 Constitution, Section 162 (2)
against the centralised control of oil, especially the few military leaders and local civilians. Decree No. 13 of 1970, specifically permitted the federal military government to retain 55 percent of the royalties from crude oil sales, whilst 45 percent was paid to the state producing the oil, based on derivation. By implication, the alteration made by the Supreme Military Council in 1970 deprived the oil-producing states of ownership in terms of revenue and export duties, which were shared between them by a ratio of 3:2.

A British Petroleum (BP) record shows that the Niger Delta people’s rights and control over their environmental resources were further weakened by the federal government under its 1971 Decree No. 9, which nationalised mineral resources and vested the power over oil found in the continental shelf on the central level. This practice, according to Dibua, did not account for the derivation funds allocated to the oil-producing Ijaw area. The provision of this decree thus signified that all oil exploration and proceeds from the offshore or territorial water belonged to the government.

The complexities surrounding the 1978 Land Use Act show that it was enacted to redefine the legal claims of ownership and control all the mineral land found in the Ijaw area. It took away the community’s rights to negotiate directly with the oil companies over access to land and compensation payment. The people were mindful of their limited rights imbedded in the Land Use Act that nationalised all land, both urban and rural, for the state and Local Government Area. Section 28(1) expressly permitted the occupancy and ‘overriding public interest’ of the state over oil wells in the Ijaw

---

740 Continental Shelf as used in this thesis meant an area adjacent to the coast of Nigeria where off shore oil exploration and production was permitted. These offshore oil productions were declared the Federal government’s matters. By implication, the Ijaw oil-producing areas were not entitled to any proceeds from the sale of oil found in such area, BP British Archive, PRO, CO. 554/2109, Continental Shelf Oil Prospecting, 1958.
742 Land Use Act 1978, Section 544.
environment.\textsuperscript{744} This explains why \textit{Shell Nigeria} argued that the problem in the Delta escalated when in 1978 and 1979, as two laws were passed which gave the 36 States and the federal government control over all land and minerals.\textsuperscript{745} It also illustrates the unfair distribution of income derived from minerals by the government during this period, laying the foundation for intensive agitation for resource control by the Niger Delta people.

The federal division of financial resources within the context of the Nigerian revenue-sharing formula between 1960 and 1975 was based on sharing a fixed proportion of the revenue collected in the local area where the resource was found (derivation). Agitation and debate on how this formula was determined began in 1966, when the Gowon government abrogated the 50 percent allocated to the oil-producing area of the Delta.\textsuperscript{746} The allocation of revenue to the oil-producing region was further reduced to 45 percent and 55 percent between 1969 and 1975 for the federation account. Government’s exclusive right to offshore resources increased its allocation to 80 percent in 1979 and 20 percent of the oil-producing area.\textsuperscript{747} The Delta areas were mostly affected by this sharing formula since the non-oil states had a greater share than the oil-producing community.

Section 1, 2(2) of the Revenue Allocation Act of 1981 specifically addressed the payment of compensation to the oil-producing states:

\begin{flushleft}
\textsuperscript{744} Frynas, ‘Corporate and State Responses to Anti-Oil Protests in the Niger Delta’, pp.27-54; Aghalino, SO, ‘Combating the Niger Delta Crisis: An Appraisal of Federal Government Responses to Anti-Oil Protest in the Niger Delta, 1958-2000,’ \textit{Maiduguri Journal of Historical Studies}, 2004, pp.20-30; Based on the provision of the Land Use Act, the oil companies until 1978 paid compensation on land directly to the land owners for damaged crops, but as a result of its enactment, the rights was invested in the federal government.

\textsuperscript{745} \textit{African Insight: The Oil Fields of Nigeria}, 29(1-2), 1999, pp.36-39.


\textsuperscript{747} \textit{Africa Confidential}, 1997.
\end{flushleft}
The amount standing to the credit of the Federation Account (as specified in subsection (1) of section 149 of the constitution of the Federal Republic of Nigeria shall be distributed by the Federal government among the various governments in Nigeria…”

Based on this provision, the Federal government would share 55 percent, the state government 32.5 percent, the local government council 10 percent, the fund meant for resolving ecological problems 1 percent, and the physical development of oil-producing community 1.5 percent.

Section 2(4) of the Revenue Allocation Act of 1981 states that:

an amount equivalent to the revenue accruing to the Federation Account derived from minerals extracted from the mineral producing areas of Nigeria shall be paid into a fund to be administered by the Federal government for the development of the said mineral producing area…”

This illustrates that the Ijaw and Delta oil-producing communities had specified allocation from the oil revenue derived from their land.

In 1982, the 20 percent allocated to the oil regions was decreased to 1.5 percent based on derivation, then increased to 3 percent in 1992, and again to 13 percent in 1999.

Table 7.1: State and Federal shares of petroleum proceeds 1953-present

<table>
<thead>
<tr>
<th>Years</th>
<th>Producing states %</th>
<th>Federation Account including DPA %</th>
</tr>
</thead>
<tbody>
<tr>
<td>1953-1960</td>
<td>100</td>
<td>-</td>
</tr>
<tr>
<td>1960-1969</td>
<td>50</td>
<td>50</td>
</tr>
<tr>
<td>1969-1971</td>
<td>45</td>
<td>55</td>
</tr>
<tr>
<td>1971-1975</td>
<td>45 minus offshore proceeds</td>
<td>55 plus offshore proceeds</td>
</tr>
<tr>
<td>1975-1979</td>
<td>20 minus offshore proceeds</td>
<td>80 plus offshore proceeds</td>
</tr>
<tr>
<td>1979-1981</td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>1982-1992</td>
<td>1.5</td>
<td>98.5</td>
</tr>
<tr>
<td>1992-1999</td>
<td>3</td>
<td>97</td>
</tr>
<tr>
<td>1999-</td>
<td>13</td>
<td>87</td>
</tr>
</tbody>
</table>

Source: United Nations Development Programme (UNDP), 2006, p.150

---

748 Revenue Allocation Act of 1981, Section 1, 2(2). This Act took effect from 22 January, 1982.


750 Interview with Aghalino, Ilorin, 21 January 2011, It must be emphasized here that the oil revenue allocation to the Niger Delta area had been further increased from the 3% to 13% based on derivation since 1999.
This table illustrates the unstable policy on derivation in Nigeria from the 1950s to 1999. The Distributive Pool Account (DPA) was being used by the federal government for the sharing of oil revenue among the states, local government, and the oil-producing areas of the Niger Delta. In 1982, the federal government had 55 percent, the states, 30.5 percent, the local government areas 10 percent, and the oil-producing states an additional 4.5 percent.\textsuperscript{751}

By implication, the revenue-sharing formula in Nigeria thus emphasised the federal government’s self-interest, which encouraged uneven distribution of oil proceeds in the country.\textsuperscript{752} To a large extent this was to pit the ordinary people of the Niger Delta, such as the Ijaws and Ogonis, against the non-oil-producing states in Nigeria.\textsuperscript{753} In short, the marginalisation, deprivation, poverty and long neglect suffered by the oil-producing community of Ijaw and Delta was an underlying factor behind their demand for total resource control. It explains why land became the most contentious issue in the Delta region in the 1990s.\textsuperscript{754}

\textbf{7.3. DEMAND FOR RESOURCE CONTROL BY THE IJAW, 1990 - 1998}

The perpetuation of environmental pollution and neglect of the Niger Delta by the federal government, \textit{Shell Nigeria} and \textit{Chevron Nigeria} created a perceived need to take violent action in the early 1990s. As discussed in Chapter 6, the destruction of the Delta environment, especially agricultural land that became un-productive, and pollution of the water courses had encouraged the Ijaw people's demand for the control of oil resources found on their land.\textsuperscript{755}

Problematic distribution of oil resources in Nigeria provided further motivation for the Ijaw struggle. Other protagonists of resource control, Itse Sagay, Nnimmo Bassey, Ebeku and Saro-Wiwa, argued that the state’s 50 percent of the proceeds should be paid to the state in which it was produced, especially on the continental shelf off its

\textsuperscript{751} World Bank Document, 2008, p.28.
\textsuperscript{753} Ejobowah, ‘Who Owns the Oil? p.33. See detail discussion on resistance to the government in Chapter 8.
In order to perpetuate its central control and ownership of the oil wealth, the federal government (both military and Obasanjo’s civilian Fourth Republic) reacted to oil agitation from the 1990s onwards by attempting to suppress it through violent means. For example, the politicisation of oil through militarisation or army occupation of the Niger Delta oil-producing area by the central government in the early and mid-1990s was required for effective maximisation of the production and sale of oil. Field evidence in November 2010 confirmed the presence of armed military forces and police in the Ijaw area and at the city of Warri. This led to judicial killings of innocent local people, most of whom who were fighting for their human rights and a share in the oil resources.

In maintaining its interests and control over oil resources, the federal government established a special security squad in 1994, consisting of the police and military, and known as River States Internal Security Task Force (RSISTF), its aim being to attack, arrest, detain and when necessary kill oil protesters in the oil-rich zones. The eight Ogoni men arrested and sentenced to death in 1995 presented a clear picture of the state’s response to resource demand and environmental problems in the Delta.

Additionally, politics became a ‘massive state-making machine’ that encouraged the used of ‘divide and rule’ in the creation of state and local government in one part of the Ijaw and Delta at the expense of the other. For example, the Ijaw people, among others on the Delta, lobbied for a new state and local government with the aim of having

---

756 Itse, ‘Nigeria; Federalism, the Constitution and Resource Control’, pp.4-52, See also NAE, War Prof, 32/1. Vol III, Allocation of Oil Revenue under 1950/51/52; NAE, War Prof, 32/1, Vol IV, Allocation under 1951/52; Interview with Obe, 21 November, 2011.
757 Research trip to the Ijaw oil-producing area and Warri in November 2010 revealed the physical presence of soldiers with arms to quell the local violent that occurred as a result of the demand for resource and environmental control. Interview with Obeche, Warri, 19 Nov 2011. This is discussed in section 7.3 of this chapter.
758 Frynas, ‘Corporate and State Responses to Anti-Oil Protest in the Niger Delta’, p. 27-54; Frynas, Oil in Nigeria: Conflict and Litigation Between Oil Companies, p. 27; Human Right Watch, Nigeria; The Ogoni Crisis, p4.
759 The killings of the eight (8) Ogoni men by the late Abacha Military Regime in 1995, lead to the formation of various youth associations in the delta demanding for total resource control. The Ijaw Kaima Declaration of 1998 was undertaken in order to have access and control over all land and natural resources within the Ijaw territory. See detail in chapter 8; Interview with Okumagba, P.O. Conference Held at Monash University, Johannesburg, South Africa, 4-5 July 2011.
more access to oil revenue.\textsuperscript{761} Bayelsa state was created by the military government to satisfy the Ijaws in 1996.\textsuperscript{762} The relocation of a local government headquarters from Ijaw territory to the Itsekiri led to ethnic clashes between 1997 and 1999,\textsuperscript{763} typical of the rampant cases of local struggle against the government in the late 1990s.

According to Ikelegbe, the repressive approach use by the Nigerian government to the demand for greater control over their resources by oil-producing communities, illustrates the unwillingness of the state to “use dialogue, negotiation and concession expansive in terms of the repressive response.”\textsuperscript{764} The government's harsh methods sowed seeds of discord and aggravated local claims over environmental control and petroleum resources.\textsuperscript{765} One chief, Famous Bienbo, (president of the organization ‘enough is enough’), on the issue of dialogue and deadlock with the government said: “our elders have negotiated for forty two years without getting a solution. Now we want to control our resources ourselves. And if we are not allowed, we’ll resort to violence. Nothing more, nothing less.”\textsuperscript{766}

Given the great oil wealth accrued from Ijawland, as well as in the other oil-producing areas in the Niger Delta, various allegations of marginalisation as a result of environmental pollution were levied against the federal government. Based on the Willink Commission of Inquiry’s finding that the Niger Delta area represented a special case that needed attention, particularly since it was underdeveloped, it was recommended that a special development agency be set up for the Delta;\textsuperscript{767} however, their situation was not mentioned or addressed by the post-colonial government.

\textsuperscript{761}See detail in Chapters 4 and 8.
\textsuperscript{762}The Guardian Lagos, 19 Feb 1998.
\textsuperscript{763}African Confidential, 9 May 1997.
\textsuperscript{767}Afigbo, AE, Background to Nigeria Federalism; Federal Features in the Colonial States’ Publius, 21(4), 1991, pp.13-29; The Guardian, 19 October 2001, p11; The Willink Commission was set up in 1958 as a result of the complaint brought by the Niger Delta elites and to allay the fear of dominance and marginalisation of the three
Despite the vast profits created by the oil industry, the oil-producing communities in the Niger Delta continued to be underdeveloped and subjected to widespread poverty. According to Aghalino, Obeche and Mustafa, Petroleum also brought more doom than blessings to the ordinary Ijaw people, because the benefit was too slow to trickle down to them.\footnote{Interview with Aghalino, Ilorin, 21 January 2011, Interview with Obeche, Warri, 19 December 2010, Warri; Interview with Mustapha, Ilorin, 22 January 2011.}


**Table 7.2: Poverty statistics for the Niger Delta states**

<table>
<thead>
<tr>
<th>States</th>
<th>Poverty incidence %</th>
<th>Core poor (%) (quintiles)</th>
<th>Self-Assessed poverty level</th>
<th>Very poor (%) (self-assessed)</th>
<th>Gini</th>
</tr>
</thead>
<tbody>
<tr>
<td>Akwa Ibom</td>
<td>35</td>
<td>27</td>
<td>66</td>
<td>17</td>
<td>0.5003</td>
</tr>
<tr>
<td>Bayelsa</td>
<td>20</td>
<td>22</td>
<td>95</td>
<td>62</td>
<td>0.4757</td>
</tr>
<tr>
<td>Cross River</td>
<td>42</td>
<td>33</td>
<td>77</td>
<td>22</td>
<td>0.5046</td>
</tr>
<tr>
<td>Delta</td>
<td>45</td>
<td>23</td>
<td>81</td>
<td>25</td>
<td>0.4650</td>
</tr>
<tr>
<td>Edo</td>
<td>33</td>
<td>16</td>
<td>79</td>
<td>35</td>
<td>0.4585</td>
</tr>
<tr>
<td>Rivers</td>
<td>29</td>
<td>19</td>
<td>67</td>
<td>15</td>
<td>0.4792</td>
</tr>
<tr>
<td>South-South</td>
<td>35</td>
<td>23</td>
<td>77</td>
<td>29</td>
<td>0.5072</td>
</tr>
<tr>
<td>North East</td>
<td>72</td>
<td>35.4</td>
<td>81</td>
<td>26.5</td>
<td>0.4590</td>
</tr>
<tr>
<td>Nigeria</td>
<td>54</td>
<td>21.3</td>
<td>76</td>
<td>21.37</td>
<td>0.4882</td>
</tr>
</tbody>
</table>


This table illustrates the high level of inequality among the Niger Delta states, given the amount of wealth accruing from the oil proceeds. It shows that three out of every ten people in the South-South area were very poor. The high prices of goods had reduced their purchasing power in comparison to those employed in the oil companies and the rest of the country.

As pointed out in chapter 6, the environmental pollution and degradation found in the Oloibiri oil-producing community serves as another reason the Ijaw youth demanded major ethnic groups: Hausa-Fulani, Igbo and the Yoruba. http://www.nigerdeltacongress.com/sarticles/south-south-memorandum-to-oputa-p.htm. Detail of Willink Commission report is discussed in Chapter 4.
greater resource control and profit sharing. This was the first commercially exploited oil, with production beginning in 1958 and continuing until depletion in 1977, by which time the community had nothing substantive to show in terms of physical development, despite the two decades of production.\textsuperscript{770}

Other Ijaw oil-producing communities, such as Imiringi, Otuasega, Anyama and Nembe, feared that what happened to Oloibiri when its oil was extracted and abandoned by Shell-BP in 1977 could be repeated, and served as an underlining factor in the demand for resource control through open confrontation with Shell Nigeria, Chevron Nigeria and the federal government.\textsuperscript{771}

The demand for greater resource control and profit sharing on a more equal basis by the Niger Delta oil-producing communities in the 1990s was significant because it brought into the open the high level of environmental pollution and human degradation, dispossession, poverty and marginalisation of its inhabitants and local environments.\textsuperscript{772}

This state of affairs demonstrated that the oil-producing communities were being deprived of their constitutional rights to a clean environment, despite the oil wealth found under their land.

7.4. CONTRADICTIONS IN RESOURCE CONTROL AND THE NON-OIL PRODUCING STATES

Agitation for resource control and a larger share of the oil revenue by the oil-producing states came under strong criticism, particularly from the non-oil-producing states\textsuperscript{773} in the north and south-west, who accused them of having access to wealth at the expense of others. In addition, the oil-producing states were accused of attempting to undermine the structure of the Nigerian state.\textsuperscript{774}

\textsuperscript{770} Ejobowah, ‘Who Owns the Oil? p.36
\textsuperscript{771} Interview with Aghalino, Ilorin, 21 Jan 2010.
\textsuperscript{772} The internalisation of the demand for resource control as a result of the ecological degradation in the Ijaw area had serious implications for the global environment, especially global warming, security and prosperity of the world at large.
\textsuperscript{774} Guardian, 18 April, 2001, p. 30.
Darah argued that: “it is wrong to think that an intensification of the debate over … federalist principle will threaten the corporate existence of our country…” Aghalino summit that the demand for greater control of oil resources by the oil-producing states illustrates the unstable political system and ethnic rivalries and power struggles that had pervaded the administration of the country since the discovery of oil. Equal sharing of the revenue accruing from petroleum resources could only have been achieved with a true democracy in the country.

According to Ikelegbe, “The benefits derived from oil resources must be shared with the rest of the country, but the sharing formula must consider the ownership, cost of cleaning and restoring the environment after the oil exploitation…” a conclusion widely supported by oil-producing communities. During field trips for this project to Ijawland in December 2010 and November 2011, local inhabitants lamented the level of environmental degradation of both human and the natural eco-system, their having to live in a dirty environment, drink foul water and plant crops on unfertile land.

The federal government’s repressive action shows its negative response in the demand for resource and environmental control by the Ijaw people and other oil-producing areas of the Niger Delta. Their demands were portrayed as secessionist and resistance movements that had to be crushed, as was the case in a repressive attack on Ijaw protesters in Yenagoa in December 1998. Despite the repressive means employed by the federal government, resource-related demands have increased among the Ijaws,

---

776 Interview with Aghalino, Ilorin, 21 January 2011
777 Ikelegbe, ‘Encounters of Insurgent Youth Association, pp.151-181;
778 Researcher’s field trip to Oloibiri and Warri between 6-19 December 2010 and 19 November 2011; Interview with Obeche.
779 The Guardian, April 18, 2001, p.30, NAE War, Prof 1290/1990, Intelligence Report on Resource Control
780 The Ijaw people between 11-30 December 1998 at Kaiama, had made a declaration of total control over the resources found on their land as well as a demand for full compensation from the federal government and the MNOC. This was followed by a countered attacked by the federal military in January 1999. This is discussed in more detail in Chapter 8.
because many believe it was their fundamental right to have a clean environment and sustainable income for survival.\textsuperscript{781}

\textsuperscript{781} Interview with Obeche, Warri, 19 December 2010; Interview with Chief Edward, Warri, 6 December, 2010.
Table 7.3: Reported anti-government violence in the Ijaw Rebellion, 1997-1999

<table>
<thead>
<tr>
<th>Date (mo/yr)</th>
<th>Description of event</th>
<th>Loss in oil revenue?</th>
<th>Rebel deaths</th>
<th>Govt deaths</th>
<th>Govt response to that specific event (excludes general repression measures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/97</td>
<td>Set fire to market in Warri (Delta State &amp; residence of former govt minister)</td>
<td>No</td>
<td>2</td>
<td>1</td>
<td>Gun battle with police followed; police reinforcements sent to area; military governor called Ijaw and Itsekiri chiefs for negotiations.</td>
</tr>
<tr>
<td>9/97</td>
<td>Kidnapped 4 soldiers, killed 1 of them</td>
<td>No</td>
<td>0</td>
<td>1</td>
<td>Security forces raided Ijaw villages &amp; arrested dozens</td>
</tr>
<tr>
<td>7/98</td>
<td>Rampaged through Govt House in Yenogoa, the Bayelsa state capital, &amp; released detained leader</td>
<td>No</td>
<td>0</td>
<td>2</td>
<td>Not reported</td>
</tr>
<tr>
<td>12/98-1/99</td>
<td>Attacked soldiers in Yenogoa on Dec. 31 to avenge shooting of unarmed protesters on Dec 30; clashes followed during army raids of Ijaw communities</td>
<td>Yes</td>
<td>125 deaths on each side not reported</td>
<td>deaths on each side not reported</td>
<td>Declared state of emergency; imposed curfew; sent troops to oil installations; raided several Ijaw communities (with Chevron boats &amp; helicopters) &amp; carried out mass rape, torture, and killing.</td>
</tr>
<tr>
<td>1/99</td>
<td>Attacked army barracks near Shell Forcados terminal</td>
<td>Yes</td>
<td>15</td>
<td>4</td>
<td>Soldiers opened fire on the protesters.</td>
</tr>
<tr>
<td>9/99</td>
<td>Clashes following police intervention in gunfight between Ijaw youth and motorcycle operators</td>
<td>No</td>
<td>19 deaths on each side not reported</td>
<td>19 death on each side not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>11/99</td>
<td>Kidnapped and killed 12 policemen in the area of Odi, Bayelsa State.</td>
<td>No</td>
<td>53</td>
<td>12</td>
<td>Soldiers destroyed Odi &amp; occupied Choba for two weeks. Widespread rape, torture &amp; destruction of property. Obasanjo condemned Ijaw violence as &quot;sheer criminality&quot; that will be brought to justice.</td>
</tr>
</tbody>
</table>


This table illustrates the increase of violent actions of the Ijaws against the federal government and the responses from the government. It explains why the Ijaw people
had resorted to a resistance movement in the 1990s, when dialogue with the government was deadlocked, and shows the repressive nature of the government in reacting to the demands of ordinary Ijaws for compensation.

Douglas contends that the resource-related demands made by the Ijaw people and other oil-producing communities in the Delta region signified need to regain ownership, control use and management of mineral resources for the primary benefits of the communities and people from whose land the resources originates, and for good governance and development of the entire country. The lack of enforcement of the environmental laws by successive governments, which would have protected oil-producing communities from the impacts of gas flaring and oil spills, had pitted them against the state since the 1990s.

The over-reliance of Nigeria on oil revenue for its state finances provides another explanation for the federal government’s resistance to the demands of the Niger Delta oil-producing communities. Bassey and Akpan argued that the nature of the country’s political economy would never permit the federal government to relinquish or share the control of oil resources with the oil-producing states and communities. The oil sector has transformed the Nigerian economic and political system, with the economic budget reliant on oil revenue. About US $350 billion was reported to have accrued to the federal government’s finances within 35 years of oil production between the 1960s and 1990s.

---

783 Mono-cultural economy in Nigeria means dependence on a single product as foreign exchange earnings. The era of the oil boom in the 1970s, after the Nigerian civil war and the rise in the world oil price, largely contributed to the diversion of more attention by the federal military government to petroleum as the mainstay of the economy. See detail on the oil boom in Chapter 4.
### TABLE 7.4: Oil revenue of the Nigerian federal government, 1970-1992

<table>
<thead>
<tr>
<th>Year</th>
<th>Total revenue (Million Naira)</th>
<th>Oil revenue (Million Naira)</th>
<th>Annual Change in official consumer prices (%)</th>
<th>Annual change in total revenue (%)</th>
<th>Annual change in oil revenue (%)</th>
<th>Oil revenue as % of total revenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>632</td>
<td>166</td>
<td>13.8</td>
<td>-</td>
<td>-</td>
<td>26.27</td>
</tr>
<tr>
<td>1971</td>
<td>1,169</td>
<td>510</td>
<td>16.0</td>
<td>84.97</td>
<td>207.23</td>
<td>43.63</td>
</tr>
<tr>
<td>1972</td>
<td>1,405</td>
<td>764</td>
<td>3.5</td>
<td>20.19</td>
<td>49.8</td>
<td>54.38</td>
</tr>
<tr>
<td>1973</td>
<td>1,695</td>
<td>1,016</td>
<td>5.4</td>
<td>20.64</td>
<td>32.98</td>
<td>59.94</td>
</tr>
<tr>
<td>1974</td>
<td>4,537</td>
<td>3,726</td>
<td>12.7</td>
<td>167.67</td>
<td>266.73</td>
<td>82.12</td>
</tr>
<tr>
<td>1975</td>
<td>5,515</td>
<td>4,272</td>
<td>33.9</td>
<td>21.56</td>
<td>14.65</td>
<td>77.46</td>
</tr>
<tr>
<td>1976</td>
<td>6,766</td>
<td>5,365</td>
<td>24.3</td>
<td>22.68</td>
<td>25.59</td>
<td>79.29</td>
</tr>
<tr>
<td>1977</td>
<td>8,081</td>
<td>6,081</td>
<td>13.8</td>
<td>19.44</td>
<td>13.35</td>
<td>75.25</td>
</tr>
<tr>
<td>1979</td>
<td>10,913</td>
<td>8,881</td>
<td>11.7</td>
<td>48.05</td>
<td>90.83</td>
<td>81.38</td>
</tr>
<tr>
<td>1981</td>
<td>12,183</td>
<td>8,564</td>
<td>20.8</td>
<td>-20.01</td>
<td>-30.68</td>
<td>70.29</td>
</tr>
<tr>
<td>1982</td>
<td>10,618</td>
<td>6,868</td>
<td>7.7</td>
<td>-12.85</td>
<td>-19.8</td>
<td>64.68</td>
</tr>
<tr>
<td>1983</td>
<td>10,509</td>
<td>7,253</td>
<td>23.2</td>
<td>-1.03</td>
<td>5.61</td>
<td>69.02</td>
</tr>
<tr>
<td>1984</td>
<td>11,193</td>
<td>8,210</td>
<td>39.6</td>
<td>6.51</td>
<td>13.19</td>
<td>73.35</td>
</tr>
<tr>
<td>1985</td>
<td>15,042</td>
<td>10,915</td>
<td>7.4</td>
<td>34.39</td>
<td>32.95</td>
<td>72.56</td>
</tr>
<tr>
<td>1986</td>
<td>12,302</td>
<td>8,107</td>
<td>5.7</td>
<td>-18.22</td>
<td>-25.73</td>
<td>65.90</td>
</tr>
<tr>
<td>1987</td>
<td>25,100</td>
<td>19,027</td>
<td>11.3</td>
<td>104.03</td>
<td>134.7</td>
<td>75.80</td>
</tr>
<tr>
<td>1988</td>
<td>27,595</td>
<td>19,832</td>
<td>54.5</td>
<td>9.94</td>
<td>4.23</td>
<td>71.87</td>
</tr>
<tr>
<td>1989</td>
<td>47,798</td>
<td>39,130</td>
<td>50.5</td>
<td>73.21</td>
<td>97.31</td>
<td>81.87</td>
</tr>
<tr>
<td>1990</td>
<td>69,788</td>
<td>55,215</td>
<td>7.4</td>
<td>46.01</td>
<td>41.11</td>
<td>79.12</td>
</tr>
<tr>
<td>1991</td>
<td>78,640</td>
<td>60,315</td>
<td>13.0</td>
<td>12.68</td>
<td>9.24</td>
<td>76.70</td>
</tr>
<tr>
<td>1992</td>
<td>138,617</td>
<td>115,393</td>
<td>44.6</td>
<td>76.27</td>
<td>91.32</td>
<td>83.25</td>
</tr>
</tbody>
</table>

Sources: Data on government revenue from the *Economic and Financial Review and the Annual Reports* of the Central Bank of Nigeria, consumer prices of the *IMF International Financial Statistics Yearbook* of the various years (emphasis added)

This table illustrates the importance of crude oil in the finances of the Nigerian government between the 1970s and 1990s, including how much the federal government...
gained from the oil-producing area of the Niger Delta and the little that trickled down to the people.

Despite the contradictions and contentions from different quarters, the Ijaw and Ogoni oil-producing communities proposed that they should be allowed to appropriate the profits accruing from the sale of oil and allocate up to 20 percent to the federal government.\textsuperscript{786} Internal contentions and lack of trust between the state and local government, the chiefs and the youth did however impede the attainment of their goals. Among the local people, Ekpo and Asita believed that the youths preferred the local government and not the state to collect the monthly oil allocation directly from the federation account, and share it within the villages that made up Ijawland.\textsuperscript{787} Adding to this, Akpan an Ijaw youth leader, also contended that the oil revenue should be paid directly to their communities and not the local government, since they claimed that the communities had rights over the land before the discovery of oil.\textsuperscript{788}

Some scholars, such as Dibua, have questioned the extent to which oil agitators and activists represented the interests of the inhabitants of the oil-producing communities. He asked the important question of whether these agitators were not merely opportunists misusing the crisis to further their own interests.\textsuperscript{789} Fieldwork for this project has also revealed the dubious motivations of some oil agitators.\textsuperscript{790} The majority of Ijaws, such as the farmers, fishermen, women and children, often had no information on government plans and funds that had been released to fund the development projects in their villages and towns. In Nembe, for example, it was alleged that some Ijaw chiefs, such as Gibson Adikah in Peremabiri, had squandered and embezzled the money paid by \textit{Shell Nigeria} as compensation for the environmental damages in the area.\textsuperscript{791} This example is but one in a long list of claims that the few resources that do

\textsuperscript{787} Interview with Ekpo, farmer, Warri, 6 December 2010; Interview with Professor Asita, 18 January 2012.
\textsuperscript{788} Interview with D Akpan, youth leader, Yenogoa, 10 December 2011. The age of Ijaw youths as used in this thesis are 21 orbelow.
\textsuperscript{790} Interview with Obeche, Warri, 19 December 2010.
trickle down to the local level are often appropriated by those in power, to the detriment of the rest of the community.

Resource control, as contentious as it was, explains the most important aspect of the oil conflict in the Ijaw area and the entire Delta region, but one that many authors have failed to subject to a proper investigation. The debate on resource control explains the failing promises on the part of the federal government to appropriate the oil revenue generated from the Ijaw environment. In an interview with Okumagba and Obe, this was needed to meet their basic infrastructural and social needs, particularly development agencies such as NDDB, FEPA and OMPADEC. The Ijaw people had been subjected to long neglect and suffering, and this led to unrest and violent actions. The agitators for resources both onshore and offshore were also being accused of pervasive corruption, while the rest of the people were made to shift blame and responsibility for environmental despoliation to the federal government, Shell Nigeria and Chevron Nigeria.

7.5. RESPONSES TO POLLUTION IN THE IJAW OIL-PRODUCING COMMUNITIES

The federal government and oil companies made a number of attempts to address the problems of environmental pollution in the Ijaw oil-producing community.

7.5.1 Reducing oil and gas pollution

Global movements and pressure from the oil communities affected by pollution were largely responsible for the government’s determination to end oil spills and gas flaring in the Niger Delta oil-producing areas. The peaceful protests and demonstrations from the oil-rich swampy Delta in 1990s also propelled the federal government’s decision to end gas flaring and oil spills in Ijawland and the entire Delta region.

---

792 Interview with P Okumagba, Johannesburg, 4-5 July, 2011; Interview with Obe, Oloibiri, 21 November 2011. Government’s development agencies are discussed in section 7.5.

793 Interview with Mustapha, Ilorin, 21 January 2011. The internal crisis among the local people was to a large extent responsible for the failure recorded on their demand for total environmental and resource control.

Eweje and Okeagu argue that although oil regulatory laws were established in Nigeria as far back as 1960s, the government’s decision to end gas flaring in the oil-producing Ijaw area must be linked to non-compliance with these oil statutory regulations by Shell-BP and Chevron Nigeria.\(^{795}\) Despite the government’s efforts, about 2.7million cubic feet, or 70 percent of the gas released during production, was burnt off every day in the Ijaw area and across the Delta.\(^{796}\)

The National Fertilizer Company of Nigeria (NAFCON), Aluminium Smelter Company of Nigeria (ALSCON) and the Liquefied Natural Gas Project (NLNG) were examples of government gas industries established between 1960 and the 1990s to harness the unused natural gas that was simply flared away.\(^{797}\) The Nigerian government signed an agreement with the West Africa gas project aimed at providing electricity in their industries and so enhancing economic development.\(^{798}\) The joint venture agreement on gas utilisation was extended into the Republic of Benin and Ghana by the Nigerian government, with major oil operators such as Shell Nigeria and Chevron Nigeria, the Ghana National Petroleum Corporation (GNPC) and the Nigeria National Petroleum Company (NNPC).\(^{799}\)

A report by OPEC revealed that the Nigerian government, in furtherance of its determination to stamp out cases of gas flaring in the oil-producing areas, had entered into agreement with other multinational oil companies within West Africa.\(^{800}\) The establishment of the National Environmental Protection Regulation’s (NEPR) Effluent Limitation Statutory Instrument in 1991 by the federal government served as a follow-up measure aimed at reducing environmental problems associated with oil and gas

---


\(^{800}\) OPEC Bulletin, Vienna, April 2009, pp.29-35
production in the Niger Delta. Section No. 8 (1991) of this regulation specifically mandated any industrial facilities generating waste, such as Shell Nigeria and Chevron Nigeria, to install anti-pollution equipment during the commencement of their operation in any part of an oil-rich zone. Despite the objectives of the instrument at reducing effluent discharges of chemical waste at source, the regulatory laws to a large extent had been violated consistently by the oil companies.

Attempts by the federal government to reduce oil pollution and gas flaring were consistently hindered, since NNPC was a major shareholder in the actual oil production processes, while at same time being responsible for enforcing and ensuring compliance of all environmental laws in the oil-producing area. Implementation was also difficult since NNPC was a partner with Shell-BP and Chevron Nigeria, among others.

In an interview with some staff of Shell Nigeria and Chevron Nigeria operators, revealed that under their business venture agreement with the NNPC in the Niger Delta oil-producing communities, had undertaken certain gas utilisation projects. Shell-BP had been involved in various attempts to promote the program of Liquefied Natural Gas (LNG) since the 1960s, but despite showing its determination to use gas rather than flaring it, it could not continue as a result of the huge investment required to build such a large gas plant. This shows in the Ijaw and Niger Delta.

By 1989, Shell Nigeria joined the federal government gas utilisation project with Agip, Elf for the construction of a US $3.8 billion Nigeria Liquefied National Gas Scheme (NLGN) in Ijawland and the Niger Delta. Effective measures on the part of both the

---

802 Interview with E Apko, Warri, 19 6 2010; An example of statutory instrument established at regulating gas flaring in the oil rich zones of the Niger Delta also includes; Petroleum(Drilling and Production) Regulation Decree, 51, 1969, Associated Gas Re-injection Decree No 9 of 1979, and Decree No 7of 1985. Chevron Nigeria had also commenced its gas project in the Niger Delta in 1992, referred to as the Multi-Phase Escravos Gas Project (MPEGP). See also Chapters 5 and 6 for details.
803 Compliance to oil legislation is discussed in Chapter 5.
805 Interview with Shell-BP staff (anonymous) Warri Office, 6 December, 2010, Interview with Chevron Staff, Warri, 7 November, 2011.
806 Moldoveanu, Royal Dutch/Shell in Nigeria (A), p. 17.
federal government and the oil corporations to end gas flaring were however not achieved in the oil-producing communities of Ijawland.

The Shell Natural Gas (SNG) project was incorporated in 1998 to boost gas utilisation in Nigeria. It was specifically targeted at local industries in the economy, since the Nigeria Liquefied Natural Gas (NLGN) was aimed at reaching the international market. Shell's natural gas utilisation contributed towards the growth of the domestic economy by producing competitive fuels and gas feedstock, and reducing flaring of gas in the oil community of Ijawland and Niger Delta.

7.5.2. Establishment of development agencies

Despite the politics played out over resource control, especially in the oil-producing communities in the Ijaw and elsewhere in the Niger Delta, further steps were taking by the government to resolve the environmental situation impinging on their socio-economic life.

One of such step was the establishment of the Niger Delta Development Board (NNDB) 1961. Historically, the British colonial government responded to the minority demand and concern in the West by setting up the 1958 Willink Commission of Enquiry into minority fears and methods to allay them. This Commission paid special attention to the development problems of the Niger Delta, which region was found to be underdeveloped and poor in comparison to all the others in Nigeria. Largely as a result of their recommendation the colonial Nigerian government created the Niger Delta Development Board (NDDB) in 1961 to promote and undertake development of the

---

Chevron, *The Chevron Way*, 1995. These oil companies had equally relocated their plants far from the local people as a precaution against environmental degradations brought by their operation and to ensure maximum protection of the environment.

808 This was so because of lack of implementation of environmental laws by these major role players.

809 SPDC, ‘Challenges of Gas Flares-out in Nigeria’

810 Shell-BP was more successful in the implementation of their community project than the federal government agencies, because the government was not a listening one. Government believed in countered measure rather than dialogue.

The NDDB was responsible for advising the government of the federation of Nigeria and the government of Western Nigeria, and Eastern Nigeria with respect to the physical development of the Niger Delta. Their first priority was to conduct a thorough survey of the Niger Delta in order to determine the development needs of the regions, after which they had to develop a development programme that was to be implemented. The NDDB was also charged with making provision for the short- and long-term relief packages for communities displaced in the oil-producing communities. This entailed the provision of new roads and healthcare facilities to improve the social life of the local people.

The NDDB was an investigative board set up by the government to resolve developmental problems found in the Niger Delta. Within three years the survey reported that indeed the area did require special attention, in terms of roads, water, electricity and shore protection groins. A confidential report of Delta Province shows that some of the areas that needed the board’s attention at the time included Yenogoa Province, Degema Province, the Ogoni Division of Port Harcourt, and the Western Ijaw Division of Delta Province. Despite its objectives and goals, however, the functioning of NDDB in the Ijaw oil-producing community reveals that it did not achieve its development projects. Aghalino and Ojakorotu agreed with the state’s initiative on the establishment of NDDB to address the physical developmental problems of the Ijaws and other oil-producing areas, but questioned its efficiency and performance. The NDDB was at best moribund and malfunctioned at the grassroots level of the Ijaw oil village communities. In an anonymous interview with NDDC staff, there was absence of

---


813 Nigeria Constitution of 1960, Section 14 sub section 4; NAE, War Prof 12506/1958, Willink report

814 Interview with Raji, Ilorin, 21 January 2011.

815 Interview with Aghalino, Ilorin, 21 January 2011.


817 NAE, War Prof, 1290/1961.

818 Interview with NDDC staff, Warri Delta, 8 December 2010.

infrastructural facilities such as roads, water and rural electrification in the Ijaw area, required by the Constitution.\textsuperscript{820}

Other dimensions to the non-performance and failures of NDDB were linked to a lack of adequate funds for the projects. It was found that the federal government had failed to allocate sufficient funds to the agency, while the allocation specifically set aside for physical development was not made available at the right time.\textsuperscript{821} Emordi and Azelama argue that the poor management and executive interference in the execution of the NDDB’s development project served as another impinging factor to the functioning of the agency, especially in the Ijaw oil-producing area.\textsuperscript{822} For example, the government at the time was dominated by the Hausas and the Yorubas, who introduced policies that cancelled out regional control over oil resources and allocation.\textsuperscript{823} This significantly explains that, though the NDDB was established to independently function without any interference, the administrative bureaucracy in the government activities hijacked its functions.\textsuperscript{824}

According to Ikpo, the inability of the NDDB to open up the Creeks constituted another factor to explain why the board partly failed in the execution of its objectives in the oil-producing states of the Delta, Oloibiri and Ijawland.\textsuperscript{825} The environmental setting of the Delta region, particularly in the swampy area where there are small village towns separated by creeks and rivers, made the tasks of investigation and developing projects of the Ijaw division difficult for the NDDB. Given its non-performance, the expectations of the Ijaw oil-producing communities in terms of infrastructural development and job opportunities were not realised. The inability of this agency to deliver was linked to

\textsuperscript{820} Interview with NDDC Staff, Warri, 6 December 2010 (Anonymous); Interview with NDDC Staff, (Anonymous), Warri, 22 November 2011.


\textsuperscript{822} Emordi, EC and Azelama, J, ‘Environmental Degradation and Poverty as a Factor in the Crisis of the Niger Delta Region Nigeria’ Paper delivered at the 3\textsuperscript{rd} Keffi International Conference in History of Science and Technology on the Theme: Technology, Knowledge and Environment in Africa, Held in Nasarawa State University, Keffi, 24-27 Oct 2007.

\textsuperscript{823} NDDB Act of 1961.

\textsuperscript{824} Interview with Chief Edward, Oloibiri, 19 December 2010; Interview with NDDC staff, Warri, 12 December 2010.

\textsuperscript{825} Interview with Ikpo, Warri, 19 December, 2011. The Creeks as used in this paragraph means the topography of the Niger Delta environment, particularly the narrow area covered with water from where the seas flows into the land. Detail aspect on the features of Niger Delta environment is discussed in chapter 2.
pervasive corruption of the revenue allocated in the execution of its projects in the Ijaw area and across the Delta region. Some local informants affirmed that, although the money allocated was little and sometimes delayed as a result of bureaucratic processes, the little funds that were available were further mismanaged.\textsuperscript{826}

The NDDB lacked the political will to achieve its physical development projects in the oil-producing area, especially as a result of military intervention in governance that nationalised all oil mineral land under its authority. The executive power to execute the recommended project in the oil-producing communities was not delegated to the board,\textsuperscript{827} resulting in the board being weakened and becoming merely an advisory body to the central government that controlled its programme and funds. The NDDB lacked the required autonomy and thus relied on the federal government for execution of its project in response to central issues of development suggested by the Willink Commission.

The NDDB's activities also brought the problems of the oil-producing communities to the attention of the federal government, because it had helped the government to continue with its efforts towards addressing the developmental concern of the Niger Delta. For example, the Niger Delta River Basin Development Authority was set up in 1976 to address problems of water, drainage, erosion and dredging of canals in the Rivers and Bayelsa states.\textsuperscript{828} Although the NDDB could not address all the developmental needs of those communities it did manage to build some roads and health centres, renovated some schools and colleges, as well as setting up skills acquisition projects for the youth.\textsuperscript{829}

The failure and non-performance of NDDB coupled with the dumping of toxic waste at Koko in the former Bendel State by an Italian company in June 1988 prompted the federal government to address the issue of environmental pollution and the dumping of


\textsuperscript{827} See Nigerian Military Decree 87, of 1979.


\textsuperscript{829} Interview with Obeche, Warri, 19 November, 2010.
toxic waste. As a result, the Babangida government passed decree No. 58 1988 that established the Federal Environmental Protection Agency (FEPA).\(^{830}\) Shortly thereafter, FEPA also became concerned with the widespread environmental damage associated with oil production in the Delta.\(^{831}\)

FEPA was responsible for the formulation of national policy on the environment, which included the maintenance of sustainable ecological zones in the oil-producing states.\(^{832}\) Sections 17 and 18 of the FEPA Act tasked the agency with ensuring clean water supplies at national and local level, and the combating of air, noise and hazardous waste pollution.\(^{833}\) After sustainable development became the watchword on a global level in the aftermath of the 1992 Rio Earth Summit, FEPA also became responsible for the development and implementation of a comprehensive sustainable development plan for the whole Niger Delta.\(^{834}\)

Despite the legal basis that governed FEPA’s actions, the agency had performed below expectations in the oil rich area of the Ijaw. The oil operators had failed to cooperate and explore petroleum in accordance with the rules and regulations made by FEPA,  

especially on modern environmental management techniques in the oil sites. This explains why the body had not taken any decisive step to challenge the oil companies in the Ijaw area on environmental pollution. Also, the local people were not conversant or conscious of the agency’s environmental policy in the Delta. The above factors to a large extent contributed to the non-compliance of environmental regulations made by FEPA in the Niger Delta and Ijaw community.

Moreover, the malfunctioning of FEPA in the Ijaw oil-producing area was also linked with the level of environmental damage brought by the operation of Shell Nigeria and Chevron Nigeria prior to its establishment. FEPA lacked adequate monitoring techniques and could not take punitive legal action against the oil polluters in the Ijaw area. This became the practice because its policies were largely influenced by the federal government in order to protect their oil interests under the joint venture with the multinational oil operators. To the government, any drastic measures taken against the oil operators would mitigate oil production and revenue accrued to its account.

In short, the establishment of FEPA did not sufficiently curb the devastation or pollution of the Niger Delta, particularly the operation and management strategies adopted by Shell Nigeria, Chevron and the other oil companies.

Given the level of environmental degradation and pollution in the Ijaw oil-producing community in the 1990s, especially the failure of the federal agency (NDDB) and (FEPA) to provide physical development and a clean environment in the local area, the Niger Delta was turned into a crisis zone by agitation from the Oloibiris, Ogonis, Isoko and Urhobo people.

---


837 Interview with Obeche, Warri, 19 December 2010; Interview with Okon, Business man, Warri, 6 December 2010; Interview with Akpan Egbema, 6 December 2010; NAI, War Prof 1528/1999, Government Gazette on FEPA.

838 The details of non-compliance with petroleum legislation is discussed in Chapter 5.


Direct response by the federal military government under (retired) General Ibrahim Babangida promulgated the Oil Mineral Area Development Commission (OMPADEC) Decree No. 23 of 1992. This was necessary to address the environmental problems and developmental neglect of the oil-producing communities in the Niger Delta. As a result of this, the monthly oil revenue allocated to the Ijaw and other oil-producing communities was increased from 1.5 percent to 3 percent. OMPADEC was commissioned to appropriate the funds on behalf of the oil-producing states.

OMPADEC’s main objective was spelt out under section 23, sub-section 2 (a) of 1992 Decree as follows:

To receive and administer the monthly sums from the allocation of the Federation Account in accordance with confirmed ratio of oil production in each state… for the rehabilitation and development of all mineral areas… for tackling ecological problems that have arisen from the exploration of oil mineral.

Section 2(b) further made development a focus of OMPADEC by stating that:

To determine and identify, through the commission and the respective oil mineral producing areas and embark on the development of projects properly agreed upon with the local communities of the oil mineral producing area.

Based on the above, OMPADEC was commissioned and mandated to obtain from the NNPC the exact percentage each state and community contributed to the national daily production, which statistics in turn had to be used as a yardstick for the equitable distribution of projects and service delivery in the respective oil-producing areas. These statistics, however, were not always easy to obtain and more often than not the NNPC was unable to provide a precise breakdown of production by well, region and state.

---

844 Nigerian Military Decree No 23, Section 2(b) 1992.
845 Interview with NDDC Staff, Warri, 22 November 2012; Interview with Mustafa, Ilorin, 8 January 2012.
This state of affairs in turn led to communal rivalries over oilfields and wells for full compensation, and therefore the inadequate system to collect exact statistics according to Obeche, had hampered OMPADEC’s development projects such as roads, electricity and building of schools, especially in the local communities of the Ijaws.

Adding to the above, OMPADEC was entitled to a total of US $747 million towards the execution of its projects from the federal account between 1992 and 1998. However, it was found that only US $270 million was made available to the commission, while about US $477 million had not been paid by the time it was liquidated in 1998. This explained the major problem encountered by the commission and why about 78 projects embarked on by the agency in the oil-producing regions were not completed. For example, the OMPADEC construction project at the Elem Gas Turbine in Port-Harcourt, at the cost of US $20.7 million in 1993, had not been completed by the end of 1995.

OMPADEC’s way of awarding contracts has also been criticised. Claims abound that the commission awarded contracts to relatives and a few rich politicians in contravention of the decree that governed its functioning. More importantly, the intention of the government by setting up OMPADEC was contrary to the implementation of its policy, particularly the executive influence of its policies on contracts awarded in the oil community. The condition laid down in the decree, rather than satisfying the developmental projects of the oil rich zones, heightened the tension and agitation by the local people and the youth in the Ijaw area.

The level of corruption and misappropriation of funds marred the functioning of OMPADEC, and was attributed to the executive intervention in the implementation of its

---

847 Interview with Obeche, Warri, 19 December 2010.
849 Vanguard, June 25, 1996, p. 34.
850 ANEEJ, ‘Oil of Poverty in Niger Delta 2004, pp. 55-60; The Delta state is occupied by the Ijaw people (Yenogoa its capital). The local government area in the delta state had accused OMPADEC of abandoned projects, especially in Oloibiri. Those abandon project were called ‘Phatom project’ Also, interview conducted with the community elders in the Oloibiri area confirmed the allegations. Interview with Chief Edward, 19 June 2010.
851 Interview with NDDC Staff, Warri, Anonymous, 19 December 2010. See also Frynas, ‘Oil in Nigeria, pp. 27-35.
852 Interview with NDDC Staff Warri, Anonymous, 19 December 2010.
853 Interview with Mustafa, Ilorin, 22 November 2011; Interview with Kehinde, Ilorin, 22 December 2011.
Brume claimed that the unitary form of government under the Babangida administration fostered and promoted corruption in the oil-producing area.

Corruption was a major limiting factor to the effective functioning of OMPADEC. Two of its chairmen, Albert, K. Shortfall and Eric Opia, for example were dismissed between 1992 and 1998 for mismanagement of about US $80 million of funds. NNDC staff who claimed anonymous said that, as a result the resources meant for the development of the local oil-producing area were wasted through pervasive corruption allegations, because the bulk of the money was paid to the contractor whose address could not be traced. Private individuals preferred to use public funds to the detriment of the village communities in the oil-producing area.

According to Dibua and Frynas, the non-performance of OMPADEC in the local oil-producing communities contributed to the deterioration of the socio-environmental situation of the ordinary people. Community leaders in Ijaw oil-producing area also dismissed OMPADEC as yet another ‘white elephant’ project of the government, designed to trick local communities into believing that their environmental problems were being addressed. The success of this smokescreen was perhaps best illustrated by a dramatic increase in local agitation against oil production in Ijawland after December 1998, when OMPADEC was firstly restructured and then liquidated by the federal government.

Despite criticism by scholars and local people on the non-performance of OMPADEC, it is important to keep in mind the environment in which it had to function and the enormity

---

859 Interview with Aghalino, Ilorin, 21 January 2012.
860 Interview with Chief Edward, Oloibiri, 19 December 2010, Interview with Aghalino, Ilorin, 21 January 2011, Post Express, 2 October, 1998, p. 34.
of the task it faced. Years of neglect had left the Niger Delta severely underdeveloped, albeit not completely, and there was a general absence of basic socio-infrastructure in the area by the early 1990s.\textsuperscript{861} The challenging delta environment, with its numerous small villages and towns, separated by swamps, creeks and rivers, further ensured that OMPADEC had an almost impossible task to fulfil and would not have been able to realise all the developmental expectations of all oil-producing communities. The three percent revenue allocated to the commission for its projects was inadequate to pay for all the local infrastructural needs.\textsuperscript{862}

Clearly, OMPADEC had partly failed to achieve its objectives because it was too remote from the villages and towns as a federal agency. For example, the provision of subsection 1 (a) of section 3 of OMPADEC, which states that the money allocated for rehabilitation and development would be shared on the ratio of oil produced in a particular oil-producing community has been criticised.\textsuperscript{863} The formula lacked equality as far as the Oloibiri community was concerned, because it ceased to produce oil after 1977. To critics it was unjust and unreliable,\textsuperscript{864} which explains why the commission became a centre for an ethnic power struggle over contract and jobs among employees from across the country.

Iguine claims that OMPADEC was not representative of the oil-producing regions but of the federal bureaucracy,\textsuperscript{865} as serving the president in the execution of the agency’s developmental projects in the Ijaw area. Politicisation, inadequate policy measures and lack of transparency thus impeded the functioning of OMPADEC to bring about the expected changes to the Nigerian oil fields.

7.6 COMMUNITY DEVELOPMENT PROJECTS IN OLOIBIRI AND OTHER IJAW OIL-PRODUCING COMMUNITIES

The level of environmental despoliation found in the Niger Delta between the 1980s and 1990s largely brought about local awareness and consciousness in the oil-producing

\textsuperscript{862}Interview with Aghalino, Ilorin, 22 January 2011.
\textsuperscript{863}Military Decree NO 3, Section 2 of 1992.
\textsuperscript{864}Interview with Obeche, Warri, 19 November 2011.
\textsuperscript{865}Iguine, ‘Nigeria’s Oil Revenue and the Oil-producing Areas’, pp.4-10.
communities. This period, particularly the 1980s, coincided with the problems of general economic crisis in Nigeria, marked by unemployment and high inflation that resulted in inequality and unequal access to national revenue in the Delta region.\textsuperscript{866}

**Table 7.5: Nigeria: Government Deficits and Financing 1980-84**

<table>
<thead>
<tr>
<th>Year</th>
<th>Government deficit excluding oil receipts</th>
<th>Government oil receipts</th>
<th>Change in net domestic credit to government</th>
<th>Change in public external debt</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980</td>
<td>-11,133.2</td>
<td>11,763.1</td>
<td>226.3</td>
<td>421.5</td>
</tr>
<tr>
<td>1981</td>
<td>-14,559.2</td>
<td>10,596.0</td>
<td>2,759.4</td>
<td>1,404.6</td>
</tr>
<tr>
<td>1982</td>
<td>-13,964.8</td>
<td>9,440.8</td>
<td>4,029.5</td>
<td>2,275.4</td>
</tr>
<tr>
<td>1983</td>
<td>-13,875.5</td>
<td>7,225.5</td>
<td>5,147.2</td>
<td>2,869.1</td>
</tr>
<tr>
<td>1984</td>
<td>-13,369.0</td>
<td>9,385.0</td>
<td>2,348.0</td>
<td>118.9</td>
</tr>
</tbody>
</table>

Note: Data for 1984 are provisional estimates. Public external debt data are for calendar years. Government oil receipts include petroleum tax revenues earmarked for capital funding of joint ventures by the Nigerian Petroleum Corporation.


This table illustrates the economic condition of Nigeria during the world recession in the 1980s. It shows the large deficits that followed the oil boom era and the source of government finances in the period of 1980-1984 as a result of the fall in oil prices that brought economic hardship to the people.

The late 1990s also witnessed the development of corporate social responsibility in most international oil companies around the world. Large petroleum companies in the Niger Delta, such as *Shell Nigeria* and *Chevron*, began to explain their environmental and social impacts on the concessions both in the Ijaw area and other Delta oil-producing communities. It became necessary to protect their image both in Nigeria and abroad. *Shell Nigeria* was alleged to have supported the federal military government under the late General Sanni Abacha in the execution of Saro Wiwa and eight Ogoni


environmental activists. In order to deal with this, the company began to integrate the social responsibility as a strategy to redeem its image with the host communities. It occupied the largest oil concession area of the Niger Delta, and as a result its community programmes had a further geographical reach and covered more activities than those of the other oil companies active in the country by the 1990s. Shell Nigeria’s community programme ranged from the gas utilisation project, agricultural development, education and employment, infrastructures, health safety and vocational training. Its educational and vocational projects were targeted at the local pupils and students and, for example, between 1984 and 1994 about 120 classrooms were built, with more than 150 schools receiving furniture and about 100 schools being upgraded with science equipment in the oil-producing communities. Four communities in the Delta, Bonny, Egbema, Nembe and Rumobiokani in Port Harcourt, benefitted from the project. Twenty teachers were selected from these communities for improved training in science subjects, such as mathematics, chemistry, biology and physics. Additionally, Chief Edward agree that a scholarship scheme and skill acquisition centres to improve the youth education were established in the Niger Delta. In Bonny, an Ijaw community, about 250 youths were selected to participate in the vocational training organized by Shell-BP under the National Directorate of Employment Scheme of the federal government in 1995. They were trained in skills such as typing, computing, carpentry, block-making, welding and plumbing, electrical and mechanical maintenance, fabrication and pipefitting. Shell Nigeria also ran a scholarship programme that paid tuition and boarding fees and paid for textbooks for secondary school students from the oil-producing communities.

---

868 Moldoveanu, Royal Dutch/Shell in Nigeria, N9.399-127, p. 1. The detailed aspect on Ken-Saro Wiwa is discussed in Chapter 8.
870 Shell BP being the largest oil producer in the Niger Delta region, more attention would be focus on its social responsibility than the Chevron Nigeria Limited. The community development project embarked on by Shell explained their own side of the story of the alleged total neglect to the environmental condition brought bytheir operation in the Ijaw oil bearing community.
873 Interview with Chief Edward, Oloibiri, 6 December 2010.
874 Interview with Aghalino, Ilorin, 21 January 2011.
The award increased from 1,100 in 1993 to 1,600 in 1994.\textsuperscript{876} A university scholarship programme was also in place in which the majority of the scholarships (430 out of 550) were reserved for students from the oil-producing regions.\textsuperscript{877}

The oil companies also invested in the provision of infrastructure such as roads in the oil-producing area, and rural electrification project in the towns and villages within the oil rich zones, although the motivation for these developments was rather to be found in the need for proper roads and electricity in the production of oil than in the needs of the local communities.\textsuperscript{878} Between 1986 and 1994, about 44 community roads were built by \textit{Shell Nigeria}, and more than 90 water projects, with boreholes, tanks, pipelines and taps being installed. Jetties were also made available for those areas in the swampland of Ijawland.\textsuperscript{879} However, the provision of those facilities created internal struggle in the community selected as a beneficiary.\textsuperscript{880}

\textit{Shell Nigeria} and \textit{Chevron Nigeria} donated medical aid services to the oil-producing community in Ijawland and the Niger Delta. The oil companies built hospitals, provided the staff, and equipped most rural health centres with drugs.\textsuperscript{881} Oil-producing communities such as Aminigboko, Tamogbere, Okoraba, Otuasega, Kpean, Oporoma, Soku, Edagbiri, Umuebule, Kalaibiama, and Peremabiri in the Eastern Delta also benefitted from \textit{Shell Nigeria} medical services and community development projects after 1995. Despite the company’s efforts, the report from the \textit{Shell Nigeria} team on projects reviewed showed that whilst most hospitals had been renovated some were underutilised as a result of the low number of patients in these communities.\textsuperscript{882}

\begin{itemize}
\item \textsuperscript{876}SPDC, \textit{Nigeria Brief}; Community Development.
\item \textsuperscript{877}SPDC, \textit{Report of the Stakeholder Review of SPDC Community Development Projects}, p. 10.
\item \textsuperscript{879}SPDC, \textit{Nigeria Brief}, Community Development. In 1995, SPDC has successfully installed 28 water projects, 16 more roads and 10 markets stall complex in the oil-producing community of Ijaw land and the Niger Delta.
\item \textsuperscript{881}This is discussed in greater detail in Chapter 6.
\item \textsuperscript{881}Interview with Chevron Staff (Anonymous) Warri 21 November 2011. SPDC donated medical equipment worth 1.4 million to the University of Port Harcourt Teaching Hospital and other 17 communities clinic in Ijawland, and Delta in 1985 (See SPDC, \textit{Nigeria Brief}, Community Development ).
\item \textsuperscript{882}SPDC, \textit{Report of the Stakeholder Review}, p. 10.
\end{itemize}
Shell Nigeria invested in small-scale business ventures in the rural areas in order to alleviate the suffering brought to the people, especially women and children.\textsuperscript{883} This company also provided credit facilities and other forms of empowerment initiatives for local women and youth.\textsuperscript{884} Chevron's development programme, on the other hand, was directed towards local businesses and the training of the local peasants in specific skills required by the oil sector.\textsuperscript{885} Those who were qualified at the end of the empowerment programme were either employed by the company or became self-employed.\textsuperscript{886} However, micro credit targeted toward women was very successful in the eastern and western Delta oil-bearing communities of the Ijaws.

Shell Nigeria had started an agricultural project aimed at assisting the local oil community as early as the 1960s,\textsuperscript{887} which improved local food supply and trained many farmers in improved methods of seeding, cropping and use of modern farming methods. The company had sent about 24 agricultural officers through the Delta oil-producing communities between 1993 and 1994, to train farmers on crop selection, planting densities, crop rotation, harvesting, fertilizers and crop protection, using pesticides, avoiding resistance, and the sales of crops.\textsuperscript{888} By the end of 1994, about 14,500 local farmers had been reached and trained through this programme.\textsuperscript{889}

Fish farming was also started as another means of helping the local fishers deal with diminishing fish stock. Shell Nigeria's initiative in this field started in Ogbe-Ijoh community in 1982 with a fish farm that bred tilapia and catfish. Local fish farmers were assisted in starting up their own farms. A 1994 report found that about 90 fish farmers had benefitted in Ogbe-Ijoh through Shell Nigeria's finger-hinds fish farms sold to farmers at subsidised rate in 1994.\textsuperscript{890} Shell has also assisted the local fishers in creating

---

\textsuperscript{884} Interview with Aghalino, Ilorin, 21 January 2011.  
\textsuperscript{885} Craft and skills such as plumbing, panel beating, mechanics, tailoring, vulcanising, were trained under the company’s community project in the Ijaw area and across the Delta. Interview with Chevron Staff, (anonymous) Warri, 21 November, 2011.  
\textsuperscript{886} This Day, 'Nigeria' Chevron and the Ijaw Women Reach Accord', July 26, 1998, p. 28-29; Interview with Aghalino, 21 January 2011; Interview with Mustapha, Ilorin, 22 January 2011.  
\textsuperscript{887} SPDC, Nigeria Brief; Community Development.  
\textsuperscript{888} SPDC, Nigeria Brief; Community Development.  
\textsuperscript{889} SPDC, Nigeria Brief; Community Development.  
\textsuperscript{890} SPDC, Nigeria Brief; Community Development.
lakes and the provision of fish breeding stock in the Delta.\textsuperscript{891} This significantly refutes allegations of total indifference by the oil companies to the plight of the Ijaws and other Delta people.

A survey of the efficiency of these various projects, however, found in the late 1990s that \textit{Shell Nigeria}'s community development projects were not as efficient or beneficial as the company claimed. The report listed some of the schools in Bonny, Nembe, Egbema and Oguta which were found to be non-functional or not successful. This was attributed to the tendency of the company to view projects as contracts rather than in their entirety. Evidence reveals that some new school buildings had no furniture or science laboratories, and were without water and gas.\textsuperscript{892}

The widespread involvement of \textit{Shell Nigeria} in development work in the Niger Delta, along with the absence of the federal government in this area, led, according to \textit{Shell Nigeria}, to the impression that ‘Shell was the only government they knew.’\textsuperscript{893} Certainly, for many inhabitants of the oil-producing communities this appeared the case. In the absence of federal government attention being paid to development in the Niger Delta it was the oil companies that stepped in and attempted to address the developmental and infrastructural needs of local communities. In this process, \textit{Shell Nigeria} invested an average of US $4 million in community development in the 1980s, some US $13 million in the early 1990s and US $22 million by 1995.\textsuperscript{894} This significantly pointed to the company’s commitment toward the development of areas affected by its operation amongst the oil-producing communities of the Niger Delta. \textit{Shell Nigeria} and \textit{Chevron Nigeria} became the principal donors in the Niger Delta oil-producing area, particularly after the mid-1990s.\textsuperscript{895} These major oil operators spent approximately US $30 million of their annual budget on community assistance.\textsuperscript{896}

\textsuperscript{892} SPDC: Report of the Stakeholder Review of SPDC Community Development Projects, pp.11-12.
\textsuperscript{894} Moldoveanu, Royal Dutch, p.7. SDPC is spending about $20 million annually to improve the life of its host communities in the Ijawa land and the Delta area.
\textsuperscript{895} Interview with Collin, Warri, 6 December 2010.
These two multinational oil companies also attempted to maintain a level of fairness in the distribution of community projects through a relationship established on mutual trust with their host communities. The oil operators made some progress as a result of the way in which projects were being distributed. A global memorandum of understanding (MOU) was used as the yardstick for equal representation of both the people affected by their operation and the oil companies concerned with development-related matters. The MOU permitted the oil-producing area to identify their socio-environmental needs, and the oil company was responsible for making available the total funds and providing the experts to execute most of the projects on behalf of the local people. This was required to ensure transparency between the local representative and the oil company. For example, *Chevron Nigeria* claimed that the company held quarterly meetings with community representatives and had no hand in the selection of those representatives, although in order to enlighten them on such projects, public forums were held with the community on a regular basis. This method, to some extent, was beneficial to most oil-producing villages in the Niger Delta.

Despite the above, the divide and rule policy employed by oil multinationals in the distribution of development services within their area of concessions has hampered efforts to ensure peace and compensation payments in the oil-producing area. The oil companies favoured one oilfield area at the expense of another, especially in the non-conflict zones in the Delta. *Shell*'s development project in Peremabiri in the Nembe area, for example, led to unrest within the community in 1994 when Chief Gibson Adikah was accused of cash payment from the company.

Adding to this, the oil company's service delivery in the Ijaw oil-producing community heightened the level of unrest, largely as a result of the perennial oil violations, flaring of gas and oil pollution that continued unabated. In Nembe, the water borehole provided

---

by Shell for some villages, such as Fikoru-Ama and Oluarishi, became a threat to lives of the community members, when the overhead tank collapsed a few days after construction. The project was badly executed and did not satisfy the needs of the people.\textsuperscript{901}

Multinational oil companies’ community development projects in the Niger Delta to a large extent failed to improve relationship between the oil companies and host communities. Referring to Shell Nigeria, Christian Aid in 2004 observed that:

Shell’s funding of community development should be distanced from its commercial operations in the belief that its programme was too closely associated with the company’s wish to continue operating in communities where there was tension.\textsuperscript{902}

The local communities felt that they only received community development projects because Shell wanted to continue to exploit their oil.\textsuperscript{903}

Christian Aid further argued that oil companies’ community development projects in the Delta were ‘dysfunctional’ and had made those communities a veritable graveyard of abandoned and useless projects, such as water system that did not work, health centres that had not opened and schools in which no lesson had been taught.\textsuperscript{904} This allegation shows why some communities saw Shell Nigeria and Chevron projects as a means of pacifying the people, and suspected the real intention toward empowering them to start their own development project.\textsuperscript{905} In an interview with Asita, most oil-producing communities insist that the oil operators must construct, maintain and service those projects as well as found them.\textsuperscript{906}

A Royal Dutch Shell executive however refuted the allegations made by Christian Aid, claiming that Shell Nigeria had completed 75 percent of their community projects in the

\textsuperscript{902} SPDC, ‘Oil and Gas Reserves Crisis and Political Risk; Shared concerned for Investors and Producer Communities, A Briefing for Shell Stakeholders’, Published by Christian Aid, Friends of the Earth Platform and Stakeholder Democracy Network, June 2004, p. 5.
\textsuperscript{903} Details on this aspect is discussed in Chapter 6.
\textsuperscript{904} SPDC, ‘Oil and Gas Reserves Crisis and Political Risk’, p.5.
\textsuperscript{905} SPDC, Report of the Stakeholders Review of SPDC Community Development 2001, p.15.
\textsuperscript{906} Interview with Asita, Lagos, 18 January 2012.
Niger Delta. The company did, however, admit that it had inadvertently contributed to the violence in their host communities, but claimed that this was because it was difficult to operate ethically in the Niger Delta when a culture of lawlessness prevails.

In an interview with an activist, Elder Edward lamented the empty promises made to the Oloibiri community by the oil companies in the early 1990s, and alleged that they had failed to keep their promises to clean up the polluted environment and provide adequate infrastructural facilities to alleviate suffering. A different approach was reported in the Associated Press:

…but in a nation where the government has regularly failed to provide citizens with health clinics, decent schools, pipe-borne water or electricity, the scraps that oil giants (Shell-BP) throw the locals’ way are considered better than nothing— and subject to fierce competition.

A member of Shell Nigeria’s staff in Warri commented that the oil companies could not take over the long-term responsibilities of a government that received the majority of the oil proceeds. He added that their community projects were a selective development policy, but were based on equal responsibility to all the Niger Delta people, and could only support the federal government in providing infrastructure facilities.

Chuck Taylor, an executive official of Chevron Nigeria in Lagos, supported the view of Shell, explaining that “it is very difficult for private sector to replace government… it is not our role”. In his view, oil companies are corporate entities which at most need to ensure that the communities in which they operate benefit from their community development projects; however, development work is not their goal, nor the primary function of their company. This illustrates that the federal government and the Local

---

907 SPDC, ‘Oil and Gas Reserves Crisis and Political Risk, p.5.
909 Interview with Elder Edward, Oloibiri, 6 December 2010.
911 Interview with Shell Staff, Warri, 6 December 2010. (Anonymous).
Government Area in Oloibiri and other oil communities in the Delta have more responsibility to the ordinary people and not the oil multinationals.\textsuperscript{914}

7.4 CONCLUSION

This chapter examined the responses of government, oil companies and the Ijaw people to pollution, as well as the politics of control, particularly the allocation of revenue sharing among the oil-producing areas of the Delta. Evidence presented in this section refuted the argument that the demand for resource control would undermine the structure of Nigeria. This was so because the agitators believed that the environmental degradation brought by oil, with the central authority having total control and access to the sale of crude oil, largely encouraged the neglect of the Niger Delta oil-producing communities over time.

The chapter presented the main reason for the demand for resource control. Clearly, the abrogation of the regional laws by the federal military government in 1966 laid the foundation for the environmental consciousness, struggle for greater control and fair share in the oil revenue by the local people between the 1990s and 1998.

The use of a special security squad stationed in the oil area of the Ijaws and in Warri was presented in this chapter. Many lives were lost through the military attacks on the local protesters in the Ijaw community, however, it was found that the internal betrayers of trust among the Ijaw elites and chiefs who had supported the federal government and the multinational oil companies for monetary gains, hindered their demands.

Another important issue raised and investigated in the chapter was the reaction of the non-oil-producing states to the demand for resource control. To the non-oil-producing state, the Ijaw people had selfish ambitions and wanted to enrich their states at the expense of other ones in the federation. It was found that the agitators had no intention of undermining the structure of the country or denying those states the oil proceeds, but rather equity and fairness must be the yardstick in the sharing of oil wealth. The suggestion was based on the fact that the Ijaws and the entire Niger Delta region had experienced excruciating poverty and environmental pollution, affecting their means of

\textsuperscript{914}Daily Independent, 24 August 2004, p.7
gaining a livelihood. They believed that resource control would not divide the country but rather bring unity to the federation.

The chapter presented the responses of the federal government to the issue of minority rights over the environment in which oil was found. Clearly, the establishment of the Niger Delta Development Board (NDDB) by the government partly failed, as a result of poor funding, and mismanagement of the available fund by its coordinators, especially the executive influence on its policies.

Despite the stated objectives of FEPA, the agency failed to achieve its goals in the oil-producing area of the Ijawland and Niger Delta. Executive influences, as well as inadequate dissemination of information on environmental laws, particularly at the grassroots level, hindered it from functioning as expected.

The establishment of OMPADEC as a replacement of NDDB in 1992 was presented in this chapter. Just like its predecessor, OMPADEC never achieved its primary assignment in the Ijaw oil-producing area. Pervasive corruption and unfinished projects were recorded and its failure significantly increased tension and agitation among the Ijaw people in 1998. The declaration at Kaima was linked to the failed promises and absence of infrastructures to restore the devastated environment by OMPADEC. Despite the criticism, it became clear that the non-performance of OMPADEC should be linked with the long neglect of the Delta oil region by successive Nigerian governments.

Based on the evidence presented on the community development programme of Shell Nigeria and Chevron Nigeria in the Ijaw oil-producing area, it became clear that these oil operators have recorded some achievements in supporting their host communities in terms of improved education, health, agricultural system, and infrastructure facilities. However, they failed through the use of ‘divide and rule’ policies and inconsistency toward the restoration of the degraded environment brought on the Ijaw people as a result of their operations up to 1998.

Shell Nigeria and Chevron Nigeria were not directly responsible for undertaking any community development projects in the oil-producing community. Bearing in mind the percentage of oil profits accruing to it from the companies, the federal government, through its development agencies, such as NDDB, FEPA, and OMPADEC, was largely
responsible for ensuring a clean environment and the physical development of the Niger Delta through the revenue allocated for such new development. Therefore, I conclude that any additional contribution from Shell Nigeria and Chevron Nigeria and other oil multinationals should be praised rather than condemned.

915 In addition, the NNPC was established by the Federal Government to take charge of all petroleum laws and companies operating within the country, whilst the DPR and FEPA were the NNPC’s subsidiaries. Niger Delta in 1983 got about 1.5 percent revenue allocated and some 3 percent in 1992 toward community development projects.
CHAPTER EIGHT

SURVIVAL STRATEGIES OF THE IJAW OIL-PRODUCING COMMUNITY
IN ADAPTING TO OIL-POLLUTED AND DEGRADED ENVIRONMENT,
1966 - 1998

8.1 INTRODUCTION

This chapter investigates survival strategies used to cope with environmental change and impact of oil production on the Ijaw communities in the Niger Delta. In particular it examines the Adaka Boro in 1966, the Ogoni uprisings of the 1990s, the emergence of the Kaima Declaration, the constitution of the Ijaw Youth Council in 1998, and the internationalisation of the Ijaw. Examination is made of the Ijaw people’s combination of fishery and farming for more income, migration to a safe environment, scooping of fuel from leaking pipelines and litigation for compensation payment by individuals and the whole community. In line with the focus of the thesis on the experiences of the Ijaw people during the discovery of oil in 1956 and the major environmental changes that followed, the chapter will analyse the impact of these survival strategies on the citizens, the oil industry and the Nigerian economy.

8.2 POLITICAL STRATEGIES AS A MEANS OF SURVIVAL BY THE IJAWS

The vulnerability to pollution caused by oil production of the Ijaw environmental resources, in particular the cropland, freshwater and forests, contributed to both peaceful and violent protests between 1966 and 1998. During this period environmental despoliation of the environment did not lead to direct wars within the country, because the communities preferred to direct their actions against the oil companies operating on their land. This in turn meant that they did not really threaten government interests in Ijawland.916 However, their violent activities did create strife amongst the three major ethnic groups in the country, namely the Yoruba, Hausa, and the Igbos.917

---

917 At the time the Ijaws began with peaceful demonstration and protests meant to draw the attention of the federal government and oil multinationals to their environmental plight and poverty. On a larger scale, they
Loss of farming land, as well as pollution of the ground and water resources lay at the root of the Ijaws’ struggle for environmental justice. Obi believed that the “people appeared weak and helpless in the face of the overwhelming power of the oil companies supported by the state.” In his view, the lack of response by the federal government and the oil operators to the environmental complaints of the communities led the latter to take up violence in the 1990s as a last resort. The Ijaw people had been left with no choice but to fight for their environmental rights through open confrontation with the government and the oil companies, particularly since the former had not given room for dialogue with the demonstrators.

The diverse and multiple survival strategies of the Ijaws should be understood within the context of the various ways their environment was destroyed. Both men and women were forced to adapt to the available natural resources, particularly using political strategies as pressure on the government to accede to their demands within and outside the country.

8.2.1. Adaka Boro’s resistance strategy of 1966

The insurgence led by Adaka Boro in 1966 occurred as a result of the Igbo-dominated Ironsi government wishing to have greater control of oil resources within the Niger Delta. Also, the federal military government’s decision to cancel the revenue allocation formula based on resources derived from the region was an underlying factor in Boro’s resistance. As a result, the government’s new arrangement reduced the revenue from

succeeded in destablising the Delta when their protests were met with repression from the government. See detail in section 8.2.3 of this chapter.

50 percent to 30 percent, subjecting the region to neglect, economic underdevelopment and poverty.\footnote{Aghalino, SO, ‘Niger Delta Region and the Struggle for Resource Control: Implication from the Nascent Democracy’ in Emmanuel, Challenges for Sustainable Democracy in Nigeria, pp. 302-303.}

Saro-Wiwa argued that the reversal of the derivation principle of allocation of revenue granted the majority groups (Hausa, Yoruba and Igbo) the right to continue appropriation of wealth that belonged to the minorities in the South-south, particularly after oil had replaced cash crops as the main foreign exchange earner by the late 1960s.\footnote{Saro-Wiwa, K, ‘Oil and the Basic Issues at Stake’, The Guardian, 1 April, 1994, pp. 20-21. This aspect is discussed in Chapter 4.} Before 1966 the Ijaw oil communities had thus benefitted maximally from the oil wealth found on their land. It also raised a question as to the motives behind a federal government decision to abrogate the percentage allocated to the oil community. According to Aghalino, most Ijaws believed it was ethnically minded because the military government from Eastern and Northern Nigeria had channelled oil resources into protecting the interests of the north and south-west that were in the majority group.\footnote{Interview with Aghalino, Ilorin, 21 January, 2011. This shows the motive of the federal government, particularly the agenda of the Northern Nigeria, to channel the oil funds to their states.}

The non-performance of the Niger Delta Development Board (NDDB) and the continuing despoliation of the environment also instigated the formation of a youth movement called the Niger Delta Volunteer Force (NDVF) by Adaka Boro on 23 February 1966.\footnote{Alagoa, EJ, ‘Paper Deliver as a Key note Address at the ‘Boro Day’, Celebrations of the Ijaw National Alliance of the Americas (INAA) at the Hilton Woodbridge, New Jersey, 24 May, 2003, pp.1-9; Ikelegbe, ‘Beyond the Threshold of Civil Struggle,’ pp.88-9.} His aim was to declare a separate state of the Niger Delta People’s Republic in which the oilfields would be controlled by the local communities, including the Oloibiri oilfield.\footnote{Ejiogu, EC ‘Tripartite Processes: Explaining the On-set of a New Phase of Resistance against the Nigerian State in the Niger Delta’, African Renaissance, (1), 2011, pp.8-23; Human Right Watch: ‘The Price of Oil, Corporate Responsibility and Human Right Violation in Nigeria’s Oil-producing Communities’, pp.24 and 93.} Boro’s NDVF was determined to own and exercise exclusive rights over the oilfields situated in the lands of the Ijaws, the Urhobo, the Isoko, the Ogoni and the Ughelli, and thereby protect what they regarded as their resources from being expropriated by the dominant ethnic group in the East, the Igbo.
The unique aspect of Boro’s movement lies in his undaunted resistance to the federal government’s decision on oil matters, referred to as the ‘12 Day Revolution’. It prompted further unrest and struggle over environmental matters across the Delta region. In order to achieve its aim, the leader of the NDVF had declared the independence of the Niger Delta People’s Republic, involving about 150 men in a guerrilla war with both the Nigerian police and later the federal army. Boro wanted all oil companies operating in the Delta to negotiate directly with his government instead of the Nigerian government, but this was not achieved. Since the Nigerian police could not combat the 12 day revolution it was suppressed by federal troops and members of the NDVF were arrested, prosecuted, found guilty and sentenced to death for treason. However, before the sentence was carried out the military officers, led by Lieutenant Colonel Yakubu Gowon on 29 June 1966, in a counter coup, became the new president of the Federal Republic of Nigeria. Boro and his members were released after being granted clemency, which served as a major political decision by a new government seeking the support of the ethnic minorities in the conflict between the federal state and the Igbo.

In 1967 Boro participated in a civil war that lasted until 15 January 1970. A British confidential report revealed that he joined forces with the federal army mainly to defend

---

930 Aghalino, Crude Oil Business in the Western Niger Delta, pp. 30-31.
931 NAI, Government Gazette file No, 1290/180
933 PRO, POWE 63/238, OPD Meeting Friday 12 May 1967, ‘Possible Blockade and secession of the Eastern region of Nigeria, OPD, 67/32.
934 One major contributory factor to the outbreak of the Nigerian war in 1967 was the struggle for control of oil. The Eastern region had oil wells that provided revenue to the federal government, therefore the secessionist wanted to be directly in charge to their own advantage. See Chapter 4 on the impact of the war and oil production in the delta at that time. (Nafziger, EW, ‘The Economic Impact of the Nigerian Civil War’ Journal of the Modern African Studies, 10(2), 1972, pp. 227)
the ethnic minorities of the Niger Delta against the domination of the Igbos, but died under mysterious circumstances on 9 May 1968.\textsuperscript{935}

Boro’s resistance strategy was unsuccessful, but precipitated a future resistance movement in the Niger Delta in the 1990s. It was the first step by the Ijaws against the federal government on oil related crises in Nigeria. Significantly, there was no further agitation similar to that waged by the NDVF movement on environmental or oil matters in the Delta until the 1990s.\textsuperscript{936}

\textbf{8.2.2. The Ogoni uprisings in the 1990s}

For Agbonifo the Ogoni uprisings in the 1990s served as the agent of the revolutionary movement in the Niger Delta.\textsuperscript{937} However, the flaw in his argument is his failure to pay sufficient attention to the events that took place before the 1990s and the rise in ethnic environmental consciousness, notably Adaka Boro’s movement in the Ijawland. Oshagie argued that the Ogoni crisis “exemplified an ethnic self-determination for freedom and not the first kind of revolt in the oil rich zone of the Delta”.\textsuperscript{938} This suggests that the Ogoni political strategy was distinct in the way and manner the protagonists presented their demands to the federal government for the total control over oil resources found on their land.\textsuperscript{939}

The Ogoni uprising in the 1990s can be linked to the policy of separating the minority from the majority before independence in 1960s.\textsuperscript{940} The Ogoni people as a minority group demanded a separate state from the Willink Commission in 1958. This demand, like all others, was denied since the Commission argued that it would create new

\textsuperscript{935} PRO, POWE 63/238, ‘Possible Blockade and Secession of the Eastern Region of Nigeria’ 67/320; See also Obi, ‘Oil Extraction, Dispossession, Resistance, and Conflict in Nigeria Oil Rich Niger Delta’, p. 225.

\textsuperscript{936} There was a period of silence on environmental matters between the 1970s and 1980s. Evidence reveals that the people only became conscious of oil pollution and degradation at the beginning of the 1980s, particularly the neglect of the effects of oil production, poverty, and human degradation in the oil bearing states.

\textsuperscript{937} Agbonifo, ‘Oil Insecurity and Subversive Patriots in the Niger Delta’, pp. 71-80.

\textsuperscript{938} Oshagie, EE, ‘The Ogoni Uprisings, Oil Politics, Minority Agitations and the Future of the Nigerian States,’ \textit{African Affairs}, 94(376), 1993, pp. 325-344. It should be noted that the Ijaw people were the largest ethnic group in the Niger Delta, and were the first to demand equity and recognition from the federal government, albeit not self determination as with the Ogonis in the 1990s.

\textsuperscript{939} The Ogoni Bill of Rights is a document that contains the environmental problems confronted by the people and their demand for compensation and justice from the federal government.

\textsuperscript{940} Harvan, M, “’Its Eventual Victory is not in Doubt’”: An Introduction to the Literature of KenSaro-Wiwa, \textit{Journal of Comparative Poetics}, 1997, p.164
minority problems instead of a solution to the minority question. Consequently, the Ogoni and other minorities of the eastern Delta had been consigned colonial status at the hands of the Igbo ethnic majority, though since the military government started with the creation of new states from 1967 onwards the main focus of Ogoni claims of ethnic domination had increasingly been directed at Ijaw dominance in the River State.

The Ogoni people also complained about the environmental situation in the 1990s, particularly when compensation and responses from the federal government and oil companies were not forthcoming. The Ogoni people had reasons for their complaints. Environmentalists and activists such as K Saro-Wiwa and GB Leton pointed out “That the oil companies operating in the Delta, particularly Royal Dutch/Shell, have polluted Ogoni farms and Rivers, destroyed fish and other animals, and sacrificed human health for their profits.” There were no fewer than 2,970 oil spills in Ogoni between 1976 and 1991, destroying the environment on which most local people relied for their livelihood and survival.

There were about 96 oil wells in Bomu, Korokoro, Yorla, Bodo-west and Ebubu, on the Ogoni land, producing 28,000 barrels of oil per day between the 1960s and 1991. Obeche claimed that despite the huge oil wealth from the exploitation of the Ogoni environment there was little to show for it in terms of infrastructure for electricity and water, education, socio-economic projects or employment. Based largely on the devastation of their environment for more than 30 years by Shell Nigeria, the Ogoni people were adamant that these companies should leave their land. For example, the oil blowout at Well 11 in the Bori oil field in 1970 damaged farmland and poisoned water

---

941 The Willink Commission has been extensively discussed in Chapter 4.
944 Oil spills are discussed in greater detail in Chapter 6.
946 Interview with Obeche, Warri, 19 December 2012,
sources, but the local people of Kegbara Dere received no compensation from the oil company.\textsuperscript{948}

Another factor contributing to the uprising was the adoption of the Ogoni Bill of Rights of the Movement for the Emancipation of the Ogoni People (MOSOP) on 26 August 1990s. According to Watts, it specifically challenged \textit{Shell-BP} for environmental devastation and human rights violations, as well as the Nigerian state for its unjust control of their oil.\textsuperscript{949} Clearly, the Ogoni wanted \textit{Shell Nigeria} to adhere strictly to global environmental standards by providing adequate compensation for the damages caused to their environment since oil exploitation started.\textsuperscript{950} However, \textit{Shell Nigeria} argued that the majority of the oil spills on Ogoni land had been the result of sabotage by farmers seeking compensation, and passed the blame for other spills on to the federal government a major partner in the company and expected to pay 55 percent of all environmental costs.\textsuperscript{951} To buttress its claims, the company asserted that, as of 1995, Ogoniland had about 100 oil wells of which 96 belonged to \textit{Shell Nigeria} and 4 to \textit{Chevron Nigeria}. Based on \textit{Shell}'s revenue sharing formula the national subsidiary received about four percent of the US $5.2 billion in total gross revenue from this region, whilst the federal government received about 79 percent. \textit{Chevron Nigeria} received about two percent while the remainder went into capital and operating costs.\textsuperscript{952} \textit{Shell Nigeria}'s indictment of the federal government signifies the ineptitude of the government to protect the environmental condition of the Ogoni land, raising the question why \textit{Shell Nigeria} cannot be blamed solely for not reinvesting its own shares in those oil communities, because the oil companies should not assume the role of the

\textsuperscript{948} \textit{SPDC Nigeria}, ‘Riding the Dragon, Royal Dutch Shell and the Fossil Fire’, p. 10.
\textsuperscript{952} Moldoveanu, M, Royal Dutch /Shell in Nigeria, (A), 399-125, 1996, p6; \textit{Oil Watch,’ Oil and War: The Articles of 20th Century History of Oil Watch Position’}, Paper No 2, World Summit on Sustainable Development, Johannesburg, 2002. The mode of payment was largely based on the joint venture arrangement between the federal government and the oil companies. See chapter 5 for details.
government in Niger Delta or elsewhere in Nigeria.\textsuperscript{953} \textit{Shell}'s argument revealed the negative response of the government to the plight of the Ogoni before 1995.

The responses of the federal government and the oil companies to the environmental justice demanded by the Ogoni people were repression and neglect. The military and police attacked the Ogoni villages and subjected them to arbitrary arrests, confinement and torture, falsely accusing their leader Saro-Wiwa and eight others of murder in 1995. Saro-Wiwa and his followers were arrested, jailed and later sentenced to death by military dictator General Sanni Abacha.\textsuperscript{954} The death of these environmental activists acted as a catalyst for further resistance and led to a chain reaction of violence in the Ijaw regions from the mid-1990s onwards.\textsuperscript{955}

The conviction and execution of those Ogoni men was criticised both in Nigeria and abroad. \textit{Shell BP} was accused of supporting the Nigerian police and military in their attacks on the local villages in Ogoniland in order to protect its oil interests, and was further implicated in the executions.\textsuperscript{956} International concern was expressed by numerous environmental and human rights groups such as \textit{Greenpeace} and \textit{Amnesty International}, which before the federal military government’s action had urged \textit{Shell-BP} to intervene.\textsuperscript{957} However, acting strictly in accordance with the business principles of \textit{Shell International}, the Nigerian branch was not allowed to become directly and publicly involved in the host country’s politics. \textit{Shell Nigeria} had to remain apolitical,\textsuperscript{958} and as Moldoveanu wrote: “Shell companies endeavour always to act commercially, operating within existing national laws in a socially responsible manner, abstaining from participation in party politics and interference in political matters.”\textsuperscript{959} Based on this credo, \textit{Shell Nigeria} was constrained by this principle of non-partisan politics, particularly in the case of Saro-Wiwa.

\begin{itemize}
\item \textsuperscript{953} Godwin, UO, ‘The Tragedy of Oil Discovery’ p.17.
\item \textsuperscript{954} Interview with Obeche, Warri, 19/12/2010
\item \textsuperscript{955} NAE, War Prof, Government Gazette, 1999/452.
\item \textsuperscript{956} Wiwa vs Royal Dutch Petroleum Co, United States Court of Appeals for the Second Circuit; International Legal Material, 40(2), 2001, p.482. Interview with Aghalino, Ilorin, 21 January 2011.
\item \textsuperscript{957} De Sarkar, D, ‘Global Firms Drawn into ‘Rights Issue’, \textit{The Mercury}, 12, 1999, p. 8. This explained \textit{Shell}'s side of the story on the decision taken by the late General Sanni Abacha.
\item \textsuperscript{958} Moldoveanu, \textit{Royal Dutch/Shell in Nigeria}, p. 12.
\item \textsuperscript{959} Moldoveanu, \textit{Royal Dutch/Shell in Nigeria}, p. 13.
\end{itemize}
De Sarkar refuted the adherence of *Shell-BP* to their “business principle of non-partisan politics” on the Ogoni case, pointing out that despite this policy *Shell* had regularly tried to influence government tax and trade policies, their labour laws and environmental rules.\(^{960}\)

In 1995, in response to the allegation made about *Shell’s* non-partisan politics, the managing director of *Shell Nigeria*, Brian Anderson, claimed that the company declared publicly that the Ogoni accused were entitled to a fair trial, medical treatment and lawyers of their own choice.\(^ {961}\) The company also met privately with senior government officials to advise them of the effect their decision to execute the Ogonis would have on the country and the company’s image. However, in retrospect, there was little *Shell* could have done, given the Abacha government’s lack of regard for human rights. Aghalino pointed out that Abacha was a despotic ruler who did not listen to criticism against his government’s unpopular actions in the Saro-Wiwa’s case.\(^ {962}\)

The execution of the Ogonis brought the world’s attention to the environmental devastation wreaked by decades of oil production on Ogoni land and the oppression and violent attacks on its people. The Ogoni uprising acted as a trigger for the rest of the ethnic minority oil-producing communities in the Nigeria Delta, and led to the creation of groups such as the Ijaw Youth Council and Isoko Youth Council. They started with uncontrolled protests against the state, *Shell* and *Chevron* in the mid-1990s.\(^ {963}\) By 1998, the state’s injustices and neglect of the environmental despoliation of the oil-producing area in the Niger Delta increased the number of community agitations and resistance movements on oil-related issues. For the Ijaws, this process culminated in the adoption of the Kaiama Declaration in 1998.

### 8.2.3. Kaiama Declaration in 1998

Already, before the Kaiama Declaration, other local civil rights movements had started campaigning against the environmental pollution and despoliation. For instance, the Movement for the Reparation of Ogbia (Oloibiri) (MORETO) pre-empted the Kaiama

---


\(^{962}\) Interview with Aghalino, Ilorin, 21 January 2012.

Declaration when they drew up a charter demanding compensation for their damaged environment in 1992, 964 and the Movement for the Survival of the Ijaw Ethnic Nationality in the Niger Delta (MOSIEND) expressed their grievances through the document sent to the federal government in October 1992. The main points were the liberation of the Ijaws from environmental pollution and poverty, acceleration of uneven development, and compensation for the degraded environmental resources by Shell Nigeria and Chevron Nigeria. 965 The Chicoco Movement that started in Oloibiri in 1997 campaigned for the right to self-determination of the Ijaws, particularly freedom from oil politics and against underdevelopment of their socio-economic activities in all Ijaw communities. 966 These movements were responsible for the seizures of oil installations in the Ijaw oil fields, especially in Ogulagha and Forcados Shell/Chevron flow stations in 1997 and 1998. The oil stations were held by the Ijaws as a signal to the federal government over the Warri crisis and to encourage justice between them and the Itsekiris. 967

Adding to this, the level of environmental despoliation of Oloibiri before the Kaiama declaration will be addressed in this section. Oloibiri, where oil was first discovered in 1956, explored, drilled and abandoned in 1977 by Shell-BP, was more backward than it was before oil started to provide huge wealth to the federal government and the multinational oil companies. 968 Oil pollution had affected their farmland and domestic animals, with no development or compensation. Scientific evidence of most Ijaw oil-producing communities in which gas flaring occurred shows that no flora could survive 120m from the site. 969 There were numerous shanty houses, dirt track roads and

---

965 Interview with the Ijaw youth leader, Oloibiri, (anonymous), 19 December, 2010. This movement continued with agitation locally and joined forces with all Ijaw Youth council by 1998.
966 Interview with the Ijaw youth leader, Oloibiri, (anonymous), 19 December 2010
967 Ikelegbe, A, ‘Insurgent Youth Movement, pp. 110-111. Reference must be made to the activities of the Federated Niger Delta Ijaw Communities, (FNDIC). Its officials like; Frank Omare, Chief Lucky Orominin, George Timinimi, Lucky Ezuokwun and Chief David Pere, started this movement during the Ijaw/Itsekiris war over Warri province, and continued to use this as a medium of campaign against the environmental pollution of the Ijaw land. The rivalry between the Ijaws/Itsekiris is detailed in Chapter 7.
dilapidated schools found in the villages, showing the reason behind the consistent clashes between the Oloibiri community and other Ijaw oilfields against Shell Nigeria and Chevron Nigeria before the 1990s, which claimed many lives in Ijawland.

Evidence revealed that the fate suffered by the Oloibiri had propelled other oil-producing community in Ijawland to stage more protests and strikes against Shell flow stations in mid-1998. The Imiringi, Otuasega and Elebele, referred to as the Kolo Creek Ijaw, demanded social investment and a road network that had lingered since 1971. Amidst the protest from Oloibiri and those areas, youths from across Ijawland converged on Kaiama in Bayelsa State on 11 December 1998 to make known their grievances on environmental matters.

The above also revealed that in spite of the community development projects put in place by Shell-BP and Chevron in the Ijaw areas, the broken promises and lack of mutual agreement with the people on the provision of roads and employment increased the level of conflict and demand for a clean environment and better life in 1998. Amidst the increasing tension that characterised the Niger Delta, particularly the killings and destruction of properties in the local communities, they developed into a united and common front at Kaiama, calling for social development as compensation for the environmental damage to their land by Shell and Chevron.

Important resolutions made in the Kaiama Declaration included the claims that the Ijaws owned all rights to natural resources, including those found on their land. They demanded the immediate withdrawal of all military forces occupying the Ijaw oilfields and communities, as well as the immediate cessation of oil exploration and production.

---

970 Interview with Obeche, Warri, 19 November 2011
973 Interview with Obeche, Warri, 19 November 2012.
974 See Chapter 7 for the detail of Shell BP/Chevron’s community development project in Ijaw land.
976 The Kaiama political strategy comprised of the entire Ijaw youths who voluntarily represented their villages and towns for the purpose of expressing their grievances to the government, oil companies and the world.
in all Ijawland. The Ijaw youth also expressed their commitment to peaceful co-existence among the Ijaw people, and demanded a sovereign national conference that would reflect a true federation of all nationalities:

We agreed to remain within Nigeria but to demand and work for self-government and resource control for the Ijaw people... Nigeria should become a federation of ethnic nationalities. The Federation should be run on the bases [sic] equality and social justice.

The aim of the declaration was neither to stir up a crisis nor to serve as a threat to the federal government, rather it was an expression of their grievances. In addition, the Ijaw youth wanted to create awareness and draw the sympathy of other Nigerians and the international community.

On December 30, 1998, over 5,000 members of the Youth Council gathered at Kaiama, from where representatives of Kaiama, Oloibiri, Mbaima, Imiringi Otuasega, Elebele, Anyama, Nembe and all Ijaw communities marched toward the government house in Yenogoa, singing, chanting and dancing in the streets. This was non-violent action taken by the youth to express their grievances about the environmental situation impinging on their survival. Nigerian soldiers opened fire on the Ijaw demonstrators, killing about 125, and invaded and raided their land. According to Obi this act by the federal forces led to a "reign of terror unleashed in the Creeks, Swamps, and villages of Ijawland… lives were lost, many people were injured, displaced, houses were burnt and people were arrested or threatened".

---

977 Asume, ‘Politics and Agenda of Nationality Resistance’, p. 117. It must be said that military occupation of the major centres of oil operations has continued unabated in the Ijaw and the entire Delta area. Interview with Obeche, Warri, 19 December 2010.
978 The Kaiama Declaration: Being Communiqué Issued at the End of the All Ijaw Youths Conference which held in Kaiama this 11 December 1998.
980 Interview with Chief Edward, Oloibiri, 12 December 2010.
This illustrates the state’s repression that followed the Kaiama Declaration at the expiration of the ultimatum issued to the federal government and the MNOC to meet their demands between 11 and 30 December 1998.983

As a consequence of the Kaiama Declaration, the Ijaw youth transformed themselves into a new council called the Ijaw Youth Council to coordinate and continue the campaign as contained in their aims and objectives. The Ijaw Youth Council was charged with the responsibility of ensuring restoration of their environment to its original standard prior to oil pollution in every part of the Ijaw oil-producing area.

8.2.4. Ijaw Youth Council of 1998

As the Ijaw youth wanted all natural resources to be used for their own benefit,984 they were involved from the beginning of 1998 in the seizure of oil installations in the Oloibiri and other oil-producing communities of Ijawland. In an interview with Ijaw youth leader, affirmed that dialogue with the government remained deadlocked.985 The IYC’s grievances and demands were very clear and precise, especially as contained in the organisation’s memorandum, which made it clear that they would not respect the petroleum decrees made by the federal government that had taken over their rights of exclusive ownership and control of oil resources in Ijawland.986 This explained the joint alliance between the federal government and the oil operators that had undermined the development of the oil-producing states for so long.987 In addition, the IYC wanted the federal government under Gen Abdulsalam Abubakar to organise a sovereign national conference that would allow the representation of all ethnic nationalities in Nigeria, particularly the minorities in the Niger Delta oil-producing area in 1998.988 According to them, the national conference would raise awareness of their grievances and needs, and how their environmental oil resources would be shared.989

984 Interview with Aghalino, Ilorin, 21 January 2012.
987 The issue of joint venture relationship between government and oil companies was discussed in Chapter 5.
988 Interview with Chief Edward, Oloibiri, 12 December 2010; Interview with Aghalino, Ilorin, 21 January 2011.
989 Ikelegbe, A. ‘Encounters of Insurgent Youth Association with the State’, pp. 162-63. This explained the programme and objectives for which the IYC was established.
The IYC’s campaign met with brutal assaults by a federal military government that was not ready to accept unruly actions or challenges to its authority on oil matters in late 1998. This explains the attitude of the government to local demands that threatened their economic interests in the oil-producing communities. There were contradictory responses to these events, with Dibua believing that the open confrontations employed by the IYC could be justified given the environmental situation and despoliation that incapacitated their traditional means of survival. Other scholars, such as Ikelegbe, noted that the Ijaw youth action violated the state’s laws, and that dialogue rather than violence was a better option. In retrospect, one would suggest that the action of the Ijaw youth was a strategy aimed at attracting the government and the world’s sympathy for their environmental plight.

Lastly, the IYC’s decision to constitute the organisation was well informed, and intended to strengthen their political relevance in Niger Delta and Nigeria. The protagonists of the IYC like Felix Toudolo, Ogoribe and Timi Kasier, among others, believed that Ijawland, being the fourth largest ethnic group in Nigeria, deserved more recognition and equal access to the nation’s economic resources, like the Yorubas, Igbo, and Hausa. Thus, irrespective of their internal disunity with other oil communities, the Ijaws were driven to end the sufferings brought on them and the environment by oil pollution.

Table 1 (below) illustrates the violent actions of the Ijaws against the federal government and the responses of the latter. It explained why the Ijaw people had resorted to a resistance movement in the 1990s, when dialogue with the government was deadlocked. It shows the repressive measure of the government to the demands made by the ordinary Ijaws, given the environmental problems and little compensation for their loss.

---

990 Frynas, GJ, ‘Corporate and State Responses to Anti-Oil Protests in the Niger Delta’, p. 49.
992 Ikelegbe, ‘Encounters of Insurgent Youth Association with the State,’ pp. 162-63.
993 Interview with Edward, Oloibiri, 12 December 2010.
Table 8.1: Reported anti-government violence in the Ijaw Rebellion, 1997-1999

<table>
<thead>
<tr>
<th>Date (mo/yr)</th>
<th>Description of event</th>
<th>Loss in oil revenue?</th>
<th>Rebel deaths</th>
<th>Government deaths</th>
<th>Govt response to that specific event (exclu des general repression measures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/97</td>
<td>Set fire to market in Warri(Delta State) and to residence of former government minister</td>
<td>No</td>
<td>2</td>
<td>1</td>
<td>Gun battle with police followed; police reinforcements sent to area; military governor called Ijaw and Itsekiri chiefs for negotiations.</td>
</tr>
<tr>
<td>9/97</td>
<td>Kidnapped 4 soldiers, killed 1 of them</td>
<td>No</td>
<td>0</td>
<td>1</td>
<td>Security forces raided Ijaw villages and arrested dozens</td>
</tr>
<tr>
<td>7/98</td>
<td>Rampaged through Govt House in Yenogoa, the Bayelsa state capital, and released detained leader</td>
<td>No</td>
<td>0</td>
<td>2</td>
<td>Not reported</td>
</tr>
<tr>
<td>12/98-1/99</td>
<td>Attacked soldiers in Yenogoa on 31 December to avenge shooting of unarmed protesters on Dec 30; clashes followed during army raids of Ijaw communities</td>
<td>Yes</td>
<td>125 deaths on each side not reported</td>
<td>Deaths on each side not reported</td>
<td>Declared state of emergency; imposed curfew; sent troops to oil installations; raided several Ijaw communities (with Chevron boats and helicopters), and carried out mass rapes, torture, and killings.</td>
</tr>
<tr>
<td>1/99</td>
<td>Attacked army barracks near Shell Forcados terminal</td>
<td>Yes</td>
<td>15</td>
<td>4</td>
<td>Soldiers opened fire on the protesters.</td>
</tr>
<tr>
<td>9/99</td>
<td>Clashes following police intervention in gunfight between Ijaw youth &amp; motorcycle operators</td>
<td>No</td>
<td>19 deaths on each side not reported</td>
<td>19 deaths on each side not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>11/99</td>
<td>Kidnapped and killed 12 policemen in the area of Odi, Bayelsa State.</td>
<td>No</td>
<td>53</td>
<td>12</td>
<td>Soldiers destroyed Odi and occupied Choba for two weeks, raped, tortured and destroyed property. Obasanjo condemned Ijaw violence as “sheer criminality” that will be brought to justice.</td>
</tr>
</tbody>
</table>

Table 8.2 shows the various political strategies used by the Ijaws to demand compensation from the oil companies operating on their oil fields. It illustrates the loss of revenue, number of deaths and the responses of the oil companies. Negotiations and dialogue were always used by the oil companies, particularly in response to occupation of their terminal stations by the Ijaws, and payment of ransom for hostages taken by the youths.

**Table 8.2:** Reported anti-oil company activity in the Ijaw Rebellion, 1997-99

<table>
<thead>
<tr>
<th>Date (m/yr)</th>
<th>Description of event</th>
<th>Loss of oil in revenue?</th>
<th>Rebel deaths</th>
<th>Oil company response</th>
<th>Government response to that specific event (excludes general repression measures)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3/97</td>
<td>Occupied six <em>Shell</em> flow stations and held 127 local staff hostage</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations and ransom payments</td>
<td>Troops deployed to Warri</td>
</tr>
<tr>
<td>4/97</td>
<td>Attacked service boat and kidnapped its captain</td>
<td>No</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>10/97</td>
<td>Stormed <em>Shell</em> flow station at Odema Creek</td>
<td>No</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>10/97</td>
<td>Closed down <em>Shell</em> flow station and 12 wells</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>2/98</td>
<td>Barricaded Mobil operational base</td>
<td>No</td>
<td>0</td>
<td>Negotiations</td>
<td>300 protesters were arrested</td>
</tr>
<tr>
<td>2/98</td>
<td>Closed down <em>Agip</em> Tebidaba flow station</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Community Relations Committee established one area</td>
</tr>
<tr>
<td>5/98</td>
<td>Closed down five <em>Shell</em> flow stations</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>5/98</td>
<td>Occupied <em>Chevron</em> platform for 3 days</td>
<td>Yes</td>
<td>2</td>
<td>Transported troops</td>
<td>Soldiers killed two unarmed protesters</td>
</tr>
<tr>
<td>5/98</td>
<td>Held 200 <em>Chevron</em> workers hostage</td>
<td>No</td>
<td>0</td>
<td>Ransom payments</td>
<td>Not reported</td>
</tr>
<tr>
<td>5/98</td>
<td>Vandalized property belonging to <em>Agip</em></td>
<td>No</td>
<td>0</td>
<td>Not reported</td>
<td>Dusk-to-dawn curfew on Brass</td>
</tr>
<tr>
<td>6/98</td>
<td>Attacked <em>Shell</em> flow stations</td>
<td>Yes</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>6/98</td>
<td>Vandalized</td>
<td>No</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Result</td>
<td>Tax</td>
<td>Negotiations</td>
<td>Comments</td>
</tr>
<tr>
<td>-------</td>
<td>----------------------------------------------------------------------------------</td>
<td>--------</td>
<td>-----</td>
<td>--------------</td>
<td>----------</td>
</tr>
<tr>
<td>6/98</td>
<td>Stopped operations at <em>Agip</em> flow station</td>
<td>No</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>7/98</td>
<td>Held nine <em>Texaco</em> workers hostage</td>
<td>No</td>
<td>0</td>
<td>Ransom payment</td>
<td>Not reported</td>
</tr>
<tr>
<td>8/98</td>
<td>Blew up a Shell trunk line</td>
<td>No</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>8/98</td>
<td>Damaged <em>Agip</em>’s Brass terminal</td>
<td>Yes</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>8/98</td>
<td>Damaged to Shell’s Forcados and Brass terminals</td>
<td>Yes</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>8/98</td>
<td>Seized two <em>Texaco</em> boats and kidnapped workers</td>
<td>No</td>
<td>0</td>
<td>Ransom payments</td>
<td>Not reported</td>
</tr>
<tr>
<td>10/98</td>
<td>Occupied 15 <em>Shell</em> and six <em>Chevron</em> flow stations</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>After weeks, armed troops flown into area</td>
</tr>
<tr>
<td>10/98</td>
<td>Forced <em>Agip</em>’s pipeline to suspend loading</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>10/98</td>
<td>Held four <em>Chevron</em> workers hostage</td>
<td>Yes</td>
<td>0</td>
<td>Ransom payment</td>
<td>Not reported</td>
</tr>
<tr>
<td>10/98</td>
<td>Seized two <em>Shell</em> helicopters</td>
<td>No</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>11/98</td>
<td>Kidnapped 8 foreign <em>Texaco</em> workers</td>
<td>No</td>
<td>0</td>
<td>Negotiations</td>
<td>Arrested kidnappers &amp; released hostages</td>
</tr>
<tr>
<td>12/98</td>
<td>Occupied Shell site in Delta State</td>
<td>Yes</td>
<td>0</td>
<td>Urged government to use dialogue not force</td>
<td>Delta State administrator issued severe warning to Ijaw activists, asking them to withdraw.</td>
</tr>
<tr>
<td>2/99</td>
<td>Kidnapped expatriate Shell workers</td>
<td>No</td>
<td>0</td>
<td>Ransom payments</td>
<td>Not reported</td>
</tr>
<tr>
<td>4/99</td>
<td>Took over seven <em>Shell</em> flow stations and <em>silage</em> flow stations; seized barges and tugboats</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>7/99</td>
<td>Caused closure of Elf oil well in Rivers State</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Not reported</td>
</tr>
<tr>
<td>7/99</td>
<td>Held 64 <em>Shell</em> employees hostage for two days and seized</td>
<td>Yes</td>
<td>0</td>
<td>Ransom payments</td>
<td>Arranged meeting between Ijaw youths &amp; oil company officials</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
<td>Held hostage</td>
<td>Ransom payments</td>
<td>Negotiations</td>
<td>Source</td>
</tr>
<tr>
<td>------</td>
<td>-------------------</td>
<td>--------------</td>
<td>----------------</td>
<td>--------------</td>
<td>--------</td>
</tr>
<tr>
<td>8/99</td>
<td>Held five Britons hostage</td>
<td>No</td>
<td>Ransom payments</td>
<td>0</td>
<td>Not reported</td>
</tr>
<tr>
<td>8/99</td>
<td>Attacked offshore Texaco platform</td>
<td>Yes</td>
<td>0</td>
<td>Not reported</td>
<td>Not reported</td>
</tr>
<tr>
<td>9/99</td>
<td>Blockaded newly completed liquefied natural gas plant at Bonny Island</td>
<td>Yes</td>
<td>0</td>
<td>Negotiations</td>
<td>Obasanjo said government should have retrained workers who built the plant but were now unemployed</td>
</tr>
<tr>
<td>10/99</td>
<td>Held six Shell employees hostage</td>
<td>No</td>
<td>0</td>
<td>Ransom payments</td>
<td>Not reported</td>
</tr>
<tr>
<td>12/99</td>
<td>Occupied three Shell flow stations and seized work boats belonging to Daewoo, Saipem, and Wilbros</td>
<td>No</td>
<td>0</td>
<td>Negotiations</td>
<td>State crisis mediator requested an end to such militancy; greater sensitivity of the part of the oil companies</td>
</tr>
</tbody>
</table>

Source: EIU Nigeria Country Reports (1997-99); Keesing’s Record of World Events; Lexis-Nexis Universe; MAR Group Assessments. Cited in World Bank 2005, pp.111-113

### 8.3. SURVIVAL STRATEGIES OF IJAW PEOPLE

A number of strategies were developed by the Ijaw people.

#### 8.3.1. Combinations of jobs

Having to deal with polluted rivers, streams and swamps on which their livelihood depend, the Ijaw people resorted to a combination of jobs for more income. They farmed and fished, surviving on the proceeds to meet family needs. Avwunudiogba and Ashton claim that the wanton destruction of their main occupation through the extraction and production of oil polluted the waters and streams, and the land lost its nutrients.\(^\text{994}\) The farmers and fishers abandoned their traditional jobs and turned to other occupations to make a living.

Fieldwork in Oloibiri and other Ijaw communities that have experienced environmental pollution and degradation, such as Kolo Creeks, Jesse and Jones Creeks, revealed that most of the farmers out of necessity started combining their first traditional jobs, i.e.,

---

fishing with farming, brewing, hunting, lumbering and trade.\textsuperscript{995} Consequently, many combined fishing with farming in order to survive.

Interview with some women fishers shows that most women from Oloibiri and other Ijaw oil-producing communities who were fish processors also engaged in trading at the riverine centres of the community.\textsuperscript{996} They sold fresh fish at the beach to retailers from the cities of Warri and Port-Harcourt, which explained their involvement in activities to raise income, such as petty trading, dressmaking, hairdressing, weaving of thatch, basket making, provision of labour and leasing out of market sheds. In addition, one Ijaw reported that she owned a crayfish shop and engaged in dressmaking near the main market at Oloibiri to meet the needs of her family.\textsuperscript{997} Others enrolled as part-time students, while one also owned a beauty salon shop to earn additional daily income to support her family.\textsuperscript{998} One informant said that during the earlier period, when the people became conscious of the negative effects of oil pollution on their environment, they combined other jobs, but over time there was a subtle division of labour and occupational specialisation,\textsuperscript{999} such as farming, fishing and trading, but most of the Ijaws had to combine those skills with other economic practices, such as brewing and hunting.

Some women Ijaw fishers lamented their ordeal toward earning a living. One woman commented:

\begin{quote}
I am just returning from fishing, whatever the case, it is our occupation and we have to go out daily and try. Owing to the oil spills that had spread over the rivers, we can no longer catch fishes [sic] we used to. You can see that the fishes that returned with us are not up to ten. This cannot be equated with effort put into
\end{quote}

\begin{flushleft}
\textsuperscript{995} Interview with Ekpan, I, Local farmer, Oloibiri, 19 December 2011; Interview with Obeche, Warri, 19 December 2011.
\textsuperscript{996} Interview with women fishers and trader Ololibiri, 22 November 2011, (anonymous).
\textsuperscript{997} Interview with Agnes, I, Oloibiri Market, 22 November 2011.
\textsuperscript{998} Interview with Obeche, Warri, 19 December 2010.
\textsuperscript{999} Interview with Aghalino, Ilorin, 21 January 2011.
\end{flushleft}
the venture, yet no matter how discouraged some of us feel, we are used to going out every day. It is still better to go out and try than to sit down at home.1000

Elder Edward commented thus on the efforts made by the Ijaw men and women to survive during the planting season, that most women in their villages (Oloibiri, Kolo Creeks, and Anyama) created time to plant cassava and vegetables on the uplands to support the needs of their family, because the main source of livelihood could no longer sustain them.1001 This explained the extent to which the people had gone to adjust to the environmental pollution of their land.

The question arises as to how sustainable the strategies adopted by the ordinary Ijaw people were. Evidence shows that despite the diverse means taken by the fishers and farmers to adjust to the environmental pollution and degradation, they could barely take good care of their immediate family needs. An informant claimed that,

I have spent all my life as a fisherman but I have no means of livelihood as a result of oil pollution. What kind of life am I supposed to live now at my age? I am too old to learn a new trade.1002

A fisherman in Nembe lamented how his efforts to create a fish pond for daily income had been thwarted:

We have been suffering from this problem for more than two decades… I was trying to put some fish in the pond, but started to see oil seeping into the water and polluted everything… As you can see, the entire eco-system of our community has been destroyed.1003

Apart from the above, the search for clean drinking water became a daily routine among the Ijaw people. Obeche claimed that,

Our well was poisoned and we had to fill it up with sand to prevent a fire outbreak… we now have to travel far into other villages to buy bore hole water…

1000 Interview with a woman fisher (Anonymous), Oloibiri, 22 November 2011, Interview with fish trader, Oloibiri, 22 November 2011.
1001 Interview with Elder Edward, Oloibiri, 22 December 2010.
1002 Interview with a 62 year-old fisherman at Warri, 6 December 2010 (anonymous).
1003 An interview with a fisherman Nembe, Anonymous, 22 November 2011.
the government has done nothing for us, no one even came to speak to us about our plight.\textsuperscript{1004}

In short, the strategies adopted by the Ijaw people reveal their capacity to respond to the changes in their environment. Nevertheless, many still lacked the basic things to meet their needs in their immediate environment. For some, more drastic alternative means became imperative.

\textbf{8.3.2. Migration of the displaced Ijaw people to habitable environment}

The migration of many Ijaw people to more habitable areas in the Niger Delta and some urban centres such as Warri, Port Harcourt, Ughelli and Sapele can be directly linked to the dire circumstances and conditions in the Ijaw area. One can argue that oil pollution and gas flaring was a contributory factor behind many of the farmers and fishers moving to those centres, taking the drastic action as a means of survival.\textsuperscript{1005} The pressure of livelihood to a large extent encouraged most Ijaw farmers and fishermen to migrate or induced voluntary movement from their home to the rural-urban or rural-rural settlement within and outside the Ijaw area.\textsuperscript{1006} Rather than attributing this to lack of education required for employment in the oil companies, since it is not possible for everyone to be educated at the same time in any given society, the farmers voluntarily migrated to the urban centres for survival.\textsuperscript{1007}

For many, migration to urban areas did not necessarily solve their problems. For example, those who settled in Sapele continued their struggle for survival.\textsuperscript{1008} Some found themselves exposed to danger and threats to their lives. An informant who settled in Sapele said that they became aliens and had no choice but to settle in the slum areas of their host communities,\textsuperscript{1009} where there were no satisfactory jobs.\textsuperscript{1010} Even migration to

\textsuperscript{1004} Interview with Obeche, Warri, 19 November 2010.
\textsuperscript{1007} Aghalino, \textit{Crude Oil Business in the Western Niger Delta}, pp. 89-90.
\textsuperscript{1008} Aghalino, \textit{Crude Oil Business in the Western Niger Delta}, p. 132.
\textsuperscript{1009} Interview with Ekpo, Warri, 21 November 2011.
\textsuperscript{1010} Rural urban drift led to high crime, inadequate housing, unemployment, too many people on few social facilities, among other factors.
a safe rural area was not necessarily a solution. Ekpan claimed that women and children were to bear the burden of taking care of the home while their men went in search of employment.\textsuperscript{1011} Despite the steps taken by farmers and fishers as survival strategies their problems were not yet resolved. Many said that the combination of jobs was only a temporary solution.\textsuperscript{1012}

8.3.3. Scooping of fuel from leaking pipelines

In addition to the abovementioned means of survival, some Ijaw adopted the strategy of scooping fuel or oil from leaking pipeline in their communities. A woman in Oloibiri stated that,

\begin{quote}
If we don’t scoop fuel from here, hunger will kill us, if we die from explosion here, it is still death out of want. We might as well stay here, scoop and hope to survive.\textsuperscript{1013}
\end{quote}

The \textit{New African Publication} reported that “Here we see children scooping crude oil from the ground on their family’s farm after a ruptured oil pipeline exploded, damaging 300 hectares of community lands.”\textsuperscript{1014} These people were so desperate that they were even willing to face the danger of being injured by fire or explosion as they attempted to collect or scoop fuel. This is another example of the drastic means they would adopt in order to survive.\textsuperscript{1015}

The scooping or tapping of fuel was very dangerous, as illustrated in 1998 when a number of women and children died as a result of the Jesses’ and Jones’ fire.\textsuperscript{1016} Obeche confirmed that about 10 Ijaw were also reported burnt to death at a fire incidence at Bayana on 10 April 1999.\textsuperscript{1017}

\begin{thebibliography}{9}
\bibitem{1011} Interview with Ekpan, I, Oloibiri, 19 December 2010.
\bibitem{1012} Interview with Obeche, Warri, 19 December 2010. They still combined the jobs in their new settlement, as survival of the fittest.
\bibitem{1013} \textit{This-Day}, 2007, p. 15.
\bibitem{1014} \textit{New African Publication}, 2012, p.22.
\bibitem{1016} The detail of fire incidence in Jones’ and Jesses’ creek, are discussed in chapter 7 as well as in the next section of this chapter.
\bibitem{1017} Interview with Obeche, Warri, 19 November 2010.
\end{thebibliography}
8.3.4. Litigation for compensation payments

As discussed in Chapter 5, Nigerian environmental legislation provides no specific statutory laws that addressed the rights of wronged citizens for compensation payment brought by oil pollution on their property or in their environment.\textsuperscript{1018} The adoption of British common law on tort liability (negligence, nuisance and trespass) in the English cases of Donoghue v Stevenson, Ryland and Fletcher, were being used as a basis for making claims in the Nigerian courts.\textsuperscript{1019} This created the opportunity for Ijaws and whole communities to exercise their rights to compensation payment as another means of survival.\textsuperscript{1020}

Although, oil legislation on environmental protection in Nigeria prior to 1988 was not established to prevent or control pollution, some provisions provided for a fair compensation to the individual and communities affected by oil-related problems. The Oil in Navigable Water Decree of 1968 mandated the oil companies to guard against the injurious effects of disturbance and pay adequate compensation to the affected person or community. This was reinstated in the Petroleum Act of 1969, while the act also demanded that all oil operators take responsibility for their actions.\textsuperscript{1021}

Section 11 (5) (c) of the Oil Pipeline Act 1963 also provides that the holders of a license shall pay compensation to any person suffering damages (other than one’s own action or the action of a third party) as a result of any breakage or leakage from the oil pipeline or an ancillary installation for any such damage not otherwise made good.\textsuperscript{1022} The only time an oil company could be held liable for oil spills was when the spills are caused by equipment failure or blowout. This was the case in the law suit between Shell v Farah (1989-94). The court held that the blowout was caused as a result of the company’s

\textsuperscript{1018} This aspect is discussed in Chapter 5.
\textsuperscript{1020} As discussed in Chapter 6, scientific evidence shows that gas flaring affected the vegetation, soil and climate of the Niger Delta region, and was also a health hazard, with corrosion of metals and acidic rain, particularly in the oil-producing community of the Ijaws. Oil spills were found to have contaminated their water courses, and even caused death in most village communities in the Ijaw area.
\textsuperscript{1022} Oil Pipeline Act of 1963, Section 11, (5), (c)
negligence and therefore it should pay full compensation for damaged crops, economic timber and hunting land to the landowner.\textsuperscript{1023}

The environmental litigation by Chief S. Amos and others from the Ogbia community area of Brass division versus \textit{Shell-BP} and others in 1974 shows how the plaintiff in exercising its rights of compensation lost out in the process. The plaintiff had established unlawful damages for nuisance caused by the defendants by intentionally blocking the Kolo Creek new water project for three months.\textsuperscript{1024} It was found that the plaintiff had filed his case on behalf of the entire communities of Ogbia and that the Ijaws of Imiringi (who were the original owners of the waterway) had an agreement with the oil company on payment for the damages brought by the people. The court dismissed the case in favour of \textit{Shell-BP}, on the grounds that the plaintiff could not establish specific damage suffered as a result of the blockade.\textsuperscript{1025} This shows that any aggrieved person must present proof of damage suffered by self or communities, and not the general public.

\textit{Shell} v Teibo VII (1987-96) as discussed in Chapter 5, serves as another example of resorting to litigation. The defendant claimed that \textit{Shell}'s operation spilled oil into their rivers, swamps, streams and fish ponds and religious shrine.\textsuperscript{1026} Being found guilty, \textit{Shell-BP} offered \#5,500 naira to Teibo, claiming the oil spill only affected about 2.3 hectares of season swamp and fish flats. The Court of Appeal upheld Teibo’s claim and awarded 6 million naira in compensation for the damages suffered.\textsuperscript{1027}

Justice Ovie Whisky’s decision on the environmental litigation brought before the court between Anthony Atubin and others v \textit{Shell-BP}(1974) raises the question of why the burden of proof should rest on the plaintiff, particularly when the damage was caused by a third party. The plaintiff had claimed about 800,000 naira as compensation for oil spills that damaged his property through sabotage. In his judgment, Whisky held that the

\textsuperscript{1023} Mwalimu, \textit{The Nigeria Legal System}, p. 131.
\textsuperscript{1025} Fekumo, ‘Civil Liability for Damages’, pp. 260-261.
\textsuperscript{1027} Detail is discussed in Chapter 5.
pipeline was intentionally drilled by the third party or saboteur and not the result of negligence by Shell, therefore, the case was dismissed.\textsuperscript{1028}

The problems for the Ijaws in exercising their rights of claims were the burden of proof required by the court in establishing their cases. For any environmental litigation, the Ijaws had to provide credible scientific evidence to prove that Shell-BP was responsible for pollution and damages incurred.\textsuperscript{1029} However, the problem for the Ijaws was that this was too expensive an endeavour. The oil companies, on the other hand, had access to oil revenue and could employ the services of experts to establish their own side of the story.\textsuperscript{1030} A case in point was that of Chinda and 5 others v Shell (1974). The ruling was in favour of the defendant as a result of the plaintiff's inability to provide expert evidence to substantiate its claims.\textsuperscript{1031}

The above suggests that the extent of burden of proof by the people must be restructured to ensure a fair and equitable remedy to make claims from the oil companies. It shows the paucity of the environmental laws and management in Nigeria that required a review to ensure a fair and equitable hearing of the members of the oil-producing communities in compensation payment. It relates particularly to the Land Use Act of 1978, that has appropriated the ownership of all mineral resources to the exclusive right of the federal government.\textsuperscript{1032} This made litigation as a survival strategy a very difficult procedure.

\textsuperscript{1028} Adewale, O, Oil Spills Compensation claims in Nigeria, p.93
\textsuperscript{1029} Osipitan, T, ‘Problems of Proof in Environmental Litigation’ in Omotola, JA, \textit{Environmental Law in Nigeria Including Compensation}, p.112, Burden of proof entails a legal or persuasive burden of establishing a case, whether on the balance of probabilities or beyond reasonable doubt.
\textsuperscript{1030} Osipitan, ‘Problems of Proof in Environmental Litigation’, pp. 117-118.
### Table 8.4: Compensation Awards in Selected Oil Related Lawsuits in Nigeria

<table>
<thead>
<tr>
<th>Year of Judgment</th>
<th>Court Case</th>
<th>Payment Awards (000s-millions in naira)</th>
<th>Payment Awards (US $)</th>
<th>Payment Awards as share claim (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1972</td>
<td>Mon v Shell-BP</td>
<td>0.2</td>
<td>304</td>
<td>0.1</td>
</tr>
<tr>
<td>1975</td>
<td>Umudje v Shell-BP</td>
<td>12</td>
<td>19,481</td>
<td>24</td>
</tr>
<tr>
<td>1978</td>
<td>Fufeyin v Shell-BP</td>
<td>56</td>
<td>88,189</td>
<td>100</td>
</tr>
<tr>
<td>1978</td>
<td>Shell-BP v Cole</td>
<td>35</td>
<td>55,118</td>
<td>n.a</td>
</tr>
<tr>
<td>1994</td>
<td>Shell v Farah</td>
<td>4,621</td>
<td>210,084</td>
<td>17</td>
</tr>
<tr>
<td>1996</td>
<td>Shell v Tiebo VII</td>
<td>6,000</td>
<td>274,173</td>
<td>9</td>
</tr>
<tr>
<td>1996</td>
<td>Shell v Udi</td>
<td>39</td>
<td>1,782</td>
<td>78</td>
</tr>
<tr>
<td>1997</td>
<td>Geo Source v Biragbara</td>
<td>197</td>
<td>95001</td>
<td>10</td>
</tr>
<tr>
<td>1997</td>
<td>Shell v Isaiah</td>
<td>22,000</td>
<td>1,005,208</td>
<td>100</td>
</tr>
</tbody>
</table>

Source: Field work in Nigeria: Official currency exchange rates were derived from IMF International financial statistics (various years), cited in Frynas J, G. Litigation against TNCs in Africa, 2004, p373 (Emphasis added)

This table shows the extent of the growth in litigation against the oil companies in Nigeria, particularly on cases related to oil spills. It explains the role of courts in adjudicating over environmentally related problems, and the award of compensation to the affected individual or community in the Ijaw and Delta region.

Therefore, despite the problems associated with compensation as a result of the provision of the Land Use Act that denied the ordinary Ijaws rights of ownership, they had found relief through the court, as a basis for claiming damages from the oil company.

### 8.4 IMPACT OF IJAW SURVIVAL STRATEGIES ON THE IJAWS, OIL INDUSTRY AND THE NIGERIAN ECONOMY SINCE THE 1990s

The Ijaw youth’s violent actions against the government during the second half of the 1990s attracted the attention of the major oil operators through the vandalism of oil installations, kidnappings and oil bunkering, among other activities. These brought about economic loss both to the federal government and the oil industries. The vandalising of oil pipelines in the Ijaw area disrupted the exploration and production of...
oil and impeded the economic benefits accrued to the state in terms of foreign exchange earnings that would encourage development programmes in the area.\textsuperscript{1033} On the other hand, the federal government interests in the oil wealth and personal gains can be linked to the underdevelopment of the Ijaw area. This attitude precipitated local demand for a fair share and equitable treatment, given the high level of environmental devastation at Oloibiri.\textsuperscript{1034}

When oil pipeline vandalism occurred, the cost of transporting oil by road using trucks or tankers would make the oil more expensive and lead to fuel scarcity. There were instances in which the youth have employed this to adulterate the petroleum product for quick sale to the innocent people whose cars became damaged.\textsuperscript{1035} It also encouraged black-marketing of the petroleum product as the consumers were required to pay more to secure the oil.

The costs of producing oil became high, especially when the pipelines were broken or vandalised. It prevented about 100,000 barrels of oil from being processed through the flow stations to Port Harcourt.\textsuperscript{1036} In some cases oil production even had to be altered and shut down until measures of damage control were taken.\textsuperscript{1037}

\textbf{Table 8.5:} Alleged Community Disruption of Shell’s Niger Delta Operation 1989-1995

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Incidents</td>
<td>34</td>
<td>95</td>
<td>102</td>
<td>85</td>
<td>169</td>
<td>77</td>
</tr>
<tr>
<td>Total projects days lost</td>
<td>28</td>
<td>28</td>
<td>243</td>
<td>407</td>
<td>1432</td>
<td>n.a.</td>
</tr>
</tbody>
</table>

Source: See Shell at http://www.shell.com

\textsuperscript{1034} Interview with Obeche, Warri, 19 December 2010.
\textsuperscript{1036} Interview with Collins, Shell Officer Warri, 6 December 2010; \textit{African News}, ‘Nigeria: Niger Delta Protesters close Shell Facility’, 14 April, 2004.
\textsuperscript{1037} Interview with Collins, Shell officer, Warri, 6 December 2010. Field evidence shows that about 45millions of barrel of oil were lost to the companies between 1997 and 1998 as a result of oil production that was shut or deferred due to youth protesters in the area.
Apart from the production costs, the oil operators also experienced loss of revenue as a result of the high cost of providing security for their staff from being kidnapped, and paid large sum of money to pacify the youth leaders in Oloibiri.\textsuperscript{1038} 

Shell-BP suffered about 180 disruptions of oil production in the Niger Delta between 1993 and 1998, estimated at a loss of US $315 million dollars (#25.5. billion naira), whilst the federal government also lost about US $25.12 million.\textsuperscript{1039} For instance, in Rivers State, occupied by the Ijaws, more than 15 oil flow stations that belonged to Shell were shut down in October 1998, affecting the lifting of crude oil in Focardos and Bonny terminals.\textsuperscript{1040}

The Ijaw agitation of 1998 had affected Shell’s production to the tune of 11 billion of barrels of crude oil estimated at US $1.32 billion.\textsuperscript{1041} For example, Shell-BP produced only 700,000 barrels of oil per day between August and December 1998, which was well below its production capacity of 830,000 barrels set as targets in July 1998.\textsuperscript{1042} This explains the level of setback the oil companies had borne as a result of the survival strategies adopted by the Ijaw/Ogoni oil community.

There was also a more sinister effect of the youth’s actions of oil pipeline sabotage, namely induced fire disasters which had a disastrous impact on their own economy. Raji agree that the fire destroyed trees and crops such as cocoa, coffee, rubber and palm tree, maize, legumes, yams and cassava.\textsuperscript{1043} Of special significance were the numbers of fire disasters in the Oloibiri and its environs, which cannot be linked to the activities of Shell or Chevron alone. Youth vandalism contributed largely to the incidence of fire outbreaks in Jesse and Jones Creeks on Ijawland in 1998.\textsuperscript{1044} Thus, the oil operators cannot take total blame for the environmental pollution of Ijawland or elsewhere in the Niger Delta. Arable lands used in farming and crop production, as well as rivers,
swamps, streams, marine and aquatic life, were polluted immediately the pipeline was vandalised.1045

The local people had suffered most as a result of the Ijaw youths’ actions. For instance, whenever there was a fire outbreak, such as those at the Jesse and Jones towns, the women and children became the victims. Brume claimed that about 1000 local Ijaw people lost their lives in the fires in these towns.1046 Many were rendered homeless and left to suffer the effects, such as poverty, health hazards and loss of property.1047 Similarly, fire also forced Shell to cut production to about 20,000 barrels per day, since the major pipelines that supplied Bonny terminal could not be used to export oil.1048

Thus, in some cases, the survival strategies used by the Ijaw people were counter-productive. Their strategies impeded the growth and development of the area, not only leading to a shortfall in revenues accrued to them1049 but also frightening away prospective foreign investors who would have brought economic and infrastructure development to Ijawland.

8.5. CONCLUSION

The chapter has examined and investigated the livelihood strategies adopted by the Ijaw people in order to meet their daily needs. It revealed that the main reason for the earlier revolts instigated by some Ijaw men in 1966 led by Adaka Boro was the expression of their grievances against the federal government’s reduction in the percentage allocated to the oil states from the federation account. The legacy of the movement of self-determination and bravery towards a clean environment and prosperity of the Ijaw people thus made Boro a hero in the Delta communities.

The chapter also presented the case of the Ogoni uprisings as agents of reviving the fire of revolts in the Niger Delta in the 1990s. It was found that the Ogoni uprising was not the first of environmental conflict, as claimed by Agbonifo, but rather acted as a contributory factor to the spread of local agitation toward environmental survival through

1045 Brume, ‘Oil Pipeline, Vandalization in the Niger Delta,’ p. 45.
1046 Brume, ‘Oil Pipeline, Vandalization in the Niger Delta,’ p. 45.
its leaders (Ken Saro-Wiwa) between 1990 and 1995. The execution of the Ogonis shows the genuineness of the movement as it led to major powers, human rights groups and environmental organisation condemning the injustices perpetrated on them.

The Ijaw Youth Council’s activity was presented in the chapter. This provided strong evidence of communal efforts at alleviating the effects of oil pollution and gas flaring on their land and people. It was found that constitution of the IYC started with the agreement reached by an all Ijaw association at Kaiama in 1998 for the propagation of their campaign against environmental problems in Oloibiri and the entire Ijawland. Kaiama declaration was the first decisive step taken by the Ijaw people after Boro’s revolt to press for justice, global sympathy and freedom from environmental degradation and oppression of the federal government and multinational oil companies.

Despite the demand made by the IYC, the council’s objectives were less successful. It was found that the low education of the members and harassment of their own people served as constraints on the purpose of the Ijaws. Nevertheless, the movement partly succeeded by making known the plight of the Ijaws both in Nigeria and abroad. The combination of jobs for more income by many Ijaw men and women was discussed in this chapter. Clearly, the Ijaws had adopted this means of survival because of the oil pollution and gas flaring on their livelihood (farming and fishing).

Migration to a safe environment by the displaced Ijaws did not resolve their problems. It was found that the Ijaw migrants to urban centres such as Warri, Port Harcourt, Sapele and Lagos encountered more challenges than they had anticipated. Overpopulation, unemployment and housing, among other factors, prevented them from achieving the purpose of leaving their own land for an equal or better living.

The scooping of fuel from the damaged oil pipelines transporting crude to the terminal was employed by the Ijaws as a means of survival, since they could no longer be engaged in fishing and farming as a result of pollution and gas flaring. The adoption of law suits by individual and communities against the oil companies, particularly Shell Nigeria, was another strategy adopted by the wronged Ijaws to raise more money to meet their basic needs. The burden of proof that required expert services (scientists),
and the huge amount involved, to a large extent constrained environmental justice for
the people in the Ijaw oil-producing area.

As presented in this chapter, the survival means of the Ijaw people has impacted on
themselves, the government and the oil industry. They were affected economically and
environmentally, particularly through sabotage of oil pipelines that caused fire disasters
in Jesse and Jones creeks in 1998. It reduced revenue accrued to the government and
consequently hampered their own development.
CHAPTER NINE

CONCLUSION

This thesis has explored early migration to and settlement on the Niger Delta environment, the coastal area of which was first settled by the Ijaw people. Relevant sources, particularly from pioneer historians such as Alagoa, Dike, Eluwa, Horton, and Crowder, provide evidence of migration by Ijaws from Benin, Igbo, Sudan and the Chad region over a thousand years.\textsuperscript{1050} The dynamic economic, political, social and cultural activities of the Ijaws were largely influenced through their wetland environment, which to a large extent encouraged the development of internal trade between the Ijaws and their neighbours from the hinterland. City states such as Bonny, New Kalabari, Brass, Opobo and Nembe became entrepôts in which traders exchanged goods between the European slave traders and the middlemen, largely as a result of favourable environmental factors.

The socio-economic and political activities of the Ijaws greatly impacted on their own environment prior to the trading relationship with the Europeans, particularly British traders. However, evidence suggests that initial contact with the British had no physical impact on the environment, since the British relied mostly on the use of slave labour. The transatlantic slave trade only changed the pattern of trading houses, whilst the palm oil trade reinforced the structure of the slave trade.

British traders cannot be completely blamed for the environmental exploitation of palm oil in Ijawland, since the local traders agreed to produce it and engage in legitimate trade for profit. The palm oil trade did not stop the continuation of internal slavery, because it was required to keep the already flourishing trading businesses of the Houses in the Eastern Delta. The establishment of the \textit{Royal Niger Company} (RNC) by

the 1860s to a large extent contributed to the continuing environmental exploitation of the city states to the detriment of the Ijaw middlemen. Despite its reluctance to be involved in the Ijaw local politics, the unfair treatment from the RNC which eliminated the Ijaws’ right over trading activities on their own land, and environment, encouraged the British government’s intervention. It suspended the RCN’s charter and reconstituted the entire Ijaw and Delta under its control by 1900. As shown in Chapters 2 and 3, this thesis therefore argued that the environmental impact of socio-economic and political activities in Ijawland before the discovery of crude oil have been neglected in many academic circles and publications.

The British memorandum on mining policy of the 1940s recognised the degree of disturbance the mining operations could have on the social life of the local people in Nigeria. This illustrates the maintenance the prospective oil operator was required to undertake to preserve the traditional agriculture, since mining may endanger the life of the people and the local economy. The British mining policy acknowledged the importance of a well-coordinated policy with a clear conception of how oil exploration and extraction of minerals should be conducted in Nigeria.

The search for oil by Shell-BP was discussed in the thesis, beginning with geological surveys in Southern and Western Nigeria. Based on their findings the company was expected to pay attention to the cost and effects of subsequent operations on the native Ijaw environment and the Niger Delta. Shell-BP intensified its search for oil in the early 1950s, and struck oil of commercial quantity in the Oloibiri Ijaw community. However, the expectations of the Ijaw people and other oil producing communities at the time, and toward the early 1990s, were being undermined by the federal government and the oil multinationals. Oil benefits did not trickle down to them. In particular, there is evidence that Oloibiri wells had been drilled and oil extracted for more than 20 years prior to abandonment by Shell when they dried up.

The discovery of oil, rather than a turning point in the history of the Ijaws, Niger Delta and Nigeria inhabitants, brought poverty, neglect, inadequate infrastructural facilities,  

---

1051 PRO, CO, Provincial Administration Department, 2688/ Minutes on instruction, memorandum on colonial mining policy, Ogoni District (ONDIST), 12 January 1946, p. 7.
and a continuous environmental struggle against the government and oil companies. Despite these, the Ijaw communities could be said to be in the forefront of the petroleum industry, which to a certain extent transformed their socio-economic activities.

The environmental legislation and control strategy employed by the post-colonial Nigeria government in the Ijaw oilfields and Delta region were partly successful, which can be attributed to the government’s liberal policy that permitted both the local and international companies to explore for oil. The reliance on profit maximisation was to the detriment of the local people, who suffered the effects of oil production. Major petroleum legislation, such as the Profit Tax Ordinance of 1959, the Oil Pipeline Act of 1963, the Petroleum Act of 1969, the Gas Re-injection Act of 1979, the Environmental Impact Assessment Decree (EIAD) of 1992, and the National Oil Spill Contingency Plan of 1996, rather than protecting the rights of the local people with fairness and transparency, actually increased their environmental problems.

The adverse effects of the EIAD, for example, left the once growing commercial centres of Ijaw, such as Oloibiri, Nembe, Bonny and Kolo Creeks, which had witnessed convoys of sailors and Europeans at the discovery of oil, devastated. The government did not achieve proper implementation of the oil spills contingency plans, since oil pollution continued unabated in the Ijaw and Delta oil producing areas. Blame for non-compliance with regulatory laws could fall on both the federal government and all oil multinationals, particularly *Shell Nigeria* and *Chevron Nigeria*. The joint venture agreement encouraged a shifting of responsibility for cleaning up of spills and the ending of gas flaring. Craving for power, corruption, and a ‘divide and rule’ strategy by the federal government, with its development agencies and the oil companies, to a large extent encouraged non-compliance with oil legislation in the oil producing communities.

There was a need for a repeal of certain legislation, such as the 1969 Petroleum Act and the 1978 Land Use Act, two laws which served as a major cause of agitation and violent actions by the Ijaw people. The provision of these laws denied them rights of ownership over land and mineral resources found on their land. Lack of constant review and amendment to these laws hindered the participation of all oil-producing communities in the Ijaw area and smooth running of the oil industry.
The rationale for the establishment of a Petroleum Resource Department was, inter alia, to monitor the production of oil by the companies and to ensure compliance with these laws by observing the best safety standard in the Ijaw area, was genuine, however, the federal government’s lack of an institutional structure for enforcing the laws showed a sharp difference between those established laws and their implementation in the Ijaw and Delta region. As was shown in Chapter 5, the environment was not a priority of the federal government regarding adequate environmental management before the 1970s.

The operations of Shell Nigeria and Chevron Nigeria had brought changes to the Ijaw environment and its inhabitants. Scientific evidence presented in this thesis confirmed that gas flaring released gaseous substances such as nitrogen, sulphur oxides and carbon-monoxide into the Ijaw and Delta environment, polluting vegetation, soil and the general climate.\footnote{Augustine, Ol and William, WS, ‘The Effects of Waste Gas Flares on the Surrounding Vegetation in South-Eastern Nigeria’, \textit{Journal of Applied Ecology}, 13, 1976, pp. 117-187; Emoyan, Akpoborie, and Akporhonor, ‘The Oil and Gas Industry and the Niger Delta’, pp. 29-30.} The Ijaws experienced untold environmental devastation and health hazards, including ‘acid rain’ that polluted water courses and corroded metals. In spite of Shell’s claims, the company’s promise to end gas flaring in the Ijaw oil-producing communities was not achieved.\footnote{Frynas, ‘The false promises of Corporate Social Responsibility’, pp.581-598; Awosika, FO, ‘Oil, Environment and Nigeria’s Niger Delta’, \textit{Issues and Dilemma}, \textit{Eco-city World Summit}, 2008 Proceedings, pp. 11-12.} Flaring of gas in the area was still taking place up to 1998.\footnote{Interview with Obeche, Warri, 19 December 2010.} The cost of perennial gas flaring in Ijaw area cannot be quantified, in terms of wasted energy resources, but it was not only an ecological disaster and crime against the local people but also largely continued without a possible solution. Oil production has distorted the traditional pre-colonial economic activities with pollution of water, soil, vegetation and climatic conditions. In addition, the saboteurs of pipelines can partly be held responsible for spills in the Ijaw area.

Although the thesis has focused on oil pollution, it must be placed within a wider perspective. Many lost their traditional jobs, such as farming and fishing, as a result of an oil-polluted and degraded environment, however other factors also led to the
pollution in the Ijaw and Niger Delta. For example, sewage, vehicular emissions, solid waste and toxic waste were major contributors.\textsuperscript{1055}

Environmental problems associated with the social, political and economic impact of oil on the Ijaw people precipitated chain reactions from the youth and local people, with the federal government, rather than addressing their problems, becoming more repressive. From a wider perspective, the conflict over oil-related matters in the Ijaw communities, although mainly an environmental struggle, also encompassed the political, social and economic fields, leading the Ijaws to regard the national government as marginalising them. The Ijaw people and those of the entire Delta region were being alienated politically and economically in terms of wealth accruing from oil resources. Poverty and lack of physical development in the oil-producing communities could be linked to total neglect by the federal government.

The unbearable economic marginalisation found in most Ijaw communities in the 1990s largely encouraged the struggle against federal government and oil multinationals. The Ijaws had farmed and fished, surviving on their traditional economic mode of production before the production of crude oil which eventually polluted and degraded their means of livelihood. Based on this, it could be argued that what the Ijaws wanted was a fair share from the oil wealth in terms of modern development rather than sitting atop of oil fields with little benefit for their suffering. They wanted adequate electricity, good roads, pipe-borne water, employment, health care delivery centres, and access to quality education. Such benefits could be found in Europe and America, where oil wealth had transformed the life of the inhabitants, so why not in Nigeria?

The main economic struggle of the Ijaw people cantered on the constant environmental pollution and the need to benefit from revenue accruing to federal government and oil multinationals. Therefore, the large numbers of oil wells which had been drilled in their villages and towns affirmed that environmental changes brought by oil on their traditional lifestyle and economic activities were indeed true.

The Ijaw people’s struggle against federal government was equally an environmental agitation. As discussed in Chapter 6, the local claims of environmental pollution have

been substantiated through different publications both national and international, as well as by non-governmental organizations, scientific studies, documentaries and films. Although this was unacceptable to the oil multinationals it remained the case for the Ijaw oil communities and Delta region.

The marginalisation of the Ijaw oil-producing communities in participating in oil-related decisions with the federal government and oil companies was another major factor behind violence in the area. Evidence suggests that oil companies’ complete compliance with national and international standards being practice, would permit the participation of oil-producing communities in their joint venture relationship with the government, and to a large extent ameliorate the tension and struggle against government and major oil multinationals.

The agencies set up by federal government, NDDB, FEPA, OMPADEC, in the Niger Delta region to administer development projects failed to achieve their goals and objectives. This could be attributed to lack of adequate funding or local corruption and poor investment, resulting in several uncompleted and abandoned projects and poverty that have consistently worsened in oil-producing areas of Oloibiri and Ijawland. Shell claims that as far as the company’s leadership both in Nigeria and London are concerned, the people of the Delta were justified in feeling they were not getting a fair reward from the oil recovered from their region. This supports claims of misuse of funds allocated from oil proceeds for community development in the Niger Delta, where about 1.5 percent was set up for such development in 1983, and 3 percent in 1992. Shell and Chevron were therefore not directly responsible for any community development in the Delta. The federal government and its agencies were directly responsible to do so under the joint venture arrangement with the oil companies.

The Nigerian government’s environmental management strategy in the oil-producing area could only be achieved when its agencies started giving constructive attention to all matters relating to management of the environment. In particular, the institutional aspect lacked strength both at the state and local government levels, since their task required an uncompromising enforcement of the existing petroleum laws in the oil

producing communities. This study showed that the relationship between the Ijaw, government and oil multinationals had become worse than when oil was first discovered.\textsuperscript{1057} This serves as an underlying factor as to why the oil multinationals (Shell and Chevron in particular) became an alternative for meeting their needs, since the federal government had failed to address their oil-related environmental problems.

The community development projects of Shell Nigeria and Chevron Nigeria had supported the Ijaw people to a certain extent. Improved education, health, agricultural system and infrastructural facilities were made available to reduce the problems brought on the Ijaws and Delta people through oil and gas production. It was, however, found that inconsistency of their policies in terms of ‘divide and rule’ strategy for the distribution of community projects serve as major constraints toward achieving their objectives in the oil-producing areas.

Contrary to the general belief among the local people in Ijawland, evidence suggests that the oil multinationals were not directly responsible for undertaking any form of community development project in the oil-producing areas. Their misperceptions could be linked to the failed attempt by the federal government to provide solutions to poverty, unemployment, education, and infrastructure facilities. This suggests that the local people had no legal right to challenge the oil companies, because they were not the government, and could not take over its responsibilities, particularly giving the huge profits accruing to government from oil. A small contribution offered by the oil multinationals toward the physical development of the oil producing areas should not be completely overlooked, but rather be praised. The federal government, through its agencies, was legally responsible for ensuring a clean environment and the physical development of the Ijawland and Delta.

The political strategy adopted by the Ijaw people toward adapting to environmental pollution and degradation to a large extent provides strong evidence of communal efforts at alleviating the impact of oil spills and gas flaring. Although their political strategy was partly successful, the activities of various political movements, such as

\textsuperscript{1057} The promises made by the oil companies were only on paper and not in practice. Field trip result reveals that the oil pipelines were never replaced nor upgraded.
Boro’s resistance of 1966, Chicoco Movements, Kaiama Declaration of 1998, and the Ijaw Youth Council (IYC) of 1998, portrayed a vivid picture of the plight of their people both in Nigeria and among the international communities. Based on this it could be said that the political strategy adopted by the Ijaws was aimed at attracting the world’s sympathy, demands for equity and environmental justice. They wanted freedom from the oppression of the state, particularly the non-compliance by oil multinationals with petroleum legislation passed to preserve their environment, while their means of survival were not necessarily meant to violate the country’s constitution.  

The Ijaws adapted to polluted and degraded environments through other means, such as migration to a habitable environment in Sapele, Warri, Port Harcourt, Lagos and Kaduna, as a temporary solution, since their problems continued in those areas. Combinations of jobs, such as fishing and trading, hairdressing with trading, fishing and farming, partly solved their financial problems. Scooping of fuel from leaking pipelines, despite the danger involved, showed the extent to which the Ijaws would go to survive the impact of oil spills and gas flaring. Several attempts at litigation were brought to claim compensation from the oil companies, but were only partly successful, not least because of long and costly court proceedings that many of them could not afford. Their means of survival had impacted on the production and revenue accruing to multinational companies and federal government, and to a large extent hindered the physical development of Ijaw communities, particularly through the youth violence that frightened prospective foreign investors.

A detailed account of the federal government’s failed attempt to take adequate measures on environmental policy to address the various allegations brought against them by the Ijaws up to the 1990s serves as another underlying contribution of this thesis to the existing environmental awareness in the Ijaw area. It could be said that the national government was well aware of the detrimental effects of oil production, but as a result of its lack of institutional structure to enforce the petroleum legislation before the 1970s increased the environmental problems and struggle among the Ijaws for better

---

1058 Interview with SO Aghalino, Ilorin, 21 January 2011.
education, employment, healthcare, infrastructural facilities, clean water and a clean environment.

The struggle for a clean environment, socio-economic benefits and political freedom and equality has continued in most Ijaw oil-producing areas. However, their struggle through various local civil rights movements and support from international organisations has been less successful. The fact that local people have continued to bear the brunt of the adverse impact of environmental problems associated with oil production, it is doubtful whether the violence, instability, militancy and repression will end in the Ijaw communities in the near future.
BIBLIOGRAPHY

1. PRIMARY SOURCES

A. Archival sources

1. British Petroleum Archives, Coventry.

British Petroleum (BP)

BP 96531, Appendix V, ‘Sale of Nigeria Crude during 1966’
BP 544/2109, Continental Shelf oil prospecting 1958
BP File No 57274, SPDC Nigeria Petroleum Profit Tax payment, 1967
BP 53169, BM, Davies secret letter to AF, Dawn, 9 December 1968
BP 53393/SIPC (Shell International Petroleum Company), London, Shell-BP repayment, 27, 67 TC, 20136/N Reg no, 5010
BP 53169, BM Davies confidential record note on Nigeria, 3 August, 1967

2. The National Archives (Public Record Office, London, UK)

2.1 Public Record Office (PRO)

PRO, File/2688, Mining Policy Dist 12/1/1808, Minute of the Instruction of Memorandum on Colonial Mining Policy 1946, p 2(d), 3(5)
PRO, file 371/1671-170 ‘Development of oil resources in West Africa’ 1963, (J.S. Sadler)

2.2 Foreign Office (FO)

FO 84/100/. Hutchinson to Clarendon, 24 Sept, 1856.
FO 2/1 Encl.7, No 1, Super cargoes to Crague; 11 April 1837.
FO (Foreign Office), 2/1. No 1. Encl.3. Huntley to Craige, 27 Mar, 1837
2.3 Ministry of Power, Petroleum Division (POWE)

POWE (67) (32), OPD Meeting, on 'possible Blockade and succession of Eastern Region of Nigeria,' Friday 12th May 1967.
POWE 63/238, Record, Shell-BP, 10 NOV, 1967, p.82.
POWE 65/238, Letter from EG Norris, Commonwealth Relations Officer to R Cooper, Ministry of Defence, 5 May 1967.

2.4 Colonial Office (CO)

CO No 516, Colonial Annual Report, /Northern Nigeria, 1905.
CO File 588/1. The Native Court Proclamation of 1901, clause xii.
CO 852/982/5, prospecting for mineral oil, 1949/1.
CO 852/98215, Personal, 24 October, 1949.
CO 554/2109, Appropriation of the oil resources of the continental self.
CO 82/6, Fernand Po, Nicolls to Hay, 28 Oct 1833.

2.5 Colonial State Office (CSO)
CSO 1/19 Vol 16. Annual Report Warri Province 1907, CSO.
CSO 26/File 43683, Minute of Meeting on Palm Oil Industry Policy Committee, March 14-21 1945.
CSO 25, 50625/1906, Mineral Ordinance, CAP, 93.
CSO /1914/95 Mineral Ordinance.
CSO 26, 50625/1916, Mineral Ordinance.
CSO 422/1916, Mineral Ordinance.
CSO 26, 50628/1966, intelligence report on petroleum resources and pollution in the Niger Delta.
CSO 26/file 28903, Intelligence report on Boro-Aboh group of Warri Province.
CSO 26/file 28003, Intelligence report on the Ijaw group of Warri Province.
CSO 23/7, M.P.2185 1906, Dispatch No 51 of 12-09-05 from Lugard to the under secretary of state colonial office, NAI CSO/8/3.
CSO Enclosure in Despatch No, 658 of 25/11/07, from Egarton to the Secretary of State.
CSO 1/14, Despatch No, 401 of 20-09-06 from the Secretary of State to the Government of the colony and protectorate of southern Nigeria.
CSO 82/61, Fernando Po, Nicolls to Hay 28/Oct, 1837.
CSO 1290/1916, Mineral ordinance to regulate the right to search for mine and work minerals, 30 March, 1916. Sec 22(2), p.34
CSO 30/30136/1916, Mineral ordinance regulation, colonial forest development dept in Warri Province.
CSO 84/13/1914, Lagos, Mineral Ordinance.
CSO 91/11/1945, Part III, Oil prospecting rights.
CSO 23/39/1916, Pollution of Water Prohibited.

3. Nigerian National Archive Enugu (NAE) Branch

3.1 Ogoni District
ONDIST Provincial and Administration Department (PAD) /2688, Mining Policy Dist /12/11808, 1946, p. 2(d).

3.2 Rivers Province

3.3 Warri Province
WAR PROF, file 68, Vol 1 Slave Trade Issues.
WAR PROF, 1908/4645, Colonial Record on Oil Exploration.
WAR PROF, 29/1914, Mineral Ordinance on compensation for exploration in the Nigeria colony.
WAR PROF, 1290/1939 Shell Exploration Coy in Warri Province.
WAR PROF, 713, 1580/1959, Bulk of oil storage depot at Warri; personnel by Shell Coy of West Africa.
WAR PROF, 348/1969, Record on Resource Control and Regional Laws.
WAR PROF, I, 180/16-23, Mineral Ordinance.
WAR PROF, 5748/1990, Intelligence Report on oil insecurity in the Delta.
WAR PROF, 1280/68/Eastern Region.
WAR PROF, 1290/1990, Intelligence Report on Resource control.
WAR PROF, Government Gazette, 1999/452, Intelligence report on oil spills.
WAR PROF, 348/2004, Record on resource minerals.
WAR PROF, I, 180/1/No, 1580/3.
WAR PROF, 1234/4091, 89. Intelligence report on the crisis between the Ijaw trading houses.
WAR PROF, 440/180, Gbaramotu clan’s intelligence report, 1944/57.
WAR PROF, 341/4092, 90. Intelligence report on the crisis between the Ijaws trading houses.
WAR PROF, 73/29/Voll, 1944-46, Western Ijaw Native Administration.
WAR PROF, 32/1/ Vol iv, Allocation under 1950/51/52.
WAR PROF, 180/1/No 1580/3, Shell Coy Bulk oil storage Depot Warri.
WAR PROF, No, 1168/1/5, 1580/P2, 1953.
WAR PROF, 96/1/80, 1956/ Divisional Office Warri/Intelligence Report on the Ogbe-Ijoh people’s request.
WAR PROF, OLGC/38/2/1956, Dispatch Letter by the provincial Advisor Delta Province, June 21, 1956.
WAR RPOF, No, 96/1/106/20, Intelligence report on the Ogbe-Ijoh people, 23 August, 1956.
WAR PROF, OLGC/38/4/18/August 1956, Intelligence report.
WAR PROF, File 367 Plantation Scheme.

4. Nigerian National Archive Ibadan (NAI) Branch

4.1 Oyo Province
Oyo Prof, 1290/1900, Record on cocoa production.

4.2 Warri Province
WAR PROF 30/30136/1916, Mineral Ordinance Regulation; Colonial Forest Resource Development Department in the Colonial Office, Warri Province.
WAR PROF 5-30/1930, Oil Control Expenditure 1942/43.
WAR PROF File no, 1602, 1935.
WAR PROF 123/1948, Mineral resources, V, iv, 1-6.
WAR PROF 1580/1953, Proposal for Exploration by Shell D’Arcy Coy, of West Africa.
WAR PROF Government gazette, 26/29603, 89-90 (A-C).
WAR PROF /2051/89, Trading Activities of the Ijaw trader.
WAR PROF 2051/90, trading centers of the Ijaws.
WAR PROF /1909/384, traditional craft of the Ijaws.
WAR PROF Government gazette, File No, 1290/180.
WAR PROF Government gazette 29/2634, 92-94 (A-C)
WAR PROF War Prof, 256/34/13/1950/57, Native Authority (Timber revenue collection rule), Western Ijaw Native Authority.
WAR PROF 100/50197, Vol II, D’Arcy Exploration Coy.
WAR PROF 01789/8/ Vol II, Mineral Ordinance Gazette notices.
WAR PROF, 328/123/ Vol I, to Vol V, Western Ijaw N.A. Abstract of Revenue and Expenditure, 1945/46.
WAR PROF S/No, 221/50625, Vol VIII, Mineral Ordinance.
WAR PROF 29/1914, Mineral Ordinance on compensation for exploration in the colonial Nigeria.

WAR PROF 55/84/1945, Regulation made under Mineral ordinance.

WAR PROF 93/13/1945, Part IV, Mining Rights, (A).

WAR PROF 25/45/1945/46, Environmental Survey in the Delta Province.


WAR PROF 1290/4/14/, EII2/8, Shell D’Arcy Geophysical Programme in the Delta.


WAR PROF No 1290/17A, Despatch letter from the Shell D'Arcy Technical Manager on Exploration, 21 April, 1951-52/ Western Ijaw Division/Forcados, Urhobo Division, Aboh/Kwale.


WAR PROF 1290/1935, Plantation and palm oil report, eastern region.

WAR PROF 22/1290/1952, Shell D’Arcy Exploration Parties.

WAR PROF 1291/47/1963, Chevron Oil Coy mining rights and exploration.


WAR PROF 1290/1907, Government Gazette on foreign earnings

WAR PROF 129/528/Native Authority/Native Court Ordinance

WAR PROF 1290/589 Native Authority and Admin in Nigeria.

WAR PROF Native Authority, 1906 Ordinance.

WAR PROF 55/84/1945, Regulation made under the Mineral Ordinance.

WAR PROF Ibadan Ministry of Agriculture (Ib. Min Agric) 1/298/17457

B. OFFICIAL PUBLICATIONS

1. Statutes, legislations and legal document

FEPA Act, Section 17 and 18 1988.
Nigeria Military Decree, No 23, Section 2(b), 1992.
Nigerian Constitution of 1999, Section 162 (2).
Oil Pipeline Act Cap 338 1990, Laws of the Federation of Nigeria, Sec 11 (5) (1) (a), (b), (c) & 20.
Oil Prospecting Licenses; (Land and Territorial Water Areas) 51, P1. (Continental Shelf Area, 1, P1.), cited in Schatzl, L.H. p78.
Oil in Navigable Waters Decree, 1968, Section 3.
Land Use Act (LUA), of 1978Section 544 (3) (13).
Revenue Allocation Act of 1981, Section 1 2(2).


Wiwa vs Royal Dutch Petroleum Co: International Legal Material, United States Court of Appeal for the Second Circuit, 40(20, 2001, pp.481-495.

C. INTERVIEWS

Interview with Adesokan, S, lecturer, College of Education Ilorin, 10/09/2009.
Interview with Aghalino, SO, lecturer, University of Ilorin, 21/01/2011 and 06/01/2012.
Interview with Agnes, A, trader, Oloibiri market, 22/11/2011.
Interview with Akpan, D, youth leader, Yenogoa, 10/12/2010.
Interview with Akpo, E, Opia Village and Warri, farmer, 19/12/2010 and 09/11/2011.
Interview with Prof Asita, lecturer, Lagos, Nigeria, 18/01/2012.
Interview with Chief Edward, community Leader, Egbemo Ijaw clan, 08/12/2010.
Interview with Elder Edward, activist, Oloibiri, 19/12/2010 and 19/11/2011.
Interview with Egbefor, D, business man, Warri 6/12/2012.
Interview with Inifere, E, Shell Officer, Warri, 06/11/2010.
Interview with Kehinde, A, lecturer, Ilorin, 21/12/2011.
Interview with Mustafa, I, lecturer, Geography Dept, College of Education, Ilorin, 20/1/2010 and 08/01/2012.
Interview with Ndagunnu, YS, lecturer, Ilorin, 06/11/2011.
Interview with Okumagba, PO, lecturer, Delta, 4-5/7/2011.
Interview with Raji, RA, lecturer, History Department, Alhkimah University, Ilorin, 21/01/2011, 21/11/2011.

Interviews with people who chose to remain anonymous:
Interview with Chevron Staff Warri, 7/12/2010 and 21/11/2011.
Interview with woman fisher, Oloibiri, 22/11/2011.
Interview with fisherman and trader, Oloibiri, 22/11/2012.
Interview with a 60 years old man fisherman in Warri, 6/12/2010.
Interview with NDDC (Niger Delta Development Commission) Staff, Warri, 8/12/2010.
Interview with NDDC Staff, Oloibiri/Warri, 12-13/12/2010 and 22/11/2011.
Interview with Shell Staff, Warri Office, 6/12/2010 and 21/11/2011.
Interview with Shell Nigeria Staff, Warri, 6/12/2010.

II. SECONDARY SOURCES

A BOOKS:


B. CHAPTERS IN BOOKS


C. Articles in academic journals


Azuka, AD, ‘Land Tenure System in Igbo land’, *Anthropos*, 78(5-6), 1983


2. **Articles in newspapers and magazines**

Itse, ES, ‘Why NDDC was established’, Vanguard, 23/7/2001.
National Concord, ‘Oil Pipe Causes Oil Spillage,’ 15/101988.
New African, ‘The Rape of Paradize’ The only Legacy that oil has brought to the Niger Delta is Death’, January 2012
OPEC Bulletin, Vienna, April, 2000
OPEC Bulletin, Vienna, April 2009
This Day, 24/62009.
This Day, ‘Nigeria’ Chevron and the Ijaw Women Reach Accord’, 26/71998.
D. REPORTS AND WORKING PAPERS


Aigbokhan, BE, 'Resuscitating Agricultural Production (Cocoa, Cotton, Groundnut, Palm Oil, Rubber etc) for Exports', Paper Presented at the 10th Annual Conference of Zonal Research Unit of the Central Bank of Nigeria, on the Theme 'Resource Endowment, Growth and Macro-economic Management in Nigeria, held in Owerri, 4-8 June, 2001.


Chevron & NNPC Joint Venture Community Development Philosophy, Lagos, Chevron Nigeria, November, 1997.


Edwin, KC, ’Address Presented at the Boro Day Observance and 6th Annual INAA Service Devotion Award Ceremony,’ *New York, New Jersey, USA*, 2004


Emordi, EC and Azelama, J, ‘Environmental Degradation and Poverty as Factor in the Crisis of the Niger Delta Region Nigeria’, *Paper Delivered at the 3rd Keffi International Conference in History of Science and Technology on the theme: Technology,*

Environmental Health Consultant: File on Petroleum Exploration and Environmental Health Hazard, 1995


*Human Right Watch*, ‘Nigeria; Crackdown in the Niger Delta’, 11 2(A), 1999


Niger Delta Environmental Survey (NDES); Environmental and Socio-Economic Charateristics, 1997.


Shell in Nigeria, ‘Oil and Gas Reserves Crisis and Political Risks: Shares concerned for Investors and Producers,’ A Briefing for Shell Stakeholders, Jointly Published by Christian Aid, Friends of the Earth Platform and Stakeholders Democracy Network, June, 2004.


The Shell Report, ‘Continuing Abuses in Nigeria-10 Years after Ken-Saro Wiwa,’ ERA (Environmental Right Action), Friends of the Earth, Benin City, Nigeria.


E. NEWSPAPERS


National Concord, 4 April, 1994.


Sunday Punch, 18 August, 1996.

This Day, 2007

F. ELECTRONIC SOURCES


G. PAMPHLETS, SHORT PUBLICATION, BROCHURES, AND MAPS


H. THESES
PEOPLES AND CULTURES OF THE NIGER DELTA REGION

KEY
Major Language Groups
- Yoruboid
- Edoid
- Ijoid
- Igboi
- Kegboi (Ogoni)
- Lower Cross
- Central Delta

0 100 200 Kilometres

Lagos
Benin
Warri
Edo
Igb
Warri
Benin
Enugu
Owerri
Apa
Efik
Calabar
Ibibio

UNIVERSITY OF JOHANNESBURG
Source: fieldwork Dec 2010 (Polluted Oloibiri environment)

Source: Field work, 2010 (Picture of two fishermen in Ijaw-land)
Some Gas flaring sites in Niger Delta. Source: Social Action 2009
The map shows the oil pipelines across Niger Delta.
Letter from the Department of Petroleum Resources to Shell Nigeria Warri, Nov 2010.
MINISTRY OF PETROLEUM RESOURCES

P.M.B. No. 1275
Telegram... 253242/250348

THE ADMIN MANAGER,
CHEVRON NIGERIA LIMITED,
KM 4, NEW PORT EXPRESSWAY
WARRI,
DELTA STATE.

Dear Sir,

REQUEST FOR PROJECT ASSISTANCE

MR/MRS/MISS. ADEIDE LAYE SAMUEL, a student of UNIVERSITY OF JOHANNESBERG,

is introduced to the DPR, as a final year,

(OND/HND/PhD/B.TECH/POST GRADUATE) student of SOUTH AFRICA (DEPARTMENT OF HISTORICAL, AND TOURISM STUDIES).

He/She is currently working on a project titled PEOPLE OF NIGER DELTA STATES.

Please, give him/her all necessary materials to enable him/her complete the project in good time.

Yours faithfully,

BAJOMO, O.S.
FOR: ZONAL OPERATIONS CONTROLLER, DPR, WARRI.

Letter from the Department of Petroleum Resources to Chevron Nigeria, Warri Nov 2010.
14th May 2012

Abejide T Samuel
Historical Studies Department
University of Johannesburg
South Africa

Dear Mr Abejide T Samuel,

I am writing as requested to confirm the BP plc, through the BP Archive, has granted you permission to use material from the BP Archive in your PhD dissertation.

Wishing you all success with your thesis.

Yours sincerely,

[Signature]

Peter M Housego

Letter of permission from the BP’s Archive in London, April 2012