Multinational Corporations and Human Rights Abuses: A case study of the Movement for the Survival of Ogoni People and Ijaw Youth Council of Nigeria

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The paper examines the increasing connections between oil extraction and human rights violation in the Niger Delta of Nigeria especially with the transition to democracy which began in 1999. The transition to democracy in 1999 inadvertently unleashed centrifugal pressures on the Nigerian state as exemplified, for example, in the exacerbation of the struggle over the sharing of oil revenues between the oil-producing states and the central government. The Niger Delta has witnessed violent confrontations between the oil-bearing communities and the Nigerian state and between these communities and multinational corporations (MNCs) with attendant gross violation of human rights in the region. Suffice it to say that the attention of the international community has been drawn to the human rights situation

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in the region (partly) through the activities of social movements. In fact, the formation of the Movement for the Survival of Ogoni People (MOSOP) and the Ijaw Youth Council (IYC) in the 1990s marked a watershed in the internationalization of the Niger Delta crisis as well as addressing human rights violations in the region. Within this milieu, the fundamental question is the extent to which democracy (civilian regime) has changed anything for the people of the Niger Delta.

Introduction

The Niger Delta, one of the world's largest wetlands, is one of the most richly endowed on the continent with abundance biodiversity with large proportions of Nigeria's oil reserves. The area is the main oil-producing region in the country thus generating more than 80% of national revenue. At the same time, the Niger Delta has been an enclave of youth militancy and unmitigated violence on a large scale. It has been more conflict-prone than any other region in Nigeria. The region has been the epicentre of conflicts between oil bearing/host communities and oil companies (mainly over land rights or compensation for ecological damage); between oil producing communities and the government (over increased access to oil wealth); and between and among ethnic groups (over claims to land ownership and sharing of amenities).

The long-standing Niger-Delta crisis has led to serious consequences, including the loss of lives, wanton destruction of property, and disruption of oil activities. The Nigerian state is seemingly overwhelmed by the complexity of this quagmire in spite of successive governments' efforts to address the structural dynamics that underpin the region's problematique. And the democratic opening (since 1999) seems to have provided an outlet for increased militancy by the youth of the region thus posing an immense challenge to national stability.

This paper highlights the causes of the perennial violence in the Niger Delta, as it is one of the main reasons that informed the upsurge of social movements in the region in the 1990s. The paper also assesses the activities of MOSOP and IYC in challenging the state and oil multinationals (especially Shell) on the issue of human rights violations in the region. In this regard, the paper highlights how the activities of these social movements have internationalised the human rights situation in the Niger Delta.

Theoretical framework

Scholars have proposed several theories to explain the occurrence of conflict, especially resource-based conflict. Some of these theories explain the bases of conflict, the motivations of belligerences and the dynamics of conflict. To properly understand the Niger Delta conflict and the gross violation of human rights, this paper situates itself within the framework of the Frustration-Aggression theory. This theory posits that frustration increases the likelihood of aggression, akin to what the people of the Niger Delta have exhibited over four decades against the state and the major oil multinationals operating in the region. According to the Frustration-Aggression theory, all aggression has its origin/root causes in the frustration of one or more actors as a result of another actor's achievement of a goal. Therefore conflict is as a result of the lack of fulfilment of an individual's or group's objectives and the frustration that this breeds. Generally, human needs have always been insatiable and the failure to meet all these demands informs series of conflicts between political actors.[17]

Over the years, oil-bearing communities in the Niger Delta have had to endure neglect by the government and the negative effects of environmental practices by multinationals. The attempts by these communities to ensure greater control of their resources have yielded little results, resulting in the quest for the restructuring of Nigeria's federal system, especially the fiscal aspects of the system. Furthermore, local communities have deemed the performance of multinationals in the area of corporate social responsibility as less than satisfactory, leading to environmental activism which often assumes violent dimensions. The failure of both the state and the multinationals to meet the expectations of the people of the Niger Delta has bred frustration and aggression in the region as illustrated by the forms of violence ranging from hostage taking and attack on oil facilities to conflict between ethnic militants and government forces.

Hence, the Frustration-Aggression theory vividly illustrates why the ethnic militias in the Niger Delta have resorted to violence as a form of response to the state of affairs in the region. It is not uncommon for activists, leaders and ethnic militias in the region to predicate the violent behaviour associated with the politics of the Niger Delta on (pent-up) frustration

17 Barker, Dembo and Lewin, Frustration and Aggression: An experiment with Young Children, University of Iowa Studies in Child Welfare, Vol.18, No.1, 1941.

induced by the policies of the state and those of oil multinationals. The people of the region have been disgruntled by what they perceive as the deliberate policies of marginalization, alienation, environmental degradation on the part of the state and the oil multinationals. Indeed, it is plausible to locate the Niger Delta crisis, especially the recent upsurge in violent behaviour by militants, within the context of the frustration arising from unfulfilled expectations.

Oil Multinationals in the Niger Delta

As Robert Gilpin has commented, no aspect of international political economy has generated more controversy than the global expansion of multinational corporations since the end of the Second World War.[18] This is so because the impact of their activities on host states is interpreted differently and in most cases their operations in developing countries are linked to the perennial crisis of underdevelopment. While some view MNCs as "boon to mankind… diffusing technology and economic growth to developing countries, and interlocking national economies into an expanding and beneficial interdependence"[19] others view them negatively for they do not always engage in best practices in their areas of operations as the case of the Niger Delta shows. Notwithstanding these divergent views of MNCs in less developed countries (LDCs), it is quite clear that LDCs have actually welcomed the idea of Foreign Direct Investment (FDI) partly as an extension of the commitment to liberalisation and partly because they see in such investment by foreign MNCs the hope of achieving the modernization and economic growth of their countries. In short, in the initial post-independence years, the enthusiasm of the leaders of most LDCs was basically oriented towards the interest of the western world. Many LDCs at independence endorsed the idea of FDI as integral to the actualisation of their development aspirations.

Nigeria was not an exception in this regard, as the head of government in Nigeria at independence extended an open invitation for economic relations to firms of the colonial overlords. He said: "I sometimes doubt whether your

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18 R. Gilpin, *The Political Economy of International Relations*, Princeton University Press, USA, 1987, p. 231.

19 R. Gilpin, *op. cit*, p. 231.

business men here in England are fully alive to the extent of possibilities available to them in Nigeria and whether they would take full advantage of the potential enormous market waiting to be overtaken by other more enterprising of the western world."[20] Without much hesitation foreign investors responded in order to gain, extend or protect their access to Nigeria's market.

However, the involvement of oil multinationals in the Nigerian economy predates the country's independence. The granting of mineral oil concession to the Shell-d'Arcy Petroleum Development Company by the colonial government in 1938 marked the origin of MNCs' operations in the country. The discovery of oil in commercial quantities by this company kindled the interests of other oil companies in the late 1950s including Mobil Exploration Nigeria Limited, an affiliate of the American Socony-Mobil Oil Company. Other MNCs were to join with the independence of the country in 1960. These included Tennessee Nigeria Inc. (1960), an affiliate of the American Tennessee Gas Transmission; Nigerian Gulf Oil Company (1962), an affiliate of American Gulf Oil Company; and Nigerian AGIP Oil Company (1962), an affiliate of the Italian government-owned ENI.[21]

The Nigerian oil industry is dominated by the major oil multinationals operating a joint venture with the state through the Nigerian National Petroleum Corporation (NNPC). These multinational companies are Shell Petroleum Development Company (SPDC), Chevron Nigeria Limited (CNL), Mobil Producing Nigeria Unlimited (MPNU), Nigerian Agip Oil Company Limited (NAOC), Elf Petroleum Nigeria Limited (EPNL), and Texaco Overseas Petroleum Company of Nigeria Unlimited (TOPCON). Apart from these oil companies that operate joint ventures with the Nigerian National Petroleum Corporation (NNPC) there are others that also operate in Nigeria's oil industry. These include Pan Ocean Oil, British Gas, Tenneco, Deminex, Sun Oil, Total and Statoil, all of which operate alongside numerous other local firms.[22] It is pertinent to state that the joint

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20 This position was expressed by the first Prime Minister of Nigeria, Sir Tafawa Balewa on his state visit to the United Kingdom. Apart from him other subsequent governments have adopted series of policies that sought to encourage foreign investors to do business in the country.

21 L. H. Schatzl 'Petroleum in Nigeria', NISER, Nigeria, 1969, pp. 3-4.

22 This information was gathered during field work in the Niger Delta in 2002. Also see Human Rights Watch, www.hrw.org, for further details.

venture between the six oil multinationals and the Federal Government operates under a Memorandum of Understanding (MOU) which stipulates that "the operating company in a joint venture receives a fixed sum per barrel provided the price of oil per barrel remains within certain margins."[23] This arrangement illustrates the partnership between the state and oil multinationals in Nigeria.

Having said that, it is instructive to clarify the generally inaccurate perception about the oil industry in Nigeria. It is assumed that the oil industry is a single industry with exclusive focus on the extraction of oil. However, this notion is wrong, as the industry is made up of many sub-sectors. According to Popoola, "the more important of the industries are exploration and production, transportation, processing, marketing and distribution"[24] but for the purpose of this research emphasis will be placed on exploration and production because of its impact on the host communities of the Niger Delta and secondly, it impacts so much on the subject matter of this paper. Given this background, the operations of the oil companies have generated harmful consequences in the form of environmental degradation and pollution which in turn, have resulted in militant resistance from the host communities. But it is noteworthy that such grievance has been induced not only by the activities of multinationals but also by the perceived deficits in Nigeria's federal arrangement and government policy. For example, legislation has stripped the local people of the necessary benefits they would have derived from these oil companies in the event of environmental damage emanating from oil production. A case in point is the Land Use Act of 1978 which vests ownership and control of all land in the government. Hence, local communities cannot claim to have any vested interest in the use and the consequences of the use of their land. As a result of this legislation, oil companies usually deflect the responsibility for the environment to the government. The government in turn, more often than not, passes this responsibility to the multinationals, as it argues that this duty constitutes part of the social responsibility profile of MNCs. In any case, this buck-passing does not address the concerns of the oil-bearing communities regarding environmental governance, leading to activism and militancy on the part of the people of the region.

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23 Human Rights Watch, *op. cit.*

24 A. O. Popoola, *op. cit.*

According to Frynas, there are indications to suggest that there was a sort of cooperative relationship between the oil companies and the local people before the upsurge of violent struggles in the area. Frynas further asserts that this new twist in the relationship between the local communities and MNCs might not be unconnected with the issue of "compulsory land acquisition and subsequent low compensation payments"[25] as clearly demonstrated in the court case between *Nzekwu v. Attorney-General East-Central State*:

The Ogbo family sued the government over the compulsory acquisition of 397 Acres of their land near Onitsha in the then Eastern Region of Nigeria. From the beginning the family had cooperated with the oil companies. In 1957, they leased 3.2 acres of land to Total Oil for ninety-nine years at a rent of 945 pounds per annum. In the same year, they let out land to Shell-BP for a ferry ramp at a rent of 200 pounds.[26]

Given this agreement between the family and the oil companies, the Nigerian government in 1960 indicated its intention to acquire about 800 acres of land in that area including the 397 acres at 10 pounds per annum for twenty years. The government's offer was considerably lower than what the oil companies initially offered the family. This was the basis of the court case and the Supreme Court awarded the family the sum of 252,600 pounds for the land and houses thereon.[27] Therefore this case pointed out how government intervention was partly responsible for the breakdown of peaceful relationship between the oil companies and the local people of the area. Government intervention in oil production through the NNPC and the disempowerment of the local communities through environmental legislation meant that the oil companies have had to deal directly with the government. More importantly, the oil multinationals are guided by primarily by the logic of profit maximisation; the needs of the communities are not exactly on the priority list. These companies are also accountable to their headquarters in Europe and America and not the Nigerian state. This scenario undermines the ability of the people to make demands on MNCs

25 J. D. Frynas, "Corporate and state responses to anti-oil protests in the Niger Delta", *African Affairs* (2001), 100, pp. 27-54.

26 *Ibid*.

27 *Ibid*.

operating in the region, especially in effecting policy and attitudinal changes that are deemed harmful to the environment.

That said, MNCs' involvement in the Niger Delta portrays a somewhat ambivalent character. With the eruption of persistent violence that translates to the disruption of oil production, these companies have had to support state repression. On the other hand, MNCs have been involved in community development programmes and projects in the realm of corporate social responsibility (CSR) to launder their image. In either case, MNCs' motivations have been to maintain their production levels in the region. Nevertheless, the companies' involvement in CSR is not simple and clear-cut as it seems. As Davies notes, "[g]iven the Federal Government's position on oil and other minerals, the oil companies have in most cases agreed that it is the responsibility of the state to meet the demands of the local people in view of their agreements in regard to oil production."[28] Although MNCs undertake initiatives that ostensibly seek to facilitate the development of their areas of operations, Davies contends that "all the oil companies are deeply and structurally connected to the repressive apparatus of the state."[29] All oil companies are required to pay the salaries and expenses of a special armed and uniformed national police force tasked with guarding oil industry facilities. These are not company security guards but national security forces answerable to the Nigerian government. In addition, after years of public denials, Shell was finally forced to admit that it had purchased thousands of guns and millions of rounds of ammunition for its police contingent, known among the people as the "Shell Police". The company's "Mobile Police Force (MPF)" is equally well known in the region.[30] The apparent culpability of the MNCs in the operation of these forces shows the oil companies' 'structural connection to the repressive apparatus of the state'.

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28 Strategies for Transnational Civil Society Business: Target or Partner in Promoting Positive Economic Political Change Presented by Jennifer Davis, Africa Fund, Director at the Council on Foreign Relations Conference on Nigeria, January 30, 1998.

29 *Ibid*.

30 *Ibid*.

A sore point in MNCs' operations in the Niger Delta has been (debate over) the responsibility for the development of the region. Some analysts believe that the responsibility to develop the Niger Delta rests with the Federal Government. For example, the former British High Commissioner to Nigeria, Sir Graham Burton once argued that the Federal Government, rather than multinational oil companies, was responsible for the marginalization of Niger Delta and its people. In this regard, he implored the Nigerian government to live up to its responsibilities towards the people of the region the government receives the bulk of its earnings from oil business, even as the government earns more than the oil companies with which it has joint venture agreements.[31] He further substantiated this position by pointing out that "Shell Petroleum Development Company – the ubiquitous whipping outfit for Niger Delta crisis – for instance, earned only 75 cents per barrel of oil when the price was $20, against $15.37 being credited to Government through the Nigerian National Petroleum Corporation (NNPC)."[32] On the basis of such arguments, some advocate greater commitment on the part of the government towards resolving the crisis in the Niger Delta.

On the other hand, not a few people in the Niger Delta believe that it is the responsibility of the oil companies to protect the environment where they operate and that they should demonstrate their commitment to the people of the region as much as the government is expected to do. Those who subscribe to the view predicate their argument on the negative effects of oil exploration on the communities. For instance, one of the impacts of oil production on the people of the region is the devastating effect of oil spillage, and in most cases, these companies do not live up to their responsibilities to the environment and to the people. It is on record that the communities affected by oil spillage have witnessed much of violent resistance in recent times. This is the case in the Ijaw and Ogoni communities:

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31 *The Guardian*, 17 November 1999. Some oil-bearing communities and staff of non-governmental organisations expressed similar sentiments during field work in the Ijaw and Ogoni communities in the Niger Delta.

32 *Ibid*.

Rivers state of Nigeria which is most affected by incidences of oil spillages has in recent times recorded the highest number of agitation for the equitable distribution of oil wealth and demands for self determination, as witnessed with the activities of the Ogoni movement.[33]

It goes without saying that the spectre of violent resistance does not bode well for the oil companies as it disrupts their operations. On the basis of this, it is argued that the oil companies have to implement measures in reducing the negative impact of oil spillage on the people. And:

[g]iven the overwhelming role of oil in the Nigerian national economy, the policies and practices of the oil companies are important factors in the decision making of the Nigerian government. Because the oil companies are operating joint ventures with the government they have constant opportunities to influence government policy…[34]

In view of the above, multinational oil companies are expected to contribute to the socio-economic development of their host communities. The former British High Commissioner to Nigeria, quoted earlier, opined that "multinational companies certainly have a developmental role within the community." He was however quick to add that "other partners too must face up to their responsibilities."[35] Certainly, the debate about the level of the culpability of government and MNCs in the Niger Delta crisis, as well as their contributions to solving the region's problems, will remain a subject of intense debate in Nigeria's oil industry.

A recurring issue in the debate about the operations of the oil multinationals in the Nigerian state and the Niger Delta in particular is the question of the degree of collusion between these companies and the domestic power brokers. Such collusion is not restricted to the local elite who might perceive and/or receive some benefits in colluding with foreign oil companies but it lies more especially with the successive governments that have been accused of encouraging the penetration of Nigeria by foreign capital and failing to compel MNCs to comply with environmental laws.

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33 O. Agbu, "Oil and the National Question in Nigeria: the External Dimensions", *Nigerian Journal of International Affairs* Vol. 26, No. 1, 2000, pp. 105-106.

34 Human Rights Watch on Nigeria Niger Delta

35 *The Guardian* (Lagos) 17 November 1999.

The double standard on the part of oil companies (in terms of non-adherence to ethics of business in Nigeria but compliance elsewhere) is cited to buttress the argument that there is some form of collusion between the government and MNCs. For example, it is argued that the operations of Shell elsewhere ensure that it does not degrade the environment but it does not take such precautions in Nigeria. The following observation is therefore apposite here:

[With regard to] Shell's pipeline from Stanlow in Cheshire to Mossmoran in Scotland, 17 different environmental surveys were commissioned before a single turf was cut …A detailed Environmental Assessment impact covered every measure of the (pipeline) route … Elaborate measures were taken to avoid lasting disfiguring and the route was diverted in several places to accommodate environmental concerns… [but] the Ogoni have never seen, let alone been consulted over, an environmental impact assessment.[36]

Notwithstanding the agreement between the oil multinationals and the Nigerian state over the provision of necessary infrastructural facilities it is the duty of the oil companies to exhibit corporate responsibility towards their host communities. This will enhance their operations and promote a peaceful relationship in the course of their operations in these areas. It is to this concept that is so integral to resolving the Niger Delta crisis that this paper now turns attention.

Corporate Social Responsibility: Evidence from the Niger Delta

Although there is no universally or generally acceptable definition of the concept of corporate social responsibility, it enjoys wide acceptability in international economic relations. Simply defined, CSR implies the demonstration of certain responsible behaviour on the part of governments and the business sector towards society and the environment. The importance of this concept has made international institutions to support the idea. As Natufe notes

Three important international institutions have underlined the need for governments and companies to adhere to the principles of corporate social responsibility. These are the World

36 TED Cases, Ogoni Vs the Nigerian government.

Business Council for Sustainable Development (WBCSD), the Organization for Economic Cooperation and Development (OECD), and the Dow Jones Sustainability Indexes (DJSGI).[37]

The concept has been promoted through the initiatives of two international organizations as a measure of drawing global attention to the necessity by governments and business to demonstrate a degree of responsibility toward society. (The Business Council for Sustainable Development (BCSD) and the World Industry Council for the Environment (WBCE) later formed WBCSD (which comprises about 140 international companies) in 1995, as a driving force behind CSR globally). The WBCSD defines CSR "as the continuing commitment by business to behave ethically and contribute to economic development while improving the quality of life of the workforce and their families as well as of the local community and society at large."[38] WBCSD's definition of CSR focuses essentially on major issues such as human rights, employee rights, environmental protection, community development, supplier relations, and monitoring.[39] It is possible to determine the extent to which companies exhibit CSR in their areas of operations by evaluating their performance vis-à-vis these major issues.

This paper uses Shell as a case study to assess the extent to which its activities reflect CSR. It is worthy of note that of all the oil companies operating in Nigeria, Shell is the only oil company with WBCSD membership. Furthermore, the company's former Chief Executive in Nigeria (1991-1994) and Managing Director of Royal Dutch/Shell Group, Mr. Phil Watts, is an executive member of the WBCSD and co-chair of the Working Group that produced the Corporate Social Responsibility Report for the WBCSD.[40] Therefore, these factors should put the company in good stead to implement CSR in its host communities in the Niger Delta.

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37 O. I. Natufe, *op. cit.*

38 *Ibid.*

39 *Ibid.*

40 O. I Natufe, *op. cit.*

Despite the fact that Shell Petroleum Development Company (SPDC) is a prominent member of WBCSD and given the environmental guidelines established by the Nigerian State through Department of Petroleum Resources (DPR) and the Federal Environmental Protection Agency (FEPA), the company has witnessed more protests than other oil companies that operate in the region. This might not be unconnected with the inability of the Nigerian government to implement the environmental laws as they are established. It is also interesting to note that the Nigerian environmental regulations and standards through DPR and FEPA compare favourably with those of advanced western countries such as Canada and the United States but the issues of implementation as mentioned above remains a challenge. Given this limitation, the oil companies have not always addressed in a satisfactory manner the impact of oil production on the environment and the local people. And in some cases these companies find it convenient to claim sabotage as the cause of oil spills even if available evidence suggests something contrary to the companies' claims:

Shell admitted that there were 815 oil spills between 1997 and 1999, out of which 170, an alarming 20.85%, were caused by its corrosive pipelines. It should be stressed that, Shell did not include the volume spilled at Ekakprmre, Delta State, in its calculation of the 1999 volume. It blamed that oil spill on "sabotage", just as it has always done in cases of massive oil spills caused by its corrosive pipelines.[41]

The charge of sabotage comes in handy for oil companies as it potentially exonerates them from blame and frees them from the responsibility to lean up the environment. It is instructive to note that MNCs and local communities are almost always embroiled heated debate over the cause(s) of oil spills and the responsibility for the clean up process.

The table below shows Shell's oil spills between 1997 and 1999 and their causes thereof:

41 *Ibid*.

Table: Shell's oil spills

Year	Number of Spills	Volume (in barrels)	Caused by Corrosion	Volume
1997	254	76,000 barrels	63	11,533
1998	242	50,200	59	21,548
1999	319	23,377	48	NA

The many cases of oil spills resulting from corroded pipelines illustrate negligence on the part of both the Nigerian state and the oil companies. Such negligence is to the detriment of the local people of the region. Therefore, the policies of oil multinationals in the Niger Delta have been a major source of prevailing violence in the region.

Generally, transnational oil companies have shown rhetorical commitment to the Niger Delta, as they have at different times restated/defended their "commitment" to the Niger Delta and the principle of "corporate/social responsibility." The former Managing Director of Chevron Texaco Nigeria Limited, Mr. Jay Pryor, once said that the company was committed to corporate responsibility in the country, noting that the multinational had a set of values guiding its operations. He explained that "the events of the past 25 years including political democratization in many countries, economic liberalization and information technology revolution, have changed people's perception about the roles of business."[42] He listed the expected roles of business as:

- sustenance of the business enterprise; and
- sustenance of people and the society and sustenance of the environment.

Pryor also stressed that "the six pillars of corporate responsibility are:

- business ethics
- employee welfare
- local business development
- community engagement
- human rights and safety and environmental stewardship."[43]

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42 *Daily Independent* (Lagos) 3 September 2004, p. B1.

43 *Ibid*.

What is clear from the above is that issues of human rights, protection of the environment come last in the operational calculus of ChevronTexaco, and by extension, all oil multinationals operating in the Niger Delta. Given this scenario, the resolution of the conflicts between the oil multinationals and the host communities is one yet for the future, at least not until there is a convergence of interests between the actors in the Niger Delta.

Human rights violations

The centrality of oil to Nigeria's economy cannot be overemphasized; oil is the mainstay of the economy. The government depends heavily on the revenue generated from the sale of oil. Any activity that disrupt oil supplies, say activism by oil-bearing communities, is viewed by the government as a threat to the survival of the state and this elicits responses (sometimes military repression) that infringe on the rights of the people of the region. Therefore, it can be said that the politics associated with oil is responsible for gross violation of human rights by both the Nigerian government and the oil multinationals in the region. As noted earlier, the enactment of certain laws meant the disempowerment of the people as far as having a say in the use of the environment was concerned. To this must be added the cases of physical assault on the people of the region by state security forces (sometimes in collaboration with MNCs and their agents). For instance, the most serious case was that of Umuechem in 1990, where a Shell manager made a written request for a detachment of MPF to protect the company's facilities during a protest by the people of the oil-bearing community. The request of the manager and the subsequent deployment of mobile policemen led to the loss of about eighty lives and the destruction of about one hundred homes. There is another well-known case: between January and December 1993, Ken Saro-Wiwa and other prominent Ogoni leaders were arrested and detained several times, with criminal charges brought against them[44] for leading the cause of the Niger Delta against the state and MNCs operating in the Niger Delta.

The other dimension to this crisis needs to be given attention here. This is government's method of 'divide and rule' which was intended to break the Ogoni struggle in a number of ways. In fact, available evidence suggests that

44 Human Rights Watch, " Nigeria: The Ogoni crisis A case study of Military Repression in South Eastern Nigeria", Human Rights Watch/Africa, 7 (5), 1995.

the government actively sought the implosion of MOSOP. A case in point was the Giokoo Accord of March 1994, which called for the Gokana people to pull out of MOSOP. Government had allegedly induced some conservative Gokana chiefs to sign this accord. However, Gokana people demonstrated spontaneously against this accord on May 19, 1994 in many Gokana villages.[45] The government also encouraged violent conflicts between the Ogoni and their neighbours, which resulted in ethnic and communal clashes. The attempt was to dub the clashes as purely ethnic, indicting the MOSOP leadership in the process. The use of sophisticated weapons and standard military tactics in all these ethnic clashes is evidently enough to prove the involvement of the military.[46] For instance, Human Rights Africa (HRA) reported that soldiers were recruited from Liberia to fight and kill Ogoni people under the pretext that they were going to fight in Cameroon.[47]

Following the shooting and killing of about eleven Ogoni people by security agents at Bara, old Rivers State in April 1993, the Ibrahim Babangida-led military government promulgated a decree which stipulated death penalty for all acts of treason. The Ogoni responded with increased mobilization and media campaign, with a possible option of violent demonstration. However, this strategy later became a divisive factor in the rank and file of MOSOP and its leadership. After the controversial MOSOP boycott of the June 12, 1993 presidential election, it became clear that there had been a division of its leadership into two – the moderates led by Dr Leton, and the militants led by Ken Saro-Wiwa. Apart from accusing Saro-Wiwa of being too confrontational, militant and authoritarian, the moderates also alleged that he was planning to kill thirteen Ogoni leaders, among whom four were eventually killed in May 1994.

As part of his environmental advocacy, Ken Saro-Wiwa had campaigned from village to village on the need for the government to address the problems of the Niger Delta, especially the marginalisation of the Ogoni

45 Gokana is one of the several villages that comprise the Ogoni kingdom.

46 R. A Sha'aba, "MOSOP and the Ogoni Struggle", in Omotoye Olorode *et al*, *Ken Saro-Wiwa and the Crises of the Nigerian State* (Lagos: CDHR, 1998), p. 82. Also see MOSOP, *Ogoni Bill of Rights* (Port Harcourt: Saros International Publishers, 1992).

47 *The Punch* (Lagos), 9 November 1997.

nation in the national scheme of affairs. This campaign took him to Giokoo village on May 21, 1994, where some conservative chiefs (allegedly being sponsored by government) were meeting. The attempt by soldiers to turn him back culminated in violent confrontation in which the youths in the village killed four chiefs. This incident led to the immediate arrest and detention of Ken Saro-Wiwa and many other Ogoni activists. They were later arraigned before a special military tribunal, which sentenced Saro-Wiwa and eight others to death by hanging. The execution was carried out in November 1995 against all entreaties both from within and outside the country. This development (coupled with leadership bickering and state repression) sounded the death knell for the Ogoni struggle. However, this is not to say that the struggle completely fizzled out, but it lost the vibrancy and militancy associated with it in its early stages.

The Ijaw, through the IYC, took the centre stage of activism in the Niger Delta following the implosion of MOSOP. Since 1997, when Ijaw youths called for an end to Shell activities in the Niger Delta, Ijaw people have resolved to lead the struggle against the state and oil companies with a view to liberating the region from perceived exploitation, neglect, and marginalization.[48] Bayelsa State, which is wholly inhabited by the Ijaw people, became a hotbed of Ijaw militancy between 1998 and 1999. The militant and self-acclaimed invincible Egbesu Boys came into limelight in 1998 when they were able to set free their detained leader from government House in Yenagoa, having disarmed the guards. The emergence of the Egbesu warriors since then has demonstrated the militarisation of local conflict in which sophisticated arms have been freely employed by militant youths.

After the death of General Abacha in 1998, the new political climate made it possible for Ijaw youths to be more vigorous in their demands. To drive home their grievances, the youths started hijacking oil installations. In December 11, 1998, the youths convened at Kaiama town, where they made a landmark declaration, now made popular and known as the *Kaiama Declaration*. In the document, they requested for more local control of oil revenues and better environmental policies. More importantly, the statement gave a December 30th ultimatum to both the government and the oil companies to respond positively to their demands. It added that if the

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48 See *The Guardian* on Sunday (Lagos), 5 November 2000, pp. 38-39.

deadline was not met, all multinational oil corporations operating in Ijaw lands and territorial waters, and indeed in the larger Niger Delta, should leave the region.[49]

To actualize their threat, Ijaw youths and other people who joined them marched in peaceful demonstration towards government House in Yenagoa, the capital city of Bayelsa state. Their main purpose was to convey their grievances through the state governor, Lt Colonel Paul Obi to the Federal Government. The protest turned out to be one of the bloodiest in the Niger Delta as soldiers shot at the protesters, leaving some of them dead and many others injured. This marked the beginning of hostilities between Ijaw youths and the security forces.

The Ijaw communities of Warri North Local government area (Apia and Kenyan) also experienced state repression on the 4 January 1999 when about hundred armed soldiers from the military base next to Chevron's escravos terminal attacked them .At the end of this operation virtually all the houses in the two communities were destroyed, canoes were sunk and dozens of people lost their lives.[50] There are other numerous examples of state repression against the local people. In most cases oil companies collaborated with the Nigerian state in perpetrating human rights abuses. For instance, Shell has been accused of maintaining its own police. The company is also allegedly responsible for the importation of arms:

Shell admits to purchasing 107 handguns for the supernumerary police more than 15 years ago. Shell argues that it does not own these guns, which remain the property of the Nigerian police force, the body that regulates the conditions for their use and storage.[51]

Apart from this, it was alleged that in 1995 the company negotiated to purchase upgraded weapons worth almost a million dollars for its own police. At another level, Shell has given assistance to the Nigerian Police in brutalizing the local people of the Niger Delta. Shell helicopters and boats

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49 Ima Niboro, "Bloodbath", *Tell* (Lagos), No. 3.

50 B. Manby, *op. cit*.

51 S. Pegg, "The Cost of Doing Business: Transnational Corporations and Violence in Nigeria", *Security Dialogue*, Vol. 30 (4), 1999, pp. 473-484.

have transported members of the Nigerian security forces during these operations against the local people. In 1987, for example, the company transported members of the MPF to a demonstration at Icon in Akwa Ibom State."[52] The MPF killed two people and destroyed about forty houses in this operation. In most cases the company accepted the use of its equipment by MPF while at the same time refuting the allegation that the company used the MPF to suppress dissent. It is not uncommon for news reports to highlight instances MNC collaboration with the Nigerian government and its security forces to suppress the local communities in the Niger Delta.

In another incident, Friends of the Environment (FoE) accused NAOC of culpability in the killing of 16 youths from Olugbobiri and Ikebiri communities in the southern Ijaw Local Government Area of Bayelsa state by security operatives manning Agip's facilities for merely agitating for a sense of belonging. FoE argues that such a measure is genocidal and constitutes a systematic cleansing of the human resources of the region needed for development.[53] Friends of the Environment (FoE) also condemned the insensitivity of the oil companies to the plight of their host communities. Among others, FoE accused the transnational oil companies of manipulating the people of the oil and gas rich region.

Given the political, economic and social dynamics of the Niger Delta crisis, the people of the region have had to engage the oil companies and the Nigerian government in a fierce battle to gain access to oil wealth. This has informed the recent struggle by the Governors of the Niger Delta states to control the resources in the region. The Governors seem to be finding a support base in the communities. Recent history shows that the relationship between oil-bearing communities and MNCs has been largely acrimonious. Due to the frustration of these communities, which stem from MNCs indiscriminate activities and state insensitivity to their plight, they have often had to press home their point through protests and shut downs. The table below illustrates how oil-bearing communities have disrupted Shell's operations because of perceived insensitivity to the plight of the local people.

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52 *Ibid*.

53 See *Vanguard* (Lagos) 6 August 2004, p. 7.

Table: Alleged community disruptions to Shell's Niger Delta operations

Year	1989	1990	1991	1992	1993	1994	1995
Number of incidents	34	95	102	85	169	84	77
Total project days lost	28	28	243	407	1432	1316	NA

Source: J. G. Frynas, See Shell at http://www.Shell.com/

A look at the activities of MNCs in Africa shows how oil exploration has engendered environmental and social problems including instability. The use of divide and rule tactics by different governments from the 1960s in Nigeria is equally a pointer that no government in Nigeria has been willing to address the problems of the oil producing areas in the country. Therefore the only option (though not to be interpreted as being justified by the authors) open to the people is to be confrontational in their approach. Looking at the activities of the Nigerian state, oil multinationals and different communities in the Niger Delta region one can tentatively conclude that the crisis and politics inherent in oil production are a complex one.

As noted above, oil politics and the Niger Delta crisis continue to attract international attention. The internationalisation of the crisis has brought into focus the need for the Nigerian state to redress the perceived contradictions arising from the provisions of the Land Use Act of 1978 as a prelude to promoting sustainable development in the region. From the observations during field work, it is very difficult to substantiate that the government and MNCs have the interests of the local people at heart. The deplorable situation of most oil-bearing communities presupposes that the government and MNCs need to be more alive to their responsibilities towards the communities. This would surely work both ways, if not in three ways – for the Federal Government that relies on oil wealth, the MNCs that seek to maximise profit and the oil-bearing communities who want a 'share of the pie'. In the long run the attitudes of the government and oil companies in not addressing the effects of pollution and other associated problems of oil exploration will continue to affect their operations and undermine their interests; the same will equally perpetuate increase in government spending on security at the local level.

The military and human rights in the Niger Delta

All modern nation-states have incorporated into their fundamental documents or constitutions, the security and protection of their territorial integrity and independence – a function that is performed statutorily by the armed forces. Hence it is evident that the military is an indispensable part of any collectivity (which needs protection) and by extension, nation states. The experience of Nigeria over the years shows that the military had not kept faith with this role but had intervened in the country's politics. The country had witnessed military rule for much of its post-independence years. Indeed, from January 1966 to May 1999, not less than eight military heads of state ruled Nigeria. The road to long period of military rule began on January 15, 1966 when a group of young army officers toppled the first democratically elected government. Since then, it had been one coup after another and Nigeria became infested with what was later known as the "Nzeogwu Virus."[54]

Aside the fact that the military in Nigeria had not stuck to its traditional role, it had acted as an aggressor to the people, especially in the Niger Delta. At different times military forces in collaboration with oil companies have held the civil society in disdain and contempt. Beyond this, the local people have been subjected to military repression, an unpleasant reality that has further impoverished the oil-bearing communities. The Egbema operation of July11 and 12, 2004 was one of the many instances of military invasion of the Niger Delta communities. Security personnel on *Operation Restore Hope*, the military task force in charge of security in the Niger Delta, on the aforementioned dates raided Ijaw communities in the Warri North Local Government Area of Delta State under the guise of search for killers of two American expatriates and other oil workers killed in the area.[55]

Messrs Tari-Emiyen Benson and Momotimi Gule, in a petition they wrote under the aegis of *Concerned Egbema Citizens*, alleged that 13 communities

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54 The January coup 1966 was said to be a counter-reaction from the core Northern military cadre to put a permanent stop to the political challenges to Prime Minister Tafawa Balewa's government from the Southern part of Nigeria. In order to check this, Nzeogwu/Ifeajuna's *Operation Damisa* was stage-managed by Five Majors in the Nigerian Army. For more analyses on this, See M. Chris Alli, *The Federal Republic of Nigerian Army: The Siege of A Nation*. (Lagos: Malthouse Press Limited, 2001), pp 211-215.

55See *Daily Independent* (Lagos) 19 August 2004; p. A7.

were razed during the operation. Some of these communities are Ogbudugbudu, Idebagbene, Ifelegbene, Arantigbene, Kirigbologhagbene, Oboribigbene, Zenijeregbene and Beka Zion.[56] The military, it was reported, used eight gunboats and military aircraft during the operation, shooting indiscriminately from land, sea and air. Benson and Gule also corroborated this arguing that the "use of military aircraft, war boats and heavy weapons such as bombs on fellow citizens is barbaric and need to be condemned."[57] Another organisation, the *Egbema United Front*, also speaking through Sunny Jero and Israel Tiemo, reported:

On Sunday, July 11 and Monday 12, those men in military uniform attacked our village with all the paraphernalia of an invading army, shooting indiscriminately, killing innocent people and destroying villages. The people came in gunboats and heavy weaponry as early as 9 a.m. and started shooting at anything.[58]

Chiefs Layema Kuruma and Jackson Lawuru, community leaders from the area, put the number of buildings destroyed during the operation at 500. They added that no fewer than 200 persons, mostly women and children, who escaped into the forest in the wake of the military invasion, are feared missing as their whereabouts could not be ascertained days after the attack by the military.

However, the military authorities disagreed with the claim that they killed and destroyed communities during the operation. The taskforce commander, Brigadier General Elias Zamani, absolved his men from all the allegations. Zamani, speaking through the military outfit's Public Relations Officer, Major Said Hammed, maintained that the aim of the operation was to fish out criminals in the area and persons believed to have killed two America expatriates and some oil workers around the area. His defence:

The taskforce is not an invading army. The outfit is appropriately positioned to restore hope and peace to the Niger Delta. In line with our operations in July 11, the taskforce deployed men on cordon-and-search operations to recover arms and ammunition; to apprehend

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56 *Ibid*.

57 See *Daily Independent* (Lagos) 19 August 2004, p. A7.

58 *Ibid*.

pirates operating along the Benin River to Sapele as well as criminals operating under the banner of militant youths; and to re-open the water-ways to ensure the return of economic activities along the creeks.[59]

A villager alleged that the operation was actually ordered by the presidency, as it did in Odi, with the aim of apprehending suspected criminals. Says the source, "if the only option available to arrest criminals in Ijaw territory is by use of military artillery, aircraft, warboats, bombs and weapons of mass destruction, then we are afraid of the kind of democracy we operate as a nation."60 The Ijaw leaders in Warri confirmed that gun battle between Joint Security Task Force, Operation Restore Hope, in Warri has led to sudden disappearances of about eighty people and many houses burnt. The Publicity Secretary of the Egbema United Front (an Ijaw Pressure group), Prince Gandy Soroaye, was of the view that the soldiers were upset by unknown youths, "the actions taken was to the extreme and damage done colossal."61

Various regimes and administrations in Nigeria are known to have supervised ignominious looting of state treasury. Successive regimes have also been noted for flagrant human rights abuses and retarding the developmental process of the country, the Niger Delta inclusive. The Niger Delta, for over three decades, has been a battleground between the local people and the Nigerian security forces. The state has since then adopted the military approach or repression as a means of silencing opposition from the youths of the region and this has resulted in extra-judicial executions and violation of the rights of the people to association and freedom of expression among others. The use of armed forces by the state and oil companies in the region to protect oil production has been responsible for the death of thousands of people, arbitrary detention, torture and villages being razed by soldiers.

However, there is a general assumption that the transition to democracy in May 29, 1999 would automatically improve the lots of the people of the Niger Delta. However, government continues to use the military method, as

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59 See *Daily Independent* (Lagos) 19 August 2004, p. A7.

60 *Ibid*.

61 Vanguard Online, http://www.vanguardngr.com/articles/2002/niger_delta/nd412032004.html.

confirmed in the cases in Odi, Warri, Ilaje and other areas in the region. From all indications, the Nigerian military is yet to come to terms with the principles and practice of democracy. It is therefore true that the years of military in politics have given the leaders a feeling of power and misplaced priorities in their relations with the public without due consideration for peoples opinion and rights.

The general outcry against military operations in Odi could in reality have served as opportunity to restructure relations between the Nigerian military and the public. But the reverse is the case as military operation in Uwheru, where over twenty persons were killed and eleven houses burnt down in the name of "Operation Restore Hope" on January 15, 2004 has shown. Their reasons for such action stem from Brigadier General Elias Zamani team's search for arms, while others argued that the soldiers came to the community to plunder the local people's property after a clash between the Uwheru people and some Fulani cattlemen.[62] The region has witnessed such brutality in the heydays of military rule but the continuation of the practice raises serious questions about Nigeria's democratic credentials. The military approach adopted by successive governments has contributed to the spate of militancy in the Niger Delta with the cumulative effect that the region has become militarised. In turn, the militarisation of the region has been responsible for the proliferation of arms in the region. The repeated violent clashes between the youths and security forces has been characterised by the use of semi-automatic rifles, shotguns, machine guns, shoulder-fired rockets, and traditional weapons like fishing spears and cutlasses. These weapons are easy to procure in Warri, for example, at prices that local militants can afford, ranging from US$570 to US$2,150.[63] In many cases militants engage in hostage taking of oil workers as a means of raising money to purchase these weapons.

The proliferation of these small arms in the Niger Delta has had implications for politics in Nigeria. Politicians are able to enlist the services of militants to attack and intimidate opponents. The origin of these small arms is still unclear but there is consensus that they were recycled from other

62 H. Eghagha, "Vandalism by the Nigerian Army at Uwheru", Urhubowaado@urhobowaado.info, 22 February, 2004.

63 http://www.hrw.org/reports/2003/nigeria1103/7.htm.

trouble spots in Africa. For instance, "in 2002, the Nigerian Customs Service reported that it had intercepted small arms and ammunition worth more than N4.3 billion (US $30 million) at border posts during the first six months of the year,"[64] confirming that some of the weapons used in the Niger Delta conflict are imported, even as some are produced locally. According to Human Rights Watch investigation at the wake of the crisis in Warri, some state security personnel appeared to be dealing in small arms. Local manufacturing of arms take place in the industrial zones of Nigeria's South-east region, including Aba and Awka."[65] The menace of small arms and light weapons has heightened the general insecurity in the region, threatened oil supplies and reduced government revenue – and with concomitant implications for the Nigerian state. In fact, it is apposite to state that it is the very existence of the Nigerian state that is at stake. Little wonder that the current government has placed the Niger Delta at the top of the national agenda. Indeed, the battle to save the Niger Delta is invariably the battle to save the Nigerian nation from collapse and extinction. There is little doubt that the survival of the state is inextricably tied to the resolution of the Niger Delta crisis.

Concluding Remarks

The Niger-Delta crisis is a culmination of the combination of the structural deficiencies in the Nigerian state and the negative consequences of oil exploration and exploitation that have gone on over the years. The 1990s opened a new chapter for the struggle as the local and international political landscapes experienced changes favourable to the upholding of individual and peoples' rights as well as issues of environment degradation. Hence, MOSOP and other human rights/environmental rights groups used several international platforms, including the United Nations, to bring the plight of the people of the Niger Delta to the fore. The transition to democracy has not substantially altered the scenario in the Niger Delta. The region has

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64 http://www.hrw.org/reports/2003/nigeria1103/7.htm.

This position was substantiated during field research in Warri (between April and July 2003) where, as interviewees opined, it was relatively easier to get a rifle than a loaf of bread. The Warri crisis forced many of the oil companies to relocate their headquarters to Port Harcourt and Lagos. This was also responsible for the sudden rise in the number of displace people who sought refugee in Ughelli, Aladja and Agbarho.

65 This report was based on Human Rights Watch findings in Warri in September 2003 and it can be found in http://www.hrw.org/reports/2003/nigeria1103/7.htm.

continued to witness the gross violation of human rights since 1999. This is an area that the Nigerian state and the international community must give serious attention to forestall the exacerbation of the Niger Delta crisis and the eventual implosion of the Nigerian state.

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