

The Internationalization of Oil Violence in the Niger Delta of Nigeria*

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Abstract

This paper unpacks the crisis in the Niger Delta of Nigeria with reference to its external dimensions by which is meant the involvement of international non-governmental organisations in the politics of local environmental governance. It takes as its point of departure the events (in the 1990s) that underpinned the international community's engagement with an issue that could have been regarded as Nigeria's domestic affair and follows with an assessment of the impact of internationalisation of the crisis on the major actors in the region. It is noted that the crisis in the Niger Delta has been predicated for over four decades on a number of complex issues in Nigeria's geo-political landscape. The emergence of organized pressure groups (in the early 1990s) and their protestations against human rights abuses and environmental problems in the region added a 'new' dimension to the crisis. In tackling its thematic concern, this paper interrogates the involvement of the international civil society in the Niger Delta and concludes with an appraisal of the extent to which the internationalisation of the crisis engendered both attitudinal and policy shifts on the part of the main actors.

Introduction

Nigeria, the most populous country in Africa, is undisputedly one of the most richly endowed countries on the continent. It boasts of immense resources – human and material – which provide opportunities for national development. Historically, Nigeria's potentials for rapid industrialization and development had been recognized before the country's independence in 1960. The enormity and profitability of the country's natural resources and the atmosphere of relative political tranquillity within which independence was attained were then regarded as factors that were potentially conducive to economic prosperity and political stability. In other words, the availability of these mineral resources in commercial quantities and their potential

for high foreign revenue yield as well as the political structure (with the pre-eminence of regionalism) and its constitutional guarantees reinforced such optimism regarding a stable and prosperous Nigeria. However, political crisis in the early 1960s (especially in the Western region), a three-year civil war (1967-70), sustained military dictatorship, a series of ethno-religious clashes, and the violence in the Niger Delta region seemed to have blurred such hopes.

The Niger Delta crisis assumed horrendous dimensions in the early 1990s with the emergence of social movements and militant youth groups that began to challenge not only the Nigerian state but also the policies, attitudes, and activities of the multinational oil companies (MNOCs) in the region. This activism can be attributed to frustration (on the part of the people of the region) arising from both state and oil companies' negligence and destruction of the Niger Delta's ecology, which is the basic structure that supports life in the region, as elsewhere. It may be said that the struggle by the people of the region has been predicated on certain fundamental issues, namely: their exclusion or marginalization in terms of access to oil revenue; their struggle for greater access to resource sharing (known in Nigerian parlance as resource control); environmental degradation; and egregious human rights violations. Within this milieu (of the struggle), the crisis in the region has become not just a domestic affair but an issue on the front burner of international environmental discourse and advocacy. The internationalisation of the Niger Delta crisis derives partly from the systematic publicity and struggle of the environmentalist, (the late) Ken Saro-Wiwa who drew the attention of the international community to the plight of the Niger Delta. The internationalisation of the crisis paved the way for the involvement of a 'contingent' of Non-Governmental Organisations (NGOs) and International Non-Governmental Organisations (INGOs) in different aspects of 'environmental politics' in the region. These organisations include Amnesty International, the Green Peace Movement, the Un-represented Nations and Peoples Organization (UNPO), the Rainforest Action Group, the United Nations, and the Commonwealth of Nations. The list also includes Bodyshop, Friends of the Earth, and the Committee for Writers in Prison of International PEN.

The involvement of international human and environmental rights groups in the Niger Delta crisis presupposed that the Nigerian state and the multinational oil companies could no longer contain the crisis essentially as a local issue. It did not come as a surprise that the military government, presiding over a state that was yet to shed its colonial character, reacted to the activism by both domestic and international NGOs in a manner that served to deepen the crisis in the Niger Delta and, by extension, in the country. Besides, the extent of this

reaction and the machinery deployed by the state against activists were almost unprecedented, the exception perhaps being the federal government's suppression of the Biafran secessionist forces in 1967-70.

Understanding the violence in the Niger Delta

It is instructive to know that the conflicts in the Niger Delta are reflective of the contradictions of environmental governance and oil politics in Nigeria. Indeed, it is possible to unpack these conflicts along different lines depending on the actors involved at a particular point in time. The first of these levels is conflict between *host communities* and the *oil companies*; the second level is the conflict between local militants and the Nigerian state; and the third level, the hostilities between and among the various local communities. This section highlights the bases for conflictual relations between and among the main actors by identifying and explaining the contours and dynamics of the crisis in the Niger Delta.

To say that colonialism has played a role in precipitating crises in Africa's political economies is an obvious assertion. In this vein, it can be said that colonial legacies lurk at the background of the crisis in the Niger Delta: specifically, we are alluding to the inability or unwillingness (or both) of the colonial administration authorities to address satisfactorily the issue of the Nigerian minorities. Similarly, successive governments of the Nigerian state have failed to address the issue satisfactorily thereby threatening the fabric of the Nigerian state. More often than not, post-colonial governments have either glossed over the matter or, at best, sought to merely pacify it. The concept of a minority is defined as an ethnic, racial or religious group who by virtue of their population (or other demographics) is singled out from others and thus regards themselves as object of collective discrimination (Wirth, 1945: 347). Hence, ethnic minorities often face (or perceive themselves as facing) exclusion from political and economic life within the bigger society. Quite often, the minority is in constant opposition to the dominant ethnic group(s). In many ways, the foregoing sums up the situation of the ethnic minorities of the Niger Delta in the period before and after Nigeria's independence. Every successive federal constitution failed to address adequately the fears of minorities within the Nigerian polity due perhaps to the failure to appreciate that such fears were political and socio-economic rather than cultural or linguistic in nature. The Willinks Commission Report of 1957 (Eteng, 1996; Nnoli, 1986) established that minorities did fear domination by the major ethnic nationalities. (It is pertinent to recall that minority fears provoked agitations for (partial) autonomy and self-determination; one of such agitations by the Ijaw Rivers Peoples League led to the creation by the British of Rivers Province in 1947

(Onduku, 2001). And it was during this period that the Niger Delta Congress was founded by Harold Dappa-Biriye to lend support to the agitations by the Niger Delta people for self-determination). It can be said that the major bone of contention in this region has had to do with the bitter experiences emanating from the politics of exclusion. “The linking of representational power to population size also implied that the minorities stood little or no chance in the regional assemblies, nor in making demands for access to resources, or developmental projects” (Obi, 2001: 87).

The popular perception in the Niger Delta is that over the years the Nigerian state has sought to maintain relations of power that gradually undermined the position of minorities, especially their access to vital natural resources within the region. By and large, the colonial framework and its legacies sharpened the ethnic factor as a basis for contestation in the region. For instance, Ikime Obaro notes that nationalities began to identify themselves as such, first in the context of the colonial state, and then in the context of the Nigerian multinational state, as they were forced by changing circumstances of history to act politically in defence of their perceived interests vis-à-vis the interests of other competing groups.

Since the discovery of oil in commercial quantities by Shell-BP in the Ijaw community of Oloibiri in Ogbia Local Government of Bayelsa State in 1956, the inhabitants of the region have persistently engaged the oil companies and the Nigerian state in a series of protests. These contestations, in part, relate to all laws regulating oil exploration and land ownership, which as the people argue, must be abrogated because they work against the interests of the Niger Delta. At the heart of the struggle for participatory environmental governance is the question of natural resource control and self-determination. However, this issue has been given different interpretations by the many ethnic groups that comprise the Nigerian State. The divergent interpretations notwithstanding, what is clear is that the people of the Niger Delta are highly passionate about their demands. The issues at the core of the crisis, according to the people, are mainly structural in that they touch on the fabric of the Nigerian state. Over the years, the Niger Delta people have consistently argued at different forums that resource control is the antidote to the problems of the region. As far as they are concerned, resource control is the *sine qua non* for sustainable peace and development for the Niger Delta in a democratic Nigeria.

The above lends credence to the argument that only the satisfactory resolution of the resource control imbroglio can guarantee peace in the Niger Delta. Therefore, the dialectics of resource control is critical to the understanding of the dilemma of the minorities of the oil producing communities. This is because resource control has been the basis for many of the

unending conflicts in the region, especially in recent times. The agitation for resource control derives heavily from the structural deformities of the Nigerian state, which have constantly negated the aspirations of the oil-producing minority states in terms of sustainable development of their region. The reality of the Niger Delta is that rather than achieve development, oil production activities in the region has bedevilled it with environmental degradation, mass poverty, oppression and various other forms of human rights violations by government security agents. Moreover, the absence of workable institutional and financial mechanisms to deal with ecological damage and to provide compensation for environmental devastation has provided a basis for (militant) activism in the region over the years (Onduku, 2001).

Furthermore, one of the many deformities of the Nigerian federation is fiscal centralization which has alienated the oil-producing minorities in the Niger Delta from the wealth emanating from oil, the exploitation of which has degraded their environment and rendered their people 'endangered species'. This fiscal centralization finds expression in the financial hegemony of the Federal Government, which contrasts sharply with the fiscal incapacitation of the component states. The foregoing scenario engenders two effects. First, it reinforces the structural vulnerability of the states and oil-bearing communities. Second, it intensifies the pressures among the populations and their state and local government administrations to compete for federal economic patronage.

The dysfunctionality of the Nigerian state and the negative effects of oil exploration have been met with protestations by the Niger Delta communities for decades. But successive governments and oil multinationals have failed to take appropriate steps to address these fundamental issues. An unprecedented response to this state of affairs has been the emergence of environmental rights activism by civil society groups such as the Pan-Niger Delta Resistance Movement, CHIKOKO, the Environmental Rights Action (ERA), the Ijaw Youth Council (IYC); the Movement for the Survival of the Ogoni People (MOSOP), Movement for Reparation to Ogbia (MORETO) and the Movement for the Survival of the Ijo in the Niger Delta (MOSIEND). Over the years, their advocacy has underscored corporate responsibility, environmental sustainability, self-determination and the democratic development of the Niger Delta. That said, the inability of the stakeholders to address the issues of the region appropriately (as core national issues) – especially given their sensitivity – has contributed to the change in the character of the agitation from peaceful to violent.

It should be added at this juncture that the ‘transformation’ of the Nigerian economy into a rentier (oil) economy in the post-independence period and the militarization of the society by the military junta that held the country’s political firmament for years laid the foundation for violence in the Niger Delta. As social movements were formed along ethnic lines, ethnic identities and relations became weapons for contestation against the injustices inflicted by the state and the MNOCs. Obi puts it succinctly:

Ethnic identity is thus transformed into a mobilizing element not only for contesting access to state and oil power with the context of competing and conflicting ethnicity, but also a modality for organizing social forces to resist alienation, extraction and exclusion by the hegemonic coalitions of the ethnic elite (Obi, 2001: 87).

In recent times, ethnicity has become the central slogan in Nigeria not only for contesting access to political and economic power but also a basis for organizing social forces for violent and peaceful resistance against the forces of deprivation, intimidation, and negligence as spawned by either the state or multinational corporations.

In 2006, the Niger Delta is as synonymous with crude oil and associated natural products as it is with ecological, economic, and political violence and devastation in Nigeria. The region is richly endowed with abundant petroleum that is found in almost all the creeks and oceans in the area (authors’ interviews with comrade Esiso Gerald, Chairman, National Youth Consciousness, Warri, 20 June 2004). The Federal Government has been generating over 90% of its foreign exchange revenues from oil exploration, exploitation, and marketing by foreign oil companies. Yet, the contention has been that the government does not use a substantial part of the revenue so generated to provide the needed infrastructure in the oil-bearing communities (Oyeshola, 1995: 62). Beyond this, observation by one of the authors during a field trip to the Niger Delta reveals that environmental degradation occasioned by oil spillages in the riverine areas has made life difficult for the local people thereby engendering frustration and aggression. The people have taken up arms against the state among other strategies aimed at seeking redress. Agitations have been conducted through the instrumentality of social movements such as MOSOP and the IYC.

To effectively tap into the global platform, MOSOP adopted some strategies and put in place some modalities to expose the policies of the Nigerian government and the operations of Shell – the foremost multinational – in the region. One of its strategies was to publicise the

(impact of the) activities of Shell, a company that has ‘intervened through the standard divide and rule tactics in local governance as benefactor, extractor and tormentor’ (Obi, 2001: 88). In order to understand properly the involvement of the international civil society in the Niger Delta crisis in the 1990s, it is important to examine the strategies of MOSOP and IYC in networking with transnational organizations. These social movements assumed at the beginning of their struggles that reaching out to global audiences would exert pressure on the Nigerian state and Shell to change their policies in the region. The extent to which this premise is true will be located in the concessions of these actors to the local forces between 1995 and 2003.

The mobilisation of the international community

MOSOP was one of the earliest social movements to publicise the plight of the oil-bearing communities in Nigeria. A watershed in this regard was the presentation of the Ogoni Bill of Rights (OBR) to the Nigerian state through Ken Saro-Wiwa under the auspices of Ogoni Central Union in 1990. As contained in the OBR, the Ogoni people demanded:

- the political control of Ogoni affairs;
- the right to control and use of a fair proportion of Ogoni economic resources for Ogoni development;
- the right to protect the Ogoni environment and ecology from further degradation; and
- adequate and direct representation as of right in all Nigerian national institutions (The Ogoni Bill of Rights, 1990).

An addendum to the OBR in August 1991 authorized MOSOP to internationalize the Ogoni struggle, even as it affirmed MOSOP’s methods and commitment to non-violence. In December 1992, the Ogoni people presented to the oil companies operating in Ogoniland (including Shell and Chevron) and the Nigerian National Petroleum Corporation (NNPC) an ultimatum to pay back royalties and compensation within 30 days or quit Ogoniland (The Ogoni Bill of Rights, 1990). In furtherance of Ogoni struggle, MOSOP took its case to the Unrepresented Nations and Peoples Organization (UNPO) at The Hague in 1992 where Ken Saro-Wiwa used it as an avenue for MOSOP to attract sympathy and establish links with INGOs whose mandates pertain to environmental rights and human rights. The exhibition of photographic materials on environmental degradation of the Ogoniland in Vienna at the Conference of the United Nations Human Rights also brought to the fore the plight of Niger

Delta communities. The conference was useful for the Ogoni because it gave Ledum Mitee – the Ogoni representative at the conference – the opportunity to discuss problems plaguing the region with Anita Roddick, a representative of Bodyshop in Vienna.

The declaration of 1993 as an International Year of the world's Indigenous Peoples by the General Assembly of the United Nations Resolution of 10 December 1992 gave impetus to the struggle by the Ogoni. The Ogoni demonstration that brought together about 300,000 Ogoni people on 4 January 1993 was a historic occasion for the international community to witness the negative impact of Shell operations in Ogoniland. This particular incident strengthened the movement and bolstered its members in their determination to conduct their advocacy at the global level while taking advantage of international events and the news media.

MOSOP employed languages that would attract the international community's attention. It employed the language of 'rights' and built the image of the Nigerian state and Shell as violators of human rights. Most importantly, MOSOP's leaders, including Ken Saro-Wiwa, used the language of 'genocide' to describe the likely impact of the Nigerian state and Shell's actions in the region. The arrest and subsequent execution of Ken Saro-Wiwa forced MOSOP activists to move almost exclusively to the international sphere. The remaining leaders of MOSOP carried on the struggle as they campaigned on the Internet, at international conferences, through media events and through protest actions in major cities in Europe and North America including vigils at Nigerian embassies and High Commissions. The protests also included the boycott of Shell service stations in North America and Europe. Remarkably, activists from indigenous and international human rights as well as environmental networks joined MOSOP during these protestations. This "working alliance" between MOSOP and international actors also engendered its acceptance amongst the Ogoni in the Niger Delta. The social movement's international contacts in the early 1990s helped to convince reluctant Ogoni elite and quiescent Ogoni masses that their cause was legitimate in the judgment of the international community and that the movement was a veritable rallying point for the ethnic group, even though dissensions were not uncommon.

The globalization of the international system and the access to modern information and communication technologies were critical in advancing the Ogoni struggle at the global level. The availability of computers, telephones, fax machines, Internet and the establishment of physical offices in America and Europe afforded MOSOP the opportunity to articulate its demands and highlight the plight of the Niger Delta people before the international audiences. It should be added that the role of the media in globalizing the Niger Delta crisis cannot be

overemphasized as they played a significant role in exposing the impact of oil exploration on the people of the Niger Delta. For instance, Obi (2001b: 173-193) notes that “[t]elevision stations and networks beamed the ‘ecological violations’ against the Ogoni to shocked audiences across the world In one program, Bop Van Dessel, Shell’s former head of environmental studies in Nigeria, confirmed Shell’s complicity in damaging the Niger Delta’s fragile ecosystem.” In fact, Van Dessel (quoted in Obi, 2001b:) posits that Shell “[was] not meeting international standards. Any Shell site I saw was polluted. It is clear to me that Shell was devastating the area.”

The use of propaganda by MOSOP and modern communication system influenced and facilitated the capacity of INGOs’ missions to visit Ogoniland and other parts of the Niger Delta for on-the-spot assessment. The establishment of offices in major cities of the world enhanced the MOSOP activists’ ability to attend workshops and to give lectures on the deplorable situation in the Niger Delta. It also afforded them the opportunity to “address politicians, parliaments, and pressure groups in order to win them over to the side of the forces of local protest” (Obi, 2001b:). Whilst MOSOP was carrying out its advocacy, a number of human rights and environmental rights INGOs became more interested in the Ogoni cause. MOSOP became a beneficiary of foreign grants, which enabled it to intensify its struggle and to “turn the heat” on the Nigeria state and Shell to change their attitude towards the Niger Delta. Indeed, as the Ogoni presented an image of a victimized minority ethnic group globally, organizations such as the Human Rights Watch, Amnesty International, Greenpeace, Friends of the Earth and other bodies became increasingly committed to the Ogoni struggle, and a series of fact-finding missions were sent to the Niger Delta as part of their international environmental rights advocacy efforts. Other institutions that identified with MOSOP included the Africa Policy Information Centre, Book Aid International, Both Ends, Delta, World Council of Churches, and Trocaire.

The implosion of MOSOP, dwindling international engagement and the rise of the IYC

The death of Ken Saro-Wiwa and the intransigence of the military regime are two main factors that scaled down the international community’s support for local activism in the Niger Delta. There was a limitation to what international support could do to sway the then military government into doing things differently. The balance of forces was also skewed in favour of Shell. This point could be explained in part with reference to the importance of oil and Shell to its foreign shareholders and the Western world. Shell’s shareholders in Europe and America were ostensibly more concerned with profit maximization rather than corporate

social responsibility of best (environmental) practices. Besides, Shell was able to conduct its own campaign, mainly through the use of propaganda on the Internet to debunk the accusations levelled against it by the people of the region and environmental activists alike. However, it must also be pointed out that despite Shell's propaganda, it was the death of Ken Saro-Wiwa that changed the political equation in the region.

Although the groundwork for the internationalisation of the Niger Delta crisis had been laid by MOSOP, it could not harness the benefits of the international community's engagement in that the emergence of different factions within the organization after the death of Ken Saro-Wiwa left the international actors in the lurch as to which faction to support. International support for local environmental resistance thus waned. However, other social movements came to the fore to broaden and to continue the struggle, practically breathing new life into the processes set in motion by MOSOP. This paper focuses on one of such movements: the Ijaw Youth Council (IYC). With the implosion of MOSOP, the struggle by the Ogoni people lost its steam. Within this milieu, the Ijaw resistance to the Nigerian state and the MNOCs increasingly took the centre stage in local environmental politics. The year 1997 during which Ijaw youths called for an end to Shell activities in the region, marked a watershed in Ijaw resistance. Suffice it to say that Ijaw resistance to the state and the MNOCs was primarily (but not always) militant and was conducted with an aura of invincibility at times. Bayelsa State, inhabited by the Ijaw people, was a hot bed of Ijaw militancy in the years 1998 and 1999. The militant Egbesu Boys came into the limelight in 1998 when they successfully freed their detained leader from government House in Yenagoa, having disarmed the guards. The exploits of the Egbesu warriors have since transformed a local conflict to one in which sophisticated weapons have been used by the militant youths. The death of Nigeria's Head of State, General Sani Abacha, in 1998 and the new political climate, which it ushered in made it possible for Ijaw youths to become more vigorous in their demands. This point found expression in the hijacking of oil installations. And in December 11, 1998, Ijaw youths converged on Kaiama (an Ijaw town) where they made a landmark declaration, now known as the *Kaiama Declaration*. In the document, they requested for more local control of oil revenues and better environmental policies. The forcefulness of Ijaw demands resonate in the Kaiama Declaration:

1. All land and natural resources (including mineral resources) within the Ijaw territory belong to Ijaw communities and are the basis of our survival.

2. We cease to recognise all undemocratic decrees that rob our peoples/communities of the right to ownership and control of our lives and resources, which were enacted without our participation and consent. These include the Land Use Decree and The Petroleum Decree etc.

3. We demand the immediate withdrawal from Ijawland of all military forces of occupation and repression by the Nigerian State. Any oil company that employs the services of the armed forces of the Nigerian State to "protect" its operations will be viewed as an enemy of the Ijaw people. Family members of military personnel stationed in Ijawland should appeal to their people to leave the Ijaw area alone (*The Guardian* [Lagos] 30 December 1998).

The declaration gave a December 30, 1998 ultimatum to both the government and the oil companies to respond positively to their demands. It added that if the deadline was not met, all MNOCs operating in Ijaw lands and territorial waters, and indeed in the larger Niger Delta, should leave (Niboro, 1997). Ijaw youths followed up on these demands with a protest march to government House in Yenagoa, the main purpose of which was to convey their grievances through the state governor, Lt. Colonel Paul Obi to the Federal Government. But security operatives opened fire on the protesters leaving some dead and many others injured in the pandemonium that followed. This marked the beginning of hostilities between Ijaw youths and the security forces (Authors' interview with two Ijaw leaders at Yenagoa in July 2003).

Following this incident, the Egbesu Boys regrouped, apparently in preparation for war, having been in possession of sophisticated weapons. They engaged both the navy and the army in fierce battles with heavy casualties on both sides. In some cases, the rampaging youths ransacked military formations, terrorized fleeing soldiers and policemen and became warlords in strategic locations. The towns of Kaiama, Odi, Ekeki and others became battlefields where the Egbesu Boys and military forces engaged in heavy crossfire. Apart from this, the militant youths were able to close down oil installations in the Niger Delta, thereby disrupting oil production.

The Ijaw Youth Council employed strategies similar to those of MOSOP by opening up offices in Europe. It equally used modern information and communication technologies to reach target audience locally and abroad. The IYC worked with other groups like ERA, ND-HERO and Chikoko Movement, which in collaboration with INGOs, undertook community assistance projects in the Niger Delta. These organisations were involved in community resource development projects in Anyama, Sangama and Okoroba (Obi, 2001b:).

Though actively involved in the dissemination of information on both the activities of oil multinationals and the policies of the Nigerian state in the Niger Delta region, the Ijaw Youth Council was a more militant movement than MOSOP. The IYC maintained close contacts with the aforementioned INGOs in defending environmental rights. As would be expected, the IYC (just like any other social movement) became a target of repression by the state and condemnation by the oil multinationals. One incident is instructive: the Federal Government's sacking of Odi – a town in Bayelsa State in the Niger Delta. The government's reaction generated worldwide condemnation. It all started in November 1999 when President Olusegun Obasanjo ordered a military invasion of Odi in retaliation to the killing of law enforcement agents, who had been drafted to the area to quell riots. IYC militants reportedly ambushed a police convoy and killed eleven policemen. What the incident brought to the fore was the use of ambush as one of the tactics in the expression of resistance by Ijaw militant groups. Having said that, what is germane to this paper is the international community's reaction to the Odi invasion: the Federal Government was condemned for the use of excessive force and for violating the rights of innocent civilians. But that was not the first instance of the international community's engagement with issues of egregious human rights violations in the Niger Delta.

The Ogoni 'Nine': The international community's reaction to human rights violations in the Niger Delta

Global focus on the Niger Delta crisis has become sharper since the hanging of the Ogoni '9' by the General Sani Abacha military regime in November 1995. The international community's reaction to this incident was a remarkable demonstration of the internationalisation of the crisis. The responses of the Commonwealth of Nations and the United Nations are a fascinating case study.

The Commonwealth of Nations

The Commonwealth was the first international body to react swiftly to the execution of the nine Ogoni activists because it took place at a time when the body was meeting in Auckland, New Zealand in 1995. The organization's reaction was based on the Harare Declaration of 20 October 1991, which mandated all members of the body to abide by certain fundamental principles including individual freedoms, equal rights for all citizens and "the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives (Human Rights Watch/Africa, 1999). Against the

backdrop of the incident in Nigeria, the Commonwealth of Nations took measures to check the persistent violations of the Harare Declaration. An eight-member Commonwealth Ministerial Action Group (CMAG) was set up to look into the execution of Ken Saro-Wiwa and eight others. Nigeria was subsequently suspended from the Commonwealth and given two years to comply with the terms of the Harare Declaration. At the next meeting of CMAG in 23 April 1996, the organization recommended measures to force the Nigerian state to comply with democratic standards vis-à-vis respect for human rights. These recommendations included:

visa restrictions on and denial of educational facilities to members of the Nigerian regime and their families, withdrawal of military attachés and cessation of military training, an embargo on the export of arms, a visa-based ban on sporting contacts, and the downgrading of diplomatic and cultural links (Human Rights Watch/Africa, 1999).

Although these recommendations were not adopted, other measures were taken by the Commonwealth in its bid to force Nigeria to conform to the Harare principles. For instance, the organisation

recommended ... a ban on air links and additional economic measures, including freezing the financial assets and bank accounts in foreign countries of members of the [Abacha] regime and their families, [all of which] should be considered in consultation with the E.U., U.S. and other members of the international community (Human Rights Watch/Africa, 1999).

Nigeria remained suspended from the Commonwealth of Nations while the Abacha regime lasted.

The death of General Abacha in 1998 afforded Nigeria the opportunity to resume active participation in the organisation's activities. (It is pertinent to point out that the country was not expelled from the organisation despite Abacha's refusal to adhere to the principles of the Harare Declaration). The change of government and the positive steps taken by the General Abdusalam Abubakar regime engendered conciliatory gestures between Nigeria and the Commonwealth of Nations as members of the CMAG (Zimbabwe, New Zealand, United Kingdom, Canada, Ghana, Malaysia, Barbados and Botswana) recommended that members should lift bilateral and trade sanctions against Nigeria.

The United Nations

The United Nations General Assembly adopted Resolution 50/199 on the poor human rights record of the Nigerian government on December 22, 1995. The world body condemned in strong terms the Nigerian government's violation of human rights (as illustrated by the execution of the Ogoni '9') and encouraged its members to impose sanctions on Nigeria (The United Nations General Assembly Resolution Document on Nigerian Human Rights Record was adopted on 22 December 1995). In April 1996, the United Nations Secretary General sent a fact-finding mission to Nigeria for on-the-spot investigation of human rights abuses, especially those perpetrated in the Niger Delta. At the end of the assessment, the mission recommended among other things that the Nigerian government establish

a panel of eminent jurists" to consider financial compensation for the relatives of those hanged, and that a committee chaired by a retired judge and including representatives of the Ogoni and other minority communities make recommendations in connection with the economic and social conditions in those communities (Human Rights Watch/Africa, 1999).

Apart from the fact-finding mission, the United Nations Commission on Human Rights appointed a Special Rapporteur Commission – headed by Indian Attorney-General Soli Jehangir Sorabjee — to assess the human rights situation in Nigeria. Although the Nigerian government opposed vehemently the commission's activities in Nigeria, it was still able to submit a report based on facts gathered outside Nigeria. The commission not only established that widespread violation of human rights occurred in Nigeria, that "the Nigerian legal system [did] not ... provide effective protection of human rights," and that "the rule of law [did] not prevail in Nigeria," but also detailed a range of specific abuses to substantiate its findings (Human Rights Watch/Africa, 1999). The commission also reported that:

- The Nigerian Government had failed to address the plight of the Ogoni people and to protect their human rights.
- The recommendation of the Secretary-General's fact-finding mission concerning the appointment of a committee for introducing improvement in the socio-economic conditions of minority communities had been ignored (Human Rights Watch/Africa, 1999; and the Report of the Special Rapporteur of the Commission on Human Rights, Mr. Soli Jehangir Sorabjee. U.N. Document E/CN.4/1998/62).

In conclusion, the report confirmed that environmental degradation caused by Shell had not received the necessary attention and that the Nigerian government had not shown considerable commitment towards addressing the environmental problems and the developmental challenges in the Niger Delta.

In a similar vein, the United Nations Committee on Economic, Social and Cultural Rights reported (in May 1998) ‘the alarming extent of the devastation that oil exploration has done to the environment and quality of life in the Niger Delta where oil has been discovered and extracted without due regard to the health and well-being of the people and their environment’ (See the Concluding Observations of the Committee on Economic, Social and Cultural Rights: Nigeria, “U.N. Document E/C.12/Add.23, May 13, 1998). The report recommended that ‘[t]he rights of minority and ethnic communities – including those of the Ogoni people – should be respected and full redress should be provided for the violations of the rights (set forth in the Covenant) that they have suffered” (See the Concluding Observations of the Committee on Economic, Social and Cultural Rights: Nigeria, “U.N. Document E/C.12/Add.23, May 13, 1998).

The International Labour Organisation (ILO) also responded to the situation in Nigeria as it established a commission of inquiry to investigate the continued incarcerations of labour leaders in the oil sector. However, this commission was short-lived due to the decision of the ILO to make direct contacts with the Nigerian government. Hence, the visit of an ILO delegation to Nigeria from 17-21 August 1998 to engage with the Nigerian government over issues pertaining to environmental and labour rights activism.

Reactions and counter-reactions to activism: oil communities and the Nigerian state

The Abacha regime had to contend with the impact of a series of sanctions directed against the state in the wake of local forces globalizing their struggle for best practices in the Niger Delta. Despite the avalanche of sanctions in the mid-1990s, the state continued to employ repression as a measure to safeguard oil production in the region. Modest changes in government policy towards the local people, which began to unfold in the early 1990s had all but disappeared when General Abacha seized power in 1994. The death of General Abacha in 1998 (coupled with pressure from the international community) created a new opportunity for the Nigerian state to address the plight of the people of the region. Given this background, it is pertinent to examine the measures taken by the Nigerian state to address the negative impact of oil production on the local people. When General Abdulsalam Abubakar took over the reins of power in 1998, he set up a 22-member committee (headed by Major-General

Oladayo Popoola) to appraise the various recommendations made to the government on how to tackle the festering crisis in the Niger Delta and to produce workable plans for their implementation. In its report, the committee recommended a total financial outlay of about fifteen billion Naira for the provision of basic infrastructure such as marine transportation, telecommunications and electricity supply in the Niger Delta region (*The Guardian* [Lagos] 23 March 1999).

With the death of General Abacha, the international community openly welcomed the changes being made by the regime of General Abubakar. With changes in the state policy, a number of sanctions that had been imposed on Nigeria were lifted to make room for the new development in the region.

The restoration of democratic rule has been marked by renewed attempts at developing the region. In June 2000, the National Assembly passed a bill, which led to the establishment of the Niger Delta Development Commission (NDDC) (*The Guardian* [Lagos] 16 July 2000). The functions of NDDC include the formulation of policies and guidelines for the development of the region and the provision of infrastructure in the areas of transportation (roads, jetties and water ways), health, education, industrialization, agriculture, fisheries, housing and urban development, water supply, electricity and telecommunications. The Commission also has the mandate to identify factors inhibiting the development of the Niger Delta as well as to assist states in the region in terms of the formulation and implementation of policies to ensure sound and effective management of the resources of the Niger Delta. The NDDC's functions also include tackling ecological problems in the Niger Delta and advising the Nigerian state and state governments in the region on the plausible ways to prevent and control oil spillages and environmental pollution (*The Guardian* [Lagos] 11 July 1999).

In practical terms, the formation of the NDDC, which some observers regarded as another vista of hope, encountered a series of difficulties in its early stages over the composition of its governing council among other issues. At another level, there was the general perception among the elite and youths in the region that the NDCC was created to fail in the same way as other commissions that preceded it. One concern was the tendency to use the NDDC to further political patronage. This explains the view of the chairman of the Southern Minority Movement (SMM) and former petroleum Minister, Dr. Mofia Akobo, that "the Commission should be independent of the bureaucracies either at the federal or state level" (*The Guardian* [Lagos] 11 July 1999). On the composition of commission, Oronto Douglas of the Chikoko movement had expressed fears that "it would be politicized [and that

rather] than allow the Commission address the issue of development, there will be politicking [in which case the NDDC would not be able to] address the fundamental issues of resource control, self-determination and environmental protection in a proactive way” (*The Guardian* [Lagos] 11 July 1999).

Other groups in the region like MORETO, Niger Delta Consultative Assembly (NDCA), and the Niger Delta Youth Front (NDYF) reacted in similar manner. They strongly criticized the functions of the governors as was explicitly stated in NDDC’s enabling law:

There is hereby established for the Commission a governing board which shall consists of

- a chairman who shall be a serving governor as a member;
- the governors of the member states of the Commission (*The Guardian* [Lagos] 11 July 1999).

Section 7 of the bill provides that “the chairman of the Governing Board shall be appointed for a period of one year and shall not be reappointed until other governors of member states of the commission have served their turn as chairman of the board pursuant to the provision of such section 2 of this section; and the office of the chairman of the governing board shall rotate annually amongst the serving Governors of member states of the commission in alphabetical order – Akwa-Ibom, Bayelsa, Cross River, Delta, Edo, Ondo and Rivers States” (*The Guardian* [Lagos] 11 July 1999). Thus, the prevalent opinion amongst youths and leaders of the region was against the inclusion of the state governors and of what states should benefit from the Commission’s development program. The crisis that has rocked the NDDC in terms of funding, politicking in execution of projects and appointments (for over five years of its operation) seems to validate the fears of environmental activists and people of the region (Authors’ interviews with Elder Okorodudu Oghenekome, GUVwie community leader on 08 July 2003).

Apart from the establishment of NDDC, the Nigerian state has taken other measures to address the demands of the local people. However, the government has been vehemently opposed to the idea of resource control, which has been canvassed by the Niger Delta people. Also, the idea that a sovereign national conference will satisfy the demands of the local people has been rejected by the state.

Reactions and counter-reactions: Shell and its host communities

Given the highly politicized and militarized environment of the Niger Delta, it is not surprising that the oil companies have come under a barrage of pressures from the local social movements and the international civil society over their operations in the region. Shell has been a major target as exemplified by the forceful termination of its operations in Ogoniland since the mid-1990s. Whatever the atrocities Shell has (allegedly) committed, it is important to note that it has played significant roles in terms of employment opportunities, the provision of scholarships, and project assistance to some individuals and communities in the Niger Delta. In a memorandum presented by Shell to the Commission of Inquiry on the Warri crisis, it showed explicitly that the company has made modest efforts to address some of the demands of the Niger Delta people as can be seen in the profile of the company's social responsibility/community development efforts:

Employment

Ethnic group	Western division	Company wide
Ijaw	86	410
Isoko	165	196
Itsekiri	90	121
Urhobo	371	440

Scholarship awards (1988-1997)

Communities	Secondary school scholarship awards	University scholarship awards
Ijaw	1289 beneficiaries	119 beneficiaries
Itsekiri	818 ”	103 ”
Isoko	563 ”	51 ”
Urhobo	2025 ”	159 ”
Others (Delta/Edo)		24 ”
Total	4795	456

Community assisted projects

Type of assistance	Ijaw	Warri	Itsekiri	Urhobo	Isoko	Others
Science equipment	6	-	2	26	7	7
Potable water	27	5	9	29	17	9
Classroom blocks	14	5	8	11	4	-
6 Js classroom blocks	49	21	11	82	22	19
Market stalls	13	-	5	14	5	1
Roads	2	3	1	15	7	2
Radio houses/town halls	8	-	-	-	-	-
Others	34	22	12	81	27	5
Total	152	56	48	263	89	43

Sources: Shell's Memorandum to the Commission of Inquiry on the Warri crisis, adapted from Patrick Fregene (2000).

Despite these initiatives, Shell's Corporate External Relations manager, Mr. Precious Omuku, confirmed that the company's community development interventions were concentrated in the municipal cities of Warri, Ughelli, Port Harcourt, Aba, Owerri and Bonny while the more remote swampy areas remained unchanged and untouched by the relative boom in the cities mentioned (Committee for the Defence of Human Rights, 2000: 197-205). Omuku (quoted in Committee for the Defence of Human Rights, 2000: 197-205) further stated that Shell's contribution towards social services and infrastructure in the region's development could be likened to drops in the Ocean when the needs of the local people are juxtaposed with what the company makes out of the region in term of profits.

The globalization of the Niger Delta struggle has accounted for shifts in Shell's social investment approach to community development. This new approach affords the oil-bearing communities the opportunity to participate actively in the planning, implementation and monitoring of community projects. Most of the oil companies operating in the region have adopted measures to increase compensation rates for damage done to the environment in the process of oil exploration and extraction. In some instances, financial compensation paid to communities exceeds the rate prescribed by the government. However, company officials in most cases have inflated compensation payouts.

At other times, corrupt company officials offer gratification to vocal chiefs and belligerent youths – a scenario that is commonplace in the region.

A significant factor in the seeming change of “attitude” by Shell towards the Niger Delta is its shareholders’ initiative. Two incidents in 1995 – the hanging of Ken Saro-Wiwa and Shell’s attempt to sink the Brent Star Oil barge in the North Sea – with their attendant consequences on the company’s investment, informed the initiatives by its shareholders to alter the company’s policies and activities in the region. A momentous step in this regard was the resolution by Shell’s shareholders at the 1997 AGM as follows:

In recognition of the importance of environmental and corporate responsibility policies, (including those policies relating to human rights), to the company’s operations, corporate profile and performance, the directors are requested to

- designate responsibility for the implementation of environmental and corporate responsibility policies to a named member of the Committee of Managing Directors
- establish effective internal procedures for the implementation and monitoring of such policies
- establish an independent external review and audit procedure for such policies
- report to shareholders regularly on the implementation of such policies
- publish a report to shareholders on the implementation of such policies in relation to the company’s operations in Nigeria by the end of 1997 (“Shell and Nigeria”, <http://www.pirc.co.uk/shelldec2.htm>)

Unfortunately, internal squabbles within the Shell Group thwarted the implementation of the resolution as passed by the shareholders. The company’s Board of Directors insisted that Shell was already doing enough in the areas highlighted by the shareholders. In addition, the board argued that the implementation of the resolution, without due cognizance of the subsisting policy of the company would adversely affect the fortunes of the company. Although shareholder initiative was aimed at changing the policy of Shell positively, those saddled with the day-to-day administration of the company saw things differently. However, it should be stated here that a number of Shell staff endorsed the shareholder initiative (Authors’ interview with a staff of Shell who wished to remain anonymous in Port Harcourt, 10 July 2003). At least one company staff, Bopp Van Dessel (ex-head of Environmental

Studies) reportedly resigned due to the company's lack of response to his suggestion for environmental improvement, which is in consonance with the shareholders' suggestions ("Shell and Nigeria", <http://www.pirc.co.uk/shelldec2.htm>).

Despite the unwillingness of the company to implement the shareholder resolution, a new shareholder initiative resulted in a noteworthy investment program involving flow line replacement and upgrading of other installations in the Niger Delta (with the exception of Ogoniland) ("Shell and Nigeria", <http://www.pirc.co.uk/shelldec2.htm>). In this way, it may be reasonably concluded that shareholder initiative has had partial success in bringing about a change in company policy in the region. Clearly, such initiatives were driven by or were the net result of the pressure from social movements and INGOs, which worked diligently to engender change in company policy and activities within the region.

Shell initiated other measures to alleviate the suffering of the local people by giving assistance to states in the region towards the completion of their development blueprints as well as paying its annual contributions in the form of quota to the NDDC. For instance, Shell reportedly paid \$10 million in 2001 and \$14.4 million in 2002 and spent about \$67 million on its community development program in 2003 (Shell Petroleum Development Company Annual Report of 2003). Furthermore, in order to overcome problems of unemployment, Shell has taken a bold step in awarding contracts to the indigenous people, and in its annual reports of 2003, it was made clear that out of the 4000 contracts awarded by Shell annually about 80% (3200) was to indigenous contractors, of which most of them come from host states in the Niger Delta. Similarly, an empowerment program was introduced to train, provide business support, and facilitate access to credit for local youth in the Niger Delta. Under the company's Youth Training Scheme, about 850 youths were trained in 2002 in different skills ranging from welding, sewing, auto mechanics, and electrical and computer applications in five centres namely Bori, Soku, Sagbama, Kokori and Osubi. Shell also implemented some policies in the health sector to alleviate the impact of oil exploration on the people (Shell Petroleum Development Company Annual Report of 2003).

In 2002, the company implemented the Royal Dutch/Shell groups' Health Risk Assessment (HRA), which has the function of assessing the health risks in the areas where Shell operates; Health Impact Assessment, which not only monitors health risk outside the vicinity of Shell's areas of operations but also assesses the health status and hazard to the host communities surrounding Shell's projects; and local health facilities and medical emergency response. In line with this initiative, Shell has carried out an environmental impact

assessment of the Otumara integrated oil and gas project in the Oroni-Uzere and Otapate projects (Shell petroleum Development Company Annual Report of 2003).

Generally speaking, Shell (since 1995 when it came under international scrutiny) has undertaken a serious review of its attitude and activities in the region and has carried out internal and external consultations about its practices in the region in line with the company's statement of General Business Principles, which it adopted in 1997. The principles focused on five major areas of responsibility to shareholders, customers, employees, business partners, and the society (the host communities). The principles on responsibility to the society speak to the commitment:

to conduct business as responsible corporate members of society, to observe the laws of the countries in which they operate, to express support for fundamental human rights in line with the legitimate role of business and to give proper regard to health, safety and the environment consistent with their commitment to contribute to sustainable development (Human Rights Watch/Africa, 1999:)

That the commitment was just being expressed in the 1990s gives the impression that for over three decades of Shell operations in Nigeria, the company did not give priority attention to the development of the region nor to the promotion and protection of the rights of the Niger Delta people. Perhaps one explanation suffices: the pressures exerted by the NGOs and INGOs played a significant role in changing Shell's attitude towards the people of the Niger Delta. Within the context of this attitudinal shift, Shell frequently organises "stakeholder workshops" to discuss environmental and developmental issues. Some of these forums, which basically address the plight of the local people, now attract participants from local and international NGOs, government regulatory bodies, the academia, and oil-bearing communities.

Concluding remarks

The internationalisation of the Niger Delta struggle by MOSOP and the IYC in conjunction with other local NGOs has brought about an alliance between local and foreign actors leading to the entrenchment of environmental activism in the region. The ability of MOSOP to bypass the state and connect with global audiences has been instrumental to the process of internationalising the crisis. By involving the international community, the local activists

triggered the ire and alarm bells of the oil companies, which accused the state of inefficiency in controlling the activities of MOSOP and the IYC. In turn, the state responded by increasing its repression regime against the people of the Niger Delta, especially the Ogoni, presumably in order to consolidate its control and to demonstrate its authority within the state (Obi, 2001c:). Moreover, internationalisation has also moved the state to use the agency approach to address the developmental needs of the region.

What emerged from the internationalisation of the Niger Delta crisis was the failure of the Nigerian state to mediate competing interests within the context of environmental politics. The position of the state in the age long crisis in the region served to galvanise the forces of resistance in their struggle for self-determination. As noted earlier, the efficacy of the people's resistance can be seen in shifts in company policy and attitudes. For instance, Shell in 1997 became the first among the oil multinationals to declare publicly its support for the Universal Declaration of Human Rights; and the company has addressed this issue in subsequent years in its report on the company's financial, social and environmental duties (Pegg, 1999: 474-475).

However, Shell commitment to the implementation of such declaration in the company's operations in the Niger Delta of Nigeria remains questionable. When one considers the company's human rights record in the Niger Delta since 1997 the declaration seems to be largely emblematic. Shell was implicated in a number of incidents in which security forces attacked local communities in the Niger Delta. The company has also been implicated in the purchase of weapons and the maintenance of its own police in the region. "Shell Police" (as its security outfit is known) protects the company's offices, equipment, and staff residence and functions as escorts in "high risk areas". It is alleged that the company deploys its own security forces in the Niger Delta region. In response to this, Shell has argued that, "it is normal practice in Nigeria among leading commercial businesses for supernumerary police...to be assigned to protect staff and facilities" (Pegg, 1999: 475). In fact, this is not peculiar to Nigeria, as British Petroleum (BP) has been accused of weapon purchases and the deployment of security forces as part of its operations in Colombia. In one instance, it was confirmed that BP bought military equipment for a Colombian army brigade responsible for protecting its Ocesa oil pipeline. The company had also been implicated in two massacres by paramilitary death squads (Pegg, 1999: 475).

With regard to the Niger Delta, the authors' findings suggest that the internationalisation of the crisis has afforded some leaders of the social movements the opportunity to discover that the experiences as well as problems of the Niger Delta were not unique to the region. Indeed,

the negative effects of oil activities are common to oil-bearing communities in many other parts of the world. The process of internationalisation thus served as an eye opener and created opportunities for synergizing with other actors with similar mandates. In other words, leaders of Niger Delta-based social movements were able to establish connections with mobilization actors in other parts of the world, thereby building consensus against oil multinationals and globalizing their struggle against injustice, oppression, and corporate irresponsibility.

In this way, the internationalisation of the Niger Delta crisis has forced the major key players in the crisis – the Nigerian state and the MNOCs – to review their attitudes towards the region's plight. However, their response has been two-fold: both hard and soft. On the soft side, there have been some efforts on the part of the state to address the developmental needs of the people through agencies like the NDDC while some of the oil companies (such as Shell) have increased their direct intervention efforts in community development and social responsibility. Though appreciable (when compared to the pre-internationalisation period), the interventions are paltry when viewed against the backdrop of not only what they both take out of the region in economic and environmental terms but also when the massive poverty, environmental and health challenges, and criminality that persist in the region are taken into account.

On the hard side, both the state and the oil multinationals have continued, overtly and covertly, their militarization of the region under the guise of security, thus inflicting more violence on the Niger Delta people. It is as though further militarization will resolve the causal factors that triggered and fed the conflict. Clearly, this is a head-in-the-sand policy. Of need, any long term solution to the problem of the Niger Delta would require a collaborative process in which the state and the oil companies involve key stakeholders within the local and social movement communities to address the issues of oil resource control, the devolution of political power, and the challenge of addressing the region's numerous challenges to human development.

NOTES

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