

# Implementation of Oil Related Environmental Policies in Nigeria



Implementation of Oil Related  
Environmental Policies in Nigeria:  
Government Inertia and Conflict  
in the Niger Delta

By

Fidelis Allen

**CAMBRIDGE**  
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P U B L I S H I N G

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This book first published 2012

Cambridge Scholars Publishing

12 Back Chapman Street, Newcastle upon Tyne, NE6 2XX, UK

British Library Cataloguing in Publication Data  
A catalogue record for this book is available from the British Library

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ISBN (10): 1-4438-3442-4, ISBN (13): 978-1-4438-3442-1

To God who created the universe.



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## LIST OF ACRONYMS

AR	Annual Report
DPR	Department of Petroleum Resources
CD	Computerised Database
EIA	Environmental Impact Assessment
JEMOs	Justice and Environmental Movement Organisations
ERA/FoEN	Environmental Rights Action/Friends of the Earth Nigeria
FEPA	Federal Environmental Protection Agency
FGD	Focus Group Discussion
FME	Federal Ministry of Environment
IN	Interviews
IOD	International Oil Company Documents
LGs	Local Governments
MEND	Movement for the Emancipation of the Niger Delta
MOSOP	Movement for the Survival of the Ogoni People
MS	Mission Statement
NNPC	Nigerian National Petroleum Corporation
NPE	National Policy on Environment
NOSDRA	National Oil Spill Detection and Response Agency
OMPADEC	Oil Mineral Producing Areas Development Commission
OQ	Open-ended Questions
SJ	Scholarly Journals
SCT	Structural Conflict Theory
TRT	Transcribed Recorded Tapes
SPDC	Shell Petroleum Development Company
UNDP	United Nations Development Programme



## ACKNOWLEDGEMENTS

Firstly, I am enormously grateful to God for giving me the strength to undertake this project. I am very much indebted to many people who contributed both to the field data collection and the initial and final draft of this book. I thank the people that assisted in connecting me with those whom I interviewed and held discussions with in the field, especially members of justice and environmental groups and officials of the major oil companies operating in the Niger Delta for their informal involvement in my research. I greatly appreciate officials at the Federal Ministry of Environment; Department of Petroleum Resources in Port Harcourt and the National Oil Spill Detection and Response Agency (NOSDRA) in Port Harcourt. Specifically, I thank the two Senior Environmental Scientists at NOSDRA who spent adequate time discussing with me and for their willingness to assist me every other time I visited for more data.

The focus group discussion I organised in Port Harcourt was facilitated by Social Action. The Director of Social Action, Mr. Isaac Osuoka, assisted by providing the venue for the discussion, for which I am very grateful.

Earlier versions of the book were written with enormous contributions from Professor Ufo Okeke-Uzodike, Dr. Eme Ekekwe, Dr. Ethelbert Kari, Professor Henry Alapiki and Dr. Lysias Dodd Gilbert, whom I thank for their constructive criticisms. Thanks also to Tari Dadiowe and Celestine Akpobari for their participation in the research, and Professors Abubakar Momoh and Okechukwu Ibeanu for their mentoring roles. Pastor Rolland Aliche for his friendship and support in the area of logistics, Dominic Thompson for his editorial support, and my elder brother, Mr. Daniel Allen, for his support. I cannot forget the role played by Professors Nwaorgu Omenihu Chiemela and Samuel Ibodje of the University of Port Harcourt.

I must thank my wife, Grace Isodiki Allen, and my kids: Onisobuana, Bileoniso and Onisokinye, for their patience with me during the sleepless nights and days I had to be away from them for the purpose of writing this book.

I am deeply grateful to Canada's International Development Research Centre (IDRC) and the Africa Programme of the University for Peace (UPEACE) for providing me with the funds that facilitated the field data

collection.

I am grateful to the University of Kwazulu-Natal's Research Office in Pietermaritzburg for granting me permission to start the research from which this book has emerged.

Finally, I am grateful to South Africa's National Research Foundation and the University of Kwazulu-Natal for the Postdoctoral Fellowship that gave me an opportunity to complete the re-writing of earlier versions of this book. I am highly indebted to Professors Patrick Bond and Julian May who supervised my research and made useful suggestions on the quality of the manuscript. For the love and support enjoyed, I must thank the Centre for Civil Society family in the School of Built Environment and Development Studies University of Kwazulu-Natal, Howard College Campus: Helen, Amy, Lungi, Khadija, Shauna and Faith.

## PREFACE

This book examines the role of the Nigerian government in the implementation of the state's oil-related environmental policies in the Niger Delta region of Nigeria. This work specifically examines the pattern of relationships between oil companies and the government on the one hand, and local justice and environmental groups on the other hand, in the implementation of national environmental policy. The key argument in this book is that oil and environment-related conflicts in the Niger Delta are reflections of the failure of the Nigerian government to implement effectively pertinent environmental policies, meant to ensure sustainable development. This failure is premised on the notion that the goal of sustainable development, as clearly outlined in Nigeria's national environmental policy, can be pursued through the activities of government, individuals, and business organisations that are capable of engendering economic and social progress for communities that depend on the environment for their survival. In fact, available evidence shows that government and oil company activities (or failures to act) actually contribute to the despoliation of the environment in the Niger Delta. Despite existing environmental legislations and guidelines, unsafe waste disposal, flaring of gas and oil spillage remain key features of oil industry operations in the Niger Delta. Not surprisingly, this book demonstrates a lack of synergy between government and oil company activities, and the attainment of sustainable development as a key goal of the environmental policies of the government. In other words, the activities of the government and oil companies do not sufficiently promote sustainable development. The net consequence is reflected in the frustrations of local justice and environmental movement groups about the political processes which deter (rather than enable) their agitation for improvements in local living conditions and development in the Niger Delta. Over time, those frustrations begin to manifest at different levels including aggressive and violent behaviours against oil companies and government security agencies for their contributory roles.

The topics covered have been structured to answer questions underlying the research that informed the writing of this book. For example, what has the government done to implement key environmental policies related to oil business in the Niger Delta? What is the state of compliance to

government environmental policy in the Niger Delta? What socio-economic and political interests shape the relationship between the Nigerian government and justice and environmental non-governmental organisations and oil companies in the implementation of environmental public policy in the Niger Delta?

# CHAPTER ONE

## INTRODUCTION

On 16 January 2012, an intense explosion and fire at Chevron's oil facility in Southern Ijaw, Bayelsa State of Nigeria, burned uncontrollably, causing severe damage to the environment for 46 days.<sup>1</sup> It turned out to be one of the nastiest in the history of oil-related environmental disasters in the region. Two industry workers were killed instantly, and a huge ecological burden was imposed on over 40 communities. Kuluama Kingdom, the area in question, has several fishing communities on the Atlantic coast where the oil facility is located. Facilitated by strong wind, pollutants spread with speed, reaching the shorelines of these communities, whose only sources of drinking water are shallow wells, which have now been contaminated by pollutants from the oil spill. Since the people depend on shallow wells for drinking water, they must deal with the risk of outbreak of disease that comes with such levels of oil and gas pollution.

Temazau, a community of 5,000 people, is less than 10 kilometres from the Chevron oil facility. Without alternative sources of livelihood for the majority, villagers are forced to go fishing under these conditions (of highly polluted water). Meanwhile, there is no functional health centre in this community. The same story applies for the rest of the affected communities.<sup>2</sup>

The National Coalition on Gas Flaring and Oil Spills in the Niger Delta (NACGOND), comprising of activists and environmentalists, criticised both the government and the oil company in question, Chevron. The situation, which called for the urgent attention of officials from both the company and relevant government agencies and ministries, has not received adequate attention.

Pollution characterises the oil industry in Nigeria and has, for the most part, influenced the nature of the relationship between local communities on the one hand, and oil companies and government on the other. Like the Nigerian police institution and other security agencies, oil matters fall strictly under the control of the federal government. Provisions of oil-related laws, such as the Land Use Decree of 1978, clearly identify the

Federal Government as owner of all natural resources in Nigeria: land, territorial waters, and oil all belong to the government. This calls into question the sanctity of the federal practice, which dispenses rather than hinders sub-national authorities in dealing with matters that do not only affect the local economy of people but also directly disrupt their social and cultural aspirations. Not only does the issue of oil reveal the character of oil-related environmental politics and policy, it is at the centre of politics and relations among oil producing communities, oil companies and the federal government.

Preventing oil-related damage to the environment and ensuring effective response to incidences of oil pollution are not merely a function of policy formulation, they depend more on what happens at the level of implementation. There are more than twenty-five federal environmental regulations, policies, and laws, including the Environmental Impact Assessment Act (Decree No.86 of 1992) and National Policy on Environment (first published in 1989 with a revised edition produced in 1999).

By 1998, each of the 36 states of Nigeria and the Federal Capital Territory had established their own environmental protection agencies. The Federal Ministry of Environment was created in June 1999. The Federal Environmental Protection Agency (FEPA) was absorbed and its functions taken over by the newly established Federal Ministry of Environment. The states have also created ministries of environment to replace moribund environmental protection agencies.

Nigeria's national environmental programme is embedded in the National Policy on Environment (NPE), which states as follows:

"Nigeria is committed to a national policy that ensures sustainable development based on proper management of the environment in order to meet the needs of the present and future generations"<sup>3</sup>

The goals of the NPE as formally stated include thus:

... secure for all Nigerians a quality of environment adequate for their health and well-being; conserve and use the environment and natural resources for the benefit of present and future generations; restore, maintain and enhance the ecosystems and ecological processes essential for the functioning of the biosphere to preserve biological diversity and the principle of optimum sustainable yield in the use of living natural resources and ecosystems, raise public awareness and promote understanding of essential linkages between environment and development



and to encourage individual and community participation in environmental improvement efforts.<sup>4</sup>

The NPE, and several other Acts meant to protect various aspects of the environment in Nigeria, require full implementation to their highest potentials. The EIA is a framework that provides prior assessment of potential impact of development activity on the environment. It affords an opportunity for the public or affected groups to make recommendations to public policy makers on a proposed project. Clearly, the goal of sustainable development is central to both policies (NPE and EIA). Logically, their full implementation should result in improved living conditions for all Nigerians.

Specifically, policies<sup>5</sup> relevant to the oil industry in the Niger Delta, whose implementation might have implications for protection of the environment in the region include:

- Mineral Oils (Safety) Regulations, 1963;
- Oil in Navigable Waters Regulations, 1968;
- Oil in Navigable Waters Act No. 34, 1968;
- Petroleum Regulations, 1967;
- Petroleum Decree (Act), 1969;
- Petroleum (Drilling & Production) Regulations, 1969;
- Petroleum (Drilling & Production Amendment) Regulations, 1973;
- Petroleum Refining Regulation, 1974.

These policies give specific authority to relevant governmental agencies to ensure protection of the environment. In the case of the oil industry, the Department of Petroleum Resources (DPR) administers oil laws and regulations<sup>6</sup>. These laws are meant to ensure that oil companies drill for oil in ways that protect the environment.

Natural resources of the environment had long been the principal source of livelihood for local communities in the Niger Delta (since before the beginning of oil exploration). But this changed since pollution from gas flaring and oil spill became key features of the oil industry, destroying farmlands, ecosystems and aquatic life. The laws are meant to ensure sustainable development by, among other things, checking gas flares and oil spills, and controlling the disposal of hazardous wastes by oil companies.

Despite the putative environmental policy framework, successive Nigerian governments have not done much to implement either the NPE or any of the supporting environmental policy Acts.<sup>7</sup> Not only has the net result seen neglect of environmental resources but also the decay and

systematic abuse in the hands of oil companies whose activities have imposed huge burdens on both the environment and host communities. It will be argued that, unable to gain meaningful hearing due to their political marginalization and lack of adequate means of extracting enduring solutions to redress the situation, host communities have responded, among other means, through the use violence.<sup>8</sup>

It is apt to categorize government environmental policies that are being implemented and those that are not. This is difficult to achieve, given that none of these policies is being fully or effectively implemented by the government. Indeed, officials at the Directorate of Petroleum Production (DPR) and the Federal Ministry of Environment claim substantial progress is being made in the implementation of these legislations. In reality, however, these policies are marked by failure at the level of implementation. During field study for this book, there was ample evidence that gas is still being flared by oil companies in the communities where oil is extracted. This suggests explicitly that despite the reputed goal of ensuring an end to gas flaring, the effective implementation of relevant government environmental policies remains a mirage. This is also in spite of the fact that some of the relevant regulatory frameworks are already in place. For instance, if fully implemented, the Environmental Impact Assessment decree alone is sufficient to effectively regulate gas flaring and oil spillage. Much depends on oil company compliance and full enforcement of provisions of enacted policies by Nigerian government officials.<sup>9</sup> Consequence of persistent non-implementation or enforcement of the laws is in part seen in the continuous massive flaring of gas in the Niger Delta as in the case of Rumuekpe, Adibawa, Obirikom and Erema in Rivers State. Indeed, several regulatory frameworks or regimes fall into this category of policies that are not being effectively implemented. They include: Environmental Impact Assessment Act (Decree No.86 of 1992); Mineral Oils (Safety) Regulations, 1963; Petroleum (Drilling & Production Amendment) Regulations, 1973; Procedural and Sectoral Guidelines for EIA, 1999; Natural Resources Conservation Action Plan; National Fuel Wood Substitution Programme; National Guidelines on Waste Disposal through Underground Injection, 1999.

A key aspect of these policies is the lack of synchrony and synergy in the activities of government officials and oil companies with the aim of protecting the environment on which local populations in the Niger Delta depend for their survival. An example of such synergy is the use of technology for the purpose of clean-up or prevention of oil pollution.<sup>10</sup>

It is against this background that this book focuses on implementation of government environmental policies in relation to oil company practices and the likely consequences of continued conflict in the Niger Delta.

As such, the problem is not just about the robustness or sophistication of these policies or laws, but their efficacy and enforcement by government and its agencies. Oil-related legislations on the environment are hardly implemented or enforced in Nigeria.<sup>11</sup> In addition to the delay by the government in formulating a comprehensive national policy on environment, existing legislations are poorly implemented due to social, economic and political factors, including varying perceptions of security<sup>12</sup> by the government on the one hand, and local oil-bearing communities on the other. In many ways, these conflicting perceptions are important in explaining delayed responses to tackling environmental problems by oil companies despite the existence of laws and regulatory agencies. For example, between 2003 and 2008, the Nigerian economy lost more than \$100 billion to conflict and illegal oil bunkering.<sup>13</sup> The estimated value of shut-ins due to attack by armed members of justice and environmental movement organisations in 2008 alone stood at \$33.8 billion.<sup>14</sup> Attacks on oil exploitation are seen by government officials to constitute a serious threat to national security. Nevertheless, peaceful protests through letters and community mobilisation by leaders (both youth and elders, including women) of the affected oil producing communities (from the 1980s to the end of the 1990s) did not provoke the government to sufficiently examine development of the oil economy and sustainable development in the Niger Delta.

What has happened to oil-related environmental legislation in Nigeria? Two related periods are discernible in examining environmental regimes in Nigeria,<sup>15</sup> namely the era before 1988 and the post-1988 environmental era. The former consists of environmental policies related to oil business from the colonial era to 1988, while the latter consists of specific legislations, rules, standards, and regulations that emerged after the creation of the Federal Environmental Protection Agency (FEPA) in 1989. One of the key features of the pre-1988 era is the absence of a national policy on environment. Environmental awareness and integration of environmental concerns with development were hardly part of dominant public discourse of the period. More specifically, issues of conservation, effluent limitations, and pollution abatement and sustainable development were not part of the agenda of government until 1988. Hence, the accusation of lack of enforcement of environmental policies related to oil business.

Although environmental problems have existed since creation, in the case of the Niger Delta prior to 1988, the government neglected environmental challenges associated with the oil business. Environmental laws or legislations were relegated to the background. They were no more than appendages to other substantive legislations for regulation of the oil industry.

Nigeria's environmental legislations take the form of Acts, Decrees, Laws, and Edicts. It is worth noting however that there is no single compendium on national environmental laws. Instead, there are various pieces of environmental laws, policies, guidelines, and rules that sometimes do not in any way stand on their own, but are embedded in other laws, such as oil laws. For instance, the Oil Pipelines Act Cap 145, 156, 1958, 1965 and 1990 provided the granting of licenses for the creation and 'maintenance of pipelines, incidental, supplementary to oil fields and oil mining, and for the purpose of ancillary to such pipelines.' It also made provisions, as a matter of right and obligation, for compensation to victims of environmental pollution due to activities of holders of licenses. Though formulated by the colonial government at the time, the Minerals Act (CAP 121) of 1958 contains specific measures that must be taken to prevent and control pollution of the environment. This is laudable for a colonial government, traditionally criticised for lack of interest in the development of its colonies. This is highly suggestive of an enlightened self-interest on the part of the colonial administration. It is however worth noting that there was no enforcement of these laws in cases of violation.

For both the Minerals Act of 1958 and the Petroleum Act of 1969, the federal government claims to have done fairly well in the area of implementation, mostly in the area of control and monitoring of effluent discharges, including drilling mud and cuttings. It makes such claims also in oil spill contingency planning, oil spill records, and certification of oil spill clean-up of chemicals. Others are in the areas of establishment of standard oil industry practices, gathering of environmental baseline data, and engaging in special research projects, environmental awareness, and education. In implementing the above regulations, the government claims to have had the objectives of ensuring that petroleum industry activities do not degrade the environment; that oil companies operate according to good practice, develop capacity for adequate response to oil spill, and other hazardous substances; and that the public became aware and conscious of environmental issues. As an official of the National Oil Spill Response Agency remarked on 6 August 2008 during a field study, "The government has done fairly well in achieving (the) objectives it set for protection of the environment." A similar remark was made several years

earlier by former-Petroleum Minister Rilwanu Lukman as follows: “We believe that most of these objectives have been achieved through the programmes we initiated but there is still room for improvement.”

In reality, oil companies still conduct business in ways that damage the environment. For example, there are regular cases of oil spillages as a result of failure of equipment and sometimes sabotage from third parties. The consequence can only be imagined in most cases as crops, farmlands, streams and other economic resources are damaged. These constitute denial of livelihood opportunities, destruction of environment, and huge health hazards.

Oil companies have a responsibility for proper maintenance of pipelines, but they hardly do this. Officials at the National Oil Spill Detection and Response Agency claim it is the responsibility of oil companies to ensure their pipes do not leak, irrespective of how they leak or who caused the leakage. Failure to adequately and regularly maintain pipelines suggest both oil companies and the government’s inability to enforce relevant sections of the Acts. Respondents are unanimous in their perception that oil companies do not maintain these pipelines.<sup>16</sup> Oil companies however blame pollution resulting from leakages from pipelines mainly on sabotage.<sup>17</sup> The Oil in Navigable Waters Act of 1968, enacted to prevent pollution in the navigable waters of Nigeria, prohibits discharge of certain oils into the sea areas. But this has never been fully implemented.

The Petroleum Act of 1969 is the principal Act. It has been amended by Decree Nos. 16 of 1973, 49 of 1976 and 37 of 1977. The Decree vests ownership of all petroleum in the state and also specifies obligation on holders of licences to:

...prevent the pollution of inland waters, rivers, water courses, the territorial waters of Nigeria or the high seas by oil, mud or other fluids or substances which might contaminate the water, banks or shore line or which might cause harm or destruction to fish, water or marine life and where any such pollution occurs or has occurred, shall take prompt steps to control and if possible, end it.<sup>18</sup>

Oil-related environmental laws for the pre-1988 era are not restricted to the foregoing. However, the laws contain sections that have implications for protection of the environment from the activities of oil companies (holders of licences). It would appear that both the Minerals Act of 1958 and the Petroleum Act of 1969 are not Environmental Acts. But there are

clauses or provisions in them for protecting the environment. As Lukman notes:

Neither the Petroleum Decree of 1969 nor the Minerals Act of 1958 is an Environmental Act per se, but each contains statutory provisions that require those who operate under licences and/or leases granted by these Acts to take precautionary measures that would ensure that their actions do not degrade the quality of the human and ecological environment.<sup>19</sup>

Specifically, the Petroleum Decree empowers the Minister of Petroleum Resources to make regulations pertaining to licences and leases granted to operators which include, “the prevention of pollution of water courses and the atmosphere.” There are other sections of the Petroleum Regulation Act (1969) that prescribe the expected manner of conduct for operators that conform to “good oil field practice.”

Other Regulations in the Act relating to the environment are Sections 40 and 45 that refer to expected practice in

‘drainage of waste brine, sludge or refuse to avoid pollution of land and water and expected post-operation activities to ensure satisfactory condition of the environment after operator’s activities.’

Oil drilling companies still discharge associated water into the seas in Nigeria unchecked by government officials at the Department of Petroleum Resources. An informant described what is happening as follows:

Government officials only come here to be fed with food and money and do nothing to check these companies. Wastes are discharged into the sea recklessly. It is really amazing these things are happening in the face of laws prohibiting them.<sup>20</sup>

Corruption, weakness of institutional framework, lack of expertise, necessary equipment, and personnel are some of the most significant explanations for the ineffectiveness of government officials at the DPR, FME and National Oil Spill Detection, Response Inspection Agency (NOSDRIA) to adequately enforce these laws. The Harmful Waste Decree No. 42 of 1988 was promulgated by the Federal Government to prohibit the “carrying, depositing and dumping of harmful wastes on any land, territorial waters, contagious zone, exclusive economic zone of Nigeria or its inland water ways.” It prescribes severe penalties for any person or organisation found guilty.<sup>21</sup>

An international workshop on goals and objectives of National Policy on Environment was held in Lagos from September 12-16, 1988.<sup>22</sup> In the address of the Special Guest of Honour, Vice-Admiral Augustus Aikhomu, then Chief of General Staff, read on his behalf by Brigadier Ishaya Bakut, the Federal Government declared its recognition and acceptance of the concept of sustainable development as valid for national progress. In the same vein, the then President of the Federal Republic of Nigeria, General Ibrahim Badamasi Babangida, stated as follows:

We recognize the relationship between environment and development  
...we accept the concept of sustainable development as a valid approach for  
managing our national efforts towards progress<sup>23</sup>

For the first time, the government of Nigeria would make a comprehensive effort to formulate fundamental goals and guidelines of a National Policy on Environment through a stakeholder workshop that included all state governments in the federation.

The workshop was a precursor to the formulation of the National Policy on Environmental (NPE) which was hitherto missing in the public policy domain. The workshop was key to speeding the processes that culminated in the formulation of the NPE in 1989.

This policy provides for the creation of a viable institutional framework for coordinating the management, protection and enforcement of existing laws.<sup>24</sup> It provided for the creation of a Federal Ministry of Environment and Environment Committees in the various states. FEPA was then established by Decree No. 58 of 1988. The goal of the NPE is to achieve sustainable development in Nigeria. Its enforcement or implementation depends on specific actions of relevant agencies or ministries towards certain sectors or areas of environmental concern such as the oil industry. The policy is holistic and comprehensive in environmental issues, such that actions envisaged will create or strengthen legal, institutional, regulatory, research, monitoring, evaluation, public information, and other relevant mechanisms for ensuring the achievement of sustainable development in the country. Furthermore, four areas in which results are expected from the above strategies for enforcement of the policy are:

establishment of adequate environmental standards; monitoring and evaluation of changes in the environment; publication and dissemination of relevant environmental data; and, prior environmental assessment of proposed activities which may affect the environment or use of a natural resource.

Public participation is an important component of the NPE. Being a strategy, the policy recognises the role that individuals and communities may play in the formulation and implementation of environmental laws.

It is important to note that the issue of environmental protection is currently not given precedence in the 1999 Constitution of the Federal Republic of Nigeria, even though it is a burning issue in the country, with advocacy for its inclusion in statutory books. This is significant for understanding the capacity and willingness on the part of government officials at the federal, state and local government parliaments required to give NPE the desired legal framework for legitimacy.

The law<sup>25</sup> on oil spills stipulates that oil companies should “begin immediate clean-up operations following best available clean-up practice and removal methods” in cases of oil spill. The Oil Pipeline Act of 1990 orders oil companies to pay compensation to anyone suffering damage resulting from any breakage or leakage from pipelines or associated installations. The law does not stipulate compensation in cases of spills caused by a third party. A recent trend by Shell Petroleum Development Company (SPDC) is refusal to check or manage the effects of spills caused by third parties by remediation.<sup>26</sup> The Nigeria Petroleum Act of 1969 stipulates that oil and gas exploration and production should conform to good oilfield practice.

In practice, oil companies fail to translate this and their internal environmental policies into appreciable reduction of gas flared and elimination of oil spills in the Niger Delta.<sup>27</sup> This failure is linked to three oil and environment related conflicts that now characterise the region: Resource Curse Conflict (RCC); Local Resource Scarcity; and Complex Conflict. The Resource Curse Conflict refers to how trade in oil and its abundance has underdeveloped local populations in many respects, such as loss of land and resources from the environment that previously sustained the local economy. Local Resource Scarcity (LRS) captures the loss of land which is a key instrument of production in the Niger Delta. Complex Conflict (CC) portrays the qualities of LRS and CC in context of socio-economic and political conditions and interests of stakeholders.<sup>28</sup>

Being an integrated approach to addressing the problem of the environment occasioned by oil exploration and production in the Niger Delta, sustainable development requires the utilisation of political institutions and agencies, economy, involvement of corporate organisations, and the cooperation of citizens or communities to be realised. This is lacking in Nigeria, at present.

Violence in the Niger Delta is caused by failure of the Nigerian government to effectively implement its national environmental policy.



## CHAPTER TWO

### THEORETICAL FRAMEWORK

There are competing explanations in the discourse of both environmental public policy implementation and violent conflicts. They include Frustration-Aggression, Structural Conflict, Realist and Political Process theories. Others are Economic, Systemic, Relational, and Resource Mobilisation theories.<sup>29</sup> Most of these theories are useful, but generally inadequate for this study for various reasons. For example, the Political Process theory refers to the impact of political context on social movement organisations' choice of strategies in the public policy process.<sup>30</sup> It stresses the importance of political institutions - political opportunity structures - in predicting patterns of collective actions. As Dalton, Recchia and Rohrschneider note,

if conventional lobbying represents a real opportunity for influence, the sensible organisation will use this method; if protest or violence appears to be more effective, this mode will be preferred.<sup>31</sup>

The choice of strategies of confrontation by groups seeking to influence public policy might depend on whether or not the political process is open or closed. Often, democracy is credited with the ability to provide opportunities for access to the public policy process. This means that groups seeking to influence public policy are less likely to be confrontational or violent in a democracy.

The eras of military administrations in Nigeria (1966-1979 and 1984-1998) were marked by substantial levels of popular resistance by local groups against the state and oil companies in the Niger Delta. Degradation of the environment and associated problems were cited as reasons for the resistance. One problem with the theory is that it takes political opportunity structures as neutral and rational in providing access and in responding to demands by groups in a society. The experience is usually different, especially with emerging democracies in Africa, where it seems the interests of the political elite frequently dominate democratic political processes. It appears those interests are often different from those shared by the mass of citizens and are more deeply reflected in institutions and

public policy processes. Rationality and neutrality of such democratic institutions are therefore uncertain. This might be a problem for the state regarding perception of fairness and justice on the part of local community groups. The theory gives the impression that violence has only military connotation and on these issues does emerge only from social movements. Apparently, both state and non-state actors are capable of using violence in pursuit of goals in nearly all societies today.

Frustration-Aggression theory holds valuable insights for explaining collective actions of armed local populations seeking justice and implementation of government environmental policy in the Niger Delta. Assumptions of this theory are deployed in explaining how frustration with inability of political structures to provide legitimate opportunities for channelling of grievances of local populations through conventional modes might lead them to adopt violent strategies. For instance, the judiciary, legislature and executive arms of government and their necessary agencies (such as specialised development commissions) should provide opportunities for legitimate channelling of grievances for groups in a democracy. Again, political opportunity structures refer to the degree of access to the political system and its institutions on the part of citizens or groups. This theory helps to explain the incidence of frustration with attainment of national environmental policy goals and how that frustration might be followed with aggressive behaviour.

Etymologically, the theory is credited to John Dollard. Its central thesis is that violent behaviour stems from unfulfilled needs. Violent behaviour is the outcome of frustration; a condition or situation where legitimate desires of people (or an individual) are denied directly or indirectly as a result of the structure of the society or political system. The consequence is a feeling of frustration that may result in violence. Such violence may be directed at the persons or institutions perceived to be directly or indirectly responsible for the frustration.

This theory has the potential for explaining how socio-economic, environmental and political conditions of oil-bearing communities of the Niger Delta might lead to a sense of frustration, with implications for violent reaction. The concern here is not just about explaining access to environmental policy implementation process but how such access or its denial might shape behaviour towards the implementation of environmental public policy. Frustration-Aggression theory incorporates aspects of the political process theory in terms of the political context in which unfulfilled needs of groups come to define their pattern of action.

We demonstrate that violence in the Niger Delta is primarily a direct consequence of the failure of government to effectively implement

relevant oil-related national environmental policy frameworks. Although other factors, such as economic, political, social or cultural, contribute to the choice of violence, this is mostly because of how connected they are to environmental problems. The key feature that underscores and provides the *raison d'être* for the violence is environmental devastation that oil company activities have imposed on the lives of millions of Niger Deltans, with tacit consent of successive Nigerian governments through their non-implementation or enforcement of enacted national policies.



# CHAPTER THREE

## SUSTAINABLE DEVELOPMENT, ENVIRONMENTAL POLICY AND CONFLICT

It is instructive that Nigeria's oil-related environmental legislations and regulations aim to achieve sustainable development.<sup>32</sup> For instance, the National Policy on Environment specifies sustainable development as its key goal. This imposes a need to understand whether or not this goal is being achieved in relation to oil-related conflict. Copious existing work in oil matters in the region basically fail to sufficiently link violence in the region to failure by government to implement oil-related environmental legislations to promote sustainable development. Indeed, a critical element in the implementation of these legislations is the extent of compliance by oil companies which can be explained by examining the oil companies' profile with respect to environmental policies and practices. This can also be done by looking at what implementing officials do to ascertain whether such practices or actions conform to the goal of sustainable development.

### **Sustainable development**

Though understood differently by scholars, the most widely accepted definition of sustainable development<sup>33</sup> is that offered by the Brundland Report, which defines it as development that meets the needs of the present generation without compromising the ability of future generations to meet their own.<sup>34</sup> Its key feature is embedded in the notion that it is possible to have economic development while protecting the environment.<sup>35</sup>

Often, sustainable development is contrasted with traditional policy paradigms. Both have shaped the ways governments address problems of the environment. The former emerged in the 1970s and policy makers influenced by it often use regulatory policy instruments. The traditional paradigm plays down the interdependence among economic, political, and social systems and the environment, and regards degradation of the environment as one of the unfortunate undesired effects of economic activities. Though often criticised for being reactive, tactical and piecemeal,

the traditional paradigm seems to have dominated environmental policy making amongst policy elites whom many scholars believe have given more consideration to economic growth than to what actually happens to people and their environment. Policy orientation in neo-liberal regimes of developing countries is a challenge to sustainable development. Indeed, a few scholars have linked this dominance of the traditional paradigm with the structural power of producers and their lack of interest in issues pertaining to protection of the environment. However, even if one accepts that producers do wield tremendous power to shape environmental policy agenda, it should be noted that they are effective to the extent that most governments also appear to be uninterested in protecting the environment. Consequently, such governments normally do not need to be lobbied by producers on issues of effective environmental policy.

Three trends in the sustainable development discourse can be discerned, namely: attempts by scholars to explain or interpret the concept; discursive research on the approach and strategies for its realisation; and problems of implementing sustainable development policies and conflict in the developing countries.

According to Haque and Mudacumura, the idea of sustainable development has been promoted to the point of ideology in both developed and developing countries in the past three decades. This is due to the global awareness created through conferences and reports, and through multilateral institutions such as the United Nations. At the multilateral institutional level, Heads of State and their representatives have been part of the debate on sustainable development and the ways to actualise it. Obviously, this has been reflected through their roles in multilateral initiatives, protocols and conventions on protection of the environment. In their findings, and regrettably, Haque and Maducumura report that in spite of the current state of awareness on the importance of sustainable development and the efforts so far made towards addressing environmental degradation, not much has been achieved. Some countries that have formulated sustainable development policies have done so in response to pressure from domestic or global environmental regimes. They further assert that economic development based on rapid industrialisation, patterns of consumption, urban expansion and so on, by governments continue to worsen global environmental conditions.

First, they identify two approaches to sustainable development, namely, *utilitarian* and *ethical* approaches. The former avers that trade-off in welfare benefits from environmental protection between generations. It also contends that there is no need to change the existing mode of economic activities that generate greenhouse gases if the environmental