

Niger Delta

Niger Delta:
Constraints and Pathways to Development

Edited by

Ibaba Samuel Ibaba

**CAMBRIDGE
SCHOLARS**

P U B L I S H I N G

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Constraints and Pathways to Development,
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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): 1-4438-4130-7, ISBN (13): 978-1-4438-4130-6

To my wife Grace, for her support to my career

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ACKNOWLEDGEMENTS

The initial idea for this book came during discussions at the 2010 international conference on Natural Resource, Security and Development in the Niger Delta; organized by the Department of Political Science, Niger Delta University, Nigeria, in collaboration with the Centre for Applied Environmental Research, Department of Geosciences, University of Missouri, Kansas, United States of America. Discussions in the plenary and technical sessions highlighted gaps in the literature that needed to be filled. I thank the participants of this conference for their incisive review and critic of papers that has added value to this book. In addition to giving birth to the idea for this book, three of the chapters were first presented in this conference.

I also benefited from discussions in the workshop on “Confronting the challenges of Development, Environmental Management and Peace Building in the Niger Delta: Beyond Amnesty Programme” organized by the Centre for Population and Environmental Development, Benin City, Nigeria, in July 2011. I particularly thank Professor Augustine Ikelegbe for his critical comments that guided my thoughts on the subject matter.

The manuscript has also benefitted from the knowledge of reviewers who provided useful comments and critics on the papers and the structure of the book. To all these persons, and my assistant, Mr. Tarila Ebiede, I say thank you.

Ibaba Samuel Ibaba

CHAPTER ONE

INTRODUCTION: INTERROGATING DEVELOPMENT DEFICITS IN THE NIGER DELTA

IBABA SAMUEL IBABA

The Niger Delta is located in the southern part of Nigeria, and has the Atlantic Ocean as its southern boundary, while it shares its eastern boundary with Cameroun (NDTCR, 2008). The geographic definition of the region lists the component states¹ as Akwa-Ibom, Bayelsa, Cross River, Delta, Edo and Rivers,² whereas Abia, Imo and Ondo states are included in the conception of the region as an oil-producing area (Etekpe, 2007; Tamuno, 2008; Omotola, 2010). Although oil and gas production³ stands out as the dominant resource found in the area, it is also endowed with numerous mineral resources such as clay, gypsum, limestone, uranium, manganese, lignite, lead/zinc, bitumen, kaolin, gemstone, gypsum, feldspar, granite, glass-sand, coal, bauxite, gold, and dolomite (Sawyer, 2008: 111-115), which provide potentials and opportunities for sustainable development. Paradoxically, however, the region is one of the least developed parts in the country (Obi, 2010, p. 222). It was reported in 2008 for instance that the HDI ranking was 0.564, while life expectancy

¹ The federating units in Nigeria are known as States

² These six States make up the South-South geo-political zone of Nigeria. Nigeria is made of six geo-political zones, including the South-South, South-East, South-West, North-West, North-Central, and North-East. Each of these zones comprises between five and seven states.

³ Oil and gas are the mainstays of the Nigerian economy, and contribute 40 per cent of Gross Domestic Product (GDP), 90 per cent of total earnings, and 87 per cent of gross national income (Akinola, 2010, pp. 55-56). The country earned US\$500 billion from oil between 1960 and 2006 (Nafziger, 2008, pp. 153-154). It is also estimated that the country generates about US\$4 billion annually from the export of natural gas (Obi, 2009, p. 104).

averaged 43 years. Poverty measured by income and food intake was 72.22 per cent, while access to potable water and electricity was 6.4 per cent and 34.3 per cent respectively (NDTCR, 2008; Adeyemo, 2008 p. 103; 2008, p. 69). Also in 2010, the National bureau of Statistics (NBS) listed three of the Niger Delta States (Akwa-Ibom, Bayelsa and Rivers) as States in Nigeria with the highest unemployment rates above the national average of 19.7 per cent (Fortune News, 2010). Similarly, the 2010 Nigerian poverty profile put the rates of absolute, relative, and less-than-a-Dollar-per-day measures of poverty in the six Niger Delta States of the South-South geo-political zone at 55.9 per cent, 63.8 per cent and 56.1 per cent respectively (NBS, 2012).

The literature on the Niger Delta has blamed the poor state of development on such factors as: inequity in oil wealth distribution due to the country's centralized federalism, the politicization of revenue allocation and the resultant neglect of the region's development; oil-induced environmental devastation, the resultant occupational displacement/dislocation and the failure to rebuild livelihoods; the failure of corporate social responsibility on the part of the transnational oil corporations (TOCs); corruption which has diverted funds meant for development into private pockets; and neglect of the concerns of the poor, social infrastructure and economic services in public expenditure Naanen, 1995; Enweremadu, 2008; Ukiwo, 2009; Ibaba, 2009; Ibaba, 2011).

Whereas the views on the causes of the development plight of the region are varied, there is agreement that the poor state of development has created conditions for violence, which undermined national security and the economy (UNDP, 2006; Ibaba, 2011). The Nigerian government has responded to this with development and peace-building interventions, through the establishment of development agencies such as the Oil Mineral Producing Areas Development Commission (OMPADEC), and the Niger Delta Development Commission (NDDC). These extra-ministerial institutions were given the specific task of promoting the development of the region. For example, the mandate of the OMPADEC includes the rehabilitation and development of oil-producing communities, tackling ecological problems arising from petroleum pollution, and the provision of basic infrastructure and social amenities (OMPADEC, 1993). The NDDC has similar functions, in addition to the formulation of policies and guidelines for the development of the region, and the identification of factors inhibiting the development of the area (NDDC Act, 2000). In 2000, the government also raised the derivation principle, a criterion of revenue allocation that returns a percentage of revenue derived from mineral

exploitation to the State (region) where it is produced.⁴ This was raised from 3 per cent to 13 per cent, to meet agitations which blamed the manipulation of the derivation for frustrating the development of the Niger Delta. Derivation is a principal criterion for revenue allocation in Nigeria. At independence, it was 50 per cent, but was later reduced to 45 per cent in 1970, and 1.5 per cent in 1984. This reduction meant that revenue inflow into the Niger Delta was reduced, and thus the demands for its revision were intended to increase the regions share of national revenue in order to provide adequate funds for development.

The TOCs operating in the region also contributed by engaging in community development projects in the oil-producing communities. For example, the Shell Petroleum Development Company (SPDC) one of the TOCs⁵ operating in the region spent various sums of US\$42.6 million, US\$60.23 million, US\$32 million and US\$53 million in 1998, 2000, 2005 and 2006 respectively on community development (Ibaba, 2007, p. 49; SPDC, 2008, p. 15). Despite these efforts, the conflicts which began as community agitations against the operations of TOCs⁶ in the early 1970s, transformed into insurgency in 2005 (Osaghae, Ikelegbe, Olarinmoye, & Okhomina, 2007; Watts, 2007). Militia groups such as the Movement for the Emancipation of the Niger Delta (MEND), emerged to champion the demands of the people, and their engagement tactics which included attacks on oil infrastructure undermined oil production and endangered the national economy. Because several countries depend on Nigerian oil for their energy needs, and Nigeria is a major oil exporting country, this internationalized the impact.

The Nigerian government responded to this by instituting the amnesty programme. The 60 day amnesty which commenced on August 3, 2009, and ended October 4, 2009, offered forgiveness to combatants in return for the renunciation of militancy, arms surrender, and re-integration (Adeyemi-suenu & Inokoba, 2010). Since the amnesty programme was introduced, attacks on oil infrastructure have ceased, and oil production has risen from 700,000 barrels per day to 2.3 million barrels per day (Joab-Peterside, 2010, p. 94), suggesting that peace has returned to the region.

⁴ In Nigeria, revenues are put into a single purse known as the federation account, and are distributed to all tiers of government each month, on the basis of criteria such as derivation, equality of states, and population

⁵ Other TOCs operating in the region are Chevron, Mobil, Agip, Elf, and Texaco

⁶ The TOCs were accused of being insensitive to the development plight of the people, by neglecting corporate social responsibility, and destroying the local economies through petroleum pollution without the payment of commensurate compensation for damages or providing alternative means of livelihood.

But this has been described as negative peace, “an absence of war, civil disturbance and murder”, which implies that positive peace, “a condition of justice, tolerance and plenty”, is yet to be achieved (Adeyemo & Olu-Adeyemi, 2010; Rivera, 2004), suggesting that violence would recur if the situation remains unchanged. Indeed, isolated attacks, claimed by the Movement for the Emancipation of the Niger Delta (MEND) in the first quarter of 2012, tends to support this. Although the Joint Military Task Force (JTF), the special intervention force in the region has dismissed the claims of MEND and blamed the attacks on few disgruntled elements, the occurrence of the attacks appear to vindicate the fears of resurgence of violence in the post amnesty era. The transformation of the conflict from one phase to another, despite the interventions by the government has elicited the concern of scholars, and researchers who have engaged in an exciting debate on the development challenges and opportunities for development in the region. This book joins this debate by presenting selected viewpoints on the subject matter.

Scope of the Book

The book is divided into eight chapters, which explore the complex constraints and pathways to development in the region. The first chapter, “Introduction: Interrogating Development Deficits in the Niger Delta”, by Ibaba Samuel Ibaba, provides the background of the book and introduces the chapters which follow. This is followed by the second chapter “Challenges to Sustainable Development in the Niger Delta (Nigeria)”, by Rhuks Ako, interrogates the challenges to sustainable development in the Niger Delta and locates them in the wider national context. The chapter highlights issues in Nigeria’s oil-rich Niger Delta that have continued to present a sustainable development conundrum for the Nigerian government, and illustrates how these challenges have affected progress towards sustainable development. The chapter reflects on the context of sustainable development from its definitional perspectives, and provides a sustainable development framework that can enhance understanding of the challenges to sustainable development in the Niger Delta. The author suggests that the Nigerian government should adopt a comprehensive sustainable development framework for the country generally, and in particular, the Niger Delta.

This is followed by the chapter by Freedom C. Onuoha and Gerald E. Ezirim, entitled the “Resource Curse and National Development in Nigeria”, and is intended to draw attention to the fact that the lack of development in the Niger Delta and the resultant conflict is part of a wider

national plight. The authors review the resource curse thesis and its application to Nigeria, on the basis of the three elements of the thesis: a) natural resource abundance as a factor in internal conflict; b) natural resource abundance deepens excessive dependence on such resource (monoculture economy), making the country very susceptible to global shocks; and c) natural resource abundance engenders weak governance institution, leading to pervasive corruption and widespread poverty. The authors conclude that the resource curse is pervasive in Nigeria, and note that the Niger Delta region is one of its victims.

The fourth chapter is entitled, “Environmental Degradation and Rural Development in the Niger Delta”. Authored by S. I. Efe and A. O. Abotutu, the chapter analyzes the impact of environmental degradation on the rural population, and reports that oil spills, gas flare, flooding, and erosion, have undermined rural economies and exacerbated poverty.

The fifth chapter, by A. A. Agagu, is entitled, “Nigeria, Reinventing Public Policy for the Management of Niger Delta Crises through Ethical Reorientation”. The central argument of the chapter is that public policies that take the concerned people for granted, and whose formulation and implementation are devoid of ethical finesse would continue to evoke crises. The chapter sets out to examine the factors that inhibit public policy success in the Niger Delta, and proffers alternative policy options. It observes that the failure of public policy in the Niger Delta derive from many factors, including the nature and character of the Nigerian state and its federalism, policy actors, the political elites and weak public institutions.

The sixth chapter is entitled, “Budget as a Tool for Social Development: A Review Of Rivers State Capital Budget (1989-2009)”, and is authored by Steve Tamuno and Titus Udom. This chapter reviews the capital budget of the Rivers State government from 1989 to 2009. The nominal, real values (discounting for inflation) and per capita budget figures for the relevant years were analyzed using various statistical tools. The authors aim at determining the efficiency of the capital allocations and the relationship of these allocations to certain social and economic indicators. The findings of the reviews and analysis show that, the sectoral allocations do not show a consistent pattern and relationship with the economic and social realities in the state. The real capital allocation to the social sector (health and education) does not show a positive relationship with population growth and total capital budget. The population of Rivers State has witnessed a rapid growth in the period under consideration due to the increasing economic importance of the state and relative peace. Unfortunately, the capital allocation to the social sector over these years

does not match the population growth and its attendant pressure on social amenities. Until 2000, women and youth development was not accorded special attention in capital allocation. There must be a conscious effort to link capital budgeting to the social and economic indicators like population distribution, urbanization, unemployment, youth and gender balances. To achieve this, the chapter insists there must be active involvement of and input from all stakeholders in the budget preparation, appropriation and execution processes.

Chapter seven of the book is authored by S. R. Akinola, L. Isidahomhen and T. A. Akinola. Entitled “Making the Commons Work in the Rural Niger Delta: The Role of Women in Stabilizing Development”, this chapter uses the Institutional Analysis and Development (IAD) framework to analyze the participants’ behaviour, pattern of interactions and decision-making in relation to the commons and project delivery in the Niger Delta. It also analyses the gap created by not involving women in the development process in the region. The Chapter asserts that though the associational life of women in the Niger Delta has impacted positively on their communities, they have not been accorded their rightful position in formal decision-making, where they could demonstrate their full potential towards developmental activities and community governance. In spite of the fact that the people look forward to seeing development projects completed, deep-seated insincerity, selfishness and deceit on the part of some groups—elites, some traditional leaders, chiefs, political godfathers, some youths, etc.—have dashed the hope and aspirations of the grassroots. Women, as mothers that bear the brunt of the hardship in the villages, are more ‘moderate’ in their ‘reasoning’. They are exempted in matters of plundering and pillage. In order to make the commons work, this paper therefore argues for women’s involvement in decision-making from planning to execution of development projects in the Niger Delta. In order to overcome deep-seated inequalities skewed against women participation in decision-making and development, the women should be socio-economically and politically empowered so that they can have a voice in the proposed Self-Governing Community Assembly (SGCA). Thereafter, the chapter uses the IAD framework to chart a possible course of action to empower, and integrate women into the mainstream of formal decision-making arrangements in the Niger Delta.

The final chapter, “Conclusion: Addressing Deficits in Governance: The Path to Development in the Niger Delta”, by Ibaba Samuel Ibaba, provides insights into development deficits as the most fundamental cause of the lack of development and violence in the Niger Delta. The chapter draws attention to the possible role of sociopathic personality in the poor

governance of the region, and calls for governance reforms that will not overlook this under-indicated theme in Niger Delta discourse.

CHAPTER TWO

CHALLENGES TO SUSTAINABLE DEVELOPMENT IN THE NIGER DELTA (NIGERIA)

RHUKS AKO

Introduction

Sustainable development is the contemporary development model that generally aims to strike a balance between economic, environmental and social issues, in order to ensure optimal living standards for the present generation without denying similar opportunities to future generations. Within this rather general description of this contemporary paradigm lie several uncertainties, not least related to its definition, scope and application. Theoretically, sustainable development is the point where the three pillars interlock. In practice, trade-offs among the three pillars are necessitated by several factors including the country's stage of economic development. The above considerations notwithstanding, the term 'sustainable development' is routinely applied, especially by bureaucrats, to describe and justify government policies, laws and activities even when prior due cognizance had not been given to the three pillars that constitute sustainable development. However, while the definitional and conceptual issues give rise to challenges in implementing 'sustainable development', the overriding consideration given to economic issues over environmental and social considerations that are equally important under the contemporary development paradigm seems to be the major challenge.

This chapter discusses the challenges to sustainable development in the Niger Delta, and is divided into five sections, including this introduction. The second section engages some of the concept's definitional issues and proffers a working definition. The third section traces the evolution of the paradigm and highlights key developments. This section complements the first section as it discusses the interaction and necessary trade-offs that

must occur to achieve the goals of the concept as defined in the previous section. The fourth section reveals the prioritization of economic considerations over environmental and social issues with examples drawn from the Niger Delta region. The region that hosts oil exploration and production activities is a prime example of how the elements of sustainable development are interwoven and interact, and present a dilemma for the government to determine its sustainable development priorities. The analysis is carried out in three parts defined by the periods of global summits on the sustainable development discourse including the 1972 Stockholm Conference, the 1992 Earth Summit in Rio and the World Summit on Sustainable Development held in Johannesburg in 2002. The fifth section concludes the paper.

Defining Sustainable Development

The concept of sustainable development has become philosophically and politically attractive. It is not unusual that the concept is routinely extended as both the cause of injury and therapy whenever the destructive effects of development are recognized, especially over the past 30 years (Sachs, 1991). However, despite the philosophical and political attraction of the paradigm, it remains fraught with uncertainties including definitional and conceptual difficulties (Ako, 2008). One of the main reasons why there is so much uncertainty surrounding the concept is that there is disagreement on related issues, particularly the widely differing definitions of 'need' between rich and poor nations or, within nations, rich or poor families. This suggests that the concept of 'sustainable development' is necessarily appreciated differently among the rich and poor, be they individuals or nations. Thus, to understand the challenges to sustainable development in the Niger Delta, it is essential that the paradigm is particularly appreciated from a developing country's perspective. While this observation may seem pedestrian, it is arguably one of the most fundamental challenges to sustainable development in the Niger Delta. Indeed, without a working definition, or definitive parameters for the paradigm, it is difficult, if not impossible, to measure whether or not progress is made towards sustainable development. While numerous definitions abound for the concept of sustainable development, definitions are influenced by several factors, and are often applicable pragmatically. This section highlights some of the factors that shape and/or limit the definition of the sustainable development paradigm and thereafter, proffers a working definition that suits developing countries like Nigeria.

Sustainable development, like most concepts, lacks a precise definition, and attempts to define it fall within two broad categories: sectoral or holistic. The sectoral approach emphasizes one of the three pillars of sustainable development (the environment, economic, and social) while the holistic definitions tend to be more all-embracing. Usually, the authors of sectoral definitions are inclined towards highlighting their subject of specialty as the dominant element of the sustainable development paradigm. Thus economists such as Goodland and Ledoc (1987), Haveman (1989), Costanza and Wainger (1991), and Holmberg (1992) all define sustainable development by highlighting the economic element. The environmental element is emphasized in definitions offered by environmentalists such as Lele (1991), Winograd (1995), and Pearce and Watford (1993), while the social angle is emphasized by social scientists such as Munro (1995), Hossain (1995), and Norgaard (1992). Holistic definitions, on the other hand, are more encompassing, and tend to emphasize the overall objective of the concept, which is to attain optimal level of interaction between the three elements (Barbier, 1989). Such definitions include that proffered by the World Commission on Environment and Development, which sees sustainable development as 'the ability of humanity to ensure that it meets the needs of the present without compromising the ability of future generations to meet their own needs' (WCED, 1987: 3).

Although this appears to be the most quoted definition, it has not by any means ended the search for a comprehensive definition of 'sustainable development'. Theoretically, the goal of sustainable development is to achieve an optimal balance among its three elements with due consideration to inter-generational equity: in practice, this requires trade-offs among these elements. This implies that, in some instances, environmental considerations may have to be sacrificed for economic progress. The type and level of trade-offs will necessarily be determined by the level of economic development the country in question has achieved. Developed countries are less likely to sacrifice social and environmental concerns for economic development, while the reverse is more likely to be the case in developing countries. It is to be expected that in developing countries such as Nigeria, economic development (measured quantitatively in terms of increased food availability, real income, educational services, health care, sanitation and water supply, etc.) will be given pre-eminence in the trade-offs. Consequently, a pragmatic approach must be adopted in defining sustainable development to ensure its relevance to the society in question.

Contributing to the on-going debate on the definition of sustainable development, as well as providing a working definition of the concept to suit developing countries such as Nigeria, it is suggested that the paradigm refers to:

Improving and maintaining the quality of life of all human beings; particularly those in less developed nations, with their active participation in the process and ensuring that the socio-economic and environmental capacities are well managed using available knowledge and technologies to ensure that future generations can have at least equivalent benefits and quality of life to those of the present generation” (Ako, 2008, p. 125).

The definition recognizes the over-arching importance of economic development in developing countries, while highlighting the need to recognize the importance of citizens’ involvement and contribution to the economic development process to optimize both their capacities in the process and protect them (and future generations) from their peculiar vulnerabilities. It also suggests that technologies adopted, ostensibly to promote economic development, must be subjected to inter- and intra-generational socio-economic and environmental concerns. In concluding this definitional section, it is pertinent to note that ‘sustainable development’ is not constituted from a fixed set of goals, but the integration of processes (which are subject to change) whereby the exploitation of natural resources, direction of investments, orientation of technological development and institutional changes are made consistent with the needs of the present and future generations. It is therefore necessary to constantly engage with the dynamism of the concept to re-order priorities in relation to prevalent circumstances.

The Evolution of Sustainable Development

This section discusses the evolution of the sustainable development paradigm with particular emphasis on its dynamic nature. This discussion is most pertinent to buttress the point that plans and initiatives aimed at promoting sustainable development cannot afford to be static. As noted in the previous section, it is necessary to constantly re-order priorities among the three elements to emphasize contemporary challenges and plans to combat them. It appears that one of the challenges to sustainable development in Nigeria is the inability of policy makers to recognize and re-order priorities to face peculiar challenges. Instead, the assumption appears to be that economic development is, and must continue to be, the priority, to attain sustainable development. This section discusses how the

three pillars of sustainable development—the environment, economic and social—became entwined on the one hand, and how the complex relationship between these elements is managed (at least, on the global level) to achieve the desired results. The need for constant trade-offs among the three elements is evident in the evolution of the concept. This section presents a timeline of global meetings that defined and expounded the sustainable development paradigm. The timeline serves as reference points in the following discussion on sustainable development in Nigeria.

The publication of *Our Common Future* (WCED, 1983) popularized the term ‘sustainable development’ and researched into the concept in a holistic manner. That notwithstanding, the core principles of what we understand as ‘sustainable development’ had been the subjects of research and publications even before the turn of the century (Ako, 2008). For instance, Malthus (1798) had published an essay that examined the principle of population, as it affects the future improvement of society. By the turn of the century the works of social scientists including Pigou (1932), Veblen (1948) and Kapp (1950) drew attention to the external costs of economic activities, pollution, loss of biological diversity, premature depletion of energy and other non-renewable resources, erosion, deforestation, as well as unsustainable social developments like widening income disparities, amongst others. Expert groups also contributed to the sustainable development discourse. The International Biological Programme (IBP), a ten-year study initiated by nations around the world in 1963, contributed to laying the foundation for science-based environmentalism through its study on environmental damage with respect to the biological and ecological mechanisms through which it occurs and the conservation and growth of natural resources for human benefit. The Club of Rome, established by 36 European economists and scientists, commissioned a study of global proportions to model and analyze the dynamic interactions between industrial production, population, environmental damage, food consumption and natural resource usage in 1968.

The Founex group emphasized the developed/underdeveloped-country dichotomy to global environmental problems in its report which noted that while concern about the environment sprang from the production and consumption patterns of the industrialized world, many of the environmental problems were a result of underdevelopment and poverty (*Sustainable Development Timeline* <http://www.iisd.org/rio+5/timeline/sdtimeline.htm>). The Report, which also emphasized the need to integrate environment and development strategies played an important role in persuading developing countries to attend the Stockholm Conference (1972), the first global effort that engaged in the environment/development

discourse that metamorphosed to become 'sustainable development'. Also worthy of note in this era is Rawls' seminal publication *A Theory of Justice* (1971), in which he argued (based on utilitarian reasoning) that intergenerational equity was an important factor in social equity and justice. This contributed to the acknowledgement of the veracity of intergenerational concerns that currently is the core of modern-day 'sustainable development'.

These efforts raised international awareness on the intrinsic relationship between the environment and development and culminated in the United Nations Conference on the Human Environment held in Stockholm in 1972. The Stockholm Conference, which has been followed by several bi- and multi-lateral meetings on related issues, had several achievements. First, it raised global awareness on the importance of environmental considerations in economic development; and secondly, it led to the establishment of environmental agencies (international and national), and provided Non-Governmental Organizations (NGOs) with the impetus to intensify their efforts to promote the 'sustainability' agenda. One of the outcomes of the Conference was that a global meeting would be held every decade to take stock of international advancements in meeting the goals and targets set.

Whilst there was no meeting in 1982, several international efforts including the World Commission on Environment and Development (WCED) contributed to better understanding of the contemporary sustainable development paradigm. The WCED report, *Our Common Future* (1987) wove together social, economic, cultural and environmental issues that had hitherto been identified as issues affecting (sustainable) development, but not discussed holistically. The report, which asserted that economic development cannot stop, but must change course to fit within the planet's ecological limits, became the basis for a new global development orientation and instigated international consultation processes towards better understanding of the concept. The two global meetings on the discourse held subsequently have expounded the broad sustainable development paradigm while emphasizing particular elements that have gained priority in the necessary trade-offs.

The 1992 UN Conference on Environment and Development (UNCED) held in Rio developed the link between the environment and development and made significant gains in the development of international statements and agreements aimed at resolving some of the conflicting issues in the environment/development discourse. They include the Rio Declaration, which defined the rights and responsibilities of states; Agenda 21—a comprehensive plan of action to be taken globally,

nationally and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment; the Statement of Forest Principles—a set of 15 non-legally binding principles governing national and international policy-making for the protection and a more sustainable management and use of global forest resources; and two legally binding multilateral treaties—the Convention on Biological Diversity, and the UN Framework Convention on Climate Change—which were opened for signing. While the Rio Conference is more generally associated with further highlighting the interplay between the environment and development, it highlighted the ‘public participation’ dimension of sustainable development via Article 10 of the Rio Declaration.

Article 10 appears to capture the essence of the Declaration, and is perhaps the most quoted part of the Declaration. It states:

Environmental issues are best handled with participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Simply put, national governments must have legal and institutional frameworks that promote the involvement of ‘concerned citizens’ in the dissemination of environmental information, decision-making and access to remedies.

A decade later, the nations of the world met in Johannesburg, South Africa for the follow-up Earth Summit, dubbed the World Summit on Sustainable Development (WSSD). While the Summit re-emphasized the three-pillared approach to sustainable development (Holder and Lee, 2007), the social and economic outcomes of the WSSD outweighed the environmental protection ones (Rajamani, 2003). Rajamani (2003) observed that other indicators of this assertion include the agenda and focus of the meeting, the media’s reference to the conference as the ‘World Development Summit’, and that the final issue to be decided at the Summit was not an environmental issue but one on the provision of health-care services to women. Rajamani (2003) adds that the move by developing countries to consolidate the Common-but-Differentiated principle—as articulated in Principle 7 of the Rio Declaration—as the basis for international action with respect to the three pillars of sustainable

development is a further indication of the shift in emphasis from environmental protection to social and economic development.

Evidently, each of the three UN meetings emphasized particular pillars of the sustainable development paradigm. While the Stockholm meeting highlighted the environmental concerns of development, Rio engaged particularly with the interplay between the environment and development, while Johannesburg highlighted poverty and human rights from the economic and social elements. The emphasis on particular elements of sustainable development at these global forums did not, and should not cast any doubts on the ambit of sustainable development which covers all three environmental, economic and social pillars. Rather, it should be seen as the recognition of the dynamism of the concept and the fluidity of the elements that necessarily interact in a bid to achieve equilibrium, if the broad goals of contemporary (sustainable) development are to be met.

Sustainable Development in Nigeria

As noted previously, most developing countries are caught in the quagmire of pursuing development sustainably, as they often sacrifice social and environmental issues for economic considerations. The oil-rich Niger Delta region is a classic and interesting case study for the following reasons. First, the region manifestly highlights the links and interaction between the three pillars of sustainable development. Economically, the Niger Delta is unarguably the most important region in Nigeria. Revenues from oil contribute about 90 per cent of total exports and at least 65 per cent of total government revenues (Budina and van Wijnbergen, 2008; US Energy Information Administration, 2010). The environmental qualities of the region include being one of the world's largest deltas and wetland areas; being one of the most extensive freshwater swamp forests in west and central Africa, as well as being the largest mangrove forest in Africa, and the third largest worldwide (Ranglely, 1994 and Moffat and Linden, 1995). The social inequities in the region include oil-related human rights abuses, lack of public participation in environmental issues, and inadequate benefits from oil-revenues, amongst others (Ako, 2011).

Secondly, the region continues to present a development conundrum for the federal government. Despite the natural resources that abound in the region, it remains historically 'poor and backward' and, more recently, conflict-ridden. The federal government published the Niger Delta Regional Development Master Plan (2007) to serve as a development guideline to combat the economic, social and environmental deprivation that has resulted from the operations of the oil industry. The report

outlines a holistic plan towards achieving sustainable development in the region by heralding the return of peace, enhanced productivity in the region, and an increase in oil revenue for the nation (Okereke, 2007). The federal government restated its resolve to develop the region sustainably after it initiated the amnesty programme in 2009 to combat the high rate of violent conflicts occasioned by 'unsustainable development'.

The discussion is carried out in three parts, each one representing the period beginning with the year that one of the three main global conferences that have expounded the concept of sustainable development was held. Particular reference is made to the pillar of sustainable development that was highlighted in the meeting in discussions. Thus, from 1972, advancements in the recognition of the relevance of environmental considerations in economic planning are considered: progress made regarding environmental legislation and enforcement, particularly public participation from 1992, and the situation with reference to poverty-alleviation and social inclusion since 2002. The analysis in this section is based on the development of institutional and legal frameworks that imbue sustainable development processes in the Niger Delta region.

From 1972

The major outcome from the Stockholm Summit was that environmental considerations must be acknowledged during economic development planning and activities. Nigeria, like most developing countries at that time, was engaged in rapid projects geared towards economic development without much consideration for the environmental impacts. The government invested in large-scale industrial projects including the construction of steel plants, refining and petro-chemicals, and hydro and thermal power generating plants, without due consideration for the negative social and environmental impacts of these activities (Hussaini, 1997). Anago (2002) noted that these activities left a legacy of deterioration in health quality and the generation of health hazards, pollution to environmental media and the destruction of traditional economic infrastructures within communities hosting some large-scale economic development-orientated projects.

Major developments that propelled environmental concerns into the limelight occurred in Nigeria in related events between 1988 and 1989. In 1988, a Federal Environmental Protection Agency (FEPA) was established with the overall responsibility of protecting and developing the Nigerian environment. In 1989, the Agency published a comprehensive National

Policy on the Environment (NPE) that was the culmination of conferences and meetings including the International Workshop on the Goals and Guidelines of the National Environmental Policy for Nigeria (the International Workshop) that was organized with the aid of the United Nations Environmental Programme (UNEP) (Okorodudu-Fubara, 1988). Interestingly, UNEP, which assisted with the organization of the International Workshop, was created as a follow-up to the Stockholm Conference; the International Workshop recommended the establishment of FEPA, and FEPA eventually published the outcomes of the International Workshop as the NPE. This reveals the correlation between the Stockholm meeting and Nigeria's recognition of the importance of environmental issues in the development process. As Okorodudu-Fubara (1988) noted, the International Workshop was influenced by the ideas and principles advocated by prior international conferences that espoused the principle of sustainable development in the proper management of the environment and its resources and proposed goals and guidelines towards establishing a sound background for policies, laws and institutions for environmental protection and maintenance.

The resultant NPE affirmed Nigeria's commitment to a 'policy that ensures sustainable development based on the proper management of the environment in order to meet the needs of the present and future generations'. Its main objectives were listed in section 2 to include: (a) securing for all Nigerians a quality of environment adequate for their health and well-being; (b) conserving and using the environment and natural resources for the benefit of present and future generations; (c) restoring, maintaining and enhancing 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 ecosystem; and (d) raising public awareness and promoting understanding of essential linkages between environment and development, and to encourage individual and community participation in environmental improvement efforts. These policy statements are reminiscent of the outcomes of the UN Conference on the Human Environment and reiterate the assertion that the Stockholm Conference played a significant role in the development of Nigeria's policy statement on the environment. Further analysis of the NPE suggests that not only did the policy document restate that environmental protection was not antithetical to economic development, but also made reference to a substantive right to enjoy a healthy environment in paragraph (a) that was quite unheard of at the time. Furthermore, the policy document

resulting from paragraph (d) recognized that individuals and communities had an active role to play in 'environmental improvement efforts'.

In addition to the suggestion that FEPA be established, the NPE recommended that laws be promulgated to ratify international treaties on the environment to make them part of national law; and the establishment of a Federal Ministry of Environment, in due course, in recognition of the overriding importance of the environment in the life of the nation. While some of the objectives listed in the National Policy on the Environment were met (and highlighted in the following section), the major drawback at the time was that none of the broad aspirational statements contained therein on the protection and maintenance of Nigeria's environmental resources were legally enforceable against the State.

FEPA made reasonable strides in developing a legal framework to promote environmental protection in Nigeria. In addition to the publication of the NPE, the Agency made several other regulations to protect the environment. They included the National Environmental Protection (Effluent Limitation) Regulations, National Environmental Protection (Pollution Abatement in Industries and Facilities Generating Wastes) Regulations, and the National Environmental Protection (Management of Solid and Hazardous Wastes) Regulations. Others included the Harmful Wastes (Special Criminal Provisions, etc.) Act of 1988 (Harmful Wastes Act); the Environmental Guidelines and Standards for the Petroleum Industry in Nigeria (EGASPIN) 2002, published by the Department of Petroleum Resources (DPR); and the Environmental Impact Assessment Act. Despite these and other laudable achievements, the Agency faced several challenges that hindered the achievement of its broad objective to elevate the status of environmental consideration in the development process (Adegroye, 1994). The obstacles the Agency faced included inadequate manpower and facilities; underfunding; the overbearing influence of individuals and groups whose activities contravene laws and regulations; and the conflicting roles among government agencies on their authority and responsibilities (Emeseh et al., 2010; Emeseh, 2006; and Adegroye, 1994). One may argue that with particular reference to the oil industry, environmental issues continued to be sacrificed to reap maximal economic benefits. The judicial feeling expressed in *Allan Iron V Shell B-P Development Co. (Nigeria) Limited*¹ that the economic benefits of the oil industry must have pre-eminence seemed representative of the 'judicial posture' during this period (Uwais, 2002: 1).

¹ Unreported Suit No. W/89/71 (Warri High Court) November 26, 1973.

From 1992

The 1992 Rio Conference, as noted previously, developed the links between the environment and development, and emphasized the notion of public participation. The Conference made significant gains in the development of international statements and agreements aimed at resolving some of the conflicting issues in the environment/development discourse. These include the Rio Declaration, which defined the rights and responsibilities of states; Agenda 21—a comprehensive plan of action to be taken globally, nationally and locally by organizations of the United Nations System, Governments, and Major Groups in every area in which human impacts on the environment; the Statement of Forest Principles—a set of 15 non-legally binding principles governing national and international policy-making for the protection and a more sustainable management and use of global forest resources; and two legally binding multilateral treaties—the Convention on Biological Diversity (CBD) and the UN Framework Convention on Climate Change (UNFCCC). It is worthy of note that Nigeria developed the requisite institutional and legal framework to achieve these objectives. Its commitment to Agenda 21 is witnessed by the country's signing of the CBD and UNFCCC in 1992, and ratification in 1994. This section will, however, examine how the notion of public participation was achieved in more detail. Article 10 of the Rio Declaration states:

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

Interestingly, Section 4 of Nigeria's NPE made similar commitments to promote active public participation environmental improvement efforts through 'ensuring broad public participation in consensus-building towards defining environmental policy objectives'. The main legislative framework to promote public participation in the environment/development discourse is the Environmental Impact Assessment (EIA) Act, whose main is to identify the environmental, social and economic impacts of a project prior