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# Oil Multinational Corporations, Environmental Irresponsibility and Turbulent Peace in the Niger Delta

Benjamin Maiangwa and Daniel E. Agbibo

**Abstract:** For many oil-bearing communities in petro-states around the world, the net effects of oil exploration have not only been devastating, but have also highlighted the double standards that are often applied by oil multinational corporations (MNCs). These organisations are far more likely to demand environmental and social mitigation efforts in the developed world than they are in a developing country. This paper seeks to demonstrate how the continued irresponsible activities of oil MNCs – specifically Shell – have fuelled restive conditions of ethnic militancy, brazen human rights abuses, environmental degradation and unsustainable peace in the Niger Delta. The paper particularly assesses the impact of the 2009 amnesty programme that was initiated to halt the downward spiral into violence in the Niger Delta and resolve the region's socio-economic challenges. The conclusion of this paper canvasses for greater social-ecological justice as a way forwards in addressing the Niger Delta conflict.

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**Keywords:** Nigeria, Niger Delta, multinational enterprises, crude oil extraction, environmental damage, unstable peace

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Across the globe, production and pipeline projects impinge on the natural resources of indigenous and local communities – from the Caucasus to the Arctic Circle, from the forests of Latin America to those of Central and West Africa. In particular, the net effects of oil exploration have not only been devastating for many oil-bearing communities situated in the world's petro-states, they have also highlighted the double standards that are often applied by oil multinational corporations (MNCs) – which are far more likely to demand environmental and social mitigation efforts in the developed world than they are in developing countries (Okonta and Douglas 2001; Agbiboa 2011). The case of Nigeria's oil-rich but volatile Niger Delta is particularly instructive in this regard, and has thus attracted much scholarly attention (see Omotola 2006, 2009; Obi 2009; Onuoha 2009; Anugwom 2011). The human and environmental rights implications of oil MNCs operating in the oil-rich Niger Delta are serious and not unconnected to the fragility of the current amnesty programme in the region. In this context, this paper particularly assesses the success of the 2009 amnesty programme that was initiated to halt the outright descent into violence in the Niger Delta and to, ostensibly, resolve the region's socio-economic needs.

## The Niger Delta Amnesty Programme: Resolving or Pacifying?

The people of the Niger Delta seem to derive tactical inspiration from the violent activities of both the Nigerian state and oil MNCs in the region and to develop responses accordingly. In particular, the violence attendant with resource extraction in the Niger Delta by the alliance between state oil and MNCs has dialectically resulted in violence expressed as part of local resistance. While violence has been a recurrent feature of protests in the Niger Delta, its post-1999 form is certainly unprecedented in nature. A distinguishing characteristic has been the rise of ethnic militias claiming to represent the interests of the oil-bearing communities in their struggle for social justice. These groups do not exist in isolation from the local context, but are rather deeply rooted in the internal contradictions of the Nigerian state and its political economy. Perhaps the most organised and formidable resistance group to have emerged from the Niger Delta is the Movement for the Emancipation of the Niger Delta (MEND) (Obi 2009). The group was initially formed to support the demand for the release of two prominent Ijaw leaders – Asari Dokubo and Diepreye Alamiyeseigha. However, its agenda later extended to political issues such as resource control. The organisation has gained most attention internationally through its repeated threats to “cripple Nigerian oil exports” (*IRIN* 2006). As a way of accomplishing this,

MEND threatened to cut Nigerian oil output by 30 per cent and made genuine efforts to carry out this proposed sabotage. By July 2007, “700,000 barrels per day were shut down due to growing political instability and insurgent attacks” (Watts 2007: 637). According to the *Report of the Technical Committee of the Niger Delta* released in November 2008, the Nigerian government had lost a staggering USD 23.7 billion in oil revenue due to MEND attacks. This underlined the clear need for a radical intervention by the state.

In April 2009, the idea of an amnesty for repentant militants was first mooted by the late President Yar’Adua, in an urgent bid to curb relentless MEND assaults on oil facilities in Nigeria (Omeje 2004). According to Ndutimi Alaibe, national coordinator and chief accounting officer of the federal government’s amnesty programme for Niger Delta ex-militants,

the amnesty was a response by the then president to reduce fundamentally the escalation of violent conflicts that was taking place. After consultation with stakeholders, it was decided that there was a need to get the militants to lay down their weapons. That was the basis of the amnesty which was meant to stabilize, consolidate and sustain the security conditions in the Niger Delta region, as a requisite for promoting economic development in the area. (Agbibo, forthcoming)

The amnesty was announced by President Yar’Adua on 25 June 2009. The terms stated that militants who freely surrendered their arms within the 60-day amnesty period (6 August 2009 to 4 October 2009) would not be prosecuted for the crimes that they had committed during the course of disrupting the Nigerian oil industry. President Yar’Adua made clear that the amnesty deal was aimed at reintegrating and rehabilitating militants willing to surrender their arms into Nigerian society (Onuoha 2011: 52). In return for the acceptance of the amnesty, the federal government pledged its commitment to instituting programmes that would rehabilitate and reintegrate ex-militants under a “disarmament” (removing the weapons and destroying them), “demobilisation” (extinguishing ex-militants’ belief in violence and providing them with a more powerful, peaceful alternative) and “reintegration” (aiding in the socio-economic process of becoming a civilian) (DDR) programme. However, according to Korpamo-Agary, since there can be no progress without peace, the disarmament and subsequent reintegration of these militants is only a first step towards bringing urgently needed social development to the Niger Delta region (cited in Olukoya 2009).

In July 2009, a budget of NGN 52 billion (USD 145 million) was controversially announced for the amnesty deal – applicable to 20,192 registered militants. Former combatants who registered for the 42-month period of training, reintegration and rehabilitation in government-designated residential training centres received a monthly allowance of NGN 65,000 (USD 410)

over the same period. This amount was three times the average salary for a young public sector worker, but just a little higher than a foot soldier's wage – which stood at NGN 50,000 (USD 310) in 2006 (Nwajiaku-Dahou 2010). However, the criteria used to establish eligibility for inclusion in the scheme were largely unclear, with the numbers of intended “beneficiaries” widely believed to have been inflated (Joab-Peterside et al. 2012). The amnesty saw over 15,000 militants surrender their weapons by the deadline date of the disarmament and demobilisation phase (Onuoha 2011: 52). Weapons recovered during the disarmament process included 2,760 assorted guns, 287,445 rounds of different calibre ammunition, 18 gunboats, 763 dynamite sticks, 1,090 dynamite caps, 3,155 magazines, and several other forms of military paraphernalia, such as dynamite cables, bulletproof jackets and jackknives (Agbiboa, forthcoming). Many militants turned themselves even though key militant groups like MEND viewed the amnesty with suspicion – since it created less room for dialogue and did not address the core issues that had given rise to the struggles in the first place (Onuoha 2011).

## The Turbulent Peace of the Amnesty: Oil Bunkering, Piracy and Kidnappings

Although the amnesty deal has led to a lull in violence in the Niger Delta and an increase in oil production since 2009 (especially since President Jonathan – a native of the politically under-represented Niger Delta – assumed power in May 2010), we nevertheless argue that the programme affords only a cosmetic and *pro tempore* panacea to the protracted conflict in the region. Specifically, cash payouts to armed militants and proposals to give oil-bearing communities a 10 per cent stake in state oil revenues fail to seriously address the core underlying issues (e.g. government corruption, the political sponsorship of violence, environmental degradation by oil MNCs) that continue to fuel hostilities and resistance in the Niger Delta (Nwajiaku-Dahou 2010). According to Omeje (2004), what prompted the amnesty proposal was not the environmental tragedy unfolding in the Niger Delta but rather the urgent need to stem the tide of crippling MEND attacks on oil facilities in Nigeria. These negatively affected the country's oil productivity and the profits of oil MNCs in the region, especially Shell's. In short, the Nigerian state's prime concern in the management of the conflict has always been to maximise and protect oil revenues (ibid.: 425). Similarly, Alagoa Morris, an activist in the Environmental Rights Action and Friends of the Earth conservation groups, argues that:

the underlying political priorities driving the amnesty process were narrower than comprehensive intentions would suggest. The emphasis seems to be more on the immediate objectives of disarmament and demobilisation to ensure uninterrupted flow of oil than on a sustainable reintegration process. (*IRIN* 2012)

Recent reports from the Nigerian National Petroleum Corp (NNPC) reveal that post-amnesty attacks on Nigerian oil pipelines have risen sharply. Shell estimates that more than 150,000 barrels of oil are currently being stolen daily (Agbibo, forthcoming). In a May 2011 report, Human Rights Watch stated that despite the amnesty programme, some criminal groups and militants operating in the Niger Delta have carried out “kidnappings, bombings and attacks on oil facilities” (HRW 2011). Oil bunkering (with scope for significant geographical expansion) has reportedly doubled since the amnesty, costing the government some USD 7 billion in lost revenue and another USD 5 billion for pipeline repairs annually (McNamee 2013). Reportedly, oil thieves steal roughly 20 per cent (or some 400,000 barrels daily) of the nation’s fuel by way of this dangerous practice (Akinleye 2013). The frequency of oil theft is confirmed by the fact that in November 2012, Shell – which produces approximately 40 per cent of all Nigeria’s oil – shut down a pipeline in the Niger Delta after finding six points of theft on its Imo River trunk line. Shell claimed that sabotage was responsible for 25 of the 26 spills into the Imo River in 2012, which released the equivalent of nearly 3,000 barrels of oil both into the river and into other waterways, thereby contaminating large swathes of the local environment (*Associated Press* 2012).

Furthermore, recent events illustrate the gravity of the issues at hand. On 5 September 2012, the city of Arepo (in Ogun State) witnessed a pipeline vandalism by suspected Ijaw youth hailing from the Niger Delta. Up to 30 people were killed in the fire that broke out while the thieves were siphoning fuel from the pipeline. The NNPC sent three engineers to mend the ruptured pipeline, all of whom were subsequently killed by the youths responsible for pilfering the fuel (McNamee 2013). After the line was finally fixed in early January 2013, criminals caused another explosion while tapping into the line. On 23 January, another bunkering fire and gun battle was reported on the Arepo line. In addition, piracy is also on the increase in the Niger Delta. On 16 January 2013, armed hijackers from the Niger Delta seized an oil tanker near Abidjan, stealing its 5,000 tons of oil (Izeze 2013). In the first two weeks of February 2013, pirates attacked four vessels off Nigeria’s coast and one in the Delta region, killing four and kidnapping eight (McNamee 2013). The Nigerian government remains largely helpless in the face of the relentless vandalism of pipelines, which pose a major threat to the fledgling amnesty scheme and to national security.

Oil bunkering and piracy aside, the recent spate of kidnappings involving both wealthy Nigerians and foreigners also highlights the significant rise in criminality in the post-amnesty Niger Delta. On 10 December 2012, the wife of retired brigadier general Oluwole Rotimi, a former Nigerian ambassador to the United States (2007–2009), was kidnapped in Ibadan, the capital of the south-western Oyo State. Just under a week later, a Nigerian actress-turned-politician, Nkiru Sylvanus, was kidnapped by masked gunmen in broad daylight in the south-eastern Imo State. On 17 December 2012, unknown armed assailants in Bayelsa state kidnapped four South Koreans and two Nigerians employed by a South Korean construction firm. In early January 2013, a senior executive of an energy marketing company was abducted in Port Harcourt in Rivers State. In the most high-profile of these kidnappings, Kamene Okonjo, the mother of finance minister Ngozi Okonjo-Iweala, was abducted from her home in Delta State on 9 December 2012. During raids to find Okonjo, government soldiers arrested 63 people – including two policemen (Agbiboa, forthcoming).

While the jury is still out on whether Niger Delta militants are directly connected to these kidnappings,

the matter nonetheless demonstrates the growing instability of a region in which security and political officials are complicit in energy-related criminal activity, whether in alliance with administrators in Abuja, rebels in the Delta creeks or both. (McNamee 2013)

The recent heightened criminality in the Niger Delta suggests that the fragile peace established by the 2009 amnesty is now at risk, and the region thus seems to be sliding back into outright instability. At the same time, the inhabitants of the Niger Delta are continuing to voice their concerns regarding the issues that stem from the environmental damage perpetrated by oil MNCs. It is most likely that their discontent will continue to brew, especially if efforts by Shell and the Nigerian government to clean up the degraded Niger Delta ecosystem are further delayed.

## Inefficiency to Address the Ecological Tragedy

The notion of social justice implies egalitarian access to social and economic resources; protection from illegal or extra-legal punishments, detention, banishment or torture; equal access to fair judicial procedures; and the broad application of the provisions of the Universal Declaration of Human Rights, including the rights to resist oppression without the fear of suppression. The notion of ecological justice also applies to the right to free and reasonable access to a secure and attractive environment that is healthy and conducive

to the well-being of all people, irrespective of their ethnicity, class or religion. Additionally, other basic needs such as shelter, a means of subsistence and healthcare are also considered to be environmental rights (Clammer 2012: 148). Social-ecological justice raises the issues of protection of the environmental quality of habitats and the immediate community who depend on their environment for their basic livelihood. According to Clammer (*ibid.*: 149), the idea of environmental justice thus implies an idea of human rights, including – in this instance – the economic, social and environmental rights of a specific people. The notion of ecological and environmental justice underscores (i) the freedom to enjoy one's environment and all of the benefits it confers, without it being destroyed for personal or corporate gain, and (ii) the need to safeguard it for both present and future generations.

The ecosystem of the Niger Delta – hitherto viable, self-regulating and resilient (Okonta and Douglas 2001: 190) – is now at the edge of the abyss due to the irresponsible explorative practices of oil MNCs in the region, spearheaded by Shell. This organisation has frequently tried to defend itself against the charge of being responsible for oil spillage and pollution in the Niger Delta. In its 2010 press release on environmental performance, senior representatives of Shell made the highly dubious claim that “the most significant environmental damage from oil and gas operations in the Niger Delta is through sabotage of facilities, resulting in oil spills” (Rexler 2010: 30). However, Rexler (*ibid.*: 30) argues that playing this blame game is untenable and unethical, for the following reasons:

First, the idea of “sabotage” is never explicitly defined by Shell and thus has no operational validity as a concept. Second, Shell conveniently overlooks the fact that environmental damage is cumulative. This means that they can point to statistics from today for moral justification, while overlooking nearly 40 years of environmental degradation and corporate social irresponsibility. Finally, simply blaming rebels for activities that may result in oil spills ignores the fundamental social inequities that precipitate rebel activity.

Besides, the United Nations Environment Programme (UNEP) contends that sabotage-related oil theft first became an option in Ogoni in 2007, as frustrated, unemployed youth turned to pilfering and refining as a means of livelihood and form of protest against years of socio-economic marginalisation (Amunwa 2011: 16). Given this mounting criticism and the damage that it has done to its public image, Shell recently began to reconsider its practices and restructure its community development programme so as to allow for a measure of community participation – working to that end either directly or with development agencies, non-governmental organisations (NGOs) and local community-based cooperatives. Shell has also committed itself to the



elimination of gas flaring and to the “effective” mopping up of oil spillages. Furthermore, as a supporter of the UN Global Compact, Shell is gradually opening itself up for evaluation and now also permits its annual sustainability reports to be externally reviewed (Olowu 2010: 87). Other oil MNCs operating in the Niger Delta are also trying to tow similar lines by engaging more fully and genuinely in social development activities in the region. There is still, however, a lot of work to be done.

Though Shell has shown its readiness and willingness to clean up local environmental damage and engage in development projects, various statistical data published and campaigns undertaken by civil society organisations seem to suggest that Shell’s efforts in addressing the environmental tragedy in the Niger Delta have been grossly inefficient. The major problem remains that the reforms undertaken by Shell have thus far not led to a significant transformation in the quality of life of the Niger Delta communities, or of their environment for that matter. The ecosystem remains as vulnerable as ever, and poverty levels appear to be on the increase in spite of – or even because of – the monetary compensation and the development initiatives being promoted by Shell. The difficulty that Shell encounters in translating its corporate responsibility into actions on the ground at the local level can be explained, to some extent, by the following factors:

Indications that its surveillance contracts are heavily focused on its own corporate security as opposed to human security in the region. Acceptance of corruption regarding oil spills and environmental impact assessments. Its failure to stop gas flaring despite all posturing and grandstanding; and the systemic problems of its continued use of old and rusty oil pipelines as well as heavy maximization of oil production such that occasion intolerable risks to human beings and the environment. (Olowu 2010: 90)

Furthermore, the compensatory strategy adopted by Shell in making extrajudicial monetary awards to respective Niger Delta communities has opened the company up to a wide range of criticisms. Amnesty International has criticised Shell’s compensatory strategy as “neither transparent nor fair” (cited in Olowu 2010: 91). Besides, the compensatory gestures made by Shell only feed into the culture of institutionalised corruption, greed and gilded placation that currently exists in Nigeria, which is thus ultimately more pacifying than it is transforming.

## Conclusion: Towards Social-Ecological Justice in the Niger Delta

Given the foregoing, we argue that any attempt made at resolving the Niger Delta crisis must focus centrally on improving the livelihood of the Niger Delta communities, as well as on cleaning up their polluted environment. This should be done in accordance with the precepts of ecological and social justice, which demand the sustainable use of the environment without polluting it or depleting its resources and denying local inhabitants the opportunity to benefit from their resource endowments. Indeed, the pathway to conflict management and prevention in the Niger Delta is manifold and should begin from the top. Key in this regard is the reformulation of Shell's activities and strategies (in accordance with the values of social and ecological justice enumerated above), as the leading face of oil MNCs in Nigeria. To all intents and purposes, this organisation must begin to actively integrate economic, environmental and social considerations into its decision-making processes in a manner that is fully transparent (Idowu 2010: 93).

Additionally, a successful approach to social and ecological justice in the Niger Delta also demands some level of accountability from Shell. Beyond lip service and the pacification of both ruling elites and the senior leaders of militant groups in Nigeria, Shell should support the international "publish what you pay" campaign by publicly disclosing – in a disaggregated, regular and timely manner – all net taxes, fees, royalties and other payments that are made to the Nigerian state (at any level) or to local communities, including compensation payments and community development funding (Gary 2007: 53). The Nigerian government must also adopt the social and ecological justice approach, achievable by becoming more transparent and accountable to the Nigerian people through the publishing of what it earns from the sale of crude oil. The global community also has an important stake in the matter, since the issues at hand involve the activities of MNCs and the violations of the human, economic, social and environmental rights of local communities. As the prime custodian of economic and social rights, and as the global voice for environmental sustainability in an era of human-induced threats to the ecosystem, it is incumbent on the United Nations – as part of its campaign for environmental sustainability and its support for the rights of indigenous peoples, minorities and other oppressed peoples – to take proactive measures and adopt an international environmental law framework that will bind MNCs to internationally accepted standards of behaviour and provide them with appropriate rules of conduct in host countries, especially in developing countries. This law should place great importance both on the environmental rights of indigenous and local people

and on the need to respond proactively in the safeguarding of these rights, as well as holding those responsible to account in case of any infringement or egregious violations. In short, capitalism must be made responsible for its wider environmental and social impacts.

Furthermore, a lot more needs to be done in the realm of the Nigerian state, so as to persuade political leaders to apply – and adhere to – the principles of equity and distributional justice in their allocation of oil revenue to the composite states of the federation. This is where the role of civil society organisations – as the key global actors – becomes very useful. Civil society organisations should make immediate strategic choices about where they can offer the most help, by forging a strategic partnership with the local communities in the Niger Delta region to generate a more vocal call for greater accountability on the part of oil MNCs and the Nigerian state. It seems likely that the full emancipation of the Niger Delta communities will result from participation in a unified global campaign that is simultaneously connected to a local democratic one (Obi 2001) – what we refer to as a “glocalised” campaign. This advocacy will involve intense lobbying by global civil society movements and NGOs to foster solidarity and to enable the Niger Delta communities to engage their governments and peacefully challenge the oil MNCs in order to restore severely degraded land and resources (Basssey 2012: 339). In the final reckoning, the task of freeing the Niger Delta from the contradictions and injustices of global oil juggernauts like Shell, as well as the corruption and ineptitude of the Nigerian government, is admittedly a very difficult and ongoing task. However, the chances of its ultimate success will be greatly enhanced by the adoption of a multilateral environmental law that permits *dramatis personae* being held responsible for their actions and/or inactions.

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### **Multinationale Ölgesellschaften, ökologische Verantwortungslosigkeit und instabiler Frieden im Niger-Delta**

**Zusammenfassung:** Die Erdölexploration hatte weltweit nicht nur verheerende Auswirkungen in den Ölförderregionen, sondern es wurde auch deutlich, dass Multinationale Unternehmen (MNU) im Ölsektor vielfach mit zweierlei Maß messen: Sie sind viel eher geneigt, in den Industrieländern Anstrengungen zur Milderung von Umwelt- und sozialen Schäden einzufordern als in Entwicklungsländern. Dieser Beitrag versucht aufzuzeigen, auf welche Weise die nach wie vor verantwortungslosen Praktiken von Öl-MNU – insbesondere von Shell – zum Aufbrechen latenter ethnischer Spannungen und zu schamlosen Menschenrechtsverletzungen, zur Umweltzerstörung und zur Gefährdung des Friedens im Niger-Delta beitragen. Die Autoren untersuchen insbesondere die Wirkungen des Amnestieprogramms von 2009, das initiiert worden war, um die Gewaltspirale im Niger-Delta zu durchbrechen und die sozioökonomischen Probleme der Region zu lösen. Im Ergebnis plädieren sie für größere soziale und ökologische Gerechtigkeit, um einer Lösung des Konflikts im Niger-Delta näher zu kommen.

**Schlagwörter:** Nigeria, Niger-Delta, Multinationales Unternehmen, Erdölgewinnung, Umweltschädigung, Unsicherer Frieden