

Oil Multinational Corporations and Environmental Rights Violations in the Niger Delta Region of Nigeria

Onuoha, Peter Chuks

Department of Political Science, Rivers State University
charichuks@gmail.com

Okore, Michael Okiemute

Department of Political Science, Ignatius Ajuru University of Education
okoremichael@yahoo.com
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Abstract

This paper examined Oil Multinational Corporations and Environmental Rights Violations in Nigeria, as an offshoot of environmental politics in Nigeria. It was emphasized that for many Oil-bearing communities in Oil producing-states of Nigeria, and around the world, the net effects of Oil exploration to the environment have not only been devastating, but have also highlighted the double standards that are often applied by Oil Multinational Corporations (MNCs) in their dealing with Host Communities. In adopting the frustration-aggression theory, the study revealed that acts of frustration frequent the Niger Delta region because of the perceived insensitivity of Oil Multinational Corporations (MNCs) to the plight of persons affected environmentally by their activities in the Niger Delta. In adopting the qualitative method of data collection and analysis, the study discovered that the continued irresponsible activities of Oil MNCs – specifically Shell in the Niger Delta Region has fuelled restive conditions of ethnic militancy, brazen human rights abuses, environmental degradation and unsustainable peace in the Niger Delta thereby necessitating divergent forms of aggression in the region. The study thus recommends for greater social-ecological justice as a way forwards in addressing the Niger Delta conflict.

Key Words: *Multinational Corporations, Environment, Niger Delta Region*

Introduction

Environmental politics also known as green politics focuses on the making and implementation of public policy in the area of the environment at international, national and local levels. This paper specifically focuses on the politics of Environmental Rights Violation experienced by the inhabitants of the Niger Delta region. Etymologically, man has always depended on his environment for virtually all of his material and social needs. Man's development had continued until the industrial revolution that completely changed the relationship of man with his environment. It is the quest for man to satisfy his wants and needs through modern transportation, accommodation, leisure and several other aspects of human endeavour that has led to unprecedented demand for energy especially fossil energy. The exploration, extraction and exploitation of fossil fuel have so impacted on the earth that they are considered as a major cause of global warming. In Nigeria, the early exploration of solid minerals by Shell D'Arcy in 1903 was immediately followed by exploration of fossil Oil which came as a shock to the host communities where these explorations were taking place. In the process of exploration and

exploitation, several unwritten stories of great damage occurred. It was only when crude Oil took precedence over solid Oil that the two were separated in the 1970s (UKEssays, 2015). Again, there have been several reported cases of damage specifically to farmlands, fishing areas and other water related challenges in the Niger Delta as a result of carelessness or accidents on the part of the Oil Multinational Corporation in areas such as Ogba/Egbema, Ogoni land, Bayelsa and Warri. Such devastation has consistently occurred with the Oil Companies paying little or no attention and government's failure to protect host communities which has led to cases of unrest in the Niger Delta region. This case of unrest has attracted international attention and sympathy (Bob, 2005). Nigeria, the most populous country in Africa with a population of approximately 174 million inhabitants Tom, (2007), and a maximum crude Oil production capacity of 2.5 million barrels per day is Africa's largest producer of Oil and the sixth largest Oil producing country in the world (NNPC, 2015). Nigeria's Oil sector provides 40% of the Gross Domestic Product (GDP), 95% of the country's total exports and about 80% of budgetary revenues that all tiers of government heavily depend on. Notwithstanding the billions of dollars generated from Oil exportation, the Niger Delta, which is the Oil and gas rich wetland in the southern part of Nigeria and which firmly established Nigeria 'as a major world producer of Oil', has mainly encountered the negative effects of this Oil exploitation (Oluduro, 2012). With over 50 years of Oil exploitation, vast stretches of the region have poor water quality; there is pollution, disruption and degradation of farmlands and fishing ports, destruction of wildlife and biodiversity, loss of fertile Oil amongst others (Watts, 2008). The response of the people in this region, in the form of protest and campaigns against the activities of the Multinational Oil Companies (MNCs), has led to violation of their civil, political, economic, social and cultural rights in the form of extra-judicial executions, arbitrary detentions, and unlawful restrictions on their rights to freedom of expression, association and assembly, over militarization of the area, towns and villages with attendant police and army intimidations, extortion, and harassment of innocent civilians. These restrictions are imposed by security agents with support from the Oil Multinational Corporations. The return of Nigeria to democratic rule in 1999 raised the expectations of the Oil-producing communities that an end would be put to the militarization of the region with a human rights regime ushered in. However, human rights abuses in the region continued unabated and the situation remains unchanged up to the present, despite the transition from a military to civilian regime (Oputa, 2010).



Plate 1.1 Showing the Poor Nature of the Niger Delta Environment
Source: NDEnvirons.com

The Niger Delta region of Nigeria is one of the most blessed regions in the world with both human and material resources. The population of the people of this region is around 29 million consisting of forty ethnic groups and 250 different languages and dialects. Among the ethnic group include Andoni, Degema, Edo, Efik, Ogba, Egbema, Ekpeye, Engene, Etche, Ibibio, Ibo, Ijaw, Ikala, Ikwerre, Ilaje, Itsekiri, Isoko, Kalagbari, Ogoni, Okirika, and Urhobo. The main occupation of the people of the Niger Delta are farming and fishing. Given the quantity of resources (Oil and gas) endowed, the region has become the bread-winner of the country. In spite of the fact that Oil is found and explored in the Niger Delta which should ordinarily enhance and improve the living conditions of the people and protect their environment, yet the continuous violation of the Environmental rights of the people of the Niger Delta as a result of Oil exploitation by the Oil Multinational Corporation has posed a problem which this study seeks to solve. The challenge of environmental rights especially its violation and the conflict situations in the Niger Delta have become a topical issue in recent times. A casual drive through some of the urban and rural areas of the Niger Delta reveals the existence and worsening situation of the lives of the inhabitants of the region. Thus, posing a question to the seemingly statements of developmental policies and plans as objects of socio-economic change that Oil Multinational Corporations have indicated in their programmes that they have achieved.



Plate 1.2 Showing the Poor Nature of the Niger Delta Environment as ravaged by Oil Spills
Source: axopics.com

Several years of ecological devastation occasioned by Oil exploration and exploitation by Oil Multinational Corporations, and the hazards of spillage and gas flaring which accompanied it, have rendered farming and fishing useless. Pollution and gas flaring have created health hazards, destroy crops, and pollute the waters amongst other issues which seriously affect families and communities. It has degraded the environment of the region and left communities desolate (Ebegbulum, 2013).

OBJECTIVES OF THE STUDY

The primary objectives of this study are to:

1. Examine the relationship between Oil Multinational Corporations' activities in the Niger Delta and Environmental Rights Violations.
2. To investigate the different ways Oil Multinational Corporations in the Niger Delta region violate the environmental rights of the people.
3. To examine the impact of Environmental Rights Violation by Oil Multinational Companies in the Niger Delta Region.

RESEARCH QUESTIONS

This research work seeks to address the following underlisted questions:

1. Is there any relationship between Oil MNCs and Environmental Rights Violations in the Niger Delta?
2. What are the different ways Oil Multinational Corporations violate the environmental rights of citizens in the Niger Delta?
3. What are the impacts of Environmental Rights Violation in the Niger Delta Region?

SIGNIFICANCE OF THE STUDY

The significance of this study will include but not limited to:

1. Providing insights on how Oil MNCs violate environmental rights and how human and environmental conditions of the region can be improved and standardized.
2. Help policy makers and those within the corridors of power make better policy choices to avert the persistent increase in environmental rights violations in the region.
3. Providing ways on which the state can avert conflict arising from genuine agitation from the inhabitants of the region towards the Oil MNCs.
4. Theoretically, the findings of this study will add to the existing literature and expand knowledge of the subject matter.

Theoretical/Conceptual Review

FRUSTRATION-AGGRESSION THEORY

This work will seek to situate itself within the confines of the Frustration-Aggression theory. According to this theory therefore, most aggressions have their origin in the perceived frustrations of an individual to attain his expected goal.



Plate 2.1 showing a collection of restive/aggressive youths in the region

Source: axopics.com

The frustration- aggression was developed by Dollard and his associates in 1939. The theory suggests that individuals become aggressive when there are obstacles (perceived and real) to their success in life (VandeGoor, 1996). The main explanation for frustration-aggression theory is that aggression becomes an outcome of frustration when the needs and desires of an

individual is denied directly or indirectly and this feeling of disappointment may lead such a person to express his anger through violence to those he holds responsible or people related directly or indirectly to them. This is the true case of the Niger Delta region of Nigeria.

The relationship between the theory ‘frustration-aggression’ and ‘human environmental rights violation’ is such that the activities of Oil Multinational Companies in the region through Oil exploration and exploitation has overtime led to Oil spillage, gas flaring etc which have polluted the air they breathe and made the oil host communities lost their farm lands thereby violating the rights of the people to their means of livelihood as well as their rights to life. The resultant effect is that the people become frustrated and of course aggressive. The relatively aggression by the people motivates the government to flood the area with security operatives who intimidate, torture and generally make life unbearable for the masses. This also constitutes a violation of the environmental rights of people’s as their women are abused sexually and many of them took harlotry as ways of life and thereby producing bastard children that have become criminals in the society today.



Plate 2.2: Showing a collection of restive/aggressive youths in the region with their kidnapped victim

Source: axopics.com

Over the years Oil producing communities in the Niger Delta have had to endure neglect by the Federal Government and the Oil Multinationals and failure of both parties has led to frustration and aggression. Research reveals that the formation of anti-democratic political attitudes emanate from the people’s frustration with the failure of Government to transform their material conditions. The activities of the Oil Multinational Corporations have become unbearable for the people of the region and this has contributed to the on-going protests, ranging from demonstration and protests in small groups to regular hostage taking of Oil company staff by youths of the region, and sometimes using armed forces (Wegbuom, 2008).

In essence, the pathetic state of the Niger Delta coupled with lack of fulfilment of the Corporate Social Responsibility of the Oil MNCs and the Nigerian government to respond to the constant abuse of the Environmental Rights of the Oil producing communities and deprivation of the people the full benefits of their resources has created an atmosphere of anger, desperation, frustration and aggression in the region.

Concept of Oil Multinational Corporations

Multinational Oil Corporations are Corporations that engage in Foreign Direct Investment (FDI) and controls or owns value adding activities in more than one country (Dunning, 1993). By virtue of their control on global finance capital they have become politically and economically powerful in the world. The United Nations thus defines Multinational Corporation as a vertically and horizontally integrated business operation, which controls assets, factories, mines, sales and offices in more than two or more countries outside its corporate headquarters. In the same vein, Allan (1992) defines Multinational Oil Corporation as a company engaged in processing and selling goods and services in more than one country. It consists of parent company located in the home country and at least five or six subsidiaries typically with a high degree of strategic interactions among units. Multinational Corporations have up to 100 foreign subsidiaries around the world, (Allan, 1992).



Plate 2.3: Showing the Dilapidated Nature of the Niger Delta Environment as ravaged by Oil Spills

Source: axopics.com

The history of Oil in Nigeria can be traced to the country's independence where concession was given to Shell D'Arcy Petroleum Development Company by the colonial government in 1938. However, World War 2 terminated the initial Oil exploration activities by shell but later resumed in 1946 after the war. The first commercial discovery and exploration of Oil was in January 1956 at Oloibiri village in Bayelsa State by Shell and a second Oil field was later discovered at Afam in Port Harcourt (Pearson, 1970).

The discovery of Oil in commercial quantity by shell ignited the interest of other Oil Companies in the late 1950s. The Oil industry in Nigeria is operated by six-joint venture operating between Nigeria and the Trans-national Corporations: Shell Petroleum Development Company (SPDC), Chevron Nigeria Limited (CNL), Mobil Producing Nigeria Unlimited (MPNU), Nigeria Agip Oil Company (NAOC), Elf Petroleum Nigeria Limited (EPNL) and Texaco Overseas Petroleum Company of Nigeria Unlimited (TOPCON). The Nigerian constitution provides that Oil is the property of the Federal Government and the Nigerian government under the auspices of the NNPC in partnership with these Oil Multinational Corporations.

The Nigerian government set up the NNPC in 1977 with the sole responsibility of monitoring and regulating the entire Oil industry. However, it was not until 2002 that the NNPC released the Oil industry 'environmental guidelines and standards' (Ite, 2004: 9). Yet the environmental impact of Oil extraction in the Niger Delta has made it the most endangered delta in the world (Okonta & Douglas, 2001). A poorly maintained system of above ground pipes has led to repeated spills of crude Oil usually on farmlands (Crayford, 1996). Since the beginning of their operation in Nigeria, Shell has not conducted a single satisfactory Environmental Impact Assessment (EIA). A visible sight of abandoned buildings, in very many rural communities in the region today is evident of the fact that people have migrated from the rural to the urban centres due to declining food crop yields from their farms, lack of accessible roads and facilities for the transportation of farm produce as well as unfavourable market price for their farm produce (Omofonmwan, 2009).

The impact of environmental damage in the region cannot be quantified. There are cases of spill where clean up took months and years. For instance in Epubu community, a spill that occurred in December 1998 was not cleaned up until about a year. Same occurred in Aleibiri in March 1997 and was not attended to for 6months until youths of the community staged a protest. Also in October at Akenfa and Ogboloma communities, the spill that occurred was not cleaned up until December of that same year (Ibaba, 2005). The Nigerian experience with the Oil Multinational Corporations and their activities in the Niger delta region has resulted to continual destruction of flora and fauna, deprivations, unemployment, insufficiency and abject poverty which in most cases have resorted to youth restiveness, social disorder and inter community and ethnic cleavages in the region (Omofomwan, 2009).

Concept of Environmental Rights

The concept of environmental rights has become a global issue making its existence, validity and content the subject of debate in philosophy and politics. Environmental rights are the extension of the basic human rights that mankind requires and deserves. It includes but not limited to the right to food, clean water, suitable shelter, education, having a safe and sustainable environment is paramount as all other rights are dependent upon it. They also include more purely ecological rights, including the right of human and animals to survive or the right for an individual to enjoy an unspoiled landscape, (FOEI Int'l).

History reveals that the right to a clean environment and sustainable development is fundamental and closely connected to every individual's right to health and well-being. It is therefore of fundamental importance to state that there is a strong nexus between the quality of the environment and the health of the people living and/or exposed to those environments.

Government and the International Oil Multinational Corporations have the responsibility for the provision of a safe, clean and healthy environment as outlined in a range of legislation and section 20 of Nigeria's Constitution and MOUs signed with the Oil MNCs. Sections 12 and 20 of the Nigerian Constitution provides that

everyone has a right to an environment that is not harmful to their health and well-being; and to have the environment protected for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.

Unfortunately, one of the persistent challenges facing Nigeria's Niger Delta and the rest of the country is to improve the quality of human life for both the present and future generations through sustainable development. The principle of *sustainability* of the environment encompasses the notion of *inter-generational equity*, that is, the harm to the environment through the activities of Oil MNCs in the Niger Delta region affects the present as well as future generations. Hence, the Nigerian public needs to be properly and broadly informed regarding any threats to the environment, whether globally, regionally, nationally or locally.

According to Azaiki (2003), "the search for crude oil in Nigeria began as far back as 1908 when a German company, the Nigerian Bitumen Corporation, started exploration in the Araromi area of western Nigeria". The pioneering effort of this company was aborted by the outbreak of the First World War in 1914. Shell Petroleum Development Company continued with oil exploration in the Niger Delta region. The company made its first oil discovery in 1956 at Oloibiri in the Niger Delta region after about half a century of exploration. Nigeria joined the ranks of oil producers in 1958 when the company discovered oil in commercial quantity producing about 5,100 barrels per day.

Today, the oil industry is highly visible in the Niger Delta and has control over a large expanse of land. Shell Petroleum Development Corporation operates over 31,000 square kilometers (Aworawo, 2000).

The area is crisscrossed by thousands of kilometers of pipelines, punctuated by well and flow stations. Much of the oil infrastructure is located close to the homes, farms and water sources of communities in the Niger Delta region (Taiwo, 1991).

After Shell British Petroleum, which discovered and drilled the oil at Oloibiri, joined the ranks of oil producers in 1958, exploration rights in onshore and offshore areas adjoining the Niger Delta were later extended to other foreign companies such as Mobil, Chevron, Total etc. Further exploration and production activities, according to Steve Azaiki, were hampered between 1967 and 1970 by the Nigerian civil war. Total production from Nigeria's oil fields in the Niger Delta region increased from 308 million barrels in 1970 to 703,455 million barrels in 1991. The peak of its production came in the 1980s when the total output was 753.5 million

barrels per annum (bpa), out of which 93 percent was exported overseas (Azaiki, 2003). Despite its major problems of civil unrest, political instability, corruption and poor governance, international oil companies have always seen Nigeria as an attractive area of upstream investment. Oil exploration has taken place in five major sedimentary basins, namely, the Niger Delta, the Anambra Basin, the Benue Trough, the Chad Basin and the Benin Basin. The most prospective basin is the Niger Delta which includes the continental shelf and which makes up most of the proven and possible reserves.

Although the bulk of crude oil which is Nigeria's main source of revenue is derived from the Niger Delta region of the country, this region belongs to the rank of the most backward and politically marginalized in Nigeria. Over eighty percent (80%) of Nigeria's wealth comes from oil which is pumped out of the Niger-Delta regions in millions of barrels daily by Multinational Oil Corporations like Shell, Chevron, Mobil, etc. Despite this wealth of natural resources, the indigenous people of this area are still very poor and their environment polluted. Many residents of this region still sleep in mud houses without electricity, drink dirty water from ponds and rivers, and live far below subsistence level. They survive by fishing, but oil spillage has damaged their fish stocks. The oil wealth accruing from their land is shared between the Nigerian government and the oil companies with very little or nothing getting to the communities. "The government's share of the money often ends up in the private bank accounts of corrupt government officials." This explains why, in many instances, government's position has always been in favour of the Multinational Oil Corporations in conflicts with the host communities. In 1995, the World Bank conducted a study of the environmental hazards in Niger Delta. The study entitled "Defining an Environmental Development Strategy for the Niger Delta" was quick to note that "the Niger Delta has been blessed with an abundance of physical and human resources, including the majority of Nigeria's oil and gas deposits, good agricultural land, extensive forest, excellent fisheries, as well as developed industrial base, and a vibrant private sector" (World Bank Report, 1995). However, the region's tremendous potential for economic growth and sustainable development remains unfulfilled and its future is threatened by deteriorating economic conditions that are not being addressed by government policies and actions. The report went on to say that despite the vast oil reserve in the Niger Delta; the region remains poor with education level below the national average. According to the report, while seventy six percent (76%) of Nigerian children attend primary schools, the level in some parts of the Niger Delta has dropped.

The existence of Multinational Oil Corporations in this region does not show any sign of true development there, rather, they exist to maximize profit, as their main concern is to explore and produce crude oil profitably. This view corroborates the thinking of Bamet and Muller (1974) as they stated that "the unfortunate role of the global corporation in maintaining and increasing poverty around the world is due primarily to the dismal reality that global corporations and poor countries have different, indeed conflicting interests, priorities and needs. The primary interest of the global corporation is worldwide profit maximization." Oil exploration and exploitation in the Niger Delta region has destroyed the means of livelihood of the inhabitants. Lack of employment has led many jobless youths to emigrate to the towns and cities where they are not guaranteed to have jobs. The oil money is neither invested in their localities nor in the cities around them, rather were such monies channeled to other major towns and cities outside the region or invested in infrastructure which the region hardly benefits from. The Nigerian government and the Multinational Oil Corporations operating in the Niger Delta area have refused to come to terms with the fact that they are obligated to provide clean pipe-

born water, good roads, schools, health care services to the people of this region in reciprocation of the crude oil extracted from there. Even when these amenities are provided, they only facilitate the exploitation of the communities as evidenced in the construction of access roads that link up their various oil and gas fields and not necessarily to develop the host communities (Azaiki, 2003). Available data show that Nigeria has about 31.4 percent of Africa's proven reserves and about 1.97 percent of world reserve. Indeed, the oil industry has bestowed enormous financial resources on the country. It was estimated that between 1980 and 1993, about 211.3 billion dollars was generated as federal government revenue through oil sales. This oil exploration and its wealth generation for the country are not without its negative impacts on the socio-economic development of the country, especially the Niger Delta region where the oil exploration is carried out. Available statistics on the Niger Delta clearly show that the oil industry has impacted more negatively on the rural communities from where oil is produced in varied dimension. One of such studies as highlighted by Ibaba states thus:

The petroleum industry has for long been plagued by operational conflicts which centre around such concerns as widespread environmental degradation, human displacement, inadequate compensation for losses imposed in the oil producing communities and inadequate community level involvement which often leads to alienation between state and the indigenous population (Ibaba, 2001: 25)

Environmental experts have in fact identified oil spillage as the major variable which had impacted negatively on the communities of the Niger Delta region. Records reveal that between 1976 and 1990 alone, a total of 2,796 oil spill incidents occurred in the country. According to these experts, the situation resulted in the spilling of 2,105,393 barrels of oil into the environment. The impact of these oil spills on the communities is varied and devastating. A mass of empirical evidence generated by scholars support this position. One of such studies has pointed out that:

Oloibiri is a shadow of its former self. Farming which used to be the mainstay of the community's economy has been paralyzed as farmlands have been destroyed, fishing activities grounded and aquatic life virtually castrated by many years of oil prospecting and exploration. (Ibaba, 2001:12)

The above observation connotes that oil spillages have destroyed the very basis of the economies of the local communities which host the oil industry. Put differently, the blame concerning the crisis of development has been placed on the oil companies. A UNDP report indicates that there are more than 7,000 kilometres of pipelines and flow lines and 275 flow stations operated by more than 13 oil companies (UNDP Report, 2006). According to the aforementioned UNDP Report, the productive and environmental impacts of the number of operators are at the increase every day in the region. The percentage of the land of the region occupied by the oil industry is less than five percent, but the adverse effects associated with its operations are innumerable and region-wide. Besides, oil spills as source of environmental degradation in the Niger Delta, gas flaring stands out as another major source. About 80 percent of gas is flared by the oil companies operating in the country. Okoko (2002) has decried;

the method of gas flaring by the oil companies operating in the Niger Delta area. He stated that these companies employ the "open-pipe flare" which is very damaging to the environment.

Oil MNCs and Environmental Rights Violation in the Niger Delta

It is no longer secret that the bulk of crude Oil which is Nigeria's main source of revenue is derived from the Niger Delta region of the country, yet this region belongs to the rank of the most backward and politically marginalized in Nigeria. In other words in spite of the fact that this region is cash cow of the Nation, the rights of this region has persistently been violated through the activities of Oil MNCs operating in the region. Studies reveal that over eighty percent (80%) of Nigeria's wealth comes from Oil which is pumped out of the Niger-Delta regions in millions of barrels daily by Multinational Oil Corporations like Shell, Chevron, Mobil, etc, (UN Report, 2011). Despite this wealth of natural resources, the indigenous people of this area are still very poor and their environment polluted. Their farms are no longer conducive for farming, fishing etc. Many residents of this region suffer from different forms of human rights violations ranging from environmental, political, economic etc in the region. For instance, most residents in the region still sleep in mud houses without electricity, drink dirty water from ponds and rivers already polluted by the Oil exploitation activities in the region. The people also live far below subsistence level as a result of the activities of Oil Multinationals in the region. They survive by fishing and farm produce, but Oil spillage by the Oil MNCs has damaged their fish stocks and farmlands, thereby violating their rights.

Another form of Human Rights Violation in the region is the fact the Oil wealth accruing from their land is shared between the Nigerian government and the Oil Companies with very little or nothing getting to the communities. The government's share of the money often ends up in the private bank accounts of corrupt government officials (REF). This explains why, in many instances, government's position has always been in favour of the Multinational Oil Corporations in conflicts with the host communities. In 1995, the World Bank conducted a study of the environmental hazards in Niger Delta. The study entitled Defining an Environmental Development Strategy for the Niger Delta was quick to note that;

The Niger Delta has been blessed with an abundance of physical and human resources, including the majority of Nigeria's Oil and gas deposits, good agricultural land, extensive forest, excellent fisheries, as well as developed industrial base, and a vibrant private sector.

However, the region's tremendous potential for economic growth and sustainable development remains unfulfilled and its future is threatened by deteriorating economic conditions that are not being addressed by government policies and actions. The report went on to say that despite the vast Oil reserve in the Niger Delta; the region remains poor with education level below the national average this again constitutes a violation of the fundamental rights of the citizens in this region. According to the report, while seventy six percent (76%) of Nigerian children attend primary schools, the level in some parts of the Niger Delta has dropped. (Chiroma, 2008) Unfortunately, the existence of Multinational Oil Corporations in this region does not show any sign of true development, rather, they exist to maximize profit, as their main concern is to explore and produce crude Oil profitably at the expense of the living conditions of the people. This view corroborates the thinking of (Bamet and Muller, 1974) as they stated that;

The unfortunate role of the global corporation in maintaining and increasing poverty around the world is due primarily to the dismal reality that global Corporations and poor countries have different, indeed conflicting interests, priorities and needs. The primary interest of the global corporation is worldwide profit maximization.

Oil exploration and exploitation in the Niger Delta region has destroyed the means of livelihood of the inhabitants. A typical example is the Ogoni region of the Niger Delta (Rivers State), Lack of employment has led many jobless youths to immigrate to the towns and cities where they are not guaranteed to have jobs. The Oil money is neither invested in their localities nor in the cities around them, rather were such monies channeled to other major towns and cities outside the region or invested in infrastructure which the region hardly benefits from.

Again, the Nigerian government and the Multinational Oil Corporations operating in the Niger Delta area have refused to come to terms with the fact that they are obligated to provide clean pipe-borne water, good roads, schools, health care services to the people of this region in reciprocation of the crude Oil extracted from there (Azaiki, 2003). Even when these amenities are provided, they only facilitate the exploitation of the communities as evidenced in the construction of access roads that link up their various Oil and gas fields and not necessarily to develop the host communities (Azaiki, 2003).

Oil MNCs and Environmental Rights Violation in the Niger Delta Region of Nigeria

Interestingly, studies have revealed that the exploitation of Oil resources in the Niger Delta by the Multinational Oil Companies (MNOCs) is supposedly to maintain an equitable relation with the host communities. Apart from the above, it will ensure sustainable environmental management, respect for human rights, responsive and corporate responsibilities.

Multinational Oil Companies and host communities relations should also be that of mutual collaboration and support but unfortunately, available literature all points to the contrary; hence making the situation unfriendly and hazardous for host inhabitants. Scholars such as Agbose and Okowa (2010) in their studies did not bring to the fore the force of the contemporary liberal democratic practices which are inevitable; especially today in the Nigerian setting. The liberal democratic practice in line with International Human Rights and parts also cited in our constitution guarantee some inalienable rights to the Nigerian Oil Host region to agitate for fair treatment of the Oil proceeds in order to develop the region.

Issues of developmental challenges that culminate to underdevelopment in the Niger Delta also had inputs by key stakeholders' selfish pursuits over the years. This is characterized by mutual dispute and disrespect for one another. The emergent rancor and acrimony between the states, trans-National Oil Companies and Oil host communities have brought negative repercussions to the host communities, government and Oil MNCs. Rather than design and implement a mutually profitable and unanimous development plan or agenda. These oil MNCs have by their actions, demonstrated envy and precipitated violent conflicts within themselves.

This situation tends to benefit the state and the Oil Companies including the chief stakeholders but the Oil bearing rural communities are the most venerable victims as every action or inaction taken by the other parties involved in Oil exploitation impacts negatively on their lives and habitat (Alowe, 2000).

Host communities participation in Oil Companies especially forming part of the decision making channel will alleviate the developmental challenges of the Niger Delta people cum address the social maladies that always lead to crippling of the Oil production capacity of the

Nation. Although often times MOU are formulated but implementation remains a problem. An example is the MOU signed between Nigerian AGIP Oil Company and Egbema Clan in Rivers State in December 1999. The above proffered gap entails that Oil host communities which are key to Oil exploitation should be well treated in relation to others in the Oil exploitation business since our land tenure system for now does not allow proper principle of derivation which would have curbed a lot of the issue of underdevelopment and forestalling of Oil production and insurgency in the Niger Delta region of Nigeria. Other factors include inability to enforce environmental policies and laws etc.

The Trans-National Oil and gas prospecting conglomerate have over the years as part of their social responsibility embarked on several programmes of social and economic development in their host communities. These efforts too, have never in reality gone beyond addressing the immediate demands expressed in the people's agitation for the employment of their youths in the company, provision of pipe-borne water, electricity generation, renovation of schools, hospitals, post office and bridges etc. The Oil Companies justify their below average performance in transforming the fortunes of their host communities by referring to the insincerity of the state that gets the lion share of the Oil proceeds. The Oil Multinationals take advantage of the naivety, lack of political will and corruption of the Nigerian State to breach with impunity most memoranda of understanding (MOU) signed with Oil bearing communities. They also violate municipal and international environmental protection laws. Over 82% of crisis between the Oil Companies and host communities between the years 2003 till date, are traceable to disrespect for MOU by the Oil company officials (Okowa, 2005).

Given the obvious and wide social and economic inequality that prevails, "Section II No, 17(1) of the 1999 Constitution which states that, "The State social order is founded on ideals of freedom, equality and justice, and 17(2) which provides that "The independence, impartiality and integrity of courts of law, and easy accessibility, thereto shall be secured and maintained" are noble but essentially not practicable. They are mere constitutional fictions. Hence, developmental challenges in the Niger Delta region had not been addressed with a moral question considering its input to the development of the Nigeria nation.

It is in the light of the above acts of the Nigerian leaders and the MNOCs toward the Niger Delta that Ake (1981) vehemently demonstrated the manner in which control rather than ownership has become a significant variable in a peripheral capital State such as Nigeria. Following a critical performance evaluation of the Nigerian State, particularly after the Oil boom (Orugbani, 2002; Efemini, 2002; Okaba, 2003) all described the situation as exploitative, and irresponsible.

The Nigerian State is fundamentally a feudal system. It is true that the British introduced capitalism and liberal democracy in the course of their imperialism. However, the fundamental values remain feudal, social orientation remain feudal and liberal democratic values yet to develop fully. The institution of liberal democracy is therefore, to the extent that it appears to exist, no more than a fraudulent pretence and a defensive front. This is the crux of the matter (Okowa, 1977:56).

Of course, in a feudal system, the feudal lords own "everything". The Oil wealth of the Niger Delta belongs to the feudal lords. This is why Nigerian leaders have the impetus to loot our resources for their private use. The looting starts at the National level and percolates to the State, Local government and communities. Therefore, in a political system impregnated with feudal orientation, it is normal for our leaders to personalize "everything", power is personalized and societal resources are also personalized. Those who criticize the

personalization of the commonwealth are seen as criminals and deviants. That is why the security agents harass, not the looters but those who criticize the looting in the system. It is vital to understand the fundamentally feudal orientation of our people in order to appreciate the difficulties involved in the challenges of development in the Oil rich Niger Delta region of Nigeria.

Oil ordinarily should be a blessing to Nigeria in general and the Niger Delta in particular. However, the fundamentally feudal character of the Nigerian State and systemic corruption have ensured that the Oil wealth derived largely from the Niger Delta has become a mixed blessing to the country as a whole but an outright curse to the region.

The Oil industry had indeed destroyed the fundamental bases for the development of the Niger Delta region. Systemic corruption which is largely funded by Oil has damaged the culture of hard work and in general the work ethics of many of the people in the region. An instance is the sit at home chances offered by the Oil MNCs to host communities in the region, coupled with the devastated environment. Some persons and Companies have benefited enormously from the proceeds of the Nigerian Oil wealth. "The Niger Delta" has been underdeveloped, neglected and impoverished. The people of the Niger Delta are faced with problems as a result of the Oil exploitation. The region in expectation of positive societal benefit ironically seems to be the least developed despite the fact that the nation depends solely on its wealth.

This systematic alienation of the federal government and Multi-National Oil Companies (MNOCs) finally culminated to frustration, worries, anger and violence. This is because before an Oil company as a corporate body come to operate, the negative environmental effects on the inhabitants are already envisaged and Environmental Impact Assessment (EIA) are always considered and enshrined in operational plans of corporate bodies but the situation is different in the relation of MNOCs Oil exploitation activities and host communities in the Niger Delta region.

The Oil prospecting and exploitation in the Niger Delta has not only altered people's livelihoods, but continues to disrupt the natural balance of the region's earth crust. George (2000) recognizes the methods of Oil exploration, namely: Analysis of existing geological and other information; seismic surveys; and exploration drilling; He mentioned that of particular destructive impact of the earth's make-up is the use of seismic survey.

This method involves the gathering of information through sound waves into the earth's crust to measure the depth of the rock layers and the use of dynamites and other explosives. The explosives are either detonated in the bowels of the earth through water bodies or dry land. In addition to its direct impact on the aquatic stocks in the area, the after effects or shocks are known to sometimes cover as much a radius of 10 kilometers (Bassey, 2001). The implication of this is that, the more Oil is explored in the Niger Delta region using this method, the more the region's natural environment witness shocks and rifts in its crust.

In extreme cases, MNOCs have sometimes forged partnerships with dictatorial regimes, compromise State officials and institutions, reinforced and sometimes funded State repression and short-changed States (Ake, 1996). In terms of relations at the level of the indigenous people, MNOCs are seen to sometimes repress, factionalize, subvert, and orchestrate tensions, protests and conflicts (Saro-Wiwa, 1992; Robinson, 1997; Raji and Akinsola, 2000; Human Rights Watch 1999; Frynas 2000; Crow 1995). Obi 2001, claims that MNOCs relations with host communities (HC) is underlined by corruption, divisiveness, co-optation, exploitation, betrayal and subversion which is the case of the Niger Delta, fuel tensions, conflicts and crisis.

Different Ways Oil Multinational Corporations in the Niger Delta region violate the environmental rights of the people.

Poor living conditions in the Region: Oil exploitation in the Niger Delta is a recent phenomenon that has resulted in decrease in the living conditions of the masses. For instance, Oil exploitation induced inter/intra communal crisis has driven 60% of youths from the comfort of their traditional homes into the hell of urban shanty settlements in Warri, Port-Harcourt, Yanagoo, Calabar, Eket, etc. leading to unwanted rural – urban migration thereby creating crisis of population explosion in the Urban centres making it unsafe for both the rich and poor.

In most parts of the Niger Delta, lands that were very fertile are no longer productive. The peasants have lost the fertility of their lands to Oil exploration. The resultant alienation of the people from their home lands local substance base has intensified effective and inequitable land use practices (Okaba, 2005). As a matter of fact, various attempts by the local people to avenge this economic disarticulation perpetrated by the state and Oil Companies have always compounded their environmental crisis leading to more devastating pollution and frequent loss of valuable lives and property. Similarly, Alowei, (2000) stated that,

the economic tragedies of these local Oil bearing communities in the Niger Delta are heightened by the non-diversification of the rural economy which was predominated by Oil, subsistence farming been destroyed by Oil exploitation then the local people are also excluded from the Oil business or the benefits of the Oil business; such as contracts awareness, employment, inadequate or no compensation (Alowei, 2000).

The era of Oil exploitation in the Niger Delta has turned the region into reckless human and environment rights abuses and other forms of social injustice and atrocities chiefly perpetuated by the state and Oil Companies. In addition to the deployment of armed troops and the use of uncivilized conflicts resolution techniques by those agencies, municipal environmental protection laws and statutes particularly those concerning compensations, reparation and remediation principles are not respected in the Niger Delta.

Rather the Petroleum Act and Land use Act, inland water ways Act and other obnoxious legislations have turned the region into a virtual imperial chieftdom only good enough for plunders. Okaba, (2005) equally stipulated some social resultant effects of the Oil evils to include the emergence of war lords and myriad of armed youth groups, pirates and cult fraternity encouraged by the divide and rule tactics of the Oil Companies and sustained by the need to gain local control and privilege from the Oil Companies. Just to sight a few instances, SHELL was sued by four communities viz: Obatoba, Sekebolou, Ofongbere and Ekeao – Zion on issues of pollution of their land and water by SPDC Oil spill. The legal battle lasted for 14 years.

In 1997, the High court in Ugheli found Shell guilty and awarded the communities a mere N30, 298, 681 (about 318.9 USD), Shell refused to pay the fine and instead chose to appeal (Peredeke, 1999). Another, in Ejamah – Ebutu village in Rivers state, a Shell pipe-line burst in the 1960s and polluted their land and waters. After protracted unsuccessful efforts at compensation, the community took shell to court in 1983 but shell chose to settle out of court but as at 1992, there was still no settlement. The community went back to court. By 1991, there was yet no compensation or remediation of the land (Strudsholm, 1999:37-39).

The scholars Gidado, Iyayi, Frynas and Fleshmen (2009), after stipulating lack of corporate responsibility and public and community relations as indices that culminate to crisis and

conflict situations among MNOCs and Oil host communities in the course of Oil exploitation, thereby creating underdevelopment of the Oil host communities, however, did not put it straight that corporate social responsibility once employed will also embrace good social public relation. Other specific ways through which International Oil MNC violates the rights of the people include but not limited to:

➤ **Poor Air Quality**

Air pollution in the Niger Delta has been on the increase since the commencement of Oil and gas exploration in the region (Hicks, 1998). Examples include Ebocha Oil Centre, (NAOC), Obaji Flow Station (Total), Ukwugba Flow Station (NPDC), Obiafu-Obrikom Gas Plant (NAOC), Agbado Flow Station amongst others. The quantities of emissions of these pollutants from gas flaring in Nigeria are yet to be ascertained due to unavailability of data. It is, however, expected that gas flaring in the Niger Delta will be the major single contributor of the emissions of these pollutants into the Nigerian atmosphere (Fagbeja, 2008).

The environmental pollutants discharged from the continued flaring of gas in communities of the Niger Delta, severely impacts air quality. This has detrimental consequences on the people. Sadly enough, even though legislation regulating gas flaring has been passed with the aim of completely phasing it out, including the 1984 complete prohibition target, the operation continues in other parts of Niger Delta, having stopped in Ogoni.

➤ **Food Insecurity**

The indigenous minorities of the Niger Delta witnessed how Oil production poisoned their waters and destroy their vegetation and agricultural land by intermittent Oil spills and other pollutants that occur in the course of the Oil production process. The arable farmland that was hitherto fertile in the Niger Delta has retrogressively lost fertility. The land is so polluted that it can no longer support the growth of most of the crops like cassava, yam, plantain, potato and cocoyam. Arable farmland has been so degraded that the hitherto productive areas are now turned into wasteland. With the increasing degradation of the Oil, and the dwindling agricultural productivity, farmers have become occupationally disoriented and displaced thereby creating acute scarcities of farm produce and food insecurity (Ogege, 2013). A typical example is the fact that the lands that are laying waste in the Ogoni are meant to be hitherto for food production. Unsurprising, the prices of foodstuffs are on the increase in the market.

➤ **Waste Disposal/Hazardous Chemicals**

Waste Oils are hazardous waste as they display some hazardous properties. Waste Oils that are found in rivers, lakes and streams threaten aquatic life. Indeed, a litre of waste Oil can contaminate a million litres of water. Severe Oil contamination can result from waste Oils being left on the ground. The production of Oil and gas generate waste gases that need to be controlled in a manner that protects the environment. A typical example is in fig 4.4. But a major problem with Oil and gas exploration activities is the inability of governments and their regulatory agencies to control and prevent environmental pollution and other associated problems. Oil spillage, gas flaring and venting have caused loss of lives, and have adversely affected human health and the environment.

➤ **Ecosystem Alterations**

The Niger Delta Creeks are characterized by low tidal energy current, making its swamps and canals exceptional breeding grounds for a vast variety of fish and shellfish. A combination of both the macro (external) and the micro (internal) ecological climate of the Niger Delta region constitute a sufficient condition for the complete resolution of the Niger Delta crisis. While the

macro environment is the primary, the micro environment is the secondary, both being complementary (Ejumudo, 2013)

➤ **Oil Spillage:**

Oil spill is the accidental, natural or deliberate discharge of crude Oil or Oil products on land, lakes, ponds, creeks, streams, rivers and sea during drilling and transportation of crude Oil by the Multinational Oil Companies. The problem of Oil spill is another major devastating environmental hazard associated with the Oil industry in the Niger Delta. The U.S. Department of energy estimates that over 4,000 Oil spills discharging more than two million barrels of crude Oil have occurred in the Niger Delta since 1960. (Nwilo and Badejo, 2001). In specific records, there were 1600 cases of Oil spills resulting in the release of over 1.678 million barrels of Oil into the environment in 1970–88 periods. Also there were 45 cases of Oil spills in 1993. Oil spills do occur both in onshore and offshore as a result of:

a. **Equipment failure:** This has been the most common cause of Oil spills in the Niger Delta and is linked to overloading, manufacturing defects, age of equipment and machinery permissive corrosion of Oil pipelines among others. Sometimes, pipelines and holding tanks leak Oil into the oil which may not be easily detected.

b. **Accidents:** At various stages of Oil production accidents do occur resulting in intermittent discharge of Oil into the environment. Oil well blow-outs which are associated with uncontrollable drilling into over pressured zones far down in the borehole may lead to escape of crude Oil onto the land and water (rivers, ponds, lakes, sea, etc.).

c. **Deliberate human action:** This is the most publicized cause of Oil spills in the Niger Delta and is commonly called vandalization. Vandalization is the deliberate tampering by inhabitants of Oil bearing communities and intruders with Oil field facilities especially pipelines for the purpose of causing Oil spills due to anger, frustration, disillusionment or inadequate decomposition to Oil bearing communities.

d. **Natural hazards:** Natural hazards that could cause Oil spills include flood, lightening, Oil erosion and rupture.

e. **Others:** Other causes of Oil spills includes; the loading and unloading of petroleum products and cleaning of storage tanks.

The bad aspect of Oil spill is that whatever natural habitat that comes to contact with the spilled Oil particles will receive a negative effect. Hence, Oil spills had exterminated a lot of the natural endowments in the Niger Delta region of Nigeria. This was why Steven Tombofa (2005) opined that the negative externalities of crude Oil production are associated with primary sources such as Oil spills, Oil blow-out and gas flaring.

➤ **Deforestation**

Another destroying effect of Oil exploration to the Niger Delta environment is the deforestation of the environment's bushes. "The Niger Delta region, the Oil industry is a very important factor of mangrove forest destruction. In addition to illegal logging brought on by increased accessibility to forest, the extraction of Oil as well as increased investment in the gas sector has accentuated the rate of deforestation in the Niger Delta region. Massive exploration drilling and the construction of pipelines for the transportation of Oil and gas products within and beyond the Niger Delta region has led to the clearing of forests to construct pipelines, flow stations, and other Oil facilities.

This further devastates the already delicate ecosystem of the region. The destruction of forest and coral relief in the region contribute both to the vulnerability of the region to natural disasters and global climate change. As these forest ecosystems are being depleted, the rate at

which CO₂ is withdrawn is further reduced, hence adding to the poor environmental conditions of the people of Oil Host Communities (OHCs) in the Niger Delta.

➤ **Socio-economic Issues**

The majority of people lack adequate access to clean water or healthcare. According to the United Nations Development Program, more than 60 per cent of the people in the region depend on the natural environment for their livelihood. For many, the environmental resource base which they use for agricultural activities, fishing, and the gathering of forest products, is their principal or sole source of food. Oil spills on land seriously affect the growth and development of crops, and damage the Oil quality, fertility, and ultimately, its productivity, rendering farmers in the communities unproductive.

In addition, Oil in water destroys fisheries, and pollutes water that people use for drinking and other domestic purposes. When gas is flared, the combustion is often incomplete, so Oil droplets fall on waterways, crops, houses and people. Some homes in the communities have been rendered inhabitable, due to the prevailing unsanitary environmental conditions. People, especially young men, who have been deprived of their means of livelihoods, have resorted to pipeline vandalization, to “make up” for their losses, and to combat the lingering impoverishment that has befallen them.

Considering the amount of damages done by the activities of the Oil Multinational Corporations operating in the region dating back to 1956 (when Oil was discovered in large quantity at Oloibiri in present Bayelsa State), it is obvious that the Multinational Oil Corporations in the region have not done enough to satisfy the yearnings and aspirations of the people resulting in increased Environmental Rights violation in the region. Examples of which are include gas flaring, Oil spillage amongst others.

Also of significant note is the fact that Oil Host communities lack the basic indices of development such as Roads, water, light, health facilities, employment, educational infrastructures etc. The absence of the afore-stated facilities in Host communities contributes enormously to the disruption of Oil exploitation activities in the Niger Delta region and when corrected, it will earn the Nigerian State increased productivity in her Oil earnings. Kodjo, 1981, and Akinsinya Obi, 2001 stated that thorough examination of power relations between MNOCs with their host communities and State reveals a heavy slope in favour of the MNOCs. The huge technological and economic resources of the MNOCs is reinforced by political power situated in the joint or syndicate businesses with States that are heavily reliant on resources exploitation and rents. The MNOCs are so asymmetrically powerful and superior that even host States and particularly African Oil producing States have been profoundly incapable of effectively regulating and domesticating them.

The power relation of the MNOCs and their host States (Countries) is said to be sophisticated, ruthless, hegemonical, secretive, violent, corrupt, unorthodox, criminalized, opportunistic, greedy, treacherous and exploitative (Watts, 1999; Obi, 2001; Turner 1981). Kodjo 1981 also stated that the MNOCs are said to be less altruistic and humanitarian, egocentric and self-interested. Similarly, Akinsanya 1984 reiterated that the MNOCs in their exploitative activities are insensitive and poorly responsive to local and regional dimensions of environmental issues. The MNOCs are said to be hostile to civil society (Warpner, 1996; Makumbe, 1998).

CONCLUSION

After myriad of decades of wanton degradation of the natural environment in the Niger Delta it seems the Oil Companies and the Federal Government have agreed to accede to the wailings

and clamors of the oil host communities for unjust exploitation with the accompanied challenges of development in the Niger Delta region.

The inhabitants of the Niger Delta resorted to solace in a rancorous manner resulting in commotion, convulsion, disturbances, turmoil, discomposure, distraction and violence in the Niger Delta region. This situation of agitation was started by the Ogonis then the Ijaws, Itsekiris and the Urhobos, etc in the early 1990s.

Subsequently, the continuous call for the non-violation of the Niger Delta Environment and therefore enhance the development in the region has metamorphosed to the present merger of pan Niger Delta struggle for a fair portion of the Oil resource to be used for the development of the region in all realms/spheres of development.

However, the fundamentally feudal character of the Nigerian State and systematic kleptomania has rendered the Oil proceeds from the Niger Delta a mixed blessing to the region and Nigeria at large through the violation of the Niger Delta environment. The Oil exploitation activities have indeed devastated the environment and the fundamental bases for the development of the Niger Delta region. Corruption hugely funded by Oil has damaged the culture of hard work and in general the work ethics of many of the people in the region. Governance has largely lost its focus as the key development institution in society now is mostly seen as an instrument for primitive accumulation by the privileged few.

5.3 RECOMMENDATIONS

The following are the recommendations of this study:

1. Oil Companies should partner proactively Oil host Communities.
2. Land acquisition should be in a cost effective way.
3. Government and MNOCs should seek to improve the quality of life in the areas of Oil exploitation activities.
4. Government and MNOCs should always take steps to enhance, resuscitate and improve on the environmental degradation challenges of the people of the Niger Delta.
5. MNOCs should attach priority to payment of compensation for damages that results from operations – without delay.
6. Development issues should not be politicized and Government issues and MNOCs should contribute immensely towards the development of the areas of operation.
7. MNOCs should imbibe the concepts of peace, mutuality, harmony, commitment, and progress towards Host Communities' development agenda.
8. Above all, moral laws favourable to the Oil bearing communities/region should be put in place to regulate; land tenureship, derivation, compensation, development plans, environmental hazards assessment, targets to meet emergency situations and corporate governance with honesty and service to Niger Delta people.

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