

RESEARCH ARTICLE



IMPACT OF OIL EXPLORATION ON THE NIGER DELTA: THE DRIVERS AND DYNAMICS OF CONFLICT OVER ENVIRONMENTAL DEGRADATION

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Abstract

The study examines the drivers of conflict over environmental degradation in the Niger Delta. The study also investigates the mechanism used to manage conflict relating to oil spills and gas flares in the area. The study was carried out in B-Dere and Bomu communities in Gokana Local Government Area of Rivers State. Primary data was obtained through oral interview and questionnaires that were used to elicit responses from the target population. Taro Yamane formula was used to determine the sample size. The data was analyzed using quantitative method of analysis. The study found that the inability of oil companies especially Shell Petroleum to respond immediately after there is a report of oil pollution and clean-up the environment was the major driver of conflict in the area. The study also found the mechanism used by Shell to manage conflict relating to oil spills was that of divide-and rule tactics, whereby the chiefs and elders are used against the youth. The study concluded that until Shell responds swiftly to cases of oil spills and remediates the polluted environment and compensates victims of oil spills and gas flares, as a way of assuaging their grievances, conflict between Shell and the oil bearing communities will continue to be a recurrent phenomenon. The study recommends that Shell should promptly respond to cases of oil spills, cleaning of spill sites, and compensation and rehabilitation of affected victims in order to reduce conflict in the area.

Keywords: Oil spill, oil pollution, Niger Delta, Ogoni, environmental degradation

1 | INTRODUCTION

Many communities in the Niger Delta over the years have had to deal with the prob-

lem of environmental degradation due to activities of oil multinationals. Most of the environmental pollutions are due oil spillage as a result of worn out pipe lines. Although, the cause of oil spill may be due to third party interference, however

majority of the oil spills in the Niger Delta particularly in Ogoniland are due to out-dated oil pipelines that are buried on the surface of the lands. When oil spills occur, the company, especially Shell, is quick to place the blame on the door step of the communities, as a way of absolving itself of liability. Due to distrust of the government and oil companies, many host communities resort to self-help as a way of expressing their anger against the company. This paper, therefore, examines the drivers and dynamics of conflict relating to environmental pollution in the Niger Delta area.

2 | OBJECTIVES OF THE STUDY

The aim of the study is to examine the drivers and dynamic of conflict relating to environmental degradation in the Niger Delta. The specific objectives of the study are:

1. Examine the incidents of oil spills and gas flares in Bomu and B-Dere communities.
2. Examine the impact of oil spills and gas flares on the communities
3. Determine the responses to oil spills and gas flares.
4. Determine the conflict management mechanism in cases relating to oil spills and gas flares.

2.1 | LITERATURE REVIEW

The Ogoni area and other parts of the Niger Delta have been polluted due to several years of oil exploration and exploitation by Shell and other multinational oil companies. However, in Ogoni Shell is the company with the license to exploit crude oil in the area. Unfortunately, since oil exploitation started in Ogoniland in 1958, the whole environment has

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suffered severe degradation due to oil exploration and exploitation (Ken Saro-Wiwa, 2014). Although Shell has ceased operation in Ogoniland in 1993 due to Ken Saro Wiwa and MOSOP led campaign against it, but the impact of several years of oil operation including gas flaring have continue to devastate the Ogoni environment (Gbenemene, 2018)

2.2 | THEORETICAL REVIEW

The study is anchored on the resource curse theory and frustration aggression theory. Resource curse (also known as the paradox of plenty) refers to the failure of many resource-rich countries to benefit fully from their natural resource wealth, and for governments in these countries to respond effectively to public welfare needs (National Resource Governance Institute (2015). While one might expect to see better development outcomes after countries discover natural resources, resource-rich countries tend to have higher rates of conflict and authoritarianism, and lower rates of economic stability and economic growth, compared to their non-resource-rich neighbors. In fact, many oil, gas and mineral-rich countries such as Nigeria and Angola have failed to reach their full potential as a result of their natural resource wealth. In general, they are also more authoritarian, more prone to conflict, and less economically stable than countries without these resources. In Nigeria, the Niger Delta region, especially Ogonis have been demanding resource control, which has brought serious conflict between the oil bearing communities and the government. Since almost 90% of Nigeria's foreign earnings is derived from sale of oil, it is very difficult for the government to relinquish control of revenue derived from sale of crude oil.

Dollard, Doob, Miller, Mowrer & Sears (1939) were the first to develop a theory on frustration and aggression. They noted that where expectation does not meet goal attainment, there is the tendency for people to confront those they hold responsible for frustrating their ambitions. More specifically, Dollard et al argued that the occurrence of aggressive behavior always presupposes the existence of frustration and, contrariwise that the existence of frustration always leads to some of form of aggression (Breuer & Elson, 2017). The theory was later developed and expanded

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by Ted Gurr (1970) in his relative deprivation thesis. Gurr argued that the greater the discrepancy between what is sought and what seem attainable, the greater will be the chances that anger and violence will result.

Situating the arguments of Dollard and Gurr in Ogoni, one begins to understand the grievances and the drivers of conflict between the people against Shell. Ogoni people are peaceful and law abiding however they have become frustrated because of activities of oil companies that have devastated the environment and destroyed the people's sources of livelihood. The people felt that having been endowed with crude oil that, at least, they would benefit from oil exploration and exploitation. Instead, the over fifty years of oil exploration has resulted in misery, environmental degradation and death of the people. The billions of crude oil revenue derived from crude oil exploited from Ogoni land has not translated into a meaningful life and development in the area, rather the people have suffered from starvation due to poor economic harvest, sickness due to polluted nature of the drinking water, and destruction of the streams, swamps and mangroves. The people have become impoverished and automatically rendered beggars on their land despite their rich oil resources. Consequently, the people have resulted into using violence against Shell because they feel that they have been denied their fair share of money generated from crude oil that is taken from their land.

3 | MATERIALS AND METHODS

The study adopted a purposive sampling method in the selection of B-Dere and Bomu as the setting for this research, as well as in the selection of participants for the focus group discussion. The two communities were selected due to their strategic importance to the Nigerian economy, and having suffered tremendous impact from oil spills. This study relied on both primary and secondary sources of data. Primary data were obtained through questionnaire, oral interview, and Focus Group Discussion. The study also adopted observational method of oil spill locations in Bomu and B-Dere communities including different oil well locations. Taro Yamane

formular was used to determine the sample size. The total sample size was 399. Data obtained was analyzed through descriptive methods of analysis.

STUDY LIMITATIONS

The major challenge to data collection, particularly in Bomu community was the issue of participants granting interview to some unknown strangers. This fear was, however, overcome after the researcher and assistant informed participants that we were academics from the university. Significantly, because several local and international NGOs particularly Amnesty International have worked in the same area, conducted similar research on oil spills, prior to our visit, it made our data collection process less suspicious, and our presence less threatening than it would have been. The research team also had to consult with traditional leaders in both communities in order to gain access to participants.

4 | RESULTS AND DISCUSSION

4.1 | RESULTS

Demographic Characteristics of the Respondents

The following are the frequency distributions of all the socio-demographic variables of the 399 respondents. This is done so as to give a clear picture of the background of the respondents.

Table 4. 1: Distribution of Respondents by Age (N = 399)

| <i>Age</i> | <i>Frequency</i> | <i>Percentage (%)</i> |
|--------------|------------------|-----------------------|
| 35 – 45 | 104 | 26 |
| 46 – 55 | 154 | 39 |
| 56 and above | 141 | 35 |
| Total | 399 | 100 |

The table above indicates that majority of respondents (39%) are within the age bracket of 46 to 55 years. This is followed by those 56 years and above (35%), while those between 35 and 45 years of age are 26%.

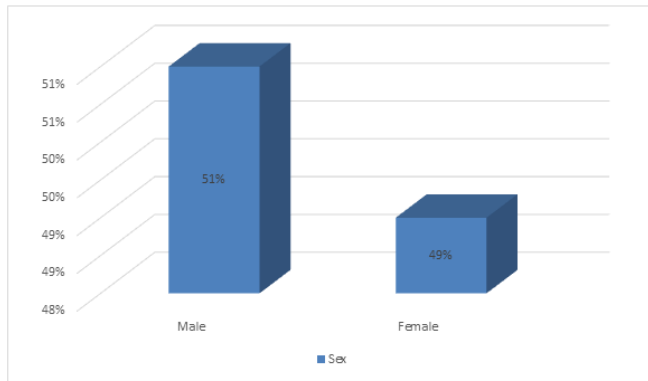


FIGURE 1: 4.1: Sex distribution of respondents

Distribution of Respondents by Sex (N=399)

From the figure above, it is clear that 51% of respondents are males while 49% are females. Obviously, the difference is not much. This can be attributed to the fact that gender balance was taken into consideration while distributing the instruments. As a result, equal number of instruments was distributed to both sexes.

Table 4. 2: Distribution of Respondents by Level of Education (N=399)

| Level of Education | Frequency | Percentage (%) |
|---------------------|------------|----------------|
| No education | 0 | 0 |
| Primary Education | 31 | 8 |
| Secondary Education | 82 | 21 |
| OND/NCE | 101 | 25 |
| HND/BSC | 107 | 27 |
| Postgraduate Degree | 78 | 19 |
| Total | 399 | 100 |

The table above indicates that a majority of respondents (27%) and (25%) respectively have OND/NCE and HND/BSC respectively while 19% have post graduate degree. Eight (8%) have primary education while 21% have secondary education. None of the respondents have no formal education. What can be deduced from the data above is that the level of literacy in Rivers is quite high. This implies that majority of the respondents had higher degrees.

4.2 | DATA ANALYSIS

Table 4. 3: Incidents of oil spills and gas flares

| There have been several incidents of oil spills and gas flares in Bomu and B-Dere communities? | | |
|--|------------|------------|
| Category | Frequency | Percentage |
| Agree | 167 | 42% |
| Strongly agree | 206 | 52% |
| Disagree | 16 | 4% |
| Strongly disagree | 10 | 2% |
| Total | 399 | 100 |

The table above shows that 42% of the respondents agree that there have been several incidences of oil spills and gas flares in Bomu and B-Dere communities. 52% strongly agree, 4% disagreed while 2% strongly disagreed.

Table 4. 4: Impacts of oil spills and gas flares on the Communities.

| There have been negative impacts of oil spills and gas flares in Bomu and B-Dere communities? | | |
|---|------------|------------|
| Category | Frequency | Percentage |
| Agree | 172 | 43% |
| Strongly agree | 198 | 50% |
| Disagree | 16 | 4% |
| Strongly disagree | 13 | 3% |
| Total | 399 | 100 |

The above table lends credence to the fact that oil pollution has degraded the Ogoni environment. 43% of the respondents agree that the impacts of oil spills and gas flares on the environment and human life in Bomu and B-Dere Communities have been severe. 50% of the respondents agreed strongly, 4% disagree while 3% disagreed.

Table 4. 5: Responses to oil spills and gas flares

| The responses of the people of Bomu and B-Dere communities to gas flares and oil spills have been peaceful. | | |
|---|------------|------------|
| Category | Frequency | Percentage |
| Agree | 180 | 45% |
| Strongly agree | 198 | 50% |
| Disagree | 12 | 3% |
| Strongly disagree | 9 | 2% |
| Total | 399 | 100 |

The above table indicates that 45% of the respondents agree that oil spills and gas flares have occasioned peaceful responses in majority of the cases from the communities in view. 50% agreed strongly, 3% disagreed, while 2% strongly disagreed. This is evident in the incessant conflicts that have bedeviled the communities and oil companies operating in the area.

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Table 4.6: Conflict Management Mechanisms

| Traditional chiefs and the people of Bomu and B-Dere communities are usually excluded from conflict management process. | | |
|---|-----------|------------|
| Category | Frequency | Percentage |
| Agree | 170 | 43% |
| Strongly agree | 201 | 50% |
| Disagree | 19 | 5% |
| Strongly disagree | 9 | 2% |
| Total | 399 | 100 |

According to table 4.6, 93% of the respondents indicate that the chiefs and elders and the people of Bomu and B-Dere are usually excluded from the conflict management process whenever there is oil spill and gas flares, while 7% disagree.

4.3 | DISCUSSION

Key Findings of the Research

Incidents of oil spills and gas flares

We found that oil spill is a major problem in the two communities that is the focus of this research-Bomu and B-Dere. Majority of our interviewees say that oil spill is a major problem to their communities because it is a threat to their source of livelihood. In B-Dere, for instance, our interviewers say that oil spill is a major problem to their community, and occurs frequently. When it occurs, its level is very difficult to measure and the damage caused is very difficult to quantify. However, in Bomu Community, the spills occur frequently like in B-Dere, and the levels are very high and cause great devastation to the environment. This finding is in line with that of Linden and Palsson (2013) who found that oil spills usually cover several kilometers whenever it occurs in Gokana LGA.

It is important to stress here that, although our research questions were framed in such a way as to determine the impact of oil spills and gas flares on target communities, but our findings show otherwise. We found that while oil spill is a serious problem to Bomu and B-Dere communities, gas flares has ceased since 1993/1994 when MOSOP started its campaign against gas flaring. Our interviewees, for example, said there is no gas flaring in their communities. Despite that gas is no longer flared, their impact due to several decades of flaring is still felt in the communities. They stated that gas flaring was a major health problem and devastated farmlands since

1957 and 1958 respectively when oil was discovered in B-Dere and Bomu, but its effect has been reduced since there is no more gas flaring in Gokana. Thus, from 1993 till date, Gokana communities no longer experience gas flares.

We also found that oil spills occur frequently in B-Dere and Bomu, however, the level is much higher in recent times in Bomu than B-Dere. Nonetheless, its impact on both communities still remains the same. Bomu, for instance, experienced major oil spills in 2008 and 2009 respectively. Although the month when these spills occurred remains disputed but the years of occurrence is same (The True Tragedy, 2011). Similarly, in a report compiled by UNEP, it documents the extent of pollution and environmental degradation due to oil spills in B-Dere oil field, manifold (flow station), also known as the Bomu oil field from 1969-2010..

We found that negligence and equipment/operational failures were the fundamental cause of oil spills in B-Dere and Bomu communities. Our interviewees claimed that the major cause of oil spill is equipment failure. This position is further corroborated by the Amnesty Report in “The True Tragedy” and UNEP report where they attributed the cause of oil spills incidents to equipment failure (see The True Tragedy, 2011; UNEP Report on Pollution Incidence in B-Dere). Although, some oil spills are due to human factors, we found that overwhelming majority of them are due Shell’s negligence and equipment failure.

The pipelines, most of which are buried on the surface of the ground are long overdue for replacement. According to a US diplomatic cable from 2008 published by Wikilinks, it stated that 73 percent of oil pipelines in the Niger Delta are more than a decade overdue for replacement. The cable noted, “In many cases, the pipelines with a technical life of 15 years are still in use thirty years after installation”. The cable continued, “Because the equipment is corroded, and relatively close to the surface, making it more vulnerable to intentional and unintentional damage from natural and human causes. Spills occur daily, and it often takes many hours to find the location of the spill and deploy the necessary clean-up equipment (The True Tragedy, 2011).

Impact of oil spills and gas flares

We found that the impact of oil spills on the communities were tremendous. Oil spills and over 36 years of gas flares have destroyed the entire economic life of the people. The people of Bomu and B-Dere depend solely on fishing and farming being communities close to the river. Oil spills have destroyed their farms and marine life, thereby destroying their main sources of livelihood, and causing many of them to go hungry and to live in abject poverty.

In fact, overwhelming majority of our interviewees said that they have been impacted personally by oil spills and long years of gas flares. They claimed that oil spills have polluted their drinking and fishing waters. It has also destroyed their farm lands. As a result, they have very poor farm yields. They also asserted that oil spills have made it difficult for them to fish and farm because the river and entire creeks have been polluted. The pollution, they say kill the fish and make some farm lands not good for cultivation of any type of farm produce.

The extent of environmental degradation caused by oil spills and gas flares in Gokana communities was well captured by the UNEP report where it detailed the major environmental pollution incidence occasioned by Shell Petroleum activities in K-Dere, from 1969-2010. The report note that oil spills, which was due mainly to equipment failures caused damage to land, swamp and stream, including air pollution and marine environment. Apart from the findings of this report, our interviewees from K-Dere and Bodo communities told us that because of the extent of the pollution of their environment due to oil spills and gas flares, many people were dying daily of cancer and some other inexplicable diseases.

In Bomu, the situation is catastrophic. We found that many women who depended / on picking periwinkle from the river as their main source of livelihood have resorted to begging. Many young men who depended on fishing as their main source of livelihood now resort to crime and other criminal activities for survival. The farmers are also affected because many farms no longer produce as they used to produce. Some farm lands have become barren as a result of the spill. It should be pointed out that the impact of the spills on the marine life of the people of

Bomu is greater because over 90% of the people depend on fishing than farming. The 2008 and 2009 spills caused the price of fish to skyrocket because there is scarcity of fish in the community. Many community members who depended on fishing for survival have now lost their main source of - income and livelihood. The level and volume of the Bomu 2008 and 2009 spills can be compared to the K-Dere 1970 and 1971 spills.

Amnesty International believes that the UNEP report on Ogoniland represents the first ever independent scientific study of the impacts of oil pollution in the Niger Delta. The UNEP report revealed the devastating human and environmental effects of decades of oil spills in the area. It found the contamination to be widespread and severe and stated that the people of the Niger Delta have been exposed to it for decades. The report also noted that farm yields are reportedly lower in areas affected by oil pollution. Oil pollution contaminates and pollutes the water. Majority of our interviewees said that they are sick as a result of drinking rain water since they cannot afford water tanks or sink boreholes.

One of the most serious facts brought to light in the UNEP report and which is similar to our findings in B-Dere and Bomu is the scale of contamination of the drinking water, which has exposed local people to serious health risks. According to UNEP, oil has seeped below the surface layers of soil and contaminated the ground water in Ogoniland. One of the main reasons for this is the method chosen to return a site to its original state before the spill. This is called "remediation". Amnesty International believes Shell has caused the remediation method by enhanced natural attenuation (RENA), throughout Ogoniland.

The damage caused by oil spill to the people of B-Dere and Bomu's health is tremendous. UNEP research contains the first data on the health impacts of oil pollution in Ogoniland. The report noted that "petroleum hydrocarbons can enter people's bodies when they breath air, bathe, eat fish, drink water or accidentally eat or touch soil or sediment that is contaminated with oil". The report also referred to raised concentrations of petroleum hydro carbons in the air and drinking water. The long-term effects are

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not yet well known, but could include cancer and neurotoxicity. The short term effect may include dermal exposure which can cause skin redness, oedema, dermatitis, rashes and blisters; inhalation exposure can lead to red, watery and itchy eyes, coughing, throat irritation, shortness of breath, headache and confusion and ingestion of hydro carbons can lead to nausea and diarrhea.

The damage caused by oil spill to the environment for noted by The African Commission in 2001, following an investigation. The commission stated that oil pollution and environmental degradation has gotten to a level humanly unacceptable and has made living in Ogoniland a nightmare (The True Tragedy, 2011).

The overall impact of oil spill cannot be determined in monetary terms because its effect on human beings and the environment is astronomical. However, when quantified, the cost of oil spill to the two communities under study B-Dere and Bomu, runs into billions of US dollars. For example, Bomu community through its legal representation demanded remediation for 20 billion naira (US\$129) in compensation for the losses incurred as a result of oil spill.

Under the international human rights law, people whose rights are violated have a right to an effective remedy. This includes the right to reparation, which in turn encompasses restoring the victim to their original situation before the violation occurred, compensating people for economically assessable damage, rehabilitation, satisfaction - which should include effective measures aimed at verifying the facts, and full public disclosure of the truth, judicial and administrative sanctions against those liable for the violations, and a guarantee that the violation will not be repeated.

Five years and three years for the spills that occurred in B-Dere and Bomu respectively, the people are still waiting for a remedy, including proper clean-up and remediation. Several other important aspects of the effective remedy to the communities have been violated by both the Nigerian authorities and Shell.

We found that no particular groups benefit from oil spills except Shell. Majority our interviewees point out that Shell was the major beneficiary when there

is an oil spill because they decide when to respond to call or report of an oil spill and whether or not to carry out a clean-up and who to be involved in the clean-up exercise.

We found that the people that suffer losses the most in Bomu were the fishermen, while in B-Dere, it was the farmers, hunters and fishermen that suffer the most. In Bodo, this is the case because majority of the people of the community are fishermen and fisherwomen who rely on picking periwinkle for sale, while in K-Dere, they are both fishermen and farmers.

In August and December 2008, two major oil spills disrupted the lives of the 69,000 or so people living in Bodo, a town in Ogoniland in the Niger Delta. Both spills continued for weeks before they were stopped. Estimates suggest that the volume of the spill was as large as the Exxon Valdez spill in Alaska in 1989. Three years after the spill, Shell Petroleum Development Company of Nigeria (Shell), a subsidiary of Royal Dutch Shell, has refused to clean-up the oil that was spilled. The spill continues to have catastrophic consequences on the Bomu community.

The scale of the pollution is confirmed by satellite images obtained by Amnesty International and analyzed by the Geospatial Technologies and Human Rights Project of the American Association for the Advancement of Science. The human cost of the spill is also starkly apparent. The lives of tens of thousands of people have been directly affected by the spills and the ongoing pollution. Many inhabitants including many of our interviewees are worried about their health and are afraid to eat locally caught fish or drink water from streams or rain water as they did before the spills.

On 28th August, 2008, a fault in the Trans-Niger pipeline caused a major spill in Bomu, Ogoniland. The oil poured into the surrounding swamp and creek for at least four weeks - probably for as long as 10 weeks. According to Shell, 1,640 barrels of oil were spilled in total covering an area of 61, 350m². However, experts consulted by a UK law firm have estimated that as much as 4,000 barrels of oil a day were leaking from the pipe. The spill was eventually stopped on 7 November, 2008. Shell admitted responsibility for the spill. According to the

company-led Joint Investigation Visit (JIV) report, it was caused by a “weld defect”.

On 7th December 2008, a second spill occurred in Bodo and Bomu. The spill was reported to Shell two days later, on 9 December. Both the local community and the JIV report attested that the second spill was larger than the first. Shell however, estimated that 2,503 barrels of oil were spilled, covering an area of 10,000m². The spill was left to flow for 10 weeks. Ten weeks later, between 19 and 21 February 2009, Shell, Nigeria’s National Oil Spill Detection and Response Agency (NOSDRA) and the Bodo community carried out a joint investigation. Again, Shell stated afterwards that the spill was caused by equipment failure as a result of natural corrosion.

Responses to oil spill and gas flares

We found that the method of response by the communities - B-Dere and Bomu, to the issue of oil spills and gas flares has been peaceful. Bomu community usually dialogue with Shell and has not resorted to violence. Sometimes, the Bomu community engages in peaceful protest to drive home their demand, but never engage in violent protest. When there is no response from Shell, the community resorts to legal action to seek redress. For instance, the ongoing lawsuit in UK by Bomu community against Shell support our findings that Bomu community’s reaction to oil spills and gas flares has been peaceful. However, in B-Dere, we found that their method response to conflict relating to oil spills and gas flares sometimes resort into violent protest against Shell as youths barricade the road against Shell and prepare to engage the military that Shell always call in anytime conflict of that nature springs up. In addition, in Bomu, we found that one of the fundamental factors that affects the way the communities respond to conflict relating to oil spills and gas flares was that several advocacy groups have been sensitizing the youths of the community against violence.

Prior to 1993, except K-Dere community that had instituted legal action in 1991 against Shell, most communities in Ogoniland were simply helpless when oil spills occur. Since they never knew the impact of such pollution on their environment, they were less likely to react negatively against the oil companies. However, this method of non-reactionary from

community members due to oil spills and gas flares changed dramatically in 1993 when Ken Saro Wiwa, under MOSOP, launched a campaign against Shell for environmental devastation of Ogonhland. The campaign against Shell brought an end to gas flaring and oil exploration. After, 1993, there was a general awareness amongst communities in Ogoniland of the effect of oil pollution and gas flaring on the environment.

It is also noteworthy that prior to 1993, oil bearing communities in Ogoniland rarely engage in protest, peaceful or violent, against oil multinationals. However, after 1993, most communities after calling for dialogue without response from Shell engage in protest which sometimes turns violent if Shell pays deaf ear to their demand. This is because Ken Saro Wiwa has indicated that MOSOP and Ogoni people will use a peaceful and non-violent method to campaign against Shell. The oil producing communities in Ogoni have simply followed this method.

The only thing that has changed over the years in terms of the way the communities react to oil spill and gas flares is that rather than protest peacefully, some communities such as K-Dere has used violent method in order to draw Shell’s attention to their situation, and they have also develop the idea of going to court to seek for redress. More importantly, affected communities prefer to file legal action against Shell in a foreign court, be it in the USA or UK, where they believe that justice can be obtained without any political influence.

We found in B-Dere community that the youths engage in violent protest against Shell when there was no response for a call for clean-up of oil spill. The youth of the community will during protest prevents Shell from gaining access to their flow stations and oil wells. They alleged that Shell fuels conflict over oil spills because they use a divide-and-rule tactics by pitching one group in the community against another. Shell uses this tactics as a way of suppressing the community and to cause violence in that community. In several cases, instead of dialoging with the community, Shell will rather resort to using the military to shoot defenseless community members. In Bodo, our interviewees stated that Shell divide-and-rule tactics is quite visible when they want to

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stop oil leakage. Instead of consulting community leaders, Shell will use some youths which the elders describe as “dissidents” to engage in contract work so that if the chiefs and elders complain, the dissident youths will rise against them.

Conflict Management Mechanism

We found that whenever there is an oil spill, the traditional leaders are less involved in the management of such conflicts. When Shell decides to dialogue with the Chiefs and elders, in most cases, dialogue yields very little result because Shell is viewed as being insincere and domineering. Moreover, Shell’s divide and rule tactic usually makes the whole process a nullity and less fruitful.

Our interviewees noted that whenever there is conflict over oil a spill, Shell acts as the prosecutor/complainant and the judge because it gives very little room for dialogue, and when dialogue takes place, there is no meaningful result. They also stressed that women and youth groups are totally excluded from such dialogue, whenever Shell calls for one. Shell only sends their workers with accompanying soldiers to come into the community to stop oil spills with little regard for community leaders. Neither NOSDRA nor HYPREP is involved in the management of conflicts relating to oil spills.

The inability of NOSDRA and HYPREP to be involved in management of conflicts relating to oil spills is due to a lot of political factors. HYPREP was established by the Federal Government under President Goodluck Jonathan as a consequence of the UNEP report. However, the agency has been handicapped because of lack of funds to carry out its responsibilities.

NOSDRA is responsible for compliance with environmental legislation in the petroleum sector. Their responsibilities include undertaking surveillance, reporting, alerting, and other response activities as they relate to oil spillages. The agency is to ensure that Nigeria’s National Oil Spill Contingency Plan is implemented in line with the International Convention on oil pollution preparedness, response and co-operation.

When a major oil spill occurs, NOSDRA is responsible to assess the damage to the environment and

undertake a post-spill impact assessment. After the assessment, it will then advise the authorities on possible health impacts to ensure remediation and help to mediate between the affected community and the company. However, NOSDRA has not been able to perform this function, especially that of mediating between the community and the oil company. This is largely due largely to the subsidiary rule that the agency plays when dealing with a giant oil company such as Shell. NOSDRA to depend on the oil company (Shell) whenever there is oil spill.

Due to NOSDRA’s inability to perform its function, Shell takes the leading role in determining the amount of spills that occurred, its impacts and the amount to pay as compensation. Our interviewees claimed that when a spill occur, it takes several days for Shell to respond after they have been informed, and it is Shell, and not NOSDRA that determines the volume of spill that take place. Additionally, Shell uses its equipment to convey NOSDRA staffs to the site of the spills. They also claim that during such investigation, neither the Chiefs, elders nor the youth of the community are involved in the investigation. Even after the investigation, the community does not have access to the report because Shell claims it is the company’s property.

Our interviewees also assert that there is no co-ordination between the agencies that carry out the investigation of the oil spill because the communities are not involved in such investigation. Moreover, NOSDRA is only involved in oil spill investigation when they are written to by the community informing them of an oil spill. However, their ability to respond to such calls is handicapped because of their lack of equipment. NOSDRA lacks an independent means to investigate oil spills. It is usually dependent on Shell to take NOSDRA staff to the site and to supply much of the data about spills.

Other interviewees claimed that they are usually excluded in any process when Shell tries to determine the cause of a spill. The community believes that Shell and NOSDRA are insensitive and concerned about their wellbeing. They also noted that whenever they try to dialogue with Shell in order to determine compensation after a spill occurs, the whole process is never transparent. They claimed that Shell is not

accountable to the people because they are only concerned with their economic interest.

In order to demonstrate Shell and government's insincerity and insensitivity to community affairs, a contract that was awarded by Oil Mineral Producing Area Development Commission (OMPADEC) and later NDDC due to federal government directive to K-Dere community for the construction of roads and drainages, following the 1970 and 1971 Bomu II oil well blowout, till date the contract has not been executed. This contract was only awarded after the community petitioned to the presidency (see letters and Bills of Quantities annexed).

We found that it is the oil company (Shell) that plays a leading role whenever an oil spill occurs. NOSDRA plays a subsidiary role, while the community is totally ignored in the process. The oil company's dominant role in the investigation process creates a conflict of interest. This is because the company being the potential liable party has substantial control over the process that sets the parameters that determines liability.

We found that the oil company, Shell and the Nigerian government are never accountable to the people and there is no smooth relation between Shell, government and the community. This is because the communities are never involved in any decision that affects them, such as investigation of oil spills or to determine the amount of compensation to be paid when Shell accepts liability for spills. This situation creates conflict and hostility towards oil companies.

The scenario was captured in the letter from UNEP on 4th August, 2011 to the president, where it noted that environmental security can be improved when there is a reduction in the distance between the decision makers and the people who should benefit from their decisions. The letter stressed that there should be a two-way information link between the national governments, international partners and local communities so as to ensure that the benefits of sustainable development reached the marginalized and the politically invisible masses..

We found that there is lack of coordination between HYPREP, NOSDRA, Shell and the communities in terms of addressing problems relating to oil spills.

We also found that it is Shell that spearheads investigation of oil spills and it is not accountable to the people. Shell also takes charge of resolution of conflicts relating to oil spills. The involvement of NOSDRA in investigating and managing conflicts arising from oil spills is limited because of their poor funding and lack of equipment's. HYPREP is never involved in any issue involving oil spills because they also face the same problem of inadequate funding. For instance, in a letter dated 5th September, 2012 (see annex), the people of K-Dere petition to the Federal government complaining about the poor performance of HYPREP (Hydro Carbon Pollution Restoration Project) in the discharge of their responsibilities.

5 | CONCLUSION AND RECOMMENDATION

5.1 | Conclusion

Since oil exploration started in Ogoniland in 1958, Ogoni people have not heard any meaningful benefit from the oil extracted from their land. Most of the benefits accrued from crude oil have been used to develop other parts of Nigeria, thereby leaving Ogoniland and other parts of the Niger Delta undeveloped and environmentally devastated. Oil spills are caused by outdated pipelines that require replacement, less of third party involvement. When these spills occur, Shell absolves itself and place the blame on the communities. Even when Shell is informed of oil spills, the company is usually very slow in its response rate and would not want to remediate the environment and compensate affected communities. The investigation of oil spill is usually the sole responsibility of Shell with less community involvement as well as NPSDRA and HYPREP. This situation creates conflict between the community and Shell. Although oil operation has ceased in Ogoniland since 1993 when Ken Saro-Wiwa and MOSOP launched a global campaign against Shell, nonetheless, Ogonis continue to live and suffer environmental pollution and degradation as a result of oil spills, due to oil pipes that run through many parts of Ogoni particularly the Trans Niger Delta Pipeline.

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Many of the damage caused by oil spills in Bomu and B-Dere communities are preventable, if Shell followed Nigeria's national law and international oil industry standards. Shell can either be proactive by replacing oil pipes or should have stopped the oil spill as soon as it was reported. Instead the company waited weeks. When the spill was eventually stopped, Shell failed to clean up the resulting pollution.

Although the government, as a consequence of the UNEP report has set up HYPREP to engage in the clean of Ogoni but the cleaning process have been very slow due to the bureaucracy involved in such government agency. HYPREP since its establishment has not been able to provide clean drinking water for Ogoni people since the underground waters in Ogoniland are polluted due to oil pollution and gas flares.

Oil pollution occurs frequently in Bomu and B-Dere because of negligence of the oil companies and due to equipment and operational failures. In fact, overwhelming majority of the oil spills in these communities is due to equipment failure, very few are due to human factors. This is because majority of the pipelines, especially the Trans Niger Pipeline buried on the surface of the ground are corrosive and outdated. They all need replacement. However, rather than carrying out a regular maintenance of these pipes, the oil company only respond when there is an oil spill.

Although, Shell's operation is not physically visible in Gokana however, the impact of several years of gas flaring is still causing great hazard to the health of the people. It is very difficult for them to drink even rain waters because the waters have become acidic. More importantly, Shell's inability to clean up the environment as soon as spills occur and the company's refusal to pay adequate remediation to the affected communities and land owners has been a major source of conflict between Shell and the community.

When oil spills occur and they are reported to the company, it takes several days before there is a response to stop the leak. By then, the spill has covered several kilometers because most of the spills occur along the swamps and creeks. Shell only engages

in reactionary measures when oil spills occur rather than taking proactive steps by checking their oil pipes regularly and replacing old ones. Due to the poverty and loss of income occasioned by oil spills, most community members who have no other means of livelihood resort to begging and other forms of criminality. The poor response and approach by Shell to reports of oil spills makes the community to sometimes react violently. When spills do occur, it takes Shell several years to carry out any type of clean-up or make meaningful compensation to the affected communities. It is only when the company is dragged to court that it begins to negotiate for payment with the affected communities.

The impact of oil and gas flares on the communities is appalling because spills destroy farm lands, fish and drinking waters. When oil spills occur, the volume of spill and the areas the spill covers is so large because it takes several days before the spill is stopped. Its environmental impact continue to increase because it takes several years before the oil company carry out any meaningful clean-up. Conflict relating to oil spills and gas flares, although peaceful in Bomu but usually turn violent in B-Dere because of Shell's insensitivity to the people's plight, and its refusal to deal sincerely with community leaders. Conflict can be properly managed if the traditional institutions are used efficiently. However, Shell has decided to sideline the chiefs and elders of these communities by hijacking their responsibilities. Shell does the function of conflict management specialist because of the way it treat the chiefs when investigating oil spills. The chiefs and elders are never involved in the investigation. Sometimes, instead of Shell to dialogue with the affected communities or simply apologize for a spill, they rather bring in JTF to protect their operation. When Shell invites the community for dialogue, the outcome is never fruitful because of the double standard of Shell and their insincerity to community problems.

The role of women in the investigation and management of oil spills is very limited. Although the impact of gas flares and oil spills on them is tremendous because many of them lost their sources of livelihood. However, they are totally excluded in any issue involving the investigation and the management of

conflicts relating to oil spills because the oil company works more with the men who are the leaders of the traditional institution and youth groups in the affected communities.

The insensitivity of Shell to oil pollution and the exclusion of the chiefs in the investigation of oil spills have yield very little result because the company is not seen as being transparent as it tries to play a leading role in investigating something that it is liable for.

The poor response of Shell to calls when there is a report of oil spills is quite worrisome. Furthermore, most of the spills that occurred in Bomu and B-Dere in 2008 have not been cleaned-up and the communities have not been compensated. Even when there is an investigation of an oil spill, Shell never make the report available to the communities nor involve them in the investigation process. This shows a lack of transparency, and accountability in the management of oil spills and gas flares.

Finally, there is lack of coordination in the groups that respond to oil spills because NOSDRA and HYPREP as government agencies are poorly funded. NOSDRA cannot perform its responsibility of mediating in conflicts between the oil company and the community because it does not have the resources to carry out such functions and have to depend on Shell, which is the liable party to convey its staff to spill sites. A recent UNEP report confirmed the serious weaknesses in Nigeria's regulatory system, in particular lack of resources in the case of NOSDRA to carry out its regulatory function.

Recommendations

- The Nigerian government should immediately provide assistance to those affected by the Bomu and B-Dere oil spill.
- The government should ensure that the pollution in Bomu and B-Dere is cleaned up as a matter of urgency and make it subject to independent verification.
- The government should ensure that there is an independent and coordinated monitoring of oil spills in the affected communities.
- The government should ensure that NOSDRA enforces the regulatory systems by making sure that oil spills are cleaned up in a timely manner, and by imposing effective penalties on violators of the regulations.
- The government must take all necessary steps to prevent further oil spills due to equipment failure, sabotage, oil bunkering or illegal refining. This should include developing an effective and comprehensive plan to prevent any further oil spills.
- There should be partnership between the government, Shell and host communities when investigating and managing oil spills. The government and Shell should not be the only group to carry out this task thereby excluding the host communities.
- There should be routine checks of equipment, because most of the spills occur due to equipment failure.
- The chiefs and elders should be involved in the monitoring of pipelines. Where they lack the necessary skills and training to carry out such task, they can recommend community youths to carry out the surveillance work. This will prevent vandalism of oil pipelines and also prevent oil theft.
- There should be a Joint investigation Committee (JIC) consisting of the community, Shell and the government. The responsibility of this committee will be to determine the cause of spill, the perpetrators, and determine the amount of compensation to be paid to the community. This would require the selection of, at least, two persons from key stakeholders in the community especially from the council of chiefs, youth and women groups, together with representatives from Shell to investigate and manage oil spills.
- There should be remediation for communities affected by gas flares and oil spills. This should include adequate monetary compensation the communities affected by oil spills. The impact

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of several decades of oil spills should be determined, and people should be adequately compensated for the ill health and death suffered as a result of gas flaring.

Recommendation for Future Research

1. Future studies should try to understand the relationship between oil spills and gas flaring and criminality, particularly violent crimes.
2. Future research should examine the effect of oil spills and gas flares on community rate of unemployment.

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