



## The Ogoni of Nigeria: Oil and Exploitation

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### The Ogoni land and people

The Ogoni people are an indigenous minority in southern Nigeria, numbering approximately 500,000. The Ogoni region covers approximately 100,000 square kilometres in the south-east of the Niger delta. Traditionally, the Ogoni have depended on the rural livelihoods of agriculture and fishing. They revere the land on which they live and the rivers that surround them. In the local language, Doonu Kuneke (tradition) means 'honouring the land'. The land, provider of food, is worshipped as a god, and the planting season is not merely a period of agricultural activity but is a spiritual, religious and social occasion.<sup>1</sup> As elsewhere in Nigeria, land tenure is based on customary laws, which hold land to be community property, over which individuals only have rights of usufruct: only the community may sell or dispose of land.<sup>2</sup>

### Oil, land tenure and 'development'

The Niger delta is the source of over 90 per cent of the oil which now dominates the Nigerian economy. Oil accounts for over 90 per cent of export earnings and some 80 per cent of government revenue.<sup>3</sup> But the history of 'development' associated with oil exploitation in Nigeria has been troubled from the outset.

For the Ogoni, as for other peoples of the Niger delta – including Ekpeyes, Ibibios, Ijaws, Ikwerres, Ilajes, Itsekiris and Ogbas – the environmental, social and economic costs of oil exploitation have been high, and very little of the national wealth that their region generates has returned to them.

Oil was first discovered in Nigeria in 1956 at Oloibiri in the present-day Bayelsa State, and in the Ogoni region in 1957 by the Shell Petroleum Development Company (SPDC). A number of oil companies, including Chevron Nigeria Limited, moved into the area and further strikes were made in the 1960s and 1970s. Indigenous communities in Ogoni and other parts of the Niger delta report that as oil exploration and extraction increased, the government ordered them to give up land for oil operations, without consultation, meaningful compensation, or 'free and informed consent' being obtained prior to the transfer.<sup>4</sup>

In 1978 a controversial Land Use Decree was passed. It vested ownership and ultimate rights over land in the government and determined that compensation for land would



MOSOP supporters on the way to a meeting. Photo: Eric Miller/Panos Pictures

be based on the value of crops on the land at the time of its acquisition, not on the value of the land itself.<sup>5</sup> This decree, incorporated into the Constitution in 1979, facilitated the acquisition of Ogoni and other indigenous peoples' lands by the oil companies.

During the 1970s and 1980s the Ogoni people increasingly saw that government promises of beneficial development associated with oil production were unreliable. This pattern continues: development projects are not completed; local infrastructure is deteriorating.<sup>6</sup>

The high environmental costs of oil exploration and extraction also quickly became apparent, as huge oil spills occurred, drinking water, fishing grounds and farmlands became contaminated, and gas flares caused air pollution.<sup>7</sup> As early as 1970, seven Ogoni chiefs sent a memorandum to Shell and to the military governor of Rivers State complaining of environmental degradation caused by SPDC's operations in the area.<sup>8</sup>

### Rising human rights abuses

In 1990, the Ogoni people organized themselves in the Movement for the Survival of the Ogoni People (MOSOP) and drew up the Ogoni Bill of Rights (OBR), which outlined their demands for environmental, social and economic justice. Protests by MOSOP and other groups led the oil companies to boost their spending on 'community develop-



ment' programmes, but MOSOP's discussions with indigenous communities confirmed that the projects followed the previous pattern of a lack of consultation from the outset.<sup>9</sup>

By 1993, relations between Ogoni communities, government, and SPDC had become so bad that SPDC withdrew temporarily. The breaking point for local communities came on 30 April, when soldiers escorting a Shell contracting firm, WILLBROS, shot and seriously wounded Mrs Karalolo Korgbara, a mother of five, whose farmland was being expropriated for a new oil pipeline.<sup>10</sup>

Human rights abuses increased between 1994 and 1998<sup>11</sup> as the Rivers State Internal Security Task Force sought to crush resistance in Ogoni and across the Niger delta. When nine MOSOP leaders were executed on 10 November 1995, after a military tribunal, which was reportedly described as 'judicial murder' by the British Prime Minister John Major,<sup>12</sup> Nigeria was suspended from the Commonwealth and the European Union imposed sanctions.

### Re-emergence of the development debate

It was only after the death of the President, General Sani Abacha, on 8 June 1998 that the discussion of development and questions of rights to basic healthcare, education, land and culture re-emerged.<sup>13</sup> President Obasanjo's civilian government, inaugurated in May 1999, seemed open to involving civil society in the process of development. Companies such as SPDC reviewed their approaches to community relations. SPDC conducted 'Stakeholders' Consultation Workshops' and adopted principles of sustainable development.<sup>14</sup>

However, human rights groups including MOSOP, the Niger Delta Human and Environmental Rights Organization, Ijaw National Congress and Environmental

Rights Action conclude that little has changed since 1999. MOSOP's assessments of the impact of oil exploitation on Ogoni communities (undertaken 2000–1) reveal a wide gap between the government's political claims and the reality of its new initiatives. The few projects that had reached rural communities perpetuated the pattern of partially completed and abandoned contracts. An independent SPDC-commissioned survey of its projects 'completed' in 2000, deemed only 31 per cent of the projects to have been successful.<sup>15</sup> The survey and MOSOP researchers have also noted the continuing lack of consultation with local women and men, and their lack of participation in projects.

One exception to this pattern is an initiative by the European Union, for which funding was agreed in 1999, offering assistance to Niger delta communities via community-initiated 'micro projects', with an emphasis on sustainability. The programme, if implemented well, may contribute to the re-empowerment of community development committees and other bodies capable of acting at the grass roots to address development needs. It has been welcomed by MOSOP and other advocacy groups.

### Current development challenges

#### Land and environment

Four years of civilian rule have brought little change in either the concentration of power over Ogoni land enjoyed by government or the extent to which it exploits local resources, which goes against Article 26 of the United Nations (UN) Draft Declaration on the Rights of Indigenous Peoples. The Land Use Act of 1978 and the Petroleum Decree of 1969 remain in force and there is little sign that the political elites have any interest in repealing or reforming them.

The reparation of environmental damage is a subject on which the gulf between the Ogoni communities and the oil companies appears to be as wide as ever. While the companies increasingly claim their clean-up operations meet international standards, and some companies have made allegations that acts of sabotage have caused spills, the communities continue to report fraudulent clean-ups, the use of crude pits to bury oil waste, and ongoing damage.<sup>16</sup>

In the absence of effective government regulation or monitoring of oil operations, Ogoni communities face apparently insurmountable barriers in defending their rights. Those who try to assert their land rights face a lengthy legal process in a congested court system. An example is the lawsuit brought by an Ogoni community in Eleme over an oil spill which occurred in 1970. SPDC has appealed against the judgement requiring it to compensate the community by 4 billion naira (approximately US \$40,000,000) and it is impossible to determine when a judgement will be enforced.

However, the African Commission on Human and Peoples' Rights issued a decision in October 2001 regarding Communication 155/96 alleging violations of the African Charter on Human and Peoples' Rights by Nigeria against the Ogoni. The Commission found that oil production

activities by the government and SPDC had caused serious health and environmental damage, and that there had been inadequate compensation and consultation with the Ogoni. Recommendations to the government were made, including the need to undertake environmental and social impact assessments, and to compensate the victims of human rights violations linked to the oil operations.

### Basic infrastructure and services

Ogoni and other indigenous and minority communities have also been deprived of the benefits of development in other key areas – infrastructure, healthcare, and education.

The absence of even basic infrastructure creates a daily threat to life and livelihoods in the Ogoni region. The views of representatives of Ogoni communities interviewed by MOSOP researchers were consistent with the SPDC-commissioned survey data showing that, in areas such as water provision, over 50 per cent of projects were deemed non-functional, although these were listed as completed in 2000.<sup>17</sup> This suggests to the communities that the companies do not care about the consequences of such failures, despite the obvious threats to water supplies from both oil pollution and population pressures.

As regards health, there is a direct correlation between the intensity of oil production and its negative impact on health.<sup>18</sup> When oil operations discharge toxic effluents into rivers and onto farmlands, harmful elements such as mercury and chromium enter the food chain. The discharge of effluents also contaminates underground water and makes it unfit for human consumption; yet this remains the only source of water for local people.<sup>19</sup>

Basic equipment, health centres, hospitals and clinics are lacking, and transport in the region is both difficult and expensive. Projects repeatedly suffer from extended periods of ‘renovation’ without any clear prospect of a service that is effective, or will address local needs. Fundamental failures can undermine progress in other areas: the Terabor General Hospital in Gokana, for instance, despite heavy investment by SPDC, still has a faulty water supply, leaving the hospital dependent on a supply known to be contaminated.<sup>20</sup>

Education at all levels in Nigeria is a cause of widespread concern. Problems are exacerbated in the case of the Ogoni. The environmental degradation of the land upon which the local economy depends erodes the economic power of most Ogoni families, making it doubly difficult for them to put their children through school. Further, the Ogoni are disadvantaged in language education. They do not have the opportunity to study their own language, culture and history.

## Conclusion

Since oil was discovered in Ogoni in 1958, the Ogoni people have waged an uneven struggle with successive governments that are allied with oil companies. Exploitation of oil resources has failed to take adequate account of the rights of minorities and indigenous communities, or of the environment.

Oil is the basis of the nation’s wealth, but the indigenous peoples and minority groups who live in the areas that generate it are impoverished, rather than enriched, by oil extraction. Resources put into development by both the government and the oil companies are failing to effectively reach the minorities and indigenous communities of the Niger delta.

Communities report a lack of consultation about, or participation in, the design of development projects of which they are the supposed beneficiaries.

Increasingly, Niger delta communities are exchanging information and ideas on their experiences, and challenging the performance of government and oil companies.

## Notes

- 1 Boele, R., *Report of the UNPO Mission to Investigate the Situation of the Ogoni of Nigeria*, February 17–26 1995, The Hague, UNPO, 1995, p. 7.
- 2 See Ebeku, K.S.A., ‘The Niger delta people: The injustice of the Land Use Act’, *CEPMLP Internet Journal*, vol. 9, article 14 (July–December 2001), [www.dundee.ac.uk](http://www.dundee.ac.uk)
- 3 See SPDC, *The Ogoni issue brief*, 1998, [www.shellnigeria.com](http://www.shellnigeria.com)
- 4 Draft Declaration on the Rights of Indigenous Peoples, Article 30.
- 5 Ojo G.U. et al, *Ogoni: Trials and Travails*, Lagos, Civil Liberties Organisation, 1996, pp. 6–8; Raji, W. et al, *The Boiling Point*, Committee for the Defence of Human Rights, 2000, p. 161; see also Office of the Senior Special Assistant to the President on Constitutional Matters, *Report of the Presidential Committee on the review of the 1999 Constitution*, Lagos, 1999, [www.pcrconline.org/The\\_Report/index.shtml](http://www.pcrconline.org/The_Report/index.shtml)
- 6 Ojo, op. cit., *The Guardian* (London), 16 September 1999; Wheeler, D. et al, *Paradoxes and Dilemmas for Aspiring Stakeholder Responsive Firms in the Extractive Sector – Lessons from the Case of Shell and the Ogoni*, 2001, p. 10.
- 7 UNPO, *Ogoni*, [www.unpo.org/member/ogoni/ogoni.html](http://www.unpo.org/member/ogoni/ogoni.html)
- 8 Saro-Wiwa, K., *Genocide in Nigeria: The Ogoni Tragedy*, Port Harcourt, Saros, 1992.
- 9 Interview by MOSOP researchers with Chief K. Doobie of Kpean (Ogoni), landlord to Yorla oilfield, operated by SPDC.
- 10 Saro-Wiwa, K., *A Month and a Day: A Detention Diary*, Harmondsworth, Penguin, 1995; Korgbara K., interview for the television documentary *The Drilling Fields*, Catma Films.
- 11 See Human Rights Watch, *The Ogoni crisis: A case-study of military repression in Southeast Nigeria*, New York, 1995.
- 12 Comment made at emergency meeting of Commonwealth leaders in New Zealand, November 1995, reported in [www.hansard.act.gov.au](http://www.hansard.act.gov.au)
- 13 For example, the Conference on Sustainable Development and Conflict Resolution in the Niger Delta organized by Niger Delta Ethnic Nationalities in Port Harcourt, 4–6 February 1999.
- 14 SPDC *People and Environment Report*, 2000.
- 15 *Report of the Stakeholder Review of SPDC Community Development Projects Completed in the Year 2000*, SPDC, March 2001.
- 16 See *The Guardian* (Nigeria) 20 August 2002.
- 17 See *The Economist*, May 2001.
- 18 See Ikein, A., *The Impact of Oil on a Developing Country: The Case of Nigeria*, New York, Praeger, 1990.
- 19 I-IDEA, *Democracy in Nigeria*, p. 245.
- 20 See *The Guardian* (London) 16 September 1999.



# working to secure the rights of minorities and indigenous peoples

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## Recommendations

### The Nigerian government should:

1. Fulfill the economic, social and cultural rights of the minorities and indigenous peoples of the Niger delta by providing adequate basic infrastructure and social services.
2. Develop effective mechanisms to ensure the representation and participation of minorities and indigenous peoples in policy- and decision-making at all levels including development projects and programmes.
3. Review existing land and environmental legislation, including the Minerals Act of 1958, the Land Use Decree of 1978, and the Petroleum Decree of 1969, as a step towards recognizing the rights of the minorities and indigenous peoples of the Niger delta to the lands. Steps should also be taken to adequately rehabilitate environmentally damaged regions in accordance with Articles 21.2 and 21.4 of the African Charter on Human and Peoples' Rights.
4. Take steps to grant the Ogoni people a form or degree of autonomy, which will guarantee them the possibility of exercising their right to control their economic, social, cultural and political affairs.
5. Establish independent mechanisms for monitoring the performance of oil companies as regards their contribution to development in the areas where they operate, and ensure that the activities of transnational oil companies and their Nigerian affiliates comply with international human rights and environmental standards.

6. Establish a coordinated Community Development Fund, managed by people of the highest reputation, freely chosen by members of the community, to execute the minority groups' and indigenous peoples' collective priorities, as regards the use of payments by oil companies to compensate for damages to community-owned properties.
7. Implement the recommendations made by the African Commission on Human and Peoples' Rights in Communication 155/96 to ensure protection of the environment, health and livelihood of the people of Ogoniland.

### Transnational oil companies operating in the Niger delta should:

1. Fulfill their responsibilities to the societies in areas where they operate according to existing corporate social responsibility standards, including the OECD Guidelines for Multinational Enterprises, the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy, and Articles 21 and 24 of the African Charter on Human and Peoples' Rights.
2. Comply with international environmental standards such as those outlined in Agenda 21, Principle 15 of the Rio Declaration, and Articles 6, 8, and 10 of the Convention on Biological Diversity.
3. Ensure that community development projects are designed and carried out in consultation with representative local organizations.

**Minority Rights and Development** is a research and advocacy programme, established by MRG and its partners, to address the development-related exclusion and marginalization of minority and indigenous communities, and to work towards the elimination of poverty.

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