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# ***Between Ethnic Essentialism and Environmental Racism: Oil and the 'Glocalisation' of Environmental Justice Discourse in Nigeria<sup>1</sup>***

## **Abstract**

*This paper examines the 'state' of environmental justice discourse in Nigeria, focussing on the ways in which the concept of environmental racism has been deployed to explain corporate and state conduct in the upstream petroleum sector. The paper shows how, in trying to make environmental racism relevant to the debates on socio-ecological abuses, and attendant grassroots resistance in Nigeria, some analysts have inserted it into ethnic discourse. Thus, what might have been a problematic concept in the Nigerian context now sits within a 'familiar', albeit not wholly appropriate framework – an ethnic model, which typically portrays grassroots struggles in sub-Saharan Africa as driven by invidious primordial concerns. Based on a recent ethnographic study conducted in some of Nigeria's better known oil-producing communities, and on relevant secondary data, the paper shows how the application of environmental racism at once illuminates and distorts the social character of petroleum-related grassroots struggles in Nigeria. Importantly, it shows how decades of naked greed, failed 'background institutions' and disastrous political governance in Nigeria have, paradoxically, not sufficiently instigated in the scholarly community a fundamental rethink of the sociology of dispossession in Nigeria.*

## **1. Introduction**

In analysing grassroots struggles and social conflict in multi-ethnic societies, the challenge is often that of isolating the driving forces behind such struggles. The difficulty is in understanding how entrenched power asymmetries among different segments of the society impact on – and are in turn impacted by – grassroots struggles, and what such struggles could mean for the broader developmental and democratisation aspirations of the society in question. For instance, though often acknowledging the existence of diverse and cross-cutting associative phenomena, many analysts tend to treat petroleum-related social conflict in Nigeria, Africa's largest oil and gas producer, as

stemming from and fundamentally revolving around the fact of the country's multi-ethnic make-up (Cesarz et al., 2003; Ikelegbe, 2001). The way petroleum exploitation impacts on the multi-ethnic society is often portrayed as inextricable from immanent ethnic wranglings. Relatedly, there is sometimes the suggestion that because of their intrinsic 'ethnic character', grassroots struggles associated with these issues are incompatible with authentic, citizen mobilisation aimed at wider societal 'emancipation'.

Yet, despite its wide appeal, the ethnic analytical treatment has its weaknesses. For one thing, it makes it difficult for grassroots struggles (and the developmental and governance predicaments of which they are emblematic) to be seen from the perspective of ordinary people. As Apter (2005: 267) has suggested, without 'look[ing] past the limits of ethnic politics' and the essentialist discourse in which much social commentary about Africa is embedded, it is impossible to grasp the deeper significance of the grassroots struggles occurring in different parts of the continent.

Petroleum-related grassroots struggles and social conflict in Nigeria date back to the early years of petroleum production in the 1950s, and have evolved and become more complex as Nigeria's hydrocarbon status has become better revealed. In recent years, the struggles have developed features that many believe militate against the prospect of Nigeria becoming a more united and sustainable society. This makes it imperative to interrogate the environmental justice narrative – and in particular the concept of environment racism – as it is used in Nigeria to explain the Niger Delta conflict. The rationale here is that environmental justice is fast gaining prominence as a critical resource for making sense of this type of conflict.

Drawing on ethnographic data obtained in the Niger Delta in 2003,<sup>2</sup> and on relevant secondary data, this paper addresses two interrelated questions. First, what are the main tenets of the environmental justice debate and how has this discourse become 'Nigerianised'? Second, what does this 'Nigerianisation' tell us about the social character of petroleum-related grassroots struggles in Nigeria? Even so, an empirically-based understanding of how environmental justice and environmental racism are used to explain petroleum-related social conflict in Nigeria could give further indication of the diverse discursive challenges – and even abuses – facing these analytical constructs in different societal settings.

## **2. Environmental Justice and Environmental Racism in Perspective**

A useful entry point into the environmental justice and environmental racism discourse is an acknowledgement of the role these constructs, and the social activism built around them, have played in 'humanising' the broader environmental movement. Principally, they helped to debunk notions of the environment as the 'non-human' abode of birds, earthworms and fishes, and of

environmental engagement as being about ‘the protection of natural systems and species’ and the ‘rights of nature’ (Hargrove, 2001: ix). Environmental justice and environmental racism highlighted the fact that the environment is ‘a set of linked places ‘where we live, work, learn and play’ (Turner and Wu, 2002) – a thinking which echoes a common belief in the indigenous forest regions of Southern Nigeria that the ‘earth, our mother’, is where we derive our individual and collective identities (Mitee, 2002; Uchendu, 1979). According to Shellenberger and Nordhaus (2004), the humanising (and debunking) of the discourse of the ‘deep ecologists’ could mark the end of mainstream environmentalism as we know it.

From the understanding that the environment is where we ‘live, work, learn and play’, environmental justice came to be officially defined, by the United States Environmental Protection Agency (EPA) in particular, as fair treatment of people of diverse racial, national, ethnic and income backgrounds with regard to their participation in the ‘development, implementation and enforcement of environmental laws, regulations, programs and policies’ (Dorzback, 2001). This definition also implies that no community should be unfairly exposed to negative environmental consequences of private or public industrial decisions, policies and projects that fundamentally benefit another group. In the United States, these contemporary propositions are widely regarded as the fruits of decades of environmental activism and research. They are widely traced to the 1960s American civil rights struggles, although there are suggestions that the environmental justice movement in North America goes back to the last decade of the fifteenth century (Turner and Wu, 2002). While environmental justice activism in the United States is historically associated with ‘people of colour’, especially following the ground-breaking protests in 1982 by African-Americans against moves to locate a polychlorinated biphenyls (PCBs) landfill in Warren County, North Carolina, the movement has since the 1990s broken racial, gender, age and class boundaries (Bullard, 2000: xiii).

Environmental racism, one of the most conspicuous contributions of the environmental justice movement to the global environmental discourse, is defined as ‘any policy, practice, or directive that differentially affects or disadvantages individuals, groups, or communities based on race or color’ (Bullard, 2000: 98). Its proponents maintain that the very environmental practices that have brought gains to particular segments of society, often achieve that goal by making victims of specific groups and communities in the same society, with racial and ethnic minorities being the most adversely affected (Bullard, 1994).

According to Austin and Schill (1994), there is a discernible pattern to the environmental problems of America’s ‘black, brown, red, and poisoned’ communities. As socioeconomic conditions improve for white jobholders, they relocate from residential areas neighbouring the hazardous industrial plants in which they work, vacating homes which low-income people of colour are only

too willing to move into. Even so, polluting industrial estates are sources of cheap residential land, and poor African-Americans, Hispanics, Native Americans, Asians, migrants and other minorities typically regard them as 'prime' housing sites. Furthermore, for polluters such as operators of incinerating plants, there is every economic sense in setting up operations close to where the hugest supply of waste is guaranteed (Austin and Schill, 1994: 53-54). For Bullard (2000: 3), it all boils down to the fact that polluters regard poor communities as the 'path of least resistance'. Environmental justice and environmental racism are thus narratives which attempt to shed light on the 'abuse' of the ecological rights of the 'powerless', and on community struggles to uphold those rights.

The perspective has been used to illuminate the struggles of grassroots groups in India, Colombia, Venezuela, Nigeria and virtually everywhere else. In India, for example, the struggles of the group Chipko Andolan (literally 'hug a tree') movement not only signify what Obi (2005: 1) calls 'revolutionary pressures from below'; they also reinforce the view highlighted earlier that rural people in many societies regard the natural environment as an extension of community identity and a space over which they must exercise their rights. The Chipko movement, which started in the 1970s, consists mainly of women who view commercial logging as a threat to the sustainability of the Himalayan ecology and an erosion of their right to determining what constitutes sustainable use of forest resources. In the Garhwal Himalaya in particular, where hillside forests regulate water runoff to the valleys and provide local communities with fuel wood and fodder, villagers blame commercial logging as a major cause of landslides and floods and a factor in local impoverishment.

Chipko activism consists of such singular steps as village women scampering into the forest upon sighting the loggers, and each woman hugging a tree such that to cut it down, an operator would literally have to place his chainsaw on the back of a protester (Weber, 1988).

Also from an environmental justice perspective, oil-related protests in the oil-rich U'wa community of Colombia's Norte de Santander province (in the northeast of the country) are viewed as struggles to ensure that resource exploitation policies and corporate practices reflect community sensibilities about the environment. The U'wa regard oil exploration as an activity that drains 'mother earth' of its 'blood'. For them, oil production is 'genocidal'. Apparently not lured by the economic promise of petroleum, their campaign has traditionally consisted of the threat of mass suicide should oil operations be undertaken in their territory without their endorsement. Thus, when in 1992, Shell and Occidental Oil (Oxy) were given the rights to explore for oil in the U'wa homeland (found at the time to hold an estimated 1.5 billion barrels of untapped crude), the companies and the Colombian state came up against heavy protests (van Haren, 2000).

The strong opposition among the nomadic Warao Indians (in Venezuela's Delta Amacuro State) to petroleum exploration in the Orinoco River Delta has similarly been documented (Gutierrez, 1997; Bassey, 1997: 36).

The environmental justice discourse and, in particular, the concept of environmental racism, highlights an important social justice dimension of the power asymmetries between social groups. Such asymmetries are believed to characterise the relations between big industrial corporations (often acting with the state's backing) and ordinary citizens. Apparently because of its emphasis on social justice, the environmental justice perspective continues to enjoy prominence, providing an analytical bridge between the 'environmental' and the 'social'.

Not surprisingly, environmental justice has become a vital resource in the sustainability debate. For development to meet the needs of the present generation without making it impossible for posterity to meet its own needs – as the United Nation's World Commission on Environment and Development (WCED, 1987) defined sustainable development – it is imperative that local communities, regardless of colour, race and income, become involved in the design and implementation of industrial policies. The utilisation of environmental resources (be it petroleum, gold, forests or rivers) must also be done within an institutional and legal framework that ensures that the benefits (and costs) are equitably distributed across the population.

It is in the light of the foregoing that the deployment of the environmental justice discourse in the Niger Delta context must be examined. First, however, it is important to outline how petroleum exploitation has affected, and continues to affect the oil-producing region. This serves as a background for understanding the attitude of the Nigerian government towards ordinary people and that vital space where people 'live, work, learn [,] play' and pray. It also serves to show why, in deploying the concepts of environmental justice and environmental racism, one must not over-extend their deductive potential by, for instance, forcing them into discourses whose utility is questionable in certain contexts – discourses such as ethnic essentialism.

### **3. Impacts and Panics: Oil exploitation and the Niger Delta Neighbourhood**

The nine states of the Niger Delta region (Abia, Akwa Ibom, Bayelsa, Cross River, Delta, Edo, Imo, Ondo, and Rivers) are the main theatre of petroleum exploitation in Nigeria. The leading oil-producing states are Bayelsa, Rivers, Akwa Ibom and Delta. The primary data on which some of the discussion in this and other sections of this article is based were obtained in Nigeria's first commercial oil well community of Oloibiri (Bayelsa state); Ebubu, another of the early oil communities (Rivers state), and Iko (Akwa Ibom state). Nigeria's first commercial oil well was drilled in Oloibiri in June 1956, while the country

commenced crude oil export in 1958. The author has detailed elsewhere (Akpan, 2006, 2005) some relevant socioeconomic and political attributes of these communities, as well as the history of and fiscal regimes governing the country's upstream petroleum industry. The sketches and analyses provided in these earlier articles, together with the impacts discussed in this section, constitute, for some analysts, the principal basis for regarding the developmental challenges in the Niger Delta as a classical case of environmental injustice.

The impacts of petroleum operations are many and varied. For a country that has for the greater part of its post-colonial history (the country attained political independence in 1960) depended heavily on petroleum for its foreign exchange earnings and state budget revenues, Nigeria owes its socioeconomic well-being to this resource. Table 1 gives an indication of the level of Nigeria's dependence on petroleum.

**Table 1: Nigeria's Petroleum and Total Export Earnings**

Year	Total Export Earnings (Million US\$)	Crude Oil Export Earnings (Million US\$)	Oil Export Earnings as % of Total Export Earnings	Year	Total Export Earnings (Million US\$)	Crude Oil Export Earnings (Million US\$)	Oil Export Earnings as % of Total Export Earnings
1969	891	422	47	1987	7560	7024	93
1970	1249	718	57	1988	6877	6267	91
1971	1889	1375	73	1989	7844	7470	95
1972	2184	1803	83	1990	13673	13265	97
1973	3601	3049	85	1991	2264	11792	96
1974	9684	8997	93	1992	11886	11642	98
1975	8305	7744	93	1993	11590	10859	93
1976	10117	9444	93	1994	11319	11040	98
1977	12367	11561	93	1995	12248	11512	94
1978	10445	9452	90	1996	16142	14888	92
1979	16733	15624	93	1997	16525	14391	87
1980	25934	24931	96	1998	11346	8754	77
1981	17837	17291	97	1999	13227	12453	94

1982	12176	11883	98	2000	26449	20040	76
1983	10363	9941	96	2001	17688	17188	97
1984	11849	11534	97	2002	18573	17083	92
1985	13111	12568	96	2003	24047	22184	92
1986	5083	4770	94	2004	35050	32337	92
Average rate of dependence on crude oil export earnings: 90%							

Source: Constructed with data from OPEC (2005).

While there is hardly any sector of the Nigerian economy that has not benefited from petroleum revenues, there have been numerous reports about how the oil sector has suppressed the development of the productive and other sectors of the domestic economy (failed forward integration), and how there has been insufficient development of other sectors to support the local oil industry (failed backward integration) (Igwe and Edozien, 1986; Watts, 1987a, b). On the other hand, some analysts have focussed on the deleterious macro-level impacts of oil on politics, modes of accumulation, socio-political relations among various groups and social classes in the country, as well as on state-society relations (Frynas, 2000; Obi, 1997; Watts, 1987; Berry, 1987; Turner, 1980). Questions have also been raised about the role of crude oil exploitation in reinforcing the image of a country long regarded, along with many other Third World countries, as an enclave of cheap primary commodities serving the needs of Western industrial economies. On this score, interest has been on how oil has helped to define Nigeria's present station in the global capitalist system (Igwe and Edozien, 1986; Turner, 1980).

For the purposes of the present discussion, the focus will be on the impact of petroleum operations on social existence and social relations in the Niger Delta, where the Nigerian petroleum industry is geographically concentrated, and on the province's natural environment. One important finding along this line is that despite the fact that the Niger Delta makes the largest contribution to the Nigerian economy, the coefficient of the relationship between oil and positive changes in such social services as education, health, housing, power, roads and water in the province was statistically 'insignificant' when compared to similar changes nationally (Ikein 1990: 165). The study further noted that the region's 'poor conditions' were actually 'exacerbated by the activities of the oil industry' (Ikein 1990: 164), a situation that has remained substantially unchanged (HRW, 2002) and, as elaborated later, made some analysts to regard the region as a case of 'selective' ethnic victimisation.

One of the oil production-related processes by which (to use Ikein's phrase) 'poor conditions' in the oil province are 'exacerbated' is the poor compensations paid to local land-owning families and village communities by oil operators and the state for land taken for pipeline laying, road and helipad

construction, industrial and residential housing, hydrocarbon waste disposal, and other uses (Akpan 2005). Indeed, despite claims by the major transnational operators (like Shell and ChevronTexaco) that they maintain a policy of minimal landholding in the oil province (SPDC 2001), evidence abounds that the corporate and state practices – and the laws within which these practices are allegedly legitimised – are fundamentally in conflict with local socio-cultural and ecological sensibilities, and are therefore fundamentally impoverishing. For instance, in a region where the average landholding per rural family is two hectares, and where subsistence agriculture is the dominant occupation, the author learnt during his fieldwork that a hectare of indigenous ‘economic’ crops like maize, cassava, pepper and sweet potato destroyed through an oil spill or in the course of normal petroleum operations attracted only US\$59, \$136, \$76, \$50 respectively in 2003. Besides, in making a distinction between ‘economic’ and ‘food’ crops, and attaching an even lower monetary value to the latter, crops that might have high socio-cultural (but lower economic) value among ordinary people in the oil-producing communities remain virtually ‘invisible’ in the compensation system (Akpan 2005).

Against the background of very low average landholding per farming family, the incidence of land abandonment by local people as a result of petroleum industry landholding, and the resultant occupational dislocation in the oil communities, unsustainable people-environment relationships (as exemplified by over-cultivation of marginal land, over-fishing, the denuding of forests, and land disputes) become unavoidable. Rural occupational dislocation worsens the problem of rural-urban migration and gives frustrated rural youths an excuse to vandalise oil pipelines, and indulge in hostage-taking and ransom-seeking, just as a way of accessing crude oil and financial ‘fortune’.

Until the enactment of the Environmental Impact Assessment (EIA) Decree (No. 86 of December 1992), oil companies and others involved in environmentally threatening operations were not legally required to carry out impact assessments or consult communities before taking any environmental decision. Land acquisition and the setting up of oil infrastructure proceeded without, for example, botanical and heritage studies aimed at preserving or reconstructing local cultural and socio-ecological histories that could be adversely impacted. Thus, ‘like the grass on which the dancer trod’ (to use Joe Mutiga’s poetic imagery), the Niger Delta may have had important parts of its cultural history dug up and thrown away just to make way for oil wells, pipelines and industrial and residential facilities. This is not implying that oil operations have become more locally sensitive post-1992, or that the oil-producing communities (and the wider Nigerian public) have become an integral part of whatever impact assessment systems there now are. Studies have shown that ‘there is little improvement in the way in which some companies inform [local residents] about projects’, hence there is a strong perception in the region that local inputs into EIA processes count for very little (Adomokai and Sheate, 2004: 508).



As in most oil-producing provinces elsewhere, inward migration is a major issue in the Niger Delta, where a number of associated factors pose threats to social existence, especially among ordinary people. That the city of Port Harcourt, for example, is regarded as Nigeria's 'oil capital' has ramifications beyond simply the appellation. During his fieldwork in 2003 the author encountered wide-ranging narratives and urban legends about social life in Port Harcourt and other Nigerian 'oil cities'. One of these was that the price of 'everything' (rental apartments, for instance) in these cities had escalated beyond the reach of ordinary people. There were ubiquitous descriptions of landlords as 'greedy' and 'heartless'. School teachers and certain other categories of civil servants were particularly unlucky as far as taking up a lease on rental apartments was concerned, as most landlords showed little patience with the 'low' and 'precarious' incomes of these categories of salary earners. The island town of Bonny, which hosts a Shell-operated crude oil export terminal (one of Nigeria's six) as well as the Nigerian Liquefied Natural Gas (NLNG) plant, was commonly referred to by local residents as a gathering point for 'prostitutes', who flocked there from all over the country (Semenitari, 1998; Olukoya, 2003). Incidentally, the town had a high incidence of single mothers and 'fatherless' children – that is, children of migrant oil workers, oil contractors and other 'fortune-seekers' who might have simply left the town.

Another important oil impact is what the author has termed the over-monetisation of everything. Field observations and conversations with residents in the study communities revealed that this phenomenon had exerted tremendous strain not on only broad social relations in the Niger Delta, but more specifically on the ability of indigenous authority structures to function properly. For instance, maintaining some liaison with the transnational oil companies or the various oil-related public institutions was, for many local residents, a sure way to influence community governance. Ironically, despite the swindles that tended to characterise such liaisons, it all formed part of what the oil companies regarded as 'stakeholder engagement' or 'building social partnerships' in the oil communities (Akpan, 2006: 232). The local social milieu was characterised by constant jostling for the material opportunities (real or imagined) the oil industry and associated institutions offered – this more so, since existing oil-related laws make no clear stipulations about how companies should build social partnerships in the communities. The author learnt in one of the three study communities of how an 'ungrateful' oil company declined a traditional ruler's request for funds to 'complete' the building of his residence and of how the company 'dishonestly' complained of 'financial constraints'.

The author found that in the quest for perceived material promises of the oil industry, merely being a 'chief' or an 'elder' in a community no longer conferred sufficient status, due to a breakdown of trust between different segments of the community – notably the 'youth' and the 'elders'. Money

seemed to be a crucial determinant of status. Many youths spoken to were highly suspicious of the 'elders', who felt the latter used their authority to stifle, rather than enhance, whatever material benefits could accrue to them directly. With increasing delegitimation of indigenous authority, local authority-bearers seemed unable to effectively enforce local norms or mediate in disputes involving local youths and the oil companies.

The fieldwork data indicated that the quest for 'oil money' (the local slang for any sudden, substantial material accumulation) did affect the region in a physical way as well. For instance, the Delta's contemporary urbanscape was characterised by busy shanty and roadside markets, streets perennially congested by hustlers and tricksters, and squalid residential neighbourhoods. The urbanscape also had the unmistakable hallmarks of opulent Nigeria-palatial mansions (many in neighbourhoods with no health facilities, public power, water, sanitation, fixed-line telephony, motorable roads or recreational facilities), elegant corporate premises, expensive cars, and thousands of 'under-construction' upmarket residential and office buildings.

Research and anecdotal evidence has shown that oil operations have blighted the Niger Delta (and by extension, Nigeria) in several ways, making the region very panicky and unstable. Widespread social tension and grassroots discontent are compounded by environmental and public health hazards associated with different aspects of the petroleum business. For example, scientific analyses of untreated produced water (the water by-product of extracted crude oil) in the Niger Delta have established that the water, a million barrels of which is released daily (Ekoriko, 1997) into open pits, and directly into the region's fresh water bodies (TED, 1997), contains a high prevalence of corrosion-causing and other polluting organisms. The reckless discharge of untreated and poorly treated produced water from the sites of oil operations is one of the ways in which rivers, streams and aquifers in the Niger Delta are made unsafe for humans and wildlife (Benka-Coker et al., 1996).

The flaring and venting of associated gas (the natural gas that spews from an oil well alongside water when crude oil is pumped) has remained a perennial source of conflict between ordinary people in the Niger Delta and the oil operators, and between local groups and the Nigerian government. The author has reported elsewhere his observations in Ebubu, where rows of residential houses had badly charred and corroded corrugated-iron roofs, with residents attributing the damage (which allegedly could occur within 24 months of roofing a house) to 'acid rain' associated with the perpetual gas flaring taking place in the immediate vicinity (Akpan, 2006).

Nigeria has estimated ultimate gas reserves of about 8,500 billion cubic metres, and proven reserves of about 4,250 billion, and currently produces about 21 billion cubic metres. Until recently, the fraction of total gas production flared in Nigeria has been as high as 86 percent (Oguejiofor, 2004), and associated gas 95 percent (HRW, 1999). While there are at present no hard

scientific data on how the flaring and venting of associated gas ‘exacerbates’ the ‘poor conditions’ in the Niger Delta (to again borrow Ikein’s usage), anecdotal evidence suggesting that kind of relationship abounds. Atmospheric heat, a sooty overhang, and burning sensations when inhaling air, are common problems in the Niger Delta. A white flag hoisted anywhere in the Delta goes black with soot within a few months. On one occasion during the fieldwork, when the author visited the recreation club of a large oil company in Port Harcourt, a lifeguard at the swimming pool (a non-Nigerian) drew his attention to such a ‘white’ flag waving in the wind at the poolside. Considering that the recreation facility was located in an otherwise idyllic, ‘first world-like’ residential estate, the blackness of the ‘white’ flag was a striking commentary on the air quality in the Niger Delta. Nigeria is widely considered the world’s leading gas-flaring country.

Gas flaring would probably not have been a very problematic issue in the Niger Delta, since the region’s oil is widely reputed to be low in the noxious oxides which when burnt constitute a public health hazard. The key issues with gas flaring in the region include: (a) the sheer volume of gas being flared, (b) the persistence and impunity of the practice, and (c) the outdated flaring technology, which results in poor combustion efficiency (Sonibare and Akeredolu, 2004; Oguejiofor, 2004). While the minimum permissible flare stack height – even for low-sulphur (or ‘sweet’) gas – is 12 metres in Alberta, Canada (Ishisone, 2004), the author identified during his fieldwork flare points in the Niger Delta that resembled bush-burning scenes: the flare stacks were savagely close to the ground and to people’s homes and farms. On the road between Yenegoa and Oloibiri (one of the fieldwork communities), a minibus taxi passenger would feel the flaming heat.

Ishisone (2004) has noted that on average, gas flaring in the Niger Delta is incomplete combustion, which is why the process typically releases ‘methane, propane, and hazardous air [pollutants] such as volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs), and soot’. By comparison 95 per cent flare efficiency has generally been achieved in the oil-producing Alberta province of Canada (Environment Canada, 2001). While fines have from time to time been stipulated by the Nigerian government as a way of curbing excessive gas flaring, such initiatives have been ineffective, partly because ‘they provided exemptions to the rules [and] the fines imposed were never set at levels that would be a real deterrent’ (Davies 2001: 219).

There is also the endemic and enduring problem of oil spills, which occur often due to factors such as the natural moistness, salinity and corrosiveness of the Niger Delta environment, reckless disposal of untreated hydrocarbon wastes, low pipeline integrity (itself an aspect of the fact that the country’s petroleum pipelines, much of it laid since the 1950s, are poorly maintained), fires, explosions, oil equipment malfunction, tanker leakages, and vandalism. Contrary to the global norm, whereby the worst oil spills have been associated

more directly with crude oil transport – that is, with tanker loading/discharging, tanker collisions, groundings, hull failures and related incidents – and less directly with the oil industry (ITOPF, 2004), oil pollution in the Niger Delta seems to be ‘primarily’ a function of corporate recklessness resulting from, among other factors, compromised regulatory performance (UNEP-WCMC, 2002). While large-scale spills occur from time to time in the province, scientists have warned that the Nigerian society should be just as concerned about the small, frequently occurring spillages which, though apparently less serious ‘when considered individually’, ‘lead to chronic pollution’ (Snowden and Ekweozor, 1987: 599).

Against the background of unreliable data, estimates of the number of spill occurrences, and of the volumes of oil spilled, in the Niger Delta vary widely among sources. According to the Nigerian Environmental Study/Action Team (NEST, 1991: 44) only one spill (involving about 150 barrels of oil) was reported in 1970, a figure which rose to 1,581 occurrences by 1982 (involving several hundred thousands of barrels of oil). The Nigerian oil industry regulator, Department of Petroleum Resources (DPR), puts the number of incidents at 4,835 for the period 1976-1996, involving a total of 2.45 million barrels of oil. Still another estimate, based primarily on oil company figures, put the figure at 1.07 million barrels for the period between 1960 and 1997 (HRW, 1999:59). Figures from the Ministry of Environment show that 2,796 spills occurred between 1976 and 1990, involving 2.105 million barrels of oil (Davies, 2001:217). According to the World Bank, at least 3,000 oil spills occurred in the Niger Delta between 1990 and 1995 in which about 1.5 million barrels of oil were discharged into the environment (*ThisDay – The Sunday Newspaper*, 1998). In 2003, the author found evidence of oil spills in all three fieldwork communities (Oloibiri, Ebubu, and Iko). In Ebubu, the unrestored site of a 30-odd-year old spill was still soggy, desolate and barren. On the different occasions when the author canoed with local youths through the oily and smelly Delta creeks, which looked like dead seas, he was repeatedly told that fishing was now a ‘dead’ occupation and that ‘floating oil’ had ‘killed all the fish’.

It is hardly necessary to attempt, in a treatise of this scope, to enumerate the full range of impacts associated with petroleum exploitation in the Niger Delta. The above profile serves to provide a glimpse of how the socio-ecological health of the Niger Delta neighbourhood has been affected, or stands to be affected, by upstream petroleum business. As shown later, analysts who have deployed the environmental justice and environmental racism narrative to explain the Niger Delta crisis have based their analysis on these impacts, and on the lackadaisical attitude with which the Nigerian state and the oil companies have tried to deal with the hazardous effects of petroleum exploitation.

It is interesting to note how the legal/institutional arrangements governing the upstream petroleum industry seem to have bolstered the impunity with

which certain negative aspects of the petroleum business have gone on. For example, in terms of the laws defining petroleum ownership and control in Nigeria (in particular Petroleum Act No. 51 of 1969) the oil-producing communities – and the Niger Delta province as a whole – are outsiders in the contracts that: (a) make the Nigerian government owners of the petroleum and other minerals existing anywhere in Nigeria, and (b) bind the transnational oil companies to the Nigerian government for the purposes of exploiting such resources. Thus effective grassroots participation in the petroleum business (what is sometimes termed the ‘social license to operate’) is lacking. The Petroleum Act also requires operators to ‘adopt all practicable precautions’ to prevent land and water pollution and must be guided by ‘good oilfield practice’ in containing the effects of oil pollution should any occur (see Gao, 2003). The Act pronounces no stiff consequences should operators fail to comply.

Auxiliary legislation such as the 1978 Land Use Act makes the Nigerian government the owner of land everywhere in Nigeria. Thus, while the Petroleum Act had anticipated the payment of ‘just’ compensation for land acquired from villagers for petroleum operations, in the Land Use Act the government became the landlord in the first place. Even if crude oil is struck underneath a farmer’s bedroom, the farmer is entitled to very meagre compensation for the demolition of his hut, the excavation of his deceased father’s tombstone and the destruction of his crops. In the 1960s, the oil companies might have paid a token amount for ‘leasing’ of the land, but since the coming into force of the Land Use Act in 1978, the farmer has effectively been a ‘tenant at will on state land... whose proprietary interest in his land... are restricted to improvements he made on land’ (Uchendu 1978: 69-70). He must vacate the land to make way for petroleum operations (Akpan, 2005, HRW, 1997).

In the light of the foregoing it is then appropriate to see how analysts have deployed the environmental justice narrative in the Nigerian context.

#### **4. Environmental Racism: the ‘Nigerianisation’ of a Discourse**

What we have seen so far is that the environmental justice discourse has been deployed in different societal contexts to explain not only ‘unjust’ environmental processes but also specific dynamics of power and certain kinds of resistance. However, because Nigeria is an ‘all-black’ African country, where allegations of racism (environmental or otherwise) might ordinarily seem out of place, what some analysts have done is to create a racial scenario, with ‘white’ (transnational) oil corporations on the one hand and Nigeria (the ‘black belt’) on the other. Grassroots resistance in the Niger Delta is explained from the point of view of local rejection of a racially discriminatory corporate ethos whereby Shell, for example, perpetrates and supports in the host society violence and environmental abuses that it would not contemplate doing in its

home country, The Netherlands. Conveying this point, Ekoriko (1997) has made the following observations:

Given the care they [oil companies] take to protect the environment in their home countries, the devastation of the Niger Delta is a conscious policy on their part for several reasons. One, there is a colonial mentality that a third world environment does not deserve good care. This attitude means that the oil companies do not have any sense of responsibility towards Nigeria or any other third world country for that matter. All they care is to exploit the resources.

Of course, Ekoriko could not be entirely correct in asserting that the 'responsible' behaviour of the oil companies in 'their home countries' was borne out of love of one's country. In Norway, The Netherlands, Canada and other industrialised oil-producing countries, oil operations are governed by strict laws with stiff violation consequences, and oil operators know there are laws and regulatory structures that are hard to circumvent.

Gbadegesin (2001: 195) writes that the 'chemical pollution and destruction of farmland and fishing creeks' by transnational oil corporations in Nigeria go beyond the usual 'recklessness' of capitalist industrial organisations and the 'economics of oil exploration'. At the heart of such 'recklessness' is racism.

For Gbadegesin (2001: 190), environmental racism goes beyond transnational companies making themselves 'parallel governments' and side-stepping all norms of environmental best practice in their host countries. It includes what he calls 'toxic terrorism' – the practice whereby Western companies deliberately dump in Third World communities toxic wastes generated in the course of normal business operations in their home countries. Bassey (1997) has also remarked on hazardous waste dumping as a signifier of the power asymmetry between Western transnational corporations and Third World communities. He identifies this asymmetry as one of the reasons that 'oil wealth spells oil doom to the powerless people' (Bassey, 1997: 91).

Turner (2001a) has similarly questioned the conduct of Western transnationals in their foreign (mainly Third World) operational settings. In an article written shortly after her visit to an oil spill-impacted community in the Niger Delta, Turner highlighted the 'unprincipled' practice whereby transnational oil companies not only failed to provide life support to oil spill victims, but also treated with disdain issues relating to long-term compensation, 'adequate reparation' to affected communities, and 'fundamental rehabilitation'. According to her, the companies would hardly entertain discussions around 'long-term' compensation-related issues unless local chiefs acceded to 'substandard terms' of settlement. Referring to this as 'corporate economic and environmental racism', she maintained that it was impossible for transnational petroleum companies to uphold such a business ethos in their home countries or in the Northern hemisphere as a whole. Besides, Western oil companies used deceptive public relations strategies to blind their home governments and

societies to their peculiar practices in the Niger Delta (see also Turner, 2001; Olukoya, 2001).

Turcotte (2002) has documented the contribution of women to the Niger Delta struggles, especially during the mid-1980s. She identifies women's protests against the activities of Pan Ocean, Shell Petroleum and the state-owned petroleum company, NNPC, as representing 'a strategic political shift of women's activism against [a] patriarchal state'. More specifically, Turcotte writes, the struggles should be seen in the light of transnational oil companies' 'discriminatory practices that had been destroying and debilitating the Delta since oil exploration began in 1907'.

Some years earlier, Abe and Ayodele (1986: 95) had drawn attention to the conduct of transnational corporations in the Nigerian upstream petroleum industry. The authors blamed Nigeria's petroleum production-induced environmental problems on the fact that the industry was effectively in the hands of foreigners. 'As long as aliens control the technology of oil production', they argued, 'so shall our environmental problems arising therefrom remain with us'.

The solution to Nigeria's oil-induced environmental problems, according to Abe and Ayodele, was in the transfer of oil production technology to Nigerians. This point should be noted, because as shown presently, the environmental behaviour of business corporations is far more nuanced: social and environmental 'recklessness' cannot always be explained from the standpoint of which nationals control the technology of extractive capitalism or of commodity production as a whole. This perspective cannot effectively explain a situation where companies owned and managed by Nigerian citizens consciously operate in ways that pose a threat to the Nigerian environment. To illustrate how business corporations could act even in their home countries to further their financial interests, especially if they feel there is a fair chance of that behaviour escaping the attention of the authorities, Bakan (2004) has drawn attention to a particularly hazardous scheme of one American car company in the 1970s. Bakan points out that the company failed to alter the design of a particular component of its vehicle brand despite knowing that the component was responsible for fuel-fed fatalities in many car-crash situations involving its brand. The reason for the scheme was that 'each fuel-fed fatality cost the company \$2.40 per automobile [in court fines]' while the cost to the company in 'ensuring that fuel tanks did not explode in crashes' came to \$8.59 per automobile'. If the company allowed people to die in 'fuel-fed fires rather than alter the design of vehicles to avoid such fires, it saved \$6.19'; so the company chose to continue producing cars with hazardous fuel tanks (Bakan, 2004: 62-63).

Perhaps a more compelling reason to go beyond the 'racism discourse' in trying to understand (and find solutions to) Nigeria's environmental problems is that it is unlikely that Nigeria will wrest 'control' of this technology from the

'aliens' any time soon, let alone embark on (new) oil exploration activities with the aim of taking control of oil production technology.

The application of the environmental justice/racism narrative to the Niger Delta crisis has not only been in the creation of a 'white-black' scenario in Nigeria's upstream petroleum industry. The ethnic discourse has also cast its long shadow over it, as some analysts regard the unmitigated socio-ecological impacts discussed earlier as indicative of ethnic discrimination. For instance, Agbola and Alabi (2003) locate the problem of 'environmental injustice in Nigeria' within the broader, more enduring, problem of 'selective victimization' of the Niger Delta region by the majority ethnic nationalities (the Hausa-Fulani, Yoruba and Igbo). Tracing the rise of environmental injustice in Nigeria to the discovery of oil in 1956 (the reader need not focus on the validity or otherwise of this time-line), the authors try to demonstrate how 'the vulnerable ethnic minorities of the Niger Delta region' not only create most of the country's (oil-based) wealth, but also 'bear the heaviest burdens' arising from the wealth-creation process. While the burdens are economic and socio-cultural, it is the interplay between the socio-cultural and the environmental that the authors find worrying. As they put it, 'it is this sociocultural context of selective exposure to hazardous and degraded environmental settings that constitutes a form of human rights abuse' (Agbola and Alabi, 2003: 281). The ethnicisation of the discourse relates to the alleged role of the major nationalities in the social and environmental subjugation of the oil region:

With selective victimization, the Niger Delta region is losing critical resources as well as a healthy environment, thereby exposing residents to hazardous environmental conditions, while the non-oil producing regions which receive the lion's share of the oil revenue are free to live in a healthy setting (Agbola and Alabi, 2003: 270 – emphasis added).

Agbola and Alabi have attempted to document the social and environmental problems in the Niger Delta. They also point out that these problems are 'linked directly to the unsustainable mode of petroleum resources extraction in Nigeria' and to state 'policies and actions'. However, they do not accord explanatory status to 'mode of resources extraction', or indeed, to governance ethos, to which allusion is made in their work. Their discussion centres on how the major ethnic groups have made the Niger Delta an environmentally 'peripheral region' (Agbola and Alabi, 2003: 281). This argument overlaps with Agiobenebo and Aribaolanari's (2001: 455) analysis, which sees Nigeria's oil region as a little more than the majority ethnic groups' private estate, used according to the estate owners' interests.

When applied to the Niger Delta struggle, the 'Nigerianised' discourse essentially seeks to underline that: (a) Nigeria's oil-rich communities do not enjoy socioeconomic and cultural gains commensurate with their resource endowment and the environmental hazards of petroleum operations, (b) Nigeria's mainly non oil-producing majority ethnic nationalities (backed by a



state that cares mainly about their interests) benefit from oil resources at the expense of the minorities, (c) while the socio-environmental crisis in the Niger Delta can be explained racially (since the ethical conduct of Western transnational corporations are implicated), the crisis also stems from selective ethnic victimisation, given the 'majority/minority' imbalances in the country. This 'glocalised' discourse will now be examined more closely.

## 5. Tribalism or Failed 'Background Institutions'?

Contrary to the suggestion that the Niger Delta region is a victim of ethnic victimisation (Agbola and Alabi, 2003), the narratives of discontent encountered by this author in Oloibiri, Ebubu and Iko indicated that ordinary people viewed the crisis differently. In the three communities local residents defined the 'enemy' in class, rather than ethnic, terms. Their anger was directed towards an 'anti-people' character of governance rather than towards the non oil-producing nationalities. The following comment by a youth leader in Ebubu summarised the sentiments at the grassroots:

Ours is not a struggle that antagonises other regions or that seeks benefit only for ourselves, nor do we feel antagonised by other ethnic groups. What we are doing is essentially to let government understand that you must put tangible benefits back into wherever you extract resources from. We are trying to demonstrate our belief that government and our so-called political leaders cannot go on exploiting communities. If we succeed in forcing government to do us good, it follows that wherever they extract resources – be it crude oil or coal – they'll know they owe that community a gift of development. Ultimately that's how you build a nation. But clearly the Nigerian government and the political elite have other ideas.

Such sentiments are supported by evidence of environmental 'recklessness' in all parts of Nigeria, and the fact that ordinary people everywhere in the country (and not just the 'ethnic minorities') have had their rights eroded by what Ake (2001: 128) refers to as a predatory and 'privatised state', as well as by the manipulative operational ethos of business corporations (Akpan, 2006). Indeed, going by Ake's assertion, Nigeria is better described as a 'privatised' state than as an ethnicised one. This is why one cannot find entire geo-ethnic regions in Nigeria (even those that have held political power for the greater part of the country's post-colonial history) that have witnessed broad-based socio-economic development as a result of being the beneficiary of a so-called 'lion's share' of petroleum resources.

For instance, there is as yet no demonstrated strategy to redeem the image of Lagos (Nigeria's industrial and commercial capital) as one of the world's dirtiest cities. Abuja, Nigeria's only 'planned' city, has for many years remained trapped in the contradictions of its status as Nigeria's seat of government. Media reports abound of serious distortions to its master plan arising from opportunistic scrambles for building and business sites – and of contentions arising from the new democratic government's plans to enforce the

master plan. In the scramble, some government offices were reportedly built on drainage routes, plots originally meant for parks were allocated for private housing development, and many indigenous residents displaced in the wake of the city's development were yet to be properly resettled (Bassey, 2004).

In the far-northern sector, where desertification and deforestation are the major natural and man-made environmental threats, response by the authorities has traditionally been in the form of a once-a-year tree-planting campaign by government officials, essentially meant to inspire citizens to plant trees and avoid indiscriminate tree-felling. However, the lack of a sustained programme, coupled with the local population's over-reliance on fuel wood for their everyday energy needs, has meant that annual tree-planting exercises cannot keep pace with tree loss. It has been reported that for every new tree planted, ten are cut for fuel (Raufu, 2004). According to Raufu (2004), about 50 percent of Yobe state (on Nigeria's northeastern border) has already gone under the sands of the Sahara desert.

It is also well known that despite producing most of Nigeria's heads of state since independence in 1960 and being Nigeria's most politically influential region, the north (a supposed beneficiary of the 'lion's share' of the country's petroleum resources) has remained Nigeria's poorest region. While girl-child school enrolment is 83 percent on average in the south, the north has only attained 23 percent (*Thisday*, 2005). At more than 206 deaths per 1000 live births, infant mortality in the north is more than twice as high as in other regions of the country. Nigeria's relatively high overall mortality rate of about 217 per thousand is blamed on the disproportionately high mortality levels in the north. Immunisation coverage in the region is also the worst in the country, at about 3.7 percent. On 8 August 2005, President Obasanjo was quoted as lamenting the fact that the north had 'the highest under-five mortality, the lowest immunisation and the poorest women literacy levels' in Nigeria (quoted in *Thisday*, 2005). This is against the backdrop of recent disclosures that one former head of state who hails from that region made away with several billion dollars from the Nigerian treasury (*Frontline World*, 2003). Development and governance predicaments such as these become distorted within an ethnic-essentialist frame of analysis. Such predicaments demonstrate one thing: political leaders (and the economic elite linked to them) do not necessarily appropriate 'the lion's share' of resources from 'other' regions for the benefit of ordinary people in their ethnic regions.

In the southwestern Nigerian city of Ibadan, residents of three communities in the New Gbagi industrial area have been reported as going tipsy after drinking water from wells contaminated underground by untreated brewery effluents. One scientific study of random water samples from the communities showed that the water had specific polluting elements 'with values higher than the WHO, EU and USA standards tolerant levels' (Adediran et al., 2004: 211).

The study also found that stream and well water was contaminated and posed health risks to humans.

In the central Nigerian states of Niger, Kogi, Kwara and Kebbi, the host communities of the Kainji, Jebba and Shiroro dams are frequently flooded due to dam failures. Recently, there has been a Niger Delta-like movement in the area, demanding among other things the establishment of a Hydroelectric Power Producing Areas Development Commission (HYPPADEC). Considering that Nigeria's electricity is generated in the region, the dam communities' demand for electricity (as well as roads, schools and bridges) comes across as a paradox (RAPNet, 2004). For the purposes of this article, however, such demands serve to illustrate ordinary people's sense of 'injustice' and social exploitation, and the analytical difficulties that arise when a failure of 'background institutions' is viewed through an essentialist prism.

The United Nation's Environmental Programme (UNEP, 2003) puts the deplorable state of environmental management in Nigeria in perspective when it states that:

Industrial pollution from over 5,000 industrial facilities and perhaps another 10,000 small-scale industries, some operating illegally within residential premises, is a growing problem in Nigeria. In places like Kano, Kaduna, Port Harcourt, Warri and Lagos, colored, hot and heavy metal effluent, especially that from the textile, tannery, petrochemicals and paint industries, is discharged directly into open drainages and channels, constituting severe dangers to water users and downstream. Also disturbing is the practice where some industrial facilities bury their expired chemicals and hazardous wastes in their backyards, threatening the water quality of innocent neighbours who rely on their dug-out wells for drinking water.

This has been in spite of persistent protests by affected communities and the existence of numerous environmental laws and a federal agency (FEPA) charged with environmental monitoring. Given the spread of environmental abuses in Nigeria, therefore, one must proceed with caution when analysing environmental abuses and the resultant grassroots struggles against them. For instance, Agbola and Alabi's (2003:2 70) assertion that the Niger Delta struggle is driven by feelings of 'selective' ethnic victimisation, and the 'fact' that the majority ethnic nationalities are enjoying both a 'lion's share' of Nigeria's petroleum revenues and a healthy environmental setting, could not be an accurate depiction of the issues in the Niger Delta crisis. It is an ethnic-essentialist interpretation that largely distorts the real issues.

While environmental problems (and social exploitation) in the Niger Delta might overshadow those in other parts of Nigeria, it is better to view differences in perceived environmental abuses as a matter of scale rather than of pattern. Social exploitation and environmental 'recklessness' are not exactly region-selective, as the governance failures and 'predatory' socio-political processes that create conditions for social justice deficits cast their impacts on ordinary people regardless of residence or ethnic origin.

## 6. Conclusion

At the heart of the discourse around socially and environmentally ‘reckless’ (or even ‘racist’) corporate practice in the Nigerian upstream petroleum industry is an attempt to bring to light factors that more fundamentally sustain or promote ‘environmental injustice’. However, the ‘glocalised’ version of the discourse seems to suggest that only minorities are victims of environmental injustice in Nigeria – an injustice that is presumably perpetrated by transnational corporations with the active support of a state that cares only for the majority ethnic nationalities.

The point that this article makes is that environmental injustice in the Nigerian petroleum industry is rooted in an anti-people governance ethos, which creates conditions for gross regulatory ineffectiveness. The logic of ethnicity is therefore not a convincing explanation for environmental abuses in the Niger Delta case. Governance ethos may be viewed as part of ‘background institutions’, which, according to Rawls (1971: 11), are fundamental to the achievement of ‘fairness’ and the alleviation suffering. By ‘background institutions’ Rawls meant the character of the constitution and the political process; in the Nigerian context, they would include the character of governance and institutional/regulatory framework governing how resources in natural resources are exploited and utilised. Through greed, corruption and reckless opportunism, ‘background institutions’ can be compromised, and made to work against the interests and well-being of ordinary people.

Not surprisingly, failed community development, environmental neglect, and social exploitation in the Niger Delta have counterparts in other regions of the country. In all corners of Nigeria, social and environmental abuses are perpetrated by local and foreign as well as private and public corporations. Consequently, grassroots struggles over the quality of socio-political and environmental governance in Nigeria are not unique to the oil-producing region, which then would have probably justified notions of social and environmental injustice as ‘ethnic victimisation’ or fundamentally a case of transnational ‘corporate racism’. As the author learnt from ordinary people in the oil-producing towns of Oloibiri, Egbu and Iko, the whole sense of local struggles is to make governance in the country respond to the yearnings and needs of ordinary people. The application of a global discourse to local conditions in the Niger Delta (and Nigeria as a whole) requires that analysts cut through the complex web of public governance-related issues, rather than simply insert the discourse into a conventional narrative.

## Notes

1. This is a revised and updated version of a paper presented to RC 24 (Society and Environment), Session 4 (Environmental Justice for Sustainable Development), ISA XVI World Congress of Sociology, Durban, South Africa, 23-29 July 2006.

2. This was a four-month study conducted by the author in three of the better known oil-producing towns in the Niger Delta towns, namely Oloibiri (Bayelsa State), Ebubu (Rivers State) and Iko (Akwa Ibom State). The socioeconomic and political profiles of the three towns, and the rationale for their choice, are detailed in Akpan (2006). Besides participant observation, in-depth interview, FGDs and visual sociology were the main techniques of data collection.

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