

THE PRICE OF OIL: ISSUES IN THE OIL RICH NIGER DELTA

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ABSTRACT: This paper aims to shed light on the issues occurring in the Niger Delta and provide policy recommendations for the U.S. and Nigerian governments to help address the human rights violations occurring. The Niger Delta is rich in oil and has a long history of exploitation from the fossil fuel industry. A byproduct of this exploitation is the inhuman treatment of the locals in the Delta and extensive environmental damage. Multiple research papers about the Niger Delta have highlighted the faults in managing the exploitation and extraction of oil by the fossil fuel industry and government. As a direct result, thousands of Niger Delta communities have had their human rights violated, such as their right to life, health, the safeguard of land, air, water, and wildlife. Multiple militant groups have sprung up due to the lack of governmental intervention, leading to violence and disruption in the area. My findings indicate that the issues in the Niger Delta are a result of the lack of governmental control over how fossil fuel industries, such as Shell, are allowed to operate in the area. I recommend that the U.S. reassess its support in Nigeria to ensure that human rights violations cease and adequate aid be provided to the economy. The Nigerian government needs to revisit its Constitution, human rights, and policy documents to hold companies accountable and do due diligence for the people.

Introduction

The systemic destruction in the Niger Delta from the petroleum industry and the negligence of the government have given birth to multiple militant groups who try to defend their land, people, and lives. Their corrupt government and oil companies have deliberately ignored the grievances of those people devastated by oil, causing the people's land, air, water, and lives to be drenched in oil. The main perpetrator is Shell Petroleum Development Company who has executed violence upon different Delta communities. The Nigerian government turns a blind eye to their violence to protect their assets. The ongoing humanitarian crisis surrounding the Boko Haram terrorist group has deflected attention away from the root cause of the Niger Delta issues, a negligent corporation and corrupt government that together have wrecked the local environment and people.

This paper will explore the issue of the Niger Delta through a human rights lens, addressing and analyzing the different ways the

Delta communities are affected by oil and the government's leading role in the discussion. A summary explaining the history of oil exploration and Nigeria's military governance will help shed light on why this is an ongoing problem. I will discuss the human rights abuses regarding oil spills and gas flaring, two case studies showing the grievances and abuses occurring in the Delta even with democratic governance. The formation of militant groups will show the aftermath of protests, massacres, and lack of responsibility for these issues. Finally, the United States stake within this issue will also be examined, and policy recommendations to help address the problems occurring in the Niger Delta will be put forward.

The Niger Delta: Nigeria's Hub for Oil Exploitation

The Niger Delta refers to the southern region of Nigeria, consisting of Cross River, Akwa Ibom, Rivers, Bayelsa, Delta, and Edo States (Asuni, 2009). It is the region's coastal area, containing freshwater and mangrove swamps,

beach ridges, sand bars, lagoon marshes, and tidal channels (Adati, 2012). Oil exploitation has devastated the surrounding environment and disrupted the livelihood of those who depend on the ecosystem for survival (Adati, 2012). Unsustainable oil exploration has contributed to the Niger Delta being one of the world's top five severely damaged ecosystems by petroleum (Adati, 2012). Due to the mismanagement of pipelines and installation, there have been large areas of forests and mangrove swamps that have been cleared, resulting in habitat loss.

Nigeria is Africa's most populous country and largest oil producer, with the Niger Delta supplying the resources for oil exploitation (Asuni, 2009). The Nigerian government obtains most of its oil from different basins within the Niger Delta. Oil revenues contribute to 90% of Nigeria's foreign exchange earnings and 85% of public and governmental revenues since 1970 (Ukiwo, 2020). Production and export levels have averaged between 1.2 to 1.7 billion barrels per day over the past decade (Ukiwo, 2020). Unfortunately, the government's lack of political stability and corruption has led to communities in this area receiving little benefit from oil shares (Asuni, 2009).

Exploration of Oil in Nigeria

The growth of fossil fuels has shaped the world's energy sector since its discovery in 1859 (Adati, 2012). Following the discovery of oil, multinational oil companies began to spread rapidly to countries to explore and exploit oil. Exploration opportunities in Nigeria started in 1907 by the Nigerian Bitumen Corporation (Ukiwo, 2020). In 1956, Shell Petroleum discovered oil in Oloibiri, a village in the modern-day Bayelsa state (Adati, 2012). By 1958, Nigeria produced and exported 5,100 barrels of oil per day (Ukiwo, 2020).

With the oil sector booming in the state, the government wanted to control the distribution of all oil revenues and resource shares, specifically on a local government level. Before

the Petroleum Act, a 50-50 split benefitted the federal government and state, but the Act decreased state shares to 45% (Ukiwo, 2020). The Federal Military Government further slashed allocations to states based on derivation from 35% to 20% in 1975 (Ukiwo, 2020). In 1982, a revised revenue allocation provided that 1.5% of revenues would be shared based on derivation to the communities. By 1990, the Niger Delta states' share of oil revenues was just 1%, which stimulated the rise of movements for the autonomy of the Niger Delta and the resentment of government and oil companies in oil-producing communities (Ukiwo, 2020). The Oil Minerals Producing Areas Commission (OMPADEC) was established in 1993, which "endowed 3% of oil revenues to address the ecological, social, and economic challenges of the region" (Ukiwo, 2020). However, this Commission did not satisfy the people's wish for autonomy or increase benefits significantly to oil-bearing communities.

The Nigerian Government's Military Regimes

A review of Nigeria's military regimes is necessary to understand the state's instability and corruption. Since its independence from British rule in 1960, Nigeria has been through numerous military coups, with periods of democratic rulings (Asuni, 2009). Military power lasted from 1966 until the Second Republic began in 1979. Since then, four different military regimes had taken over, each overthrowing the next regime with the promise to restore representation and power to the public. It wasn't until 1999 when elections took place and the Fourth Republic with Olusegun Obasanjo was instated, and Nigeria's Constitution of 1999 was created. Since 1999, democracy has been in place with Buhari, a former military regime ruler, as the current president.

Issues in the Niger Delta/ Stakeholders

The Nigerian government is the main stakeholder in this issue as they control oil

resources in the Niger Delta. They issue licenses to companies, regulate exploitation, distribution, and oil revenues that should go back to the Niger Delta to develop schools, roads, and bridges (Ojatorotu 2018). Unfortunately, the government has prioritized the elites' financial stability over the populace of the Niger Delta living under extreme hardship (Ojatorotu 2018). Trillions of dollars accumulated from the oil industry have reportedly been used to support elite consumption (Ukiwo, 2020). The government controls what happens with oil, making them the most influential stakeholder in this issue and responsible for protecting their citizens.

Multinational oil companies, specifically Shell, have directly impacted the Niger Delta communities by disregarding oil spills and gas flaring laws, which have led to soil, water, and air pollution. This has affected the Niger Delta residents' farming and fishing activities and their inability to sustain their community. Shell claims they "promote trust and openness" and "takes pride in what we do and how we conduct business" (Shell, 2019). However, the reality is that their immense power in the region (controlling 40% of all oil production in ND) adversely affects the people of the Niger Delta. Multinational oil companies' activities have created violent militant groups who oppose them and retaliate through sabotage and vandalism of oil facilities and installations.

Militants, such as the Movement for the Emancipation of the Niger Delta (MEND) and The Niger Delta Avengers (NDA), take a stake because they are fighting for reasonable shares of petroleum profits from the government (Ade, 2019). They originate from oil-bearing communities that face food and water shortages, environmental damages, and a lack of economic development (Kastoan, 2020). These militant groups demand reasonable shares of oil revenues from the government to ensure the people of the Niger Delta live in clean, habitable areas and control what happens to the oil in their land

(Kastoan, 2020). They have moderate power because they can inflict damage on the economy by their actions, but they cannot make policy decisions.

The Niger Delta communities such as the Ogoni, Odi, and other communities are affected by the Nigerian government and multinational oil corporations (Toboni, 2018). These communities suffer from oil spills, pollution, and decreased food and water supply imposed by oil companies. Oil corporations, specifically Shell, have directly supported violent acts on communities' members by massacring, raping, and destroying villages in the name of oil profits. The Nigerian government's failed implementation of policies to address their grievances has left communities suffering. Communities are also affected by militant attacks on oil installations since their attacks increase pollution and the environmental tragedy in the Niger Delta (Asuni, 2009). They hold the least power, especially when tensions grow between them and oil companies.

Willful Negligence of the Nigerian Government and Shell Petroleum Company Oil Spills

Tensions between the government's policies around oil and its effects on minority groups arose during the military era in the 1990s (Ojatorotu, 2018). The government pressured oil corporations to maximize oil production, leading many IOCs to operate unregulated (Onwuazombe, 2017). In the past 50 years, 9 million to 13 million tons of oil have been spilled in the Niger Delta (Onwuazombe, 2017). Shell's Forcados 6 tank in the Delta state spilled 570,000 barrels of oil into the Forcados estuary, polluting aquatic and terrestrial ecosystems (Adati, 2012). In the 1980s, Chevron's Funiwa No. 5 well blew 421,000 barrels of oil into the ocean and destroyed 836 areas of mangrove forests in its path (Adati, 2012). Shell Petroleum Development Company had also reported 221 spills per year since 1989 (Adati, 2012).

Within 20 years, 2,369,470 barrels of oil were spilled into the environment. Most of these spills in the Niger Delta have occurred due to pipeline and storage facilities failures, but big oil companies blame sabotage, vandalism, and illegal refineries (Adati, 2012). After years of oil spills, no recovery has occurred, and the Niger Delta is left drenched in oil (Adati, 2012).

In Bodo, a community in the River State, fishing and farming were dominant occupations for the residents, with Bodo recognized once as “the fish basket of Gokana”. The fish-farming and harvesting industry employed tens of thousands of people in Bodo (Pegg, 2013). However, from August 28th, 2008 to November 7th, 2008, Shell’s 55-year-old pipeline spilled more than 600,000 barrels into surrounding water basins (Morgan, 2017). Another spill occurred on December 7th, 2008, and lasted until February 21st, 2009 (Morgan, 2017). These two massive oil spills leaked into rivers and creeks, killing fish and eliminating people’s source of food and income (Uwemedimo, 2018). Article 3a of Nigeria’s Constitution of 1999 states that “all citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment” (Nigeria, 1999). However, due to these oil spills, thousands of people lost their jobs, and employer’s fishing areas were devastated by oil (Pegg, 2013). Although the petroleum industry is a primary employment source for foreign workers in the Niger Delta, local farmers and fishermen lack opportunities because of pollution. Fishermen in the Bodo community cannot find suitable work due to the decline in fish stocks, and most of the oil industry in the Niger Delta is taken by foreign workers. Fishermen today are forced to illegally refine oil as a source of income, which will be discussed further.

The Bodo residents have also had their right to health taken away due to government and Shell’s willful negligence. The African Charter

on Human and Peoples’ Rights (ACHPR) clearly states in Article 16 that “every individual shall have the right to enjoy the best attainable state of physical and mental health” and “State Parties to the present Charter shall take necessary measures to protect the health of their people” (ACHPR, 1981). Article 20 of the 1999 Constitution notes that “the State shall protect and improve the environment and safeguard the water, air, land, forest, and wildlife of Nigeria” (Nigeria, 1999). However, the residents’ health declined by drinking water with hydrocarbon concentrations far exceeding the Nigerian drinking water standards (Pegg, 2013). The residents continued to use the water for “drinking, bathing, washing and cooking because there was no alternative” (Pegg, 2013). Their water, air, land, and forest have not been protected, with 836 acres of mangrove trees destroyed, ultimately decreasing the communities’ access to firewood and disturbing Nigeria’s natural wildlife (Adati, 2012).

Cleaning up oil spills in the Niger Delta has been a slow process, regardless of regulations and laws to ensure clean up. The National Oil Spill Detection and Response, which reports and detects oil spills, took more than 70 days to address and stop the spills. This reluctance to respond to oil spills promptly and to hold Shell accountable violates Nigeria’s National Oil Spill Detection and Response Agency Act, which states:

the failure to clean up the impacted site, to all practical extent including an action plan for remediation within two weeks of the occurrence of the spill... Shall constitute an offense and on conviction the oil spiller shall be liable to a fine not exceeding 5,000,000 Naira or to imprisonment for a term not exceeding 2 years (National, 2006).

To summarize, the government’s lack of action to hold companies such as Shell accountable for unlawful business practices has directly impacted the very people they have pledged to protect.

Members of the Bodo in the River State sued Shell in 2012, seeking compensation for the two oil spills and the loss of their health, land, and livelihoods (Business, 2018). They requested a cleanup of oil pollution, and in 2015, Shell agreed to an \$84 million (US dollar) settlement to help pay for cleanup and pay each community member \$3,300 (Business, 2018). However, Shell's efforts in addressing environmental issues have been inefficient (Maiangwa, 2013). Before cleanup was due to start, they tried to strike out of the lawsuit in 2017, asserting that some community members obstructed cleanup (Business, 2018). They later attempted to block the Bodo community from going back to court by including a clause to "which any disruptive act by any resident of the Bodo community would lead to termination of the lawsuit" (Business, 2018). Despite the judge's ruling that Shell was still responsible for spills from their pipelines, Shell did not conduct an adequate clean-up, leaving the ecosystem to remain vulnerable, and poverty continues to increase despite payouts (Maiangwa, 2013). When oil spills are cleaned up, they are noticeably insufficient, with "the difference between a cleaned-up site and a site awaiting cleanup was not always obvious" (Pegg, 2013). Furthermore, according to Amnesty, Shell has claimed to have cleaned up multiple sites, but visits to said sites have recorded oil still encrusted into the land decades since spills (Uwemedimo, 2015).

Gas Flaring

Another prominent issue that occurs regularly in the Niger Delta is gas flaring (Adati, 2012). Gas flaring is a process where Associated Gas (AG) is separated from methane, natural gas (Ejiogu, 2013). To obtain the methane, it either needs to be stored, re-injected into the reservoir, or flared or burned when AG cannot be easily captured (Ejiogu, 2013). According to Article 2d in the 1999 Constitution of Nigeria, gas flaring violates residents' human rights, which states, "The State shall direct its policy towards ensuring: that suitable and adequate

shelter, suitable and adequate food... are provided for all citizens" (Nigeria, 1999). In 2004, there were 123 gas flaring sites in the region, emitting temperatures that negatively impact the environment, arable land, and human life (Adati, 2012). Gas flaring affected numerous communities' food supply, with 45.8 billion kilowatts of heat discharged into the atmosphere from gas flaring, rendering large areas inhabitable (Adati, 2012). This heat kills surrounding vegetation and mangrove swamps and diminishes agriculture production and soil nutrition (Adati, 2012). A study found that there was a direct relationship between gas flaring and the decline in agricultural productivity—with a flaring site 200 meters from farmland resulting in 100% yield crop loss, 600 meters with a 45% reduction, and 1 kilometer having 10% crop loss (Adati, 2012).

In addition to crop yield loss, gas flaring produces greenhouse gasses methane and carbon dioxide, affecting climate globally and directly impact community members in the Niger Delta (Ejiogu, 2013). As noted in Article 21 of the African Charter, "all peoples shall have the right to a general satisfactory environment favorable to their development" (ACHPR, 1981). Yet, flaring releases 250 toxins is present in the atmosphere within 15 kilometers of the flare site and has attributed to acid rain and augmented concentration of heavy metals in surface and groundwater, ultimately poisoning water supplies that community inhabitants drink (Ejiogu, 2013).

In 2005, Jonah Gbemre and the Iwheroken community in the Delta State sued Shell Petroleum Company of Nigeria, Ltd, NNPC, and the Attorney General of the Federation, claiming that gas flaring violated their human rights (Onwuazombe, 2017). The plaintiffs argued that gas flaring had violated Sections 33 (1) and 34 (1) of the 1999 Constitution, Articles 4, 16, and 24 of the African Charter, their rights to life and dignity. They argued that the company's continuous gas flaring had led to poisoning and

pollution of the environment, which exposed residents to various health risks (Amao, 2008). It was reported that the residents complained of respiratory problems such as asthma and bronchitis and other illnesses such as cancer (Amao, 2008). When residents were exposed to long-term pollutants, nausea, cardio-vascular failure, lung injury, cancer, and autoimmune rheumatic disease were also reported (Ejiogu, 2013). The Iwhereken community argued that the Associated Gas Re-Injection Act, which allowed the continuance of flaring regardless of illegality in 1984, was inconsistent with the Constitution's right to life (Onwuazombe, 2017). The judge ruled that the Attorney General of the Federation needed to amend legislation to align with the Constitution, that Shell did violate their human right to clean, poison-free, pollution-free environment, and their right to life and dignity (Amao, 2008).

Since *Gbemre v. Shell*, Shell and other international companies have continued to flare, regardless of laws prohibiting it (Onwuazombe, 2017). The government receives a large sum of income from foreign exchange earnings, resulting in relaxed enforcement of the 1984 flare deadline (Ejiogu, 2013). The Associated Gas Re-Injection Act loophole allowed the Minister of Petroleum to authorize which companies could flare gas (Ejiogu, 2013), and today 84% of total gas is still flared (Adati, 2012)

Case Study- Rivers, Bayelsa, and Overlooked Delta Communities

River State- Ogoniland

The Ogoni people are a community located in the southeast region of the Niger Delta, in the River State (United Nations, 2011). Numerous oil companies, including Shell, have been exploiting oil since the late 1950s, which has polluted land, water, and the air, which has threatened the Ogoni's livelihoods (United Nations, 2011). In 1958, Shell identified an oil field on the Delta and began to extract oil, resulting in a 15-year period where thousands of

oil spills occurred in Ogoniland (United Nations, 2011). These oil spills impact the Ogoni's human rights to standard living and adequate health. Article 25 of The Universal Declaration of Human Rights (UDHR) claims "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing, and medical care and necessary social services" (UDHR, 1948). Traditional farming and fishing were rendered impossible due to the amount of pollution, and groundwater is still contaminated today, posing a threat to the health of the Ogoni (United Nations, 2011). These people's rights to clean water, farming, and clean air have been taken away by both the government and Shell's lack of interest in supporting the local community by honoring laws designed to protect the people. The Council of Ogoni Traditional Rulers revealed that the negligence of the government has led to "thousands of children in the community to be suffering from cancer and other deadly diseases from exposure to contaminated air, water and food from oil spills and gas flaring in the area" (Onwuazombe, 2017).

The apparent blatant negligence on behalf of the Nigerian government led to the creation of the Movement for the Survival of Ogoni People (MOSOP), which is an organization set up to defend the environment and human rights of the Ogoni in the Niger Delta (Ken, 2012). The MOSOP was established by Ken Saro-Wiwa, an environmental activist and famous Nigerian author who criticized the government's oil policies (United Nations, 2011). The organization practiced peaceful protests, with 300,000 Ogoni marching and campaigning for greater control of oil resources and greater political autonomy (United Nations, 2011). These protests led to oil production activities in Ogoniland ceasing in 1993 (United Nations, 2011). In a leaked governmental memo in May 1994, "the ruling military regime had detailed wasting operations to eliminate vocal Ogoni leaders. The wasting operations were deemed necessary to ensure the

resumption of an oil-drilling operation in the Ogoni” (Onwuazombe, 2017). Less than two weeks after the memo, Saro-Wiwa was taken from his home and jailed due to the connection of inciting youth to murder four Ogoni leaders (Ken, 2012). In November 1995, a trial by a military tribunal executed Saro-Wiwa and eight other Ogoni leaders, increasing protests and captured international attention (United Nations, 2011).

The Ogoni faced numerous human rights violations, especially their right to life. Article 4 of the African Charter states, “Human beings and inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right” (ACHPR, 1981) and Article 3 of the UDHR says “everyone has the right to life, liberty and security of person” (UDHR, 1948) as well as the ICCPR: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” (ICCPR, 1976). Yet, sections and chapters of these documents are merely ornamental and halfheartedly implemented and ineffective for the Ogoni people. The Nigerian government has deprived and undermined the Ogoni’s right to life by killing 132 Ogoni men, women, and children returning from a trip to the Cameroons (Onwuazombe, 2017). In 1993, the Ogoni village of Kaa was stormed by government troops using grenades, mortar shells, and automatic weapons, slaughtering more than 247 unarmed civilians (Onwuazombe, 2017). The government has failed to protect their people’s security by letting Shell fund the Nigerian military to silence the Ogoni leaders and members of the MOSOP (United Nations, 2011). The Nigerian government’s termination of Ken Saro-Wiwa and the eight other Ogoni leaders violated their right to life by execution. They were not protected by the law and instead were killed by the federal government for alleged crimes. Although the death penalty is legal in Nigeria, these executions of the Ogoni Nine lead to Nigeria being treated as

a pariah state, temporary expulsion from the Commonwealth, and provoking international outrage (Onwuazombe, 2017).

Currently, Shell no longer operates within the Ogoni community, but their pipelines cross Ogoniland and still burst upstream, leading to downstream pollution, impacting the Ogoni people (Toboni, 2018). Ogoniland’s ground is covered in oil and destroyed to the point where nothing can grow, and a thick, black clay covers the earth (Toboni, 2018).

Bayelsa State- Odi Massacre

On November 4th, 1999, an armed gang killed seven Nigerian police officers in Odi, the Bayelsa State of the Niger Delta (Human Rights Watch, 2019). Five more police were killed in the following days. These killings were committed by a group living in the oil-producing areas (Human Rights Watch, 2019). President Obasanjo gave two weeks for those who killed police to come forward, or he would declare a state of emergency. Before the deadline, the Nigerian military moved in on Odi, killing 2,000 innocent civilians and destroying housing and infrastructures to protect oil operations (Human Rights Watch, 2019). This act of genocide violates the ICCPR Article 6.3, “When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide,” as well as the cruel, inhuman and degrading punishment articles mentioned in the UDHR and 1999 Constitution. The Nigerian military “razed the community in retaliation for the death of 12 policemen deployed to protect oil facilities” (Onwuazombe, 2017) and destroyed buildings, banks, churches, and hospitals (Courson, 2006). It was also reported that the gang who was responsible fled while their people were massacred (Human Rights Watch,

2019). A presidential spokesman skeptically described the massacre as “a carefully planned and cautiously executed exercise to rid the society of these criminals” (Onwuazombe, 2017). The army targeted the Odi people, not just the criminals, killing thousands of people and destroying infrastructures in the name of protecting oil assets.

The Crimes Against Humanity, War Crimes, Genocide and Related Offences Bill in 2012 also elaborates that “a person who, in Nigeria or elsewhere- commits genocide or conspires or agrees with any person to commit genocide, whether that genocide is to be committed in Nigeria or elsewhere, commits, and offence and is liable on conviction, to the penalty specified...” (Crimes, 2012). These penalties include “imprisonment for a term not exceeding 30 years or a term of life imprisonment when justified by the extreme gravity of the offence and the individual circumstances of the convicted person” (Crimes, 2012). This bill was the outcome of a new democratic government to pass war crimes. However, numerous human rights documents discussed genocide, cruel and unusual punishment as intolerable before this Bill was passed in 2012. The government and the international community overlooked the Odi massacre, and those who inflicted violence were not held accountable.

The government denied the Odi massacre allegations, and security forces who carried out the violence have not been held accountable (Onwuazombe, 2017). The government awarded ₦37.6 billion (US\$98,635.88) for the damages despite denials, and those who executed the genocide were reported to have been promoted (Onwuazombe, 2017).

Overlooked Massacres in the Niger Delta

These cases are not the only examples of massacres and acts of violence against the Niger Delta communities in oil-producing areas. The community of Odioma was invaded and razed to the ground in February 2005 by a military task

force (Courson, 2006). Disputes over ownership of land between different Ijaw communities, who are a minority group in Nigeria, interrupted Shell’s ability to install oil pipelines and refineries on the land (Amnesty, 2005). The task force in the region was stationed to arrest, kill, or ruthlessly deal with those tied with criminal activities against the oil industry in the Niger Delta (Courson, 2006). In retaliation to the armed members’ suspected killings of four local councilors and eight others earlier that month, the task force killed 17 Odioma civilians and raped numerous women (Amnesty, 2005). Eighty percent of homes were destroyed, and among those dead, a 105-year-old elder and 2-year-old were burned to death (Amnesty, 2005). Rulers of Odioma were “whipped and forced to eat sand, amounting to torture and cruel, inhuman and degrading treatment” (Amnesty, 2005). It was also reported that members of the task force police were hired by Shell to disperse those who were a part of the Odioma community (Amnesty, 2005).

Another community was devastated by oil-related activities. Yenogua and Kaiama, the two largest Ijaw-dominated towns in Bayelsa’s oil state, were attacked by the military in December 1998 and January 1999 (Amnesty, 2005). This came after youth Ijaw formed a declaration demanding “self-government and control of resources for the Ijaw people within a federation of ethnic minorities” (Amnesty, 2005). The Ijaw youths gave the government until December 31st, 1998, to respond to the demands or risk having the oil companies stationed in Ijawland sabotaged. The military mobilized and hunted, arrested and incarcerated leaders, and cracked down on protests (Amnesty, 2005). Several special military task force teams have attacked many Ijaw communities “in the name of combating anti-oil militias, destroying houses and killing hundreds of people” (Amnesty, 2005). These disputes led to the Umuechem massacre of 1990 in the Rivers state, where heavily armed police officers shot and killed over 80 people and set ablaze 500 of the villager’s houses

(Onwuazombe, 2017). A judicial commission, which the government set up to investigate the causes of this massacre, “found not a single thread of evidence of a threat of violence on the part of the villagers” and censured police involvement (Onwuazombe, 2017). No one was held accountable.

Formation of Militant Groups in the Niger Delta

With the increase in environmental damages, the eruption of violence in Delta communities, and the government’s inability to use oil revenues to transform people’s lives, different militants and mobilization began to rise (Ukiwo, 2020). The Oil Minerals Producing Areas Commission in 1993 gave 3% of oil revenues to address the social, economic, and ecological problems occurring in the Niger Delta (Ukiwo, 2020). However, this didn’t address autonomy or the reduction of oil revenue controls in the state governments, so protests grew throughout the late 1990s (Ukiwo, 2020). These protests stemmed from the decreased percentage of revenues for minority groups and the lack of employment in the oil industry that favored foreign workers and the ethnic majority groups in Nigeria (Ukiwo, 2020). Soon, the Niger Delta people took action to stop the production of oil, and the increase of militancy in the region began (Ukiwo, 2020).

The Movement for the Emancipation of the Niger Delta (MEND) formed in 2006, becoming one of the largest militant groups in the Niger Delta. MEND is a continuously changing mass of groups with the sole purpose of using military force to attack infrastructures (Asuni, 2009). By 2007, more than 25,000 members were involved; however, others have estimated up to 60,000 (Asuni, 2009). Each militant had differing characteristics and motivations for joining the newly formed group. Most were between the ages of 20-39 and economically powerless (Asuni, 2009). They had a common desire to join to protect their land, community, and ethnic

group and protest against the government and oil companies (Asuni, 2009). There was also a common desire to make money through criminal activities, such as oil bunkering, which was the only source of income for some (Asuni, 2009).

Collectively, MEND argued that poverty, environmental destruction, and governmental corruption affect their livelihoods, which they used to legitimize their violence towards oil companies (Dakar, 2016). They demanded improvements of conditions in the region, local control over oil resources revenues, and economic development for the Niger Delta people (Kastoan, 2020). Alongside these demands were jobs for rural communities, contracts, oil licenses, and autonomy from Nigeria (Dakar, 2016). Their first attack was in 2006, where the militants targeted petroleum companies by kidnapping foreign workers and damaging refineries and pipelines (Ade, 2019), which increased petroleum prices around the world (Asuni, 2009). Other activities included car bombing and oil bunkering to meet their objective (Kastoan, 2020). During this year, the Nigerian government’s goal to import 4 million barrels by 2010 was impacted due to these attacks, which forced oil production to shut down up to 800,000 barrels per day (Dakar, 2016).

It wasn’t until 2007 when the government established the Presidential Amnesty Program (PAP), which was a locally funded, designed, and implemented Demobilization, Rehabilitation, and Reintegration (DDR) program (Ebiede, 2020). The amnesty program was intended to demobilize, rehabilitate, and reintegrate ex-militants who disarmed voluntarily (Ebiede, 2020). The program provided counseling and training for ex-militants to help prepare them for reintegration into civilian life (12). By 2008, 30,000 militants surrendered their weapons, and 15,459 registered for the PAP, each receiving a stipend of ₦65,000 (US\$400) during their integration phase (12). The militants were able to train in a wide range of fields, such as

agriculture, welding, oil and gas technology, heavy-duty operations, law, and business (Ebiede, 2020). This program successfully addressed the security situation in the Niger Delta as the attacks against oil infrastructures ceased and kidnapping declined (Ebiede, 2020). These elements helped the production of oil increase, with oil production reaching 2.5 million barrels a day in 2012 due to the program, which generated more revenue for Nigeria (Ebiede, 2020).

There were many shortcomings in this program. It came at a considerable expense to the government, with ₦200 billion (US\$1.68 billion) annually towards paying militants (Matt, 2016). The training programs did not reflect the demands of local employment opportunities since most jobs were within the oil sector and not within the program's disciplines (Ebiede, 2020). For example, the training would include agriculture, welding, oil and gas technology, heavy-duty operations, law, and business disciplines, but a large portion of jobs in the Delta are within the oil industry. In the aftermath, only 200 out of the 15,459 registered PAP militants were able to find employment between 2010-2012, leaving many in poverty and more resentful (Ebiede, 2020). Contractors, who received reimbursement for every ex-militant they had in their training, would abuse funds by inflating the number of militants enrolled and collect payment despite no training (Ebiede, 2020). These payments did not address the Delta's environmental tragedy, multinational corporations' negligence, or the continuing human rights abuses. The PAP also failed to address the inadequate access to employment, the Niger Delta communities' wellbeing, and fair shares of oil revenues. To make matters worse, when the decrease in the price of oil in 2009 occurred, the government had a hard time funding the PAP and many militants were either paid late or not at all, and, as a result, 2,000 PAP participants had to quit their training before completion (Ebiede, 2020).

When Buhari announced a 70% decrease, the Niger Delta Avengers, a new militant group, emerged and attacked offshore pipelines in the deep waters off the coast (Ebiede, 2020). The PAP directly supplied valuable skills to target the oil industry, with ex-militants who were a part of the PAP's underwater diving training and welding program carrying out attacks (Ebiede, 2020). This new emergence of militants has the same objectives as MEND, but also to deteriorate oil production and establish an independent, sovereign Niger Delta state (Abutu, 2017). They also demanded a larger portion of state resource revenues but through positions in the federal government or amnesty payments (Matt, 2016). The NDA launched its bombing campaign in 2016 to cripple the Nigerian economy (Matt, 2016). They bombed Chevron installations, followed by other major multinational corporations in the region, such as NNPC, Agip, and Shell (Abutu, 2017). The rebel's attacks reduced oil production by over 1 million barrels a day in 2016, the lowest it had been in 25 years causing Nigeria to fall into a recession (Ebiede, 2020).

The black market of illegal refineries and oil in the Niger Delta emerged due to militant oil-thieves (Ralby, 2017). Gianna Toboni, a producer and correspondent at VICE News Tonight, traveled to the Niger Delta to experience firsthand the raging battle over oil control (Toboni, 2018). She was able to access illegal oil refineries buried within the creeks of the Niger Delta with the protection of a few men from the NDA and oil businessman (Toboni, 2018). When she stepped out of the boat, she described how "everything is burnt to the ground, this entire town... the smell of oil here is overwhelming, everything is rotting, and everything is covered in oil" (Toboni, 2018). Within these refineries, oil thieves pump stolen oil from ships, store and "cook" and refine the oil in ovens, where it is cool and pumped into the reservoir, ready to be exported and go on the market (Toboni, 2018). At night, the residents pour waste into the oven from the oil production process and flare so the

lightest of all the products, gasoline, is leftover with other chemicals that will be disposed of (Toboni, 2018).

The Nigerian military destroys these illegal refineries, slashing barrels and bags of oil, and dumps them onto the ground, where it flows into their waterways. The commandant of the military raid says that the oil from these illegal refineries is substandard; its “more dangerous when you take it out of this place, if it goes to the local market and society, it gets put into vehicles, and it is not good for society, so it is destroyed here” (Toboni, 2018).

Oil is central to rural communities’ livelihood, with many participating in illegal oil refining within their village (Toboni, 2018). Fishermen, in particular, turned to illegal refining due to the lack of fish in the community. Many do not want to participate in this work, but one resident explains that “I don’t have any other work. I survive with this little work that I am doing illegally... this is just how our people survive” (Toboni, 2018). Another resident explains that “what you see here is just a means of survival. We are fighting to eat! The oil is there, a lot of people are taking it away, so people start experimenting... how to get the resources under their own feet” (Toboni, 2018).

The Niger Delta Avengers are a part of these communities hit hard by the pollution and take part in oil bunkering and illegal refining. They continue to affect oil production but at the expense of who? They are inflicting damage on the oil industry, attracting the audience of political leaders to resume payments. But the environment is contaminated after illegal refining, military raids, and pipeline spills (Toboni, 2018). When civilians fish within these oil-ruined areas, fishing nets are covered in oil, and “when I eat it, it will give my body a burning, hot fire! You can’t sleep, no sleep” a fisherman says (Toboni, 2018). He then explains that before oil, the community’s water supply was not polluted and how they could catch

plenty of fish and get by, but now with pollution, they have no fish for food or income.

Gianna was able to interview the Avengers, and she asked them why they were doing the activities they were doing and what was their end goal:

We are sick and tired of this shit. I feed you, you get fat, you make money, you live large, and you keep me in a poverty stage? It’s not possible! We have kids coming up. The future, we are not looking at the present, we are looking at the future. If this continues, what do you expect for my son? What do you expect from my child?

We are there to stop the operation. We blow up the pipeline. We are not there to kill humans. Just the pipelines.

Vice President Osinbajo states that the Niger Delta Avengers are “not Niger Delta freedom fighters or working for the interest of the Niger Delta people as they claimed to because if they were, they would not engage in the destruction of the source of economic power of the region” (Abutu, 2017). He elaborates that the Avengers create more problems in the region by polluting the environment and making the communities’ lives more difficult. However, blaming rebels for damaging the economy and environmental issues ironically defeats the purpose and underlying problem- that this is a cause-and-effect problem. Dr. Ian Ralby summarizes the situation perfectly:

As significant as the link between oil theft and terrorism and other international crime may be, it is worth noting that it exists within a complex web of causes and effects. The Niger Delta Avengers... would not have become a terrorist group if it had not been for the economic benefit the Delta State militants had been receiving, the corruption that allowed those economic windfalls, or the environmental degradation that has made corrupt and illicit oil-related activities

their most obvious source of income (Ralby, 2017).

The government's unwillingness to significantly address the problems oil companies have inflicted on communities and Shell's lack of responsibility and violent activities have created rebel fighters, hence adding more oil spills and environmental degradation and the willful negligence contributed by the government (Maiangwa, 2013).

US Foreign Policy

The United States has taken a leading role in condemning human rights abuses worldwide (Adunbi, 2020). However, they have deliberately shied away from condemning the environmental degradation and human rights abuses in the Niger Delta related to the oil industry (Onwuazombe, 2017). Nigeria is Africa's leading oil exporter causing foreign interests, such as the United States, to become hesitant to publicly criticize Nigeria, especially with their strong ties to Nigeria.

The United States is the largest foreign investor in Nigeria, with investments in the petroleum business (U.S Department of State, 2020). In 2017, the two-way trade in goods between the two countries totaled over \$9 billion, with the US exporting wheat, vehicles, plastics, and Nigeria exporting crude oil, cocoa, cashew nuts, and animal feed (U.S Department of State, 2020). Between January to May 2019, the US imported 21.03 million barrels of crude oil, while this year, the U.S. has imported 2.12 million barrels (Oil & Gas 360, 2020). This sharp decline results from the decrease in demand for oil during the coronavirus pandemic and the U.S. production of shale from our facilities, similar to the sweet crude extracted in the Niger Delta (Oil & Gas 360, 2020). Although the U.S. has imported less crude oil in recent years, they are still importing crude oil from Nigeria, where human rights abuses and corruption are still present.

The main lever of influence the U.S. has with Nigeria are the aid towards anti-terrorist efforts surrounding Boko Haram. Boko Haram is an Islamic sectarian movement where they claim an end to corruption and impose Islamic law (Ade, 2019). Their attacks include targeting governmental buildings, police, Christian churches, and schools (Ade, 2019). Between 2011 and 2018, Boko Haram attacks have claimed approximately 17,000 lives (Kastoan, 2020). These attacks consist of bombing, massacring, kidnapping, and burning entire villages (Kastoan, 2020). The Nigerian Army has received \$2.2 million in funding from the US Department of Defense to develop a counterterrorism infantry unit and another \$6.2 million designated for tactical communications within its counterterrorism unit (King, 2011). U.S. aid has also taken steps to promote governmental action on the number of grievances that occur in the north between Boko Haram and the government (King, 2011). Between 2008-2017, Nigeria received over \$96.5 million from U.S. Security Sector Assistance, which is a policy aimed to strengthen the ability of the U.S. to help allies build their security capacities (Dalton, 2018). In 2019, Nigeria spent \$298.87 million of U.S. aid on Humanitarian Assistance (U.S. Foreign Assistance, 2020), with a majority of the aid focused on fighting against Boko Haram activities.

Policy Recommendations

The issue of terrorism occurring in the north has diverted international interest away from the matters in the Delta, leaving people to suffer. I am not alluding to the fact that any crisis is less important than the other, but U.S. aid needs to address problems in the Delta as well as the Boko Haram crisis. The U.S. needs to withdraw their support of the Nigerian government if they do not enforce their gas flaring laws, oil spill cleanups, and stop the continued abuse of communities' human rights. Aid from the U.S. needs to be injected into the economy for development toward the Niger Delta, so

militants aren't dependent on illegal refining, kidnappings, and oil bunkering to address their grievances. The U.S. should provide financial resources for proper clean-up of areas affected by oil spills and gas flaring sites. Aid then needs to be applied to train the local people so they can find gainful employment in the oil industry, and oil companies are obligated to hire a more significant percentage of Niger Delta residents.

Apart from U.S. foreign policy, Nigerian domestic policy needs to revisit and review the 1999 Constitution, UN Charter's, and other human rights documents such as the UDHR and ICCPR. The loophole of allowing certain companies to flare gas needs to be addressed, as it is counterintuitive to the Associated Gas Re-Injection Act. As well as gas flaring, oil spills need to be cleaned up promptly, as stated in Nigeria's National Oil Spill Detection and Response Agency Act. The appropriate penalties need to be implemented when these laws are broken. The enforcement of these documents is crucial to the improvement of the situation occurring in the Niger Delta.

Since petroleum is the driving force of Nigeria's economy, the government needs to go back to the original 45/55 split of oil profits. These numbers halt the government's investment in oil extraction and give local communities a significant stake in the exploitation, distribution, and oil revenues. These numbers were once acceptable and agreed upon by both parties, and this will eliminate the rise of militant groups and address the Delta's economic and environmental issues.

Until renewable energy is more established, the profits from oil need to go back to the communities located in oil-bearing areas. However, attention also needs to be paid to renewable energy and the Niger Delta, especially when fossil fuels are no longer the driving energy of the world and income for the Delta residents. There needs to be a safety net while the shift from fossil fuels to renewable

energy occurs, so the people in the Niger Delta are not left behind to suffer in oil devastated areas with a lack of income.

Conclusion

The government's policies and the corruption of oil companies have given rise to political unrest that has created an even more intolerable environment for the people. The reality for the Niger Delta communities is their water, food, soil, and livelihoods are ruined by the exploitation of oil, and they live in a violent country where different factions senselessly kill innocent people. Their fundamental human rights have been removed, and they live in fear of sickness, hunger, poverty, and death.

Many Americans also understand the danger of pollution and have witnessed its harm in their own neighborhoods. Although they see its impact on the US, many may not realize what's going on across the globe and how these occurrences are impacting others. Perhaps this understanding can create a bridge of unity to help Nigeria in the long run and help the world address these insecurities. There are some things the U.S. government can do to positively affect the Niger Delta. Firstly, they need to support economic growth and development for the Niger Delta communities' by giving aid for environmental cleanup and providing education to enable them to find gainful employment in the oil industry. Next, the U.S., along with other countries, need to stop turning a blind eye to the corruption that exists in the Nigerian government and the persistent human rights abuses. Finally, they need to withdraw their support from Nigeria until they have shown positive intent to change what is currently occurring. The Nigerian government needs to ensure that the Niger Delta communities receive their fair share of profits and abide by laws and legislation passed that reinforce the peoples' fundamental human rights. Also, a proactive discussion and plan for how the Niger Delta will survive once global energy companies reduce their carbon footprint

by moving towards renewable energy needs to happen.

If all these recommendations are actioned, the Niger Delta people can have the opportunity to live a more peaceful and fruitful life.

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