AGITATIONS FOR RESOURCE CONTROL IN THE NIGER DELTA AND THE FEDERAL GOVERNMENT RESPONSE: A LITMUS TEST FOR HUMAN RIGHT POSTURE IN NIGERIA*1

Abstract: The spate of agitations in the Niger Delta of Nigeria is a long history. It dates back to the events prior to the 12th day Revolution staged by late Isaac Adaka Boro. The 12th day revolution is the epic of a young man with a lion heart who assigned to himself the task of liberating his people whose yoke he felt was squarely placed on his shoulders. He lost the cause, yet the communities till date fought environmental degradation to a standstill. The death of Ken Saro Wiwa and eight others brought international condemnation on Nigeria’s human right posture. The main objective of this work is to expose the region as an abuse to the rule of law and human right principles. The work finds out that when a part of the national framework is aggrieved, every effort sequences, a breach of the rule of law as experienced in the Niger Delta in the past. The doctrinal research methodology was adopted for a critical analysis of the facts on ground; including examination of various laws and scholarly materials using primary and secondary sources. This work recommends that any meaningful attempt to get out of these undesirable situation in the Niger Delta must address the root causes namely, the past neglect, oppression and human right abuse which has created poverty and restlessness in the region.

Keywords: Agitations, Resource Control, Niger-Delta, Government, Response, Litmus-Test, Human-Rights.

1. Introduction

This paper discussed various reasons advanced by textbook writers as remote and immediate causes of agitations in the Niger Delta in recent years. In 1983, the NNPC report has it that:

"We witnessed the slow poisoning of the waters of the region and the destruction of vegetation and agricultural land by oil spills which occur during petroleum operations. Since the inception of the oil industry in Nigeria more than twenty five years ago, there has been no concerted and effective effort on the part of the government, let alone the oil operators to control environmental problems associated with the industry.

This study revealed that the region which consist of diverse ecosystem of mangrove swamp, fresh water swamp, rainforest is well characterized by complete contamination of streams and rivers and forests; destruction of biodiversity to pollution. This has affected the livelihood of the people who depend on the ecosystem activities and services for sustenance and survival. The quantity of oil spilled over fifty years is at least 9.13 million barrels which is equivalent to 50 Exxon Valdez spills. Exactly 61 years of crude oil exploration and production in the Niger Delta, oil drilling and refining has caused unquantifiable and inhuman devastation to the region and this angered the communities. They complained locally and in the international fora and as they were not giving fair hearing the resultant effect was hostage taking.

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kidnapping, vandalisation of pipelines followed by agitations for resource control or at least for an increase of revenue allocation formula.

2. The Legal Regime of Oil Exploration and Production in Nigeria

It is pertinent to note that there are a plethora of oil and gas laws in Nigeria to control the activities of the multinational corporations and to bring erring corporations to book. Also, the Minister of Petroleum Resources is empowered by the law to prosecute and or to protect the citizenry from wide scale abuse of the laws.2 Udok3, wrote that there are a plethora of existing laws for curbing environmental degradation in the Niger Delta, but that these laws have not been effectively applied by relevant agencies to curb environmental abuse due to technicalities inherent in their application. The laws which are both statutory and common laws need urgent review to cope with current challenges and developments in our oil and maritime sector. Some examples of these laws as presented by Udok are as follows:

(a) The Criminal Code4: Section 245 makes it an offence for anyone to corrupt the water so as to make it less fit for the purpose for which it is ordinarily used. It provides a sentence of six months for an offender. S. 247 prohibits any noxious act capable of affecting the health of the persons living or doing business or that which are likely to spread the infection of any disease. It provides the same punishment as the one above.

(b) The Minerals Act5: This Act empowered the president to make regulation for the prevention of pollution to any natural water supply, the disposal of sludge, slit and control of sludge channels.

(c) Oil in Navigable Waters Act6: This is another instrument for the protection of Nigeria’s environment. It was promulgated in 1968 to give effect to the international convention for the prevention of pollution by oil into prohibited sea areas. S. 12(1) empowered only the Attorney General to sue the owner or master of the ship from which the discharge occurs. However, the owner or master of the ship may have good defence, if he proves that the discharge operation was undertaken as reasonable steps to save life.7

(d) Oil Pipeline Act8: The Act makes mandatory for a holder to pay compensation to any person who suffers damage as a result of any ancillary installation.

(e) The Federal Environmental Protection Agency Act9: This Act, though abrogated and replaced by the NESREA Act;10 in S. 20 criminalizes the discharge of hazardous substances into water, air, or land and provides 10 years imprisonment or fine not exceeding ₦100,000 in the case of an individual and in the case of a body corporate, a fine of ₦500.00 and an additional fine of ₦100.00 for every day the offence subsists.

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7 ESSO Petroleum Co. Ltd. v. South Port Corporation (1956) AC. 218.
The Harmful Waste (Special Provisions etc) Act\textsuperscript{11}: This Act creates an offence in respect of harmful waste which has been defined under S.15 to include semi solid, liquid or solid substances as well as any injurious, poisonous, toxic or noxious substances.

The Environmental Impact Assessment Act\textsuperscript{12}: This Act makes it mandatory for environmental impact assessment to be carried out before any major work is done which may likely result in pollution if the caution is not taken.

The Petroleum Act\textsuperscript{13}: The Petroleum Decree (now Act) was enacted by the military Administration of Yakubu Gowon (Rtd) during the course of the Nigerian/Biafra Civil War. It was promulgated as Decree No. 51 of 1969, now Cap. P10 Laws of the Federation 2010, and it repealed all the existing legislations relating to petroleum. The Petroleum Act and the Petroleum (Drilling and Production) regulations laid down the foundation of the legal framework for the regulation of the oil industry in Nigeria.\textsuperscript{14} The Act is Nigeria’s first comprehensive legislation which covered inter alia, rights and rents, royalties and compensation and provides for the vesting of petroleum and gas in the state.\textsuperscript{15}

Looking at the position of the laws as discussed above and the control power of the Federal Government over petroleum exploration, production and marketing of all petroleum and its derivatives, one frowns at the extent of control and the enforcement of the laws, when one looks at the unwanton destruction of the entire ecosystem, means of livelihood, farmland and rivers in the Niger Delta communities. The content and wording of the Nigerian Constitution, 1999\textsuperscript{16}, is somewhat emphatic in this regard. The keyword, \textit{shall be managed in such manner as may be prescribed by the National Assembly}, begs for an answer. With the negligent attitude of the national oil companies over gas flares and oil spills in the Niger Delta Region, one may ask whether the Federal Government is managing its affairs with respect to Petroleum Production and Gas operations properly. A cursory look at S.20 of the 1999 Constitution of Nigeria puts the Human Rights position of the Federal Government of Nigeria to test.


Above all, the only direct provision on environmental rights in the Nigerian constitution is S.20 which provides thus: ‘The state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria’. This is in chapter 11 of the Constitution and by virtue of the provisions of section 6(6) of the same constitution,\textsuperscript{17} it is non justiciable although, it remains a pillar and guide and the main focus of attention of all tiers of government. From this viewpoint, it is clear that S.20 does not confer an express right on a Nigerian citizen to enforce a right to a clean environment within the context of chapter 11 of the Constitution.\textsuperscript{18} However, in the case of \textit{Attorney General of Ondo State v. Attorney General of the Federation},\textsuperscript{19} it was held by the Supreme Court that since by item 60(a) of the Exclusive Legislative List, the National Assembly is empowered to promote and enforce the observance of the

\textsuperscript{13} Cap P10, Laws of the Federation of Nigeria, 2010.
\textsuperscript{16}S.44(3).
\textsuperscript{17}Constitution of Federal Republic of Nigeria, 1999 as amended.
\textsuperscript{19}(2002) F.W.L.R (Part III) 1972 at pp. 21-42, 2143, ratio per Uwaifo JSC. See also, the Indian Supreme Court case of \textit{Medras v. ChamparKan} (1951) SCK 525 at p. 531.
Fundamental Objectives and directive principles contained in this constitution once the National Assembly has enacted a law to that effect, the provision of chapter 11 becomes justiciable.

4. Fundamental Human Rights Posture in Nigeria
Omaka defines environment as a place of human, plant and animal existence and where we live and develop which include the air, land, water, vegetation, our surrounding and the entire ecosystem.20 Ladan in his Article on Human Rights and Environmental Protection, asserted that for the full realization of the enjoyment of human rights, that environmental protection should be seen as a necessity and not luxury and not just the protection of wealth and the environment alone but also, about the protection of our natural heritage. These two are interdependent and equally relevant for the improvement of the quality of human life. He further asserted the symbolic relationship between environment and development must be elevated to the first principle of development planning. To him, the challenge of environmental protection and preservation is a challenge of sustainable development.21 No wonder the people of the Niger Delta are complaining about sustainable development of their environment in order to preserve it for their future generation. The environment being unique and universal in nature with different interacting components demand and require compulsory harmonious working together of all the elements and all stakeholders.

There has been wide scale abuse on the Niger Delta environment by the oil companies operating on the land. This led to agitations by the youths led by Kenule Saro Wiwa. Consequently, Saro Wiwa and eight of his Ogoni kinsmen were brutally hanged on November 10, 1995. The Government reacted to the agitation by the youths and found them guilty for the brutal killing of four Ogoni leaders and not for their strident environmental campaign, which on a large scale impinge on the economic interest of the state and the oil companies. It was reported by the government that the incident which led to their death had no link with their advertised environmental activism. The high tension politics exacerbated by the aftermath of the incident adversely affected Nigeria, because the key sectors of the international system roundly condemned Nigeria and swiftly announced punitive political and economic measures against Nigeria, for instance, the Commonwealth Heads of States suspended Nigeria’s membership of the 53 Nation group. Some countries recalled their ambassadors for consultations and imposed limited sanctions including suspension of development loans, credits and debt relief for Nigeria.22 Evidences abound on abuse of fundamental human rights, where the police used lethal weapons on the defenceless citizens as recorded in Ogoni and Odi massacres.

While full entrenchment of fundamental human rights has been fully achieved in the USA and other developed countries of the Western Europe, China and most Asian countries; the idea has and is still being abused in Nigeria. Worika in his article submitted that the root cause of agitations were environmental abuse and deprivation amongst other display of inequalities. He revealed that the cases he investigated show that the alleged human right violations were the offshoot of environmental degradation which inexorably led to loss of economic livelihood whether in the form of farmland or fishing ponds. He maintained that the much talked about human rights cannot be fully enjoyed without a healthy environment


Page | 93
because human beings are at the centre of the concern for sustainable development for they are entitled to healthy and productive lives in harmony with nature.

In Nigeria, it is certain that the law provides that the Minister of Petroleum Resources has as his duty general supervisory powers over all company activities and may revoke a licence under certain conditions, including if the operator fail to comply with good oil field practice. We therefore refer to the African Charter on Human and Peoples Rights (Ratification and Enforcement) Act. It is an existing law deemed to be enacted to enforce S.20 of the 1999 constitution of Nigeria, (as amended).

In the case of Abacha v. Fahwehinmi, the Supreme Court held that the charter has been re-enacted as part of the laws in Nigeria. The purport of this decision is that the charter should be read along with the provisions of the 1999 Constitution (as amended) on fundamental rights in chapter iv of the Constitution which is, *imparimatera*, with the Act and the Constitution Principal among the provisions are, the right to life, fair hearing, right to free, safe and clean satisfactory environment. These rights are justiceable under S. 46(1) and (2) of the 1999 Constitution provided they are specifically brought under the Constitution or the Act as was done in the case of Abacha v. Fahwehinmi. The African Charter on Human and Peoples’ Rights (Ratification and Enforcement) Act; in addition provided that, all people shall have the right to general satisfactory environment favourable to their environment.

5. Right to Fair Hearing

S. 36(1) of the Nigerian Constitution 1999 as amended states:

In the determination of his civil rights and obligations including any question or determination by or against any government or authority, a person shall be entitled to a fair hearing within a reasonable time, by a court or other tribunal established by law and constituted in such a manner as to secure its independence and impartiality. It is worthy to note that sections 36(a) and (b) of the same constitution, aptly amplified the importance and the necessity of the dangers of government in abusing human right policies in their exercise of powers by the entrenchment of the clause under S.36.2(a) and (b) as follows:

(2) without prejudice to the foregoing provisions of this section, a law shall not be invalidated by reason only that it confers on any government or authority power to determine questions arising in the administration of a law that affects or may affect the civil rights and obligations of any person if such law,

(a) provides for an opportunity for the person whose rights and obligations may be affected to make representations to the administering authority before that authority makes the decision affecting that person, and,

(b) contains no provision making the determination of the administering authority final and conclusive.

Looking at the implications of the above provisions, one may reflect that the events in the Niger Delta Region of Nigeria (the Oil Region) portray Federal Governments of Nigeria’s non-challance, ineptitude

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23 Good Oil Field Practice is nowhere defined in the Petroleum Act and its Regulations, but, see, the Mineral Oils Act (Safety Regulations) 1963.

24 S. 1, African Charter on Human Rights.


27 Constitution of the FRN.1999 as amended.
and draconic approach to the events in the Niger Delta, between the years of 1990-1995, 1996-2002, 2003-2004, 2005-2008, 2008-2012. These periods where when the ills, crimes of the multi-national oil companies operating in the Niger Delta were heavily publicized locally and internationally, especially by the Movement for the Survival of Ogoni People (MOSOP). The campaign through Nigeria to the diaspora was led by late Ken SaroWiwa and other environmentalists. It was also the period when there was renewed spate of agitations for the creation of three additional states out of the old Rivers State. In line with renewed agitation several militant youth groups emerged and made declarations of Bill of Rights, such a the Ogoni Bill of Rights in 1990 (Rivers State) Chikoko Movement and Kaiama Declaration in 1993 and 1998 (Bayelsa State), Oron Bill of Rights, 1999 (Akwa Ibom State) and Warri Accord 1999 (Delta State). It may not be easy to criminalize the activities of these groups formed by youths from the Niger Delta when we look at their requests, bill of rights or declarations and find out whether the Federal Government of Nigeria responded fairly or not to them in line with the fundamental right principles of fair hearing as contained under S. 36(1 and 2) of the Constitution.

In an effort to protect themselves and their people in line with true federalism, the minorities of the Niger Delta became instrumental in putting together several articles on Fundamental Human Rights into the Independence and Republican Constitutions of 1960 and 1963. Thus, in spite of its problems and weaknesses, the founding fathers of Nigeria accepted the federal system of government where the principles of derivation and resource control and management where clearly spelt out. These rights were not very much respected especially in respect of revenue allocation and resource control. The people did not keep quiet. They protested, and late Major Adaka Boro an ex-police officer turned military who could not wait for constitutional means for the self-determination, declared a separate country for the region. Characteristic of the draconian system of the Federal Government of Nigeria, Nigeria instead of listening or giving fair hearing to his complaints entered into war and clamped him down.

This brings to mind the Nigerian founding fathers’ intention for opting for a federal arrangement that is based not only on reality of diversity that characterize federal states, but also on the need to achieve unity in diversity. A federation is an arrangement to forge unity (not union) in the midst of diversities according to Arikpo which creates the need for revenue allocation whose mode invariably determines the nature of the federal system whose essence is to fulfill and achieve inter-ethnic accommodation in preference to the historically conditioned mode of accumulation in Nigeria since the colonial era, which has extractive economic objectives, and serves only the interests of the elites.

Finally, the right to fair hearing is the taproot of every trial without which a trial becomes useless in law.\textsuperscript{34} The Almighty God in the Bible of Genesis recognized the importance of fair hearing in the book of Genesis,\textsuperscript{35} where He gave Adam fair hearing before giving him punishment thus:

\begin{quote}
And the Lord God called unto Adam and said unto him, where are thou? And he said, I heard thy voice in the garden, and I was afraid, because I was naked, and I hid myself. And He said, who told thee that thou wast naked? Has thou eaten of the tree, where I commanded thee that thou shouldst not eat. And the man said, the woman whom thou gavest to be with me; she gave me of the tree, and I did eat.
\end{quote}

There are two aspects that are principal to the right of fair hearing and they are: (a) \textit{Audi Alterem partem},\textsuperscript{36} and (b) \textit{Nemo judex in causa sua}.

By the provision of S. 36(1) of the Constitution, the right to fair hearing is a fundamental right, which rest on the principles of natural justice of \textit{Audi alterem partem} and \textit{nemo judex in causa sua}. The right of fair hearing is so notorious in our jurisprudence to the extent that it has been recognized by the learned author and jurist,\textsuperscript{39} that if there is one single right which has been so, constantly, so frequently and so vigorously agitated in our courts; it is the right to fair hearing. Fair hearing implies that the subject matter must be heard by the authority charged with the determination of his right before any decision is reached. Fair hearing also implies that: (a) Both sides be given an opportunity to present their respective causes, and that; (b) Each side is entitled to know what case is being made against it and be given an opportunity to reply to it. The trial of Major Adaka Boro, and the Activists and their subsequent execution as earlier mentioned in this work is a negation of para (a) and (b) above.


It was late Kofi Anan who said that: ‘All efforts to defeat poverty and pursue sustainable development will be in vain if environmental degradation and natural resource depletion continue unabated’.\textsuperscript{40} Then, Ken Saro Wiwa said while explaining the devastation of the land for three decades of reckless oil exploration or ecological warfare by Shell Petroleum Company that: ‘An ecological war is highly lethal the more as it is unconventional. It is omnicidal in effect. Human life, flora, fauna, the air fall at its feet and finally the land itself dies’.\textsuperscript{41} He was quoted as above to show that the oil companies are operating double standards of allowing environmental remediation practices in Nigeria that would never be permitted in North America or Europe. At the Annual General Meeting (AGM) held in Netherlands in 1996, Shell Group Managing Director implied that:

\begin{quote}
Higher environmental standards could harm local economies. Should we apply the higher cost Western standards, thus, making the operation uncompetitive and depriving the local workforce of jobs and the chance of development? Or should we adopt the prevailing legal
\end{quote}

\textsuperscript{35} The Holy Bible in the book of Genesis, Chap. 3, verses 9 to 12.
\textsuperscript{36} The Holy Bible; King James version (Texas: Jetmove Publishing Co., 2003) p.3
\textsuperscript{37} A Latin maxim, which means that all party’s must be heard;
\textsuperscript{38} A Latin maxim which means that no one should be a judge in his case.
\textsuperscript{41} T.A. Allison: The Struggle, Genealogy and Militancy (Zenith Graphics Port Harcourt, 2012) p. 258.
standards at the site, while having dear plans to improve towards ‘best practice’ within a reasonable time frame.\textsuperscript{42}

Allison\textsuperscript{43} stated that this statement is absurd and that it is another way by saying that the rural communities in oil producing areas should continue to bear the brunt of Shell’s ineptitude in proper oil spill clean up until whichever time the untrained and unqualified Shell’s contract build waste management capacity through trial and error or at which point in time. You will recall that it was most recently in 2018, that the present Head of State of Nigeria during his first tenure in office in Liaison with Shell launched operation clean up Ogoni, decades after the doom has been experienced by the communities of Ogoni land. Shell also admitted in the recent past that most of its facilities in the Niger Delta area are in need of upgrading to achieve results. Most of our facilities were contracted between the 1960’s and early 1980s to the prevailing standards as that time SPDC would not build them that way today.\textsuperscript{44}

\section*{7. Detention, Arrests, Harassment and Brutality in the Niger Delta}

It is important to emphasize here that the right to life has been cherished and valued by men and God Almighty, the creator of the entire universe. Top of the issue is that God Himself abhors unlawful killing of one another and He prescribed a curse and retribution upon anyone who takes another person’s life.\textsuperscript{45} God demonstrates the high esteem placed on human life when He declared thus: “Whoever sheds the blood of man shall his own blood be shed…”\textsuperscript{46} This was because God made man in His own image. The right to life is fundamental to every citizen of Nigeria wherever he may be, even when one is in the prison custody his right to life will not be tampered with unless in the execution of a lawful judgment by a court of competent jurisdiction as it is in the Nigerian constitution and in other countries. The right to life is the basis of every other right. The Oxford Advanced Learner’s Dictionary,\textsuperscript{47} defines the term as, the state of being alive as a human. S. 33 of the Constitution of the Federal Republic of Nigeria; save in exceptional cases, ‘and no one shall be deprived intentionally of his right save in the execution of a lawful sentence of a court’. The Constitution of Nigeria as mentioned is in accord with other countries Constitutions, International and regional instruments that protect and guarantee human life.\textsuperscript{48} Ruhl in his article defined environmental justice as a fair treatment and meaningful involvement of all people regardless of race, colour, national origin, or income with respect to the development, protection, implementation and enforcement of environmental law, regulations and policies.\textsuperscript{49} Since the World Commission on Environment and Development, there have been efforts both nationally and internationally to enhance principle 3,\textsuperscript{50} which states that the right to development must be fulfilled so as to equitably meet developmental and environmental needs of present and future generation. Principle 27,\textsuperscript{51} also states: ‘States shall co-operate in good faith and in a spirit of partnership in

\begin{thebibliography}{9}
\bibitem{Shell}Shell Group (NCD) Cornelius A.J. Herkstroterin in a meeting in Netherlands in 1996.
\bibitem{Allison}T.A. Allison. op.cit.
\bibitem{Allison2}T.A. Allison. op. cit.
\bibitem{Bible}The Holy Bible King James Version: Genesis 4, 8-14.
\bibitem{Bible2}The Holy Bible, Ibid, Genesis 9:6.
\bibitem{International}Article 6, of the International Covenant on Civil and Political Rights.
\bibitem{Rio}Rio Declaration, UNCED, Brazil, 1992.
\bibitem{Ibid}Ibid.
\end{thebibliography}
the fulfillment of the principles embodied in this declaration and in the further development of international law in the field of sustainable development’.

Article 36\(^{52}\) recognizes a right to environmental protection. It states ‘that in the interest of the present and future generations, the state will protect and make a rational use of its land, mineral and water resources as well as its fauna and flora and will take appropriate measures to conserve and improve the environment’. In the African continent, the present Constitution of the Democratic Republic of Congo and Mali provide good illustrations. In the case of Congo, it provides that ‘Every citizen shall have the right to a satisfactory and sustainable healthy environment and shall supervise the protection and conservation of the environment’\(^{53}\). In the case of Mali, S.15 provides that ‘Every person has a right to a healthy environment.

The protection and defence of the environment and the promotion of quality of life are the duty for all and for the state’\(^{54}\). The same position and situation exist in some Asian country’s Constitutions. For example, the 1949 Constitution of India (as amended up to 1975)\(^{55}\) states: (a) The state shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country, (b) Shall protect and improve the natural environment including forests, lakes, rivers and wildlife and to have compassion for the living creatures. In the Constitution of China,\(^{56}\) it provides thus: ‘The state shall protect and improve the living environment and prevent and remedy pollution and other public hazards’. Similarly, Article 9(d)\(^{57}\) provides that: ‘Every person has the following fundamental duties to himself and his descendants and to others to protect Vanuatu and to safeguard its national wealth, resources, and environment in the interest of the present and future generations’.

In Nigeria, the linkage between environmental protection and human rights vis-à-vis the reaction of the people of the Niger Delta to high scale environmental neglect and degradation by both the oil companies and the Federal Government of Nigeria is aptly summarized in the words of Thornton and Beckwith in these terms:\(^{58}\)

Many natural resources which are necessary for economic development such as oil and timber are located on land that is inhabited by communities which depend on the land for survival. Exploitation of the land can often lead to conflicts about environmental priorities, allocation of resources, and the manner in which those who harvest the resources interact with the local communities…

There is also an international recognition of the link between human rights and environmental protection. For example, principle I of the Stockholm Declaration on Human Environment 1972,\(^ {59}\) which seems to be the first authoritative instrument recognizing the environment as an aspect of human rights which need to be protected. Also, by the year, 1990, the UN General Assembly had adopted a resolution on the need to

\(^{52}\) 1970 Constitution of Guyana.


\(^{54}\) 1992 Constitution of Mali.

\(^{55}\) Article 48(a) and (b).

\(^{56}\) Art. 9, Constitution of China.

\(^{57}\) 1980 Constitution of Vanuatu.


ensure a healthy environment for the wellbeing of individuals. It is good to note that, the substantive element of the right, include the right to development, life and health and that is what the Niger Deltans has been asking for. This right implies a right to due process of law which was denied Ken Saro Wiwa and the Ogoni eight in 1995 at the trial by the military tribunal. Perhaps, the most significant and relevant move towards the protection of the environment and peoples rights is the African Charter on Human and Peoples Rights 1981 which came into force in October 1986. It has been described as the pivotal human rights instruments of the AU. Article 24 of the charter provides: ‘All people shall have the right to a general satisfactory environment favourable to their development’. Nigeria did not only adopt the charter but also enacted it into law by the National Assembly in compliance with section 12(1) of the 1979 constitution as the African charter on Human and Peoples’ Rights Ratification and Enforcement Act 1983. It is unfortunate to note that though Nigeria has domesticated this charter, nothing tangible has been done in practical terms in the Niger Delta. It is noteworthy to state that the multi-dimensional crises in the Niger Delta has been attributed to the action of the security forces, militant groups, extensive pollution of land and water, gas flares, corruption, corporate failure and serious government neglect. For example, in 1996 Nnimmo Bassey, a Director of Environmental Rights Action (ERA), one of the most outspoken groups criticizing oil company activities was detained from June 5 to July in Lagos after being picked up at the airport while returning from an Environmental Conference in Ecuador. His passport was seized by the State Security Service after his release.

(1) Godwin Uyi Oyo, a project officer with (ERA) was detained from January 25 to February 10, 1996 in Lagos, and questioned about materials on the situation in Ogoni in his possession.

(2) Patrick Nagbanton of the Rivers Coalition, the Rivers State chapter of the civil liberties organization and UcheUkwukwu of the Niger Delta Human and Environmental Rescue Organization (NDHERO) both activists protesting abuses by the oil companies in the Niger Delta were detained from November 7 to 17, 1996 in Uyo, Akwa Ibom state, where they were distributing leaflets calling on students to commemorate the anniversary of the execution of the Ogoni nine. Other members of the ND-Hero were beaten and detained for shorter periods in Port Harcourt during the same period.

(3) Biriara Kpalap, a Director of Programmes for ND-HERO, was arrested on October 13, 1996 and held for almost a year in Afam Camp near Port Harcourt.

(4) In July 1996, Anyakwee Nsirimovu, a Director of the Institute for Human Rights and Humanitarian Law in Port Harcourt, was detained for two days at the border with the Benin Republic as he was returning from a Human Rights Course in Canada. He was detained again in Port Harcourt for several days in January 1998, after issuing a statement protesting the security crackdown on Ogoni Day.

(5) Baton Mitee, a brother to Ledun, Mitee was detained from January 3, 1998 to May 1998. He was a co-defendant with Ken Saro Wiwa.

(6) Bamidele Aturu, a lawyer who was contracted by ERA to secure a bail for his client Asuoka was arrested in Lagos in May 28, 1998 and was released on June 8, the same year.

64 T.A. Alisson. Ibid, op.cit.p. 256.
7. Conclusion
Despite the enormous amount flowing from the sweet light crude that comes out of the Niger Delta every day, many of Nigeria’s socio-economic factors are worse than they were before the oil boom. By then, Nigeria has the second largest GDP in sub-Saharan Africa. In fact, since 1960, it is estimated that about 500-600 billion dollars has been stolen by corrupt government officials. The endemic corruption on oil revenue is found even at the top echelon of powers. For instance, a former Inspector General of Police was accused of stealing 52 million dollars. He was sentenced to six years imprisonment for a lesser charge. It is true that as a result of corruption, neglect and environmental abuse on human rights and rule of law, Nigerians and indeed the Niger Deltans have on many occasions engaged in protests against oil related corruption; human rights neglect and environmental concerns and they are frequently met with harsh suppression by governmental forces. In February 2005, there were protests at Chevrons Escravos oil terminal where soldiers opened fire on the protesters. One person died and about 30 others were injured. The soldiers claim the protesters were armed. In 1994, the military forces moved into the Ogoni region and razed 30 villages, arrested hundreds of protesters and killed an estimated 2,000 people. Again, due to chronic poverty the lives of many Niger Deltans have gone in a wasteful manner as if they were fowls. In cases of oil spillage caused by Shell installations whether in refining process or during production; people risked and lost their lives in an attempt to drain oil from the leaking pipelines and sell to make money for food and this more often than not results in explosions claiming hundreds of lives as was experienced in July 2012, which claimed about 90 lives. There are other records of explosions due to poverty on the masses of the Niger Delta, for example:
1. Lagos: 26th December 2007, 40 lives were lost.
2. Lagos: 12th May 2006, at least 150 lives were lost.
3. Lagos: December 2004, at least 20 lives were lost.
4. Abia: June 2003, at least 105 lives were lost.
5. Warri: July 2000, at least 300 lives were lost.
6. Jos: October 1998, at least 1000 lives were lost.
This is just to mention a few of the incidences as recorded by Etekpe in his Book (supra).
Also, the arrest of the leader of the Niger Delta Peoples Volunteer Force, Alhaji Asari Dakubo came few months after he entered into Agreement with the Nigerian Government and has disarmed most his ethnic soldiers. He was charged with treason in 2005. It has been argued that the arrest and trial of Dokubo was an act of bad faith by a government he had already pledged to support.
According to Amnesty International, 70 percent of the six million people in the Niger Delta live in less than 1, US dollar per day, and discrimination is rampant as the oil industries do not employ most locals in oil operations. The right to land and natural resources are among the most important rights of the indigenous people which are increasingly receiving attention in International Law. Since 1980’s land rights have received considerable attention in the International fora. The UN and some agencies like the World Bank has as their main focus concern on the resource rights of the indigenous people. For example: the Indigenous and Tribal People’s Convention, No. 169 adopted by the (ILO) in 1989, is an attempt by the UN to move towards the adoption of a Declaration on Indigenous Rights, which attaches more importance to land rights. There is also, an African Regional Instrument which purports to protect the land and natural resource rights of the indigenous people. Also, Article 21(1) of the African Charter on Human and Peoples’ Rights provides that, all people shall freely dispose of their wealth and natural resources. The question of whether the aphorism ‘all people is applicable to the Niger Delta Region of Nigeria is a question of International law since Nigeria is a federation. In line with the above thinking; Article 21(2) states that where any people have been disposed of their land or their land is spoiled by human activities (such as oil exploration) they are entitled to recovery of their property or to adequate compensation. This is in tandem
with Nigeria (oil laws but the question is whether the Niger Delta of Nigeria benefits from these laws as majority of them are living below poverty line for loss of means of livelihood as a result of oil production activities in the area, which led to unwanton abuse of fundamental human rights by the oil corporations and agents of the government.