



**UNIVERSITY OF  
BIRMINGHAM**

**OIL EXPLOITATION, ENVIRONMENTAL JUSTICE, AND  
DECOLONIZATION: EXPLORING THE HISTORICAL ACCOUNTS  
OF OIL HOST COMMUNITIES IN SOUTH-EASTERN NIGERIA**

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## **ABSTRACT**

This study examines the environmental justice experiences and legacies of host communities in south-eastern Nigeria whose means of subsistence have been destroyed by oil extraction. In the study area, there is documented evidence of the ecological devastation caused by oil extraction and how it has rendered farming and fishing, the main occupations of rural residents in this region, virtually impossible (Elum et al., 2016). Unfortunately, these host communities from which oil is extracted has remained the nation's economic engine for decades, despite the degraded environment and the oil revenue accruing to the Federal government not substantively improving the well-being of their people (Nwajiaku-Dahou, 2012). As it is today, the quality of life and standard of living of the people has stagnated, and their environment is polluted, yet there is no tangible evidence of real community development from oil revenue (Danaan, 2018). What is worrying is that many scholarly works at the macro-level (Niger Delta region) focus on the south-south region, which contributes about 80% of Nigeria's oil and gas, in their debate on environmental injustice even as they adopt the western liberal perspective (distributive, procedural, and recognitional) inequalities, but the outcome of such findings is used to generalise on other areas, e.g., south-eastern Nigeria, which contributes 15% of Nigeria's oil and gas. Such generalisation I consider as ecological fallacy as this may not truly reflect the condition of the study area.

Although there are few studies done at the micro-level (study area or south-eastern Nigeria) which also adopt the western liberal perspective, first, I argue that there is a need for micro-level study of the south-eastern region. This is to make a contextual contribution since the south-south region differs significantly from the south-eastern region in terms of language, culture, socio-political, and economic standing which implies that the drivers of environmental justice (EJ) may differ between them. And these are contextual drivers that influence the causes, experiences, and outcomes of environmental injustice. Second, I explored colonial legacies linked with land use and ownership; the derivation-based system; the divide and rule system (creation of more states and local government); and the system of appointment to boards of directors of government agencies responsible for oil exploitation in Nigeria. And how these colonial legacies mask internal socio-political differences within Nigeria. I went further to consider how such legacies impede the cultural ideals of the host communities and how they persist in the post-colonial era, with significant implications for the current debates on indigenous environmental justice (IEJ). Then, I assessed the sufficiency, or lack thereof, of the EJ framing in the study region, which adopts western liberal ideas and does not recognise the influence of colonialism and cultural domination of the host communities, both of which contribute to environmental injustice.

The study was guided by four research questions: 1) What are the historical developments of environmental injustice in oil exploitation in south-eastern Nigeria? (2) What are the political and legal

resources available to support environmental justice concerns in south-eastern Nigeria? (3) In what ways can the existing environmental and oil regulations in Nigeria be adapted or transformed to ensure inclusiveness in sharing the proceeds from oil exploitation and environmental challenges in south-eastern Nigeria? (4) How can the historically marginalized communities in south-eastern Nigeria proactively organize to achieve environmental justice?

To answer these research questions, a mixed research method was adopted. This includes an archival method, closed-ended questionnaire administration, virtual elite interview, and administration of the open-ended questionnaire. Data from the archive served as a foundation for the study's environmental justice concerns and served as the basis for responding to research questionnaire one. Triangulating the interview method, the detailed open-ended questionnaire and the closed-ended questionnaire formed the basis for answering research questions numbers two, three, and four. Drawing from data analysis and anchoring on development theories like dependency theory, post-colonial theory, and decolonial theory, the study observed that the micro-level findings (south-eastern Nigeria) corroborate the majority of macro-level findings (Niger delta) and indicate that EJ problems in the study area stem primarily from government actions that began in the colonial era but continued in the post-colonial age. The study further indicates that globalized theories of environmental Justice overlook the internal/indigenous socio-political (and ecological) disparities found within postcolonial societies and therefore recommends indigenous environmental justice through decolonization as necessary for the marginalised host communities to achieve environmental justice.

## **DEDICATION**

The path that led to the writing of this thesis has not been an easy one. Throughout this study, I have endured and overcome one trial after another due to the compassion and kindness of the Almighty God which transcends human comprehension. I would thus like to return all honour to the Life-giver, the Life-sustainer, the Wonderful Counsellor, the Almighty God, the Eternal Father, and the Prince of Peace, for Whom, through Him, the zeal of the LORD Most High has enabled me to complete this thesis.

This work is dedicated to **JESUS CHRIST**, the saviour of the world.

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## **LIST OF ABBREVIATIONS/GLOSSARY OF ACRONYMS**

**ASOPADEC** - Abia State Oil Producing Areas Development Commission

**EIA** – Environmental Impact Assessment

**EA** – Environmental Audit

**EJ** – Environmental Justice

**CSR**- Corporate Social Responsibility

**DPR** - Department for Petroleum Resources

**FGN** - Federal Government of Nigeria

**IEJ** – Indigenous Environmental Justice

**LNG** – Lower Niger Congress

**LUA** – Land Use Act

**NESREA** - National environmental standards and regulations enforcement agency

**NOSDRA** - National Oil Spill Detection and Response Agency

**MNCS**- Multinational Companies

**NDDC**- Niger Delta Development Commission

**NNPC** – Nigeria National Petroleum Corporation

**NGO**- Non-Governmental Organisation

**OMPADEC** – Oil and Mineral Producing Areas Commission

**OPEC**- Organisation of Petroleum Exporting Countries

**SPDC**- Shell Petroleum Development Company

**TNC**- Transnational Companies/Corporations

**UNDP**- United Nations Development Program

# **CHAPTER ONE: OIL EXPLOITATION AND ENVIRONMENTAL JUSTICE IN SOUTH-EASTERN NIGERIA: A BACKGROUND**

## **1.0 Introduction**

The study of Nigerian oil host communities' environmental justice is well documented and reported in the literature (Ebeku, 2001; Barry & Shapiro, 2010; Okotie, 2018). In the study region, there is documented evidence of the ecological devastation occasioned by oil exploitation and how it has rendered farming and fishing, which are the main occupations of the rural people of this region, almost impossible (Elum et al., 2016). Unfortunately, these host communities from which oil is extracted remain the nation's economic engine for decades, despite the degraded environment and the oil revenue not substantively improving the well-being of their people (Nwajiaku-Dahou, 2012). For instance, there are documented enormous oil revenues accrued to the federal government between 1970 and 1999 (Watts, 2008 and Obeng-Odoom, 2010a), which have also continued in recent times, according to the 2021 report by the Nigeria Extractive Industries Transparency Initiative (NEITI, 2021).

Worryingly, however, is the fact that this unprecedented wealth has not translated into a significant improvement in the living conditions of most of the country's population, particularly the oil-hosting communities of the Niger Delta. These oil-hosting communities are communities in the Niger Delta region where oil exploitation is undertaken but do not include communities where oil pipes traverse. While the revenue base of the country increases as a result of oil exploitation, the quality of life and standard of living of the people has stagnated for decades, and their environment is polluted, yet there is no tangible evidence of real community development from oil revenue (Danaan, 2018). For instance, Zalik and Watts (2006) observed that from 1970 to 2000, the number of Nigerians living on less than

one dollar per day increased from 36% to over 70%, from 19 million to a staggering 90 million, with the Niger Deltans being the worst affected. They argued that during this period, as oil resources increased, the living conditions of the Niger delta's inhabitants deteriorated. In addition to the decline in living standards, the inhabitants of the Niger Delta region were exposed to environmental issues associated with oil extraction, such as environmental degradation and poor health of the residents of the host communities (Adeola, 2001). These problems persist despite numerous laws and policies designed to regulate the oil industry in the Niger Delta, indicating that they are ineffective. Due to these issues in the Niger Delta, it appears that oil is more of a "curse" than a "blessing" (Auty, 1993; Karl, 1997; Osaghae, 2015; Elwereflli and Benhin, 2018). Today, many academic, media, and policy discussions focus on oil extraction and resource management in the Niger Delta. This is an example of the "oil paradox" (Udosen, Etok, and George, 2009; Obi, 2009; Obeng-Odoom, 2014, 2018).

What is troubling is that many scholarly works at the macro-level (Niger Delta region) focus on the South-south region, which contributes about 80% of Nigeria's oil and gas (eg see, (Ebeku, 2001; Barry & Shapiro, 2010; Kadafa, 2012), in their debate on environmental injustice even as they adopt the western liberal perspective (distributive, procedural, and recognitional) inequalities as opposed to the indigenous environmental justice. Still, the outcome of such findings is used to generalise on other areas, e.g., South-eastern Nigeria, which contributes 15% of Nigeria's oil and gas. Such generalization, in my opinion, is an ecological fallacy. Although there are few studies done at the micro-level (study area or south-eastern Nigeria) which also adopt the western liberal perspective (Ebegbulem et al., 2013; Nnamdi and Nnadozie, 2016), first, I argue that there is a need for micro-level study (south-eastern region) in other to make a contextual contribution since the South-south region differs significantly from the South-eastern region in terms of language, culture, socio-political, and economic standing which implies that the drivers of environmental justice (EJ)

may differ between them. And these are contextual drivers that influence the causes, experiences, and outcomes of environmental injustice. My study is different because it not only adopts the micro-level approach but also follows the line of indigenous environmental justice scholars in adding to this literature by highlighting forms of environmental injustice that are peculiar to the study region, which is best suited for a micro-scale study. Second, I explored colonial legacies linked with land use and ownership; the derivation-based system; the divide and rule system (creation of more states and local government); and the appointment system to boards of directors of government agencies responsible for oil exploitation in Nigeria. I went further to consider how such legacies impede the cultural ideals of the host communities and how they persist in the post-colonial era, with significant implications for the current debates on indigenous environmental justice (IEJ). Then, I argue that globalized theories of EJ overlook the internal/indigenous socio-political (and ecological) disparities found within postcolonial societies

In achieving the research goal, the study will be guided by four research questions: 1) What are the historical developments of environmental injustice in oil exploitation in South-eastern Nigeria? (2) What political and legal resources are available to support environmental justice concerns in south-eastern Nigeria? (3) How can Nigeria's environmental and oil regulations be adapted or transformed to ensure equity in the distribution of proceeds from oil exploitation and environmental challenges in south-eastern Nigeria? (4) How can historically marginalised communities in south-eastern Nigeria take a proactive approach to achieve environmental justice?

Although there are several disciplines to which these issues are of increasing concern, such as development geographers, human environmental geographers, development politics, environmental policy, political economy, and political ecology among others, the scope of

this thesis is conceptually based on development geographers, who are uniquely positioned to investigate these issues as themes of colonialism, post-colonialism, decolonialism, and structural inequality (Noxolo, 2016), where this thesis also intervened for both in literature and conceptually. Development geographers are becoming increasingly interested in decolonial and postcolonial theory (Coombs et al., 2012; Noxolo et al., 2012; Noxolo, 2016; Das, 2017; Esson et al., 2017; Davis and Todd, 2017; Pulido and Pickerill, 2019), whereas political economic geographers are more concerned with production, trade, and their relationship with the law and the government (Sheppard, 2021). I adopted the critical political economic perspective to comprehend the nature and pattern of cooperation, awareness creation, political participation, and monitoring of oil extraction activities in the study area. This study builds on, enriches, and expands our understanding of the additional perspectives of development geographers and critical political economy by emphasising historical contexts and survey data analysis on environmental justice in the study area.

## **1.2 Understanding oil exploitation and environmental justice in the study area/Research problem statement**

This study looks at the environmental justice of host communities in South-eastern Nigeria whose main source of income has been destroyed by oil extraction. In the study area, there is evidence that oil extraction has destroyed the environment and made it almost impossible for people to farm and fish, which are their main sources of income (Elum et al., 2016). These host communities from which oil is extracted continue to be the nation's economic engine for decades, despite the degraded environment and the fact that oil revenue has not significantly improved the well-being of the local population (Obi, 2009; Nwajiaku-Dahou, 2012). The quality of life and standard of living of the people have been stagnant for decades, and their environment is polluted, but there is no evidence of real community development resulting from oil revenues (Danaan, 2018). Even the interventions from the government and the



transnational corporations in the study area, such as Addax Petroleum, Chevron Nigeria Limited, and Shell Petroleum Development Company of Nigeria Limited, have not been felt by the host communities, either because the host communities were not carried along or because the projects were merely designed to enable easy access to the oil and its resources (Ebeku, 2006), with many communities negatively impacted by pollution.

Again, the fact that Nigeria is a Petro-state, in which the oil and gas industry is embedded within the framework of the global economy – and that multinational institutions such as the International Monetary Fund (IMF) and World Bank serve the interests of the core countries rather than promoting global equal growth and development opportunities – is an additional concern (Watts, 2001 and Adunbi, 2019). This they do by promoting and influencing policies (eg structural adjustment programs, privatization, and deregulation) that are detrimental to the growth and development of countries in the global south, Nigeria inclusive (Kingston, 2012). Class distinction (economic and political) enables the rich in Nigeria and other countries of the global north to continue oppressing the poor through collaboration. Even in this post-colonial era, imperialism persists, where formerly colonised countries in the global north retain control and influence over countries in the global south (Obeng-Odoom, 2022). In the business of oil extraction, the interests protected include not only those of the Nigerian government but also those of transnational oil corporations, a larger network of Western development institutions, and numerous North nations whose interests are served by the current system (Adunbi, 2019 and Obeng-Odoom, 2022).

The abovementioned interests ensured that host communities in the study area remained marginalised and subjected to various forms of environmental injustice. Scholars argue that this marginalisation and exclusion of the host communities in the present time draws from the colonial rules and policies around land administration, which are now manifest in the post-colonial era (Uchendu, 1979). For instance, as will be discussed in detail in chapter 3,

changes in land administration meant that accounting for land degradation would be limited to the effect it has on those living around such polluted areas or the effect such areas would have on low productivity for farmers, and would not consider the impact on the non-human (ancestor) whose ancestral home has been desecrated. In addition, this would mean that less attention would be given to such polluted areas and fewer resources devoted to controlling the effects of the pollution both by the transnational corporation and the government because of its interpretation of the impact of such pollution. This shows that, like some other indigenous people around the world, the host communities (indigenous people) in South-eastern Nigeria have suffered some form of neglect, especially in the recognition of their cultural identities, which is land-related. This has increased the risk of conceptualising EJ in the study area through western liberal ideology, thereby ignoring the opportunity to engage with the impact of non-recognition of the people's cultural ideal and colonialism's overbearing role. Whyte (2017), who is a native American scholar, contends that despite how well-intended the EJ scholarship from the western liberal approach is, its application around the globe continues to neglect the unique experiences of Indigenous communities and their collective trauma under colonialism. This means that current conceptualizations of recognitional justice remain insufficient. Yet some others posited that adopting the EJ definition from the western worldview could only mean another aspect of neoliberalism, which has failed to consider the impact of colonialism on the social injustices experienced by Indigenous peoples (Bell, 2018; McCormack, 2018).

In the study region (south-eastern region), where studies from macro-level Niger Delta have often been used to make generalisations, I argue that such generalisations amount to ecological fallacy, requiring a more micro-level study to explore the effects of oil exploitation on environmental justice that are site-specific to the study area. Second, I will explore the impact of colonialism and the non-recognition of the cultural attributes of the host

communities and how they contribute to environmental injustice in the study area. This is different from major intellectual works on oil exploitation and environmental justice, such as (Ebeku, 2001; Barry & Shapiro, 2010; Kadafa, 2012), which focus on a specific region and look at the big picture (Niger Delta)

### **1.3 The Study's purpose and broader significance**

This study is predicated on few major purposes: to add to the EJ discourse by adopting a micro-level study in the study area where macro-level studies have often been used to make generalisations; and to explore the role of colonialism and recognition in the framing of environmental justice in the study area, both of which contribute to the nature of EJ in the study area. This is novel because, unlike other studies that disregard the impact of colonialism and cultural identities of host communities, which contribute to EJ concerns in the study area (Ebegbulem et al., 2013; Nnamdi & Nnadozie, 2016), this study engages with these drivers of EJ in the study region to give a more complete picture of the study area. The study focuses on the host communities in south-eastern Nigeria that are impoverished as a result of crude oil extraction in the region and bear the majority of environmental challenges as a result of these problems.

Such microscopic studies are crucial because, since the discovery of oil in the region, the local population has not benefited from the extremely lucrative crude oil, a trend that has continued to the present day. Since the return of democracy to Nigeria in 1999, after more than three decades of military rule, they have become less engaged in participatory democracy. And this community is of interest because their economic situation has become further marginalized/precarious after independence and military rule. By adopting a historical investigation of this injustice in oil exploitation; understanding the political, legal, and economic resources available to support environmental justice; and understanding the potential of the host communities to achieve more environmental, socioeconomic, and

political gains in this democratic regime, the nature of this deprivation would be better understood as well as the possible solution. Equally, the study can help us understand the Global South, create Southern analyses, pay attention to Southern viewpoints, and embrace Southern methods for constructing EJ framework.

The conceptual significance of the study lies in the fact that it enriches and furthers our understanding of development geographies by bridging dependency theory, post-colonialism, and decolonialism while prioritising and situating the historical contexts and survey data analysis on environmental justice in the study area. In addition, the research will contribute to our understanding of political economy geography topics such as participatory democracy, collaborative strategies, awareness creation, and regulation. From a methodological standpoint, this study is significant as it provides an empirical investigation of inclusiveness, equity, and sustainability of ecology and oil exploitation using a micro-level approach. Taken together, this study addresses historicism, develops methodological specificities, and refines our conceptualization of ecological imperialism, thus offering a critical perspective through which developing countries in Africa can evaluate the ecological trauma attributed to colonialism, cultural dominance, and military dictatorship. The study argues that African nations can learn from the experience of the study area regarding how marginalised communities could collaborate, increase their political participation, mobilise resources, and utilise social media to fight for inclusiveness, justice, fairness, and sustainability. This study also provides valuable insights and strategies for policymakers, particularly the federal and state governments (especially those of the Niger Delta region), in formulating and implementing practical measures that would address the problem of marginalisation in the study area and benefit the local people of the oil-hosting communities.

## **1.4 Aims and Objectives of the Study**

This study seeks to advance knowledge and comprehension of oil exploitation and environmental justice by investigating the environmental justice concerns of oil-hosting communities whose sources of livelihood have been destroyed due to oil exploitation and where scholarly environmental justice framing has adopted a western liberal perspective with a view to adopting a suitable EJ framing in the study area. First, this study offered a micro-level EJ study (south-eastern region) where the majority of macro-level studies (Niger Delta region), mostly from the south-south region, have often been used to generalise on the study area. This is novel because the south-eastern region differs significantly from the south-south region in language, culture, socio-political status, and economic status, which suggests that the drivers of environmental injustice (EJ), such as the ones related to land, creation of states, and local government, and derivation, may vary between the two regions.

Second, the study examined colonial legacies associated with land use and ownership; the derivation-based system; the divide and rule system (creation of more states and local government); and the system of appointment to boards of government agencies in Nigeria tasked with oil exploitation, which is unique in light of the macro-level scholarship. It then examines how such legacies impede the cultural ideals of the host communities and how they persist in the post-colonial era, with substantial implications for the ongoing debates on indigenous environmental justice (IEJ). The study then evaluates the adequacy, or lack thereof, of the environmental justice (EJ) framing by some scholars in the study region, which adopts western liberal ideas and disregards the influence of colonialism and cultural dominance of the host communities, which are site-specific and both of which contribute to environmental injustice. To achieve the research aims, the study will be guided by the following four research objectives:

- (1) Examine the historical developments of environmental injustice in oil exploitation in south-eastern Nigeria.
- (2) Identify the political and legal resources available to support environmental justice concerns in south-eastern Nigeria.
- (3) Explore how the existing environmental and oil regulations in Nigeria could be adapted or transformed to ensure inclusiveness in sharing the proceeds from oil exploitation and environmental challenges in south-eastern Nigeria.
- (4) Examine how the historically marginalized communities in south-eastern Nigeria could proactively organize to achieve environmental justice.

## **1.5 Dissertation Outline/Structures of the Thesis**

This first chapter examines the nature of oil exploitation, environmental justice, and the role of colonialism in the context of south-eastern Nigeria. The chapter provides a more historical introduction to the major phases of oil's contribution to national wealth, how it affects the host communities, and how several studies revolving around the concept of EJ have been framed without reference to the influence of cultural dominance and colonialism. The thesis argues that these key issues are the primary drivers of EJ in the post-colonial era, with enormous implications for missing the opportunity to integrate the role of colonialism and the impact of cultural domination, which are equally the drivers of EJ in the study area in the framing of the Indigenous Environment Justice framework. It is hoped that the reader will gain an early understanding of the region's specific EJ issues in the study area and how colonialism played a key role in shaping the nature of EJ issues even in the post-colonial period.

The conceptual and theoretical components of the thesis are articulated in Chapter Two. It provides a comprehensive critical evolution and analysis of traditional EJ conceptualizations from the global north and south. It illustrates the primary causes of environmental injustice in

both the global north and south, as well as how the situation in the south has worsened as political and environmental theories have progressed.

In chapter three, the thesis uses existing land and oil policies from the colonial era that are now evident in the post-colonial era as the basis for several EJ concerns and then argues for the application of a decolonial approach, which in the context of this research reflects the mobilisation of the host communities or the indigenous people to resist colonial and neo-colonial policies, especially on land that are averse to their wellbeing. It examines further the sufficiency or lack thereof of the particular EJ concerns in the study area, which have been frequently framed from a western liberal perspective.

The fourth chapter is dedicated to research methodology. It provides a detailed description of how the data will be collected and the instrument that will be used to collect the data. The chapter explains why the thesis triangulates archival, interview, and survey methods in data collection to address the four-research objective; how the challenge posed by Covid-19 was addressed; and the data required for processing and analysis. The data from the archive will be systematically reviewed for relevance, followed by content analysis of the data as well as the transcripts from interviews, whereas the questionnaire will be analysed using a statistical package for social sciences.

The fifth and first empirical chapter provides an overview of the historical evolution of EJ in south-eastern Nigeria as a foundation for EJ issues encountered in the study region. Building on archival research, it describes the major environmental and oil regulations enacted during the colonial period and how they eventually manifested as land-use decrees, a divide and rule system (the formation of additional states), and other measures. The key argument of this chapter will be that there are historical recognitional inequalities that started in the colonial era but persisted in the post-colonial era and that such recognitional inequalities were

responsible for further exclusion in the form of participatory and distributive inequalities which are specific to the study area.

The sixth chapter examines environmental justice from a top-down perspective, focusing on how host communities can utilise available legal and political resources to achieve environmental justice. The study will take an institutional approach in exploring a more decentralised regulatory and institutional framework to find how best the host communities could challenge the justice issues both nationally and internationally, and how the constitution could be subjected to a referendum, in addition to accessing the opportunity for mobilising and politicking in the forthcoming general election in 2023 and beyond. This is important because most of the environmental justice concerns of the host communities now have legal backing. After all, most of the policies made in the colonial era and the military era were assembled and became part of the constitution in 1999 without subjecting them to referendum.

The seventh chapter examines indigenous environmental justice from the bottom up. It argues for increased grassroots political participation. This is because some authors emphasise the need for more representative and inclusive decision-making processes that take into account divergent interests, values, and priorities (Anguelovski et al., 2014; Chu et al., 2016). This chapter examines the role and interplay of political participation, awareness creation, collaboration, training, effective monitoring, and accountability, as well as the use of innovative information and communication technological approaches in addressing indigenous environmental justice concerns from a decolonial perspective. It argues that greater political participation is attainable through education and the application of ICT. And this is decolonial because it is the perspective of the host communities, a way of giving them a voice through mobilising, educating, and encouraging the host communities to fight against



colonial policies on land, which forms the basic foundation of environmental justice issues in the study area.

Chapter eight is the concluding chapter, which presents summaries of the findings and draws conclusions. It also highlighted the contributions made by the research and made suggestions for future research.

## **Conclusion**

In this chapter, the critical elements like the background of the study, the problem statement of the study, the purpose of the study, the significance of the study, the research aim, and objective, and the structure of the study are highlighted. Moving on to chapter two, a review of the literature on classical and traditional environmental justice, I will dive into the evolution of the environmental justice concept and the various framing of the concept within the global North in time and space to its framing in the global south. Chapter 2 will equally highlight the interplay of the development theories in the framing of the concept of environmental justice, especially in the global south.

# **CHAPTER TWO: CLASSICAL AND TRADITIONAL ENVIRONMENTAL JUSTICE CONCEPTION**

## **2.1 Introduction**

This chapter examines environmental justice literature from both classical and traditional perspectives. It begins with the evolution of the concept of EJ and the various framings of the concept within the global North in time and space before moving on to the concept's framing in the global South. It also emphasises the interaction between development theories and the concept of environmental justice, particularly in the global South. This viewpoint considers environmental justice from the local theorisation in the global South to be shaped by development theories such as dependency, colonial, and post-colonial theories, which influence environmental justice in the south. This chapter contributes to this thesis by providing a unifying framework for EJ concepts and theories from various strands, drawing on existing literature and theory in the environmental justice discourse.

Environmental justice has frequently been associated with Rawl's (1971) theory of justice, which is defined as a standard by which the distributive aspects of the basic social structure are evaluated equally and fairly by all. This definition, which is regarded as the political theory of justice, has served as the foundation for several formulations of the concept of environmental justice, which is based primarily on the distributive justice of goods in society and the best method for distributing these goods, for decades (Day, 2020). Although there has been debate regarding the inadequacy of an environmental justice conceptualization based solely on distributive inequalities (Young, 1990; Fraser, 2000), distributive justice has been the focal point of EJ conceptualization. More specifically, environmental justice was first conceived in the United States (US) in the mid-1970s, in the context of the fight for racial equality (Ikeme, 2003). This occurred when low-income and minority neighbourhoods in the United States were subjected to racial discrimination and environmental abuse (Bullard,

1990; Bryant, 1995a; Pellow, 2000; Carruthers, 2008). The work of Rachel Carson (1962) was already raising awareness and concerns on environmental pollution at a time when the issue of justice had become mainstream in U.S. politics, providing impetus for the African American protestors seeking and receiving justice for toxic waste dumped in Warren County, North Carolina (Schlosberg, 2007). As glaring as this racial discrimination against people of colour was, the environmental justice movement in the United States started to mobilise and organise environmental campaigns to avoid pesticide poisoning and to resist the siting of toxic plants in their communities as soon as it became clear that people of colour were the targets of racial discrimination. As public awareness grew, some academics, policymakers, and community activists began to investigate the relationship between race and exposure to environmental hazards. They found that blacks and other people of colour were more likely than whites to be exposed to environmental risks (U.S. General Accounting Office, 1983; United Church of Christ, 1987). Bullard (2005) and Margai (2001) observed health disparities between African Americans and Latinos on the one hand and whites on the other in the United States, exposing the former to health-related challenges such as respiratory problems.

Environmental justice, according to the U.S. Environmental Protection Agency, is the fair treatment and participation of all people, no matter their race, colour, national origin, education level, or income, in making, implementing, and enforcing environmental laws, regulations, and policies (United States Environmental Protection Agency, 2008). Consequently, any action or inaction, policies, or activities contradicting this definition constitute environmental injustice. Since then, numerous scholars in the United States have agreed with the EPA's definition of environmental justice, and their perspective is based on the connection between poverty and race, as well as the struggle for equitable distribution of environmental resources among the masses (Bryant and Mohai 1992; Bullard 1993; Agyeman, Bullard, and Evans 2003). However, since its inception, the concept of

environmental justice has spread beyond the United States, not only to other parts of the global north but also to the global south, with each geographical location reflecting the political, economic, institutional, and cultural identities of the dominant environment. For instance, Walker and Bulkeley (2006) noted that due to diverse interests in discipline, scope, and context in environmental justice, the debate has reached the political and academic spheres, ensuring that the concept is highlighted in the work of policymakers. The implication is that the discourse on environmental justice (EJ) regarding the intersection of environmental and social perspectives developed in the European Union (EU), as was also anticipated in the global south, including Nigeria. The difference in cultural identities and political frameworks between the United States and the European Union could better explain the origin of environmental justice in the United States and its subsequent adoption in the European Union. Marxist ideology, for instance, represents a minority of academia in the United States; yet its dominance in the European Union contributed to the emergence of the 'political ecology' framework of environmental mobilisation streams and Marxist support for environmental fights in the 1970s. This was true even in the 1990s when the role played by the environmental justice discourse in the U.S. was played by the political ecology discourse in the EU. This is not unrelated to the decline of Marxists in the 1980s, which exposed them to increasing neoliberalism's marginalisation. Peck and Tickell (2002) argued that the situation in Europe in the 1980s was influenced by neoliberal government policy shifts, as in the United States. According to Beretta (2012), the policy shift centred on the constant destruction and discrediting of Keynesian-welfarist and social-collectivist institutions in massive support of neoliberalized state forms, modes of governance, and regulatory relations. This influenced local mobilizations against European infrastructure and industrial development during the 1980s and 1990s, as applied within the environmental justice framework. Consider the NO TAV (High-Speed Train) movement in Piedmont's Susa Valley,

which is one of the eminent cases in Europe where the environmental activist opposed the construction of a new train line between Turin and Lyon (Della Porta and Piazza, 2008; Pellizzoni, 2011; Sasso, 2006). This new railway is part of an EU initiative that aims to connect Lyon to Budapest and then to Ukraine, thereby eliminating the delays in Italy caused by the diversion of trains to transit stations (Beria and Grimaldi, 2011). These development policy initiatives were opposed because such a high-speed railway is unnecessary and is primarily intended to serve the profit-maximizing interests of wealthy private corporations. The environmental activists argued that the existing train line is more than adequate to meet the train system's needs and that the new project would result in environmental and socio-economic challenges, including the closure of businesses and the disfigurement or disappearance of entire villages.

In the United Kingdom, according to Laurent (2011), environmental justice has been incorporated into government social policy, and as Chalmers and Colvin (2005) would say, the concept has been mainstreamed into the environmental regulatory agency and the national strategy for sustainable development (DEFRA, 2005). She argued further that the United Kingdom's conception of the concept reflects three arguments. First, contrary to U.S. public policy, which recognises the universality of natural individual rights and ensures that discrimination is avoided in the exercise of such rights, UK policy typically aims to correct the social processes that produce situations of inequality (Laigle, 2006). Second, the UK's formulation of the concept is believed to reflect class/income struggle inequalities rather than racial and ethnic categories. There is no doubt that racial inequalities exist in the United Kingdom. Still, unlike the United States, where racial minorities and low-income individuals are recognised as having the force of law in US federal law, making racism a subject of court action, income levels are not recognised as having the force of law and therefore do not have the force of law (Pastor, 2007). These historical and institutional legal differences explain

differences in the conceptualization of environmental justice between the United Kingdom and the United States, which is comparable to the European approach. As demonstrated in the following section, each distributional starting point connects Africa and Nigeria. Starting with race in the United States, then moving on to class in the United Kingdom, and finally ethnicity in the global south, with varying degrees of impact at each starting point.

But beyond the conceptualization of EJ from country to country due to the historical legal, political, and institutional framework in the global north, some authors argued over the inadequacy of defining the concept solely on distributive justice (Young, 1990; Lake, 1996; Mutz et al., 2002; Steger, 2007; Schlosberg, 2007), which is based on Rawls' (1971) liberal theory of justice and its emphasis on fair processes for the distribution of goods and benefits. These academics argue that, when defining a concept based on the equitable distribution of environmental resources and burdens, the procedure for ensuring such equitable distribution should be regarded as equally crucial as the concept itself (Young, 1990; Lake, 1996; Hampton, 1999; Shrader-Frechette, 2002; Mutz et al., 2002 and Steger, 2007). In other words, the process leading to the development, implementation, and enforcement of environmental decisions affecting the public must be transparent, equitable, and acknowledgement-based. Young (1990) criticised how distributive theories of justice disregard the impact of social and institutional relations by assuming that goods are static. Young adopts distributive justice as a suitable model for achieving effective distribution but argues that it fails to consider the impact of cultural and institutional factors as the root cause of poor distribution. Although he believed that distributional issues are essential for defining justice, he argued that they are insufficient. Young argues that there is a reason why some people receive more than others during distribution, either because they are privileged or because they enjoy a level of superior recognition. This recognition breeds favour and special treatment, whereas its absence breeds insults and degrading behaviour. She argues, therefore,

that this lack of recognition at the individual and community levels is primarily responsible for the oppression of the individual or community in the larger cultural and political sphere, as it is the foundation of distributive injustice. Hence, recognitional inequalities have become the third pillar of EJ in the current literature. Similarly, Fraser (2000) argues that the root cause of inequalities and the most effective means of addressing them must be investigated. She argues that culture is essential for comprehending this disparity in distribution and that when individual and community cultural characteristics are not acknowledged, it manifests as nonparticipation and economic disparities. Young and Fraser's central argument is not that distributive injustice is not essential to conceptualising environmental justice, but that it is insufficient to comprehend the broader context of the concept's manifestation. It is important to mention here that recognition and disparity are key to my argument as will be seen in chapter 3 and greater depth in chapter 5

As with many academic theories, this perspective has also been criticised, with some academics viewing the inclusion of recognition as an insult to Rawls' liberal social theory of justice (Miller, 2003). Miller argued that Rawls considered the issue of recognition and incorporated it into a broader understanding of distributive justice. The claim is that equality of person is central to liberal theories of justice, as Rawl's emphasis on self-respect as a primary good has resolved the issue of recognition as a prerequisite for distributive justice. Miller rejects the recognition argument as a distinct category of justice, arguing that the issue of recognition is already implicit and incorporated into distributive and procedural justice. Schlosberg (2007), building on Miller's position, argued that justice requires a focus on recognition, distribution, and participation, suggesting that the distributional paradigm is not the only expression of justice in practise. In the United States, for instance, the distribution issue is always present and crucial, but it is always tied to recognition and political participation (Schlosberg, 2003). Moreover, he emphasised the need to utilise people's

abilities and overall functionality. In other words, studying political concepts and values such as justice, power, and democracy will aid in describing, comprehending, and evaluating the political practises and institutions inherent to any given locale and their role in promoting inclusivity (Schlosberg, 2007). This is because the system of governance in any given location determines the space for inclusivity, as democracies tend to favour inclusivity over military dictatorships.

As evidenced by a review of literature from the global north, the concept of environmental justice varies from place to place based on the prevailing political, economic, and environmental framework, and also according to various scholarly perspectives. Therefore, according to Walker (2012), the concept is typically situated, contextual, and rooted in the circumstances of a particular time and place, thus defying universal definition. Despite being useful, EJ as seen in global protocols incorporates the unique experience of the majority of countries in the global south that Europe at one point in their political history colonised with the intended result of cultural, political, and economic dominance. In the recent debate on environmental justice, the concept has been conceptualised on a three-pronged foundation: distributive, procedural, and recognitional justice. This is a crucial aspect of this survey of environmental justice in the north. I will now move to the global south to examine this relationship or disconnection and how the prevailing political, environmental, and economic conditions combine to shape and reinforce environmental justice in the south.

### **2.2.1 North to south due to global economic structure (dependency/world-system)**

Examining environmental justice in the global South from a "North to South" perspective is one way to comprehend it. This is demonstrated by the transfer of hazardous waste from the North to the South (Stratton, 1976; Hilz, 1992; Greenpeace, 1994; Frey, 1995; Sachs, 1996;



and Adeola, 2000) and the North's exploitation of South resources (Ibeanu, 2000; Watts, 2005; Dung et al., 2008; Ana et al., 2009). Some scholars contend that there is a deliberate effort to undermine the political, economic, and social stability of countries in the global South by dumping dirty and hazardous waste in the region (Stratton, 1976; Frey, 1995). In a similar study, Hilz (1992) and Greenpeace (1994) hypothesised that countries in the global South serve as dumping grounds for trash, toxic waste, and hazardous products manufactured in developed industrialised nations. According to empirical evidence, multinational corporations with headquarters in advanced industrial core nations annually transfer millions of tonnes of hazardous waste to developing nations in Africa, Asia, Latin America, and the Caribbean (Hilz, 1992; Greenpeace, 1994; Sachs, 1996; Adeola, 2000). Numerous case studies exist to support this position. For example, as early as 1988, two Italian multinational corporations convinced a Nigerian businessman named Sunday Nana to accept \$100 and let them dump 18,000 drums of hazardous waste on his land in the Koko case (Adeola, 2001). The situation raised public health concerns when the consequences of the act manifested in the form of toxic water and cancer-causing agents for the community's residents. The Federal government of Nigeria was roused by public outcry to establish the Federal Environmental Protection Agency to address the issue and other environmental concerns (FEPA). Second, in South Africa, Thor Chemicals, Inc. relocated its mercury reclamation processing facility from its headquarters in England to a village 40 miles north of Durban in the KwaZulu-Natal province. After one year of operation, Lambrecht (1989) and Fondaw (2001) found that mercury levels in the village's water samples exceeded 1,500 times the level permitted by the U.S. Environmental Protection Agency when using US-based metrics. Similar studies conducted in countries such as Sudan, Cameroon, and Niger indicate that hazardous waste or industries have been successfully transferred from the North to the South (Watts, 2005). He argued that the global south has frequently served as a repository for hazardous waste

delivered in the form of aid. Gbadegesin (2001) found that between the 1980s and 1990s, an average of 300 million metric tonnes of toxic waste was dumped annually in West Africa, making the African continent the toxic dumping ground for many industrialised nations. Also see the work of Kama (2015) on how the African continent has become the dumping ground of hazardous waste in the form of aid in her work, *circling the economy*. A synthesis of these few case studies suggests that the unjust transfer of hazardous waste and industries from the North to the South is one of the causes of environmental injustice in the South.

There are numerous theoretical explanations (see André Gunder Frank's dependency model of 1967 and Edward Said's postcolonial theory of 1994, for example). For instance, the dependency theorist argues that liberal economic theories, such as theories of trade and theories of finance, dominate the global economy and do not promote equal economic, political, and environmental opportunities, but instead promote a system of dominance, inequality, exploitation, and underdevelopment. According to the theory, there are three categories of countries in the global economy: the core, the semi-periphery, and the periphery, each of which serves a distinct function in the global economy. It then presented three crucial arguments:

- 1) There is an international division of labour between these countries, with the core countries dominating in terms of technology, research, industries, and capital-intensive industries, and the periphery countries characterised by extractive economies, agricultural production, and cheap labour. The structure of the global economy is such that the economic interests of the semi-periphery and core countries are served by the resources of the periphery.
- 2) **Class Differentiation:** According to this theory, there is a clear divide between the rich and the poor, and the political and economic elite works together to maintain their power, increase their wealth, and keep the system in place.

- 3) This system is part of a larger global economic structure characterised by global capitalism. implies that liberal economic theories, such as theories of trade and theories of finance, serve the core country's interests.

The dependency theory contends that multinational cooperation and international institutions such as the IMF and the World Bank serve the interests of the core countries rather than promoting equal growth and development opportunities. Regarding the unequal and unfair transfer of hazardous waste from the global north to the global south, this theory explains a great deal. The majority of these transfers have consisted of recyclable products, which are legal on international markets and under international law (Schmidt, 2004), as well as legal building materials, fertiliser, and humanitarian aid (Clapp, 1994; Harper, 1996). This suggests that due to trade, poverty, the search for relief materials, and economic development, the south is unfairly used as a dumping ground for hazardous waste and industries and that this is a global driver of injustice. The point is that the global political and economic structure that allows international labour division, class distinction, and global capitalism not only encourages but also facilitates the transfer of hazardous waste from the north to the south. Justification is that the system does not promote equal opportunity but rather promotes dominance, inequality, exploitation, and underdevelopment of countries in the global south and hence dependency. More specifically, in 1992, World Bank chief economist Lawrence Summers (1992) wrote in a memo that was leaked to the press in which she advocated the transfer of hazardous waste to the global south. Lawrence Summers' Principle states that developing nations in the South have an ecological comparative advantage when it comes to waste treatment (Pearson, 1987). It, therefore, made sense for the transfer of hazardous waste to the south.

### **2.2.2 Resource exploitation and postcolonial model**

Another lens that could be used to explain the concept of environmental justice in the South is what some researchers have termed unsustainable resource exploitation (Ibeanu, 2000; Ana et al., 2009). They argued that the majority of countries in the global South where resource exploration has occurred have had their environment polluted and land degraded, particularly due to the unsustainable nature of such resource exploitation, which has the potential to worsen the health situation of the host communities and hinder their efforts to improve their quality of life (Ibeanu, 2000; Watts, 2005; Dung et al., 2008; Ana et al., 2009). In a related study, Obeng-Odoom (2009), observed that the farms and resources of Africa served as a reservoir for the industrialization of the West especially during the colonial era, when Africa resources sustained the Western industrial workers in terms of food and raw materials. Ideally, the sustainable exploitation of a nation's natural resources should spur community and national development (Organization for Economic Co-Operation and Development, 2011). This is because these resources are valuable, in high demand, and serve as the backbone of many global economies. Nonetheless, research has demonstrated that the majority of resource-rich nations are underdeveloped as a result of mismanagement, corruption, and poor governance, a phenomenon that could be categorised as the resource curse theory (Auty, 1993). In this sense, both the resource curse and dependency theories are endogenous and exogenous causes of underdevelopment. According to Gilberthorpe and Rajak (2017), it is essential to comprehend the dynamic interactions between social relationships, economic interests, and power struggles that are at play in the political economy of resource extraction processes because these processes frequently result in complexity, incompatibility, and inequity in the exploitation of mineral resources. Watts (2018) stated the four following assertions: (1) a resource has material and biophysical properties and qualities; (2) a resource is a commodity and enters commodity circuits through

determined production relations; (3) a commodity has use, exchange, and fetishist properties; and (4) oil is used in particular locations and times and is incorporated into an existing political economy. It implies that resources and their exploitation are frequently found in a complex configuration dictated, among other variables, by the prevailing political system. In addition, it implies that resource availability alone cannot guarantee development in the absence of adequate and appropriate resource exploitation and earnings properly deployed for an effective and efficient human capital-based community development project. Thus, resources can catalyse development in countries with the appropriate human development, strong institutions, and a good governance structure, while they can catalyse a curse in countries with a poor governance structure and corrupt human capital. But the focus here is on the connection between southern resource exploitation and environmental justice (see Watts, 2004). Even though natural resources have a high economic value, their exploitation often results in significant environmental pollution, particularly when conducted in an unsustainable manner. Oil spillage occurs in Nigeria, Pakistan, and other oil-producing countries in the global South (Ndubuisi & Asia, 2007; Meo, S.A. et al., 2007); gas flaring occurs in Nigeria and Angola (Abdulkareem&Odigure, 2006; Dung et al., 2008); oil drilling in Ghana has been connected to the catastrophic loss of whales and the fast emergence of alien plants that threaten fish life (Obeng-Odoom 2014); excavation processes that are involved in the exploration occur in South Africa and Guinea (Jacobs et al., 2001; Vandemeer and Perfecto,1995) or the combination of these factors.

First, in considering these sources of pollution, the majority of the expatriates who explore these resources in the south are from the north due to the influence of colonialism, imperialism, and technical expertise. According to the dependency theory, the majority of multinational cooperation operating in the south is an instrument of the core countries (north) within the tenets of global capitalism to serve the interests of the north; an argument

advanced by Watts (2004) within the framework of the "oil complex" and petroculturalism concepts. Consequently, their activities are profit-driven, frequently to the detriment of the southern host communities. Adeola (2001) argued that multinational corporations exploiting resources in the global south adhere to the required standards when exploring resources in the north, but circumvent the standard practise in the south due to weak laws and enforcement mechanisms that exist at the institutional level in the majority of countries in the south. This double standard in the practise of resource exploitation results in the degradation and pollution of the environment of the host community, which is on the receiving end of this resource exploitation. Although oil spills could be caused by pipeline sabotage, there is documented evidence that oil spills are caused by transnational corporations' unsustainable exploration of natural resources, which leads to a reduction in agricultural yields such as fish farming and crop yields, as well as health issues such as lung disease, respiratory disease, and a decrease in drinking water (Essoka et al., 2006; Ndubuisi & Asia, 2007). A study conducted in Pakistan, for instance, reveals that human exposure to polluted water during an oil spill results in severe respiratory and lung diseases (Meo, S.A. et al., 2007). A similar study in South Africa observed how coal mining led to environmental pollution that left mining communities with asbestos-related diseases such as asbestosis, lung cancer, and mesothelioma (Jacob et al., 2001). Vandemeer and Perfecto (1995) observed that gold prospecting in Pupa New Guinea resulted in deforestation, environmental degradation, and unemployment in Guinea as a result of resource exploitation. There were an estimated 6,817 oil spills in Nigeria between 1976 and 2001, exposing the population to toxic effects because oil spills enter the food chain through the consumption of contaminated fish, crops, and drinking water (Essoka et al., 2006; Ndubuisi & Asia, 2007). According to a study conducted by Dung et al. (2008), approximately 67% of associated gas produced daily in Nigeria is flared, which is equivalent to 40% of natural gas consumption on the African continent. In

the case of the Niger Delta, gas flaring not only results in the loss of valuable revenue but also pollutes the environment and endangers the public's health. According to dependency theory, the problem is exacerbated by the class distinction between the wealthy and the poor in the global south. The traditional rulers, local government chairmen, and other political and economic elites from the host communities conspire with the multinational corporations to undercompensate the poor farmers for environmental pollution affecting their agricultural products (Adeola, 2001). Moreover, the same elites from the host communities collaborate with other political elites in the south to maintain the system as it is and remain the major beneficiaries of the earnings from resource exploitation, which could have mitigated the effects of pollution and land degradation if the earnings were deployed prudently for economic growth and development of the resources region. This position is consistent with Watts's (2005) oil complex concept, which relates well to the more globalised regimes that the next chapter of this study will examine.

Decades after independence, this narrative persists in the majority of countries in the global South, as the development challenges in the south remain the legacy of colonialism and imperialism, as postcolonial theory explains (see Said, 1994). According to postcolonial theory, the economic, political, and environmental woes of the south are the result of cultural dominance and resource exploitation, both of which are legacies of colonialism and imperialism manifesting in the postcolonial era. The idea is that the oil expatriate serves the interests of the political and economic elites in both the south and the north and that the elites in the north work with the elites in the south to maintain the system and continue to create wealth for themselves at the expense of the host communities in the global south (Adeola, 2001). This collaboration ensures that the interests of the oil expatriates are safeguarded even if the country's laws are circumvented. This is a crucial aspect of this study because it highlights the postcolonial environmental injustice in which the global circulation of (carbon)

capital, in conjunction with class-based power dynamics, reinforces the development deficits of a specific region through extraction, subjugation, and cultural erasure. Poor farmers from the host communities are left with the aftermath of pollution, which manifests as low agricultural yields, poor health conditions, and, in extreme cases, death, while the profits from the resource's exploitation end up in the bank accounts of elites in both the south and the north. Clark (2019) observed that while oil spills (environmental challenge) suffered by host communities have increased between 1966 and the present, oil revenue (environmental good) due to oil communities in Nigeria has decreased from 60% to 13%. This collaborates with one of the research findings in chapter 5 where the table indicate a deliberate de-emphasise of the use of a derivation-based system in preference to equality of state, population, and several local government area.

### **2.2.3 Limited laws and enforcement mechanism as a driver of environmental injustice in the south**

In this section, I will examine the impact of weak laws and insufficient enforcement mechanisms of the existing legislation in the majority of southern countries as a major driver of environmental injustice in the region and as a significant aspect of postcolonial legacies. According to Gonzalez (2015), the majority of countries in the global north have comprehensive environmental laws to address extractive and other polluting industries, whereas, in the global south, both weak environmental laws and enforcement mechanisms are evident. Environmental justice flourishes more when environmental laws and enforcement strategies are robust. This is because people typically obey laws out of fear of being prosecuted, rather than out of a desire to do so. Sadly, this is not true for the majority of countries in the Global South. Nigeria is a typical example of a country in the global south



where obtaining environmental justice is extremely difficult (Emejuru et al., 2015). Political experts assert that strong nations are characterised by the presence of strong institutions, particularly democratic institutions such as legislatures, judiciaries, and executive branches (Hall and Jones, 1999; Acemoglu, Johnson, and Robinson, 2001). Some also argue that strong institutions, not strong individuals, are what makes a country great (Oyarinu, 2022). The reason behind Oyarinu argument in favour of the strong institution, as opposed to individuals, seems to be that a strong individual may go but the institution remains, hence it is more enduring to have a strong institution that will stand the test of time and could not be easily manipulated. Before 1978, when the Koko incident occurred, Nigeria never had strong environmental laws to address emerging environmental problems. The Koko incident resulted in the formation of the Environmental Protection Agency to address emerging environmental concerns. Due to insufficient monitoring and enforcement, however, FEPA's lofty goals could not be fully realised, nor did its vision result in a significantly better environment (FEPA laws). In addition, section 6(6)(C) of the Nigerian constitution does not support anti-pollution efforts. Abdulkadir (2014) argues that the judicial branch is incapable of deciding environmental issues. While section 20 of Nigeria's 1999 constitution, as amended, provides for environmental protection, Abdulkadir (2014) argued that the provision of section 6(6)(C) has been interpreted as denying the court the authority to rule on any issue relating to the enforceability of section 20. (see the case of *Okogie and others v Attorney-General, Lagos State*).

This implies that activities that are likely to cause environmental devastation and violations of human rights cannot be challenged in court because they are not enforceable. Although Abdulkadir (2014) argued that the adoption and domestication of the Africa Charter on Human and Peoples' Rights by the Nigerian government in 1990 makes it a part of the Nigerian legal system that can be utilised in the pursuit of environmental protection, he noted

that delays in judicial processes, corruption, and lax enforcement of environmental laws have not improved the situation. Similarly, Friends of the Earth Nigeria (2016) identified the lack of independent judicial institutions and the absence of political will to enforce compliance with existing legal provisions in the South as obstacles to environmental justice. Friends of the Earth Nigeria (2016) cited the case of *Isaiah Ogarv v. Chevron*, in which the plaintiff sought N100 million in relief but settled for a pitiful N20 million out-of-court after nearly a decade of litigation with no end in sight.

These delays in judicial processes, corruption, and lax enforcement of environmental laws allow for distributional inequity. It is also accountable for why successive governments provided cover for multinational corporations operating in Nigeria, including Shell, AGIP, Chevron, and Elf, to avoid local litigation, circumvent any responsibility for environmental damage, and neglect the oil-producing communities in which they operated (Adeola, 2001). This is well understood from the perspective of dependency theory, which suggests that elites in the north collaborate with elites in the south to exploit the poor masses, who are the host communities in Watts' (2005) oil complex ideology in this instance. Second, these lax laws and enforcement strategies in the south make possible the transfer of toxic and hazardous waste from the north to the south (Chokor, 2004; Douglas et al., 2005). In addition to Nigeria, Angola and Guinea are other examples of countries in the global south where unequal distribution of resources has been a result of inadequate laws and enforcement mechanisms. The ultimate effect of these inadequate environmental laws on the South is an unfair and unequal distribution of environmental burdens. However, the new Supreme Court ruling in the United Kingdom that allows host communities to sue multinational companies operating in Nigeria outside of their country gives the host communities an advantage and this will be discussed further in one of the empirical chapters in chapter 6.

#### **2.2.4 Weak environmental movement groups in the South**

Activist environmental movement groups in the global North, including Not in My Backyard, Communities for a Better Environment, Center on Race, Poverty & the Environment, and Center for Health, Environment & Justice, are responsible for a number of environmental justice victories. In the United Kingdom, for instance, environmental activists and policymakers have utilised the environmental justice concept to advocate for a more socially inclusive and sustainable society (Agyeman and Evans, 2004). Consequently, environmental justice is now viewed as a tool for reconciling the sustainable development agenda with that of social justice, as noted by the Environment Agency within the government (Bulkeley and Walker, 2007). Urban popular movements opposed the hegemony of foreign corporations and the privatisation of the hydrocarbons industry in Bolivia, and state employees opposed the government's attempts to privatise the state oil company in Ecuador by using their experience of labour relations and political training (Perreault and Valdivia 2010). These initiatives, which included creating innovative geographies of the country and its petroleum resources and relied on historical concepts of nationhood, were hampered by the environmental movement. The system of this opposition from the environmental activist group is similar to the proposed train line in Europe which was thwarted through the environmental movement and this shows the impact of environmental activism in the strive for environmental justice.

This is typically not the case in the Global South. Although there are numerous international watchdogs around the resource curse argument and the Extractive Industries Transparency Initiative in the global South, Alario (1992) opined that the efficacy of environmental movement groups in the South during the prevalent authoritarian and military regimes of the 1990s is extremely low. Environmentally active groups in the South mobilised against the South and fought the government and multinational corporations operating in the South due to how they handle environmental impacts, oil spills, compensation, and clean-up

mechanisms about harmed southern communities. They mobilised against the unfair activities of these corporations and their collaborators (government at all levels) in the oppression and dominance of the host communities in the South. Instead of listening to the people and addressing the environmental injustice issues raised during the protest, several human rights violations were committed against the unarmed environmental activist groups in the south (Human Rights Watch and Natural Defense Council, 1992). Examples include the assassinations of Wilson Pinheiro and Francisco Chico Mendes in the Amazonian rainforest. Ken Saro-Wiwa and eight other Movement for the Survival of the Ogoni People (MOSOP) members were publicly executed in Nigeria in November 1995. (Human Rights Watch and Natural Resources Defense Council, 1992). There is a multitude of similar instances. In the global South of the late 1900s, where there is a preponderance of military governments, this trend makes the pursuit of environmental justice exceedingly difficult. Inferentially, environmental justice flourishes more in a democratic setting where the effectiveness of an environmental activist group can be felt through freedom of speech, mass mobilisation, and guaranteed freedom of protest. These democratic principles are lacking in a military dictatorship, where laws are enacted by decree without public participation and often there is inadequate civil society infrastructure to support the greater efficacy of the civil society movement. During military rule, democratic institutions, including parliaments, from which the legitimacy of the government is derived, are abandoned in favour of the use of decrees. As part of the nation-building process, the system of governance is crucial to the direction of press freedom and the formulation of government policies. It is common knowledge that during the military era in Nigeria, the people were excluded from the government through the abolition of the legislative house and the establishment of the supreme military council, which oversees the country's day-to-day administration. Not only are the people excluded, but they are also compelled to accept and comply with government policies without the

chance to challenge them. The historical precedent of EJ exemplified the active role of mass mobilisation and freedom of speech, protesting and engaging the government legally and politically. For instance, the case in the US has racialised structural issues about EJ, which Black civil society has constantly to confront. This was arguably observed in the United States, where EJ originated, where people of colour mobilised against the racial discrimination of their fellow citizens within the context of environmental hazard distribution (Bullard, 1993). With an increasing number of countries in the global South embracing democracy in recent years, there is optimism that environmental justice can be achieved with greater success.

Inadequate monitoring of compliance with existing environmental policies by transnational corporations raises additional concerns due to a lack of logistics, inadequate training, inadequate compensation, and weak institutions (Adeola, 2021). In conclusion, this section has described the effect of the system of governance, inadequate monitoring, and weak institutions as global South drivers of injustice. Starting with the north's transfer of hazardous waste and industries to the south, issues of distributive injustice in the south have been examined, including the issue of the weak environmental active group. Several case studies have been used to demonstrate the causes of the unequal distribution of environmental advantages and disadvantages in the southern context as seen in the previous sections. In the following session, I will discuss cultural recognition as a crucial aspect of environmental justice and explain how, in the context of the global south, it produces and reinforces unequal distribution.

### **2.3 Cultural recognition and post-colonial theory**

Environmental justice discourse today includes a significant emphasis on cultural acknowledgment. In discussing environmental justice in the global south with an emphasis on cultural recognition and identity, I will offer insight into the impact of colonialism and how it transcends the post-colonial period in institutionalising oppression and cultural dominance. Young (1990) argued that the majority of distributional injustices stem from cultural beliefs, social structure, or institutional contexts, even though the issue of distribution is considered central to the definition of justice. The concern is not that the issue of distribution is not essential to the conceptualization of environmental justice, but that the discussion would be incomplete without a corresponding discourse on recognition, given that issues of unjust distribution are born out of society's norms, rules, structures, languages, and other practises. Schlosberg (2007) argued that a comprehensive discussion of environmental justice would include not only the issues of distribution and participation but also recognition.

Even though postcolonial theorists warn against an overly romanticised image of pre-colonial life, before the colonial era, the South had a respectable way of life, as evidenced by their attire, diet, religion, and property ownership (Bertocchi and Fabio, 2002). In Nigeria, for example, environmental determinism encouraged communal laundry, the collection, and storage of river and stream water in cans for cooking and drinking, and other agricultural practises (Ibeanu, 2000). This fostered brotherhood and community. Their attire reflects their religion, which encourages hard work, mutual respect, and the promotion of peace. In this era, a person's wealth was not measured by the number of cars or buildings he owned, but by the amount of effort he put into educating his children. This encourages contentment and discourages greed by stigmatising those who amass wealth without providing convincing evidence of the relationship through which it was acquired. Again, the south has a learning system based on traditional techniques that have allowed them to progress at their own pace

(Ziltener and Kunzler, 2013). This technology contributed to the development of weaving, mining, and blacksmithing skills and explains why Africa was once considered the cradle of civilization.

As the postcolonial theory of Said (1994) and Ramone (2011) explains, cultural oppression and dominance accompanied the colonisation of the majority of southern nations. Initially, it appears that the objective was to expand trade and religion. Subsequently, the concept of cultural and racial superiority rose to prominence, fostering contemporary social and economic inequality between colonial masters from the North and citizens of the South. This had several effects, ranging from the introduction of western education, which some have argued was not rooted in African culture and tradition but rather promoted dominance (Ziltener and Kiinzler, 2013), to violations of settling cultural ideals of the people, such as market day observance and the felling of trees believed to have historical and ancient significance (Talbot, 1937). In addition, there was the institutionalisation of classes and class struggle in the socio-economic and political life of the people, which was alien to the cultural identity of the south and is now manifest in the post-colonial era as ethnic politics and bigotry (William and Levine, 1997). For example, the two major European colonial powers (Britain and France) employed similar policies, commonly referred to as "divide and rule." France employed a policy of assimilation and association, as opposed to Britain's indirect rule system. Also, this affected the pre-colonial cultural identity of 'togetherness and brotherhood' and ushered in a new era of intensified class conflict, tribalism, and ethnicity in the south (Ziltener and Kunzler, 2013). This explains why the military formation under colonial rule resembled the Tiv in Nigeria, the Acholi in Uganda, and the Kamba in Kenya (Young, 1994). The use of cheap labour, as exemplified by the slave trade, is an additional crucial aspect of cultural dominance caused by colonialism (Ocheni and Nwankwo, 2012). Even though the cultural identity of the Global North is not necessarily superior to that of the South, as the

South is led to believe, the colonial era paved the way for cultural dominance, which fostered a vast disparity in complexity and had a significant impact on the self-esteem of the people of the south even in the post-colonial era.

The section argues that the marginalisation of the South is the result of recognitional inequalities in the colonial era that manifested in the post-colonial era in the form of the exclusion of the people from key environmental decision-making, which reproduces further distributive inequalities. In chapter 3, I discussed in depth how colonial land reform policies affected the culture of the people and how they persisted into the post-colonial period. Consider the argument surrounding the distribution of resources for national development at the national level. Logically, the powerful elites who have institutionalised politics of exclusion, ethnicity, and dominance would mistreat the majority of resource communities that bear the impact of resource extraction. In the case of Nigeria, for instance, the 1978 land use decree was designed to take away traditional indigenous land from the communities in favour of a few privileged people in power during the military era and to further exclude them from important land and resource decisions (Land Use Act of 1978). Therefore, according to Honneth (1992), the issue of lack of recognition is accountable for cultural dominance, degradation, and all forms of distributive and participatory oppression. The issue in the study area is more non-recognition of cultural attributes of the people which is land-based that are the legacy of the cultural dominance of the southern people, which was born in the colonial era and has continued in the post-colonial era.

The call for environmental justice in this context would not be a call for equity and fairness in the distribution of environmental goods and bads, nor would it be a call for participation; rather, it would be a call for the recognition and preservation of the diverse cultural identities of those who experience exclusion and inequality. The point is that environmental justice requires recognition, and when recognition is unequal and unfair, it carries the same weight



as unequal and unfair distribution and participation (Gould, 1996). And according to Young (1990), it is the lack of recognition that encourages distributive inequalities, and when you are not recognised, there is a likelihood of nonparticipation. In the following section, I will elaborate on the issue of participation or involvement and demonstrate how procedural injustices fuel distributive disparities in the south.

## **2.4 Procedural injustice**

In this section, I will discuss how recognitional inequalities lead to participatory inequalities and how nonparticipation is the basis for distributive inequalities. Participation appears to be the third aspect of the tripartite concept of environmental justice in the north, and this much has manifested in the global south, according to the literature. With the United States Environmental Protection Agency's definition of environmental justice and additional synthesis from Young (1990) and Fraser (2000), procedural environmental justice will be understood as the opportunity for all individuals, regardless of race, ethnicity, income, national origin, or level of education, to participate meaningfully in environmental decision-making. According to Bowen (2002), the difficulty with focusing solely on distributive justice is that while researchers and policymakers strive to address the imbalance in the distribution of environmental good and bad, the underlying causes and patterns of the injustice remain understudied (Pulido 1996, Walker 2009). While this exists, I will now examine environmental justice under the umbrella of procedural justice, focusing on the political, economic, and social processes that underpin the distribution pattern.

### **2.4.1 Petrostate/ resource capitalism/national political economy**

Examining Watts' (2005) petrostate or extractive capitalism is a good starting point for comprehending procedural disparities in the south. Watts hypothesised that "petro-states" or

"resource states" and "resource capitalism" are larger classes of political phenomena in which extractive economies and unearned income predominate state revenues. In a resource state, natural resources are deemed to belong to and be under the control of the state, which engages transnational corporations in their exploration. Such nations are susceptible to what Watts termed radical fiscal centralism, which shapes the nature and dynamics of their development. In essence, it relates to the political economy and politics surrounding resource control in any resource state in which the state strives to control the resources at any cost, including the use of force and illegitimate policies. Watts explains that the majority of states in the global south are resource states with the corresponding characteristics. The risk associated with a resource state is that the majority of policies are exclusive, as the government is only concerned with the control of state resources and not with participatory processes. Distributional disparities in the majority of southern states are the result of enduring procedural disparities from the past. Watt (2004) correctly noted that the exclusion of most host communities from meaningful participation in environmental decision-making is the result of the interaction between the oil complex and petro-capitalism at the national level.

Think about nations such as Nigeria, Angola, and Guinea, these are petrostates. The recent distributional inequity is the result of policies enacted during the military era that aimed to control the state's resources. In Nigeria, the current constitution, the Environmental Impact assessment laws, the Land Use Act, the NNPC Act, and the Petroleum Oil Act, among others, are compilations of several exclusive military decrees. They are the foundation of distributive injustice in Nigeria today. The legitimacy and authority of the Nigerian constitution, the Land Use Act and the Petroleum Act remain suspect. The 1999 constitution of the Federal Republic of Nigeria, the Land Use Act, and the Petroleum Act, according to Nwodo (2019), were drafted and imposed on the citizens by the Supreme Military Council, which was not

elected by the people. He argued that these laws stripped the people and community of their sovereignty over natural resources and transferred them to the Federal Government, which over time has been distinguished by inefficiency and mismanagement of oil revenue. These laws, enacted by the military government in 1999, were not subject to referendums or plebiscites. It lacks legal validity in international law because the people did not vote for its approval (Nwodo, 2019). Unfortunately, these laws had two negative effects on Nigeria: a transfer of the right to control community resources to the government, as well as a reduction in the benefits due to Nigeria's host communities, which were a result of procedural inequalities affecting distribution. This is described in Chapter 5, the first empirical chapter of this thesis. In most resource-rich states, such as Nigeria, the state apparatus is used to legitimise the use and control of natural resources, which is an intriguing fact. However, Lash et al. (1998) and Alston (2000) assert that access to justice encompasses not only the establishment of laws and the right of all to access the laws; formal institutions for dispute resolution; but also the legitimacy and content of the laws themselves; and the ability of individuals to obtain justice via these institutions. In a similar vein, Veitch (2007) argued that the law could be used to legitimise human suffering and has been complicit in some of the world's most egregious injustices, such as slavery and colonialism.

The phenomenon of petro-states or resource capitalism is not unique to Nigeria but is observed throughout the south. For instance, Hodges (2001) observed that the transition of Angola's economy from Afro-Stalinism to Petro-Diamond capitalism was responsible for the injustice in Angola. Watts (2004) observed a configuration of social, political, and economic forces in Angola and Guinea with a similar "petro-structure" in a similar study. This is important to mention because the phenomenon of petrostates is a historical economic and political instrument used to perpetuate the exclusion, oppression, and marginalisation of the majority of countries in the south, which is now manifest as distributive injustice. Even more

fundamental is that the interaction between the petrostate, oil complex, and the political economy generates and reinforces the resource curse theory, which explains why nations with abundant resources remain poor due to corruption and mismanagement of those resources. Referring back to the previously discussed dependency theory, it is evident that the oil complex in the global south fueled distributive inequalities due to the involvement of elite groups including the rich locals, political leaders, and transnational corporations involved in the oil business. Although this began with colonialism, it has persisted in this post-colonial era, resulting in distributive inequality in a petroleum state such as Nigeria.

#### **2.4.2 Global political economy**

I had earlier considered the impact of global politics, especially around dependency theory on distributive inequalities, now, let me move further to consider the structure of this global politics that produce distributive inequalities. This is important because it is also relevant to my thesis in connection with its roles and closeness with Watts's theories of the petro-state and oil complex. Suffice it to say that the interplay of political and economic processes at the global level birthed the most distributive injustice in the south. For instance, it has been argued that World Bank and International Monetary Fund are biased against the south (Adeola, 2000). Several decisions and policies of this global financial institution are reached at the high-level management bodies otherwise known as the decision-making body to which the south is unfairly represented. This under-representation of the south in the decision-making body of the IMF and the World Bank impact negatively on the south in the way of distributive injustice. Firstly, there is the issue of political power imbalances in their governance structures, where voting shares are based principally on the size and openness of countries' economies, and poorer countries from the south are structurally underrepresented

in decision-making processes (Kingston, 2012). Besides there is also a gentleman's agreement between the United State and European countries which have made it possible for US nationals and Europeans to be the head of the Executive Boards of the fund and bank since its inception (Forster et al, 2022). These power dynamics have made the distribution of voting power remain severely imbalanced in favour of the US, European countries, and Japan, in particular. This is in addition to the US still having veto power over an array of major decisions. Since countries in the global south are unfairly underrepresented in the decision-making body that will enable them to influence decisions and cannot stay away from such groups due to debt burden, they end up reinforcing the North's economically advantageous dependence on the export of raw materials and compound poverty and inequality for the South (Adeola, 2000). If we examine some of the World Bank and IMF policies such as structural adjustment programmes, privatization, and deregulation it was structured to favour the north over the south. For instance, Barry (2010) has argued that most of these policies and programs principally focused ideologically on export-driven and free-market economies such as privatization, deregulation, and trade liberalization which were implemented through Structural Adjustment Programmes (SAPs). Structural Adjustment Programme (SAP) is the International Monetary Fund (IMF) and World Bank's agenda for addressing the debt and economic crises of some countries in the south. However, Kingston (2012) argued that SAPs programs are consolidated fiscal measures geared towards reducing the public wage bill, increasing VAT, rationalization, and privatization of social services which in the long run will lower trade tariffs and inflation. It also tends bringing about a decline in economic activity, reduction in consumption, reduction in public revenues, and higher levels of inequality, which in the long run lowers growth (Ihonvbere,1993). The implication is that the SAPs program merely favours the elites and further impoverished the poor masses in the south through an increase in the unemployment rate due to rationalization,

and a reduction in the income of the masses due to an increase in VAT and privatization. This underscores the roles of international political-economic structures of exclusion in producing distributive inequalities even though it is broadly related to the dependency theory and world systems analysis discussed in the previous section.

Still, on the politics of participation in environmental and economic policy formation, it is argued that the global South is a passive, powerless, or negligible actor in global environmental policy formulation and implementation and as such is susceptible to environmental burdens with little or no resistance (Bunker, 1985 and Adeola, 2001). There is high-level global politics in the United Nations. These high-level politics dictate the direction of environmental and economic policies in the global arena, which in turn shapes environmental and economic politics in both the north and the south. For instance, there are fifteen members of the United Nations Security Council. Five out of these fifteen are permanent members including the United States, United Kingdom, Russia, France, and China, while the remaining ten are elected temporary members for two years. Not only do these five members have veto powers over decisions in the United Nations Security Council, but they are also all member countries in the global north. The US pull out of the Paris agreement on climate change in 2017 and the impact such had is an excellent example of what happens when any member of these heavyweight countries from the north takes a contrary decision on global environmental and economic policy unlike their counterpart from the global south whose voice is passive and powerless. With the change of government in the US and Joe Biden's rekindled interest in climate change, serious action is now geared toward reducing world emissions. The structure of this global political structure as discussed under dependency theory favours the North much more than the Southern counterpart and it is a key driver of EJ in the global South

In summary, this section has considered procedural injustice in the global South and how it contributes to the production and reproduction of distributive environmental injustice, demonstrating that environmental injustice is not simply about distributive inequalities, but a result of several long-established practices, which to be remedied, would require meaningful involvement of the affected communities, countries or population. Overall, I have discussed the issue of recognition from the perspective of the global South, considering how recognitional inequalities produce exclusion of the people from key environmental decision-making, and how both are the root cause of distributive inequalities. Subsequently, I will examine how the aspect of EJ manifests in the study area.

## **2.5 Environmental justice in south-eastern Nigeria**

As has been established in the preceding sections, environmental justice has spread from the north to the south, and south-eastern Nigeria is one region where the concept has been contested. At the same time, I will delve deeper into the nature of environmental justice in south-eastern Nigeria, where rising agitation has been linked to environmental injustice, and provide a framework for how the three dimensions of environmental justice interact. In the study area, from which approximately 15% of Nigeria's oil and gas is derived, few studies have exclusively focused on distributive injustice (Ebegbulem et al., 2013; Nnamdi & Nnadozie, 2016), which has been demonstrated to be insufficient for comprehending the broader conceptualisation of environmental injustice. These studies centred on the distribution of oil contamination and the revenue accruing to host communities and the government. In contrast to several studies on environmental justice conducted at the macro-level (see Ebeku, 2001; Barry & Shapiro, 2010; Kadafa, 2012), my research seeks to examine the concept of EJ in the study area, considering the place of distributive, procedural, and

recognition inequalities from a micro-level perspective (south-eastern Nigeria) rather than a macro-level perspective (Niger Delta) . To fill this gap in the literature, I will attempt to link the historical development of oil exploitation and how the tripartite perspective of environmental injustice in the region contributes to the marginalisation of the host communities in the oil industry. I will also consider how the decolonial framework would assist the host communities in regaining their lost identities and mobilising to promote human rights, equity, and justice.

South-eastern Nigeria consists of the five Ibo states in southern Nigeria, but the study area includes host communities in the oil-producing states of Imo and Abia, which are part of Nigeria's expansive Niger Delta region. Environmental justice literature in the Niger Delta has predominantly focused on the distributive injustice in oil exploitation in the Niger Delta, of which the study area is a component (Barry & Shapiro, 2010; Kadafa, 2012). While Barry and Shapiro (2010) and Kadafa (2012) argued that host communities in the Niger Delta region had been victims of distributive injustice resulting from environmental degradation, which has polluted their agricultural land and reduced their agricultural yields and production, Adangor (2015) suggests that host communities in the Niger Delta were victims of distributive injustice resulting from the manipulation of sharing formulas used in the sharing of oil revenues. As will be discussed in chapter six's historical accounts of environmental injustice, oil revenues, which account for more than 80% of the Nigerian's revenue, are distributed among the three tiers of government. However, as part of the nation-building process, the sharing formula has not favoured the host communities that bear the burden of environmental pollution.

However, as in many other nations, environmental justice considerations in the Niger delta have expanded beyond the distributive paradigm to include inequalities in the process by which the environmental good and bad resulting from oil extraction are determined. Watts



(2008) and Obi (2010) have explained procedural justice issues in the Niger Delta from the perspective of oil resource politics, which are allegedly skewed toward the host communities and do not adequately reward the host community's post-colonial era. Some researchers contend that the marginalisation of Niger Deltans stems from the promulgation and implementation of anti-host community development decrees during military rule (Ucheand Uche, 2004). The linchpin of these decrees is the Land Use Act of 1978, which prevented host communities from actively participating in oil exploitation (Ebeku, 2001); the revenue allocation formula decrees, which promote a downward derivative formula (Adangor, 2015); and the NNPC decree, which gives the president the authority to appoint the NNPC governing board. As will be explained in detail in chapter 6's historical development of environmental injustice, the military government, which lacked legitimacy and did not encourage participation, enacted these policies, resulting in a lack of procedural justice. Ordinarily, in a constitutional democracy in which the people hold sovereignty, such policies would have been enacted by the representatives of the people, the parliament. However, this was not the case, as the military government disregarded the country's constitution and other democratic institutions, such as the parliament, before issuing the decree. Not only do these policies promote exclusion, but they also exacerbate distributive inequalities by reducing the revenue accruing to host communities that bear the enormous negative effects of environmental pollution. This is one area where the findings of this research will lead to an intervention. For example, the use of land and its resources became the responsibility of the government, which, through the land use and allocation committee, determines who gets what in land and oil spillage-related matters. In addition, the revenue due to the host communities was reduced as a result of several revenue allocation policies. These are distributive inequities fueled by procedural disparities. This demonstrates the role of government policies in either promoting inequalities or equality during nation-building, as

well as the importance of citizens in ensuring the success of and shaping government policies, particularly during a more coercive form of government, such as military governance, in comparison to democratic governance. The military government in Nigeria continues to implement numerous policy initiatives despite opposition. The land use decree, which aimed to unify the system of land ownership and management in Nigeria, was intended to make land easily accessible to oil expatriates who had not had it easy, particularly in southern Nigeria, where the system of land ownership and management is primarily individualistic or communal compared to the north, which permits feudal land tenure. This constitutes a form of recognitional injustice due to the exclusion of traditional or local practises, as well as land reform regulations that are likely the result of privatisation rhetoric. The objective was to serve the interests of the country's wealthy and powerful elites. Due to the forceful nature of the military, it was impossible to successfully oppose land use policies, policies on revenue allocation formulas, and other policies of the government in Nigeria, which were primarily designed to serve the interests of a few elites in Nigeria. It is essential to emphasise this because it will constitute an integral part of the first empirical chapter. In the process of nation-building, participatory democracy enables more robust discourse and engagement, which shapes and forms an ideal society in terms of freedom of speech, rallies, and purposeful engagement with the government, which appears to be lacking in a government formed by a military government. Beyond the distributive and procedural aspects of EJ described in this section, some scholars have extended the environmental justice argument in the Niger Delta to include issues of non-recognition of the host communities' traditions and customs, such as non-observance of the sacred market days and respect for certain trees believed to have historical and spiritual significance in southern Nigeria by the government and oil expatriates (Umejesi, 2010), which are responsible for the deterioration of the environment. It is important to highlight this because recognitional inequalities are

central to my contribution and also an emergent approach in current literature. This is believed to be the root cause of the exclusion of the people and the distributional disparities observed in the study area. More details could be found in chapter 3

## **Conclusion**

In this chapter, I examined the development of EJ in the global north and its migration to the global south with its tripartite foundation, distributive, recognitional, and procedural inequalities. I went further to present EJ as described in the study area and how a more micro-level study fits the conceptual contribution that the study seeks to make. I will now examine land administration and its relationship to environmental justice in host communities in south-eastern Nigeria, as well as the reasons why a decolonial approach is desirable.

## **CHAPTER THREE: LAND ADMINISTRATION, ENVIRONMENTAL JUSTICE IN HOST COMMUNITIES IN SOUTH-EASTERN NIGERIA AND DECOLONIAL APPROACH.**

### **3.0 Introduction**

In this chapter, I will examine land administration during the pre-colonial, colonial, and post-colonial eras. I investigate the colonial legacies surrounding land as a component of the cultural identities of the people and how such legacies persist in the postcolonial world, with several implications for environmental justice theory and practise. In addition, I examine environmental justice as it is currently framed in the study area, which reflects the western liberal perspective applied to numerous indigenous scholarly endeavours around the globe. I argue that this definition of EJ fails to capture the nature of environmental injustice from the perspective of host communities because such framing does not capture the impact of colonialism and cultural dominations suffered by these indigenous people which are contextual drivers that influence the causes, experiences, and outcomes of environmental injustice. Consequently, I argued for recognitional de-colonialism, which is a system that encourages the host communities to challenge and oppose the colonial legacies that have now survived from the colonial era and have become a major source of environmental injustice in the study area, as experienced and adopted by some indigenous people around the world as a solution to the environmental injustice observed in the study area (Whyte, 2016a). This chapter is a combination of the conceptual work which is specifically related to decolonial critique and contextual contributions of the thesis, despite the large number of descriptive historical narratives it contains.

### **3.1.1 land ownership practices in the pre-colonial Nigeria**

In this section, I will discuss land ownership and control systems in the Northern and Southern protectorates during the pre-colonial era. This will illustrate the differences between the two protectorates, provide insight into what the British inherited during the colonial era, and further assist us in comprehending the environmental justice in the region. This is crucial because environmental justice issues have typically been land-based since their inception, and compensation is also based on the value of land and the associated rights.

In the North, among the Hausa states, the early introduction of Islam in the 9th century through trans-Saharan trade with Western Sudan and North Africa was made possible by Usman Dan Fodio's conquest of Northern Nigeria, which gave the Sokoto Caliphate new leadership and sovereignty (Abubakar, 2006). With this conquest, his leadership established Fulani Emirs who doubled as political and religious leaders of their various emirates, ensuring that Emirs in Northern Nigeria have complete control over the territory under their jurisdiction (Abubakar, 2006). This implies that the indigenous people of Northern Nigeria, the original settlers, had lost their right to land ownership and control under Usman Dan Fodio's leadership. In 1903, however, the advancing British troops from southern Nigeria defeated Sokoto's army and ended his reign. Many ethnic groups and villages were subjugated and integrated into the developing Nigerian state during this time (Abubakar, 2006). The British agreed to reform the feudal land ownership system to allow state oversight and control, to preserve the administrative significance of the Emirs in the newly adopted Indirect Rule System, and, most importantly, to preserve the prevalent Islamic institutions while they improved the governance system, including the indigenous legal systems at the customary level (Umejesi, 2010).

Consequently, a land ownership system based on relative feudalism was practised in predominantly Islamic Northern Nigeria, where Fulani lords — emirs — collected taxes from land users (Grundy, 1964). However, Uchendu (1979) and other scholars argued that it was an incorrect premise to associate land ownership with the Fulani, as they were never the indigenous people of the North in pre-colonial Northern Nigeria, but instead claimed it by conquest, resulting in a feudal land ownership system (see Geary, 1927; Meek, 1946; and Smith, 1979). Comparable to the feudal administration of pre-Enlightenment Europe, where the landless serfs rented land from the emperor, lords, and nobles, the prevalent land ownership system in pre-colonial Northern Nigeria was based on the tenancy of land. In Northern Nigeria, Fulani emirs and district heads have long controlled the land in their emirates and districts, while the oppressed rented land from their emirs (Grundy, 1964; Smith, 1979). This feudal land system is comparable to the elite system in Ghana and some other African countries. Obeng-Odoom (2015, 2020b and 2021) observed that in Ghana and some other African countries, the elite system of land ownership was such that the elites are entitled to the land and used their slaves as wage labour to cultivate it. The feudal system made it very simple for the colonial state to seize control of the land once it had conquered the emirs. Land in Northern Nigeria (particularly among the Hausa/Fulani) does not appear to have as many supernatural associations among its natives as it does in Southern Nigeria. This perception of land may have been influenced by the region's predominant Islamic practises and nomadic economy.

The situation in the Southern protectorate, which includes Western and Eastern Nigeria, was quite different from that in Northern Nigeria. Thus, Talbot (1937:680) captured and described the land ownership system in Southern Nigeria as follows: "Throughout the entirety of Southern Nigeria, the land is communal and belongs to the general populace." According to Elias (1951), communal land ownership existed in pre-colonial Southern Nigeria. As an

example of communal land ownership in Southern Nigeria, Uchendu (1979:63) describes the prevalent land tenure system in Southern Nigeria as a "bundle of rights, a series of relationships among individuals and social groups about the many uses to which land may be put." Uchendu cites Lloyd, who defines the interconnectedness of individual rights in the indigenous land tenure system as follows: "A right is not held on land but against another person; therefore, one holds several rights against different people about a parcel of land" (Uchendu, 1979:63 and Ezigbalike et al., 1996). The interconnectedness of land ownership responsibilities ensures that right-holders do not abuse the rights granted to them by society, either by wilful alienation of the land or by engaging in practises that the community considers harmful to the land and the environment in general. In other words, shared ownership results in shared use regulation, and this resonates with wider critiques of the "tragedy of the commons" theory. Local communities view land degradation as an abomination because it contradicts certain attributes of the land, including that the land is holy believing it to be a link between the living and the dead. Talbot (1937) and Shipton (1994) describe the mystical perception of land in Southern Nigeria as one with great reverence, based on the belief that it has a spiritual connection with the earth (Talbot, 1937, Shipton, 1994). This viewpoint contends that land in eastern Nigeria has value that goes beyond monetary compensation. Land is not a production component in the sense of a transferable good as understood in Western society, despite being used to produce food and other necessities. When writing about indigenous land-use practises in pre-colonial South-eastern Nigeria, Hair (1954) stated that the real traditional theory around ancestral land is that it must never be exchanged for money. Colonial rule and the introduction of Western land-use practises, such as state acquisition and leasing of "crown land" to corporations and private businesses, led to the commodification of land in Southern Nigeria. As things currently stand in southern Nigeria, the pluralist system of land tenure persists, despite being

impacted by the Land Use Act of 1978, as will be seen in Chapter 5, the first empirical chapter.

Similar conditions prevailed among the two dominant ethnic groups in Southern Nigeria (Igbos in the East and Yoruba in the West). Adedipe et al. (1997) observed a hierarchical structure of land ownership in the West under customary law, with the Oba having authority over land administration and management. In Eastern Nigeria, a distinct political and cultural identity permitted group participation in land administration in the form of a communal land tenure system rather than this form of hierarchical land ownership (Nwauwa, 2003; Ezeigbo, 1990). This means that land management and administration decisions are based on the opinions of various groups. Elders and chiefs are responsible for making decisions based on the consensus of these groups (Isichei, 1976).

Before the British colonised the Northern and Southern Protectorates, this was the land ownership and control situation of Nigeria's indigenous people in their sociopolitical context. I will now discuss the system of land ownership during the colonial era to emphasise the major reform brought about by the British, who believed that the indigenous model of ownership and alienation did not fit into the colonial context, particularly the system in Eastern Nigeria. Consequently, institutional reform via new policies, proclamations, ordinances, and laws affecting the indigenous system of administration is required. Even though this is a historical account of land modification and commodification in the precolonial era, it provided insight and support for Chapter 5's historical development of EJ. I will now examine land administration during the colonial era.

### **3.1.2 Land administration in the colonial period**

This section expands on the discussion of land administration and management in pre-colonial times but focuses primarily on the colonial era. It is intended to demonstrate how the



colonial government's policies on land administration and management influenced post-colonial land administration practises and why a decolonial approach is necessary. The colonisation of the Northern and Southern Protectorates presented administrative efficiency and control challenges, which prompted the British government to merge the two protectorates in 1914 for administrative convenience. The colonial government also had to unify diverse political, social, economic, and ethnic group interests (Umejesi, 2010). For the colonial government, a workable land administrative system became a priority, particularly in Eastern Nigeria, where indigenous land-use systems exist, and where a common political structure is required to ensure administrative convenience, efficiency, and uniformity for the entire country (Afigbo, 1972). However, this was motivated by the need for the colonial government to become a major land policy and administration driver (Ikejiofor, 2009). However, the uniqueness of this region is comparable to typical colonial management priorities, so perhaps we should place a greater emphasis on the land-use systems that make these colonial management priorities in this region particularly important.

Numerous policies and laws were enacted in this direction. The Crown Land Ordinance of 1900 was the initial attempt to unify the land ownership system between the South and the North. It was to be implemented through an indirect rule system (Afigbo, 2006), which alienated local communities from the new state, particularly in Eastern Nigeria, where the land tenure system was problematic. The implication is that it gave white colonialists an unfair advantage (Uchendu, 1979). Again, by the crown land ordinance, all land acquired by the Royal Niger Company through treaties, concessions, agreements, or rental became state-owned. In the South, even though the crown land ordinance gave the colonial state the authority to acquire lands from communities or individuals for public use, such acquisitions sparked city-wide protests, particularly in Lagos, where the ordinance was challenged in court (Uchendu, 1979). After losing the lawsuit, the communities and elites appealed to the

Privy Council in London, arguing that the provision violated customary land rights and gave European corporations an unfair advantage over traditional rights. In court, the indigenous people successfully argued that the law violated their indigenous customary rights, resulting in a partial reprieve in the form of compensation (Kunu, 1987). Umejesi (2010) argued that, even though the elite and indigenous people received some form of protection over indigenous land, the ruling did not specify how best to compensate indigenous lands and instead relied on the British concept of private property ownership under the concept of cost and benefit, without taking into account local values of land, such as its spiritual value.

The Crown Land Ordinance was implemented through indirect rule by other colonial policies that aimed to maintain British colonial dominance and serve colonial economic and political interests. Unhappily for Eastern Nigeria, it brought with it an alien monarchical institution (Mwakikagile, 2001). However, because indirect rule favoured the political and socio-economic system of the monarchical institution, which the North and West are accustomed to, it was successful in northern and western Nigeria but failed in the east, where the system was more egalitarian. For instance, it was easier for Emirs and Obas to impose and collect taxes from the populace in the North and West, respectively, than it was for the chiefs employed in the East (Kunu, 1987). Even with the deliberate attempt to introduce the warrant chief, which will give the chief equal standing in terms of power and authority, it was met with considerable opposition, with the 1929 Aba women's riot serving as the climax (Afigbo, 2006). This increased the indigenous population's exclusion from land administration and management in south-eastern Nigeria. This was because the colonial policy on governance, also known as an indirect rule, supplanted indigenous institutions by establishing foreign institutions that enhanced political, ecological, and economic control of the state. The policy was reversed as a result of several protests, most notably the Aba women's riot, which occurred in Eastern communities more than in other regions. Indigenous political sovereignty

did not return despite the 1929 abolition of the system. However, this demonstrates that locals were dissatisfied with the state and its foreign institutions (Uchendu, 2010).

The Public Lands Proclamation of 1902 expanded state access to land administration and control in Northern Nigeria by incorporating additional lands in Northern Nigeria that were not part of Crown lands (public land). Meek (1946) suggests that the lands were acquired through colonial conquest and that the users paid a land tax. Geary (1927) argues that the public lands proclamation was a ploy to reform the crown lands, which had previously excluded indigenous users but now recommended that indigenous users could use state-owned land in exchange for taxation. In the south, the major change was the colonial government's oversight function over the alienation of indigenous land to the white colonist, but the indigenous communities' customary rights were preserved (Umejesi, 2010). In the north, locals are required to acquire land titles, whereas, in the south, such requirements do not exist (Uchendu, 1979). Meek (1946) argues that another important fact is the introduction of the rule on overriding public interest, which allows the colonial government to use eminent domain to acquire local land in the public interest.

The Land and Native Ordinance was enacted in 1927 to protect the customary land rights of communities. According to the ordinance, no foreigner or corporation could acquire a land title without the approval of the Governor (Land and Native Ordinance, 1927). Additionally, the state acted as a mediator between communities and expatriates who desired to purchase or lease land. Although this is an important landmark in the land administration of land, particularly in the East, Umejesi (2010) argued that it had two major effects: first, it could be argued that such state intervention is viewed as having intruded on the indigenous rights over land, given that the state is given the authority to intervene on customary land, and second, it negates the local communities' rights to alienate land where mineral rights exist. Surface and subsurface rights are an additional area of land law that has been utilised to facilitate land

access. While the state recognises the indigenous people's right to land ownership and control, it specifies that the state owns all minerals. In other words, land titles do not preclude state acquisition, which ensured colonial states' control of mineral resources (Ikejiofor, 2009). The implication is that surface and subsurface provisions on indigenous practises in Southern Nigeria, where total land ownership is believed to be in the hands of the people, were restricted (Uchendu, 2007). Locals have always considered the subsurface and surface of their land to be identical. In indigenous mythology, the surface of one's land is reserved for the living, whereas the subsurface is reserved for the ancestors' eternal resting place (Nwala, 1987; Uchendu, 2007). They remain an integral part of their community and family even after death. Since the state now owns subsurface rights, there appears to be no relationship between where the living and the dead reside and where they are buried.

In summary, these were some of how the colonial state acquired indigenous land use rights using force and law in colonial Nigeria. This is comparable to the Ghana experience, a West Africa neighbour to Nigeria where Obeng-Odoom (2009, 2015) looks at how white colonists used force, the law, and incentives to take rural land, control rural labor, and shape rural development with sole aim of serving the colonial interests. This role played by the colonial state in Nigeria has outlived its usefulness and paved the way for today's major environmental injustices. Despite the fact that laws in the Northern and Southern Protectorates differed, mostly because of the widespread indigenous land-use practises, the indigenous population was subject to a number of restrictions as a result of colonial legislation. The Northern Regional Government's traditional institution in the North, which controlled land in the pre-colonial era, became the primary victim of colonial policies on land in the region during the colonial era as a result of the Crown Land Ordinance of 1900, the Land Proclamation of 1902, and the Land and Native Ordinance of 1916 with amendments. Regular individuals may "possess" land by getting titles from the government and making tax

payments. Having acquired the traditional rights of the emirs and the authority to issue titles to indigenous peoples, the state became the new landowner. The most significant effect of colonial legislation in southern Nigeria is the conversion of certain indigenous lands to the crown or "public lands." Legislation such as the Crown Land Ordinance, the Public Lands Acquisition Ordinance, and the Mineral Oils Ordinances ensured that the state had unrestricted access to the surface and subsurface of lands owned by indigenous peoples.

In northern Nigeria, the state retained the right to transfer acquired land to foreign interests or grant mining rights on indigenous lands to foreign corporations without the consent of the indigenous population. In comparison to their Northern counterparts, locals in the South had more rights over their land, such as the ability to sell it to whomever they wished. However, land transactions between a local and a foreigner required provincial executive approval. State pre-eminence over land-related issues ensured that the new land ownership framework benefited not only the state but also European mining corporations because of preferential treatment. As a legacy of the colonial era, I will now discuss land ownership and administration in the post-colonial era and how they contributed to environmental injustice in the southeast.

### **3.1.3 Land ownership in post-colonial Nigeria as post-colonial legacies**

In this section, the thesis examines the system of land ownership, the channel of policy formulation and implementation inherited from the colonial state, which now serves as the foundation for the system of land ownership and control in post-colonial Nigeria. I discussed land ownership and control in colonial Nigeria, and the situation did not change when Nigeria attained independence in 1960 and the British transferred power to the Nigerians. As described in chapter six, power was transferred to Prime Minister Sir Abubakar Tafawa

Belewa, a Muslim Fulani from northern Nigeria with British influence on land ownership and administration systems, like every other president except Presidents Obasanjo and Jonathan. As one of the legacies of colonialism, the post-colonial government of Nigeria learned the technique of land reform at the expense of the indigenous population. The past and present governments of Nigeria have been preoccupied with generating revenue for the government, with no genuine concern for the environmental injustice caused by their actions and inactions towards host communities.

When the military — led by the Muslim Fulani — promulgated the Land Use Decree in 1976 to give legal backing to the state's forcible takeover of indigenous people's rights to land ownership in eastern Nigeria, post-colonial Nigeria witnessed the most revolutionary land practises in the country. The Northern and Southern regions of Nigeria adopted the Land Use and Administration Decree to build an uniform system of land tenure that would provide fair and dependable access to land (Adedipe et al., 1997). The Land Use Decree of 1978 had two major effects on the indigenous land tenure system. First united were the traditional system of Southern Nigeria and the centralised system of Northern Nigeria. Second, after losing their traditional rights, people in southern Nigeria became vulnerable to corporate exploitation and land thievery. In essence, the marginalisation and exclusion of host communities in the present day are the result of colonial rules and policies that are now manifest in the postcolonial era. This is because according to Darity (2008), land is regarded as everything by indigenous people, it plays a vital role in many ambitions for black independence. It is in line with this argument that, Obeng-Odoom (2016a, 2020b) asserted that the institutions for land and property rights in the Global South can be used as a lever to bring about change in the region. If we consider the fact that the indigenous people of the examined region had their land taken away to advance the economic interests of the Global North, we can readily agree with Walter Rodney's claim that Europe underdeveloped Africa. In one of his works, Rodney

(2011) makes a thorough case that the underdevelopment of the African continent is due to trade relationships characterised by colonial dominance and capitalist investment that never favoured the continent. This is in line with the global system ideology and reliance, which were extensively covered in chapter 2. Worse still, EJ scholarship in the region frequently ignores the impact of colonialism on the region and the role of the nonrecognition of certain cultural identities of the host communities in contributing to the conceptualization of environmental justice. In the following section, I will discuss how EJ has been framed in the study area, which has been dominated by a western liberal perspective, and what is required for better framing of EJ scholarship in the area.

### **3.2 Environmental injustice in south-eastern Nigeria**

I will first discuss EJ framing in the study area from a western worldview perspective. Equally, I would argue for the inadequacy of such a framing, which fails to account for the impact of colonialism and the nonrecognition of certain cultural identities, as well as the opportunity such recognition would have provided for better framing of EJ in the study area. EJ scholarship in Nigeria has predominantly focused on the South-south region, which contributes approximately 80% of Nigeria's oil and gas, to the neglect of the study area (South-eastern Nigeria), which contributes approximately 15% of Nigeria's oil and gas (Madu,2020).

Intriguingly, the framing of several of these macro-level (Niger Delta) studies on EJ (distributive, procedural, and recognition) adopts the western liberal perspective (distributive, procedural, and recognition). For instance, several academics have emphasised the unequal distribution of environmental advantages and disadvantages in the Niger Delta (see Barry and Shapiro, 2010; Kadafa, 2012; Ebegbulem et al., 2013; Nnamdi & Nnadozie, 2016). Some

scholars have extended the environmental justice argument in the Niger Delta to include issues of non-recognition of the host community's tradition and customs, such as non-observance of sacred market days and respect for certain trees believed to have historical and spiritual significance in southern Nigeria by the government and oil expatriates (Umejesi, 2010). Similarly, Watts (2008) and Obi (2010) have explained procedural justice issues in the Niger Delta from the perspective of oil resource politics, which are allegedly skewed toward the host communities and do not adequately reward the host community's post-colonial era. Watts (1999, 2004, 2008) used the concept of petrol-state and resource capitalism to bolster EJ from the distributive, procedural, and recognition lenses to explain the role of political economy and resource curse in the Niger Delta's underdevelopment. However, not only did these studies adopt the western liberal worldview in their framing of environmental justice, but they were also all macro-level (Niger Delta) studies as opposed to the few micro-level studies that exist (south-eastern Nigeria).

Some studies in the study area (southeast) have focused on the procedural lens. For instance, Ebeku (2001) argued that the Land Use Act of 1978 precluded host communities from actively participating in the oil exploitation exercise, whereas Adango (2015) argued that the revenue allocation formula decrees were exclusive and, as a result, promoted the downward derivative formula. Some studies from a distributive perspective (see Ebeku, 2001) argue that the appointment of government agencies responsible for oil exploration and revenue generation involves both distributive and procedural injustice. While I agree that these few studies on the study area adopted the western worldview EJ perspective, I argue that it is an ecological fallacy to generalise from studies conducted in the south-south to the south-east. This is because, even though the south-eastern and south-south regions share some characteristics, they differ significantly in terms of language, culture, sociopolitical and economic formation, indicating that the drivers of EJ may vary between them. Second, like



other Indigenous environmental justice scholars such as Holifield et al. (2017), Weaver (2016), and Whyte (2018), I argue that EJ framing from the western worldview adopted in the study area is insufficient to understand environmental injustice suffered in the study area and that there is a need for environmental justice framing that takes into account the impact of colonialism and non-recognition of the cultural identities of the host communities. In the following section, I will consider how the framing of environmental justice in the study area should reflect indigenous peoples' understanding of the concept and how it necessitates a decolonial framework.

### **3.3 Environmental justice in the study area and decolonial approach**

This section expands on the previous section's discussion of environmental justice in the study area. Nonetheless, it investigates the sufficiency of the adoption of western liberal ideology in the region. In addition, it argues for the decolonial framework as a way further to adopt an environmental justice framework suited to addressing the challenges of the host communities. As previously discussed, adopting an environmental justice strategy based on a western worldview has not been particularly useful in addressing the environmental justice problem in the study area. Frequently, environmental challenges are case-specific and may necessitate indigenous knowledge and expertise in addressing such issues, which may be absent from the formulation of the problem (Holified et al., 2017). McGregor (2015) and Ivarez and Coolsaet (2018), for instance, argue that western liberal ideology is insufficient for conceptualising environmental justice, arguing that such a narrow framing of EJ negates the opportunity to explore and engage with the cultural and institutional context in which EJ occurs, as well as the role of colonialism and capitalism in driving and legitimising environmental inequalities. Other scholars, however, argued that environmental injustice is frequently case-specific and that if the factors driving environmental injustice are not identified, there is a risk that urgent action will not be taken to address it, which could

exacerbate environmental injustice against indigenous people (Schlosberg, 2012 and Barnhill-Dilling et al.,2020).

Coulthard (2007; 456), arguing in favour of recognition, suggests that the type of recognition required should revolve around "recognition from below," implying a system that permits self-reassessment for self-recognition. In other words, the formerly colonised or dominated population should seek cultural and traditional revival to give birth to a transformed consciousness centred on jealously appreciating and directing what they have. Williams (2014), expanding on Coulthard's proposal for recognition from below, argued that what is required is a situation that allows indigenous people to become agents of recognition and, in doing so, takes control over revenue distribution and expenditures geared toward correcting indigenous people's political, economic, and social disadvantages and marginalisation, thereby promoting indigenous people's inclusion and correcting the injustice in the region. He argues that this can be accomplished through political movement, acts of resistance, and the struggle for recognition, but that indigenous people, not the state, must lead these efforts.

Similarly, Lowitt et al. (2019) believe that recognitional justice is crucial for Indigenous people, particularly when such recognition is bottom-up and allows people to determine what environmental (in)justice is and is not. Sanders advocated decolonization for this type of recognition (Sanders et al., 2018). In the study area, where there are concerns that the state continues to determine the land rights of indigenous people, my position is that the framing of EJ around this form of recognition for decolonisation is required as an essential component of EJ framing in order to give the indigenous people a voice. As previously explained in the section on land ownership and control, government and oil expatriates' interests take precedence over the environment, livelihood, and business of indigenous people, and this predates the post-colonial period. The implication is that several intergenerational environmental injustices experienced by host communities over the years are not captured by

the limited western conception of EJ. Hence, my study demonstrates the potential to challenge this narrow conception of EJ and argues for such a framing of EJ from the perspective of Indigenous people. It is my belief that decolonization will give birth to a new order in the form of a middle ground between a settler state and Indigenous political agendas in the study area via a bottom-up approach that takes into account indigenous people and the state in the study area and beyond.

The study area exemplifies a good case study of indigenous people who are neglected due to the western liberal ideology's narrow conceptualisation of EJ and where decolonisation is required. To explore this further, let us first consider that land-based activities are a source of identity in the culture of the study area and that everything is interwoven with reciprocal relationships to the land. Indicating a strong connection between the communities and their ancestors, the communities lived on the land, utilised its resources, and returned to it as ancestors. To gain a deeper understanding of ancestral ideology and its relationship with the land, I would consider how an Igbo man greets a guest. According to Chidume et al. (2015), in Igbo culture, hosts offer kola nuts to guests as a symbolic sign of respect. The kola presented is frequently supported with money in what is known as "imachie Orji akwa," which translates to "you must cover the kola's nakedness." Before a discussion can begin, various rituals are performed, including praying and cracking the kola nut. However, before the kola is shared, the smallest portion, known as the cotyledon, is thrown into the land for the ancestors to consume before the remainder is shared with the people (Chidume et al., 2015). This represents the profound relationship between the living and the dead in the sociocultural and philosophical ideology of the study area, particularly about land. In essence, the ancestors are the first to receive a portion of the kola, indicating their position within this inherent link between the people and the ancestors, with the land serving as the meeting point. When a person's veracity is questioned, he is required to remove his shoes and stand

with his bare feet on the ground to symbolise his ties to the ancestors (Okeke, 2015). Otherwise, the gods will visit such a person with an untimely death if they continue to speak the truth.

The Igbo belief system that accords the dead authority over the living is essentially ancestor ideology. Contrary to the widely held idea in reincarnation, it demonstrates that existence does not terminate with death and continues into a completely different cosmic dimension. The key actors in the Igbo worldview, according to Obiakor (2010), are people, ancestors, and spirits. Fear of the ancestral wrath is one of the primary reasons why the Igbo live a respectable life. Based on this, Okeke (2015) argued that it is believed that the ancestors can influence the lives and activities of their relatives on earth; consequently, they can bring fortune or misfortune upon them while protecting them from the evil schemes of wicked individuals, depending on how the living regard and remember them. extending to how they care for their "land" of residence in terms of preventing land contamination and all forms of unacceptable land-related activities. I must emphasise that ancestry is a lineage of departed elders from the same ancestral residence who have formed another community in the spiritual realm to oversee the lives of the living. Consonantly, Opoku (1978) concludes that the dead, the living, and the yet-to-be-born comprise a continuous family. Therefore, it is undeniable that communion and communication exist between the living and the dead, and that the latter possess the power to influence, aid, or harm the former (Idowu,1973). According to the Igbo worldview, life in the material world is believed to be influenced by the spiritual realm. As Metuh (1985) depicts the abode of the dead, "ala muo" is an exact replica of "ala mmadu," the abode of the living. The only difference between the two is that one is visible and the other is not. Again, in the sociocultural context of the study area, such cultural practices that this revered ideological value is normally transmitted from preceding to succeeding generations via socialisation.

Unfortunately, these cultural practices has been affected by colonialism, and these effects have also outlasted the colonial period. A detriment of colonialism is that it had such an impact on the cultural ideals and traditional institutions of the people that there is now a widespread belief that such cultural ideals are equivalent to paganism (Ekechi, 1971). More fundamentally, however, is the impact of colonial legacies of land administration and management, which resulted in land pollution, land alienation, and all manner of land-related businesses that are foreign to the indigenous people of south-eastern Nigeria. This was discussed in the previous section, along with how such a practise, which has its origins in the colonial era, favours nonindigenous people over indigenous people (see Uchendu, 2007) and can only be addressed through a decolonial approach. Consider also that in the indigenous mythology of the area under study, the surface of one's land is reserved for the living, while the subsurface is reserved as the eternal resting place of ancestors (Nwala, 1987). This topic was covered in the previous section of this chapter.

Consider also that the colonial government did not believe in or recognise the stake the dead have on land and the inherent respect the living have for them. This would have multiple consequences. The first is that accounting for land degradation would be limited to the effect it has on those living near polluted areas or the effect such areas would have on farmers' low productivity. Second, such disregard would result in the devaluation of polluted land. In addition, both MNC and the government would pay less attention to these regions and devote fewer resources to controlling the effects of pollution in this post-colonial law. This demonstrates that, like some other indigenous people around the world, the host communities (indigenous people) in south-eastern Nigeria have been neglected, particularly regarding the recognition of their land-based cultural identities. This has inevitably increased the risk of conceptualising EJ in the study area through western liberal ideology, thereby ignoring the opportunity to engage with the impact of non-recognition of the people's cultural ideal and

the hegemonic role of colonialism. Whyte (2017) argues that despite the good intentions of western liberal EJ scholarship, its global application continues to disregard the unique experiences of Indigenous communities and their collective trauma under colonialism. Others, however, argued that adopting the EJ definition from the western worldview would merely represent another facet of neoliberalism, which fails to account for the impact of colonialism on the social injustices Indigenous peoples face (Bell, 2018; McCormack, 2018).

Other indigenous environmental justice scholars have argued that what is ultimately required in this case is an EJ conceptualization that engages with the impact of colonialism and cultural dominance, rather than a narrow view of EJ that fails to capture the experience of the indigenous people (Gilio-Whitaker, 2019) as seen in the case of south-eastern Nigeria who has been impacted by colonialism and cultural dominance. Even in the global North, from a western liberal perspective, the concept of environmental justice shifts from racial discrimination based on distributive injustice to participation, then recognition, and finally acknowledging past, present, and future generations (see Ikeme, 2003; Young, 1990; and Fraser 2000). Therefore, some scholars advocate for the dismantling of the colonial structures that underpin EJ to allow indigenous peoples' knowledge, rights, and sovereignty to be acknowledged and implemented (McCreary and Milligan, 2018; Whyte, 2020). Other indigenous scholars contend that the environmental problems indigenous communities face are distinct from those faced by non-indigenous communities due to their cultural identities and colonial experiences (Vickery and Hunter, 2016). What is most intriguing about indigenous environmental justice is that it acknowledges the relationships between indigenous worldviews, cultural continuity, and sovereignty, all of which embody essential components of power, authority, and justice within indigenous contexts (Holifield et al., 2017; Weaver, 2016). This is essential for determining how environmental decisions are

made, especially allowing bottom-up recognition, which permits the incorporation of indigenous worldviews (Whyte, 2018).

Drawing on other Indigenous-informed approaches to environmental justice, I argue that environmental justice in the study area should be framed in a way that acknowledges indigenous knowledge and experiences and reflects not only the impact of land pollution on the living but also the dead. EJ should also consider colonialism's effect on the cultural identities of the study area. In a similar study, Jackson (2018) and McGregor et al. (2020) demonstrated that issues of land justice and security are not only about indigenous peoples having equitable access to land but also about justice for land as a non-human entity with its rights and responsibilities, which must be acknowledged and provided for. This framing of EJ captures the environmental justice issue from both indigenous and western perspectives and can be extended to my study when compensation for pollution is made to capture the impact on humans without justice for entities other than humans (ancestors) whose rights and responsibilities must be acknowledged. What is required in the study area is the development of an indigenous environmental justice that challenges the alleged universal applicability and superiority of Western liberal thought and encourages a bottom-up approach to environmental justice. This is another area where this study is different as it effectively critiques the EJ concepts discussed in chapter 2 in preference for indigenous environmental justice for the study area.

## **Conclusion**

In this chapter, I examined the land use ownership system and administration during the pre-colonial and colonial eras, noting significant policy shifts that manifest in the post-colonial era. I then discussed EJ in the study area, focusing on how it is framed by western liberal

ideology. My research adopts a tripartite perspective of EJ-distributive, procedural, and recognitional inequalities from a micro-level perspective (south-eastern Nigeria) rather than a macro-level perspective (Niger Delta) EJ studies that generalise their findings from the macro-level. Then, I argue that the conceptualization of EJ from a western liberal perspective (distributive, procedural, and recognition) is insufficient for understanding the broader conceptualization of environmental injustice suffered by the host communities (indigenous people), and that a better understanding would consider the indigenous approach to environmental justice. My research contributes to the existing literature on indigenous EJ by contextualising EJ issues in the study area to highlight the unique or specific drivers of EJ that affected indigenous or host communities. I went on to demonstrate how colonial-era land policies manifest in the post-colonial era and how the current EJ framework does not adequately consider the impact of colonialism on Indigenous peoples, even though the impact of colonialism breeds environmental injustice. I conclude by drawing on decolonial theory to consider how the framing of EJ would shift from western liberal EJ to Indigenous environmental justice demonstrating spiritual, cultural, and temporal interactions between humans and nonhumans. Recognizing that the primary drivers of environmental justice in the study area are colonial legacies on land and other policies, my research highlights the need for decolonial thinking in environmental justice in the study area. In the following chapter, I will discuss the research methodology that will be employed for this study.



## **CHAPTER FOUR: RESEARCH METHODOLOGY**

### **4.0 Introduction**

This chapter describes the empirical research conducted and the methodologies utilised for this thesis. Due to the nature of this research, the goals and objectives, the research strategy, the target population, and the research instrument, a mix of qualitative and quantitative research methods were used for this study. This chapter discusses the use of qualitative and quantitative approaches as research methods for this study, as well as the data collection process, sampling strategies, and sample size. This chapter also includes the issues of reliability and validity, ethical considerations for the study, issues of confidentiality, data management, and health and safety concerns.

### **4.1 Qualitative and Quantitative Approach as a Research Methods for the study**

In chapter 2, I discussed the nature of environmental justice in the global South, Nigeria inclusive, and how most studies adopted a macro-level approach to EJ in the study area. I then move further in chapter 3 to consider how environmental justice in the study area, stems from colonial policies on land which had continued in the post-colonial era, and how EJ framing in the study area had negated the impact of these colonial legacies and cultural domination which are also lens to present environmental justice found in the study area. In this section of the research, I will draw from both qualitative and quantitative approaches to investigate these environmental justice concerns in the study area and how the host communities could achieve justice in oil exploitation in the study area.

As recommended, qualitative methods are used in the research to investigate the participant's perception, comprehension, and experiences of the phenomenon under investigation (Bloor, 2006). Mark and Henry (2006) assert that qualitative research methods are useful for conducting comprehensive implementation and evaluation research. Fraenkel and Wallen (2003) defined qualitative research as a method for investigating the quality of social science relationships, activities, situations, and materials. In the case of my research, I investigate the relationship among the host communities, government, elites and the transnational corporation around the activities of oil exploitation and how fair and just such relationship has been. According to Burnham et al. (2005), the qualitative method is very appealing because it requires in-depth data collection from a relatively small number of cases. He added that qualitative researchers frequently employ analytic induction when attempting to generalise social behaviour. From the data, concepts are intuitively derived, then defined, refined, and their implications are deduced (Burnham et al., 2004). Multiple methods of data collection and multiple sources of data applicable to qualitative research were utilised.

In this qualitative study, archival research, interviews, and open-ended questionnaire were used to collect data. Quantitative research complemented qualitative research. Green and Thorogood (2009) argued that when conducting qualitative research, secondary data is essential for addressing the context of the phenomenon under study. Using a closed-ended questionnaire, a quantitative research method was employed to supplement the qualitative research method to collect categorical data. Quantitative research, according to Bhandari (2020), is useful for collecting and analysing numerical data, exploring patterns and averages, making predictions, testing causal relationships, and generalising results to larger populations. In the following sections, the research methodology employed for this thesis is elaborated upon.

## 4.2 Data Gathering Process

In discussing the data gathering process, utilised in this thesis, it is essential to note that due to the COVID conditions under which the research was conducted, the initial research methods were not adhered to in their entirety, necessitating a methodological modification. An archive study, questionnaire distribution, a face-to-face interview with 16 key stakeholders, and five focus group discussions comprised the initial methodology. Due to COVID-19 conditions, the archival study was completed, and 100 questionnaires were distributed, but only 11 key stakeholders were interviewed virtually as opposed to in-person. Second, due to the COVID situation, the focus group discussion could not be held again, rather 10 open-ended questionnaires were administered to 5 of the 5 key stakeholders who could not take place in the interview and 5 to the 5 group heads who were initially targeted for focus group discussion.

The archival study served as the basis for the environmental justice concerns of the study, which were then used to answer the first research questionnaire. This was followed by the administration of a closed-ended questionnaire to 100 oil host community residents (details can be found in the questionnaire method sections). In addition, 11 key stakeholders were interviewed virtually (please see the details under the interview section), and focus group discussions for five critical groups (Professional, Women, Youth, Academia, and General groups) could not hold due to covid-19 situation To ensure that the perspectives of other key stakeholders who were unable to participate in the focus group or be interviewed due to the pandemic were captured, ten detailed, open-ended questionnaires were designed to elicit information from the leaders of five focus group discussions and the five individuals who were originally scheduled to be interviewed. This was necessary to ensure that none of the opinions of key stakeholders were omitted and to obtain the depth of data required to contextualise and conceptualise this thesis. The triangulation of the interview method, the

detailed open-ended questionnaire, and the closed-ended questionnaire served as the basis for answering the second, third, and fourth research questions. The researcher adopted the comments of Robinson (2002) and Ho (2006), who emphasised the triangulation of the interview method with other methods to explore its advantages and minimise its disadvantages. In this triangulation process, the interviews broaden the scope of understanding of the EJ issues under investigation and allow for the exploration and synthesis of environmental justice, while the questionnaire helps to eliminate interviewer bias, capture diverse categorical data, and quantify data using a deductive and theoretically grounded process. This section provides a summary of the research strategies used to answer the four research questions; further discussion of each research method follows.

#### **4.2.1 Sampling Strategies and Sample size**

The sample frame from which the sample size is determined to include men and women over the age of 18 residing in oil-host communities in south-eastern Nigeria, government Ministries and Agencies on the Environment and Petroleum, oil companies, non-governmental organisations (NGOs), academic institutions, legislators, and environmental lawyers.

Various sampling techniques were utilised to determine the appropriate sample size. First, to determine the sample size for the interview method, eleven key stakeholders were interviewed using a purposive sampling technique, as described in the interview section. Following this, a combination of stratified and systematic sampling techniques was used to sample 100 resident host communities at the recommended level of confidence of 95%. (Niles, 2006). In addition, the technique of purposive sampling was used to select five focus group leaders and five key stakeholders originally selected for interviews which could not

hold due to Covid-19 given their direct relevance to the topic. According to Kumar (2005), purposive sampling is incredibly helpful when a researcher wants to construct a historical reality, describe a phenomenon, or develop something about which he knows very little. 11 key stakeholders were interviewed, and 100 residents were randomly selected from the host communities, and 10 stakeholders were given an open-ended questionnaire, for a total sample size of approximately 121 individuals.

#### **4.2.2 Archival method**

This thesis' substantial and fundamental aspect was archival research techniques. The purpose of using the archival method is to gain insight into the historical evolution of environmental injustice in oil exploration in South-eastern Nigeria, thereby laying the groundwork for the environmental justice issues investigated in this study. Although archival research has long been acknowledged as an important component of qualitative research, particularly for its ability to examine trends in secondary data over time (Shadish et al., 2002; Hageman, 2008), it has also been criticised by Shadish et al. (2002) for its lack of interval validity in non-experimental designs, which lack randomization, control groups, pre-tests, and other factors. This view was supported by Hageman, who argued that reliance on secondary data is problematic if the datasets themselves contain errors or if there is a problem with data availability (Hageman, 2008). The researcher took into account the limitations of an archival method by applying content analysis and a systematic review of all the data collected from the archive to ensure that errors are minimised.

The first research question was answered using an archival research method. This is because the research question examines the historical evolution of environmental injustice, which would have been extremely difficult to conduct without archival research. Using archival

research involves textual analysis of secondary data sources obtained from the National Archives of Nigeria in Abuja and the regional branch covering the south-eastern region, from which the researcher examined data contained in archived records. By the archive's access policy, the researcher obtained a searchers' registration card with a \$5 token valid for one calendar year to gain full access to the archive. Data were sourced from when the country Nigeria came into existence through the amalgamation of the Northern and Southern protectorates from 1914 till 2020. The researcher retrieved and analysed 36 documents from the National Archives in Enugu, Nigeria, which is located in the South-Eastern region of Nigeria. A sample of the files and documents collected from the archive can be seen in appendix VI. This archive was chosen due to its strategic location for storing historical events that occurred in the former eastern region of Nigeria, including the present-day south-south and south-east regions. The choice of 1914 to 2020 was made to ensure that information was gathered from the time Nigeria was unified under British rule until the most recent date of data collection in 2020.

To ensure the reliability and validity of the collected data, content analysis and systematic review of all archived documents followed the following procedure: search, identify, screening, and review for eligibility, analysis, and summarization (Jonnalagadda et al, 2015). This methodology adheres to the systematic approach to the literature review, and the retrieved documents, reports, and articles are analysed, summarised, presented, and discussed. The obtained documents were correlated with articles from the published literature. Oil discovery in Nigeria, oil exploitation, derivation-based system, compensation, oil well allocation, oil spillage, environmental justice, NNPC, and NDDC are the study keywords utilised to retrieve these data from the selected databases and archives. According to the identified themes, a summary of the results derived from the retrieved reports and documents was compiled. In contrast to traditional literature reviews, which have been

criticised for their lack of validity, reliability, and bias in evidence-based knowledge (Jesson et al, 2011), this systematic study offers enhanced transparency as omissions of reports and biases are minimised (Khan et al, 2001). This is because reports and documents retrieved from archives are used to supplement and support information gleaned from published works. In other words, the approach is evidence-based. The data were presented in chapter five, the first empirical chapter of this thesis, which also serves as the rallying ground or foundation for the environmental justice issues discussed in subsequent empirical chapters.

### **4.2.3 Research Interviews**

This section explains why I chose an interview design for this study. Kumar (2005) defined the interview method of data collection as any interaction (person-to-person) that occurs between two or more people to accomplish a specific goal. Studies have demonstrated that the interview method is useful for qualitative research due to the required depth. Specifically, Tetnowski and Damico (2001) and Patton (2002) noted that interviews tend to provide detailed descriptions of people and events in their natural settings. This position is supported by the findings of Kvale (1996), which indicate that interviewing is most useful when events are rarely directly observable, in which case one-on-one interviews would be one of the most effective methods for investigating and synthesising such events to achieve the required depth. In this thesis, interviews are an essential method for gathering information on the nature of environmental justice because they enable the researcher to direct the discussion toward the various perspective and experiences of environmental injustice in the study area and the possible solutions. Utilizing a more naturalistic and less structured interview guide, this study relies on qualitative interviewing as a means of broadening the scope of understanding of the phenomenon of environmental justice under investigation. The

interview method is regarded as a cost-effective research technique because it reduces the expenses incurred by individuals conducting interviews for research purposes (Neuman, 2007). In this study, the interview section provided valuable responses to the second, third, and fourth research questions, even though this was triangulated with questionnaire methods. Due to the need for an in-depth description of the issue and the need to comprehend the participant's perception and experience of the phenomenon under investigation, the interview section was utilised and supplemented with a questionnaire that provided data from the entire geographical area under investigation. Although there are a variety of interview methods, such as structured and unstructured, semi-structured, and others, the researcher used a semi-structured interview, which is a more flexible version of the structured interview and at the same time more appropriate than unstructured interviews, to obtain the in-depth explanatory information and analysis required for this study. This method allowed for the attainment of depth by allowing the interviewer to probe and expand on the interviewee's responses (Barbour and Schostak, 2005).

In this investigation, sixteen key stakeholders were identified and scheduled for in-person interviews as shown in table 4.1



Table 4.1: Sixteen key stakeholders identified and scheduled for a face-to-face interview

S/N	Stakeholder	Number
1	Representative of the Ministries of Petroleum Resources	1
2	Representative of the Ministry of Environment	1
3	Representative of the National Environmental Standards and Regulations Enforcement Agency (NESREA)	1
4	Representative of Niger Delta Development Cooperation (NDDC)	1
5	Representative of Department of Petroleum Resources (DPR)	1
6	Representative of National Oil Spill Detection and Response Agency (NOSDRA)	1
7	Representative of Abia State Oil Producing Area Development Commission (ASOPADEC)	1
8	Representative of oil company	1
9	Representatives of the NGO	1
10	Representative of community leaders	1
11	Representative of the academics	2
12	Representatives of the National Assembly one each from Abia and Imo states	2
13	Representative of the environmental lawyers one each from Abia and Imo states	2
<b>14</b>	<b>Total</b>	<b>16</b>

Source: Researcher's field survey 2020

The interview for the government Ministries and Agencies focused primarily on oil policies and rules, how everyone is included in the oil business, how oil affects the environment and what is being done to fix it, how the government assists communities where oil is used, oil spills and compensation, and other pertinent topics. In addition to interviews with government ministries and agencies, interviews with other stakeholders will focus on the environmental effects of oil exploration, the effectiveness of current environmental policies, and the opportunities for the political and legal oil communities to support environmental justice. Other topics covered in the interview include what could be done to achieve

environmental justice in oil exploration, how the host communities could set priorities to achieve justice, and the impact of oil and environmental legislation on the host communities, as well as other pertinent questions, as seen in appendix II. The government agency interviewees hold the rank of deputy director or higher, while the academic interviewees hold the rank of professor. These individuals were selected based on their wealth of knowledge in the ministry, experience, and level of research conducted in a similar field. The selection of these individuals is based on their wealth of knowledge and experience in the oil and gas industry or the quality of their research in a similar field, as measured by the position they hold and their contributions to their respective fields.

However, as a result of COVID-19, only eleven out of sixteen interviews were conducted successfully virtually using interviewer-scheduled questions that were prepared and provided to two lecturers in the School of Geography and Environment science to evaluate both content and face validity. Table 4.2 provides information on dates, duration how the eleven (11) interviews were conducted.

Table 4.2: Summary of the interview done

S/N	Interviewee	Date	Duration	Type of interview
1	C.M, Male, Acad1	17/06/2020	00:35:42	Telephone
2	D.B, Female, NES	28/06/2020	00:25:42	Combination of Zoom and telephone
3	K.O, Male, Acad 2	08/09/2020	00:55:21	Telephone
4	N.K, Male, NESREA	13/09/2020	00:26:46	Telephone
5	R.D, Female, Comled	12/11/2020	01:00:32	Telephone
6	A.D, Male, Comled	11/12/2020	00:35:20	Combination of zoom and telephone
7	H.A, Male, YT	20/12/2020	00:50:39	Telephone
8	I.O, Male, LW	27/12/2020	00:29:52	Telephone
9	H.F, Male, MulNat	25/02/2021	0:30:32	Telephone
10	D.O, Male, DPR	3/03/2021	0.23	Telephone
11	U.U., Female,	3/03/2022	0.37.30	Telephone

Researcher field survey, 2021

To ensure that the perspectives of the five (5) key stakeholders who were unable to participate in the interview due to the pandemic were captured, five detailed open-ended questionnaires were designed to elicit information from the five individuals who were originally scheduled to participate in the interview. This was necessary to ensure that none of the opinions of key stakeholders were omitted and to obtain the depth of data required to layer this thesis with theoretical, contextual, and conceptual depth. The interview method enabled the researcher to comprehend participant knowledge and perception of the political and legal resources available to support environmental justice in South-eastern Nigeria, as well as how the existing environmental policies and regulations in Nigeria could be amended to ensure inclusiveness in sharing the proceeds from oil exploration and environmental challenges in South-eastern Nigeria.

The researcher acknowledges that the interview method is considered a difficult method of data collection because it requires transcribing, coding, and translating (Hermanowicz, 2002), that it may be insufficient for studying certain phenomena (Barbour and Schostak, 2005), and that it is time-consuming in terms of both data collection and analysis because it must be transcribed, coded, and possibly translated (Robson, 2002). As suggested by Robinson, the researcher used an interview guide containing pre-planned, pre-determined, and standardised questions, as shown in the appendix II. However, some of the questions were adaptable and were modified based on the prevailing circumstances during the interview session (2002). The interviews were analysed and presented for discussion using the verbering method, as shown in the empirical sections, even though the discussion was primarily based on the triangulation of data from the questionnaire method, as explained below.

#### **4.2.4 Questionnaire method**

In this subsection, I will discuss the use of a questionnaire for data collection and how it has been utilised judiciously in this thesis to collect primary data. Using a question-and-answer

format, the primary objective of the questionnaire method, also known as a survey, is to collect information from a sample on topics pertinent to a researcher's or institution's research objectives (Foddy, 1993). Frequently, the questionnaire method reveals an explanatory or illuminating relationship between attitudes and behaviour, allowing for measurement. On occasion, it describes and explains the characteristics of a population using a representative sample from a larger sample known as a frame, and then ensures accurate measurement by employing reliable and valid instruments. In contrast to the archival method, the questionnaire method has internal validity and can be used to test the relationship, make generalisations, and make predictions (Foddy, 1993). In addition to the numerous benefits mentioned, it has been demonstrated that they are suited for different purposes compared to the interview method because it permits the collection of voluminous data quickly, reduce interviewer bias, and make data analysis relatively straightforward (Oppenheim, 2000). The philosophical foundation of the questionnaire method is that it seeks to collect, classify, and quantify data using a deductive process based on existing patterns and theoretical understandings. The third and fourth research questions were answered by drawing inferences from the questionnaire and interview data. Consequently, the ontological and epistemological position of the questionnaire method is required to operationalize and empirically determine how oil communities could prioritise assisting themselves. It is also important to note that, in such instances of data collection across the broad spectrum of the oil community in south-eastern Nigeria, the questionnaire method was the most desirable for determining the probability of opinion across the spectrum. The most difficult aspect of the questionnaire method is ensuring the validity and dependability of the instrument. In other words, does the instrument measure what it claims to measure? The researcher overcame this obstacle by ensuring that the Cronbach Alpha technique yielded a reliability coefficient of 0.74. Three lecturers from the Department of Geography and Environmental Sciences at the University of

Birmingham validated the questionnaire in terms of its content and appearance. To ensure that the survey results are representative of the actual population, a random sample of 100 households was selected with a confidence level of 95% (Niles, 2006). The questionnaire contained two parts: While section "A" focused on the socioeconomic characteristics of the respondents, section "B" addressed environmental justice and how the host communities could achieve EJ in the study area. The study area was stratified into eight (8) strata of oil host communities, as follows: Ukwa West, Ohaji/Egbema, Oguta, Oru East, Ikeduru (Iho), Oru West, Obowo, and Ngor Okpala. The 100 questionnaires were administered to household heads or any adult family member. The 100 questionnaires were distributed to the residents of the host communities using proportional representation, as illustrated in Table 4.3. Based on the 2006 Nigerian population census, the population was projected to 2020 using an exponential population projection formula with a 3.3% population growth rate, and the population was used to determine the number of questionnaires to be distributed in each host community.  $P_t = P_o (1 + r)^T$ , where  $P_t = P_{2020}$ ,  $P_o = P_{2006}$ ,  $r = 3.30$ , and  $t = 14$  years. The number of questionnaires distributed to each host community is displayed in Table 4.3.

Table 4.3: Copies of the questionnaire administered to each host community

<b>Host communities</b>	<b>Population 2006</b>	<b>Population projected 2020</b>	<b>Frequency</b>
Ukwa west	88,555	139,474	8
Ohaji/Egbema	182,891	288,053	17
Oguta	142,340	224,186	13
Oru East	111,743	175,995	11
Ikeduru (Iho)	149,737	235,836	14
Oru West	115,704	182,234	11
Obowo	117,432	184,955	11
Ngor Okpala	157,858	248,626	15
<b>Total</b>	<b>1,066,260</b>	<b>1,679,359</b>	<b>100</b>

Researchers field survey, 2020

In administering the questionnaire assigned to each host community, systematic sampling techniques were utilised, and every tenth term from each host community was stratified and selected. This procedure not only ensures that the data was selected at random but also minimises the researcher's bias. In answering research questions two, three, and four, the questionnaire data were then analysed using SPSS and presented in triangulation with the interview method and the detailed open-ended questionnaire. The questionnaire's specifics can be found in Appendix I.

#### **4.2.5 Focus Group Discussions (FGDs)**

Focus group discussions were to be utilised as a part of this study's qualitative research methodology (FGDs). The purpose of FGDs is to gain insight into how historically marginalised communities in south-eastern Nigeria could proactively organise to achieve greater environmental and socioeconomic gains. Initially, five focus group discussions were organised according to professional groups, women's groups, youth groups, and academic groups. It was planned that notes would be taken and an audio recording would be made on a dictaphone, which would then be transcribed into a Word document. Discussion guide questions were also prepared. The focus group was dropped because of Covid-19 and was subsequently replaced with an open-ended questionnaire administered to the five group leaders who were originally scheduled to be part of the focus group. This was necessary to ensure that the required level of detail did not exclude the perspectives of any key stakeholders. The open-ended question is presented in Appendix IV.

#### **4.2.6 Reliability and Validity**

In research communities, the accuracy of a research result is measured by its reliability and validity. According to Denscombe (2002), when it comes to issues of precision, the two most important concerns for any social researcher are reliability and validity. In other words, to what extent would the same result be obtained if the same research methods were applied to a second study? Both reliability and validity contribute to and enhance the quality of any research. To achieve reliability in qualitative research, a thorough description of the methods employed during fieldwork preparation, data collection, transcription, coding, analysis, and presentation of research findings is necessary (Patton, 2002). The researcher demonstrated in great detail how transparent the methods were, thereby enhancing the credibility and dependability of the research findings. The research instruments, including the closed- and open-ended questionnaires and the interview guide, were examined. In contrast to the reliability, which measures the degree to which research findings are consistent, validity seeks to establish whether the findings can be generalised (Yin, 2009). To ensure the validity of this study, the researcher conducted a comprehensive content analysis and systematic review of all archived data. In addition to giving the open and closed-ended questionnaire instrument to senior researchers in the Department to validate, the researcher ensured that each question was appropriately framed about the concept of environmental justice that the study measures. These steps ensured that the methods were valid across the multiple data sources collected, and the triangulation process enhanced the research's reliability and validity.

#### **4.2.7 Positionality statement**

South-eastern Nigeria is part of Nigeria's Niger Delta region, where oil extraction is currently taking place. The Niger Delta is comprised of nine distinct states in southern Nigeria. Abia state and Imo state are oil-producing states in south-eastern Nigeria; Ondo state is the only state in south-western Nigeria; and the Niger Delta region consists of Delta, Edo, Cross River, Rivers, Bayelsa, and Akwa Ibom states in south-southern Nigeria. As someone who was born and raised in the study area (southern-eastern Nigeria), I was astounded to hear women in the community complain of low agricultural yields due to oil spillage and polluted water bodies that rendered fish farming ineffective. In addition to the extensive magnitude of land pollution in the area, there are a number of other environmental concerns such as gas flaring and water pollution affecting the aquatic life. This piqued my interest in gaining a deeper comprehension of the historical and current events. As I observed and read about environmental injustice in my community, I realised that the scholarly work on environmental justice used to explain and frame environmental justice in my community undermines the socio-political and cultural values of the people. Even though all nine oil-producing states are located in southern Nigeria, people inhabit different parts of the region, including the south-east, south-south, and south-west, each with its own socio-cultural, political, and economic differences. For instance, the south-eastern region of Nigeria only speaks Ibo, whereas the south-south region has more than 300 languages, as well as different political alliances (political beliefs and system of traditional administration) and economic ideologies like the nature of their trade and the processes around it. Consequently, it made sense to me that what constitutes environmental injustice may vary across these various southern Nigerian regions and this influenced the choice of my topic and the approach used. Hence, I chose to take a micro-level approach in researching the south-eastern Nigeria case since the majority of scholarly work has concentrated on the south-south region, where



roughly 80% of Nigeria's oil and gas originates. This is especially true when it comes to macro-level research and extrapolating the results to the study area. My experience growing up and living in the study area not only influenced the methodological approach but also the analysis and interpretation of the data collected. For instance, in analysing and interpreting the data, I had to reflect on how we used to swim and get drinking water from the streams, and how we used to harvest fish on a different section of the stream, which has become impossible due to water pollution. This important aspect of our culture has been impacted because the primary sources of our drinking water are now bore holes located several miles away from the community center, and the culture of fish farming is being replaced with various forms of informal activities. This I also considered during the analysis as I scrutinise every data collected in line with my own experience and reading. Adopting a more bottom-up approach to environmental justice issues, focusing primarily on indigenous environmental justice, I felt that the approach would be more relevant or important not only in the context of my own personal background and readings, but also in the context of the study area, knowing that it will allow me to let the world know what is going on in my area while also giving the community a voice as to what constitute environmental justice. This is because what these communities require is someone who is from there to tell their story.

#### **4.2.8 Ethical Consideration.**

The University of Birmingham's code of practise for research, dated March 29, 2018, guided this study. In the research communities, ethical considerations focus on informed consent, the protection of participants' integrity, and their privacy. Recently, ethical concerns such as confidentiality, risk, and safety have been accorded a high priority at the University of Birmingham before researching sensitive topics. This was also reflective of the research system in Nigeria, where confidentiality and safety are regarded as essential components. Osaghae and Robinson (2005) argued that the nature of recent conflicts and interventions to

resolve them in the research communities necessitated the incorporation of ethical considerations into methodological issues. The point is that through ethical consideration, possible research conflicts are identified and addressed. According to De Laine (2000), ethical and moral issues are risks of fieldwork that the researcher may not anticipate but must be prepared to address on the spot, taking into account ethical codes, morals, ideals, emotions, and professional research standards. This resonates with the Nigerian research community, where ethical, moral, and fieldwork risks are taken seriously. The researcher considers the research topic to be compassionate and has adopted the University of Birmingham's code of conduct for research, which mandates ethical review and approval before fieldwork. Before beginning the fieldwork, both the ethical and health and safety approvals were obtained. In addition, concerns regarding the privacy of all participants were addressed by using pseudonyms to represent them so that none of them could be identified easily.

#### **4.2.9 Confidentiality**

Adetoun (2005) argued that researchers must protect the identities of participants to prevent retaliation from competing groups. This is considered to be participant confidentiality. To maintain and ensure confidentiality, all interview transcripts included pseudonyms instead of the participants' actual names. This is to protect the participants by ensuring that nothing in the study can be traced back to them. The researcher considers the research topic to be compassionate and, as a result, will take precautions to ensure that none of the research participants experience any adverse effects. This was enhanced by allowing participants to review and approve the transcripts before their use in the study. According to the University of Birmingham's data storage regulations, the data will be kept confidential for ten years, after which the data, especially the transcript obtained from the interview, will be destroyed. By the research ethics and code of conduct, the researcher ensured that there was no

suppression, falsification, or fabrication of evidence during the transcription and analysis phases of the study. This will be accomplished by reconfirming ambiguous issues with respondents after the data collection phase.

#### **4.2.10 Data management**

The distinct types of data, including audio recordings on a dictaphone (which were transcribed into a Word document), the filled open and closed ended questionnaire, documents from archive and a field notebook in which I jotted down comments and observations made during the first field work. This includes qualitative and quantitative data which were correlated with the essential interview information as well as personal reflections. All data from the questionnaire will be scanned and uploaded to a password-protected folder on the secure server at the University of Birmingham for ten years. The only individuals who will have access to the data are the researcher and the team of supervisors. The dictaphone and field notebook will be stored in a locked filing cabinet in a secure location at the University of Birmingham for ten years before being destroyed. Before releasing the transcripts, I will seek the permission of all participants if data sharing becomes necessary. If consent cannot be obtained from the participant, the researcher will deny access.

#### **4.2.11 Risk, Health and Safety**

Before data collection, the researcher considered health, safety, and risk. According to Treweek and Linkogle (2000), this refers to the potential for harm or exposure to danger or hazard. The researcher has considered the potential obstacles and timing involved in conducting such sensitive research in South-eastern Nigeria. Because data collection requires

face-to-face interaction, the researcher believes that safety concerns are the maximum. However, the researcher took into account the most vulnerable of the host communities and ensured their safety by using an open-ended questionnaire to elicit information, thereby avoiding the use of face-to-face interviews when necessary, as was the case during the COVID-19 pandemic. In addition to being fluent in the Igbo language, the researcher has extensive knowledge of the local environment. According to the UK Foreign and Commonwealth Office's 2019 advice, the region is regarded as a low-risk area. However, since the researcher would require three research assistants for recording purposes, he suggested that the three research assistants receive the COVID-19 vaccination. The research assistant helped to administer the closed-ended questionnaire and open-ended questionnaire in the study area. Informing the police and obtaining their permission 48 hours before visiting the study area for data collection and analysis are additional security measures. The implication is that security would be provided throughout the programme for the researcher and the two research assistants. The researcher and research assistant also carried location-enabled mobile phones, allowing security agencies, friends, and family to locate them if necessary.

Before and after the questionnaire administration and open-ended dates, the police were informed so that they could keep track of the event. The risk of communicable diseases resulting from changes in the weather was also anticipated and subsequently addressed. Before travelling to the study area, the researcher contacted his primary care physician to get immunised against any type of infection. Regarding the risk to participants posed by the sensitivity of the research, the researcher informs the participant that he or she is free to comment or not comment on any question they feel comfortable or uneasy commenting on. This is in addition to ensuring that no sensitive information was collected regarding the

relationship between oil exploration and the livelihoods of the local communities, as well as any information that could be economically or socially damaging.

#### **4.2.12 Consent**

Before meeting them face-to-face, the researcher verbally obtained the participant's consent and then provided them with a written information sheet containing the research objective and the participant's rights. The written information sheet specifies that participants are free to ask any questions and that their participation is entirely voluntary. In addition, they were informed that they are free to opt-out at any point during the data collection process without consequence. Subsequently, all participants' permission was solicited before the start of the fieldwork. The participants were required to voluntarily sign a consent form, and as many as they desired did so. Nobody was required to sign the form. There was also a provision for oral consent for those participants who declined to sign written documents. There were also options for those who cannot sign, such as thumbprinting.

#### **4.2.13 Limitations of the Study**

Due to the COVID conditions under which the research was conducted, the initial research methods were not adhered to in their entirety, necessitating a methodological modification. An archive study, questionnaire distribution, a face-to-face interview with 16 key stakeholders, and five focus group discussions comprised the initial methodology. Due to COVID-19 conditions, the archival study was completed, and 100 questionnaires were distributed, but only 11 key stakeholders were interviewed virtually as opposed to in-person. Second, due to the COVID situation, the focus group discussion could not be held again, which is a limitation of my methodology in the sense that the opinions of all the identified key stakeholders were not effectively elicited.

However, these conditions, which were a limitation of the research methodology, were dealt with using justifiable adaptation. Before COVID-19, the archival research and 100 copies of the questionnaire were completed. Secondly, 11 virtual interviews were conducted instead of face-to-face interviews, allowing for the collection of all reasonable data through the interview section. To ensure that the options of some people are not left out, a detailed open-ended questionnaire was prepared and distributed to five key stakeholders who were unable to attend the interview session. A detailed open-ended questionnaire was again administered to the group leaders of each of the five targeted focus groups to collect sufficient data from the participant schedule for focus group discussions. This ensured that despite the COVID-19 condition, all the key stakeholders provided the necessary data for the study.

This thesis's findings are significant from both a conceptual and an empirical perspective. It is difficult to claim generalizability beyond the study area due to cultural, socioeconomic, environmental, and political differences (south-eastern Nigeria). However, according to this study, the research findings are partially transferable to similar oil-hosting communities in the south-south and south-west regions of Nigeria's Niger Delta. Also, its contributions to the indigenous environmental justice framework could be useful everywhere in places with reliable Internet networks and where most people have access to social media.

## **Conclusion**

This chapter describes the empirical research conducted and the methodologies utilised, as well as the modifications made due to COVID-19. In addition to reliability and validity issues, ethical considerations for the study, confidentiality issues, data management, health and safety concerns, the data collection process and sampling strategies, as well as the sample size, were discussed. The archive information will be presented in the subsequent chapter.

# CHAPTER FIVE: HISTORICAL DEVELOPMENT OF ENVIRONMENTAL INJUSTICE IN SOUTH-EASTERN NIGERIA

## 5.0 Introduction

This chapter is the first empirical chapter of the thesis and lays the groundwork for investigating environmental justice issues. As discussed in the methodology chapter, this chapter provides analytical insights into the historical development of environmental justice in the study area by retrieving and analysing archival documents, including newspapers, annual reports of the Department of Petroleum Resources, the Federal Ministry of Mines and Power, annual reports of the Revenue Mobilization and Allocation Commission, and other archival materials. According to table 5.1, a total of 36 documents were retrieved from the National Archives in Enugu, which is located in the south-eastern region of Nigeria. These were correlated with previously published articles. Oil discovery in Nigeria, oil exploitation, derivation-based system, compensation, oil well allocation, oil spillage, environmental justice, NNPC, and NDDC are the study keywords utilised to retrieve these data from the selected databases and archives.

Table 5.1: list of documents retrieved from Archive.

Documents	Number
Reports from revenue allocation commission	8
Annual reports of the Department of petroleum resources	6
Annual reports of the federal ministry of Mines and Power	5
National conference reports	1
Spot lite newspaper	1
Eastern Nigeria Guardian	3
Daily Champion	2
Daily times	3
West African Pilot	3
Pictures	2
Petitions	2
<b>Total</b>	<b>36</b>

Authors survey 2020

According to the identified themes, this chapter identifies, evaluates, synthesises, summarises, presents, and discusses the documents containing pertinent events between 1914 and 2020. The identified themes include a critical analysis of the historical development of oil exploitation in the study area, the participation of host communities in the allocation of oil wells and concessionary rights, the participation of host communities in determining the payable compensation resulting from an oil spill, and the participation of host communities in the appointment of board members of NNPC and NDDC and a derivation-based system in Nigeria. Based on these themes, the discussions, and analysis in this chapter help to answer the following question: *what are the historical developments of environmental justice in south-eastern Nigeria?* The findings from the archive indicate that historical patterns of oil exploitation have a direct impact on environmental injustice, and in the case of the study area, colonial policies on land and oil exploitation are visible in the post-colonial era, accounting for several environmental justice issues in the study area, as seen in the various sub-sections on this chapter and chapter 3

## **5.1 Critical analysis of the historical development of oil exploitation in the study area**

In this section, the thesis examines the evolution of oil exploitation in Nigeria and the role of oil exploitation in comprehending environmental justice in the study area. Two significant events were linked to the discovery of oil in the study area. First, the requirement to meet oil demand during the industrial revolution in the early 20th century prompted the United Kingdom to develop an oil policy to expedite oil exploration in the United Kingdom and other British-controlled territories (Yergin, 1990). The presence of bitumen and crude oil traces on the shores of Africa's west coast due to the tides of the Atlantic Ocean and rivers fuelled the British search for oil in their African colonies (Parkinson, 1913). The



simultaneous occurrences necessitated the search for oil in Nigeria, one of the African countries under British control on the West Coast of Africa. In the 1920s, the colonial government granted oil prospecting licences to the Nigerian Bitumen Company, the Whitehall Petroleum Corporation, and the Anglo-Dutch consortium Shell D'Arcy, later Shell-BP, and now Shell Petroleum Development Company (SPDC) for oil exploitation in Nigeria (Steyn, 2006). Shell D'Arcy eventually discovered oil in Nigeria, although the success was not entirely unrelated to the exclusive concession Shell D'Arcy enjoyed under the colonial era's Mineral Oil Ordinance of 1914, which stated that Nigeria could only grant oil licences and leases to British companies (Bamberg, 2000). The main purpose of the sole concession was to shield British economic interests in their crown colony from unfair competition from rival colonial powers. The colonial government charged D'Arcy minuscule fees for temporary occupation licences (Umejesi, 2010), a condition that Okonta and Douglas (2003) argued was at the expense of the host communities, who were exploited due to a deficient regulatory framework.

However, it took Shell D'Arcy 15 years to discover oil in the study area due to the Second World War (Orji, 1999). Another factor that led to the delay in the discovery of oil in the study area has to do with the people's spiritual attachment to the land, as it is viewed as their ancestral home (Talbot, 1937). Umejesi (2010) states that the relationship between Shell D'Arcy and the host communities was strained during the early years of oil extraction in south-eastern Nigeria. In addition, documents from the archives and literature indicate that local communities including elites viewed transnational corporations as invaders, dispossessors of land, and destroyers of farms and means of subsistence (Steyn, 2006). In the study area, for instance, land degradation is considered sacrilegious because host communities view land as the ancestral home of the people. Furthermore, the process of oil exploration by white colonialists was viewed as a complete disregard for the people's

traditions and customs (Talbot, 1937). Some of the traditions and customs include not encroaching on a neighbor's property, observing every fourth day as a sacred market day on which people are not to work, farm, or engage in land-related activities, and respecting particular trees believed to have historical and spiritual significance (Umejesi, 2010). These traditions are observed in the study area and during this period, no one is permitted to work, whether a foreigner or a native (Achebe, 1958). I have discussed some of these cultural characteristics and their significance in the context of EJ in detail in chapter 3. As one pillar of EJ identified in chapter 3, nonrecognition inequalities as observed can be explained either by the fact that the host communities were not included in the mission of the transnational corporation or the entire discussion regarding oil exploration or by the fact that the host communities' labour practices and traditions are incompatible with the colonial resources' exploration efforts. For instance, Uchendu (1979) observed that the white colonist try to recruit local workers, but established different work days which did not fit with local customs and some of their activities resulted in land degradation which was viewed as an abomination in the study area. Hence, the host communities viewed the activities as ones that disregard their native land use customs and community traditions and thus respond negatively through several petitions (Umejesi, 2010). Although these petitions and agitation were subsequently undermined by several policies on land administration and regulations to empower the colonial government to have control over land and mineral resources and thus make land available to transnational corporations for oil business (Ikejiofor, 2009), Uchendu (2007) argued that it limited the rights of the indigenous people and negatively impacted their culture, particularly land-based cultures. In detail, chapter 3 discusses these land policies and how they favoured transnational corporations more than the host communities.

While this disregard for the traditions of the host communities marks the beginning of environmental justice (EJ) concerns in the study area, which I will examine in greater detail

in the final section of this chapter, it is important to note that the war and the people's spiritual connection to the land equally affected the progress of the exploration exercise. In 1937, Shell D'Arcy discovered oil in Iho Dimeze community in Ikeduru local government, the study's region. As depicted in figure 5.1, an operational base was subsequently established in Owerri (Eastern Nigerian Guardian Newspaper, 1951).



Fig5. 1: First-ever oil exploitation in Nigeria started in Iho, South-Eastern Nigeria.

Source: National archive Enugu, Nigeria/The history Ville.

According to Orji (1999), the oil well discovered in Iho was 3,422 metres deep, whereas the oil well discovered in Akata, Owerri province, was 450 barrels deep (Frynas, 2000a). Although the oil discovered in the study area was not in commercial quantities, it boosted Shell D'Arcy's morale and encouraged the company to continue oil exploration and extraction in Eastern Nigeria (Daily Champion, 2011). After an estimated £40 million investment by Shell D'Arcy, oil was discovered in commercial quantities in Oloibiri, still within the study area but in present-day Bayelsa State, South-South region, 19 years later (Bamberg, 2000). After this discovery, the 18,000-ton tanker Hemifusus transported the first Nigerian crude oil to the Shell Haven refinery in the United Kingdom, where it was refined for the first time (Watts, 2008). See figure 5.2 for the oil well at Oloibiri.



Figure 5. 2: Oloibiri oil well

Source: Premium Time, February 14

The discovery of oil in Oloibiri led to the abandonment of the Iho site, which could have served as a significant historical monument for the region had it been preserved, a condition that (Ukaogo, 2012) attributes to political reasons and the civil war that the region had to endure between 1966 and 1970. Even though neither a winner nor a loser was declared at the end of the civil war, the region continues to suffer as a result (Uche, 2002), primarily because several policies enacted during the civil war continue to haunt the region.

This represents the historical accounts of EJ in the study area, although numerous additional explorations led to the discovery of oil in other regions of Nigeria. Nigeria recorded an average daily oil production of 2.07 million barrels per day in the first quarter of 2020, where oil is currently being extracted in nine states known as the Niger Delta (National Bureau of Statistics, 2020). Abia, Akwa Ibom, Bayelsa, Delta, Edo, Imo, Lagos, Ondo, and Rivers are among these states. In 1967, Abia, Akwa Ibom, Bayelsa, Imo, Rivers, and portions of Delta State comprised the former eastern region, which accounted for over 90 percent of Nigeria's oil production (Uche and Uche, 2004). With the series of state creations that have occurred

during the military era, as will be discussed in detail in the following sections, only Imo and Abia States are currently considered to be part of South-eastern Nigeria, where oil extraction is taking place, accounting for approximately 15 percent of Nigeria's daily average oil output. The primary purpose of this historical account is to demonstrate that EJ's nonrecognition has been a long-term issue and not a one-time decision.

In conclusion, the historical accounts of oil exploration in Nigeria demonstrate that, like other indigenous peoples around the world, the host communities (indigenous people) in south-eastern Nigeria have suffered some form of neglect, particularly in the recognition of their cultural identities, which are land-based and originated during the colonial era but have persisted in the post-colonial era. This is a crucial aspect of my research context and argument, as it relates to the fact that EJ framing within the western liberal ideology is insufficient to conceptualise the nature of EJ in the study area, as it overlooks the opportunity to engage with the impact of non-recognition of the people's cultural ideal and the overbearing role of colonialism. While the issue at hand is historical non-recognition, it would be inappropriate to ignore the connection between non-recognition injustice and participation and distribution. Young (2011) argued that non-recognition is the basis of exclusion, and in the case of the study area, exclusion from participation and distribution in the oil economy. In the next section, I will discuss how the injustice of nonrecognition stokes the flames of exclusion from participation in and distribution of oil resources.

## **5.2 Host communities' participation in the allocation of oil wells and concessionary right**

This section will examine how recognitional inequalities led to procedural inequalities by examining the non-participation of host communities in the allocation of oil wells and

concessionary rights. It is important to do so because oil well allocation and concessionary rights are a part of the broader oil exploitation activities that have evolved and are directly related to the Land Use Act of 1978. This section investigates the processes surrounding it as a significant indicator of environmental injustice in the study area. This is because oil exploitation informed the Land use legislation of 1978.

According to Oluduro (2012), transnational corporations typically obtain the required consent from the host communities in south-eastern Nigeria in the form of unrestricted access to land via outright purchase, lease, or by continuing to pay an annual rent for the use of the land before the passage of the Land Use Act of 1978. Obtaining this necessary consent would necessitate debt discussions on a variety of issues, including allocation of oil wells, concessionary rights, and taxes, which are negotiated via collective bargaining between transnational corporations, host communities, and the government (Ebeku, 2001). This demonstrates community participation in the allocation of oil wells and concessionary rights. In actuality, failure to consult the oil communities would typically result in conflict, petitions, and rejection of oil extraction in the region (Steyn, 2000). She also noted that in 1948, Shell D'Arcy's oil exploration exercise in the study area was met with significant opposition because host community members were not consulted before the start of the oil exploration exercise. The findings from the archives strengthened this position. In April 1949, for example, the colonial government upheld and recognised the unassailable right of the host communities to their land and resources, as evidenced by the fact that the late Dr. Nnamdi Azikiwe, a parliamentarian and the owner of the West Africa Pilot, raised the issue of land rights on the floor of the parliament (West African Pilot, 1900).

This explains some of the difficulties faced by multinational corporations from 1921 to 1937 when oil was finally discovered in the study area. This has been discussed in chapter 3, along with how several colonial policies brought about a change in the system of land

administration and management, including the land use Act of 1978, which advanced in the post-colonial era by abolishing all forms of land ownership in the study region. Important in this section is not the specifics of the land tenure system in the study area, but rather the process flow of communal land use and allocation and the changes brought about by the 1978 Act.

1978's Land Use Decree No. 6 added an interesting twist to this story. Umejesei (2010) argues that even though the 1978 decree was promulgated under the guise of ensuring uniformity in the land tenure system, the main reason for the decree was to make land accessible to the national government and oil companies for ease of doing oil business, particularly in south-eastern Nigeria where the system of land tenure had made such an exercise difficult. This view was supported by Nwokolo (2012), who argued that the primary purpose of the LUA was to make land accessible to the government for economically viable ventures, in which case the land of the host communities became available for petro-business. This is debatable, as the Land use Act explicitly removed the citizens' right to land ownership and transferred it to the governor of the state, who is to hold the land in trust for the people. "Subject to the provisions of this Act, all lands comprising the territory of each state in the federation are hereby vested in the Governor of that State and shall be administered for the use and common benefit of all Nigerians by the provisions of this Act" (Land Use Act, 1978). The LUA enables the government to become a major beneficiary and the sole recognised institution that oversees land and oil exploitation policies (Umejesei, 2010). The Land Use Act revoked the host communities' right of communal ownership, and because the host communities are consulted as the custodian of the land whose right of ownership was revoked by the LUA 1978, the right to consultation in the process was also revoked because transnational oil companies now prefer to deal directly with the government, the new custodian of the land. This shift in consultation from the government to the host communities by transnational

corporations constitutes participatory inequalities and reinforces distributive inequalities in the environmental justice debate. The federal government reserves the right to decide on all matters about the allocation or revocation of oil wells and concessionary rights, so this trend has continued to the present day. Unfortunately, the Land Use Act excluded the host communities because it was decree promulgation by a military dictatorship in 1978 that never consulted the people at the time the decree was issued, and such decrees eventually became part of the constitution and were regarded as Act in 1999 when the country adopted democracy without subjecting it to plebiscites or referendum (Nwodo, 2020).

In conclusion, I have discussed oil well allocation and concessionary rights as they pertain to the study area, noting how the right of participation of the host communities was excluded by various forms of land administration and management control in the colonial era and how this manifested itself in the form of the Land Use Act of 1978 in the post-colonial era. As seen in chapter 2, though there is a clear distinction between participatory and distributive inequality, they are equally connected. People are frequently excluded from the distribution of economic good and bad because they are not a part of the system from which distribution arose. Having reviewed the chapter on indicators of participatory injustice in the study area, I will now discuss payment of compensation after an oil spill as an additional indicator of EJ in the study area.

### **5.3 Host communities' participation in determining the payable compensation arising from oil spillage.**

This section expands on the procedural disparities in the study area by examining the role of host communities in determining the amount of oil spill-related compensation due. This is important because it demonstrates the level of involvement of the host communities in determining the compensation payable, which is crucial to this research as it is one of the



identified indicators of procedural injustice. In the section that followed, I discussed the participation of host communities in the allocation of oil wells and concessionary rights, as well as how the Land Use Act subsequently affected it. In this section, I examined how the LUA affected the participation of the host communities in determining the amount of oil spill compensation due. In addition to involving the host communities in decisions regarding the allocation of oil wells and concessional rights, the host communities must be consulted. In addition to determining the compensation payable to the affected communities before 1978, Oludare (2012) argues that host communities are also heavily involved in determining whether the land has been altered in the form of damages to buildings or crops. This practise provided an opportunity for affected community members to participate in determining the amount of compensation to be paid, as well as an opportunity for affected community members to be paid directly. This practice gives the host community a sense of belonging by allowing them to participate in an exercise on their land. With the passage of the LUA of 1978, the government and its agency now determine both the process of paying compensation and the principles for determining the value of compensation to be paid (LUA,1978). Omeje (2006) argued that one of the disadvantages of the LUA is that the compensation payable by transnational corporations after an oil spill is limited to improvements made to the land and not the actual right of ownership. Section 95(1) of the LUA mandates that compensation be based on the improvement made to the land, including the value of crops, economic trees, buildings, or works damaged, removed, or destroyed (LUA, 1978). In this regard, the Act limited compensation payable to only the value of improvements on the land, excluding the land's value and future earnings (Ako, 2009). This is because the host communities enjoy the benefits of the current improved development on the land as well as the future earnings that will continue to accrue to them in their own right. In addition, I examined in chapter 3 how

land degradation desecrates the subsurface, the abode of the dead, and how no provisions are made in response to this desecration.

Concerning the participation of host communities in determining the amount of compensation, Agukoronye (2001) argued that the Act also violated the participation rights of the host communities. For instance, the infringement is to the extent that the Land Use Act and allocation committee is appointed by the governor, whose decision is final in determining the amount of compensation to be paid (LUA, 1978). Even if host communities and oil companies disagree on compensation matters, the law stipulates that the committee's decision is final, and Section 47 of the Act prohibits any other court from having jurisdiction over such disputes. Ebeku (2001) argued that it will be difficult to obtain justice on the compensation payable, especially given the exclusion of the host community from the process. This is because the government has a vested interest in the oil business, especially since the leadership has come from a period in the country where oil exploitation is not practised. As major beneficiaries of the oil resources, the government pays less attention to the demands of the host communities for oil companies to pay damages resulting from oil extraction (Nwankwo, 2015). In addition, Section 29(3) of the Land Use Act allows the governor to direct that the compensation be paid either to the affected individuals or to the community leaders of the affected communities, based on the applicable customary law. Occasionally, the compensation is deposited into an account designated by the governor for use in the community's interest (Omeje, 2006). As a result of the exclusion of the host communities from the compensation process, compensation rarely reaches the affected individuals, and when it does, it is often only a portion of the amount determined (Nwankwo, 2015). Even more disturbing is the fact that the Act provided a legal basis for additional exclusion. Shell, for instance, has boasted that it has continued to compensate those whose statutory rights of occupancy have been affected by an oil spill, even though the government

owns the land (Shell, 1997). This position appears to recognise that the host communities have lost their ownership and participation rights. Before the discovery of oil, the primary source of income for host communities was agriculture; however, their agricultural land was frequently polluted without adequate compensation, either due to the process of determining compensation paid or the system of paying compensation (Ebegbulem et al., 2013).

With the promulgation of the LUA, this section has expanded the discussion on procedural inequalities in consideration of how host communities are excluded from the processes of determining compensation after an oil spill. Although this is a more fundamental issue about land rights, including access and extraction rights, it is nonetheless important. These rights are being circumvented (or made more 'legible') by those wishing to extract, and consequently, access laws have been redesigned to facilitate oil extraction. As a result, host communities were excluded and not acknowledged. In the following section, I will discuss the participation of host communities in the selection of board members for the Nigeria National Petroleum Corporation (NNPC) and Niger Delta Development Commission (NDDC)

#### **5.4 The host communities' participation in the appointment of board members of NNPC and NDDC**

In this subsection, the thesis investigates the participation of host communities in the appointment of board members of Nigeria National Petroleum Corporation (NNPC) and the Niger Delta Development Commission (NDDC), two government agencies responsible for oil exploitation, marketing, and the utilisation of oil resources for the development of oil-producing areas. Understanding the formation, function, and composition of the governing

boards of these agencies is essential for comprehending the nature of environmental justice in the study area.

The Nigerian National Petroleum Corporation (NNPC) was founded in 1971 as the Nigerian National Oil Corporation (NNOC) and renamed the Nigerian National Petroleum Corporation (NNPC) in 1977, with the primary mission of oil and gas exploitation and marketing in Nigeria. The NNPC operates as a joint venture with multinational oil and gas companies, and the law authorises the NNPC board to manage the corporation's affairs. Watts (2004) argues that the nature of the oil industry is such that it is frequently shrouded in secrecy and frequently governed by neoliberalism. As stated in the introduction, in the business of oil extraction, the interests protected by the elites include not only those of the Nigerian government, but also those of transnational oil corporations, a larger network of Western development institutions, and numerous Western nations whose interests are served by the current system (Adunbi, 2019 and Obeng-Odoom, 2022). This meant that Nigeria could not diversify its economy despite huge earnings from oil since its discovery. Moreover, neocolonial and imperial forces which speaks on the role and influence colonial master has over their formal colonies especially in the area of influencing their policies on oil industries derailed the Nigerian Oil and Gas Industry Content Development Act of 2010, which aims to increase indigenous participation in the oil and gas industry by prescribing minimum thresholds for the use of local services and materials and promoting the transfer of technology and skill to Nigerians (Adunbi, 2019). The same also applies to the Nigeria's indigenous import-substitution industrialization drive. The study of Nyong and Ekpenyong (2007), also alluded to the fact the Nigeria's indigenous import-substitution industrialisation policies pursued in the 1960s and 1970s were equally affected by these neocolonial and imperial forces who would rather want Nigeria to remain a consumption country rather than a productive one. This was achieved by ensuring that the federal government of Nigeria

continues to pursue policies which render their industries and refineries moribund and allow for the refineries of Nigeria oil and gas abroad in such a way that the country continues with consumption and primary productions while its oil is refined abroad. This position was bolstered by the findings of Adunbi (2019), who argued that the oil industry in the Niger Delta is frequently neoliberal and profit-driven at the expense of the welfare of the host communities. All of these positions are based on the work of Adeola (2001), who argued that the negative exploitation of oil in the Niger Delta region is evidence of an international trade imbalance. In chapter 2, I argued about the role of the elite within the framework of dependency theory, where class distinction exposes the working class to exploitation by the elite in the form of cheap labour, among other indicators, as well as the role of the countries in the global North, which exploited the countries in the global South for the development of their own countries. This necessitates that the process of composition of the governing board be inclusive to accommodate the interests of the host communities whose sources of livelihood have been affected by oil exploitation so as not to further expose them to the elite group, as the Board of NNPC oversees the day-to-day oil exploitation and marketing in Nigeria.

Unfortunately, this is not the case with the current composition of the NNPC board. Clark (2019) lamented that the current NNPC board is comprised of seven individuals from northern Nigeria, one individual from south-western Nigeria, and one individual from south-south Nigeria, with the south-eastern region, omitted entirely. South-eastern Nigeria has not produced a President since 1966. Former presidents of Northern Nigeria have appointed individuals from their ethnic regions and political affiliations to represent their interests rather than those of the host communities. Consider that northern Nigeria has seven representatives on the board despite the absence of oil extraction in the region, while south-eastern Nigeria, where oil extraction is occurring, has no representative. Given that there is no oil exploitation

in Northern Nigeria, even though they have seven representatives on the board, and that there is oil exploitation in South-Eastern Nigeria, without a representative, one wonders how fair and just it is. Should oil communities not have a say in how the resources from their region are exploited, marketed, and the proceeds used to advance the development of their region? Watts (2004) describes the tensions between the various ethnic groups and regions in Nigeria over the country's oil resources.

Because Sections 2 and 3 of the NNPC Act made the appointment of the board Mr. President's prerogative, the justification for these successions of appointments in the past was not based on qualifications but on the ethnicity and favouritism of whoever became President (NNPC Act, 1977). In other words, the host communities do not influence NNPC board member appointments. It is essential to note that, similar to other policies on land and oil resources enacted during the colonial era, these policies on land were copied from the colonial land policies made during the colonial era which seek to give the colonist undue advantage over and enacted by the military government in Nigeria to advance the interests of elite groups and transnational corporations involved in the oil business there.

The argument for NDDC, an intervention agency, is identical. By decree No. 23 of July 1992, the Oil Mineral Producing Areas Development Commission (OMPADEC) was established for the dual purposes of rehabilitating and developing the Oil Mineral Producing Areas of Nigeria. Rehabilitation and development activities were planned for both human capital and infrastructure development. Before the democratically elected government of President Obasanjo repealed the decree with the Niger Delta Development Commission Act 2000, Gabriel (1999) observed that the commission focused primarily on equipping schools in the host communities and preparing postgraduate scholarship schemes, with little success in infrastructure. The primary responsibility of NDDC is to oversee the development of the Niger Delta region, which is located in southeast Nigeria. Again, the NDDC Act is explicit

regarding the composition of the NDDC board. Sections 1 and 2 of the Act grant the President the authority to appoint board members, subject to confirmation by the Nigerian Senate. Again, the implication is that the host communities have no control over the appointment of the NDDC board, as the Act expressly vests that authority in the President who has mostly been from northern Nigeria.

This finding from the NDDC Act is consistent with that from the NNPC Act, indicating that the host communities do not influence the appointment of board members of two key government agencies that oversee the day-to-day operations of oil businesses and the use of accruing resources for the development of host communities. This research identifies the lack of participation in the selection of NNPC and NDDC board members as a form of procedural injustice with the same weight as distributive injustice and this collaborates with the literature (Walker, 2012). It expands on other types of procedural inequalities discussed in earlier sections of this chapter. This is what the host communities have found in the oil industry's major government agencies. They view this as an extension of this exclusionary practise to the highest level of government. All other positions within the government will be filled similarly. In the succeeding section of this chapter, I will discuss how this exclusion has affected the host communities within the framework of distribution.

## **5.5 Derivation-based System in Nigeria**

This section examines the derivation-based system in Nigeria and how non-recognition contributes to distributive inequalities in the oil economy. Oil extraction in Nigeria has frequently been linked to the issue of derivation, which is notably one of the formulas used in the distribution of Nigeria's national resources (Adangor, 2015). In theory, the purpose of derivation is to allow regions with natural resources to benefit from their natural endowment, taking into account the pollution and loss of livelihood that result from resource extraction. This is typically accomplished by allocating a portion of the country's total earnings to the

host communities, which could be used for poverty reduction, job creation, and the promotion of economic development in the region (Adebayo, 1993). According to a 2016 study, derivation-based systems of revenue distribution may be useful in restoring peace in conflict situations and could also compensate the producing region for environmental damage and loss of livelihood caused by oil extraction (Bauer et al., 2016).

In Nigeria, the concept of a system based on derivation emerged in 1946. Prior to the emergence of the derivation-based system in Nigeria, the Northern and Southern protectorates had complete control over their resources (Adangor, 2015). However, the 1946 draught Richards constitution mandated that all resources be shared among three regions: the predominantly Christian Ibo-speaking people of Eastern Nigeria, the predominantly Muslim Yoruba-speaking people of Western Nigeria, and the predominantly Muslim Hausa/Fulani of Northern Nigeria. All state earnings, whether from oil and gas, agriculture, coal, or any other resource, are deposited directly into FACC, and the various regions divide these funds at the end of each month (Federation Account Allocation Committee Act, 1982). In the case of oil extraction, the government negotiates directly with oil companies through its agency, NNPC, which is a joint venture with these companies. From mining companies, taxes, royalties, and other forms of revenue are collected and remitted to the FAAC for distribution (the Federal Republic of Nigeria, 1951). In addition to development, population, and state equality, this action marked the beginning of the use of the derivation formula as a key component of the revenue-sharing formula in Nigeria.

In 1958, however, the discovery of commercial quantities of oil and the preparation for independence rendered the Richards commission's recommendations obsolete, as the country required a more robust and constitutionally acceptable revenue-sharing formula (Uche and Uche, 2004). This development led to the 1958 formation of the Raisman commission. The commission advocated for additional funding from the federal government to prevent the



insolvency of the new federation and ensure the financial stability of the various regions (Raisman, 1958). The recommendation of the Raisman commission remained in effect until 1960 when Nigeria attained its independence. However, Nigeria's accession to the status of an independent nation entailed an expansion of the state's responsibilities, necessitating the allocation of additional state resources. This resulted in the establishment of additional revenue allocation commissions, including the Binns commission of 1964, the Dina commission of 1969, and the Okigbo commission of 1980, all of which made recommendations that led to a downward review of the derivation-based system in favour of population, equality of states, and even development and national unity (the Federation Republic of Nigeria, 1984). As shown in table 5.1, the system based on derivation accounts for 65 percent of the allocation formula between 1958 and 1964. According to the recommendations of the various revenue allocation committees appointed by successive military governments in Nigeria, the derivation-based system experienced a sharp decline between 1964 and 1999, from 65% to 3%.

**Table 5.1: Percentage of Derivation-based system in Revenue Allocation Formula in Nigeria**

Year	Derivation formula in percentage	System of governance in	System of governance in percentage
1958 - 1964	65%	CA – 3 years (1958-1960) DG – 3 years (1960-1964)	CG – 7.31 DG – 7.31
1964 - 1971	45%	DG – 2 years (1964-1966) MG – 5 years (1966 – 1971)	DG – 4.87 MG – 12.20
1971- 1981	20%	MG – 9 years (1971-1979) DG – 1 year (1979-1980)	MG – 21.96 DG - 2.44
1981 – 1984	5%	DG – 2 years (1981-1983) MG – 1 year (1983-1984)	DG – 4.87 MG – 2.44
1984 - 1989	1.5%	MG – 5 years	MG – 12.20
1989 – 1999	3%	MG – 10 years	MG – 24.40
<b>Total</b>		<b>41 years</b>	<b>100%</b>
1999 to date	13%		

CA = Colonial administration, DG = Democratic government; MA = Military government

Sources: Computed by the author from various revenue allocation commission report

Over four decades of the system of governance in Nigeria, the period was dominated by military rule at 73.2 percent, in addition to 19.49 percent of democratic government and 7.31 percent of colonial administration, and the percentage for derivation dropped from 65 percent to 13 percent, indicating a strong correlation between the downward review of the derivation-based system in Nigeria and the system of military rule. According to the reports of the various revenue allocation committees, the military government has given equality of state and several local governments precedence over a derivation-based system (the Federal Republic of Nigeria, 1994). It is also important to note that the country's leadership during the relevant period came exclusively from Northern Nigeria, except from 1999-2007 under the democratic administration of President Obasanjo and 2010-2015 under the administration of President Jonathan. As shown in table 5.1, this indicates that the northern military government capitalised on the coercive nature of the military government to downplay the derivation-based system. According to Adangor (2015), the viability and functionality of a derivation-based system for addressing justice issues are contingent on the ability of those in authority to manipulate the principle for economic or political gain. In the context of South-eastern Nigeria, the derivation-based system, which should have been used to resolve justice issues by compensating the host community for economic loss and environmental pollution, has been employed to legitimise injustice during the military era.

In this research, the downward review of the derivation-based formula and the preceding procedure are both problematic. The first to act was the Richards constitutional review committee, which was established in 1946 by the colonial government to draft an acceptable constitution in preparation for Nigerian independence. This committee did not include the host communities because it was tasked with ensuring the administrative ease and simplicity of the new Nigerian constitution (Richards, 1946). Second, it is believed to be illogical to include people whose cultural beliefs were antithetical to the objective of the

colonial governor-general and who opposed the governor's intrusion into their land and other resources. This second point elucidates how nonrecognition has resulted in distributional disparities. As with other policies of the colonial government that were unfavourable to the host communities, the Richard committee decided to redistribute resources that had been previously allocated 100 percent to the host communities to other regions that they believed could not survive without the oil resources, but in this instance allocated a greater proportion to the resource region—65 percent. In the post-colonial era, these policies were adopted because they fit the agenda of the then-military rulers, who exploited them for the benefit of a small number of elites and their region; therefore, equality of states and the number of local government areas is preferred over a system based on derivation. In chapter 3, I discussed the relationship between the elite role and the dependence theory. This distributive inequality is driven by the elite who control state resources at the expense of the host communities whose land has been degraded with very little resource coming to them as compensation for contributing so much to the economic development of the country. Some of the sorry state of the host community's environment is contained in plates obtained during the fieldwork as shown in Appendix V and table 8 containing series of oil spillage in the study area in 2022 alone. But table 5.2 shows how the states, local governments, and lawmakers are spread out among Nigeria's six geopolitical zones. This was the result of state creation that occurred during the military era, when the three major regions of Nigeria were divided into 36 states in four major state creation exercises in Nigeria, as shown on the current map of Nigeria and the map of the study area in Appendix III.

**Table 5.2: States, Local Governments, and number of parliamentarians distribution across the six geo-political zones in Nigeria**

GEO-POLITICAL ZONE	STATE	NO OF LGA	SENATORS	HONOURABLE MEMBERS
<b>NORTH CENTRAL</b>	BENUE	22	3	11
	KOGI	21	3	9
	KWARA	16	3	6
	NASARAWA	13	3	5
	NIGER	25	3	10
	PLATEAU	17	3	8
	FEDERAL CAPITAL TERRITORY	6	1	2
<b>TOTAL</b>	<b>6</b>	<b>120</b>	<b>19</b>	<b>51</b>
<b>NORTH-EAST</b>	ADAMAWA	21	3	8
	BAUCHI	20	3	12
	BORNO	27	3	10
	GOMBE	11	3	6
	TARABA	16	3	6
	YOBE	18	3	6
	<b>TOTAL</b>	<b>6</b>	<b>113</b>	<b>18</b>
<b>NORTH-WEST</b>	JIGAWA	27	3	11
	KADUNA	23	3	16
	KANO	44	3	24
	KATSINA	34	3	15
	KEBBI	21	3	8
	SOKOTO	23	3	11
	ZAMFARA	14	3	7
<b>TOTAL</b>	<b>6</b>	<b>186</b>	<b>18</b>	<b>92</b>
<b>SOUTH EAST</b>	ABIA	17	3	8
	ANAMBRA	21	3	11
	EBONYI	13	3	6
	ENUGU	17	3	8
	IMO	27	3	10
<b>TOTAL</b>	<b>5</b>	<b>95</b>	<b>15</b>	<b>43</b>
<b>SOUTH-SOUTH</b>	AKWA IBOM	31	3	10
	BAYELSA	8	3	5
	CROSS RIVER	18	3	8
	RIVERS	23	3	13
	DELTA	25	3	10
	EDO	18	3	9
<b>TOTAL</b>	<b>6</b>	<b>123</b>	<b>18</b>	<b>55</b>
<b>SOUTH-WEST</b>	EKITI	16	3	6
	LAGOS	20	3	24
	OGUN	20	3	9
	ONDO	18	3	9
	OSUN	30	3	9
	OYO	33	3	14
<b>TOTAL</b>	<b>6</b>	<b>137</b>	<b>18</b>	<b>71</b>
<b>GROUND TOTAL</b>	<b>36</b>	<b>774</b>	<b>109</b>	<b>360</b>

Sources: Researchers' field survey 2021

In the table that eventually became the primary criterion for allocating national resources, south-eastern Nigeria has the fewest states and local governments, implying that fewer

resources will be allocated to the region that contributes the most to national resources, especially when compared to any other region in northern Nigeria. As the number of states and local governments formed the basis for both the upper and lower chamber representatives, it also meant less representation for the people. Watts (2004) explained within the political-economic framework that in a petroleum state such as Nigeria, the government utilises state apparatus to control and determine the allocation of oil resources. With multiple periods of reduction in the derivation-based system, it is evident that the common resources that would have accrued to the host communities in exchange for their contribution to the national wealth would have been diminished. In light of this, Uche and Uche (2004) argued that the host communities were marginalised by the denial of the right to benefit equitably from the resources on their land during the military era.

Madu (2019) has argued that such a reduction in the revenue base would hurt the level of physical and economic development of the host communities, as well as their capacity to address environmental pollution challenges. Nonetheless, some contend that this may not necessarily be the case in light of the resource curse theory, which suggests that a simple increase in the allocation of a resource may not necessarily result in a rise in physical development and improved living conditions for the populace (Gilberthorpe and Papyrakis, 2015). Nevertheless, this perspective has typically not been extended beyond the corruption and mismanagement that have plagued oil-producing states (Agbibo and Maiangwa, 2012). Even though there is a need to combat corruption in the resources allocated for the development of the host communities, Adunbi (2020) argued that this should not take precedence over the improvement of the Niger Delta's development. Based on this position, this study argues that it is unfair to deprive host communities of funds based on corruption, even though there is no evidence of greater corruption at the local level than at the federal level. The country lost billions of naira due to corruption and other corrupt practises to which

the federal government has been linked (Nigeria Extractive Industries Transparency Initiative, 2013; Ellis, 2016). Moreover, if corruption were the basis for de-emphasizing the system based on derivation, the entire purpose of derivation, which is to encourage hard work and regional specialisation, would have been defeated. Second, there is insufficient evidence that there was no corruption between 1948 and 1964 when other regions of the country enjoyed a 65 percent derivation-based system (Montclos, 2018).

However, since the last review of derivation-based formulas in 1999, there have been numerous calls for an upward review. For example, the study by Lukpata (2013) suggested that the derivation formula be increased from 13% to 20%. He stated that this would make things more equitable and permit enhanced physical and socioeconomic growth in the region. In 2014, the National Conference convened by President Jonathan's administration recommended a review of the 13 percent to 25 percent derivation rate (National Conference Report, 2014). Due to the numerous bottlenecks created by the military regime, the conference did not approve this recommendation. In the first instance, the inclusion of 13 percent in the constitution by the Abubakar military government in 1999 makes the 13 percent derivation a constitutional matter, per section 162(2). Therefore, the trade-off would entail balancing the number of states and local governments through a constitutional amendment in the form of a parliamentary act to ensure equality across all Nigerian regions.

## **Conclusion**

A critical analysis of the historical development of oil exploration in the study area revealed in this chapter that white colonialists did not recognise the cultural ideals of the host communities as a form of inequality in recognition. Even though the host communities attempted to resist, several land administration policies were implemented to subdue them, thereby providing the transnational corporation with additional legal support. Within the

framework of post-colonial theory and decolonial theory which suggest how indigenous people of the formally colonised nation could mobilise to pursue and insist on changes in policies that will be favourable for them in the post-colonial era through decolonialise, I demonstrated in chapter three how the cultural dominance of indigenous communities during the colonial period influenced the development of countries in the global South and how decolonial approach is necessary. Also in this chapter, I attempted to demonstrate a connection between recognition inequalities and participatory inequalities by demonstrating how cultural nonrecognition led to the exclusion of host communities from key government agencies responsible for oil exploration in the study area, and how colonial-era policies continued to exclude host communities from participation in the allocation of oil revenues. These illustrations demonstrate how recognitional inequalities fuel participation and distributive inequalities. Nevertheless, this is not all. I then demonstrated how recognition inequalities and participatory inequalities fan the flames of distributive inequalities by examining how the derivation-based system is used to deprive the host community of resources that are intended for regional development. Although the three theoretical pillars of environmental justice (distributive, recognition, and procedural) are evident in the study, the study is an excellent example of how the three pillars are interconnected through the historical processes of oil exploitation. In contrast to the majority of EJ framings in the study area, which focus on this tripartite EJ, the study argues that formal arguments on environmental justice framing, contextualising these three feet of EJ, which did not recognise the impact of colonialism and cultural dominance of the host communities, would not suffice in understanding the broader issues of marginalisation in the study area, as we will see in detail in subsequent chapters. The subsequent chapter will build upon this foundation by identifying the political and legal resources available to support environmental justice in the study area by investigating Nigerian environmental and petroleum regulations.

# **CHAPTER SIX: INSTITUTIONAL APPROACH TO ENVIRONMENTAL JUSTICE: INVESTIGATING THE ACCOUNTS OF OIL HOST COMMUNITIES IN SOUTH-EASTERN NIGERIA**

## **1.0 Introduction**

In Nigeria, the constitution, which serves as the guiding principle, and other environmental and oil laws provide both the political and legal resources for environmental justice that host communities can utilise to support their environmental justice concerns. Consequently, this chapter is a crucial and strategic component of this thesis because it not only builds on the findings of Chapter 5, which describes and analyses the history of environmental justice in the studied area but also provides valuable insights into the available environmental justice resources that could be leveraged to support environmental justice concerns, as well as insights into how the existing legislation could be transformed or adapted to support environmental justice. This chapter builds on Chapter 5, which relies on archival evidence to examine the historical account of EJ in the study and uses evidence from the interviews and the questionnaire to provide an analytical understanding of the following: (1) the political and legal means available to sustain environmental justice in south-eastern Nigeria; and (2) how existing environmental and oil laws can be modified or adapted to ensure inclusivity in oil extraction in the study area. Consequently, the purpose of this chapter is to address two research questions, which require an analysis of the existing laws from a top-down perspective to determine how host communities could use these laws politically and legally to support justice, and how such regulation could be modified to achieve EJ while adopting a decolonial perspective.



## **6.1 Accessing Resources to Support Environmental Justice in South-Eastern Nigeria**

In this section, I consider the political and legal resources available to advance environmental justice concerns. I try to set a course for the host communities in the study area by analysing existing laws, data from interviews, and questionnaires.

### **6.1.1 Nigeria's political structure and the place of south-eastern Nigeria**

In this section, I analyse Nigeria's political structure, as well as the location and influence of the region on the country's political economy. In the fifth chapter, I described how the Nigerian military established 36 states and 774 local government units from the country's three original regions before handing over power to the democratic government in 1999. (Please see the original map of Nigeria before 1967 and the present map of Nigeria showing the study area in Appendix III). The same chapter also discussed Nigeria's federal political system, which includes a central Federation Account for collecting and distributing national resources from oil and other sources among the three levels of government—federal, state, and local—using a formula that has historically prioritised equality between states and the number of local governments over the derivation-based system. This insinuates that EJ has been enthroned in the study area partially as a result of the system of divide and rule. Following this, it was logical to examine the current political structure to determine how the study area could utilise it to achieve EJ. In other words, this section will provide support for the main argument and a resolution to the central issues examined.

In a federal system of government, the three branches of government—executive, legislative, and judicial—are viewed as having separate powers. Each state in Nigeria has three senators in the upper chamber, and senators are selected based on the home region of their state's local

government. The national legislative body is comprised of an upper and lower house. The study area is represented in the legislature by 15 senators in the upper house and 43 members in the lower house. In the region under study, there are also five state governments and 95 local government areas, which means that 95 local government chairmen and five executive governors oversee state and local government operations daily. Table 5.2 of Chapter 5 is an example of this. In a constitutional democracy, legislatures draft and enact laws, which are then enforced by the executive and interpreted by the courts (Fed Rep Nig Constitution, 1999).

There are three levels of government in a federal system: federal, state, and local, with the federal level being the most powerful. Even though municipal councillors and the state legislature have the power to enact legislation for their respective jurisdictions, federal regulations and the constitution generally take precedence. In other words, any state or municipal law that conflicts with federal law or the Nigerian constitution is deemed invalid (see Fed Rep Nig Constitution, 1999). Although this appears similar to other federal countries in which powers are shared among the three levels of government, Nigeria's system differs because the centre (federal government) is so concentrated due to the large number of items on the exclusive list that fall under its jurisdiction (Madu, 2021).

The political resources of the study area include the 15 senators from the upper house, the 43 chambers of congress, and the South-Easterners appointed by the president to the Federal Executive Council. In addition, the state's five governors and the state legislature are available as political resources at the state level. This is in addition to the 95 chairmen and councillors of local governments. Boddewyn (1994) defines political resources as the unique political assets and skills that enable a region to participate in policy discussions, contend with competing interest groups, and influence policy decisions. This study adopts Boddewyn's definition of political resources because it resonates with and captures ground-

level realities. Since 1993, the people in the region under study have neither increased nor decreased their political power, and a constitutional amendment would be required to change that. As shown in Table 5.2, despite the region's apparent abundance of political resources, when compared to other regions it appears to be the least endowed. Consider the viewpoint of a constitutional attorney as he discusses these resources during an interview.

It is not that the Ibos do not have people who represent them at different levels. The problem with the Ibos is rooted in the number of states they have, which forms the basis of several other creations. They have the least number of LGAs, and the least number of parliamentarians, and receive the least revenue because a major criterion of revenue sharing is the number of states and LGAs. It's a fundamental issue that was inherited from the military government. Unfortunately, the current crop of politicians from South-eastern Nigeria has not been able to change this creation, which now forms part of the constitution (I.O., Male, LW, interview; December 2020).

This respondent's account, as a lawyer with over 21 years of experience, suggests that Nigeria's political system is unbalanced. While the respondent acknowledged that the area under study has representatives at different levels of government, he added that the fundamental challenge facing the area's residents is the proliferation of states and local government units (LGAs), which were created by the military government and have remained unchanged since the country's return to democracy. Fewer states and LGAs equate to fewer resources for the region, fewer legislators in the legislature, fewer government presences, and possibly less distribution of various government facilities. In Nigeria's political economy, Hausa, Yoruba, and Igbos compete for state power because the government can direct oil wealth generated by oil host communities (Ibaba, 2005). This explains why politics is commonly viewed as a tool for wealth accumulation in Nigeria, and because the state is the focal point of political competition and a vehicle for resource allocation, it has been utilised

effectively to achieve the objective of primitive accumulation (Ake, 2001). This is related to my previous historical chapter, which explains how and why this occurred. At various levels of government, the privileged political elite dismantles and privatises the state power apparatus to advance individual, sectional, and ethno-regional interests at the expense of common interests and the public good (Nsoedo, 2019).

Due to entrenched interests in the oil economy, the military between 1967 and 1992 created new states and LGAs to suit their perceived profit during the oil boom, and this creation has outlasted them, resulting in nearly 22 years of civilian rule under the 1999 constitution. In the final section of this quote, the response expressed regret for the inability of the current political elite to alter the structural foundations of marginalisation, implying that a change in the political system might be sufficient to alleviate the region's problems. This is also consistent with the position outlined in Chapter 5, which discusses the origins of environmental injustice in the research domain. Given that political control and influence in Nigeria's political space are the primary determinants of the distributive inequities experienced by the research region, increasing the political engagement and influence of the host communities is essential for addressing the highlighted issues. In this context, some interview and survey respondents asserted that the region has sufficient political resources to promote the recent, widespread demand for an Igbo president in 2023. Since the country's politics are heavily influenced by ethnicity, seizing political power, particularly at the centre, could be used to address the region's political imbalance, particularly in the areas of appointment to the governing boards of government agencies responsible for oil exploitation in the country, policy changes regarding the use of land and its resources, and a derivation-based system. Although this may not address the structural inequities in regional representation, the Nigerian president's position is so powerful that the process of initiating and creating more states and local governments for the south-eastern region can be initiated

by executive order. To convey his thoughts on the way forward, another respondent described how the elite should utilise the ongoing push for the Igbo presidency:

“As the 2023 general election is drawing closer, the political elite should seek and pursue the position of the presidency. Even if it means liaising with other regions to get this. It will be a step towards equality and fairness. I have heard that the leader of a group, Pureh Kalango, the organization's creator, has tasked political figures in the former eastern bloc to band together and make sure that their region elects a president in the general election of 2023. It said that as the general elections in 2023 approach, the appeal for unity was made out of a desire to foster mutual understanding and gain political advantage. Additionally, it advised local officials to forge alliances and identify common ground in order to accomplish their objectives. This is exactly what the region needs at this very difficult time since the region is the only part that has yet to produce the President of Nigeria” (R.D., female, com, interview; November 2020)”

The respondent advocated for political participation and collaboration that would aid the region under study in assuming the presidency by collaborating with other regions. This view is also consistent with the initial suggestion to run for president in the 2023 general election and to build bridges with people from different regions as a means and strategy for winning the 2023 presidential election. In addition, the quote suggests that this is precisely what the region needs at the moment, as one of the drivers of EJ in the region was political marginalisation in the form of the creation of more states and local governments to favour some areas over others. Emphasizing that it will contribute to addressing the majority of environmental justice concerns raised by the study. Akinola (1996) argues that the Nigerian democratic system should allow for presidential rotation and zoning of other top offices to maintain the country's peace and stability. This would promote national harmony. As a result of the tribal politics and class divisions left behind by the colonial state in Nigeria, people in the early post-colonial era were more concerned with their tribes than with the country's common good. The impact of colonisation on how people in the global South view EJ is

substantial. Please refer to Chapter 3 for additional information on how several colonial-era government policies, particularly divide-and-rule policies, persisted in their pursuit of indigenous people in the postcolonial era. The point is that colonialism's "divide and rule" practises eroding the renowned homogeneity of most host communities. My position is that this complicates the formation of a nation. In a modern state such as Nigeria, advocating for the Igbo president contradicts nationalist achievements. Nobel laureate Wole Soyinka, however, stated in a television programme that Northern Nigeria will continue to control the government regardless of who is elected president. He continued to defend his position by citing Nigeria's fictitious constitution, a fictitious population in the Northwest, and additional northern states. Even if an Igbo president is elected, Northern Nigeria will continue to control the government, as was the case during the administrations of Olusegun Obasanjo and Goodluck Jonathan. The best course of action for Nigeria is to negotiate our very existence (Wole, 2022). This negotiation could take the form of a review and amendment of the Constitution, which will bring equality, justice, and fairness to every region of the country through the establishment of more state and local governments to rectify the imbalance in structure that existed during the military era.

Referring to literature will help us understand the impact of ethnicity and the individualistic tendencies of some members of the host communities. Primordialists and instrumentalists have opposing views on how ethnicity is utilised in Nigeria to consolidate state power and exert control over how products are manufactured. Primordialists view ethnicity as a cultural and psychological phenomenon, whereas instrumentalists view it as a tool for social, economic, and political competition (Che, 2016). It appears that the instrumentalist perspective, which is rooted in utilitarianism, fuels the expansion of government power and production processes, thereby fostering inequities and varying degrees of unfair behaviour. Again, I argue that Nigerians should consider themselves to be Nigerians rather than Hausa,

Igbo, or Yoruba. The idea of working together, and seeing themselves as one will be contrary to the policies of the divide-and-rule system introduced by the white colonist. The inability of the political leadership to alter the existing order in the area under study is also emphasised as a crucial aspect of this paper. A community-level youth leader's comment sheds light on this. Regarding the disparities between states and local governments before the constitution of 1999 and the way forward, the participant expressed the following opinion.

“We have representatives in both the upper and lower houses of the National Assembly. What are they doing in those chambers? Some sections of the constitution provide for the amendment of any section of the constitution. What efforts have they made to leverage those provisions? If you ask them, they will be quick to say that they are the minority in the chambers. Let them galvanise support from another region to get what they want. What about the governors in the region? To what extent are they synergising in addressing the challenge? The main issue is that they are only there for their interests” (Interview, H.A. Male, YT; December 2020).

In this response, the question is raised as to why elected parliamentarians from the region are unable to actively advocate for the constituents' interests within the prevalent political system. His theory is that if those representing the study area in parliament are determined enough, they can rally support from legislators outside the study area to correct the imbalance in the political system. This may involve introducing additional states and LGAs for the region or advocating for the country to be divided into the three regions that existed before the military rule. In addition, the remark implies that elected officials may have interests other than representing the people of the region, which may have prevented political elites from addressing Nigeria's political imbalance adequately. Inequality in the distribution of states and local governments across the various regions, as well as the formula for allocating funds, are examples of problems that could be resolved by amending the constitution, as specified in Section 8 of the 1999 document. While the National Assembly retains the authority to amend, the interview response suggests that those who represent south-eastern

Nigeria in the National Assembly are not doing enough to change this narrative. This view was echoed by another respondent, who attributed the rise of the secessionist group to a failure of leadership not only at the centre but also among the region's political elites (A.D. Male, Comeled, interview; December, 2020).

In a similar vein, Kumolu (2015) argued that the protest of the zone's youths is a result of the South-eastern region's exclusion from the political equation about the governance of the Nigerian polity, as well as a reflection of their loss of hope and trust in the political elite's ability to deal with it. This position also collaborates with Watt's (2005) findings on the causes of youth restiveness and violence in the Niger Delta. This further demonstrates that there is a chasm between the masses and elites in the region under study that must be addressed. Although class analysis is not new to EJ research in the Niger Delta, it appears to be understudied in the region. Environmental justice researchers are unable to conduct class analysis due to the propensity to disregard such social relations in host communities. According to Anthias (2014), dividing groups in Africa into distinct social classes remains a significant challenge, particularly in terms of understanding the intra-class differences of the dominant petty-bourgeois group. Colonialism and the (early) postcolonial era codified and strengthened class distinctions in Africa (Noret, 2017); also see my chapter 2 analysis of dependence theory as it relates to class distinction and the role of the elites group in keeping the poor masses poorer. To comprehend the disparities, political economy, and dynamics of environmental justice in the research region, I believe a class analysis is necessary. I have discussed this in detail in the literature review section of chapter 2 on elitism and the impact of unequal distribution of resources. This is because it paints an accurate picture of the underlying structures and patterns of EJ in the post-colonial context of the study area. The unequal distribution of rights and powers between and among various groups about certain EJ

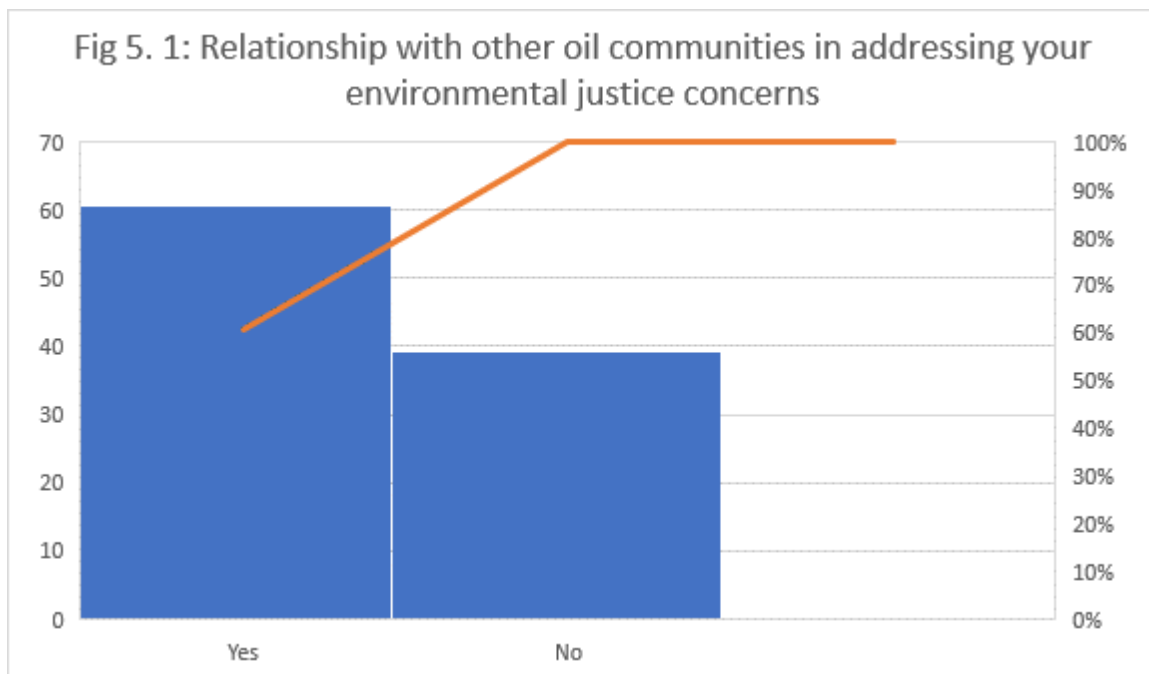


issues facilitates these class connections. The following remark sheds further light on this class issue and the unwillingness of regional elites to cooperate:

"Yes! We have a serious challenge of marginalization, but that is not the major issue. The disunity and uncooperative attitude among the political elites of Igbo extraction and the masses prevents them from pushing a common front and galvanising support from other regions, and I think this has a lot to do with the traditional individualistic tendency of the Igbos, either in business, education, or other spheres of life. In contrast to the northern regions, where people listen to their emirs, who serve as their religious and traditional leaders, in Igbo society, there is this general belief that Igbos have no leader of any kind, religious or otherwise. This is a major problem which makes the masses drift without proper direction and guidance "(A.D., Male, Com.led, interview; December, 2020)

This is consistent with Chinua Achebe's assertion that the Igbo's true problem since achieving independence has been the absence of the type of central leadership that their rivals assume for them (Achebe, 1968). Exploring the proverb "Igbo Enwegh Eze," Nwakanma (2022) noted that the Igbos fired the first shot in the anti-colonial Nationalist movement with the Aba women riot, exemplifying how Igbo women resisted the imposition of kingship. True Igbo will occasionally respond, "OnweghiOnyewu Chi Ibe ya," when pressed further on a topic. "Nani Chukwu bu Eze Ndi Igbo" translates as "no man reigns over another." "Only God is the king of the Igbo." "Ohu" refers to an Igbo who genuflects before another. According to the ancient laws of the Igbo, he or she disavows their "Chi." This is frequently emphasised and made abundantly clear, even to an Igbo child with an adequate education (Nwakanma, 2022). This idiom, which is ingrained in the essentialist perspective, relates to all of the preceding discussions of primordial/instrumentalist approaches to ethnicity. It presupposes that culture is static, homogeneous, holistic, deterministic, and constrained and that it, therefore, influences or determines the political position (Nathan, 2015; Illman and Nynas, 2017). The implication of such an essentialist viewpoint, which attributes

characteristics to Igbo nature and to which available data speaks volumes, is that such an individualistic tendency is reflected in the political rivalries between the region's political elites, which have hampered the region's chances of regional integration, which would ordinarily have helped to resolve the justice crisis. As depicted in Fig. 5.1, the responses to the questionnaire reaffirmed that members of the oil-hosting communities cooperate in addressing their environmental justice issues. When asked if the host communities collaborate with other oil host communities in Nigeria to promote inclusive oil extraction, the response was affirmative.



Researcher's survey 2020

Sixty percent of respondents responded affirmatively, while forty percent responded negatively. The same holds for environmental activist groups and the political elite. Because the outcome of the questionnaire is inconsistent with the interviews, this suggests that maybe, the type of cooperation or relationship that exist is not such that requires knowledge sharing, assistance in times of need, or regular meetings of people with a shared interest. What is required is strong cooperation among all key stakeholders that will foster the broad

and cohesive political climate necessary for the region to achieve the substantial synergy required to turn the political tide in favour of the people's collective interests; rather, than that which will encourage them to pursue their interests. Again, it tends to fragment the region by sowing mistrust and disdain among political elites (Okonkwo, 2015). An interviewee noted that in the run-up to the 2019 general election, the presidential candidate of one of the ruling classes chose Peter Obi who is from the study area as his running mate, but other political elites from the region were unable to lend them the necessary support because they would have preferred to be the one chosen for the running mate (I.O., Male, and LW, interview; December 2020). Nigeria's political-economic structure is based on particular types of political behaviour, making it relatively simple for the system to reward selfish conduct. This essentialist approach to the lack of recognised kingship or leadership has not benefited the region relative to other regions with recognised kinship in their cultural philosophies. This is because, as a result of their cultural ideologies, other regions are more capable than the individualist approach of reaching a consensus on political issues and this has benefitted the northern group around oil exploitation activities and the distribution of its resources. Consequently, removing power has become challenging, as is typical of an oil-dependent economy such as Nigeria, where politics permeates everything, including life and death (Ibeanu and Mbah, 2012).

I have primarily discussed Nigeria's political-economic structure and the position of the study area within that political-economic space, highlighting the system's imbalances. I argued that the individualist essentialist tendency of political actors makes it difficult to make a simple positive change. As it has been established in chapter 5 that these policies originated in the colonial era and continued into the post-colonial era, I argue in this section that political participation and mobilisation at the top level are necessary and should be pursued to resist the divide rule policies of the colonialist as a decolonial strategy for ensuring equity in the

number of states and local governments across different regions. It is also necessary for policy changes and amendments, particularly as they pertain to land administration and the appointment of key government officials in charge of ministries and agencies responsible for oil extraction. Following this section, I will examine how restructuring this system could resolve some of EJ's problems.

### **6.1.2 Restructure of the political and economic structure of the Nigerian system.**

This subparagraph expands on the previous section by examining how Nigeria's political and economic structures could be rebuilt utilising the political resources available in the study area. Nsoedo (2019) argued that the Nigerian government must agree unreservedly to a comprehensive restructuring of the country's political and economic structure, restoring the country to the period of 1963 when regions independently managed their economic and political affairs, allowing each region to flourish at its own pace. A governance system that encourages the devolution or decentralisation of power and authority among the component units. My research data concur with Nsoedo (2019), who argued for a political system that would restructure the country's political and economic structures, in addition to the need for collaboration among host communities, environmental activist groups, and the political elite. One of the interviewees emphasises the importance of restructuring in the following way:

“For instance, recently, there has been clamour from all parts of the country for restructuring. If the region is one, they could press harder for the already widespread clamour for the restructuring of the country, which will have the direct effect of making every zone of the country largely in control of their resources, in addition to the political restructuring of the Nigerian political system” (I.O., Male, LW, interview; December, 2020).

According to this statement, popular calls for restructuring present an opportunity to establish a new order in the country's political and economic structure, as well as a significant justice system for the area under study. Because some EJ issues involve distributive inequalities, political restructuring would ensure inclusiveness in the selection of government agencies responsible for oil extraction and parity in the number of states and local governments, while economic restructuring would result in resource control for oil resources. However, the phrase "if the region is one" corresponds to the individualistic viewpoint mentioned previously from an essentialist vantage point. The respondent stated that if it were not for the region's essentialist worldview, such opportunities for restructuring should be pursued communally, as they will rectify a portion of the injustice pursued. According to a second respondent, there is a fundamental structural problem in that the constitution is too centralised and gives the federal government a larger share of exclusive responsibilities. These are the kind of structures that must be demolished and replaced with more suitable ones for the region to advance (K.O., Male, Acad2, interview; September, 2020). In other words, the current political and economic framework is flawed, necessitating political reorganisation, particularly in the form of a constitutional amendment to devolve powers to other state components to address the issue. This sentiment was shared by a second participant in the interview.

“What I would like to see is a complete overhaul of the entire system. That will not just be for the oil industry, but everything. I think our government is too centralized. I do not see the essence of the government owning or taking over land because it has a resource or mineral there. I believe that the resources should belong to the people and that there will be a kind of cascading effect in which the local and state governments will all be involved in determining how the resources are managed. The central government should be weaker than what it is now, and because too much emphasis is placed on the central government, that is why corruption is too high and everyone is rushing to the oil-producing state "(C.M., Male, Acad1, interview; June 2020).

The respondent admitted the government's excessive centralization, but argued that resources should belong to the people. Although it is unclear whether the respondent is advocating for communalism or strong regional control of resources, what is clear is the call for political system restructuring so that the centre is weak and the regions are strong, which sounds like devolution of power, while also advocating for inclusive economic restructuring. While this argument remains valid in light of the research findings, a representative of the Ministry of Petroleum stated that the majority of oil-producing states, including the study area, are underrepresented on the boards of NNPC and NDDC due to the politics surrounding oil and its economy, and that this anomaly can only be rectified by the central government holding public hearings to remove petroleum from the constitution's exclusive list (Rep, Min. Pet 2020). This reaffirms my earlier argument regarding chapter 5 but simultaneously necessitates both political and economic reform, as it represents a call for increased devolution of power from the centre to the states. In this case, petroleum extraction is the sole responsibility of the federal government, which is reflected on the list of products over which the central government has sole control. Details of this can be found in appendix V11 – Exclusive, Concurrent, and Residual list of the Legislative Powers. If petroleum matter is removed from the exclusive list and placed on the concurrent or residual list, the federal government and state retain control over petroleum-related activities, as is the case with the concurrent list. Nonetheless, if petroleum matter is placed on the residual list, it becomes the responsibility of the state government closest to the people.

Nonetheless, it is essential to comprehend what political and economic restructuring entails, as there are varying perspectives on what political and economic restructuring entails on a regional and individual level. The northern region views restructuring as a threat to Nigeria's existence, especially in light of the anticipated loss of oil revenue share and devolution of

powers (Othman, et al. 2019). Akintoye (2017) viewed restructuring in the south-west region as a return to the political and economic structure (regionalism) that existed before the 1966 military coup, with each region having its constitution and control over its resources, whereas the Yoruba Afanifere group viewed it as a return to greater regional autonomy, weakened central administration, and resource control. Similar dichotomies exist in South-eastern Nigeria, where the Ohanaeze view restructuring as a means of gaining access to national political power (Nwodo, 2021), whereas the youth view it as a demand for the realisation of Biafra (Kanu, 2020). This is a call for resource management, particularly of oil resources, in the Niger Delta region (Othman et al., 2019). Failure to comprehend and articulate this diverse perspective on the concept of restructuring may prevent the region from realising the concept's multiple benefits. This diverse interpretation of restructuring makes it extremely difficult to reach a useful consensus.

Likewise, data from the analysis of the questionnaire not only corroborated the facts from the restructuring interview but also provided additional context for the restructuring call. It suggests that restructuring in the study area involves both economic and political decentralisation of centralised economic and political power by allowing different regions or states to control their resources and pay taxes to the central government while devolving centralised powers to component states for effective and efficient leadership. Consider and reflect on the questionnaire response. The response to the request for additional methods or strategies to achieve the desired level of environmental justice in the research area is detailed in Table 6.1.

**Table 6.1: Please suggest other ways or strategies you consider useful in addressing your environmental justice concerns**

Response	Frequency	Percentage
Restructuring the political and economic structure of the country	4	4
Constitution force majeure	3	3
Engaging the government	5	5
self-determination	2	2
Restructuring and constitution force majeure	18	18
Restructuring and engaging the government	4	4
Constitutional force majeure and engaging the government	1	1
Engaging the government and self-determination	2	2
Restructuring, constitution force majeure, and engaging the government	61	61
Total	100	100

Source: researcher's survey, 2020

Only 4% of the 100 respondents selected restructuring alone, 18% selected restructuring and constitutional force majeure, and 61% stated that a combination of tactics, including restructuring, constitutional force majeure, and engaging the government, is necessary to achieve justice. In each of these instances, however, a substantial proportion of respondents believe that restructuring will help the study area overcome some of the government policies that have continued to foster environmental justice in the study area. In any case, both the questionnaire and interview data contributed to the growing need for restructuring as a viable solution to the justice problem. This is because although I never mentioned the issue of restructuring in the questionnaire, it emerged as a common denominator from the respondent's responses. Based on the analysis of the questionnaires and interviews, the following section will elaborate on this viable option and propose alternative ways to advance collaboration.



## 6. 2 Legal resources available to support Environmental Justice

In this section, I draw from the constitution provisions, and existing environmental and oil laws from Nigeria as the available resources to support the environmental justice challenges.

I also examine how these existing legislations could be amended or adapted to ensure inclusiveness.

### 6.2.1 Current laws and regulation

In Nigeria, in addition to the constitution of 1999, several federal laws seek to ensure environmental protection and promote the use of natural resources for the benefit of future generations as well as the current one. The purpose of these laws and their enactment are presented and summarized below.

Table 6.2: Summary of the legislative instrument on the environment and oil sector

Act	Year	Aim
Mineral Oil Act	1963	An Act to provide for the regulation of oilfields and the development of mineral oil resources.
Land Use Act	1976	An act that seeks to regulate the use and ownership of land
Environmental Impact Assessment Act	1992	This Act provides for the determination of the environmental implications of a development before a planning decision is reached.
Environmental Standards and Regulations Enforcement Agency Act	2007	NESREA is an environmental agency of the Federal Government of Nigeria that was established by law in 2007 to "ensure a cleaner and healthier environment for Nigerians".
National Oil Spill Detection and Response Agency Act	2006	An Act to ensure responsibility for preparedness, detection, and response to all oil spillages in Nigeria.
Nigerian Oil and Gas Industry Content Development Act	2010	An Act that aims to increase indigenous participation in the oil and gas industry by prescribing minimum thresholds for the use of local services and materials and promoting the transfer of technology and skill to Nigerians.
Petroleum Industry Bill Act	2021	The Act seeks to make the oil and gas industry more competitive by strengthening the governing institutions and attracting investment capital, among others.

Source: Gather from the official gazette of the Federal Government of Nigeria.

From a policy perspective, the Land Use Act was enacted to regulate land use and ownership, as described in Chapter 5. The EIA Act, the NOSDRA Act, and the NESREA Act comprise environmental protection regulations. For instance, the EIA Act is a regulation that mandates an assessment of a development's environmental impacts before a planning decision regarding whether or not to proceed with the project (EIA Act, 1992). NOSDRA is a Federal Ministry of Petroleum enforcement arm by its establishment. It is responsible for coordinating and implementing the National Oil Spill Contingency Plan and establishing a mechanism to monitor and assist (NOSDRA Act, 2006). This role includes, among other responsibilities, monitoring oil company compliance and maintaining existing pipelines to prevent oil leaks. On the environmental front, NESREA is the enforcement arm of the Federal Ministry of Environment, charged with enforcing all environmental laws and ensuring environmental protection, regulatory compliance, and monitoring (NESREA, 2007). Members of parliament primarily enacted the Nigerian Oil and Gas Industry Content Development Act to increase indigenous participation in the oil and gas industry by establishing minimum standards for the use of indigenous services and materials and promoting the transfer of technology and skills to indigenous Nigerians (NOGICD Act, 2010). The Petroleum Industry Bill, which was enacted in July 2021, bolstered the country's significant move to ensure inclusion, particularly of host communities in oil-producing states.

In contrast to the 13% deduction, which goes to the state government account from which the setting percentage is now deducted to provide relief to the host community, the PIA Act requires oil companies to pay 3% of their operating expenses into a trust fund account dedicated to providing social and economic benefits to the host community. The fund, known as the host community development trust fund (HCDTF), is to be managed directly by nominated members of the host community; oil companies that fail to provide this fund risk having their licences revoked (PIA Act, 2021). This was in response to the agitation and

pressure from host communities, whose activities were beginning to create an unfavourable environment for the oil business. In addition, fines associated with gas flaring must be paid directly to host communities to mitigate their impact. This mechanism ensures that this fund has a direct and positive impact on the lives of host communities, as opposed to the derivation fund that state governors could use to manage state affairs. Further elaborating on the regulatory agencies, an interviewee (D.B., Female, NES, 2020) posits that they are doing their best in terms of monitoring but are hampered by a lack of adequate funding and are frequently observed relying on the structure and facilities of transnational corporations to carry out their mission. This indicates a lack of funding and infrastructure, which may cast doubt on the reliability of the monitoring operation. It is possible that the monitoring team, which enjoys the luxuries provided by the oil expatriates, has made an error during the process. They are human beings with emotions who, with the oil company's assistance, may overlook some sensitive issues. My point is that the depiction is detrimental to the operation of the monitoring exercise. If the monitoring team is permitted to use the vehicles, boats, and other facilities of transnational corporations, there is a risk that quality control will be compromised. Another interviewee painted a vivid picture of the current government agencies charged with ensuring the proper implementation and enforcement of existing environmental and oil laws:

“The Niger Delta issue has not been solved by several of the environmental and oil laws, not just for policy inadequacy but for poor monitoring and implementation. For instance, NOSDRA, and NEASRA are all agencies of the federal government created by law to monitor the environmental aspect of oil production and take note of what is going on, and ensure that the implementation of the law corresponds with what is on the ground. This is in addition to monitoring the equipment and carrying out oil supervision and production. However, due to logistic issues, they seem not to be working at their optimum

capacity” (K.O, Male, Acad2, interview; September 2020).

Although the respondent acknowledged policy inadequacy as a factor in the problems facing host communities, it indicated that the government agency responsible for monitoring, evaluating, and implementing existing policies is not operating at full capacity due to logistical constraints. These logistical obstacles may include a lack of operational vehicles, insufficient funding for vehicle fueling, insufficient personnel, and a lack of security personnel and security equipment required for such a monitoring exercise. There is a tendency for the monitoring process to deteriorate when logistical obstacles arise, resulting in severe enforcement consequences in the form of prosecution. This is because offenders will be charged and prosecuted in court, and it may not be possible to conduct a thorough investigation due to logistical constraints. This is in addition to the challenges that a court would have posed under the same conditions.

Regardless of how robust and comprehensive the laws are, their purpose would be defeated without enforcement and compliance monitoring. In this context, Pmo and Slocombe (2012) argued that developing laws and enforcing regulations have historically been viewed as the most effective means of ensuring corporate and environmental compliance, and that regulation and enforcement always favour public response to environmental problems. This implies that laws alone are insufficient to motivate compliance. Frequently, enforcement of existing laws motivates individuals to comply. The idea is that the threat of legal action and the associated costs is one of the reasons why multinational corporations comply with domestic environmental laws (Hilson and Murck, 2000). For instance, the monitoring and enforcement process will be weakened if NESREA and NOSDRA, which are responsible for monitoring and enforcing environmental and oil laws, are unable to conduct routine compliance monitoring of both environmental and oil laws due to logistical constraints. This

lack of regulatory monitoring and enforcement, according to Gonzalez (2015), contributes to environmental injustice in the global South. In a related development, Ayuk (2021) emphasised the significance of the new PIA to the host community and other stakeholders in Nigeria, as well as the significance of monitoring and enforcement.

Since its first introduction more than 13 years ago, the passage of the PIB has represented a historic moment in Nigeria's energy sector and serves to promote and enhance the significant opportunities that will undoubtedly benefit all oil and gas industry stakeholders. We must make this legislation functional for Nigerian and international energy companies. I believe this bill will make the Nigerian energy sector competitive again, increasing the number of rigs. Nigeria's oil and natural gas industry will out-innovate, out-produce, and out-compete those who have written it off or bet against it (Ayuk, 2021). Ayuk appears to suggest that, for the law to be effective, it must be implemented, monitored, and evaluated for compliance in any way possible. The law's primary objective is to increase the openness and competitiveness of national and international oil and gas companies while ensuring that all stakeholders are included in the process. However, the law's beneficial intent can only be realised when it is enforced and violators are prosecuted. Another issue raised by Ayuk that merited further investigation was the fact that this bill has been introduced for debate in the legislature multiple times but has repeatedly failed to pass the second or third reading. However, after more than 13 years since its introduction, it has been passed and approved by the President. Consequently, with increased commitment, perseverance, and tenacity, additional legislation seeking equity and fairness in the oil and gas industry could be resolved through the legislative process, regardless of how long it drags on. A representative of the Nigeria Environmental Society stated the following while the effectiveness of current policies and regulations is still under investigation.

"Granted, environmentalism did not start in Nigeria up until 1988 after the coco incident where an Italian company came into the country and dumped about forty thousand tons of toxic waste in a small remote village called coco in Delta state. And the poor farmer who accepted that agreement was approached and offered some money. He did not understand the implications of what he was doing at that time, and because it was toxic, the effect was felt soon after. It was an outcry and that kind of gingered the environmental consciousness as we know it today. Between that time and now, a lot of damage has been done, the environment itself has been thoroughly impacted, lives have been impacted, amongst others" (D.B, Female, NES, 2020).

While the issue at hand is the sufficiency of existing laws, the respondent suggested that a portion of today's environmental problems are the result of Nigerian policies from the 1980s that aimed to prevent the transfer of environmental justice from the global North to the global South. In Chapter 2, I discussed the North-South relationship and how the South has served as a dumping ground for the North due to insufficient regulations and enforcement mechanisms. In the 1980s, a farmer was profiled for accepting money from an Italian company and permitting it to dump toxic waste. This error may have been caused by the farmer's ignorance of the dangers posed by environmental challenges, as well as a lack of collaboration among host communities, which would have revealed and possibly averted this danger, but the repercussions were severe. The area was ravaged by pollution, posing health risks and resulting in a string of deaths before the causes of death were determined (FEPA, 1988). In response, the government created the Federal Environmental Protection Agency, which later evolved into the Federal Ministry of the Environment, with the National Environmental Standards and Regulations Enforcement Agency serving as its regulatory arm. During the interview, a respondent stated that several wrongdoings had occurred before the enactment of the current laws. In a related interview, a representative of the legal profession stated that while no law is perfect, even in the developed world, because laws are amendable,

the current laws do not adequately address the issue of compensation as outlined in the 1978 Land Use Act. He went on to explain as follows:

“The current law does not adequately take into account compensation issues. Not only does it provide for the land use and allocation committee to determine the amount to be paid, but it also does not provide how to quantify the loss of the people in terms of displacement. The impact on their sources of livelihood is not spelt out in the law. All these need to be properly spelt out so that the defaulters will even know when they are crossing the border. But again, no law is perfect all over the world as laws are subject to modification” (K.O., Male, Law 1, 2020).

While there has been an increase in how poorly laws are implemented and compliance is monitored, the quote from a member of the legal profession indicates that the existing compensation law is inadequate. He suggested that the law should be comprehensive enough to outline the penalties associated with oil spills, as well as all contentious compensation issues. It is argued that compensation should not be limited to the area affected by the oil spill, but instead should be calculated fairly and transparently. In Chapter 3, I discussed how compensation should take into account not only the impact of pollution on the living but also the displacement or pollution of the abode of the dead, as part of an EJ framework that takes into account the peculiarities of indigenous people (Jackson, 2018 and McGregor et al., 2020). It is also essential to calculate compensation for farmers whose farmland has been impacted by pollution based on the current and future earning potential of the land, and not just on the crops that have been harmed. As discussed in Chapter 5, land use legislation reform will be required in this area because the Act lacked adequate provisions. In fact, according to Ako (2009), the 1978 LUA is detrimental to host communities because compensation for land or interest loss is limited to improvements on the land and does not consider the value or future earnings of the land.

## **6.2.2 Current laws and the implementing Institutions**

In this section, the environment and oil laws presented and discussed in the previous section will be examined in the context of Nigeria's institutional structure. I will examine how NESREA and NOSDRA monitor, enforce environmental and oil laws and prosecute violators. In an interview with the NOSDRA representative, he noted that existing oil pipelines and oil company facilities are periodically inspected to ensure that they comply with NOSDRA's existing standards. The same appears to be true for NESREA's routine checks on all existing businesses to ensure they produce periodic environmental audits, while new businesses conduct an environmental impact assessment before launching. This is to ensure that corrective measures are in place for minor environmental impacts that cannot be avoided and major environmental impacts that may necessitate not beginning the project at all. Due to the security conditions in the area, these government agencies frequently request security from the Nigerian Police to accompany them on-site inspections. If there are violations, these government agencies are intended to bring the violators to court (A.J., Male Rep, NOSDRA, 2020). Studies conducted by Acemoglu et al. (2001) indicate strong support for the preponderance of institutions over individuals in predicting the level of international development. Also, Oyarinu, (2022) argued that what is required in Nigeria is a strong institution, not strong individuals who tend to negatively influence the system. In other words, effective law enforcement, protection of property rights, efficient bureaucracies, and a diverse range of norms are strongly associated with improved socioeconomic performance over time (Hall and Jones, 1999). The crux of the matter is that no amount of laws will be sufficient to achieve environmental justice without strong institutions to monitor the level of compliance with the laws in place and punish offenders; therefore, strong institutions are required to protect the rights of the host communities. A representative of NESREA provided insight into the operations of Nigerian government institutions.



“We try our best to protect the environment and have secured many convictions. But you know, the cost of justice is very expensive, and when there are inadequate resources and facilities to monitor and prosecute, it impacts negatively on our work. Sometimes, when you take the case to court, the lawyers capitalise on technicalities to delay the proceedings. You know how our court system works; cases last for years because the courts are overloaded. When there are no major penalties for defaulters, it encourages wrongdoing” (N.K, Male, NESREA, 2020)

As demonstrated by this quotation, justice is expensive and requires money. Even though the agencies are working to protect the environment, they are sometimes hampered by a lack of funding, and other times it appears that other government institutions frustrate them by delaying justice. He went on to demonstrate that the court of law, which is comprised of various government institutions, is overburdened and unable to fulfil its responsibilities, which encourages other potential defaulters. I have previously shown that government institutions are understaffed and that the government lacks the resources necessary to pursue justice. These are indicators of weak institutions, and when there are inadequate laws and weak institutions, the likelihood of obtaining justice is extremely low because the state is responsible for the redistribution of resources. This is one of the areas where the global North and South differ significantly. Similar disparities exist between the practices of international and national oil companies, as well as onshore and offshore activities, as Appel (2012) demonstrates in Equatorial Guinea. In this instance, oil is viewed as an industry for global capitalists, whose sole objective is to view the oil industry as a revenue-generating machine for the capitalists, who exploit the oil in violation of existing laws and at the expense of the host communities. (Adeola et al., 2001). Consider the following statement made by an academic representative, a professor of environmental management, when examining the strength of the institutions in Nigeria from the perspective of environmental justice:

“Even in the instance of pollution, when these host communities take the case to Magistrate Court in Nigeria and

the Magistrate delays or refuse to give judgement, obviously you will know what happens. You are a Nigerian because the law allows them to move freely, and the law says that the federal government is the owner of all land resources. For communities that have the resources, they can fight, but as I am discussing with you, it is obvious that most communities do not have the resources to do that” (K.O, Male, Acad2, interview; September, 2020).

As indicated by this quotation, government institutions such as magistrate courts may choose to delay or even refuse to render a verdict without significant repercussions because they are serving the government, their paymaster, as opposed to the host communities, who lack the resources and capacity to pursue justice. In a related interview, the respondent argued that government agencies and institutions, such as the police, court, NOSDRA, and NESREA, are understaffed, poorly compensated, and underfunded, making them susceptible to unethical behaviour (A.J., Male Rep, NOSDRA, 2020). Due to a lack of personnel, there may be delays in project monitoring and court proceedings. Moreover, it implies that the available staff, who are poorly compensated, may cut corners in the performance of their duties to meet their obligations at the expense of the host communities. This represents what some have referred to as institutional failures or weak institutions, as they are unable to carry out their responsibilities or account to the people when they fail to do so, as demonstrated in chapter 3, which also provides space for environmental justice. The phrase "you are a Nigerian because the law allows them to move freely" demonstrates the level of impunity without accountability. These are all common arguments in the literature regarding the monetary basis of capacity in the majority of developing nations (see Uche and Uche, 2004). A representative of the Department of Petroleum Resources added the following to this argument:

“Transnational oil companies are mainly in Nigeria to do business, although they have the responsibility to ensure environmental protection while doing their business. They try to abide by the prevailing legislation so as not to incur the arm of the law. However, because they see that they are more powerful than the oil communities and that the oil communities do not have the resources to go to court and challenge them, they may cut corners to increase their profit margin. But do you blame them? The responsibility is ours and the government to have adequate laws to protect its citizens and to set-up, mechanisms to ensure that the laws are obeyed and defaulters are brought to book "(D.O, Male, DPR, 2021).

In this quote, an experienced government representative makes the point that oil companies are there to conduct business and that the government and host communities are responsible for ensuring environmental protection. Obviously, if we understood the oil business environment from Watts' perspective, it would be evident that it promotes capitalism (Watts, 2005), in which case profits are typically non-negotiable, even if it means that the host communities pay the price for profit-driven capitalism. In addition to establishing a mechanism to ensure that the existing laws are obeyed and that lawbreakers pay the price, the respondent advocated for the enactment of sufficient laws. Although one could argue that the existing environmental and oil laws are deficient in some respects, as evidenced by the interview and questionnaire data, it cannot be wished away that the existing laws are not fully complied with and enforced due to institutional weakness observed in government agencies and other institutions of government that are mandated by law to intervene in environmental and oil activities and this is one of the root causes of resource curse propelled by dependency theories as seen in chapter 2. This may explain why some environmental justice scholars in the South advocate for environmental and oil laws with clear monitoring and enforcement strategies, noting that Nigeria does not have such laws (Emejuru et al., 2015). This is consistent with the literature review in chapter 3, where it was determined that weak laws and enforcement mechanisms are one of the primary causes of EJ.

What is even more disturbing is that Nigerian courts often have strictly interpreted the provisions of existing laws and the constitution (constitutional purposivism). In *Oronto Douglas v. Shell Development Company Ltd.*, for example, the plaintiff sought compliance with the Environmental Impact Assessment (EIA) Act in relation to the Liquefied Natural Gas (LNG) project at Bonny that the defendants were executing. Even though he (Oronto Douglas) was a member of the community, the court ruled that the plaintiff lacked legal standing to file suit because he had not demonstrated *prima facie* evidence that his rights had been violated, that he had suffered a direct injury, or that he had suffered a greater injury than the general population (Yeside, 2021). This was in line with Abdulkadir's (2014) argument concerning the scope of *Locus Standi* and the constitutional void. In another instance, the Center for Oil Pollution Watch is described as a non-governmental organisation charged with ensuring the reinstatement, restoration, and remediation of environments damaged by oil spills or pollution in the statement of claim filed with the Federal High Court. In its defence of the Center's lawsuit, the NNPC denied responsibility for the oil spill and filed an objection challenging the Center's standing to file suit. The Federal High Court upheld the NNPC's objection and dismissed the Center's action in accordance with the Constitution. The Center filed a notice of appeal with the Court of Appeal, but the Court of Appeal upheld the decision of the Federal High Court and denied the Center's appeal. In some instances, the Supreme Court has reversed the decision of a lower court on the grounds that the Constitution must be interpreted in light of contemporary standards and circumstances (constitutional literalism). However, in the case of *Center for Oil Pollution Watch v. Nigerian National Petroleum Corporation (NNPC)*, the Supreme Court reversed the Court of Appeal's ruling that the appellant lacked standing to sue the NNPC for failing to clean up or reinstate the Ineh and Aku streams after its corroded pipeline ruptured, fractured, and spewed its entire contents into the surrounding streams and rivers in Abia State, Nigeria. The Supreme Court

determined that it would be improper for the court to permit outmoded technical rules of *Locus Standi* to prevent public groups from bringing an action to stop illegal conduct. The court ruled that environmental non-governmental organisations have standing to sue. The larger significance of these rulings is that nongovernmental organization now have legal right to institute legal action over environmental pollution in Nigeria.

I have presented and analysed Nigeria's existing environmental and oil laws within the existing institutional structure. Data analysis suggests that environmental justice (EJ) issues stem from three key areas: a delay in the enactment of environmental laws, which marks the beginning of EJ; a deficiency in the existing laws, particularly regarding land administration and management; and, most importantly, a failure to implement the existing laws due to institutional weaknesses in government. Given the enactment of the current laws, opportunities exist to seek amendments to land legislation, among others, through legislative processes, while simultaneously ensuring that government institutions are well-equipped to carry out their duties.

### **6.2.3 Leveraging the constitutional provision to support environmental justice.**

In the final section, I discussed the existing legislation aimed at promoting EJ in the study area, highlighting some areas where the legislation is deficient as well as the observed weakness in government institutions, which makes the push for EJ extremely difficult. In this section, I will examine the viability of using a constitutional provision to advance environmental justice in the study region. Section 9 of the constitution of 1999 establishes a procedure for amending the constitution, requiring the approval of two-thirds of the National

Assembly. To this extent, any anomaly that poses a challenge to the EJ issues discussed in Chapter 5 is amenable to the amendment of the Constitution. Consequently, the disparity in the number of states across geopolitical regions, the revenue allocation formula, the appointment of governing boards of the NNPC and NDDC, and the 1978 land use act can all be revisited to resolve the justice issue through a constitutional amendment. EJ's effort to amend the Constitution can also be supported by strengthening government institutions. Section 8, subsection 1C, for instance, established the legal framework for the formation of a new state. Nothing prevents political elites, community groups, attorneys, or even National Assembly members from the study area from initiating an amendment bill and lobbying other parts of the region for the establishment of a separate state for the southeastern region. Although sections 8:1c and 1d make it exceedingly difficult to create additional states due to their strict nature and the requirement of a two-thirds vote in the National Assembly, these obstacles can be overcome through political lobbying and campaigning. The responses from both the interviews and the questionnaire administration all support this action (Please see table 6.1 and Interview with C.M., Male, Acad1, June 2020). Both support active political participation through lobbying for more state and local government creation in favour of the study region, which will aid in addressing the structural imbalance of the nation. In addition to the injustice caused by the disparity between the number of states and local government areas in different regions, sections 162 subsections 1 and 2 on the establishment of a revenue and allocation commission and the recognition of a federation account, which require the centralization of national revenue and its distribution to the three tiers of government based on population, number of local government areas, and state, rather than derivation, also create injustice.

True federalism, as practiced in both the global North and South, recognises the right of constituent states to prudently exploit their national endowment for the welfare of their

people. This is accomplished by paying taxes on resource use to the central government for the protection of the state's territorial boundaries. In Nigeria's federal system of government, however, the central government controls all resources via the 1978 Land Use Act, indicating that the government is more of a unitary system than a federal one. Responses from the interview advocate for a resource control mechanism similar to that found in genuine federalism or for the restoration of the original derivation percentage before the interference of colonialism (Please see table 6.1 and Interview with C.M., Male, Acad1, June 2020). In addition, consider the perspective of a representative of the Abia State Oil Producing Areas Development Commission, or ASOPADEC, regarding the repercussions of the 13 percent derivation-based system. He noted that while the agency has completed a large number of projects in oil communities over the years, there has been a significant decrease in service delivery due to the current 13 percent revenue formula, which the National Assembly should review to increase to 50 percent to improve service delivery. He explained the agency's role and how a lack of funding has affected its contribution as follows:

"My commission, ASOPADEC, is an interventionist agency. To a large extent, the agency has brought significant development in terms of social-economic and infrastructural development. Since 2010, when the agency was established, we have ensured that infrastructural development in the oil communities has increased. However, due to limited funds accruing to the state through the 13% federal allocation, the agency is not able to meet up with many developmental projects as wished. We need more resources to improve our deliverables. " (Rep, ASOPADEC, E.K, 2020)

The statement implies a relationship between the level of socioeconomic and infrastructure development attracted to the host community by ASOPADEC and the available resources received through the derivation allocation percentage. The more funds allocated, the more development projects are attracted. However, increasing the percentage of derivation requires

amending the section of the constitution via a constitutional amendment bill. In agreement with this position, a Nigerian professor of petroleum resources has spoken out in favour of amending the constitution to increase the host community's stake in oil resources.

“The host communities have a genuine case of marginalisation in the sense that more than 80% of Nigeria's revenue comes from oil revenue. So, if you are producing so much for the country and getting so little, the revenue allocation now is 13%. Like I built a model that I published which showed that one of the ways to reduce tension in the oil-producing areas is to increase the revenue allocation from 13% to 21% and the marginalisation also comes in many ways like you are not giving people their rightful allocation, you are exploiting their land, destroying their natural environment, the sea, etc. “(C.M, Male, Acad1, interview; June, 2020)

This concept encompasses a large number of the challenges facing host communities, as previously discussed in detail in Chapter 5. Although this ideal has been expressed previously, this statement serves to reaffirm the condition of the host community. It also validates macro-level studies (Barry and Shapiro, 2010) conducted at the Niger Delta level, which documented the environmental injustice suffered by the Niger Delta people, whose water, land, and air have been polluted and whose sources of livelihood have been decimated without commensurate physical development, especially when taking into account the host communities' contribution to Nigeria's economic development and the adoption of the derivation-based system, which penalises host communities for contributing to Nigeria's economic development

"There are a lot of political factors involved, like an institution like NNPC that controls most of the oil production in Nigeria and the revenue associated with it. And when you appoint the head of the NNPC, you choose most of them from Northern Nigeria. How will you expect those that own the oil to feel? You are not integrating them into managing the resources that belong to them. So, I think the issue of marginalisation is obvious and the issue of agitation too, is also clear because if



you do not want people to complain, then you do the right things, but not when you try to exclude them from the policy-making aspect, you expect them to keep quiet. That will not happen. An immediate constitution amendment to review the revenue allocation formula is needed, including an amendment that will ensure that the host communities are duly selected on the NNPC board in a manner that will reflect a bottom-up approach''(Interview with C.M., Male, Acad1, June 2020).

This respondent raised a critical issue regarding the composition of the NNPC board, which has been extensively discussed in Chapter 5, highlighting how exclusive it has been for the host communities and suggesting a bottom-up approach to ensure their participation not only on the board but also in policy-making. Although this has become a constitutional issue because the constitution of 1999 recognises this anomaly, the respondent calls for a constitutional amendment to ensure diversity on the NNPC board of directors and to review the revenue allocation formula. Intriguingly, the respondent proposes a bottom-up selection process for NNPC board members, which would be included in the proposed constitutional amendment. Importantly, the disputed constitution of 1999 allowed for amendments, and while there is widespread support for its abolition as a valid legal document in Nigeria, this can only be achieved through effective legislation from the people's representatives, as the interview analysis demonstrates. Therefore, if the person who speaks for the people does not attempt to amend the constitution to address some of the problems of the host communities, this could be viewed as less representation.

### **6.3 Framework for Adapting/amending Existing Environmental and Oil Regulations to Ensure Inclusivity**

Whereas the preceding section examined the political and legal resources available to advance environmental justice, this section builds on it by discussing a framework for adapting or amending existing laws to ensure their inclusiveness.

### **6.3.1 Challenging the justice issues nationally and internationally**

In practise, Nigeria's constitution serves as the guiding principle, as it contains numerous statutes that contribute to oil extraction injustice (Osage, 2021). Nonetheless, it is not the only law applicable in Nigeria nor the only law in operation in Nigeria. Nigeria is a signatory to several environmental and human rights treaties and laws; the domestication of these laws makes them as valid as the provisions of the constitution (Abdulkadir, 2014). Given that some academics have criticised the 1978 Land Use Act, which is primarily the most contentious justice issue in oil extraction, primarily because it deprives the host community of their property, it follows that the LUA's justice provisions can be challenged both nationally and internationally. Article 8, section 2 (b) of the United Nations Declaration on the Rights of Indigenous Peoples expresses vehement opposition to any action with the purpose or effect of dispossessing indigenous peoples of their lands, territories, or resources (UN, 2006). This declaration has been domesticated in Nigeria, making it part of the country's legally binding framework (Abdulkadir, 2014). Invoking the United Nations declaration on the rights of indigenous peoples, the region can advocate for resource control as a means of attaining environmental justice. The implication is that the host community, which bears the brunt of environmental pollution, will also benefit from oil revenue generation, not just the small portion allocated to the state under the sharing formula based on the number of local governments and state equality rather than state derivation. Table 6.3 contains residents' respondents' views on their community participation in the decision-making body of oil exploitation. It is intended to give a better understanding of the significance of resource management.

**Table 6. 3: Does your community participate in decision-making bodies of oil exploitation**

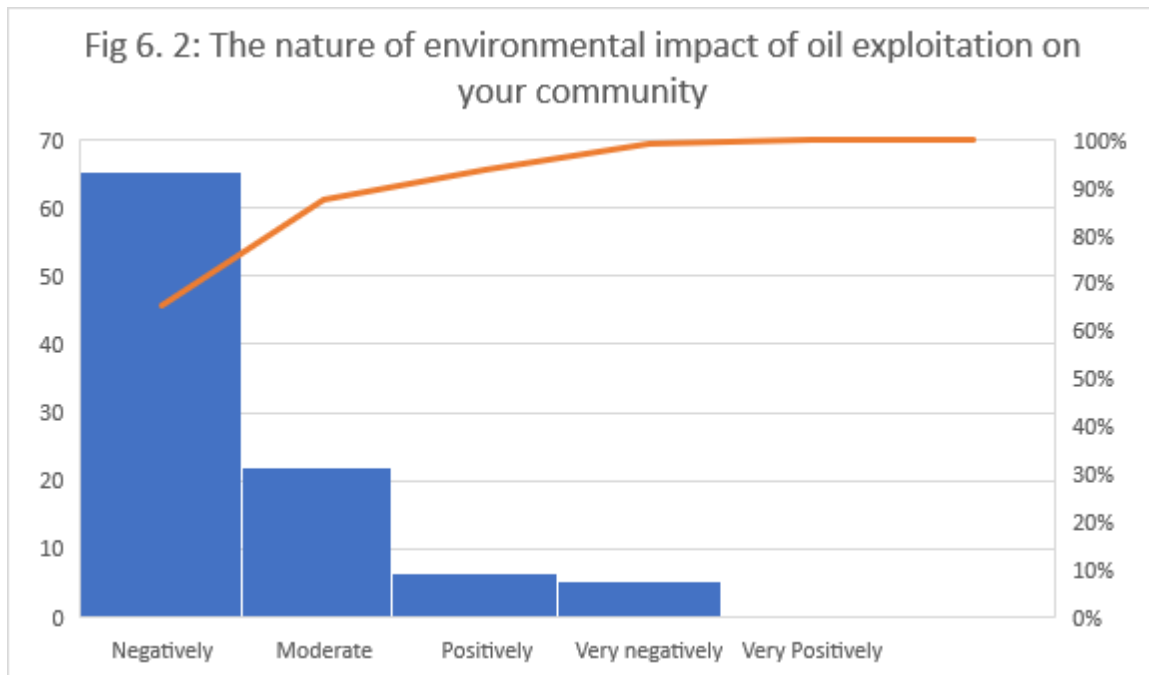
Response	Frequency	Percentages
No	95	95
Yes	5	5
Total	100	100

Source: researcher's survey, 2020

From the response, 95 percent of respondents to the questionnaire indicate that host communities are excluded from the decision-making body for oil extraction. This is a significant difference from the 5% who, as shown in Table 6.4, believe they are involved in decision-making. However, it is unclear whether this exclusion is the result of a concerted effort at all levels of governance, including the support of oil expatriates.

This is because an academic respondent noted that while transnational companies may wish to involve host communities in their corporate social responsibility efforts, certain government policies may discourage them from doing so (Interview with C.M., Male, Acad1; June, 2020). This opinion is consistent with that of Frynas (2005), who suggested that development cannot be delivered by for-profit firms and that the goal of attaining development through corporate social responsibility (CSR) may be fundamentally wrong. Lack of human resources, the technical and managerial styles of company staff, the lack of integration of CSR into larger development plans, country- and context-specific issues, the failure to involve CSR beneficiaries, and the subordination of CSR schemes to corporate objectives are all factors that work against the development role of CSR. The current CSR agenda isn't enough to address significant governance difficulties or the detrimental consequences that multinational firms have on the nations in which they do business, according to Frynas (2005), even if for-profit companies were successful in finding answers to real-world issues. Examining fig. 2, which seeks to explain the nature of the impact of oil

extraction on host communities, reveals that approximately 70 percent of host communities are negatively impacted by pollution, loss of livelihood, and health issues related to oil extraction. It is peculiar that approximately 96% of the population is believed to be affected by oil extraction as seen in figure 6.2. This highlights the significance of resource control, which ensures that the host communities that bear the brunt of oil extraction are also involved in determining how the resources will be explored and how the benefits of oil extraction will be distributed. This may be one of the primary reasons why the United Nations has taken a stance against the loss of indigenous lands, territories, and resources. In 2007, the United Nations adopted the Declaration on the Rights of Indigenous Peoples, which addresses both the individual and collective rights of indigenous peoples as well as their relationship to land and natural resources. When you consider figure 6.2 which represents how oil extraction affects the host communities vis za vis the exclusion of the host communities from oil resources, only then can the use of such a declaration be known. Over 90% of responses suggest that oil extraction impact negatively on the host communities.



Source: Researcher's field survey, 2020

Moreover, as a result of a recent Supreme Court ruling in the United Kingdom, the LUA's compensation provisions can now be challenged both nationally and internationally (Vanguard, 2020). The recent decision by the Supreme Court of the United Kingdom to permit oil-polluted Nigerian communities to sue Shell in English courts is a victory for oil-hosting communities. After a five-year legal battle, the UK Supreme Court granted 42,500 Nigerian farmers and fishermen permission to sue Royal Dutch Shell (RDS) in English courts. The judge reverses a Court of Appeal ruling that a host community whose farmland and groundwater were contaminated by oil spills in the Niger Delta may sue the multinational in a UK court for adequate compensation. This ruling is a victory for host communities, as they can now sue for compensation outside of Nigeria's borders, particularly in the event of an oil spill. Earlier in this chapter, I discussed Appel's (2012) and Watts (2005)'s perspectives on this issue. This is because issues of inadequate compensation are a significant component of the case for environmental justice made by this research. A representative of the petroleum ministry explains how compensation is being determined and then paid as follows:

“Oil spillage is common in host communities in the study area and is usually due to sabotage (oil theft) or equipment failure. In the circumstance of spillage due to oil sabotage, multinationals do not pay for compensation since the cause of the spill is not equipment failure. Whereas compensation is paid due to equipment failure. Whenever there is a case of oil spillage, the Ministry of Petroleum and NOSDRA visit the site to determine the cause of the spill and decide the category it falls within, which dictates whether compensation is due or not. Thereafter, the damage from oil spillage is determined by environmental experts in the oil industry, usually serving the interests of the government and the oil companies. The finding is then sent to the land use and allocation committee, which determines the amount of compensation and how it will be paid. Sometimes, oil communities are not paid compensation, and this often brings protests and conflict among stakeholders”. (interview with, Min. Pet. Rep, 2020)

To illustrate the magnitude of the host community's challenge, a government representative, a member of the monitoring body, stated that the land use and allocation committee is responsible for the decision to compensate and the amount of compensation, regardless of the host community's views or opinions. When juxtaposed with the fact that the same host communities are denied the right to appeal a land use act decision, the extent of marginalisation becomes quite apparent. In addition, since the Land Use Act provides compensation based on agricultural products or any other physical development on the land, neither future earnings from the land nor the desecrated residence of the deceased are compensated. Ibaba (2005), for instance, contends that it is unjust to compensate for a Mahogany tree with a face value of 600 naira if it can generate over 7,000 naira when processed into boards or planks. Such matters can now be litigated in the home country of the multinational oil company, especially since the United Kingdom's highest court has ruled in the affirmative. In conclusion, EJ issues that have proven difficult to address at the national level can be pursued internationally, particularly when there is jurisdictional control. After exhausting domestic options as a result of government influence or institutional failure, the host communities, civil society organisations, and international partners, such as international

environmental NGOs, should organise to challenge the case internationally. The recent supreme court ruling of the United Kingdom suggests that it is now possible to institute an international legal battle over oil spillage. In the following section, I will discuss alternative solutions to the EJ issues identified through data analysis such as advocacy for change in the current laws.

### **6.3.2 Advocacy for changes in the current laws and regulations**

In addition to raising awareness of the issue on a national and international scale, data suggest that advocating for policy changes may be an effective way to address EJ concerns. Changes in policies are seldom simple, but they do occur for a reason that can be traced back to deliberate and articulated strategies established and channelled through a political process in which individuals argue and compete for ideas and resources (De Corte and Roose, 2018).

The neo-institutional theory (Hall and Taylor, 1996) and resource mobilisation theory provides a lens through which host communities can view the majority of policies of interest in the social sciences to achieve inclusiveness (McAdam, 1999). These theories are based on the premise that social policies and the changes they entail are formulated through a political process in which individuals compete for ideas and resources (De Corte and Roose, 2018). Historical institutionalism, which emphasises the historical context and assumes that the past shapes contemporary politics, is a central tenet of neo-institutional theory (Skocpol, 1995; Hall and Taylor, 1996). Adangor (2015), for instance, argues that historically there has been a diversity of interests in the oil economy, particularly in northern Nigeria, which has long been reflected in the country's political economy, inhibiting policy innovation and change. This is more comparable to what Pierson (2002) and David (1985) refer to as path dependence and Clo and the economics of Qwerty, respectively, which refers to a situation in which policymakers make decisions based on decisions made in the past. This is not far from the

truth, as a representative of the Nigerian environmental society stated in an interview that the majority of host communities in the region face severe environmental damage that is difficult to repair as a result of past decisions to gain complete control over nature and a world where production systems take precedence over environmental preservation (NES). For instance, early military policies serve as pivotal junctures that establish structures and organisations that influence the available options and decisions made in modern oil and environmental policy. While the path-dependence approach recognises the possibility of policy changes, it is believed that these modifications are typically minor and incremental (Chapman, 2018). Thus, rather than seeking a complete overhaul of the Land Use Act, which is a major source of environmental injustice, the host community could seek to amend the section requiring the land use and allocation committee to determine the amount payable for oil spillage to read that a joint committee of host communities, oil companies, and the land use and allocation committee would determine the extent of damage done to the property in question and deduct the appropriate amount. In response to such a minor change, the host communities could propose an amendment bill rather than a comprehensive change that may be impossible to implement due to divergent viewpoints.

The mobilisation of resources approach, which is crucial for achieving policy and societal changes, is a potential alternative route to achieving possible changes in Nigeria's oil and environmental policies. According to Feldman (2019), this strategy entails amassing resources from a variety of communities in the areas of money, knowledge, leadership, personnel, and media coverage, which will be used prudently to pursue the objective of policy change. The accumulation and availability of resources enable members of the movement to pursue the desired policy change more effectively, thereby increasing the likelihood of success. In fact, proponents of the resource mobilisation approach argue that policy change results from seizing available broader political opportunities and the

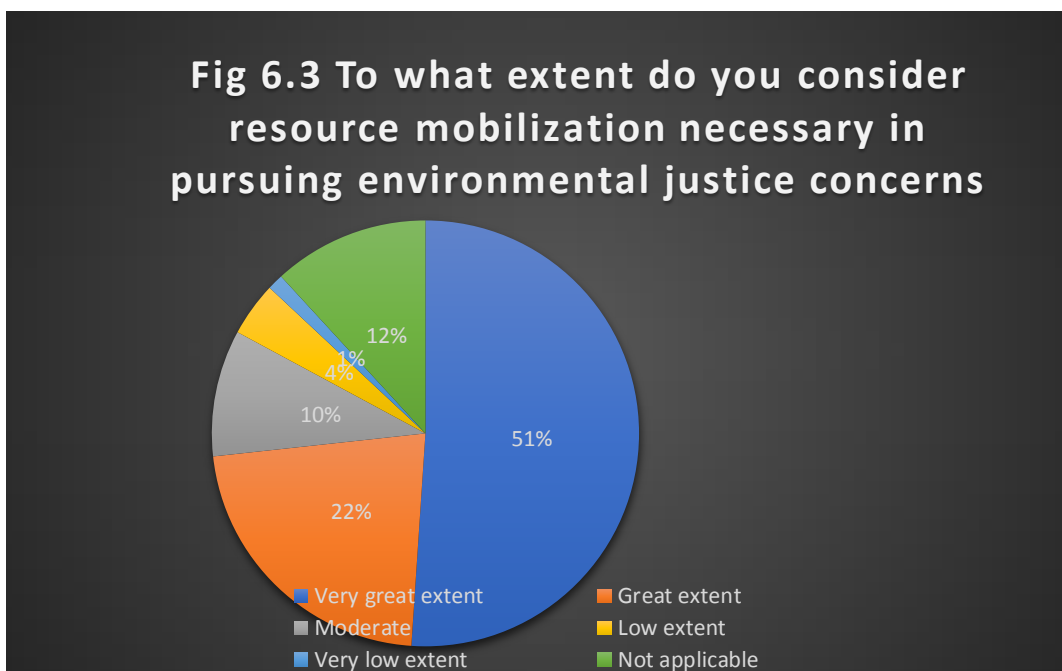


accompanying constraints (McAdam, 1999). In other words, the host communities in the study area can capitalise on political opportunities and effect policy change more effectively by pooling their resources. Interview data provided detailed insight into the effects of insufficient resources on host communities in the past, suggesting that resource mobilisation is a crucial aspect of the fight for inclusion and other forms of environmental justice. Consider the following response from a professor of environmental management to a question about why host communities have been unable to control their destinies.:

“It is not as easy as you think. These communities lack the resources to engage lawyers. It is not like other clans where you can have free access to those resources to fight. Some of them have opted for out-of-court settlements in the past due to a lack of resources to continue. They can’t run adverts to let the world know what they are going through. Even as a group, they can’t afford the resources to carry out independent monitoring of the oil companies. Remember that before oil, these communities were peasant farmers who survived the little farm activities they engaged in (Interview with K.O, Male, Acad2, interview; September, 2020).

In this quote, the respondent identifies a lack of resources as a concern for the EJ movement. The interviewee argues that a lack of resources hinders the fight against environmental injustice in the affected regions, as affected individuals may lack the financial means to hire attorneys or the physical fortitude to endure lengthy legal battles. According to the interviewee, other areas where a lack of resources affects host communities include insufficient resources to conduct advertisements and to conduct independent monitoring regularly to check on the impactful activities of oil companies. As a result, resource mobilisation is a crucial aspect of the EJ movement, and with increased resource mobilisation, host communities will be able to withstand the cost of justice. This in-depth insight from the interview was supported by the responses to the questionnaire administered in the study area, which I will now demonstrate, particularly in terms of the respondent's perspective on the necessity of resource mobilisation for pursuing environmental justice

issues. In addition, the analysis reveals that the respondent from the administration of the questionnaire views resource mobilisation as a crucial strategy for pursuing environmental justice. As shown in Figure 6. 3, when asked to rate the extent to which the respondent considers resource mobilisation necessary in the pursuit of EJ in the questionnaire 73 percent of respondents believe resource mobilisation is essential for pursuing environmental justice concerns, while only 5.3% disagree.



Source: researcher's survey, 2020

While increased resources do not always equate to increased justice, the point is that more justice would be achieved with sufficient funds to hire additional lawyers, conduct advertorials, monitor the activities of oil companies, and hire qualified valuers to quantify the actual damage to land and its resources. In addition, it means that additional awareness campaigns and education of key stakeholders in host communities will be possible, which is a crucial aspect of the EJ movement. But resources in this instance need not be monetary. They may also include the knowledge, technical expertise, and other skills and abilities that can be utilised to obtain justice.

### **6.3.3 Subjecting the constitution of Nigeria to a referendum or the need for a new inclusive constitution in Nigeria.**

This subparagraph elaborates on the opportunity now available to marginalised regions to address environmental justice concerns through a referendum initiative. This refers to allowing citizens to vote "yes" or "no" on political, constitutional, or self-determination issues (Dibra, 2015). Since the United Nations adopted the International Covenant on Civil and Political Rights in 1966, referendums have become an acceptable, peaceful, and political method for resolving constitutional disputes around the world (ICCPR). Given that Nigeria is one of the 169 signatories to the convention and that the convention requires all signatories to respect the civil and political rights of their citizens, the region (south-eastern Nigeria) may demand a referendum to address the political imbalance and constitutional issues arising in the oil industry, as do other clans. Sudan, for instance, faced complex historical obstacles similar to those in the study area, which slowed the country's development, but in 2011, South Sudan voted for political independence, giving birth to a new nation. The British people recently voted for Brexit, resulting in the country's departure from the European Union. Although the context differs in the two examples given, the two examples from the global North and South illustrate how referendums allow people to pursue their destinies on a variety of political issues inside and outside their country without resorting to violence. When members of a community feel insecure and marginalised, they are compelled to reconsider their circumstances and political options, according to Nwofe (2017). This is the case in the study area, where secession-related referendums have gained popularity. Further, Walter (2006) argues that government repression significantly increases the likelihood that people will seek self-determination, especially if the repression diminishes the people's political status. In addition, the marginalisation of the study area suggests a desperate attempt to

devalue them in the political economy of the Nigerian state by failing to ensure inclusive and equitable governance (Offodile, 2016). The demand for a referendum on whether the country should remain one or be disintegrated by the Indigenous people of Biafra in south-eastern Nigeria, the Lower Niger Congress in the south-east and south-south, and the Oduduwa group in the south-west is gaining momentum, bringing the three southern Nigerian regions to a standstill. Several interviewees echoed this view as a means of peacefully resolving the justice crisis in south-eastern Nigeria. For instance, an interviewee representing the legal profession argues for a referendum as follows:

The major challenge in Nigeria is that we are governed by a constitution made and foisted on us by a military dictatorship. The constitutional making process is that it must be derived from the people who determine the conditions under which they intend to surrender their sovereignty to the government. Those who made the 1999 constitution realised this when they lied in the preamble of the constitution that we the people of the Federal Republic of Nigeria, had firmly and solemnly resolved to make this constitution. If you look at Section 14, sub-section 2 of the 1999 constitution of Nigeria, it states further that sovereignty belongs to the people of Nigeria, from whom the government, through this Constitution, derives all its power and authority. We need to subject the constitution to a referendum or convoke a national conference of ethnic nationalities who will represent the various groups and determine the terms under which each ethnic group will remain part of Nigeria "(Interview with I.O., Male, LW, December, 2020).

To combat the marginalisation of the region, the respondent proposed what appeared to be a two-way solution. Given that it was never derived from the people, as is for representative democracy, and was never subjected to a referendum prior to becoming the country's governing document, the first issue is whether or not to hold a referendum on whether or not to repeal the constitution of 1999. The Constitution is unconstitutional by implication. Second, a national conference must be held in Nigeria to rectify historical errors and political imbalances. Fowowe (2021) argued that because the Nigerian constitution acknowledges that sovereignty belongs to the people, it follows that they can reclaim it whenever they request or

require it, which can be indicated through a referendum in a democratic context. A traditional ruler expressed a similar sentiment, stating that one reason why most host communities are notorious for violence is that they feel excluded from the oil extraction process. This can be resolved through a national conversation or referendum.

“It is better that we talk as a nation and agree on how we want to live together and how our resources will be used for the collective good of all, rather than fighting and killing one another. Our people are marginalized, and you cannot tell a child how to cry after beating him. The use of force by the government to crush agitators has never helped and can only be seen as a temporary measure. If we need a long-term measure for the issue in the oil community, we cannot avoid engaging one another in a robust debate. Through dialogue with sincerity of purpose, we can reach a common ground. Alternatively, let us have a referendum to decide on certain issues that our people and other regions have complained about. This is a better alternative compared to another civil war in Nigeria "(A.D. Male, Com.led, interview; December, 2020).

This message emphasises the critical significance of dialogue or referendum as a preferable alternative to civil war. The idea that you cannot both beat a child and teach him or her to cry simply means that the disadvantaged region has the right to complain and seek a solution to their problem. This quote also implies that the use of arms, which is now prevalent in the majority of host communities, is one of how host communities confront their marginalisation challenge. The traditional ruler suggests dialogue or referendums are preferable to the use of force, which only results in a temporary solution or civil war. This suggests that the relationships between referendums and conflict can be complex – sometimes referendum may prevent conflict, but sometimes it may not necessarily prevent conflict. For instance, the recent article of Bantayehu (2021) gives some background on continuing tensions between Sudan and South Sudan, despite the referendum/independence. Nonetheless, the point is that through a referendum, the people of Nigeria, particularly those in the study area, would have a say in whether they wish to remain members of the Nigerian state after the enduring civil

war, as well as the terms of continued membership. This will also imply that the distribution of oil revenues, land and oil policies and other issues about the procedural injustice identified in Chapter 5 will be discussed inclusively to reach an amicable solution. Other geopolitical regions have also lent their support to the referendum initiative. Important Yoruba and Igbo leaders have praised the Arewa Consultative Forum's (ACF) recent calls for a referendum on the restructuring of the Nigerian federation (Tribune, 2020). The secretary-general of the ACF, Murtala Aliyu, recently told a national newspaper that the Northern region's current top priority is a referendum. The position of the Lower Niger Congress is entirely consistent with the need for a referendum or self-determination. According to the Guardian (2015), the Lower Niger Congress had publicly rejected the claimed 1999 Constitution as the basis of Nigeria's distorted democracy. For the people of the Lower Niger Territory to determine their own political future, distinct from the now-defunct Federation of Nigeria, it worked diligently to hold a referendum. It also advocated for the cancellation of any future national elections organised in accordance with the fraudulent 1999 Constitution. Lower Niger Congress, reiterating the significance of referendums and self-determination, has threatened to halt future elections based on Nigeria's 1999 constitution until a referendum is held. Scholars argue that self-determination is a necessary principle without which human rights and fundamental liberties suffer. This is also consistent with the UN convention on the self-determination of indigenous peoples. Kelman (1997), for instance, argued that referendums and self-determination are the primary sources of human dignity and self-esteem for populations that have been oppressed, colonised, humiliated, and discriminated against; and they are vehicles for ending these conditions and bringing about material and psychological improvements in the terms of their existence (Kelman, 1997). On December 16, 2020, the Middle Belt, Yorubaland, and Lower Niger formed the Nigerian Indigenous Nationalities Alliance for Self-Determination (NINAS), a coalition that announced constitutional

grievances, declared constitutional force majeure, and called for an orderly restructuring of the constitutional foundation of the Nigerian federation. This proclamation, titled ‘correcting the mistake of 1914’ was not only published in Nigeria's national dailies but also served to the Federal Republic of Nigeria, requesting that the central government abandon the 1999 Constitution as the foundation for the Federation of Nigeria, as the Government of Apartheid-Era South Africa did in 1990, initiating the process by which South Africa's Apartheid Constitution was phased out. In addition, it calls for a referendum following the expiration of the federal government's 90-day grace period. Under this guise, NINAS advocated for a referendum to address constitutional complaints with the 1999 constitution. As is evident from the preceding, the interview data advocate for support of a referendum, and this critical solution is echoed by the questionnaire data (see table 6.1), indicating that a referendum may be one path to fairness, equity, and justice. This type of insistence on the modification of the existing constitution and colonial-era regulations is an effective means of achieving the decolonial strategy outlined in chapter 3.

#### **6.3.4 Participatory governance and Host community participation.**

This section seeks to determine respondents' perspectives on host community participation in light of current environmental and oil regulations. For instance, the Environmental Impact Assessment Act of 1992 requires the participation of host communities and the general public during the public hearings of the Federal Ministry of Environment (EIA Act, 1992). However, it appears that the host communities did not seize the opportunity to address environmental justice concerns. Okafor (2006) has argued that decisions are frequently made before the public hearing, which justifies the low level of community mobilisation at the public hearing. He went further to argue that community involvement in EIA should begin

early and be driven by the people, as opposed to a situation in which the government simply mobilises the populace to formally endorse what they have done, giving the appearance of a joint decision between the populace, oil expatriates, and the government. The primary issue, however, is that the majority of existing laws do not adequately provide for public participation. This excerpt demonstrates that the Ministry of Petroleum's response to this point is unequivocal:

The federal government should carry critical stakeholders (state governments, host communities, and oil companies) along in the policy development life cycle. By so doing, the policies of the government will be people-centered. The people will view them as their own and guard them jealously. But when the people are excluded from the policy formulation, the reverse is usually the case (Rep, Min. Pet 2020).

According to the respondent, early and deliberate participation of all stakeholders in the policy formulation stage is required. This may be an essential element of the participatory democracy envisaged by the nation-building process. When people are carried along during the policy formulation stage, they often perceive the project or government policies as their own, not only because they contributed to their formulation, but also because they are responsible for monitoring and implementing the project (Okafor, 2006). However, the reason for this exclusion is unclear, because one thing is certain: as shown in figure 6. 4, at least 70 percent of respondents hold an Ordinary National Diploma or a bachelor's degree, although the field of specialisation was not specified. Seventy percent of a random sample of 100 people is sufficient to suggest that this population is comprised of educated individuals. Many residents of host communities are educated and capable of receiving training in the oil and gas industry, assuming that this is not their area of expertise.



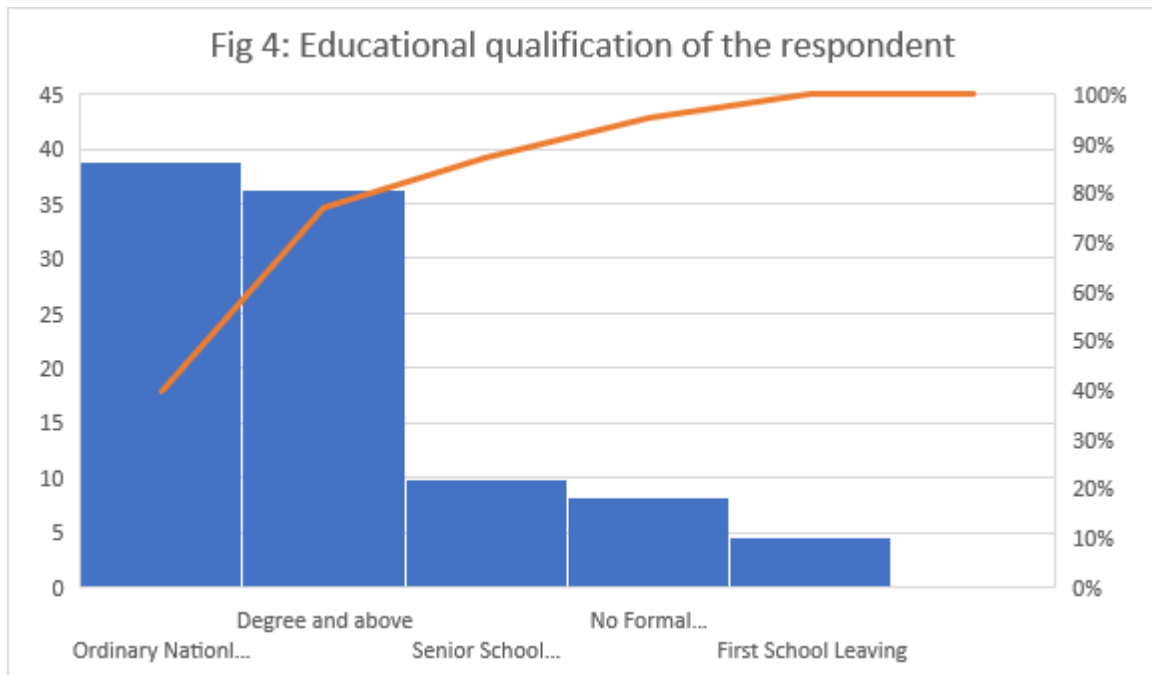


Figure 6.4: Educational qualification of the respondent

Source: researcher's survey, 2020

Under this guise, inclusive political processes that actively involve citizens and other stakeholders contribute to the development of more responsive and equitable policies and public services that better meet the diverse needs of citizens (OECD, 2014a). Regardless, this is a gap in the nation's current environmental and oil policies, which likely contributed to the low level of monitoring and enforcement in the oil and gas industry. The representative of the Ministry of Environment shared the same perspective on participatory governance and advocated a bottom-up strategy for the development and implementation of oil and environmental laws. When asked whether the current laws regarding the environment and oil are sufficient to address justice issues in the region, respondents stated the following:

“The host communities should be more involved in the enforcement of such policies and should have robust representation in the development stage. Presently, I think we have adequate laws in place. Our problem is the judicial process and enforcement. There should be increased inclusiveness in the development, implementation, and enforcement. All stakeholders should be involved, and policy

formulation and implementation should reflect a "bottom-top" approach". (Rep, Min. Env. 2020).

While this view is consistent with that of the representative of the Ministry of Petroleum, he went on to emphasise the importance of the judicial process, which was discussed in the preceding section, as a major impediment to achieving environmental justice. Continuing on the subject of inclusiveness, another respondent undoubtedly has the following to say:

“Well, the first thing I think should be done is to get them involved in the policy-making process and make them understand what the interests are, what the operations are, what the impact is if any, and what can be done to accept the operations in their backyard because that is what they are willing to say OK, I understand the operations. I understand that there might be some impact and am ready to go ahead. They should be part of all that process because one of the things lacking in our community is understanding. If there was an understanding, there wouldn't be any sabotage at all because you can't sabotage yourself just because you want attention or money. So the first thing is understanding, and the second thing is to get them involved because if they are involved, it's their land, it's their oil, and they will do everything to protect it, and our laws have to make sure they take the needs of the people very much into account” (Interview with D.B., Female, NES, 2020).

The quote advocated for greater participation of host communities in the policymaking process and all other aspects of oil and environmental policy development to increase their comprehension and resolve conflicts. This reflects an apparent knowledge gap or mistrust between the government, oil companies, and host communities, which could be bridged by increasing participation, training, and awareness. However, increased participation, awareness, and training will not necessarily prevent conflict, as they will better equip host communities to oppose oil company actions that are harmful to the environment. Okafor

(2006) argued that increased awareness and training increase participation, but such participation should begin at a young age. According to a representative of academia, the issue concerns both environmental challenges and the fair and equitable distribution of environmental goods (A.D. Male, Comeled, interview; December, 2020). Taking this line of thought a step further, an academic representative not only shared his thoughts on the subject but also provided suggestions for how this could be accomplished effectively and efficiently:

“I quite agree that people should participate or be involved in developing the structure and in the decision-making process, and there are better ways of doing this. For instance, in the appointment of the board members of NNPC, let us look at this from this angle. The host communities elect their representatives at the local government level, who will represent them at the state level. At the state level, the various representatives elect who will represent them at the national level. Then delegates at the national level will elect who will represent them and make such a recommendation to the president for his ratification” (K.O., Male, Acad2, interview; September, 2020).

While elaborating on the need for and expected process flow for effective representation on the NNPC governing board, an academic respondent advocated for a bottom-up approach in electing the chairman of the NNPC board and submitting the same for final ratification by the president to avoid the previously discussed factional issue. The goal is to give host communities a greater sense of participation in the appointment of the head of the government agency responsible for oil exploitation and marketing in Nigeria, while also limiting the top-down nature of the appointment process. He proposed an election channel from the local to the national level, subject to presidential oversight. As a result, the NNPC's leadership will be accountable not only to the government but also to the electorate who put them in office. Another academic representative affirms the significance of an inclusive approach to the formulation, implementation, and monitoring of environmental and oil policies to integrate the host community's ideas into the oil and gas industry. He was quick to

point out, however, that non-inclusivity may stem from government policies, which may impede the smooth and deliberate engagement of the host community in areas of corporate social responsibility, rather than transnational corporations. Here are the particulars of his remarks:

More importantly, the national government needs to involve the communities in policy-making and decision-making, but that is also sometimes difficult to achieve in the sense that our government is too centralised and too autocratic. So even the oil companies may have the intention of getting the communities involved in the decision-making, but it may be restricted by some of the policies of our government and guidelines of our government, so it becomes very difficult sometimes to know whether these companies want to be inclusive in their approach to corporate social responsibilities or whether the influence of our government is making it difficult for them to operate. So, I think that the problem is more of leadership, and it is up to us to set the standard and us to monitor and make sure that they are abiding by the rules and regulations of the country (Interview with C.M., Male, Acad1; June, 2020).

As stated previously, the responses indicate that leadership at both the national and local level is essential for a successful and inclusive approach to oil extraction in Nigeria. The quote alluded to Nigeria's governance system being structured around the economy or oil resources, implying that certain government policies and guidelines may preclude inclusivity even when oil companies' corporate social responsibility approach is geared toward involving host communities. In addition, it indicated that the national government is responsible for setting standards, regulating, and monitoring the oil industry, whose influence may not be in the best interests of the host communities. I have discussed the government's role in resource capitalism and the resource curse, demonstrating how the government's influence and interests have hurt the political economy of host communities (Watts, 2005). The issue at hand is oil research and who benefits from it. Such interest and influence may contribute to

the exclusion of host communities, as well as ineffective regulation and monitoring, as it may not be in the government's best interest to regulate the oil and gas industry effectively, as doing so would be an infringement of their interests. This lax regulation and enforcement mechanism, as identified in Chapter 3, appears to be one of the mechanisms used by various levels of government to maintain their interest in the oil industry, especially when viewed through the lens of the global political system in which the oil industry is embedded. A NESREA respondent who identified the monitoring challenges as primarily financial opined that strong nations are either the result of capable leaders or the manifestation of strong and rigid institutions through the implementation of sound and comprehensive policies (N.K., Male, NESREA, 2020). He argued that because the government lacks the resources necessary to comprehensively monitor and enforce environmental policies, its agency adopted the "caught them young" by advocating in elementary schools. The goal was to gradually prepare a child's mind from an early age to act as an agent of environmental protection. Noting that the overall benefit implies that such awareness-raising would encourage host communities to focus on the political space at various levels of governance to monitor individual and group environmental action. Policy issues are essential to comprehending environmental justice because they determine the distribution of environmental good and bad, but evidence suggests that policies enacted by a democratically elected government are more robust than those enacted by a military dictatorship, as was the case in Nigeria (K.O., Male, Law 1, 2020). This is because citizen participation at all levels of decision-making is more likely in a democracy than in a military regime. Hence, in this democratic setting, advocacy at both the early stage in primary school and adulthood would serve as a means of the decolonial approach discussed in chapter 3.

## **Conclusion**

In this chapter, I examined the available political and legal resources that support environmental injustice, as well as how the existing environmental and oil laws would be modified or adapted to ensure inclusivity in oil extraction in the study area. Even though the majority of the solutions discussed here are technocratic or top-down and decentralised regulatory and institutional approaches, they are all intended to either alter the existing legal and political structures, which originated during the colonial era but continue to exist today as a form of new colonialism I discussed how political participation could lead to greater exclusion in the government agency in charge of oil exploitation, as well as how it could lead to a better derivation-based system that includes equitable distribution of oil resources through equal distribution of states and local governments among the six geopolitical zones. The Land Use Act, which was a significant source of environmental justice in the study area, stipulated that it could be amended by a Congressional Act. Consequently, this chapter has assisted in answering two important research questions: what political and legal resources are available to support environmental justice, and how can existing environmental and oil legislation be amended to ensure environmental justice via a decolonial institutional approach. Constitutional amendments and use of referendum to settle issues of injustice has been a global practice both in the Global South and Global North, example is the case of Sudan and today UK is out from European Union through referendum. I will then examine the decolonial bottom-up approach to addressing EJ issues, focusing on how host communities can pursue equity and justice.

# **CHAPTER SEVEN: INDIGENOUS ENVIRONMENTAL JUSTICE AND DECOLONIZATION: INVESTIGATING THE PERSPECTIVES OF OIL-HOSTING COMMUNITIES IN SOUTH-EASTERN NIGERIA**

## **7.0 Introduction**

In Chapter Five, I discussed environmental justice in the study area from a top-down perspective, which stems from colonial-era government policies that have persisted into the post-colonial era. I then discuss how these EJ concerns might be addressed from an elite perspective in Chapter 6, drawing on existing constitutional, environmental, and oil legislation in Nigeria and elsewhere. This chapter complements Chapter 6 by providing an analytical framework for addressing the EJ concerns raised in Chapter 5. Unlike Chapter Six, which takes a more top-down or technocratic approach to environmental justice, this chapter takes a bottom-up approach to indigenous environmental justice. This chapter examines how more awareness-creation could lead to more political participation and enhanced collaboration. It then moves further to consider how training, effective monitoring, and accountability could be combined with innovative information and communication technologies (social media) in addressing indigenous environmental justice concerns as a decolonial approach. It answers research question four, which *considers how the historically marginalised communities in south-eastern Nigeria could proactively organise to achieve environmental justice* by utilising data gathered during interview sessions and questionnaires.

## **7.1 Political participation**

In Chapter 5, I discussed how the study area was routinely excluded from the governing bodies of NNPC and NDDC because the composition of such government agencies and the appointment of their members are the President's prerogative under the Acts establishing

them, and how, unfortunately, the study region has never produced the country's president. I also discussed in Chapter 3 how some of these laws originated during colonialism and manifested themselves in the post-colonial era, and Chapter 7 how Nigeria's political-economic structure is such that the winner takes it all while being characterised by ethnicity and favouritism. I consider the beneficial role of political participation in this section as a means of achieving fairness, equity, and justice in the study area.

According to some scholars, marginalised parties and those that rely on natural resources must be empowered through adequate representation within or beyond the electoral system (Meinzen-Dick and Knox, 1999; Anderies et al., 2004). This strategy could be used in the case of Nigeria, where those in control of political power determine who is appointed to key government positions, including the NNPC and NDDC boards of directors (Interview with C.M., Acad Rep 1, 2020). This is in addition to the fact that the President of Nigeria's position is so powerful by the nature of its design by the colonial masters that it can influence what happens in the country's two other branches of government, in addition to economic policy (resource allocation), political policy (political appointees), and environmental policy (EIA, etc.). In light of this, an interviewee posited that in the immediate and short term, it will make sense for members of the host communities to organise and mobilise at the grassroots place-based alternative to present an acceptable candidate for the 2023 general election, or at the very least, to strategize to join the ruling political parties with a strong and viable structure to win the election, which will allow them to be appointed to key governmental positions as members of the ruling party (Interview with K.O, Male Acad Rep 2, 2020). This is akin to postcolonial EJ work that advocates social movements that can mobilise at the grassroots for place-based alternatives (Eschweiler et al., 2007). Further discussing political participation, those interviewees representing the study region in the legislatures agreed that NGOs, political parties, and the electoral umpire in Nigeria should increase their sensitization



and awareness creation efforts among members of the host communities through their various organised groups such as youth groups, women's groups, and religious groups, as well as through the use of social media, about the importance of registering with the Independent National Electoral Commission (Interview with I.N., Male Pol. Rep, 2020). However, because the electoral system is rigged, the formerly mentioned interviewee suggested that the voters from the region wait after their election to ensure that their votes are counted. He further suggested that members of the host communities should lobby and consult eligible voters outside the study region to vote for their candidate during the general election to ensure their emergency as the country's next president. Again, this is consistent with inter/trans-regional efforts in postcolonial EJ work to build social movement coalitions (Eschweiler et al., 2007).

This interviewees' perspective was also compared to questionnaire data, in which resident respondents were asked whether members of their communities were actively involved in the general election, and 87 percent responded negatively, with only 13 percent voting affirmatively. This demonstrates one critical area in which the majority of members of the host communities have been underrepresented due to their belief that the electoral system cannot be trusted. Generally, most Nigerian citizens, as well as the majority of members of host communities, cite electoral fraud in Nigerian politics as a reason for their electoral apathy. Electoral fraud occurs when citizens' votes are not counted in electoral processes (Interview with I.N., Male Pol. Rep, 2020). While this view expressed by the respondent is supported by the survey and may not be entirely false, the past President Jonathan administration took several steps to ensure the electoral process's sanctity, which led to the incumbent government losing an election in the 2015 general election. Additionally, the current administration has worked to ensure the electoral institutions' independence, which makes ballot box snatching, vote-buying, and other forms of electoral malpractice more

difficult (Electoral ACT, 2022).

Additionally, members of civil society organisations and environmental activists participate in the discussion and implementation of corporate social responsibility (CSR) and public protest. These are industry-based initiatives, as contrasted with state-led practises explained above. For example, Perreault (2015) and Kasimba and Lujala (2020) argue that several countries and mining companies seeking to improve benefit sharing with host communities through corporate social responsibility practises have increasingly adopted localised decision-making policies that encourage the participation of key local stakeholders, most notably local community members, in the management of resource revenues intended for their benefit. I discussed the exclusion of host communities from derivation-based systems, which has affected their revenue base. Additionally, oil companies' representatives stated that the primary reason for involving members of the host communities in their CSR efforts is to foster grassroots participation (Interview with A. P., Male Oil Com. Rep, 2020). However, the representative of the women's group argued that frequently the majority of participation in CSR is biased against women as men, in their capacity as traditional rulers through whom oil expatriate communicate with the populace, distribute such opportunities to men and youth leaders at the expense of women in host communities (Interview with N.U, Female Wom. Group. Rep, 2020). This indicates that there is some form of non-participation at the local level, that men were driven, which requires immediate attention to achieve the gain of political participation holistically, particularly in the area of CSR. A representative of the legal profession also spoke in support of women's grassroots participation. He argued that women, by the motherly role they play in the family in areas such as home construction and ensuring that everyone gets their due, could be tremendous assets in ensuring fairness, equity, and justice in the distribution of oil resources and the management of associated environmental challenges (Interview with I.O., 2020 Male Law Representative). This

viewpoint is supported by feminist political ecologist Elmhirst, who reveals how Western feminists in charge of development initiatives frequently portray women from the global South as victims in need of assistance from the West. These homogenising representations ignore the variety of women's places, experiences, and knowledge (Elmhirst, 2011). When women are not included as environmental change agents and producers/bearers of environmental knowledge, poverty is exacerbated and feminised, according to other researchers in this subject (Carney, 1992). In a recent study on the role of women, land dispossession, and agricultural production in south-eastern Nigeria, ecofeminists provide additional support for this notion. The findings indicate that women in South-East Nigeria play a variety of significant roles in agricultural production (Saka and Adebisi, 2021). Recognizing, adopting, and implementing this role for women is an additional decolonial strategy.

Similarly, the representative of the religious organisation believed that mass protest, another form of political participation, could be used to persuade the government to reverse course on certain policies affecting members of the host communities (Interview with O. E., Male Reg. Group Rep, 2020). He continued by citing the example of how the government was forced to establish an investigative panel in the National Assembly to investigate how the meagre funds from the NDDC purse were used to finance the jamboree activities of the NDDC board of Directors abroad rather than providing additional infrastructure or maintaining existing infrastructure in the host communities for which the fund was intended. This view was echoed by the representative of the NGOs, who argued that members of host communities should demonstrate massively when the environment is polluted and they are not adequately compensated, insisting that protest is a necessary component of political participation in a democratic setting and a critical tool in combating oligarchy and elitism that fight to maintain the status quo (Interview with D.B., Female NES Rep, 2020). In Chapter 3, I discussed the

role of these oligarchs (board members of NNPC, NDDC, oil companies, and the government) and how they operate as cartels, conspiring to defraud the poor masses in dependency and post-colonial theory (Vanguard, 2022), and how a decolonial approach could be beneficial in dismantling their structure. The idea is that through protest and grassroots mobilisation as discussed above, the host communities must reject such colonial policies identified in chapter 5 as being inimical to the environmental justice of host communities. Lujala and Epreman (2017), on the other hand, say that getting people involved in how natural resource revenue is managed can help people talk about resource governance and share their concerns.

Again, as demonstrated in this section, the data from the interview is corroborated by the data from the questionnaire. When asked whether members of their community engage actively in Nigerian politics, 13% responded affirmatively, while 83% expressed dissent. If 83 percent of a random sample of 100 people from oil host communities have a different opinion, this shows that, while most people in the host communities are not politically active, as shown in Figure 7.1, they also don't understand how political participation can help with issues of equity, fairness, and justice in the oil and gas sector.

Source: Researcher's survey, 2020

This lack of political participation may be due to a lack of interest, insufficient awareness, or even a lack of faith in the electoral system. However, because rule makers in a participatory justice approach rely on affected interests rather than administrators, politicians, or the general population (Parvin, 2018), it becomes necessary for members of host communities to develop an interest in politics through awareness creation, even as the electoral system has improved over time. Interestingly, Nigeria's political economy is structured in such a way that power is earned, not given, as reflected in the Ibo proverb "ndorondoroochi chi," which translates as "the quest and struggle for power." In summary, I have discussed the importance of political participation in the form of electoral participation, protest participation, and participation in the delivery of CSR in host communities as critical components of the decolonial process. Political participation as an alternative to justice issues is consistent with Abdullah's (1993) conclusion that increased participation enhances representation and results in greater political and economic gains in Nigeria. Given that some form of awareness creation is required here, I will proceed to the next section to discuss the role of awareness creation by civil society organisations and others.

## **7.2 Raising Awareness**

This section examines the bottom-up approach to EJ in greater detail by examining how increased awareness will enable increased political participation, collaboration, training, resource mobilisation, monitoring, and communication, all of which will aid host communities in achieving fairness, equity, and justice. In the interview session, a representative of those in academics opined that public awareness is critical for increasing support for host communities, promoting self-sufficiency, and mobilising indigenous

knowledge and resources (Interview with K.O, Male Acad Rep 2, 2020). Additionally, in mobilising local resources, the NGOs and NESREA representative opined that raising awareness has the potential to stimulate collaboration, training, communication, resource mobilisation, and monitoring, all of which are tools for achieving environmental justice. For example, the NGO representative argued that individuals must comprehend how they have been truly excluded and how they can better champion the cause of inclusivity (Interview with D.B., Female NES Rep, 2020).

Members of the host communities can gain this understanding by participating in seminars, conferences, and symposiums organised by non-governmental organisations, civil society organisations, and religious organisations. Additionally, the representatives of host communities in parliaments emphasised the importance of the electoral umpire and civil society educating members of host communities on the benefits of active political participation in resolving their EJ concerns (Interview with I.N., Male Pol. Rep, 2020). Members of host communities may improve their skills and gain a better understanding of the oil mining process; the dangers of being excluded from the oil exploitation process; what constitutes inclusiveness; and how to best achieve it through the aggressive awareness-raising efforts of religious groups, civil society organisations, environmental activists, and oil companies (Interview with D.B., Female NES Rep, 2020). Similarly, while reiterating the importance of raising awareness, a representative of academia suggested that such a campaign should include the development of a specific message about the dangers of pollution, pollution control measures, remediation, the importance of environmental monitoring, compensation issues, the importance of effective collaboration or partnership, effective communication, and political participation, among other things (Interview with C.M., Male Acad Rep 1, 2020). Again, a representative of the NGOs emphasised the importance of raising awareness. She cited an instance in which women's groups in Aba

refused to take bribes or submit to pressure from the then-colonial government over violations of their cultural ideals and reacted violently in what became known as the Aba women's riot, insisting that this was only possible because the women were enlightened by an NGO that repositioned them for such bravery, arguing that such could be replicated in other areas (Interview with D.B., Female NES Rep, 2020). In other words, fighting against the unjust practises in this post-colonial era, backed up by intensive training, will help mobilise members of host communities into political participation as well as raise their level of awareness and encourage them to work collaboratively for the common good of all in the pursuit of environmental justice.

A representative of the religious group provided additional insight into how awareness-creation could be beneficial. He opined that raising awareness can assist in educating key stakeholders about the importance of collaboration while also promoting a positive image of host community members by educating them to eschew unhealthy profiteering from oil spills in favour of a community watchdog willing to protect the community's common good rather than personal gain (Interview with O. E., Male Reg. Group Rep, 2020). The long-term benefit would be that it would result in a positive behavioural and attitude change among members of the host communities, thereby deterring them from vandalising oil pipelines and averting oil spillage caused by pipeline vandalism. For example, my fieldnote indicates that while some members of various host communities believe they are fighting for the greater good of the community, others pursue personal interests (oil bunkering and sabotage), which is counterproductive (Field note, 2020). This explains their ability to betray the rest of the community. I mentioned in Chapter 6 the cases of those hired to cover an oil spill and some community leaders who are also community members but would rather pursue personal interests than community interests. A member of academia interviewed echoed this, stating that one of the ways the government dealt with the issue of oil spillage was by throwing

money at members of the host communities and allowing them to fight while transnational companies continued to work (Interview with K.O, Male Acad Rep 2, 2020). This approach, which appears to be more akin to the divide and rule discussed in Chapter 3, is used to divide people and keep them under the prevailing injustice. However, this is one area where a decolonial approach will be beneficial, as the host community should continue to insist on their culture and inclusion, which colonialism robbed them of. In the instance of such an oil spill, host communities must unite, insisting on not just the polluted subsurface but also the safety of the ancestral home. This can only be achieved when the people are together rather than sabotaging the struggle because of the peanuts that will be thrown at them by the government and transnational companies. The questionnaire administration data corroborated this fact. For example, in a random sampling of 100 people across host communities using the questionnaire, 51% of respondents indicated that members of host communities are unaware of environmental justice concerns, which include pollution from oil exploitation, exclusion of host communities from decision-making regarding the distribution of oil revenue, and non-recognition of their cultural identities by the oil expatriate who resides there. When comparing the insights from the interview to the data from the questionnaire, it is puzzling that those who understand the importance of awareness creation in addressing environmental justice concerns have yet to leverage it significantly. Consider fig. 7.2 on the relevance of awareness creation in addressing environmental justice concerns.



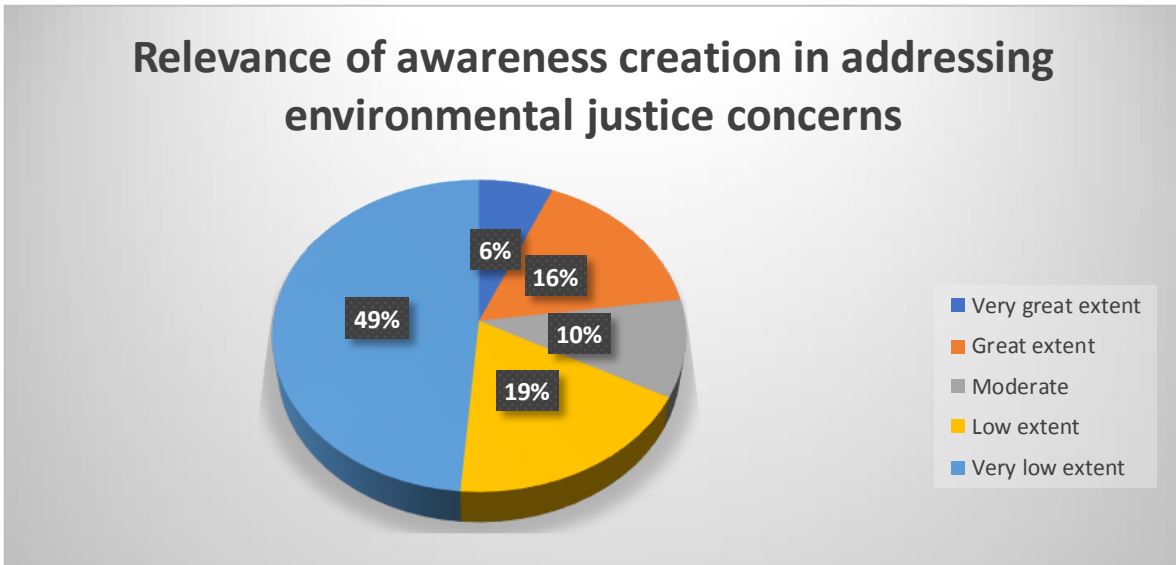


Figure 7. 2: Relevance of awareness creation in addressing environmental justice concerns

Although there is perceived faultiness in the political structure, especially in the electoral system, the data demonstrate that the majority of respondents are out of touch with ground realities, simply lack interest, or both. This is because the electoral act as amended has been able to deal with fraud experienced in the past and this change needs to be communicated through additional awareness creation. It is critical to note that awareness-raising is emphasised here because of the critical role it could play in the development of host communities and the way it could mobilise support for desired changes. Members of host communities can attend strategic events and conferences organised by international environmental organisations and political elites to raise community and grassroots organisation awareness (Interview with K.O, Male Acad Rep 2, 2020). He continued by indicating that, at the organisational level, members of the host communities could consider establishing a network of media experts to ensure adequate reporting on the issues at hand. This will assist them in dealing directly with the media, while practitioners can hold press conferences to discuss the cases they are handling and host workshops to raise journalistic awareness. However, the representative of the legal profession stated that for awareness creation

to be organised by members of the host communities, CSO, NGOs, and Independent National Electoral Commission, it must be strategic, continuous, cross-media, and aligned with the goal of effective communication to reach the targeted audience within a specified time frame (Interview with I.O., Male Law Rep, 2020). Newspapers, the internet, radio, and television can all be used to spread the message, as can organising seminars, conferences, or symposiums focusing on the dangers of pollution, pollution prevention, and remediation; the importance of effective monitoring and review; the importance of political participation, collaboration, and relevant training as being critical to the host communities' survival. The goal is to effect long-lasting behavioural changes in individuals and stakeholders within communities by increasing knowledge, fostering confidence, and heightening awareness (Barker, 2005).

As we live in the digital age, the youth representative opined that using social media will not only be effective and feasible but also economically viable, as many members of the host communities have access to mobile phones. This reminded me of an incident during the initial fieldwork, when a member of the host community quickly photographed the evidence of oil spillage in OhajiEgbema, one of the host communities before some ill-informed youths assisted the oil company in bagging them in sag and covering the site with sand. Although he was unable to accomplish much with the information because either the members of the communities involved lack a central information point or the fellow is unaware that it exists and the proper location to channel the information. Nonetheless, such information gathering is helpful in the pursuit of EJ, what is lacking here appears to be a coordinating role, perhaps, the control room that should collect the information, analyze it and prosecute the defaulters based on the available evidence.

Again, the NGO representative advocated for raising awareness about the importance of environmental hygiene, including avoiding polluted water, eating dead fish, and staying away from potential sources of radiation (Interview with D.B., Female NES Rep, 2020). This is critical because evidence from my fieldnote indicates that some residents continue to eat fish that have been caught dead and floating on top of the water body due to pollution, primarily due to poverty or ignorance of the consequences of such behaviour, which not only exposes them to sickness and disease but may also be life-threatening (Fieldnote, 2020). even though many respondents express a lack of belief in the efficacy of seminars and symposiums in their responses to the question. 63 percent believe it will be fruitless, compared to 37 percent who believe it will be fruitful. This resident respondent may have come from a position of ignorance regarding the use of seminars and symposiums to educate the public. This is because the community leader suggested that the youths occasionally preferred the use of violence and other crimes such as bunkering, kidnapping, and sabotage against the government and oil companies because they are not adequately educated on a more formal, civilised method of resolving their environmental justice concerns (Interview with A.D., Male Com. led, 2020). This insight from the community leader corroborates Watts' (2004) macro-level findings in the Niger Delta region with his discussion of different 'governable spaces' and 'spaces of Indigeneity' - youth being one of them. I argue that violence rarely resolves issues and, in this case, is unsustainable in the pursuit of EJ. Consider that it will not only paint members of the communities involved in this, particularly the youth, in a negative light in the eyes of international communities, but it will also be dangerous, as many youths have died in the course of such a struggle. However, youth from host communities have indicated that they have attempted to resolve the issue through nonviolent means several times

in the past, but the government and the transnational corporation have turned a deaf ear to their demands (Interview, H.A. Male YT Rep, 2020). A representative of the youth confirmed this by stating the following:

We have tried to engage the government in the past, but it appears as if the only language government understands is violence. Some leaders have organized a conference in the part and government delegations also attended the conference boarding on the injustices done to us. After the conference government would turn a deaf ear to our plight. For how long are we going to continue like this? (Interview, H.A. Male YT Rep, 2020).

According to this quote, it appears as though members of the host communities used seminars and conferences to resolve local issues in which key stakeholders participated, but the outcome of such conferences was not implemented, resulting in youths losing trust in the government. So, the issue here is beyond ignorance but a lack of trust in the government to take action based on previous experience. Inferring that trust should be a critical component of the quest for fairness, equity, and justice, which can be accomplished in the study area through the regular holding of conferences and seminars that bring everyone together for discussion. Additionally, a woman leader has advocated for increased conferences and seminars rather than violence, implying that violence should never be used as a substitute for failed constructive engagement but rather for increased engagement through seminars and conferences to engage the government and oil companies when host communities feel cheated (Interview with N.U, Female Wom. Group. Rep, 2020). Although this view differs from the initial call for public protest, the insight from the woman leader is

consistent with some findings from Murrey (2016), who, in her study of how scholars, activists, and farmers collaborate in Harare to address rural social justice, emphasised the importance of dialogue over violence. This is one key area where social media could be advantageous in the EJ struggle.

The transnational companies' representative stated that the youth have always viewed them as adversaries who are in the communities to take away their resources, despite the significant investment they have made in training and empowerment, in addition to their investment in infrastructure development (Interview with A. P. Oil Com. Rep, 2020). He continued by implying that they must be enlightened to see them as partners in progress rather than adversaries. This is another area where awareness-raising is necessary for the pursuit of EJ, and this can be accomplished when community leaders, environmental activists, religious groups, and community elites organise functions or other platforms for the dissemination of such awareness campaigns.

In summary, this section has emphasised the importance of raising awareness in the EJ movement. It demonstrates that raising awareness by members of the host communities, civil society organizations, and others is a critical component of a bottom-up approach to the struggle for inclusivity or adaptation in the study area. As part of the decolonial approach, it does, however, imply that members of the host communities must be enlightened to collaborate with other key stakeholders, mobilise resources to participate politically and resist exclusion in decision-making, as well as reject several of the policies identified in Chapter 5, which are averse to their growth and progress. I will then move further to explore the role of inclusive collaboration in the EJ as an integral component of the decolonial approach.

### **7.3 Fostering inclusive collaboration in dealing with environmental justice issues**

This section elaborates on the importance of raising awareness and engaging in political action in achieving bottom-up environmental justice. Effective collaboration, according to this study, entails communicating clearly, actively listening to others, accepting responsibility for mistakes, and respecting the diversity of colleagues, all of which enable individuals to work cooperatively toward a common goal. According to my observations during the fieldwork and the data, there appears to be a lack of collaboration among individual members and different factions of the host communities, including those who are employed by transnational companies, which is critical for addressing the study area's environmental justice concerns. While some members of host communities collaborate in the pursuit of environmental justice, such collaboration appears to be significantly lacking among other members of the host communities and across factions, especially for those members employed by transnational companies, and this also continues at the international level. A legal professional suggests that host communities should explore numerous networks and collaborations at the national and international levels and express their desire to further strengthen international cooperation and develop more innovative and effective international environmental justice instruments (Interview with I.O., Male Law Rep, 2020). He went on to suggest that members of host communities, non-governmental organisations (NGOs), civil society organisations, and other practitioners could join campaigns for Rio+20, coalitions of environmental justice organisations, and a coalition of civil society organisations on oil, among other globally recognised organisations. He further suggested that the advantage is that knowledge, expertise, best practises, and more innovative methods of achieving justice are available, particularly in cases involving pollution and land rights violations. According to him, most environmental justice issues that host communities face have international

dimensions, as most oil businesses are shrouded in secrecy with the elites having international networks with significant lobbying power, and thus it makes no sense to fight them solely with local resources and expertise (Interview with I.O., Male Law Rep, 2020). Based on the necessity of collaboration, it was concluded that when collaborative decision-making is effective, it can ensure broad and equitable representation of all interest groups, thereby facilitating the formation of consensus and fostering new connections between sectors and groups in addressing the issue of marginalisation in the bottom-up paradigm (Interview with C.M., Male Acad Rep 1, 2020). Ansell and Gash (2008) argued in favour of collaboration, arguing that collaborative governance challenges the historical paradigm of top-down control by bringing together affected stakeholders to inform consensus-based policy and management. Although this was not in the Nigeria context, the principles are the same and it can be applied in the Nigeria context. This was further elaborated by the work of Rapp (2020), who argues that there is a need to consider not only multiple forms of trust but multiple trust referents as necessary for collaborative natural resource management. She continued by saying that the relationship between individual trust and collaborative outcomes is dependent on the level of group trust; when group trust is low, individual trust has a smaller impact on outcomes than when group trust is strong.

The interview findings were compared to data from a questionnaire in which a random sample of 100 residents indicated a lack of collaboration among members of the study area's host communities in pursuit of their environmental justice concerns, with 44% indicating that members of the host communities collaborate among themselves and other neighbouring host communities. While it is true that those who argue for a lack of collaboration outnumber those who argue for collaboration among host communities, 44 percent is still a sizable number, implying that there may be local collaboration among members of host communities without national or international collaboration with similarly marginalised groups, NGOs,

and civil society organisations. The lack of collaboration among community members and neighbouring host communities may also explain why EJ has been unsuccessful in the study area. Perhaps if all stakeholders had pooled their experience, knowledge, and expertise within communities and sought out similar organisations or communities outside the borders of Nigeria that had a similar experience in the past and were able to turn their fortunes around, the struggle would have been more fruitful. It is not as if members of the communities are unaware of the importance of effective collaboration, as illustrated in Figure 3, but what exactly is preventing them from exploring the possibility is unknown. For example, when asked how effective collaboration could result in increased community involvement, approximately 54% of respondents expressed a strong belief in the importance of effective collaboration. This means that members of host communities believe it's important to develop collaborative skills to communicate effectively, actively listen to others, accept responsibility for their actions, and respect the diversity of people. This may require being receptive to new ideas, thinking long-term and envisioning the outcome of your collaborative work, and productively debating ideas with colleagues. Of the 54 percent of respondents who argued in favour of effective collaboration, 19 percent indicated that such collaboration would to a very great extent significantly increase host community participation, while the remaining 35% indicated that such collaboration would to a great extent significantly increase host community participation.



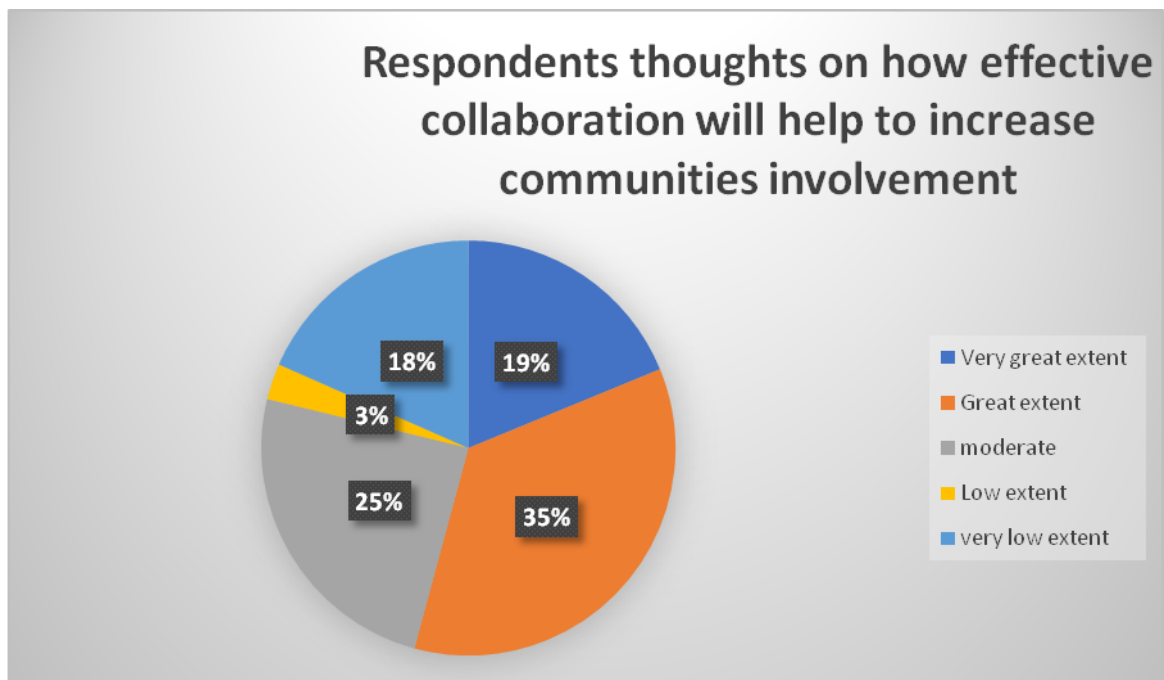


Figure 3: Respondent thoughts on how effective collaboration will increase communities' involvement.

According to a representative of the civil society organisation, this lack of collaboration may be related to the long-standing adage that the Ibos do not have kings. She continued by arguing that this has made it exceedingly difficult to bring them together for a common cause, such as the Fulani race in northern Nigeria (Interview with D.B, Female NES Rep, 2020). However, some have argued that this narrative is both dangerous and inaccurate, as it does not accurately portray the study area. For instance, Onyeozili and Ebbe(2012)observed that each community in the study area has a king, and the Ibos are extremely cooperative, which explains why a large number of them have succeeded without the support of the central government. Again, the Ibo race is unique among Nigeria's ethnic groups in that one man can train approximately ten other brothers in business, which explains the Ibo proverb "onyeaghananwanneya," which translates as "one should not abandon his brother or be his brother's keeper." This saying implies that the Ibo race's cultural ideals require cooperation, which cannot be different in the pursuit of environmental justice issues affecting them. This

position was echoed by the youth leader, who stated that Ibos are culturally collaborative, particularly in trade, and requested that this model of collaboration in doing business be replicated in ensuring that those affected by oil pollution are adequately compensated and that the communities receive what is due to them.

Rather than that, one could argue that Ibo leaders and Ndigbo in general have not demonstrated sufficient solidarity in support of oil host communities that have been marginalised by oil exploitation, which is an indication that this is a class struggle. This explains why political leaders in the region are currently convening regular meetings to champion the cause of Ndi Ibo, such as the one organised by the south-eastern governor, and in legislative chambers, the south-east legislative forum, where resolutions on devolution of powers, state police, and resource control are being considered. Additionally, there is now a southern governor's forum and a southern legislative forum comprised of all governors in southern Nigeria and all legislatures in southern Nigeria, respectively, that meet quarterly and issue communiqués, one of which was the Asaba declaration on May 11, 2021. The communique includes a declaration for true federalism and resource control, which means that each region will control its resources and pay taxes to the central government, as is customary in some developed countries such as the United States of America (see Southern Governors' Asaba declaration, 2021).

However, increased collaboration is required not only at the local level among all stakeholders in host communities but also at the national and international levels to strengthen the effective linkages necessary for the emancipation of these marginalised people. The NESREA representative suggested that collaboration could help mobilise resources for potential litigation and lobbying in the study area's EJ movement, and as Scheberle (2000) succinctly stated effective collaboration and partnership catalyse further innovative strategies. This is because two good heads are better than one, and when people collaborate, they pool

resources (technical skills, political skills, and information technology skills, to name a few) to approach any issue more dynamically (Interview with G.C, Female Gen Group. Rep 2020). He went on to suggest that such innovative strategies could be technologically driven, bringing together women's groups, youth groups, religious groups, and environmental activist groups on a national and international level. In summary, there is a need to significantly strengthen the collaboration among youth, women's organisations, religious organisations, political organisations, and environmental and professional organisations in the study area. This alternative is consistent with the study by Murrey (2016), who argued for collaborative action to address issues of social justice, and with the findings of Ansell and Gash (2008), who advocated for collaboration, arguing that collaborative governance challenges the historical paradigm of top-down control by bringing together affected stakeholders to inform consensus-based policy and management. The data collected across these various groups indicated a lack of effective collaboration between and among these various groups, which may be precisely what is required to expedite environmental justice in the area. One way to accomplish this is to increase awareness creation, as discussed in the preceding section, and through the use of social media, as discussed in the following section.

#### **7.4 Using ICTs to enable innovation, adaptation, and clearer communication**

This section continues the discussion of achieving indigenous environmental justice in the study area from the previous section. I examine indigenous environmental justice in this section by examining how ICT enables innovation, adaptation, and clearer communication. This is because access to knowledge and information enables innovation and adaptation, both of which can be accomplished through the use of information and communication technology

(Interview with C.M., Male Acad Rep 1, 2020). Many of the strategies for involving people in the management of the proceeds from natural resources have come under fire for being ineffective. This is due to the fact that people frequently lack access to the necessary knowledge and opportunities to voice their concerns, and governments frequently lack the resources to encourage people to get involved (Lujala et al., 2020; Kasimba and Lujala, 2019). This demonstrates the critical role of information and communication technology in fostering citizen engagement, particularly in oil-hosting communities. As a strategy for assisting host communities in achieving environmental justice, successfully implementing a bottom-up approach to addressing environmental injustice in the study area would require clear and robust communication among community members and across host communities, which will serve as a forum for innovation diffusion and adaptation. This collaborated with insights from one of the interviewees representing the general group, who opined that information must be circulated with the utmost convenience and trust among diverse interest groups within communities (Interview with G.C, Female Gen Group. Rep 2020). Additionally, she suggested that environmental pollution issues and their treatment, including compensation, should be documented promptly and communicated to the host community's control group via established effective communication channels for immediate action, and that if the situation appears to be overwhelming the control group, it could be escalated to attract the attention of similar EJ movements worldwide. In a study conducted in Ghana, Ogbé and Lujala (2021) asserted that spatial crowdsourcing might be a creative way to inform citizens, monitor how money is spent, and give people a chance to provide feedback on how natural resource revenue is handled in Ghana and other places. This is applicable in the study area, where more than 72% of resident community members use social media. For example, data from the administered questionnaire indicates that members of the host communities use social media daily. In a random sampling of 100 residents, 72 percent

responded affirmatively to the question of whether members of host communities use social media in their daily activities, while 28 percent responded negatively. This indicates that the majority of residents use social media and are capable of massively disseminating information both within and beyond the country, which is a necessary condition for the application of the crowdsourcing principle. Similarly, the representative of NOSDRA noted how his team has improved its monitoring and enforcement capabilities entirely due to ICT and social media (Interview with A. O., Female, NOSDRA Rep, 2020). This also supports a recent study on environmental social movements and social media, which concluded that environmental justice movements could be promoted via social media internationally (Hopke and Paris 2022).

While social media can be used to spread both lies and the truth in contemporary society, it has evolved into an acceptable, efficient, and effective mode of communication (Interview with N.K., Male, NESREA Rep, 2020). Additionally, he suggests that social media could be used as an early warning system for the dangers of exposure to air and water pollution as well as for the generation and dissemination of information, particularly about pollution, pollution control, politics, exclusion, and other forms of marginalisation. In a recent study, Ihejirika et al. (2015) posited that social media has become an effective political campaign tool, especially with the use of Facebook and Twitter in Nigeria. In another instance, respondents were asked how critical they believed social media was in addressing environmental justice concerns; 64% responded affirmatively, while 36% disagreed. This demonstrates that the majority of members of host communities understand the value of social media in today's world, particularly its role in information generation, dissemination, and awareness-raising. For instance, a representative of the religious group was quick to point out what occurred during the lockdown and the role social media played in bringing to the attention of the global community how the resources the global community gave to Nigeria in the form of aid

(palliative) to support the vulnerable members of society were shrouded in secrecy (Interview with O. E., Male Reg. Group Rep, 2020). He recounted how governors withheld palliatives intended for the masses while they went hungry, with the intent of appropriating the palliatives for their families and cronies. He also said that the young people found out about it through social media, got together, broke into the warehouse where the food was kept and gave it out forcibly.

In another event, attempting to demonstrate the effectiveness of social media in the struggle for fairness, equity, and justice, a representative of academia explained how the youth rallied support for the EndSARs agitation saga of 2020 in Nigeria via social media (Facebook, Whatsapp, and Instagram, among others). giving an insight into how angry and frustrated youth across Nigeria mobilised at a pivotal moment in the country's democratic journey in protest of police brutality allegations. They were able to raise millions of dollars in a matter of days, both within and outside the country, to sustain the struggle and drive home their point. Even though the government used excessive force against them, resulting in the deaths of several of them, he emphasised that the youth had made a point (Interview with G.C, Female Gen Group. Rep 2020). The legal representative also mentioned this particular event, noting that members of host communities, environmental activists, and environmental justice organisations can use social media to fight for equity, fairness, and justice (Interview with I.O., Male Law Rep, 2020). What we can learn from these case studies is that people are becoming more aware of the role of social media in any conflict and how it can be used for resource mobilisation, political participation, collaboration, and awareness creation.

The interviewee's and open-ended questionnaire ideas were compared to the data from the distributed questionnaire and they were affirmative. As demonstrated in Table 7.1, respondents affirm that social media is critical and can be strategically used to advance environmental justice.

**Table 7.1 To what extent do you consider the use of social media in the EJ movement**

Response	Frequency	Percentage
Very great extent	19	19
Great extent	42	42
Moderate	5	5
Not applicable	34	34
Total	100	100

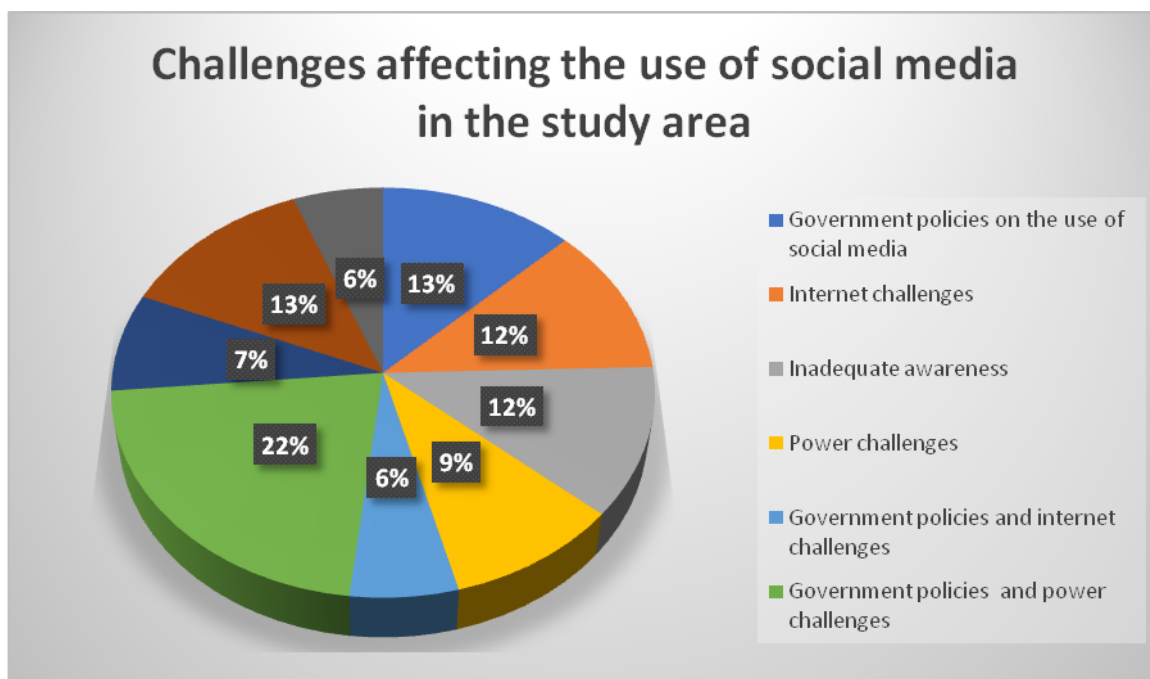
Researcher's field survey, 2020

Aside from 34%, who do not use social media due to ignorance or for other reasons, and who are irrelevant in this case because they represent the views of those who do not believe in the efficacy of social media use in the preceding question on the questionnaire, 61 percent believe that social media can be beneficial in achieving environmental justice concerns to a large extent. This data from the question supports a variety of perspectives on the importance of social media in the EJ movement in the study area. In a recent study, Ihejirika et al. (2015) posited that social media has become an effective political campaign tool, especially with the use of Facebook and Twitter in Nigeria. Additionally, in the twenty-first century, technological innovation facilitated by social media is globally beneficial and is gaining increasing recognition in the existing literature. Cupples (2016), for example, argued in favour of the media space in the context of authoritarianism and the struggle for social justice. Additionally, as part of the analysis of the role of social media, spatial crowdsourcing was proposed as a novel method of informing citizens and monitoring revenue spending, as well as for citizens to provide input and feedback on natural resource revenue management in Ghana and elsewhere (Ogbe and Lujala, 2021). Numerous additional examples abound. Although these are studies conducted outside the study area, their application is universal, particularly in countries with a large population that has access to phones and other electronic media necessary for social media use, such as Nigeria. In Nigeria, Onuh-yahaya (2021) asserted that millions of Nigerians, particularly young people, rely on social media platforms

to address local issues ranging from entertainment to health to fin-tech, noting that the country had approximately 24.59 million social network users in 2019, the majority of whom were youth. This figure is expected to grow to 44.63 million users by 2025 as more people gain access to the internet and more people recognise the value of social media in business, job creation, advocacy, and politics. Olojo and Allen (2021) noted in another study that Nigeria is becoming an increasingly networked society that relies on social media not only for political engagement in resolving social justice issues but also for economic development as Africa's largest economy. Also, they said that communication technology makes up about 10% of Nigeria's gross domestic product, that young people depend on new technology to drive economic growth, and that internet forums help many businesses reach out to potential customers.

Despite social media's enormous potential, it is worth noting that it does have some drawbacks. As previously stated, the federal government's recent move to regulate the media space was in response to flagrant abuse of social media, including its use to spread fake news. As identified by resident respondents, Figure 7.4 highlights the difficulties associated with the use of social media in the pursuit of EJ in the study area.





**Figure 7.4: Challenges affecting the use of social media in the study area.**

As illustrated in Figure 7.4, residents' responses prioritise government policies and power challenges, with insufficient awareness being the least of their concerns. This indicates that the majority of members of the host communities understand the role social media can play in advancing environmental justice concerns but may have been constrained by government regulation and insufficient electricity. During the interview session, the NGO representative stated that insufficient electricity, internet, and government policies all contribute to the study area's lack of social media use. She asserted that energy supply is scarce in the study area, a common occurrence in developing countries such as Nigeria, which impairs the effective use of social media (Interview with D.B., Female NES Rep, 2020). While expressing his support for some of the restrictions on social media use, a representative of the legal profession noted that President Mohamadu Buhari's administration has banned the use of Twitter in Nigeria and directed all telecommunications subscribers to deactivate the product, a move that the legal profession is prepared to challenge in court. He also noted that this did not deter the populace, as many youths now use the virtual private network (VPNs), an innovative method

of connecting to the media despite government policy (Interview with I.O., Male Law Rep, 2020). This position was backed up by an academic who insisted that members of the host communities must always and at all costs speak out via social media and also educate people on what to do and how to do it rather than simply complain (Interview with K.O, Male Acad Rep 2, 2020). With this growing recognition of the role of social media in environmental justice, members of host communities, non-governmental organisations, and environmental justice activists may close the knowledge gap on the use of VPNs in the event of additional government regulation, improve their collaborative skills, particularly in the area of information and communication technology, and develop alternative energy sources through increased awareness campaigns. Again, the connection between social media, awareness-raising, collaboration, and political participation is demonstrated in this section. This is because it is now clear that social media can raise host community awareness about the use of social media, educate them on how to circumvent government regulations through the use of VPNs, educate them on how to mobilise additional resources through the use of social media to power their alternative source of energy, assist them in developing more collaborative skills in reaching out to similar social movement groups worldwide, and assist them in establishing relationships with similar social movement groups. This helps to explain why Hopke and Paris (2022) found a strong correlation between the success of environmental social justice movements and their use of social media. The increasing clamour and benefits of social media in the fight for environmental justice are propelling the growth of this alternative. It is also consistent with a study conducted in Ghana by Ogbe and Lujala (2021), who concluded that social media can be an effective tool for EJ in countries with reliable internet access such as Nigeria.

## **7.5. Resource mobilisation from members of the host communities and beyond**

This section examines the role of resource mobilisation in the struggle for indigenous environmental justice, as well as the relationship between resource mobilisation, awareness-raising, and the potential role of social media in the environmental justice movement. This alternative is based on the study by Osaghae et al. (2011), which argued for resource mobilisation for the marginalised people of the Niger Delta region. A member of academia who specialises in petroleum resources and environmental management opined that in the fight for EJ, resource mobilisation may not necessarily mean financial resources but also the totality of social capital, which could take the form of contributing expertise, devoting time, money, knowledge and skills, energy, donation of materials within and outside host communities, and all other forms of social capital (Interview with C.M., Male Acad Rep 1, 2020). Building on this position, the representative of the Nigerian Environmental Society suggested that mobilising resources may also entail identifying organisations whose work aligns with the host communities' overall goal for external support and collaboration (Interview with D.B., Female NES Rep, 2020). The importance of social capital development in communities' development is that it can ensure robust local social networks, high levels of trust among community members, and positive community norms, all of which contribute to what Barker (2005) refers to as "community-based capacity." Osaghae et al. (2011) made the case for community-based resource management in the Niger Delta region, which includes this study area.

In chapter six, it was suggested that mobilisation of resources is necessary to influence policies affecting existing laws and regulations. Additionally, it was suggested that insufficient resources are to blame for EJ concerns in the study area, as the residents may be incapable of enduring the legal battle due to the enormous resources required. These

assertions were substantiated by data gathered using both qualitative (interviews and open-ended questionnaires) and quantitative ns. Additionally, it was suggested that insufficient resources are to blame for EJ concerns in the study area, as the residents may be incapable of enduring the legal battle due to the enormous resources required. These assertions were substantiated by data gathered using both qualitative (interviews and open-ended questionnaires) and quantitative (questionnaires). For example, during the interview session (Interview with K.O., Male Acad Rep 2, 2020; Interview with A.D., Male Com. Lead, 2020; Interview with K.C., Male ASOPADEC Rep, 2020; Interview with A.P. Oil Com. Rep, 2020; Interview with D.B., Female NES Rep, 2020), they found that there weren't enough resources for litigation, member training, monitoring environmental compliance, political participation, raising awareness, and using social media. Additionally, a random sampling of 100 respondents who live in host communities and were asked to indicate the extent to which they believe fund mobilisation is necessary for the pursuit of environmental justice concerns indicates that 73% believe fund mobilisation is critical in the EJ struggle, as the majority of EJ concerns stem from a lack of resources. Please see table 7.2.

**Table 7.2: To what extent do you consider fund mobilization necessary in pursuing environmental concerns**

Response	Frequency	Percentage
Very great extent	51	51
Great extent	22	22
Moderate	10	10
Low extent	4	4
Very low extent	1	1
Not applicable	12	12
Total	100	100

Researcher's field survey, 2020

This question was posed because funding in this context consists of the following: money, donations, investments, properties, and social capital, as identified by a representative of academia (expertise, time, internal and external networks, etc.). Additionally, available data from questionnaire analysis revealed the financial difficulties faced by members of host communities. Table 7.3 contains the data. It demonstrates that low-income earnings may contribute to the host communities' limited resource base, as their average monthly income ranges between 40,000 and 60,000 nairas, or \$80 to \$120 in US dollars at the current exchange rate of 550 to 1\$.

Table 7.3: Average monthly income of the respondent

Income	Frequency	Percentage
<20,000	7	7
20,001-40,000	32	32
40,001-60,000	16	16
60,001-80,000	28	28
80,001 and above	17	17
Total	100	100

Researcher's field survey, 2020

With an understanding of the role of other indicators in determining a person's standard of living, I attempted to correlate the respondent's average monthly income with the average household size, another socioeconomic indicator. The average household size is shown in Table 7.4. With an average monthly income of \$80 to \$120, the average household size is five people, indicating that the majority of average families struggle to survive rather than live a decent life. However, while these host communities' average sources of income are insufficient to support them financially, they can contribute their skills, labour, energy, and expertise in a variety of ways, including assisting in information dissemination and data

collection, participating in regular monitoring of oil pipelines within their communities, and monitoring oil companies' compliance during oil exploitation. This suggests that the funding here is much more than a financial contribution and includes wider potential that the host communities could contribute.

Table 7.4: The household size of the respondent

Household size	Frequency	Percentage
1-3	36	36
4-6	22	22
7-8	31	31
9-10	4	4
10 and above	6	6
Missing value	1	1
Total	100	100

Researcher's field survey, 2020

This position was echoed by the academic representative, who highlighted various resources that host communities can mobilise in the event of an oil spill, in the face of various types of pollution, in the face of exclusion from government agencies responsible for oil exploitation and marketing, and in the face of other forms of exclusion experienced in the study area (Interview with K.O, Male Acad Rep 2, 2020). Nonetheless, this low income is due to stark social inequalities that pervade the economic and social fabric of marginalised groups, denying them desired access to the same resources as others; opportunities to be productive

members of society; and, in addition, limited ability to exert influence on decision-making, including holding their leaders accountable in their communities (Interview with K.O, Male Acad Rep 2, 2020). To help you better understand the situation here, a member of the community has the following to say, as documented in my field note from the site visitation.

"Our people are suffering in our land with no one coming to our aid. Can you imagine that I am a BSc holder, but I am paid with my secondary school certificate? When the oil companies wanted to employ people, they requested that our community leaders forward names to them. I was among those included, but they informed our leaders that they were only interested in paying two people with the BSc certificate and that others should submit their secondary school diplomas to be employed with it and will be upgraded later. They have been paying me for 6 years now with my secondary school certificate, and we are warned never to mention it anywhere. Even as I am talking to you, I would not want my name to be mentioned to avoid losing my job. " (Field note, 2020)

In this scenario, it's extremely difficult to argue that oil companies aren't conspiring with community leaders to defraud the populace. One would have expected transnational companies to follow the traditional recruitment process of advertising for positions, collecting applications, and evaluating them on their merits. Instead, they chose to recruit through community leaders, who may wish to submit the names of their relatives or may be biased in their submissions. These types of actions breed distrust, as the process is opaque. However, it could also be a way for oil companies to ensure inclusivity by granting such privileges to community leaders. Whatever the case may be, it suggests that community leaders who are supposed to be advocates for the people may accept unfair terms during the recruitment process, compounding the marginalisation of their people. The issue is that the more resources available to individual members of host communities, the higher the individual's standard of living and the more resources available to contribute to the community. This suggests why in another interview, the NES representative posited that poverty, inequalities,

and EJ are inextricably linked (Interview with D.B, 2020 Female NES Representative). According to the data collected through the questionnaire, the majority of members of the host communities are self-employed individuals who have a long history of agricultural practices but have seen their earnings decline over the years due to the impact of oil spillage on their agricultural products (Ebeku, 2001). This indicates that environmental injustice fuels and compounds poverty and inequality by depriving marginalised people of additional income, which is one of the reasons they require a stronger voice. On the other hand, as previously stated, the struggle to make oneself visible requires resources, which can be viewed as a matter of enabling democratic or participatory institutions. I've discussed political participation and how the electoral umpire, civil society organisations, and others should educate members of the public, particularly the host communities, about how to engage in the democratic process to achieve greater voice and participation.

While one could argue that increased funding does not automatically translate into increased awareness, improved monitoring, collaboration, or training, it would undoubtedly increase the people's resource base, giving them a stronger voice. Again, the previous section established a link between insufficient resources and environmental injustice, implying that increased funding from members of the host communities, NGOs, and other international partners would result in increased awareness, an improved system of monitoring and evaluation, increased participation, and increased justice, as there would be more resources available for litigation when the need for justice arises. A representative from academia argued that because funding is critical to achieving environmental justice, members of host communities and some NGOs could initiate fundraising activities to support local organisations and develop networks and partnerships with like-minded organisations worldwide (Interview with K.O, Male Acad Rep 2, 2020). This would have resulted in a reduction in the resources required to attend conferences and pursue their environmental



justice concerns. Again, a representative of NESREA suggested that other ways in which NGOs could assist include educating members of communities about the importance of focusing on a particular aspect of EJ to adequately mobilise resources for that particular EJ issue (Interview with N.K, Male, NESREA Rep, 2020). To avoid wasting resources on unnecessary mistakes, an experienced lawyer representing members of the legal profession suggested that academic members of communities could also provide practitioners with case studies and community guides, as well as expertise on environmental justice laws and tools (Interview with I.O., Male Law Rep, 2020). He went on to suggest that organisations could use existing judicial and administrative resources to block the issuance of permits to transnational companies rather than litigating based on discrimination or damages, which are difficult and expensive to establish.

In summary, this section attempted to make a connection between environmental injustice, poverty, and inequalities. Additionally, the link between resource mobilisation and political participation, awareness raising, improved monitoring, increased training, and enhanced collaboration has been derived from a cross-section of various data categories obtained from various data sources, which will assist host communities in continuing to insist on their rights as part of the decolonial process. This is because, political participation, awareness-raising collaboration, and resource mobilisation are all different strategies at the grassroots which could be used to challenge colonial and post-colonial emerging challenges. I will then discuss the role of aggressive training of host community members in all aspects of oil exploitation.

## **7.6 Actively training members of the host community on all aspects of oil exploitation.**

This section builds on the framework for mobilising resources, raising awareness, and collaborating effectively to address EJ concerns, recognising that human resources are a valuable resource for EJ that can be enhanced through training. Additionally, it suggests that by actively training the host communities in the study area, the gap in collaboration, awareness creation, and political participation could be bridged. I discussed how political participation, which has not been fully explored, could be used to address EJ concerns; how there is a gap in collaboration and awareness creation; and how fieldwork data indicates that, in addition to the issues, there is an issue of insufficient essential economic and environmental impacts. This does not necessarily mean that members of host communities lack training; rather, the level of specialisation required to become deeply involved in oil exploitation is insufficient. This will not only enable them to get more jobs in the industry, but also keep the industry accountable to the host communities. Such training may include, but is not limited to, IT skills; specialisation in the oil and gas industries; political participation skills; resource management skills; and collaborative training skills. For example, as evidenced by the questionnaire data in figure 7.5, members of host communities receive formal education. When asked about their educational background, the respondents' responses were presented in figure 7.5.

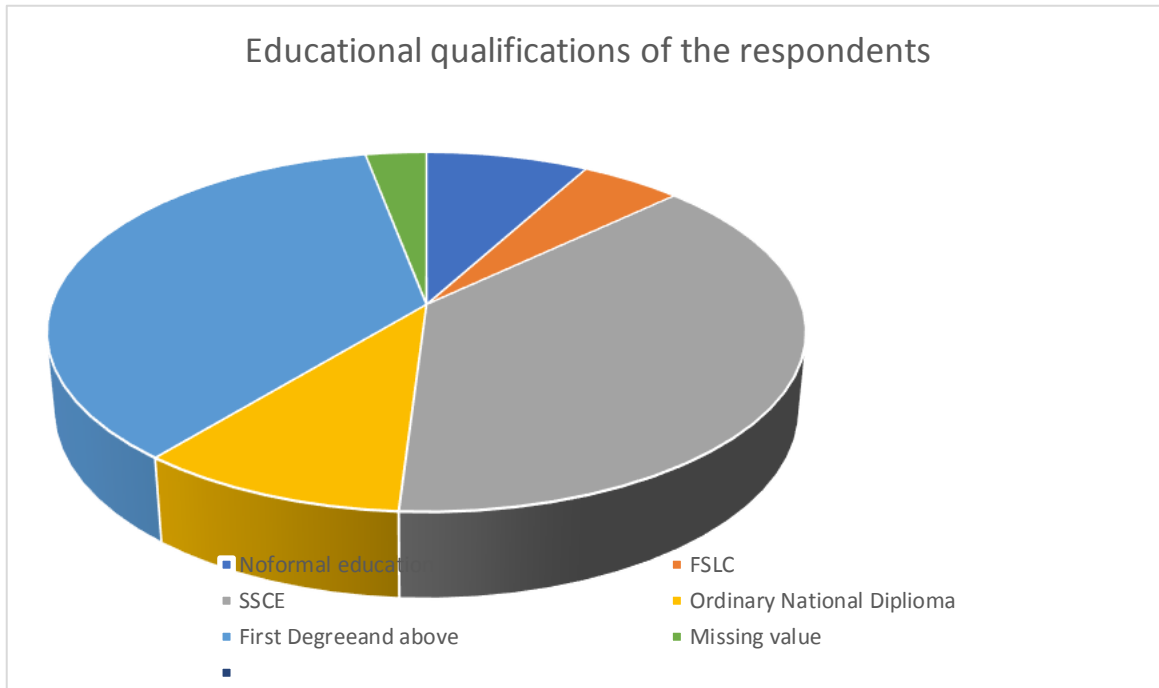


Figure 7.5: Educational qualifications of the respondents

Source: Researchers field survey 2020

If 84 percent of residents responding to a random sample of 100 have at least a senior high school certification, it can be concluded that the majority of members of the host communities have received adequate formal education. What appears to be required appears to be technical skill training and specialisation training. A member of academia argued that actively training members of host communities by oil companies, governments, non-governmental organisations, civil society organisations, and environmental activists could be an effective strategy for repositioning members of host communities to contribute maximally to the development, implementation, and enforcement of existing environmental and oil policies (Interview with K.O, Male Acad Rep 2, 2020). He cited an instance in which members of the Niger Delta volunteer force were asked to lay down their arms to receive training in technical skills and areas of specialisation abroad and were later reintegrated into the Nigerian oil and gas industry, arguing that such a strategy could be used to train more people in the study area to not only get them involved in the oil and gas industry but also as

an effective peaceful decolonial strategy. Additionally, the representative of the Ministry of the Environment stated that training host communities in technical skills will strengthen their human resource base, which will result in increased earnings as a result of their increased involvement in a more productive sector of the economy. This implies a connection between education and resource mobilisation.

When this position was compared to data from questionnaires administered to residents, 52 percent responded negatively to the question of whether members of their community are adequately trained to contribute more effectively to the development, implementation, and enforcement of environmental and oil policies, while 48 percent responded positively. This indicates a knowledge gap, as more than half of the respondents indicate that community members lack the necessary training for effective service delivery in oil exploitation, even though they acknowledge that training community members is a prerequisite for addressing environmental justice concerns, as it increases their members' skills, which results in an increased resource base. Inadequate training may be related to the area's poverty and a desire for quick money, which have inevitably pushed several of the youths into various forms of restlessness and violence (Watts, 2004). According to the community leader, because agricultural yields have decreased, particularly in the area of fish farming and plant growth, as a result of the oil spill, the majority of the youth in the communities have resorted to using bikes to run commercial businesses to earn quick money and engage in non-career-oriented activities rather than learning a trade or acquiring skills that will earn them employment in the oil and gas industry. (Interview, Male Com. Lead, 2020, A.D.) The point here is that improved skills result in increased employment and pay, although it is unclear why young people would prefer immediate gratification over a better future career. How about comprehending, interpreting, and ensuring that all players in the oil and gas industry adhere to existing policies? Without a doubt, it takes an enlightened member of the community to

play a critical role in this regard. Here, services such as monitoring and enforcement are open to the citizenry, and as a member of the host communities, they can report any leaking pipes, pollution incidents, or environmental pollution incidents and even hold perpetrators accountable, but only educated citizens understand what policies are, what policies stipulate, what policy violations mean, and the necessary steps to take to bring the perpetrators to justice. Additionally, as demonstrated in Table 7.5, additional evidence from the questionnaire administered lends credence to the need for additional training for members of the host communities. Around 70% share this view, emphasising the importance of additional training for members of host communities to adapt to various areas of oil specialisation and thus improve their economic and environmental well-being.

**Table 7.5: Considers the extent to which the resident respondent considers the training of their members in various areas of oil and gas specialization relevant to achieving their environmental justice concerns**

Extent of relevant	Frequency	Percentage
Very great extent	24	24
Great extent	46	46
Indifference	1	1
Low extent	11	11
Very low extent	18	18
Total	100	100

Researcher's field survey, 2020

I previously discussed the types of training that will be beneficial in the first paragraph of this section, but a representative of NESREA has argued that members of host communities should also be trained in environmental monitoring, remediation, and baseline studies, noting that such training will educate them about what to expect in the field as key stakeholders in the oil and gas industry (Interview with N.K. Male, NESREA Rep, 2020).

In summary, this section has discussed the importance of training members of host communities in a variety of different fields of expertise and how such training results in increased earnings, resource mobilisation, and the ability to hold the industry to account and litigate if necessary. I also discussed how training could result in improved skills in lobbying, which is a necessary component of political participation. I then suggested that training could result in increased awareness, which is also necessary for the fight in support of EJ. Such training should be designed to serve as a forum for knowledge sharing and collaborative learning about how the study area should strategically position itself to achieve the desired level of inclusiveness and recognition. Thus, I conclude that increased skills as a result of increased training, increased political participation as discussed in the preceding section, and increased awareness would equip host communities to fight against government policies like the land use policies that placed them in this situation during the colonial era but have since outlived the colonial era. This would enable them to continue to insist on respect for their cultural identities, and on their rights and privileges, which is necessary for decolonization.

## **7.8 Effective Monitoring, Feedback, and Accountability**

This section discusses the importance of effective monitoring, feedback, and accountability as components of a bottom-up approach to environmental justice or indigenous environmental justice. It builds on various sections in this chapter to suggest how members of the host communities, as significant stakeholders in the oil and gas business, would address

the challenges of oil spillage and pollution discussed in Chapter 5. Additionally, it will examine the best approach to hold transnationals accountable for breaches of any existing laws. This is critical, particularly in light of the new Petroleum Industry Act 2021, with which host communities, Transnational corporations, and other key stakeholders must comply in order to reap the Act's enormous benefits, as discussed in Chapter 6. Adopting effective monitoring and enforcement strategies that are based on a positive feedback mechanism between all stakeholders and collaborators may aid in detecting and effectively sanctioning defaulters. This will ensure that the meagre resources accruing to host communities as a result of the colonial-era derivation-based system that is now being used to dispossess host communities can be monitored from the grassroots level as a form of decolonial approach. I discussed in the literature review how weak laws and enforcement mechanisms are impediments to environmental justice in the majority of the global south's countries (see Adeola, 2001). I also discussed in Chapter 6 how leveraging a few recent laws can aid in the fight against environmental injustice, but only with effective monitoring and enforcement mechanisms. A representative of NOSDRA suggested that it is necessary to ensure that monitoring and evaluation are comprehensive, performance-based, routinely reviewed, and provide feedback to the broader community-organized body to maximise the overall benefits of existing laws, while also compensating host communities and reducing pollution in the environment (Interview with A. O., Female, NOSDRA Rep, 2020). He cited an example of a neighbourhood watch group in the study area whose mission is to ensure the security of lives and property, implying that host communities could similarly have environmental watch groups with distinct roles assigned to each group, with their performance evaluated on a monthly, quarterly, or biannual basis by the larger community-organized body charged with evaluating the performance of various groups. Another interviewee expressed a similar view, emphasising the importance of training members of host communities in various aspects of

oil exploitation, environmental monitoring, and remediation. They also stressed the importance of such members of host communities interested in intervening in areas of monitoring and enforcement receiving prerequisite training (Interview with N.K., Male, NESREA Rep, 2020).

These members may collaborate with NOSDRA and NESREA, which are empowered by law to monitor and enforce environmental and oil laws internally and to provide feedback to both their primary group and the NOSDRA and NESREA teams. With the internal monitoring and feedback mechanism in place to ensure that members of the host communities identify and report defaulters to their general group and enforcement agencies, issues involving oil companies circumventing existing legislation for economic gain will be properly monitored, investigated, and held accountable when found culpable. The fact is that defaulting oil companies will always seek ways to compensate for their deficiencies for economic gain, but with the internal monitoring and enforcement that training provides, such acts will be reduced. For instance, my field note detailed how oil spillage at a particular farm in OhajiEgbema, Imo State, was scooped and packed in bags overnight before being covered with sand (Fieldnote, 2020). This is what would happen in the absence of effective monitoring and control measures, as images of the polluted site would have been captured immediately and forwarded to the central community-based group, which would then use the evidence for litigation against the transnational companies. Additionally, the role of youth in host communities in enabling such injustice is also being explored here. It was later revealed that those responsible for this action were youth from the host communities who were given money to compensate for the injustice committed against their people. I previously examined how low earnings affect resource mobilisation and how EJ fuels poverty and inequality. Although it is unclear whether this occurred as a result of poverty or sabotage, or as a result of ignorance on the part of those who committed such acts, this highlights the importance of



increased education and increased youth training, as discussed in the preceding section of this chapter. This is because increased training has the potential to boost earnings and self-esteem, alleviate poverty, and make it more difficult for oil companies to use some of the youth against their communities (Interview, H.A. Male YT Rep, 2020).

Additionally, there is a need to monitor and control the internal marginalisation that host communities face within their region. For example, those committed against them in collaboration with community leaders and the government. For example, the representative of the Abia State Oil Producing Areas Development Commission (ASOPADEC) confirmed that the intervention agency receives only 30% of the total amount of the 13% of derivatives given to the state every month (Interview with K.C, Male ASOPADEC Rep, 2020). He continued by stating that while the agency has intervened in some host communities, the majority of their challenges are financial. I discussed in Chapter 5 how the derivation-based formula was used to reduce resources available for host community development, but this insight suggests that at the state and local level, the 13 percent derivation is further reduced by 70% of the total sum for purposes other than pollution intervention, thereby reducing the level of intervention available to host communities. This also explains why the academic representative insisted that, while an upward review of the derivation formula is necessary, the discussion about derivation should extend beyond the percentage allocation to derivation at the federal level to how whatever is provided at the federal level (i.e. the 13%), should be efficiently and prudently deployed for the development of host communities (Interview with K.O, Male Acad Rep 2, 2020). Accountability via dynamic monitoring, checks, and balances is required in the application of resources derived from the derivation-based formula to achieve justice for the study area. In terms of the implementation of derivation-based resources, from blocking various channels through which the resources are transferred for purposes other than those for which they were intended (Interview with N.K., Male,

NESREA Rep, 2020). The legal profession's representative suggested that members of the host communities establish a monitoring body or committee to ascertain the state's monthly allocation and the percentage of derivation from the total sum (Interview with I.O., Male Law Rep, 2020). He continued by emphasising that the host communities should also monitor the application of resources at the state level to ensure that state governors and local government chairmen do not use the funds for purposes other than the development of the host communities and that each intervention project adheres to the financial budget allotted for it. If in doubt, they should report to the Economic and Financial Crimes Commission (EFCC) and Independent (Interview with I.O., Male Law Rep, 2020). He also cited the example of the Chairman of the NDDC board of directors collapsing on the floor of the National Assembly due to his inability to account for intervention funds housed under his agency. The call for effective monitoring, in this case, would be to monitor both the use of intervention resources and accountability. Until this is accomplished, the meagre resources available for intervention in host communities will continue to be misappropriated. I have discussed how bottom-up monitoring and enforcement can be used to ensure indigenous environmental justice as well as how host communities can ensure that derivation-based resources are used prudently for their intended purpose. Host communities must maintain their insistence on monitoring and accountability as a necessary decolonial strategy.

## **Conclusion**

I have provided an analytical framework in this chapter for how the EJ concerns raised in Chapter 5, one of which borders on exclusion, would be addressed. My findings suggest that some members of the host communities are disengaged from the country's political space, particularly since the return of democracy in 1999, allowing the area's injustice to continue unchecked. I then argued for increased political participation as a necessary component of

indigenous environmental justice, demonstrating how this could be accomplished through increased awareness creation, collaboration, training, effective monitoring and accountability, and the use of innovative information communication technologies.

Thus, I conclude by stating that members of host communities must choose between ignoring the EJ and continuing to complain about it, believing that they have no control over the circumstances, or becoming involved and committed to the necessary social-political changes, as evidenced by data suggests they have the potential to do. The host communities must confront EJ concerns by becoming politically involved to address exclusion issues that date back to the colonial era but have resurfaced in the post-colonial era. This chapter has stressed on grassroots social or community mobilization framework for indigenous environmental justice. McCreary and Milligan (2018) and Whyte (2020) called for the colonial structures that underpin EJ to be overthrown to allow space to both acknowledge and enact the knowledge, rights, and sovereignty of indigenous peoples. Similarly, other indigenous scholars, argue that environmental issues facing indigenous communities differ from those faced by non-indigenous communities because of Indigenous cultural identities and colonial experiences (Vickery and Hunter, 2016). EJ issues in the study area as identified in the chapter stem from long policies on land administration and other policies around the derivation, and creation of more states which are all forms of political tools used to exclude the host communities from participating in the distribution of oil resources or participating in another process that will ensure fairness, equity, and equality across the oil exploitation exercise. Through these social movements and mobilisation at the grassroots as seen in this chapter which is a decolonial approach, the host community might confront these long policies that have affected them and birth a new order that will ensure equal participation, recognition, and distributive justice in the study area. This is due to the fact that indigenous environmental justice acknowledges the connections between indigenous worldviews,

cultural survival, and sovereignty, all of which represent essential elements of power, authority, and justice in indigenous contexts (Holifield et al., 2017; Weaver, 2016). This is critical in arriving at how decision-making on environment matters is determined especially with the opportunity for bottom-up recognition which allows for the integration of indigenous worldview (Whyte, 2018).

## **CHAPTER EIGHT: SUMMARY, RESEARCH FINDINGS, AND CONCLUSION**

## **8.0 Introduction**

This thesis demonstrates that colonialism and cultural nonrecognition continue to be conceptual gaps in approaches to countering environmental injustices in academic research on the oil-hosting communities of south-eastern Nigeria. The colonial legacy of Nigeria continues to manifest itself today through the entrenchment of outdated policies in the form of land use and ownership policies; the derivation-based system; the divide and rule system (creation of more states and local government); and the system of appointment to boards of government agencies in Nigeria. The study also considered that Nigeria is a petro-state, where the oil and gas industry is ingrained in the global economy, and multinational collaboration and international organisations like the IMF and World Bank serve the interests of the core countries rather than fostering equal global growth and development prospects. It also recognised that in this post-colonial era, imperialism remains, meaning formerly colonised countries in the global north retain dominance over countries in the global south (Obeng-Odoom, 2022).

All of these interests mentioned ensured that host communities in the study area remained marginalised and subjected to environmental injustice because, in oil extraction, the interests protected include those of the Nigerian government, transnational oil corporations, a larger network of Western development institutions, and numerous Western nations. And these interest draw on colonial techniques and methods, reified through postcolonial governance structures that further entrench inequalities. The thesis argues that these colonial legacies impede the cultural ideals of the host communities not only because their land was alienated during the colonial era but also because they persist in the post-colonial era, with significant implications for contemporary debates on indigenous environmental justice (IEJ) approach to land

reparation. The thesis then considers macro-level (Niger Delta) studies on EJ, which are often used to make generalisations over the micro level (the study area) despite their differences in terms of language, culture, socio-political, and economic standing, as ecological fallacies, but rather offers more nuanced and conceptual developments of the IEJ framework, which suggests that critical EJ theory is not well-developed with regards to south-eastern Nigeria context.

To comprehend the effects of oil exploitation on environmental justice, the research's analytical framework was founded on development geographers' theories, such as dependency and post-colonial theories. However, it employs decolonial theory as its basis for addressing EJ issues. The selected oil-hosting communities are in the south-eastern Nigerian states of Abia (Ukwa West) and Imo (Ohaji/Egbema, Oguta, Oru East, Iho, Oru West, Obowo, and Ngor Okpala), where oil is currently extracted. This chapter has two primary goals: to summarise the key findings and conclusions of the study; and to present the contribution of the research and to make recommendation based on the findings.

## **8.1 Summary of the research chapters**

As stated in the introduction, the context of the research problem is the current condition of oil-hosting communities in south-eastern Nigeria, whose economies, cultures, and environments have been negatively impacted by oil extraction. Due to environmental injustice – including dispossession of their land, desecration of their culture, and degradation of their agricultural land – these host communities have remained largely underdeveloped, and their socioeconomic conditions and social relationships have been altered, despite the enormous oil wealth accruing to the Nigerian government because of oil exploitation. This study examined the nature of environmental (in)justice in the study area and how colonialism

and cultural dominance have contributed to environmental injustices in a region where the EJ framing from a western liberal perspective has not been adequately applied. The central argument of the thesis, therefore, has been that there is a need for a more contextually nuanced, micro-level study of south-eastern Nigeria rather than an ecological fallacy of over-generalisation of the study area with findings from the macro-level (Niger Delta) studies on EJ, which focuses on the western liberal approach (distributive, procedural, and recognition) that the current debate on EJ framing in the Niger Delta region has often anchored on, which negates the opportunity to engage with the impact of colonialism and cultural domination of the people.

The literature review in Chapter 2 on classical and traditional environmental justice highlighted the impact of cultural nonrecognition, which in the post-colonial era paved the way for what Watts (2005) explained in the concept of petrostate/resource capitalism and oil complex, which could be better understood from the perspective of political economics and the global political economy, or the global economic structure, dependency, or the world-system, all of which have made substantial contributions to our understanding of the nature of EJ in the global south. Finally, in chapter three, I examined how the long shadow of colonialism became the basis for most environmental justice issues in the post-colonial era, particularly in how the land use and ownership system were modified to conform to the petrol state ideology.

In Chapter 4, I described the data collection methods, which were primarily qualitative: interviews, archival research, and questionnaire administrations, which had both qualitative and quantitative components. These methods and approaches to data collection, which were distinct from previous approaches to EJ in the Niger Delta, enabled the collection of evidence that supported the study's findings and conclusions by addressing the research questions. Finally, chapter Five presented the background and historical development of EJ in the study

area. They provided context for oil exploitation in the study area, explaining how colonial laws were adapted and modified by successive military governments, eventually becoming part of the current laws with significant implications for the Indigenous environmental justice concept. Intriguingly, this issue has never been thoroughly investigated because most research employs macro-level analysis, which is state-centric, rather than micro-level analysis to investigate oil host communities in the south-eastern part of Nigeria. This study's empirical findings (chapters 5 to 7) supported this argument.

According to Chapter 5, the discovery of oil brought hope to members of the host communities who enjoyed the reward system resulting from the derivation-based system, which was the primary criterion for sharing oil revenue resources. With the military intervention in 1966, which lasted until 1999, and the government primarily controlled by Hausa Fulani in the northern part of Nigeria, several laws were enacted that made the number of states in a region, the number of local governments in a state, and the population density of each region the major reward system in the sharing of oil resources. However, this was not all; there was also legislation regarding land ownership and use, as well as the appointment of government officials. Several of these laws prohibited oil-hosting communities from participating in oil-related decision-making, particularly in the areas of consultation before and during oil exploitation; determining compensational sums in the aftermath of oil spillage or environmental degradation; and serving on the governing boards of key government ministries that oversee day-to-day oil extraction and marketing, including the intervention agency NDDC.

In chapter 6, I considered the institutional or top-down approach to environmental justice by accessing the available resources to support EJ and considering how the existing laws and regulations should be amended to support EJ as a decolonial approach. Then I moved on to



Chapter 7, where I considered the bottom-up approach to EJ regarding how historically marginalised people can mobilise to achieve EJ through a more decolonial lens.

## **8.2 Research Findings and Implications**

### **8.2.1 Oil exploitation and the evolution of environmental injustice in the past**

The primary objective of this section is to answer the research question: *What are the historical developments of environmental injustice in oil exploitation in south-eastern Nigeria?* The findings indicate that the discovery of oil in the region and its subsequent exploitation were the fundamental causes of environmental injustice in the area of study. This is because several policies were enacted to regulate the use of land and oil resources that excluded host communities from decisions relating to the localisation of oil wells and concessionary rights in the study area; the passage of the land use Act of 1978, which affected the system of land ownership and control; and the participation of oil host communities in the appointment of board members of NNPC and NDDC. In the post-colonial era, environmental injustice in the study area has continued to be shaped by the ways it was seen during the colonial era.

### **8.2.2 Identifying and evaluating the political and legal resources available to support environmental justice.**

This section answers the following research question: *What political and legal resources are available to support environmental justice concerns in south-eastern Nigeria?* Even though the political economy of Nigeria is such that the winner takes it all and that those who control political power also control oil resources in an idea called

Watts petrostate (Watts, 2004), the study area has enormous potential that could be tapped to achieve justice. There is the potential for active political participation by filling candidates to win the upcoming general election and using political power to achieve justice or participation in the form of engagement with the government on many political issues, in addition to the use of civil protest by the host communities to drive home their demand. It demonstrated further that through restructuring political and economic structures, challenging the current laws, submitting the Nigerian constitution to a referendum, or relying on other international laws, as in the case of oil host communities whose land properties were polluted, they approached a British court, and the UK supreme court ruled in their favour. By capitalising on these opportunities and conditional on good access to social media, political participation, collaboration, awareness creation, and training of members of the host communities, the marginalized people of the study area would have taken a decolonial approach, insisting on a new order that recognizes their unique experience especially in the area of colonialism and cultural domination which are equally drivers of environmental justice. This will ensure that EJ conceptualisation in the study area will engage with this unique experience of colonialism and cultural domination rather than such a narrow view of EJ which does not capture the experience of host communities in its framing.

### **8.2.3 Exploring the existing environmental and oil regulations in South-eastern Nigeria**

In this section, the study addresses the research question: *In what ways can the existing environmental and oil regulations be amended or adapted to achieve environmental justice in south-eastern Nigeria?* The study demonstrates that environmental justice is supported by multiple pieces of legislation, including the recently enacted PIA. It

suggests, however, that the primary problem is the ineffective monitoring and enforcement of established government institutions at both the federal and local levels that have been unable to fulfil their responsibilities. This is the whole essence of my central empirical argument on the need to have more contextually relevant, micro-scale studies which will show the unique difference in the host communities' environmental justice issues and thus provide solutions to them as has been done in chapter 7

#### **8.2.4 Bottom-up approaches to environmental justice in southeastern Nigeria**

Here, the framework for a bottom-up approach to environmental justice is discussed. The section discusses the research question: *how can the historically marginalised communities in southeastern Nigeria proactively organise to achieve environmental justice?* Although the majority of the legislation that led to the EJ issues in the study area was the result of colonial-era government policies and wider social structures and power relations that have persisted into the post-colonial era, the study demonstrates that by leveraging the existing constitutional, environmental, and oil legislation in Nigeria and elsewhere, indigenous environmental justice can be achieved through a bottom-up approach. It illustrates the role and interplay of political participation, awareness-raising, collaboration, training, effective monitoring and accountability, and the use of innovative information-communication technological approaches in addressing indigenous environmental justice concerns from a decolonial perspective. With the host communities in the study area who have been affected by colonial land reform policies, these tools can be applied towards reparations, restoration of identity and rights, as well as a push for more favourable land reform in this post-colonial era. It further demonstrates that some members of the host communities are disengaged from

the political space of the country, particularly since the return of democracy in 1999, which has caused EJ concerns to persist even in the postcolonial era. Nonetheless, it argues for decolonization through deliberative empowerment and restorative justice in the study area in the form of increased awareness creation, collaboration, training, effective monitoring and accountability, and the use of innovative information and communication technologies.

### **8.3 Contribution of the study**

The alternative course that Indigenous environmental justice in the EJ framework offers is described in this thesis. These are its main contributions: First, Indigenous environmental justice addresses current environmental justice issues that Western-centric frameworks do not sufficiently address in the study area. Second, the thesis demonstrates how using indigenous environmental justice instances from the study can aid in our understanding of the Global South, aid in our analysis of the Southern worldview, and aid in our use of Southern approaches to constructing EJ framework. Third, the majority of environmental justice studies that use state-centric methodologies and macro-level environmental justice analysis in Nigeria, which is frequently used as the foundation for generalisation in the Niger Delta, collaborate with this study. Studies of the rest of the Niger Delta are unable to account for the region's distinctive traits, which is why I regard this generalisation to be an ecology fallacy. Although there have been a variety of approaches to EJ in the Global South/Nigeria, including decolonial ones, South-eastern Nigeria has not received much attention. Decolonial strategies are even more crucial when South-eastern Nigeria is the focus due to the region's particularities.

The study's empirical analysis of inclusivity, equity, and sustainability is methodologically significant. In addition to addressing historicism, expanding methodological specificities, and refining our definition of ecological imperialism, the study will be valuable for developing countries in Africa that share the trauma of colonialism, cultural dominance, and military dictatorship. This is because these nations may learn from the experience of the study region about how marginalised people could collaborate, improve their political involvement, mobilise resources, and use social media to advocate for inclusivity, justice, fairness, and sustainability.

In this study, it is observed that the micro-level findings (south-eastern Nigeria) corroborate the majority of macro-level findings (Niger delta) and indicate that EJ problems in the study area are primarily the result of government actions that began during the colonial period but became visible during the post-colonial period. This results in the perpetuation of local environmental injustice. Using data analysis and development theories such as dependency theory, postcolonial theory, and decolonial theory, the study demonstrates that the western liberal approach to environmental justice (i.e., global North-South conceptions of distributive, procedural, and recognitional justice) is insufficient for understanding the micro-scale experiences of environmental injustices in host communities (indigenous people) in the study area. A more inclusive environmental justice framework that considers the effects of colonialism and cultural dominance is required in the form of indigenous environmental justice. To reach the same conclusions as many other studies that rely primarily on interview and questionnaire methods, this study took a more comprehensive approach by incorporating an archival approach as part of its mixed-method approach. This is essential because approaches to scholarly work can influence both the process and the final product. Such a historical investigation requires documentary or archaeological evidence to validate the research findings. Additionally, this research has performed exceptionally well in this area.

## 8.4 Policy recommendations

As a result of this thesis's findings, several recommendations have been made. If these recommendations are implemented, it is believed that they will address a number of the environmental justice issues identified in the study:

1. Existing environmental and oil laws should be strengthened and made more inclusive, ensuring that all the relevant stakeholders contribute to be effective.
2. Government at all levels should strengthen existing government institutions especially those that monitor compliance with environmental and oil laws by ensuring that adequately funding, manpower, and other logistics are adequately provided to ensure strict compliance with existing legislation.
3. The current revenue-sharing formula, which is a system based on derivation, should be reconsidered with the new policy trust in the form of PIA, which would increase the proportion of derivation.
4. The current laws governing the appointment to the boards of directors of government agencies responsible for oil exploitation, marketing of oil products (NNPC), and the intervention agency (NDDC) should be re-examined to ensure that such appointments are made from the bottom up.
5. As stipulated by the new PIA, royalties accruing from oil extraction should be paid directly into a fund account and host communities and civil society organisation should monitor the use of such funds in providing support to the affected host communities. This is to ensure that these funds are used to mitigate the effects of pollution on the host communities.

6. The Land Use Act should be amended to allow for a more equitable and just compensation system and to return indigenous land to the people.
7. Indigenous environmental justice through decolonization is recommended as necessary for marginalised host communities to achieve environmental justice, according to the study.

If these recommendations were implemented, the oil and gas industry would advance participatory development and accountability. In addition, more funds would be made available to promote alternative livelihoods and sustainable development, combat environmental degradation, and provide social amenities in host communities.

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# APPENDIX 1: CLOSE ENDED QUESTIONNAIRE DESIGNED FOR THE RESIDENTS OF THE HOST COMMUNITIES

## RESEARCH QUESTIONNAIRE

I am doctoral student in School of Geography and Environmental Science at University of Birmingham. I am studying Oil exploitation, environmental justice, and decolonization: exploring the historical accounts of oil host communities in South-eastern Nigeria. As a key stakeholder, your opinion is considered very important in this study. All information provided will be treated in strict confidence and will be used only for academic research

## QUESTIONNAIRE TO THE HOUSEHOLD

### INSTRUCTIONS

Please fill in the blank space(s) or tick [] in the boxes provided the options that best express your opinion on the issue(s) raised.

### SECTION A - SOCIAL AND DEMOGRAPHIC DATA

1. Name of the Residential Neighbourhood? -----  
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2. Sex of respondent (a) Male [] (b) Female []
3. Age of Respondent (a) 18-27 [] (b) 28-37 [] (c) 38-47 [] (d) 48 – 57 [] (e) 58 and above []
4. Household size (a) 1-3 [] (b) 4-6 [] (C) 7-8 [] (d) 9-10 [] (e) 10 and above []
5. Educational Qualification (A) No formal education [] (b) FSLCE [] (c) GCE/WAEC/SSCE [] (d) OND/ DIPLOMA [] (e) DEGREE and above []
6. Occupation (a) Students [] (b) Civil servant [] (c) Private sector [] (d) Self employed [] (e) Unemployed []
7. Monthly income level (a) ≤ ₦20, 000 [] (b) ₦20, 001- ₦40, 000 [] (c) ₦40, 001- ₦60,000 [] (d) ₦60,001- ₦80,000 [] (e) ₦80,001 and above, []

**SECTION B- IMPACT OF OIL EXPLORATION ON THE COMMUNITY AND ENVIRONMENTAL JUSTICE PROBLEM**

8. Have your community been impacted as a result of oil exploration?

(a) Yes [ ] (b) No [ ]

9. If yes, please enumerate the areas in which your community has been impacted?

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10. How would you rate the impact of oil exploration on your community?

(a) Very Positively [ ] (b) Positively [ ] (c) moderate [ ] (d ) Negatively [ ] (e ) Very negatively [ ]

11. Are your community members involved in oil exploration activities?

(a) Yes [ ] (b) No [ ]

12. If yes, to what extent are your community members involved in oil exploration activities?

(a) Very great extent [ ] (b) Great extent [ ] (c) moderate [ ] (d ) Low extent [ ] (e ) Very low extent [ ]

13. If no, why?-----  
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14. Does your community participate in the decision making processes of oil exploration activities? (a) Yes [ ] (b) No [ ]

15. If yes, how would you rate the level of your community participation in decision making processes in oil exploration activity?

(a) Very high [ ] (b) High [ ] (c) moderate [ ] (d ) Low [ ] (e ) Very low [ ]

**SECTION C- STRATEGIES FOR ACHIEVING ENVIRONMENTAL JUSTICE**

16. Since oil exploration and its challenges started in your community, have you made any effort at addressing the environmental challenges arising from oil exploration? (a)

Yes [ ] (b) No [ ]

17. If yes, what are your efforts at addressing the environmental challenges?

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18. How would you rate your efforts in addressing the environmental justice concerns arising from oil exploration?

(a) Very high  (b) High  (c) Moderate  (d) Low  (e) Very low

19. Do you relate with other oil communities on matters pertaining to community involvement in the development, implementation and enforcement of environmental and oil policies in oil exploration? (a) Yes  (b) No

20. If yes, to what extent do you think that the relationship has improved the involvement of your community members in the development, implementation and enforcement of environmental and oil policies in oil exploration? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent

21. If no, to what extent do you think that encouraging relationship and building tiers with other oil community will improve the involvement of your community members in the development, implementation and enforcement of environmental and oil policies in oil exploration? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent

22. Does your community share their experiences on environmental justice concerns in oil exploration with other oil communities? (a) Yes  (b) No

23. If no, to what extent do you think that increasing sharing of experience with other oil communities will help to address your environmental justice concerns in oil exploration?

- (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
24. Has your community ever organized seminars and symposium to address the issue of environmental injustice arising from oil exploration in your locality? (a) Yes  (b) No
25. If yes, how useful was it in address your environmental justice concerns? (a) Very useful  (b) Useful  (c) moderate  (d) Un-useful  (e) Very un-useful
26. If no, to what extent do you consider the use of seminar and symposium helpful in addressing you environmental justice concerns?(a) To a very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
27. Does your community have adequate resources to pursue their environmental justice concerns in oil exploration? (a) Yes  (b) No
28. If no, to what extent do you consider fund mobilization necessary in pursuing your environmental justice concerns in oil exploration? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
29. Do you think that your community members are aware of the environmental justice concerns in oil exploration in your locality? (a) Yes  (b) No
30. If no, to what extent do you consider awareness creation necessary in dressing your environmental justice concerns in oil exploration in your locality? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
31. Do you think that your people are adequately trained to be able to make contributions during the development, implementation and enforcement stage of the environmental and oil policies? (a) Yes  (b) No
32. If no, do you consider training a necessary strategy in addressing your environmental justice concerns? (a) Yes  (b) No
33. To what extent do you consider training your members on various area of oil specialization to make them more competitive would help to improve your environmental and economic conditions? (a) Very great extent  (b) Great extent  (c) indifference  (d) Low extent  (e) Very low extent

34. Do you consider the use of social media in bringing to the attention of the public your environmental justice concerns in oil exploration important? (a) Yes  (b) No
35. If yes, to what extent do you consider the use of social media in bringing to the attention of the public will be helpful in addressing your environmental justice concerns in oil exploration? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
36. Do you think that your members are politically involved in the political structure of the Nigeria politics? (a) Yes  (b) No
37. If no, to what extent do you consider encouraging your members to get involved in politics would help to address their environmental justice concerns in oil exploitation? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
38. Are you aware of any community activist group in your locality?  
(a) Yes  (b) No
39. If yes, are the community activist group political and economical relevance at influencing the involvement of your community members during the development, implementation and enforcement of environmental and oil policies and regulations in oil exploration?  
(a) Yes  (b) No
40. If no, to what extent do you think that making your community activist group become politically and economic influential could help to improve their involvement in the development, implementation and enforcement of environmental and oil policies and regulations in oil exploration? (a) Very great extent  (b) Great extent  (c) moderate  (d) Low extent  (e) Very low extent
41. Please suggest other ways or strategies you consider useful at improving the involvement of your people in the development, implementation and enforcement of environmental and oil policies and regulations in oil exploration?-----  
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## APPENDIX 11: TOPIC GUIDE FOR IN-DEPTH INTERVIEWS

### Topic Guide for In-depth Interviews

The research will use the following generic questions during the in-depth interview with key stakeholders. The interview will focus on the political and legal resources available to support environmental justice as well as how the existing environmental policies and regulations could be amended to ensure inclusiveness

Dear Respondent, the information solicited here is for academic purpose only. It will be treated with confidence.

#### SECTION A: THE DEMOGRAPHY OF THE RESPONDENT.

**Date** ..... **&** ..... **Time** ..... **of**  
**Interview**...../.....

**Name of** ..... **respondent**  
.....

**Occupation of Respondent** .....

**Respondent's State/Local Govt. Area**.....

**Place of Residence**.....

**Sex**.....

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#### QUESTIONS FOR THE POLITICAL ELITES

1. What effect did the discovery of oil resource in your community have on the sources of livelihood of your people? How in your views will you describe your community without oil resources?
2. There are speculations by your community that they contribute much more than they get from oil exploration. What are your views about this? What are your view on the outcry of exclusiveness during the development, implementation and enforcement of environmental and oil policies?
3. What have you to say concerning the outcry of marginalization of the oil communities in the South-eastern Nigeria? Do you think that this cry is genuine and requires attention?

4. What is the nature of the relationship between your community members and their elected political leader?
5. What have you to say about the existing environmental and oil policies? How adequate or inadequate do you think the process leading to these policies were inclusive?
6. As a law maker do you consider policy change via political lobbying in the National Assembly as a good way to support environmental justice in the oil communities? In what ways do you think that these policies would be amended to ensure inclusiveness in oil exploration?
7. As an honorable member representing your people in the National Assembly, what do you think that you and other high profile politicians from the south-eastern Nigeria will do to bring about inclusiveness in oil exploration?
8. What do you think have been the role of the Local government Chairmen and Governors from the oil communities in address this issue of environmental Justice? What would you recommend that they do differently to bring about environmental justice in your area?

## **ENVIRONMENTAL LAWYERS**

1. What effect did the discovery of oil resource in your community have on your environment? How in your views will you describe the environment of your community without oil exploration?
2. Are you comfortable with the states of your community environment due to oil exploration? What are you and your learned colleagues doing about the continued gas flaring, oil spillage and environmental pollution in your communities?
3. What are your views concerning the process of localization of the oil companies in your community? Are your community consulted before the decision on the location of oil company sites?
4. Do you feel comfortable with the process leading to how the environmental problems and oil resources from oil explorations are shared in Nigeria?

5. Will you say that your people are adequately compensated in the event of oil spillage? As an environmental lawyer, how has your community been seeking redress in the event of oil spillage?
6. There are claims that some multinational corporations involved in oil exploration operate below the standard practice during oil exploration activities in Nigeria. What are your views about this? How best do you think that this could be handled?
7. Some lawyers have argued that obtaining justice on matters of environmental pollution resulting from oil exploration is difficult due to some lacuna in the constitution. Do you consider this to be correct? How can this be addressed?
9. What can you say about the existing environmental policies? How adequate or inadequate do you think the process leading to these policies were inclusive? In what ways do you think that these policies would be amended to ensure inclusiveness?
8. As a lawyer, what other options legally available would you recommend for your community in order to support environmental justice in oil exploration?

## **GOVERNMENT MINISTRY AND AGENCIES**

1. Considering the contribution of oil resources to Nigerian development, do you think there are the same amounts of development influence coming to the oil producing communities?
2. What would you say about the role of the development agencies set up by the Nigerian state such as OMPADEC, and now NDDC? How are their members selected? Do the oil communities select their representatives? How equitable, fairness and transparent is the selection process to their board members?
3. Do you think that the multinational corporations working in the oil communities are leaving up to their corporate social responsibilities? Do you think that they should be blamed completely from the state of underdevelopment in their host community?
4. In what ways do you think that oil exploration has affected the oil community? In what ways have you been dealing with issues of pollution resulting from oil exploration in the host communities?

5. What are your view on the outcry of exclusiveness during the development, implementation and enforcement of environmental and oil policies? Do you think that this cry is genuine and requires attention?
6. What are your views about the claim that some multinational cooperation operates below the standard practice during oil exploration activities in Nigeria? How best do you think that this could be handled?
7. What have you to say about the existing environmental and oil policies? How adequate or inadequate do you think the process leading to these policies were inclusive?
8. In what ways do you think that these policies would be amended to ensure equity and fairness during the development, implementation and enforcement of environmental and oil policies in Nigeria?

## **THE MNC/OIL COMPANIES**

1. How have you been dealing with the issue of oil spillage? In the event of oil spillage, how to you determine the extent of damage? Do you pay compensation? If yes, what are your parameters for determining the compensation to be paid?
2. Who exactly in the communities do you pay the claims to? Do you monitor the distribution of the claims, to know if it gets to real residents of the community who are directly affected by the oil spill?
3. You have been in the business of oil exploration in Nigeria for long now, what can you say about the oil policy document in the country? What areas of these policies do you think requires amendment in order to improve the welfare of the people and improve your activities? What kind of amendment would you recommend?
4. Are your activities in any way affected by the national, local or ethnic politics in this region? Do local politicians, community leaders, women leaders and youth leader have influence during any negotiation and payment of claims in cases of oil site acquisition or oil spill?
5. How has your presence and activities improved the standard of living of the community? In what ways would you say that the communities benefits from the

corporate social responsibility? In undertaking your corporate social responsibility, who determines the projects you implement for the oil communities?

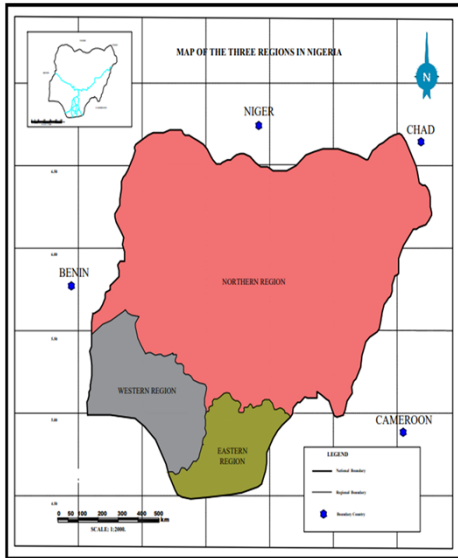
6. In your view, do you think that your activities may have contributed to spite of environment injustice in the area?
7. There are claims that you operate below the required standard in Nigeria, what can you say about this?
8. What can you say about the oil policy document in the country? In what ways are your activities affected by these policies? Do you adhere to strictly to these policies? How adequate or inadequate do you think the process leading to these policies were inclusive?
9. What area of these policies would you recommend for amendment and what kind of amendment would you recommend?

## **ACADEMIA**

1. What are your views about the state of the environment in oil communities due to oil exploration? Would you regard the discovery of oil and oil exploration in the oil communities as a blessing or a curse?
2. Considering the contribution of oil resources to Nigerian development, do you think there are the same amounts of development influence coming to the oil producing communities? What have you to say concerning the wide cry about marginalization of the oil producing communities in the Southeastern Nigeria? Do you think that this cry is genuine and requires attention?
3. What would you say about the development agencies set up by the Nigerian state such as OMPADEC, and now NDDC? How are their members selected? Given your experience in the academic world, what would you recommend in order to achieve, fairness, transparency and justice in the selection process?
4. Do you think that the multinational cooperation working in the oil communities are leaving up to their corporate social responsibilities? Do you think that they should be blamed completely from the state of underdevelopment in their host community?

5. Do you think that the oil communities deserve to have a say in the nature of corporate social responsibilities that will be giving to them? What would you suggest that they oil companies working the oil communities do differently in carrying out their corporate social responsibilities?
6. What are your views about the claim that some multinational cooperation operates below the standard practice during oil exploration activities in Nigeria? How best do you think that this could be handled?
7. Do you think that the multinational cooperation working in oil communities are leaving up to their corporate social responsibilities? Do you think that they should be blamed completely from the state of underdevelopment and environmental pollution in their host communities?
8. What can you say about the environmental and oil policy document in the country? Would you say that the process leading to these policies were transparent? How adequate or inadequate do you think the process leading to these policies were inclusive?
9. What areas of these policies do you think requires amendment in order to improve the welfare of the people? What kind of amendment would you recommend? In what ways do you think that these policies would be amended to ensure equity and fairness during the development, implementation and enforcement of environmental and oil policies in oil exploration?
10. What other environmental justice issues are found in these oil producing communities due to oil exploration? What strategies would you recommended for these oil communities in achieve a better environment and good economy for themselves?
11. In what ways would you want to advise the government, the oil companies and the host communities? What would you recommend that they do differently?

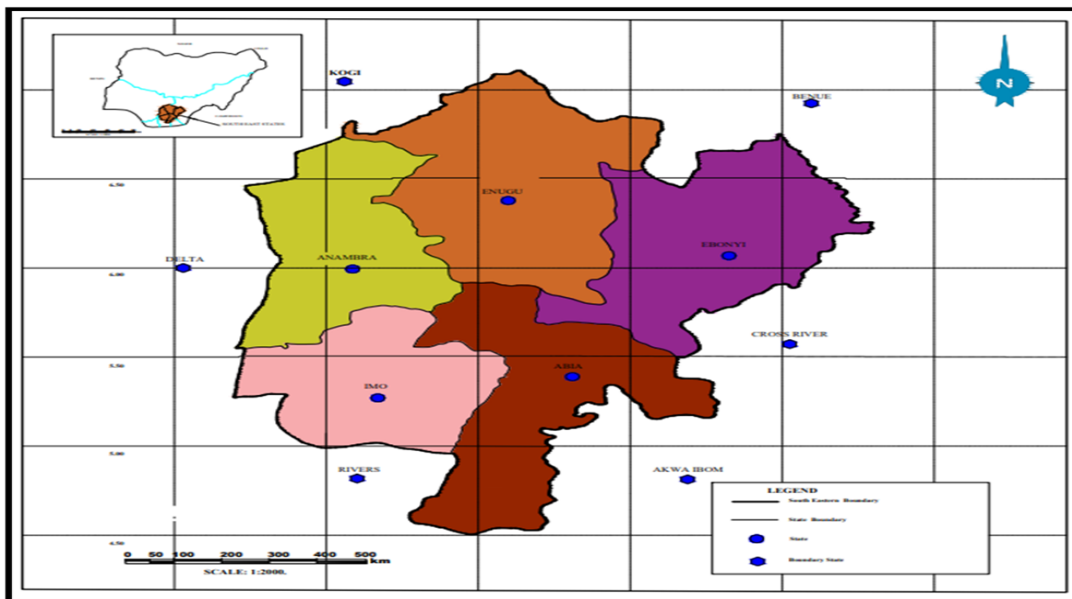
**APPENDIX 111: MAP OF NIGERIA SHOWING THE STUDY AREA AND EXISTING MAP OF SOUTH-EASTERN NIGERIA**



Map of Nigeria showing the three main region at independence

Current map of Nigeria showing the south-eastern Nigeria

Source: Researchers design 2022



Map of the study area (South-eastern Nigeria). Source: Reseachers design 2022

**APPENDIX IV: OPEN ENDED QUESTIONNAIRE ADMINISTERED TO FIVE KEY STAKEHOLDERS INITIALLY SCHEDULED FOR INTERVIEW AND FIVE GROUP HEAD**

1. Considering the contribution of oil resources to Nigerian development, do you think there are the same amounts of development influence coming to the oil hosting communities and States especially those in the south-eastern Nigeria?.....

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2. What would you say about the role of the development agencies set up by the Nigerian state such as OMPADEC, and now NDDC?

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3. How are their members selected?

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4. Do the oil communities or oil producing states select or influence the appointment of the board of directors?



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5. How equitable, fairness and transparent is the selection process to their board members?

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6. How have the oil communities and the oil producing states benefited from this commission?

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7. Do you think that the outcry on marginalization of the south-eastern Nigeria extend in this area?

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8. Do you think that the multinational cooperation working in the oil communities are leaving up to their corporate social responsibilities?

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9. Do you think that they should be blamed completely from the state of underdevelopment in their host community?

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10 What are your views about the claim that some multinational cooperation operates below the standard practice during oil exploration activities in Nigeria?

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11. How best do you think that this could be handled?

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12. In what ways do you think that oil exploration has affected the oil community?

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13. In what ways have you been dealing with issues of pollution resulting from oil exploration in the host communities?

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14. In the event of oil spillage, how do you determine the extent of damage? Are the oil communities paid compensation?

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15. If yes, what are your parameters for determining the compensation to be paid? Do you monitor the distribution of the compensation to know if it gets to affected community members?.....

16. In the event of oil spillage, how do you determine the extent of damage?

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17. Are the oil communities paid compensation? If yes, what are your parameters for determining the compensation to be paid?

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18. Do you monitor the distribution of the compensation to know if it gets to affected community members?

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19. Are the oil exploitation activities in any way affected by the national, local or ethnic politics in this region?

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20. Do local politicians, community leaders, women leaders and youth leader have influence during any negotiation and payment of claims in cases of oil site acquisition or oil spill?

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21. The percentage of derivation in revenue formula as it is today is 13% . Do you think that this percentage is fair enough considering the contribution of oil to the Nigeria economy? What better percentage would you recommend?

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22. Some scholars have argued that it is not the percentage of derivation that matters but how judiciously the amounts accruing to the oil producing states are utilized. Do you agree? Do you also think that it enough reason for the downward reduction of the derivation

percentage?.....  
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23. What are your challenges and how do you think that such challenges will be addressed in order to ensure better service delivery to the oil communities?

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24. What is your view on the outcry of exclusiveness during the development, implementation and enforcement of petroleum policies?

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25. Do you think that the oil communities are adequately involved or consulted in developing these policies?

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26 How adequate or inadequate do you think that these petroleum policies are in dealing with contemporary issues in oil

exploration?.....  
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27. In what ways do you think that these policies would be amended to ensure equity and fairness during the development, implementation and enforcement of petroleum policies in Nigeria?

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28. What kind of amendment would you recommend?

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29. In what ways can the oil hosting communities be sensitized to be fully involved in the oil politics in the south-eastern Nigeria?

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30. In what ways can knowledge sharing be helpful in addressing the environmental justice concerns of the oil hosting communities?

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31. What can the oil hosting community do to adapt or bring about amendment in the existing environmental and oil policies that will ensure equity and fairness in oil exploration?

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32. In what ways can the host communities be politically and economically positioned to influence the involvement of community members during the development, implementation and enforcement of environmental and oil policies and regulations in oil exploration?

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33. In what ways would you want to advise the oil companies and the host communities? What would you recommend that they do differently to ensure equity and fairness in oil exploration?.....

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## APPENDIX V– PLATES FROM FIELD WORK



Residence of the traditional ruler in  
Owanmmama community in Imo State

Source: Researcher's field survey, 2019



Covet of the major road leading to the  
traditional ruler's residence

Source: Researcher's field survey, 2019



Gully erosion eating up the major road of one of the host communities

Source: Researcher's field survey, 2019

Oil spillage polluting the farm of oil host communities in the study area



Table 8: Oil spill data in South-eastern Nigeria from Shell Petroleum Development Company of Nigeria Limited (SPDC)

<b>Date Reported</b>	<b>Incident Site</b>	<b>Terrain</b>	<b>Estimated Spill Volume (bbl)</b>	<b>State</b>
04-Jan- 2022	12"Oguta Egbema Pipeline at Eziorsu	Land	4	Imo
19-Jan- 2022	Afam Well 25 Flowline ROW at Egberu	Land	2	Imo
25-Jan- 2022	4" Imo River Well 26L Flowline at Owaza	Land	1	Abia
12-Feb-2022	6" Imo River Well 31S Flowline at Owaza	Land	0.2	Abia
13-Feb- 2022	12" Imo River 2 - Ogale Pipeline at Owaza	Land	4	Abia
14-Feb-2022	14" Okordia - Rumuekpe Pipeline at Ihuowo	Land	135	Imo
27-Apr-2022	18" Assa Rumuekpe Pipeline at Awara	Land	9	Imo
10-Aug-2022	3" Oguta Well 6L/S Flowline at Umuachaisi	Land	30	Abia
09-Sep-2022	Oguta W17L Flowline	Land	0.8	Imo

Sources: Adapted from Shell Petroleum Development Company of Nigeria Limited 2022 Oil Spill Incident Data

**APPENDIX VI : SAMPLES OF FILES RETRIEVED FROM NATIONAL ARCHIVE ENUGU (NAE)**

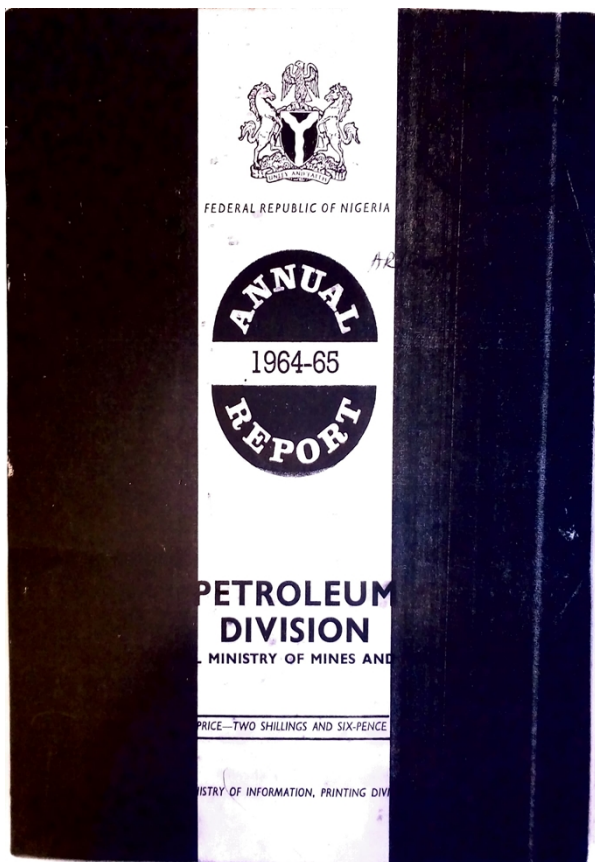
Department	
FILE No. <i>CA 763</i>	
DATE REGISTERED <i>10th August, 1934.</i>	
SUBJECT <i>SHELL-DARCY EXPLORATION PARTIES</i>	SUBSEQUENT FILES
LIST OF ENCLOSURES IN THIS FILE <small>(Entries to be continued on third page of cards if necessary)</small>	
<i>closed</i>	
PREVIOUS FILES	MINUTES OR INSTRUCTIONS <i>OKIDIST 5/1/19</i>

Source: National archive Nigeria, Enugu regional office



Source: National Archive Nigeria, Enugu regional office

**Annual reports from government ministry**



Source: National Archive Nigeria, Enugu regional office

## **APPENDIX V11 : EXCLUSIVE, CONCURRENT, AND RESIDUAL LIST OF THE LEGISLATIVE POWERS**

### **Second Schedule. Legislative Powers. Part 1. Exclusive Legislative List- Sixty-Eight items**

1. Accounts of the Government of the Federation, and of offices, courts, and authorities thereof, including audit of those accounts.
2. Arms, ammunition and explosives.
3. Aviation, including airports, safety of aircraft and carriage of passengers and goods by air.
4. Awards of national titles of honour, decorations and other dignities.
5. Bankruptcy and insolvency
6. Banks, banking, bills of exchange and promissory notes.
7. Borrowing of moneys within or outside Nigeria for the purposes of the Federation or of any State.
8. Census, including the establishment and maintenance of machinery for continuous and universal registration of births and deaths throughout Nigeria.
9. Citizenship, naturalisation and aliens.
10. Commercial and industrial monopolies, combines and trusts.
11. Construction, alteration and maintenance of such roads as may be declared by the National Assembly to be Federal trunk roads.
12. Control of capital issues.
13. Copyright
14. Creation of States
15. Currency, coinage and legal tender
16. Customs and excise duties
17. Defence
18. Deportation of persons who are not citizens of Nigeria
19. Designation of securities in which trust funds may be invested.
20. Diplomatic, consular and trade representation.
21. Drug
22. Election to the offices of President and Vice-President or Governor and Deputy Governor and any other office to which a person may be elected under this

- Constitution, excluding election to a local government council or any office in such council.
23. Evidence
  24. Exchange control
  25. Export duties
  26. External affairs
  27. Extradition
  28. Fingerprints identification and criminal records.
  29. Fishing and fisheries other than fishing and fisheries in rivers, lakes, waterways, ponds and other inland waters within Nigeria.
  30. Immigration into and emigration from Nigeria
  31. Implementation of treaties relating to matters on this list
  32. Incorporation, regulation and winding up of bodies corporate, other than co-operative societies, local government councils and bodies corporate established directly by any Law enacted by a House of Assembly of a State.
  33. Insurance.
  34. Labour, including trade unions, industrial relations; conditions, safety and welfare of labour; industrial disputes; prescribing a national minimum wage for the Federation or any part thereof; and industrial arbitration.
  35. Legal proceedings between Governments of States or between the Government of the Federation and Government of any State or any other authority or person.
  36. Maritime shipping and navigation, including –
    - (a) shipping and navigation on tidal waters;
    - (b) shipping and navigation on the River Niger and its affluents and on any such other inland waterway as may be designated by the National Assembly to be an international waterway or to be an inter-State waterway;
    - (c) lighthouses, lightships, beacons and other provisions for the safety of shipping and navigation;
    - (d) such ports as may be declared by the National Assembly to be Federal ports (including the constitution and powers of port authorities for Federal ports).
  37. Meteorology
  38. Military (Army, Navy and Air Force) including any other branch of the armed forces of the Federation.
  39. Mines and minerals, including oil fields, oil mining, geological surveys and natural gas.
  40. National parks being such areas in a State as may, with the consent of the Government of that State, be designated by the National Assembly as national parks.

41. Nuclear energy
42. Passports and visas
43. Patents, trade marks, trade or business names, industrial designs and merchandise marks.
44. Pensions, gratuities and other-like benefit payable out of the Consolidated Revenue Fund or any other public funds of the Federation.
45. Police and other government security services established by law.
46. Posts, telegraphs and telephones
47. Powers of the National Assembly, and the privileges and immunities of its members
48. Prison
49. Professional occupations as may be designated by the National Assembly.
50. Public debt of the Federation
51. Public holidays.
52. Public relations of the Federation
53. Public service of the Federation including the settlement of disputes between the Federation and officers of such service.
54. Quarantine
55. Railways
56. Regulations of political parties
57. Service and execution in a State of the civil and criminal processes, judgements, decrees, orders and other decisions of any court of law outside Nigeria or any court of law in Nigeria other than a court of law established by the House of Assembly of that State.
58. Stamp duties
59. Taxation of incomes, profits and capital gains, except as otherwise prescribed by this Constitution.
60. The establishment and regulation of authorities for the Federation or any part thereof
  - (a) To promote and enforce the observance of the Fundamental Objectives and Directive Principles contained in this Constitution;
  - (b) To identify, collect, preserve or generally look after ancient and historical monuments and records and archaeological sites and remains declared by the National Assembly to be of national significance or national importance;
  - (c) to administer museums and libraries other than museums and libraries established by the Government of a state;
  - (d) To regulate tourist traffic; and
  - (e) To prescribe minimum standards of education at all levels.

61. The formation, annulment and dissolution of marriages other than marriages under Islamic law and Customary law including matrimonial causes relating thereto.
62. Trade and commerce, and in particular –
  - (a) trade and commerce between Nigeria and other countries including import of commodities into and export of commodities from Nigeria, and trade and commerce between the states;
  - (b) establishment of a purchasing authority with power to acquire for export or sale in world markets such agricultural produce as may be designated by the National Assembly;
  - (c) inspection of produce to be exported from Nigeria and the enforcement of grades and standards of quality in respect of produce so inspected;
  - (d) establishment of a body to prescribe and enforce standards of goods and commodities offered for sale;
  - (e) control of the prices of goods and commodities designated by the National Assembly as essential goods or commodities; and
  - (f) registration of business names
63. Traffic on Federal trunk roads.
64. Water from such sources as may be declared by the National Assembly to be sources affecting more than one state
65. Weights and measures.
66. Wire the Gov television transmission.
67. Any other matter with respect to which the National Assembly has power to make laws in accordance with the provisions of this Constitution.
68. Any matter incidental or supplementary to any matter mentioned elsewhere in this list.

**Second Schedule. Legislative Powers. Part 2. Concurrent Legislative List- Thirty items**

1. Subject to the provisions of this Constitution, the National Assembly may by an Act make provisions for
  - (a) the division of public revenue –
    - (i) between the Federation and the States;
    - (ii) among the States of the Federation;
    - (iii) between the States and local government councils;
    - (iv) among the local government councils in the States; and
  - (b) grants or loans from and the imposition of charges upon the Consolidated Revenue Fund or any other public funds of the Federation or for the imposition of charges upon the revenue and assets of the Federation for any purpose notwithstanding that it

relates to a matter with respect to which the National Assembly is not empowered to make laws.

2. Subject to the provisions of this Constitution, any House of Assembly may make provisions for grants or loans from and the imposition of charges upon any of the public funds of that State or the imposition of charges upon the revenue and assets of that State for any purpose notwithstanding that it relates to a matter with respect to which the National Assembly is empowered to make laws.
3. The National Assembly may make laws for the Federation or any part thereof with respect to such antiquities and monuments as may, with the consent of the State in which such antiquities and monuments are located, be designated by the National Assembly as National
4. The National Assembly may make laws for the Federation or any part thereof with respect to the archives and public records of the Federation.
5. A House of Assembly may, subject to paragraph 4 hereof, make laws for that State or any part thereof with respect to archives and public records of the Government of the State.
6. Nothing in paragraphs 4 and 5 hereof shall be construed as enabling any laws to be made which do not preserve the archives and records which are in existence at the date of commencement of this Constitution, and which are kept by authorities empowered to do so in any part of the Federation.
7. In the exercise of its powers to impose any tax or duty on
  - (a) capital gains, incomes or profits or persons other than companies; and
  - (b) documents or transactions by way of stamp duties.the National Assembly may, subject to such conditions as it may prescribe, provide that the collection of any such tax or duty or the administration of the law imposing it shall be carried out by the Government of a State or other authority of a State.
8. Where an Act of the National Assembly provides for the collection of tax or duty on capital gains, incomes or profit or the administration of any law by an authority of a State in accordance with paragraph 7 hereof, it shall regulate the liability of persons to such tax or duty in such manner as to ensure that such tax or duty is not levied on the same person by more than one State.
9. A House of Assembly may, subject to such conditions as it may prescribe, make provisions for the collection of any tax, fee or rate or for the administration of the Law providing for such collection by a local government council.
10. Where a Law of a House of Assembly provides for the collection of tax, fee or rate or for the administration of such Law by a local government council in accordance with the provisions hereof it shall regulate the liability of persons to the tax, fee or rate in such manner as to ensure that such tax, fee or rate is not levied on the same person in respect of the same liability by more than one local government council.



11. The National Assembly may make laws for the Federation with respect to the registration of voters and the procedure regulating elections to a local government council.
12. Nothing in paragraph 11 hereof shall preclude a House of Assembly from making laws with respect to election to a local government council in addition to but not inconsistent with any law made by the National Assembly.
13. The National Assembly may make laws for the Federation or any part thereof with respect to-
  - (a) electricity and the establishment of electric power stations;
  - (b) the generation and transmission of electricity in or to any part of the Federation and from one State to another State;
  - (c) the regulation of the right of any person or authority to dam up or otherwise interfere with the flow of water from sources in any part of the Federation;
  - (d) the participation of the Federation in any arrangement with another country for the generation, transmission and distribution of electricity for any area partly within and partly outside the Federation;
  - (f) the regulation of the right of any person or authority to use, work or operate any plant, apparatus, equipment or work designed for the supply or use of electrical energy
14. A House of Assembly may make laws for the State with respect to –
  - (a) electricity and the establishment in that State of electric power stations;
  - (b) the generation, transmission and distribution of electricity to areas not covered by a national grid system within that State; and
  - (c) the establishment within that State of any authority for the promotion and management of electric power stations established by the State.
15. In the foregoing provisions of this item, unless the context otherwise requires, the following expressions have the meanings respectively assigned to them – “distribution” means the supply of electricity from a sub-station to the ultimate consumer; “management” includes maintenance, repairs or replacement; “power station” means an assembly of plant or equipment for the creation or generation of electrical energy; and “transmission” means the supply of electricity from a power station to a sub-station or from one sub-station to another sub-station, and the reference to a “sub-station” herein is a reference to an assembly of plant, machinery or equipment for distribution of electricity.
16. The National Assembly may make laws for the establishment of an authority with power to carry out censorship of cinematograph films and to prohibit or restrict the exhibition of such films; and nothing herein shall –
  - (a) preclude a House of Assembly from making provision for a similar authority for that State; or
  - (b) authorise the exhibition of a cinematograph film in a State without the sanction of the authority established by the Law of that State for the censorship of such films.

17. The National Assembly may make laws for the Federation or any part thereof with respect to –
  - (a) the health, safety and welfare of persons employed to work in factories, offices or other premises or in inter-State transportation and commerce including the training, supervision and qualification of such persons;
  - (b) the regulation of ownership and control of business enterprises throughout the Federation for the purpose of promoting, encouraging or facilitating such ownership and control by citizens of Nigeria;
  - (c) the establishment of research centres for agricultural studies; and
  - (d) the establishment of institutions and bodies for the promotion or nuancing of industrial, commercial or agricultural projects.
18. Subject to the provisions of this Constitution, a House of Assembly may make Laws for that State with respect to industrial, commercial or agricultural development of the State.
19. Nothing in the foregoing paragraphs of this item shall be construed as precluding a House of Assembly from making Laws with respect to any of the matters referred to in the foregoing paragraphs.
20. For the purposes of the foregoing paragraphs of this item, the word “agricultural” includes shery.
21. The National Assembly may make laws to regulate or co-ordinate scientific and technological research throughout the Federation.
22. Nothing herein shall prelude a House of Assembly from establishing or making provisions for an institution or other arrangement for the purpose of scientific and technological research.
23. The National Assembly may make laws for the Federation or any part thereof with respect to statistics so far as the subject matter relates to –
  - (a) any matter upon which the National Assembly has power to make laws; and
  - (b) the organisation of co-ordinated scheme of statistics for the Federation or any part thereof on any matter whether or not it has power to make laws with respect thereto.
24. A House of Assembly may make Laws for the State with respect to statistics and on any matter other than that referred to in paragraph 23 (a) of this item.
25. The National Assembly may make laws for the Federation or any part thereof with respect to trigonometrical, cadastral and topographical surveys.
26. A House of Assembly may, subject to paragraph 25 hereof, make laws for that State or any part thereof with respect to trigonometrical, cadastral and topographical surveys
27. The National Assembly shall have power to make laws for the Federation or any part thereof with respect to university education, technological education or such professional education as may from time to time be designated by the National Assembly.

28. The power conferred on the National Assembly under paragraph 27 of this item shall include power to establish an institution for the purposes of university, post-primary, technological or professional education.
29. Subject as herein provided, a House of Assembly shall have power to make laws for the state with respect to the establishment of an institution for purposes of university, technological or professional education.
30. Nothing in the foregoing paragraphs of this item shall be construed so as to limit the powers of a House of Assembly to make laws for the State with respect to technical, vocational, post-primary, primary or other forms of education, including the establishment of institutions for the pursuit of such education.

**Second Schedule. Legislative Powers. Part 3. Residual Legislative List- Seven items**

1. The abilities of the residual list are substantial.
2. Rural improvement, social welfare, and health assistance are comprised of that.
3. Many practitioners conclude that housing, agriculture, and water are overlapped areas.
4. And these areas must be shifted to the residual list.
5. As a result, housing, agriculture, and education are assigned to the residual list from the legislative list.
6. The residual list also encompasses education and agriculture.
7. Primary education is residual stuff.