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Niger Delta as an Exploited Region: Survival Strategies of IJAW Oil Producing Communities, C 1960S – 2000

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Abstract:

This paper explores survival strategies employed by Ijaw communities to cope with environmental change and the impact of oil exploration in the Niger Delta region. The study mainly examines how the Ijaw people engaged in fishing and farming for more income, migration in a safe environment, scooping of fuel from leaking pipelines, and litigation for compensation payment by individuals and the whole community. In line with the focus of the paper on the experiences of the Ijaw people during the discovery of oil in 1956 and the major environmental changes that followed, it analyzed the impact of these survival strategies on the citizens, the oil industry and the Nigerian economy. The authors argue that despite the steps taken by the Ijaw people to survive the pollution from oil spills and gas flaring, their problems still continued. Migration to urban areas did not necessarily solve the problems of the displaced Ijaw groups. The study therefore concludes that due to pollution and environmental degradation, Ijaw migrants who settled in Sapele, Warri, and Port-Harcourt continued their struggle for survival, as they became more exposed to dangers and threats to their lives, even in the post-2000 era.

Key words: Environment, Pollution, Survival, Litigation, Exploitation

1. Introduction

Niger Delta region of Nigeria has witnessed high rate of violence over the years as a result of marginalization, denial of access to oil wealth and mainly due to the exploration activities of oil corporations. Over the years, the region had continued to attract international attention due both to the growing security threat it portends for the Nigerian state and, particularly, its impact on international oil prices. Although the Niger Delta problem has been around for several decades, the emergence of organized and militant pressure groups in the 1990s had added a new dimension to the crisis in the region. Protests and threat of outright rebellion against the state are now ubiquitous. Environmental activism and militancy are a direct response to the impunity, human rights violations, and perceived neglect of the region by the Nigerian state on one hand and the sustained environmental hazards imposed on the Ijaw people and Niger Delta communities as a result of the oil production activities of multinational oil companies on the other. For contemporary global perspective, it is clear that, the dramatic upsurge in violent confrontation and protests against the state and oil multinationals in the 1990s coincided with the end of the Cold War and the de-emphasizing of 'high politics' for 'low politics'. In essence, 'soft' issues such as the environment, gender equity and equality, human rights, democracy and good governance have attained primacy on the international agenda. International concern over the crisis in the Niger Delta, including its attendant social and humanitarian implications, can be located in the context of the global attitudinal shift. The Ijaws have made a number of attempts as a means of survival of environmental pollution brought by oil multinational for over five decades.

2. Statement of the Problem

The raging crisis in the oil-producing communities of the Niger Delta region in Nigeria has become subject of discussion among scholars, individuals, corporate and non-governmental organizations globally. Again, that the lingering socioeconomic crisis associated with environmental oil pollution has continued unabated in the Niger Delta region is undoubted. Taking this into consideration, this paper investigates how the Ijaws had survived the environmental degradation of their socioeconomic activities. It examines the deprivation of people that bear the burden of oil production which contributed more than 90% of total government revenue and the annual budget. Scholars like Ashton, (1995), Frynas, (1998), Sanford (1974), Avwunudiogba (2003), Dibua (2006), and Aghalino, (2009) have expressed concern about the total neglect of the oil-producing communities by successive governments

which has led to an ever-worsening environmental degradation impinging on the livelihood of Niger Delta people, particularly the Ogoni and Ijaws. Although, their work may not directly engaged with how their level of environmental condition has encouraged the adoption of ways of survival. This paper therefore focuses mainly on how the Ijaw people cope with environmental changes brought by oil overtime. It raises certain challenging questions: were the strategies adopted solved their problems; and what were the effects of this on their own development, the oil companies and Nigerian economy. This paper provides a detailed information about the suffering of the ordinary Ijaws using an oral interviews method that may not be available in those existing publications.. Some major survival strategies adopted by the Ijaws is as follows:

3. Combination of Jobs

Having to deal with polluted rivers, streams and swamps on which their livelihood depend, the Ijaw people resorted to a combination of jobs for more income. They farmed and fished, surviving on the proceeds to meet family needs. Avwunudiogba (2003: 54-57) and Ashton (1995: 23-24) claim that the wanton destruction of their main occupation through the extraction and production of oil polluted the waters and streams, and the land lost its nutrients. The farmers and fishers abandoned their traditional jobs and turned to other occupations to make a living.

Fieldwork in Oloibiri and other Ijaw communities that have experienced environmental pollution and degradation, such as Kolo Creeks, Jesse and Jones Creeks, revealed that most of the farmers out of necessity started combining their first traditional jobs, i.e., fishing with farming, brewing, hunting, lumbering and trade (Interview with Akpa & Obeche, 2010). Consequently, many Ijaws survived the hazards due to their ability to combine jobs.

Most women from Oloibiri and other Ijaw oil-producing communities who were fish processors also engaged in trading at the riverine centres of the community (Interview with Fishers & Traders, 2011). They sold fresh fish at the beach to retailers from the cities of Warri and Port-Harcourt, which explained their involvement in certain commercial activities to raise income, such as petty trading, dressmaking, hairdressing, weaving of thatch, basket making, provision of labour and leasing out of market sheds. In addition, one Ijaw reported that she owned a crayfish shop and engaged in dressmaking near the main market at Oloibiri to meet the needs of her family (Interview with Agnes, 2011). Others enrolled as part-time students, while one also owned a beauty salon shop to earn additional daily income to support her family. One informant said that during the earlier period, when the people became conscious of the negative effects of oil pollution on their environment, they combined other jobs, but over time there was a subtle division of labour and occupational specialisation, (Interview with Aghalino, 2011) such as farming, fishing and trading, but most of the Ijaws had to combine those skills with other economic practices, such as brewing and hunting.

Some female Ijaw fishers lamented their ordeal toward earning a living. One commented that:

I am just returning from fishing, whatever the case, it is our occupation and we have to go out daily and try. Owing to the oil spills that had spread over the rivers, we can no longer catch fishes we used to. You can see that the fishes that returned with us are not up to ten. This cannot be equated with effort put into the venture, yet no matter how discouraged some of us feel, we are used to going out every day. It is still better to go out and try than to sit down at home.

Elder Edward commented thus on the efforts made by the Ijaw folks to survive during the planting season, while most women in the villages (Oloibiri, Kolo Creeks, and Anyama) created time to plant cassava and vegetables on the uplands to support the needs of their family, as the main source of livelihood could no longer sustain them. This explained the extent to which the people had gone to adjust themselves to the environmental pollution of the region.

The question arises as to how sustainable the strategies adopted by the ordinary Ijaw people were up to the close of 1990s. Evidence shows that despite the diverse means taken by the fishers and farmers to adjust to the environmental pollution and degradation, they could barely take good care of their immediate family needs. An informant claimed that,

"I have spent all my life as a fisherman, but I have no means of livelihood as a result of oil pollution. What kind of life am I supposed to live now at my age? I am too old to learn a new trade" (Interview with Chief Edward: 2010)

A fisherman in Nembe lamented how his efforts to create a fish pond for daily income had been thwarted:

We have been suffering from this problem for more than two decades... I was trying to put some fish in the pond, but started to see oil seeping into the water and polluted everything... As you can see, the entire eco-system of our community has been destroyed.

Apart from the above, the search for clean drinking water became a daily routine among the Ijaw people. Obeche claimed that *"Our well was poisoned and we had to fill it up with sand to prevent a fire outbreak... we now have to travel far into other villages to buy bore hole water... the government has done nothing for us, no one even came to speak to us about our plight.*

In short, the strategies adopted by the Ijaw people reveal their capacity to respond to the changes in their environment. Nevertheless, many still lacked the basic things to meet their needs in their immediate environment. For some, more drastic alternative means became imperative.

4. Migration of the Displaced IJAW People to Habitable Environment

The migration of many Ijaw people to more habitable areas in the Niger Delta and some urban centres such as Warri, Port Harcourt, Ughelli and Sapele is traceable to the dire circumstances and conditions that they faced. One can argue that oil pollution and gas

flaring were instrumental to many of the farmers and fishers moving to those centres, taking to menial jobs as means of survival (Ukiwo, 2007: 106; Dibua, 2006: 5-6; Ikelegbe, 2005: 208-10). The pressure of livelihood to a large extent encouraged most Ijaw farmers and fishermen to migrate from their home to the rural-urban or rural-rural settlement within and outside Ijaw area (Opukri, 2008: 189). Rather than attributing this to lack of education required for employment in the oil companies, since it is not possible for everyone to be educated the same rate and at the same time in any given society, the farmers voluntarily migrated to the urban centres for survival (Aghalino, 2009: 89-90).

For many, migration to urban areas did not necessarily solve their problems. For example, those who settled in Sapele continued their struggle for survival. Some found themselves exposed to danger and threats to their lives. An informant who settled in Sapele said that they became aliens and had no choice but to settle in the slum areas of their host communities (Interview with Ekpo, 2011) where there were no satisfactory jobs. Even migration to a safe rural area was not necessarily a solution. Women and children were to bear the burden of taking care of the home while their men went in search of employment (Interview with Ekpan, 2010). Despite the steps taken by farmers and fishers as survival strategies their problems were not yet resolved. Many said that the combination of jobs was only a temporary solution, because they still combined jobs in their new settlement for the purpose of survival.

5. Scooping of Fuel from Leaking Pipelines

It is also observed that some Ijaws adopted the strategy of scooping fuel or oil from leaking pipeline in their communities. A woman in Oloibiri stated that *"If we don't scoop fuel from here, hunger will kill us, if we die from explosion here, it is still death out of want. We might as well stay here, scoop and hope to survive"* (This Day, 2007). The *New African Publication* (2009: 22) reported that "Here we see children scooping crude oil from the ground on their family's farm after a ruptured oil pipeline exploded, damaging 300 hectares of community lands." These people were so desperate that they were even willing to face the danger of being injured by fire or explosion as they attempted to collect or scoop fuel (Onuoha). This is another example of the drastic means they would adopt in order to survive.

The scooping or tapping of fuel is very dangerous, as illustrated by the incident of 1998 when a number of women and children died as a result of the Jesses' and Jones' fire. Evidence from Obeche revealed that about 13 Ijaw was also reported burnt to death in another fire incident at Bayana on 10th April, 1999.

6. Litigation for Compensation Payment

The Nigerian environmental legislation provides no specific statutory laws that addressed the rights of wronged citizens for compensation payment brought by oil pollution on their property or in their environment. The adoption of British common law on tort liability (negligence, nuisance and trespass) in the English cases of *Donoghue v Stevenson*, *Ryland and Fletcher*, were being used as a basis for making claims in the Nigerian courts (Mwalimu, 2009: 108-113). This created the opportunity for Ijaws and whole communities to exercise their rights to compensation payment as another means of survival. Scientific evidence shows that gas flaring affected the vegetation, soil and climate of the Niger Delta region, and also constituted a health hazard, with corrosion of metals and acidic rain, particularly in the oil-producing community of the Ijaws (Lawanson, 1971: 69; Sanford, 1974: 1). Oil spills were found to have contaminated their water courses, and even caused death in several Ijaw communities.

Although, oil legislation on environmental protection in Nigeria prior to 1988 was not established to prevent or control pollution, some provisions provided for a fair compensation to individuals and communities affected by oil-related problems. The Oil in Navigable Water Decree of 1968 mandated the oil companies to guard against injurious effects of disturbance and pay adequate compensation to the affected person or community. This was reinstated in the Petroleum Act of 1969, while the act also demanded that all oil operators take responsibility for their actions (Mowoe, 1990: 174)

Section 11 (5) (c) of the Oil Pipeline Act 1963 also provides that the holders of a license shall pay compensation to any person suffering damages (other than one's own action or the action of a third party) as a result of any breakage or leakage from the oil pipeline or an ancillary installation. The only time an oil company could be held liable for oil spills was when the spills are caused by equipment failure or blowout. This was the case in the lawsuit between *Shell v Farah* (1989-94). The court held that the blowout was caused as a result of the company's negligence and therefore it should pay full compensation for damaged crops, economic timber and hunting land to the landowner.

The environmental litigation by Chief S. Amos and others from the Ogbia community area of Brass division vs *Shell-BP* and others in 1974 showed how the plaintiff in exercising its rights of compensation lost out in the process. The plaintiff had established unlawful damages for nuisance caused by the defendants by intentionally blocking the Kolo Creek new water project for three months (Fekumo, 1990: 260). It was found that the plaintiff had filed his case on behalf of the entire communities of Ogbia and that the Ijaws of Imiringi (who were the original owners of the waterway) had an agreement with the oil company on payment for the damages brought by the people. The court dismissed the case in favour of *Shell-BP*, on the grounds that the plaintiff could not establish specific damage suffered as a result of the blockade. This shows that any aggrieved person must present proof of damage suffered by self or communities, and not the general public.

Shell v Teibo VII (1987-96), serves as another example of resorting to litigation. The defendant claimed that *Shell's* operation spilled oil into their river, swamps, streams and fish ponds and religious shrine (*NWLR*, 1996). Being found guilty, *Shell-BP* offered #5,500 to Teibo, claiming the oil spill only affected about 2.3 hectares of season swamp and fish flats. The Court of Appeal upheld Teibo's claim and awarded 6 million naira in compensation for the damages suffered.

Justice Ovie Whisky's decision, on the environmental litigation brought before the court between Anthony Atubin and others v *Shell-BP*(1974) raises the question of why the burden of proof should rest on the plaintiff, particularly when the damage was caused by a third party. The plaintiff had claimed about 800,000 naira as compensation for oil spills that damaged his property through sabotage. In his judgment, Whisky held that the pipeline was intentionally drilled by the third party or saboteur and not the result of negligence by *Shell*; therefore, the case was dismissed (Adewale, 1989: 93).

The problems for the Ijaws in exercising their rights of claims were the burden of proof required by the court in establishing their cases. For any environmental litigation, (Osipitan, 1990:112) the Ijaws had to provide credible scientific evidence to prove that *Shell-BP* was responsible for pollution and damages incurred. However, the problem for the Ijaws was that this was too expensive an endeavour, since it entails a legal or persuasive burden of establishing their case, whether on the balance of probabilities or beyond reasonable doubt. The oil companies, on the other hand, had access to oil revenue and could employ the services of experts to establish their own side of the story. A case in point was that of Chinda and 5 others v *Shell* (1974). The ruling was in favour of the defendant as a result of the plaintiff's inability to provide expert evidence to substantiate its claims (Osipitan, 1990: 112).

The above suggests that the extent of burden of proof by the people must be restructured to ensure a fair and equitable remedy to make claims from the oil companies. It shows the paucity of the environmental laws and management in Nigeria that required a review to ensure a fair and equitable hearing of the members of the oil-producing communities in compensation payment. It relates particularly to the Land Use Act of 1978, that has appropriated the ownership of all mineral resource to the exclusive right of the federal government. This made litigation as a survival strategy a very difficult procedure.

Year of Judgment	Court Case	Payment Awards (000s-millions in naira)	Payment Awards (US \$)	Payment Awards as share claim (%)
1972	Mon v Shell-BP	0.2	304	0.1
1975	Umudje v Shell-BP	12	19,481	24
1978	Fufeyin v Shell-BP	56	88,189	100
1978	Shell-BP v Cole	35	55,118	n.a
1994	Shell v Farah	4,621	210,084	17
1996	Shell v Tiebo VII	6,000	274,173	9
1996	Shell v Udi	39	1,782	78
1997	Geo Source v Biragbara	197	95001	10
1997	Shell v Isaiah	22,000	1,005, 208	100

Table 1: Compensation Awards in Selected Oil Related Lawsuits in Nigeria

Source: Field work in Nigeria: Official currency exchange rates were derived from IMF International financial statistics (various years), cited in Frynas J, G. *Litigation against TNCs in Africa* (2004), p373 (Emphasis added)

This table shows the extent of the growth in litigation against the oil companies in Nigeria, particularly on cases related to oil spills. It explains the role of courts in adjudicating over environmentally related problems, and the award of compensation to the affected individual or community in the Ijaw and Delta region.

Therefore, despite the problems associated with compensation as a result of the provision of the Land Use Act that denied the ordinary Ijaws the rights of ownership, they had found relief through the court, as a basis for claiming damages from the multinational oil companies as a result of exploration activities.

7. Impact of IJAW Survival Strategies on the IJAWs, Oil Industry and the Nigerian Economy since the 1990s

The Ijaw youth's violent actions against the government during the second half of the 1990s attracted the attention of the major oil operators through the vandalism of oil installations, kidnappings and oil bunkering, among other activities. These brought about economic loss both to the Federal Government and the oil companies. The vandalisation of oil pipelines in Ijawland disrupted the exploration and production of oil and impeded the economic benefits accrued to the state in terms of foreign exchange earnings that would encourage development programmes in the area (Aghalino, 2009: 158). On the other hand, the federal government interests in the oil wealth and personal gains can be linked to the underdevelopment of the Ijaw area. This attitude precipitated local demand for a fair share and equitable treatment, given the high level of environmental devastation at Oloibiri (Interview with Obeche, February, 2011).

When oil pipeline vandalism occurred, the cost of transporting oil by road using trucks or tankers would make the oil more expensive and lead to fuel scarcity. There were instances when Ijaw youth have employed such situation adulterate petroleum products for quick sale to innocent people whose vehicles became damaged. It also encouraged black-marketing of the petroleum product as the consumers were required to pay more to secure the oil (Brume, 2008).

The costs of producing oil became high, especially when the pipelines were broken or vandalised. It prevented about 100,000 barrels of oil from being processed through the flow stations to Port Harcourt (*African News*, 2004; Interview with Collins, 2010). In some cases oil production even had to be altered and shut down until measures of damage control were taken. Field evidence shows that about 45million barrels of oil were lost to the companies between 1997 and 1998 as a result of oil production that was shut or deferred due to activities of youth protesters in the area (Interview with Collins, 2010).

S/No	1989	1990	1991	1992	1993	1995
Number of Incidents	34	95	102	85	169	77
Total projects days lost	28	28	243	407	1432	n.a.

Table 2: Alleged Community Disruption of Shell's Niger Delta Operation 1989-1995

Source: See Shell at <http://www.shell.com>

Apart from the production costs, the oil operators also experienced loss of revenue as a result of the high cost of providing security for their staff from being kidnapped, and paid large sum of money to pacify the youth leaders in Oloibiri (Aghalino, 2009:158).

Shell-BP suffered about 180 disruptions of oil production in the Niger Delta between 1993 and 1998, estimated at a loss of US \$315 million dollars (#25.5 billion naira), whilst the federal government also lost about US \$25.12 million (Celestine & Felix, 2012: 227). For instance, in Rivers State, occupied by the Ijaws, more than 15 oil flow stations that belonged to *Shell* were shut down in October 1998 (*Newswatch*, 1998: 26) which affected the lifting of crude oil in Focardos and Bonny terminals.

The Ijaw agitation of 1998 had affected *Shell's* production to the tune of 11 billion barrels of crude oil estimated at US \$1.32 billion. For example, *Shell-BP* produced only 700,000 barrels of oil per day between August and December 1998, which was well below its production capacity of 830,000 barrels set as targets in July 1998 (Brown, 1999: 23-34). This explains the level of setback the oil companies had experienced as a result of the survival strategies adopted by the Ijaw oil-producing communities.

There was also a more sinister effect of the youth's actions of oil pipeline vandalism, namely induced fire disasters which had a disastrous impact on their own economy. The fire destroyed trees and crops such as, cocoa, coffee, rubber, palm trees, maize, legumes, yams and cassava (Interview with Raji, 2011). Of special significance were the numbers of fire disasters in the Oloibiri and its environs, which cannot be linked to the activities of *Shell* or *Chevron* alone. During the year 1998, oil pipeline vandalism by youths contributed largely to the incidence of fire outbreaks in Jesse and Jones Creeks in Ijawland. Thus, the oil operators cannot take total blame for the environmental pollution of Ijawland or elsewhere in the Niger Delta. Arable lands used for fishing and crop production, as well as rivers, swamps, streams, marine and aquatic life, were polluted once the oil pipelines were vandalised.

The local people had suffered most as a result of the Ijaw youths' actions. For instance, whenever there was a fire outbreak, such as those at the Jesse and Jones towns, the women and children became the victims. Brume (2008) claimed that about 1000 Ijaws lost their lives in fire outbreaks in these towns. Many were rendered homeless and left to suffer the effects, such as poverty, health hazards and loss of property (Frynas, 1998: 457-59; Ikelegbe, 2005: 151-153). Similarly, incessant fire outbreaks also forced *Shell* to cut production to about 20,000 barrels per day, since the major pipelines that supplied Bonny terminal could not be used to export oil (Vanguard, 2004: 94).

Thus, in some cases, the survival strategies used by the Ijaw people were counter-productive. Their strategies impeded the growth and development of the area, not only leading to a shortfall in revenues that accrued to them (Ezomon, 1999: 34-36), but also frightening away prospective foreign investors who would have brought economic and infrastructural development to Ijawland.

8. Conclusion

This study has examined the livelihood strategies adopted by the Ijaw people of Niger Delta region of Nigeria in the face of environmental degradation due to oil exploration. Migration to a safe environment by the displaced Ijaws did not resolve their problems. It was found that most Ijaw migrants who moved to settle in urban centres such as Warri, Port Harcourt, Sapele and Lagos encountered more challenges than they anticipated. Overpopulation, unemployment and housing problems, among other factors, prevented them from achieving the purpose of migration to urban centres in Southern and Western Nigeria.

The scooping of fuel from the damaged oil pipelines transporting crude to the terminal was employed by the Ijaws as a means of survival, since they could no longer engage in fishing and farming as a result of pollution and gas flaring. The adoption of law suits by individuals and communities against the oil companies, particularly *Shell Nigeria*, was another strategy adopted by the aggrieved ijaws to raise more money to meet their basic needs. The burden of proof that required an expert services (scientist), and the huge amount involved, to a large extent constrained environmental justice for most Ijaws and their oil-producing communities.

Thus, the survival means of the Ijaw people had impacted on the inhabitants, the government and the oil industry. The vandalism of oil pipelines had caused fire disasters in Jesse and Jones creeks which reduced revenue that accrued to government and the oil companies while it also hampered the process of development and transformation of Ijawland.

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