THIRTEEN

IKWERRE NATION BECOMING AN ACTIVE PLAYER NOT A SPECTATOR IN THE OIL AND GAS INDUSTRY IN NIGERIA

By

Prof. Samuel C. Dike * and **Princewill C. Amadi****

Abstract

The study examined the enormous natural resources domicile in Ikwerre land with a view to enlightening Ikwerre people thus making them becoming active players not spectators in the oil and gas industry in Nigeria. There is no doubt that Ikwerre land is the proverbial promise land that flows with milk and honey from where other Nigerians feast. But unfortunately, the study found that despite the vast oil wealth derived in Ikwerre land, Ikwerre ethnic group remains poor and undeveloped. GNP per capita is below the estimated national average of U.S.$260, and is lower still in the rural areas. This paper is therefore a clarion call for Ikwerre people to rise up and claim what rightfully belong to them. they should no longer be spectators but must become active players in the oil and gas industry. Ikwerre people must not only be seen but treated as the goose that lays the golden egg. The paper adopted the doctrinal research methodology. It relied on both primary and secondary sources of gathering information. Finally, the paper recommended that, Ikwerre people/ Ikwerre indigenous servicing companies should be given first consideration in the award of oil blocks, oil field licences, oil lifting licences and in all projects with substantial presence in Ikwerree Ethnic nationality.

Keywords: Oil and Gas, Human Right, Rule of law, Spectators, Active players, Industry

1.0 Introduction

There is no gainsaying that oil and gas is the mainstay of the Nigerian economy contributing about 80% of Nigerian governments' revenue and 90% of its foreign exchange earnings[1] and thus a major catalyst to the economic development of the country. These natural resources are domicile in the Niger Delta region of Nigeria. The Niger Delta region harbours over 35 billion barrels of proven crude oil reserve which has been the subject of exploration and exploitation since the 1950s and an even larger deposit of natural gas.[2] The Niger Delta region has always played prominent role in global economy. As a centre of major economic activities dating back to the eras of the slave trade and legitimate commerce. Since the late 1950s, her prominence in global economic activities has not waned as she continues to play significant role in the global energy business, as the hub of Nigeria's oil and gas industry.[3]

Ikwerre, has contributed significantly to make the Niger Delta a centre of global economic importance. During the trans-Atlantic trade, the Ikwerre territory was home to the delta city-states' intermediaries and hinterland traders, who chose Ikwerre land and market towns that dotted the coast, to ply their trade. There are over nine (9) oilfields and ninety-six (96) oil wells in Ikwerre land. The nine (9) oilfields producing about 101mbopd, Ikwerre land contributes about 10% of Rivers State 27.16% daily crude output, which is 2.5% of the national output. Considering this fact, one would expect that the resident indigenes of this area should be highly regarded, fairly and equitably treated, as well as protected in

* LLB (RSU); BL. (Abuja) LL.M (RSU); PhD. (Aberdeen)London

** LLB (RSU); BL. (Abuja) LL.M (RSU)

[1] L.A. Afinotan, and V. Ojakorotu, (2009) The Niger Delta Crisis: Issues, Challenges and Prospects. African Journal of Political Science and International Relations, 3, 191.

[2] *Ibid*

[3] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerre land, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

relation to the output and effects of the oil- related activities in their communities by the stakeholders in the oil industry, especially the Nigerian government. But, over the years, this has not been the case. Although, in a way, they "pay the piper", they are hardly given the opportunity to "see or touch the flute" let alone "dictate the tune"; they are "the goose that lays the golden egg"; yet have hardly partaken of it to a reasonable extent.[4]

2.0 Legal Framework

There are general laws in place which set standards that are relevant for ensuring that natural resource-bearing communities are humanely, fairly and justly treated in the event of commercial exploitation of the resources in their communities.

2.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)

According to K.M.O. Kekere-Ekun, J.S.C. in *Abacha v. Fawehinmi*[5], the Constitution is the supreme law of the land. It is the grund-norm i.e, it is the basic law from which all other laws of the society derive their validity. And if any other law is inconsistent with the provisions of the Constitution, the Constitution shall prevail, and that other law shall to the extent of the inconsistency be void."[6] The above provisions clearly place the constitution over and above any other authority or persons.[7] It is the supreme authority in the land and every power is traceable to the constitution.[8] The Constitution of the Federal Republic of Nigeria[9]provides for and guarantees the fundamental rights of every citizen. These rights include; right to life, right to human dignity, right to freedom of speech, right to freedom of movement, Right to Own Immovable Property (land), etc. The 1999 Constitution of the Federal Republic of Nigeria provides for revenue sharing formula of the national cake amongst the 36 States of the Federation. It also provides for 13% of areas of derivation for the oil producing states, of course this was achieved after much protest and struggle by the people of Niger Delta. This current principle of derivation is encapsulated in Section 162(2) of the Constitution.[10] Section 162(2) explicitly states that derivation should be set at "not less than" 13%. similarly, Section 32(b) of Item F of the Third Schedule to the Constitution empowers the RMAFC to "review, from time to time, the revenue allocation formulae and principles in operation to ensure conformity with changing realities." (emphasis added). This has never been done; but it needs to be done as a matter of urgency.[11]

2.2 United Nations Declaration of Human Rights 1948

The United Nations (UN) has through its various conventions, declarations and programs such as the Universal Declaration of Human Rights, the United Nations Declaration on the Rights of Indigenous Peoples, and the United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas guaranteed individuals' property rights.

Article 17 of the Universal Declaration of Human Rights provides that "everyone has the right to own property alone as well as in association with others" to the extent that "no one shall be arbitrarily deprived of his property."[12]

The United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas in article 17 states that "peasants and other people living in rural areas have the right to land individually

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[4] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

[5] [2000] 6 NWLR (Pt) 228: P-P- v. C.P. [2011]17 NWLR (Pt) 485.

[6] CFRN.1999, s1(1) & (3); A.G. Abia State v. A.G. Federation (2006) 16 NWLR (Pt. 1005) 265

[7] A. M. Nwanyanwu and P. C Amadi, The Legal Implication of Public and Compulsory Acquisition of the Customary Land Tenure in Nigeria; *The Journal Environmental and human Right Law volume 3, issue 4, 2023* pp77-78

[8] *INEC v. Musa* [2003] 3 NWLR (Pt 806) 72; A.G. Ogun State v. A.G. Federation [1982] 2 NCLR 166 Per I.T Muhammad J.S.C3; Abacha v. Fawehinmi [2000] 6 NWLR (Pt.660) 228: P.D.P. v. C.P.C. [2011]17 NWLR (Pt.1277) 485.1

[9] CFRN 1999, Chapter 4

[10] CRRN 1999, S.162(2)

[11] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

[12] Universal Declaration of Human Rights Article 17

and/or collectively, in accordance with article 28 of the present Declaration, including the right to have access to, sustainably use and manage land …, to achieve an adequate standard of living, to have a place to live in security, peace and dignity and to develop their cultures."[13] Under the Declaration, "States shall take appropriate measures to provide legal recognition for land tenure rights, including customary land tenure rights not currently protected by law, recognizing the existence of different models and systems." [14]

Also, in the Inter-American system, the Inter-American Court of Human Right has established the jurisprudence that the denial of indigenous peoples' right to their traditional land is a violation of the right to life as guaranteed in Article 4 (1) of the American Convention on Human Rights[15].International, and regional human rights instruments protect communities, from arbitrary interference with their rights to property and land, and protections on property do not hinge on individuals or a community holding formal title to land or property.

Case law from international, regional and national human rights jurisprudence have also highlighted the link between land and human rights.[16] In the case of *Center on Housing Rights and Evictions (COHRE) v. Sudan,* the African Commission found that "it doesn't matter whether they had legal titles to the land, the fact that the victims cannot derive their livelihood from what they possessed for generations means they have been deprived of the use of their property under conditions which are not permitted by Article 14 [right to property]" of the African Charter on Human and Peoples' Rights.[17] Land rights specific to Indigenous peoples are protected within international law, including their rights to lands they have traditionally owned, occupied or otherwise used or acquired.[18]

2.2 The African Charter on Human and Peoples' Rights

The African Charter on Human and Peoples' Rights (African Charter) which has been properly domesticated in Nigeria via the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act[19] guarantees in Article 24 the right of all peoples to a "generally satisfactory environment favourable to their development". Its Articles 21 (on the right to natural resources) and 22 (on the right to development) establish the right of communities to an equitable share of the benefits emanating from natural resource exploitation in their communities1; and this point was clearly made and applied in the 2010 decision of the African Commission on Human and Peoples' Rights' in the case of Centre for Minority Rights Development (Kenya) v. Kenya[20]. In addition, there is the right to "enjoy the best attainable state of physical and mental health" provided for in Article 16(1) of the African Charter.

In addition, the 2014 African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development also obliges states in its Article 4(b) to adopt national legislation and mechanisms to ensure that "local communities" equitably "benefit from natural resources exploited in their communities".[21]State Parties to the present Charter shall undertake to eliminate all forms of

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[13] United Nations Declaration on the Rights of Peasants and Other People Working in Rural Areas, Resolution, adopted by the Human Rights Council, September 28, 2018, A/HRC/RES/39/12, art. 17.

[14] Article 17(3).

[15] For instance, Case of the Yakye Axa Indigenous Community v Paraguay, para. 160 – 178, Merits, reparations and costs, Series C No. 125, June 17 2005.

[16] United Nations, *Land and Human Rights: Annotated Compilation of Case Law*, 2015, HR/PUB/15/5.

[17]*Center on Housing Rights and Evictions (COHRE) v. Sudan*, Communication No. 296/2005, African Commission on Human and Peoples' Rights, July 29, 2009, para. 205.

[18] United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), adopted September 13, 2007, G.A. Res. 61/295, U.N. Doc. A/RES/47/1.

[19] Cap A9 Laws of the Federation of Nigeria, 2004

[20] K.K. Aaron, (2006) Human Rights Violation and Environmental Degradation in the Niger Delta. In: Porter, E. and Offord, B., Eds., Activating Human Rights, Peter Lang, Oxford, Barne and New York, 193-215.

[21] This Charter was by the Twenty-third Ordinary Session of the Assembly, held in Malabo, Equatorial Guinea, 27th June 2014; available at: http://www.au.int/en/sites/default/files/treaties/7802-treaty-0049_-

foreign exploitation particularly that practiced by international monopolies so as to enable their peoples to fully benefit from the advantages derived from their national resources.[22]

Pursuant to these provisions, the African Commission on Human and Peoples' Rights (the ACHPR) found that Nigeria had violated the right to property of the Ogoni people due to its condoning and facilitating violent attacks on and destruction of Ogoni villages by oil corporations in Ogoni land[23].

Indigenous peoples have such a strong relationship with their land that the possession and access to the land is a precondition for them to survive and enjoy their fundamental rights. When indigenous peoples are denied access to their land, therefore, it is not only their right to land or right to property that is violated but often also other rights.

2.3 The Petroleum Industry Act (PIA)2021

The Petroleum Industry Act (PIA)is widely considered as holding the potential to deliver, to a large extent, substantial justice to the Niger Delta people and wipe away their tears to a level The Act has introduced several innovative provisions to the Petroleum Industry in Nigeria. The Act puts in place some measures to safeguard investments, facilities and operations of settlors[24] in host communities. On the other hand, to prevent exploitation of host communities, degradation of their environment, etc. the Act mandates the Settlors to establish a Trust and a Trust Fund from which community developmental projects will be carried out. The Act makes provisions for host communities which encourages social and economic development and is aimed at promoting mutual cooperation between the host communities and petroleum operators within the community.[25] Host communities are communities situated in or appurtenant to the area of operation of a settlor and any other community as a settlor may determine.[26] The settlor is required to incorporate a Host Community Development Trust 'the Trust' in the community where they carry out petroleum operations.[27] The Settlor is also required to appoint the Board of Trustees (the Board) as well as members of each Committee in the said Trust. The failure of a settlor to do so can be a ground for revocation of License or Lease.[28]

The Host Communities Development Trust Fund is established by the constitution of each Host Community Development Trust and the Settlors are required to make an annual contribution to the applicable community of 3% of its actual operating expenditure of the preceding year in the Upstream Petroleum Operation affecting the community. The settlor is also required to undertake a Needs Assessment which shall metamorphose into the Community Development Plan and determine the project to be undertaken by the Trust.[29]

The Act protects petroleum operations and activities in host communities by providing that where there is any vandalism, sabotage or any civil unrest which causes damage to any petroleum or designated facilities or disrupts petroleum activities in a host community, such community will forfeit its entitlement to the extent of the cause to repair the damage or the damage that occurred as a result of such disruption.[30] Section 233 provides for Decommissioning and Abandonment Fund (DAF). This

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_african_charter_on_the_values_and_principles_of_decentralisation_local_governance_and_local_development_e.pdf. Although the signatories to the Charter are increasing, the regime is yet to come into force.

[22] African Charter on Human and Peoples' Rights, Art. 21

[23] SERAC v Nigeria, Comm. No. 155/96, p. 15, May 27, 2002.

[24] The holder of an interest in Petroleum Prospecting License or Petroleum Mining Lease whose area of operation is located or appurtenant to a community.

[25] Ibid

[26] PIA 2021, Section 318

[27] PIA 2021, Section 235

[28] PIA 2021, Section 238

[29] Goldsmiths Solicitors PIA Series IV, Host Communities and Funds under the Petroleum Industry Act 2021 - Available at " https://goldsmithsllp.com/host-communities-and-funds-under-the-petroleum-industry-act-2021-goldsmiths-solicitors-pia-series-iv/ accessed 22/09/2023

[30] PIA 2021, Section 257 (2)

Fund is to be setup, maintained and managed by each Licensee and Lessee to be held by a financial institution that has no connection with the Licensee and Lessee or its affiliate. It is to be held in an escrow account, accessible to the Commission or Authority. The Fund is to be used for the payment of decommissioning and abandonment costs. The amount to be contributed yearly into the Fund is to be based on the Decommissioning and Abandonment Plan set out by the licensee or lessee and approved by the Commission or Authority and the amount is to be reviewed every 10 years following the first submission.[31]

2.4 Nigerian Oil and Gas Industry Content Development Act 2010

The Nigerian Oil and Gas Industry Content Development Act is designed to enhance the level of participation of Nigerians and Nigerian companies in the country's oil and gas industry. With the promulgation of the Act, the Government has clearly established its intention to increase indigenous participation in the industry in terms of human, material and economic resources. The implementation of the Act is expected to significantly change the current business and operating structure in the Nigerian oil and gas industry, particularly for the international oil service companies.[32]

Section 2 provides that all regulatory authorities, operators, contractors, subcontractors, alliance partners and other entities involved in any project, operation, activity or transaction in the Nigerian oil and gas industry shall consider Nigerian content as an important element of their overall project development and management philosophy for project execution.[33]

Similarly, section 3 provides as follows:

(1) Nigerian independent operators shall be given first consideration in the award of oil blocks, oil field licences, oil lifting licences and in all projects for which contract is to be awarded in the Nigerian oil and gas industry subject to the fulfilment of such conditions as may be specified by the Minister.

(2) There shall be exclusive consideration to Nigerian indigenous service companies which demonstrate ownership of equipment, Nigerian personnel and capacity to execute such work to bid on land and swamp operating areas of the Nigerian oil and gas industry for contracts and services contained in the Schedule to this Act.

(3) Compliance with the provisions of this Act and promotion of Nigerian content development shall be a major criterion for award of licences, permits and any other interest in bidding for Oil exploration, production, transportation and development or any other operations in Nigerian Oil and Gas industry.[34]

In the light of the foregoing, Ikwerre people/Ikwerre indigenous service companies should be given first consideration in the award of oil blocks, oil field licences, oil lifting licences and in all projects for which contract is to be awarded in the oil and gas industry across Ikwerre communities.

2.5 Environmental Impact Assessment (EIA) Act 1992

The Environmental Impact Assessment (EIA) Decree No. 86 of 1992 which is now the EIA Act.[35] This Act, which was partly enacted in response to agitations in the Niger Delta as regards environmental pollution and media and international pressure on the government and oil companies at the time[36], aims, like every other EIA measure, to mainstream environment- related considerations into development

[31] PIA 2021, Section 233 (4)

[32] See,2010 KPMG Professional Services, a partnership registered in Nigeria and a member firm of the KPMG network of independent member firms affiliated with KPMG International Cooperative ("KPMG International"), a Swiss entity. All rights reserved. Printed in Nigeria.

[33] Nigerian Oil and Gas Industry Content Development Act 2010 section 2

[34] Nigerian Oil and Gas Industry Content Development Act 2010 section 3

[35]Cap E12 Laws of the Federation of Nigeria (2004).

[36] R. Adomokai, and W.R. Sheate, (2004) Community Participation and Environmental Decision-Making in the Niger Delta. Environmental Impact Assessment Review, 24, 495.
https://doi.org/10.1016/j.eiar.2004.01.002

projects. So as to effectively achieve this aim, it is internationally accepted as a general principle that "public participation is a fundamental component of the environmental impact assessment (EIA) process"[37]. Yet, among other aspects, it is in this area of ensuring public participation in decision-making relating to a proposed project that the EIA Act is most inadequate and weak. It barely creates such a right or opportunity for the relevant communities in a meaningful way.

For instance, while Section 7 of the EIA Act provides that the public be given the opportunity to make comments on the EIA of a proposed activity before any final decisions can be taken by the responsible authority, Section 14(1) of the Act, contrary to international best practice, grants the relevant government authorities arbitrarily wide and largely unguarded powers to exclude the requirement for EIA for a given project (and therefore public participation in the process), which power they have frequently put to use to the detriment of the environment as attested to by many[38].

Thus, there is continued protest by those in the Niger Delta about the lack of their involvement in environment-related actives that affect them as engendered by weak and inequitable procedural laws and practices. In addition, research has also shown that the nearly 25-year old EIA Act—which is partly outdated not having been reviewed, updated or amended at all and contains weaknesses in substance reflective of its military roots—is seriously deficient in many other aspects compared to international best practice in the field, hence its inability to fulfil its aim in any reasonable measure[39].
Under the "Environment" section of the 2014 Nigerian National Conference Report, the review of the EIA Act was recommended, including the fact that not just "projects" (as is currently the case under the Act) but "all policies, plans and programmes be subjected to Strategic Environmental Assessment (SEA) in pursuance of environmental sustainability"[40]. In realization of its weaknesses and seemingly in compliance with the later recommendation, the federal government is currently finalizing a new, broader and more modern EIA law that will effectively serve to protect the environment[41]. It is only hoped that this process is sped up and concluded with the involvement and contribution of interested civil society members.[42]

Even the Environmental Guidelines and Standards for the Petroleum Industry (EGASPIN) which was first issued by government authorities in 1992 (but reviewed subsequently in 2002) and majorly constitutes the operational basis for environmental regulation of the oil industry in Nigeria and also contained provisions for quick and proper cleanup by oil companies in cases of oil spill, is still inadequate in certain key aspects. For instance, UNEP has fingered the instrument as being "internally inconsistent with regard to one of the most important criteria for oil spill and contaminated sites management—specifically the criteria which trigger remediation or indicates its closure"[43]. Thus, little wonder that the UNEP study found in Ogoniland "heavy contamination present 40 years after an oil spill occurred" despite claims by the oil industry that the polluted site had been cleaned-up.[44]

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[37]N. Hartley, and. C. Wood, (2005) Public Participation in Environmental Impact Assessment—Implementing the Aarhus Convention. Environmental Impact Assessment Review, 25, 319-340.
https://doi.org/10.1016/j.eiar.2004.12.002

[38]Y. Omorogbe, (2002) The Legal Framework for Public Participation in Decision-Making on Mining and Energy Development in Nigeria: Giving Voices to the Voiceless. In: Zillman, D.N., Lucas, A.R. and Pring, G., Eds., Human Rights in National Resource Development: Public Participation in the Sustainable Development of Mining and Energy Resource, Oxford University Press, Oxford, 549.
https://doi.org/10.1093/acprof:oso/9780199253784.003.0015

[39]U. Etemire, (2015) Law and Practice on Public Participation in Environmental Matters: The Nigerian Example in Transnational Comparative Perspective. Routledge, London.

[40]The 2014 Nigerian National Conference Report.

[41]J. Njoku, and. F. Olusupo, (2015) FG Commence Validation of Reviewed EIA Act 1992.
http://www.vanguardngr.com/2015/06/fg-commences-validation-of-reviewed-eia-act-1992/

[42] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

[43] United Nations Environmental Programme (UNEP) (2011) Environmental Assessment of Ogoniland. UNEP Report.

[44]*Ibid*

3.0 Ikwerre Ethnicity/Territory

The Ikwerre presently constitutes the largest ethnic group in Rivers State. They own and inhabit the four Local Governments of Ikwerre, which is: Ikwerre, Emohua, Obio/Akpor and Port Harcourt.[45] The Ikwerre have five clans or groups; Elele/Ishimbam, Mgbu-Esila, REO, Obio and Akpor. Elele/Ishimbam Group consists of Elele, Elele-Alimini, Egbeda, Omudioga, Apani, Akpabu, Itu, and Ubimini. Mgbu-Esila Group consists of Isiokpo, Aluu, Igwuruta, Omagwa, Omademe, Ubima, Ozuaha, and Ipo. REO Group consists of Ibaa (Uvuawhu), Obelle, Rumuekpe, Ndele, Emohua, Ogbakiri (Wezena), and Odegnu. Obio Group consists of Evo and Apara. Akpor Group consists of Ozuoba, Choba, Rumualogwu, Akami, Alakahia, Mgbuosimini, Rumuolumeni, and Rumuokwachi.

The Ikwerre lies between geographical coordinates of 4 degrees 15 minutes to 5 degrees 15 minutes North and 6 degrees 30 minutes to 7 degrees 15 minutes east covering a land area of about 21, 400km, which represents approximately 20 percent of cultivable land in the old Rivers State. It is located in the Guinea Coast region of Sub-Sahara Africa and in the thick tropical topology of the African continent. The Ikwerre topology is a combination of coastal creeks, lagoons, plains, forest land streams, with alluvial and Swampy soil of the rainforest type.[46] The Ikwerre land which is located within the tropical forest zone of Africa with a huge expanse of land, forest, streams and rivers, experiences during the year: the dry and rainy seasons, which begins from November to May, and June to October, respectively. The numerous water bodies that crisscrosses the region naturally irrigate the land.[47] The presence of these rivers and streams within and around the Ikwerre land made fishing and other marine activities part of their economic occupations[48].The Ikwerre land is located within the dry land agricultural region and palm belt of the Rivers State, thus making it one of the major producers of food and cash crops in the state.

The Ikwerre land is bounded to the North and West by Ogba, Egbema, Ekpeye and Abua; to the South by the Ijaw of Okrika and Kalabari, to the South-West and East by the Tai, Eleme and Etche, and to the North-East by the Igbo of Imo State.[49]

The Ikwerre and their history in a geographical, economic, and cultural terms, act as a cross road between the Igbo hinterland and the Ijaw communities of Okrika and Kalabari in the South.[50] This unique and strategic location has had a huge impact on the people and their history.

3.1 Ikwerre Oil Producing Communities

The nine (9) oilfields in Ikwerre land are the following:

1. Agbada 1 (with a Flow station at Mbodo, Aluu) in Ikwerre Local Government Area.
2. Agbada 2 (with a Flow station at Igwuruta) in IkwerreLocal Government Area.
3. Mini-Nta (with a Flow station at Elele-Alimini) in Emohua Local Government Area.
4. Ahia (with a Flow station at Omudioga) in Emohua Local Government Area.
5. Apara (with a Flow station formerly at Rumuola but diverted to Elelenwo) in Obio/Akpor Local Government Area.
6. Elelenwo (with a Flow station at Elelenwo) in Obio/Akpor Local Government Area.
7. Rumuekpe (with a Flow station at Rumuekpe) in Emohua Local Government Area.

[45] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[46]Provisional Administrative Map of RiversState, 2003 cited in Dibia, 2011, p.11; Wahua, 1993.

[47] O. Dibia, The Challenge of Ikwerre Development in Nigeria. Port Harcourt: Bilex Productions. (2011) p11

[48]W.O.Wotogbe-Weneka, W.O. "The Significance of Reincarnation of the indigenous African religions of the Ikwerre people of Rivers State". In I.C.Amini-Philips (Ed.2011).p131

[49] O. Nduka, (1993). Studies in Ikwerre History and Culture, vol.1.Ibadan: Kraft Books Ltd.p19

[50] O. Nduka, O. (n. 5) pp. 34-48

8. Ibaa/Obelle (with a Flow station at Obelle) in Emohua Local Government Area.[51]
9. Ubima (with a Flow station at Ubima) in Ikwerre Local Government Area. The Ubima field is presently being developed by Eland oil and gas. Ubima hosts 4 wells and covers an area measuring 65km2.

The 9 Ikwerre oil fields had a total of 96 oil wells that are reproducing about 100,000 barrels of crude daily. Ikwerreland is host to several multinational oil producing and servicing companies.[52]

Rumuekpe Town

Rumuekpe Town is in Emohua Local Government Area. An agrarian community by occupation was the first place where oil was found in Ikwerreland. Oil exploration and exploitation started in Rumuekpe in 1958 after Oloibiri where oil was first found in Nigeria in commercial quantity. Rumuekpe was the second place where oil was struck in Nigeria in commercial quantity. The two communities where oil wells were located in Rumuekpe are Ovele Nvakaohia and Imogu.

Rumuekpe occupies a prominent place in Nigerian oil industry, not necessarily due to her being the second place where oil was found in commercial quantity in Nigeria and next to Oloibiri, but due to the fact that all the oil majors have their facilities and operate in Rumuekpe. These are: Shell Petroleum Development Company (SPDC) Nigeria Limited, Totalfina Nigeria Limited (former Elf Nigeria Ltd.), Agip Nigeria Limited, NDPR and several oil servicing companies servicing the major oil companies. Rumuekpe town houses major oil and gas facilities which had aided and still aids oil and gas production in the Niger Delta. Shell Petroleum and Development Company Nigeria Limited has the following facilities in Rumuekpe: Three (3) functioning oil wells, eight (8) Manifolds (the largest manifold in the world is located in Rumuekpe), one (1)Gas gathering plant (the largest in Africa), two (2)flow stations, One (I) major crude trunk line, one (1)Helipad, one (1) Microwave station, One (1) Booster station, One (1) Flare site, One (1) Oil pipeline and flow lines.[53]

Obelle Town

Obelle Town is in Emohua Local Government Area. Oil production activities started in Obelle town in 1963. By1963, Obelle had four (4) oil wells operated by the SPDC. By 1973, the fifth (5) oil well was discovered by SPDC while in 1987 the sixth (6) oil well was discovered along Ibaa road by SPDC. These six oil wells are generally known as Obelle Oilfield and under Agbada 1. The six (6) oil wells put together produced about 18,000 barrels of oil per day (bpd).SPDC has the following facilities at the Obelle Oilfield: Six (6) oilwells, one (I) Flowstation, One (I) Flaresite, One(I) Helipad, and One (1) Campsite. According to the Ogundu, each well-head is on approximately 50 plots of land. That is approximately 300 plots of peasants' farmland for the six oil wells, while the flow station covers approximately 60 plots of land.[54]

Omudioga Town

Omudioga Town is in Emohua Local Government Area. Oil exploitation by SPDC began at Omudioga in 1964, before the Nigerian Civil War in 1967.The company has the following facilities at Omudioga's Ahia Oilfield: 16 Oilwell heads, with only two (2) wells-3 and 14, still producing, One (I) Manifold, One (I) Microwave, One (1) Cathodic protection ground bed, a Campsite, One (1) Flare site, and a network of pipelines carrying crude oiland gas. The pipelines convey crude oil from Omudioga through

[51] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[52] *Ibid*

[53] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[54] *Ibid*

Egbeda, Akpabu and Elele-Alimini (Mini-nta oil field) to Rumuekpe for onward delivery to Bonny terminal. Ahia Oilfield currently produces about 1,500 bpd.[55]

Egbeda Town

Egbeda Town is in Emohua Local Government Area. Oilwas struck at Egbeda town by SPDC in 1958 same year with Rumuekpe. As at 2015, the community had ten (10)oilwells, with a total acquired area (SAA) of approximately three (3) hectares of land. Each well-head produced about 2,000bpd. SPDC has the following facilities at Egbeda: Six (6) producing Oil wells, four (4) oil wells have been decommissioned, Fifteen (15) Gas well-heads, Five (5) Manifolds, One (1) Flowstation, Twenty (20) Prefabricated houses (for workers' residence), and One Flare site.

Rumuji Town

Rumuji Town is in Emohua Local Government Area. Oil was discovered in Rumuji in the mid 1960's. There are nine (9) oil wells in the community producing about 22,000 bpd. SPDC acquired about 4 hectares of land for her facilities with other adjoining lands as pipelines right of way (ROW). SPDC has the following facilities: Nine (9) Oil wells, Two (2) Manifolds, One (1) Flow station, and One (1) Flare site.[56]

In addition to the above facilities, Rumuji is a host to a Liquified Natural Gas Gathering Plant, owned and operated by Greenville Oil and Gas Company Limited, which is located along the East-West Road, Rumuji Town. It is a private sector driven liquid natural gas plant for domestic utilization.

Elele-Alimini Town (Mini-Nta) Oilfield

Elele-Alimini Town is in Emohua Local Government Area. Oil was discovered in Elele-Alimini in 1964 at a place called Omusem Woga family farmland in Omuse village. By 1982/83, another oil well was discovered by SPDC in Mini-Nta swamp now referred to as Mini-Nta oilfield inElele-Alimini.[57]

Olo Flowstation

Olo flow station is located between Elele-Alimini and Elele-Okiniali (Big Elele), making the two communities as owners of the land landlords to the Totalfina Nigeria limited, the owner and operator of the flow station. Oil was struck at this location about 1988, while production started in late 1990s.In addition to the flow station, the location has 5 wells (i.e 4 oil wells and 1 gas well) and a flare site. Olo 1, 2, 3 and 5 are oil wells, while Olo 4 is a gas well, technically described as a dry well, because it does not produce oil. The gas in Olo 4 has not been harvested. A network of pipelines conveys crude oil from the location to Odereke community in Ahoada East Local Government Area, where they join pipelines from other locations, such as the Mini-nta to Rumuekpe, and from there to Bonny terminal. Production of oil at the flow station was suspended about 2010 due to difficulty in the evacuation of crude oil from the location to Rumuekpe through Odereke. The evacuation challenge was caused by blockage of pipes by wax.[58]

Elelenwo Town

Elelenwo Town is in Obio/Akpor Local Government Area. Oil was discovered in Elelenwo about 1965 by SPDC. At that time, there were five (5) oil wells in Elelenwo. Approximately six (6) hectares of land were acquired at different locations as oilfield and pipelines right of way (ROW). Three (3) of the five (5) oil wells were decommissioned in 1995 by the SPDC. Before they were decommissioned, according

[55] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[56]*Ibid*

[57] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[58]*Ibid*

to the informant, the wells produced optimally. The Odani family is the host of the oil wells in Elelenwo. The Elelenwo oilfield is located in the town. And the oilfield serves the entire Obio/Akpo Local Government Area.[59]

Rumuokwurusi, Rumuibekwe and Okporo Communities

The three communities are in Obio/Akpor Local Government Area and hosts to the oil giant SPDC. The three communities are joint owners of the place referred to as Shell Residential Area (R.A). The company acquired the R.A land in 1953. In the past, according to the informant, all Shell's major operational activities centred and took off from the Residential Area (R.A). The three communities of Rumuokwurusi, Rumuibekwe and Okporo are also part of the Oropotoma clan of Ikwerreland. Rumuokwurusi is also host to other oil and gas companies' pipelines, such as the NLNG, Agip and the Petrochemical'

Rumuomasi, Rumuobiakani and Oginigba Communities

Rumuomasi, Rumuobiakani and Oginigba communities are in Obio/Akpor Local Government Area. The Elelenwo oilfield covers Rumuomasi, Rumuobiakani, Oginigba,Woji, Okporo, Rumuibekwe, Rumuokwurusi, Rumuogba,and Rumuola. Except Rumuola, all the communities mentioned are in Oropotoma Kingdom. Also, oil pipelines right of way (ROW) traversed these Oropotoma communities. These three (3) Ikwerre towns of Rumuomasi Rumuobiakani, and Oginigba are the owners of the land where SPDC's Industrial Area (I.A) is located.The land was acquired by the oil giant in 1954 in the course of her prospecting for oil in the Niger Delta. Rumuobiakani had two (2) oilwells. Elelenwo well15 was opposite Claridon hotels along Aba-Port Harcourt Express Way. These two oil wells have been decommissioned by SPDC. The oil well at Rumuogba has also been decommissioned.

Iriebe Town

The Iriebe is in Obio/Akpor Local Government Area. Oil was first struck at Iriebe in 1964 in Rumuoda community. There are 14 oilwells at Iriebe town which are operated by SPDC, out of which 8 oil wells are still producing, while 6 wells have been shut-in. The two principal communities that are hosts to SPDC are Rumuoda and Okoroshe. There are two (2) Manifolds in Iriebe town, with pipelines that traverse and empty into Afam flow station, through Umuebulu.

Orazi and Eligbam Communities

Orazi and Eligbam communities are in Obio/ Akpor Local Government Area. Oil was discovered in the two communities in 1964. The two communities had two (2) oil wells. These oil wells have been decommissioned. As a matter of fact, the sites have been taken over by property developers to the extent that the sites can hardly be recognized as sites that had produced crude oil in the past, and had contributed to the economic well-being of Nigeria.[60] A total of five (5) plots of land were acquired by SPDC(SAA) for exploration and exploitation of oil in the two communities. According to Chief Woke, until the two (2) wells were decommissioned in late 1980s, they were producing optimally.[61]

Rukpokwu Town

Rukpokwu Town is in Obio/Akpor Local Government Area. Oil was discovered in Rukpokwu/Aluu adjoining land by SPDC in 1961. There were 15 oil wells in Rukpokwu, which had been decommissioned. SPDC acquired a total of four (4) hectares of land within the area referred to as Agbada

[59] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[60] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[61] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

oilfield. The two (2) families that owns the land where oil was found in Rukpokwu are: Eli-Kpokwu and Eledo-Kpokwu. These families in Rukpokwu are joint owners of Agbada farmland and landlords to SPDC.[62]

Igwuruta Town

Igwuruta Town is in Ikwerre Local Government Area. SPDC discovered oil in Igwuruta Town in 1962. There was a total of Nine (9) oil wells, which are still producing till date. The company acquired over five (5) hectares of land for the purposes of production of oil in the area. Igwuruta field has one (1) Manifold that terminates at the Agbada 1flowstation in Rukpokwu. It has a prefabricated(Caravan) house for security operatives guiding facilities in the area. Apart from SPDC, other oil servicing companies working for Shell operated in the field.[63]

Aluu Town

Aluu town is in Ikwerre Local Government Area and the host of Agbada 1 oilfield which is particularly located at Mbodo community. Oil was struck at Mbodo, Aluu Agbada farmland in 1959. The Agbada oilfield consists of the following communities of Aluu and Igwuruta Towns of the Ikwerre Local Government Area: Mbodo, Omuigwe, Omoda, and Omuike of Aluu; Omunobo and Omuchi communities of Igwuruta. According to the informant, Mbodo has 5 oil wells; Omoda has 4 oil wells, while Omuike has trunk line that passed through the community only without oil well. Omuchi and Omunobo communities of Igwuruta have 6 and 5 oil wells, respectively. Outside the 9 oil wells Sin Aluu town, it has the following facilities: One (1) Flowstation, One (1) Cartodic and one (1) Gas Manifold, One (1) oil Manifold, One (1) Flaresite, One (1) Campsiteand One (1) Gas Booster Station.

Mgbuoba-Rumuokwuta

Oil was discovered at Mgbuoba- Rumuokwuta Town by Shell in 1964, before the Nigerian civil war. At the time oil was discovered at Mgbuoba, the area was Rumuokwuta Community farmland. There were three (3) oil wells discovered at Mgbuoba. Two (2) wells were at the Shell location road at Mgbuoba, while one (1) was located between the Government Girls Secondary School Rumuokwuta and Okilton Hotels Drive at Mgbuoba. The two (2) wells at the Shell location at Mgbuoba have been decommissioned. The decommissioning of the wells in 1990 has now given way to property development by the land owners within the acquired area. The well near Okilton Hotels Drive, though no longer producing, is yet to be decommissioned by SPDC.[64]

Ogbogoro Town

Ogbogoro Town is in Obio/Akpo Local Government Area. Oil was struck at Ogbogoro Town by Shell in 1964. Until2001, Ogbogoro had three oil wells, which is Akpor 1, 2, and 3. Well 1 is located at Rumuadi and Rumuwokenanwu families's land. Akpor 2 is located at Olawada family land, while Akpor 3 is located at Eliezar family and Omakwele Wali families' land in Ozodo community. The crude oil from these three wells was collected at Apara flow station at Rumuokwuta/Rumuola. Well 1 occupied about 8plots; Well 2 occupied about 10plots of land, while well 3occupied about 8plots of land. The 3 wells were decommissioned in 2014. Before the wells were decommissioned, about 70% of Akpor (well 3) land had been taken over by the landowners without authorization from the company, the informant claimed.

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[62] *Ibid*

[63] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[64] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

Ubima Town

The Ubima field is presently being developed by Eland oil and gas. Ubima hosts 4 wells and covers an area measuring 65km2. According to the company website, Eland, Ubima can produce 2,000 bopd of oil daily which could be increased with time. Reserve in the field is about 30 million barrels.

There is a possibility that the importance of Ogbele would be enhanced with more drilling. But Ogbele is largely a gas province. And the gas to oil ratio is really high. Near Ogbele is the the Omerelu field which is also being developed by the same company. Three wells had been drilled. Just like Ogbele it is mainly a gas field. The development of the Ogbele and Omerelu fields will push the gas production rate from Ikwerre land significantly.

Other discovered leads and fields within Ikwerre land includes Umuanwa; Nroo; Izomini; Ogbodo; Apani, Walima, Emohua and Isoba.[65]

3.2 Neglect of the Ikwerre People by the Players in the Oil and Gas Industry in Nigeria

Despite the vast oil wealth domicile in Ikwerre land, Ikwerre ethnic group remains poor and undeveloped. GNP per capita is below the estimated national average of U.S.$260, and is lower still in the rural areas. Unemployment in Port Harcourt centre nerve of Ikwerre land, and capital of the state, is at least 30 percent. Education levels are below the national average, already low: approximately three quarters of Nigerian children are believed to attend primary school, and national adult illiteracy is estimated at 43 percent, but in parts of the in Ikwerre land, attendance at primary school drops to less than a third and illiteracy is presumably correspondingly higher (this is by contrast to the position at independence, when in Ikwerre land, still benefitted in terms of western education from its earlier contact with European missionaries).[66] The poverty level is exacerbated by the high cost of living: the influx of people employed in the well-paid energy sector has made Port Harcourt and the other urban areas of the state among the most expensive in Nigeria. The oil sector employs only a small percentage of the workforce: a labour aristocracy of high wages surrounded by a great mass of un- or under-employed.[67]

The state governments report that only 20 to 25 percent of rural communities and 45 to 50 percent of urban areas have access to safe drinking water; in all likelihood this is an overestimate. Proper sanitation is available to less than 25percent of the population; in Port Harcourt, Ikwerre's biggest city, there is no city-wide sewage system. This situation is common to much of Nigeria but worse in Ikwerre land, where it is additionally exacerbated in the areas of regular flooding. Water related diseases are widespread and probably the "central health problem in Ikwerre land. State programs for immunization of children have declined drastically in recent years: in Rivers State 85 percent of children were immunized in 1989, dropping to 15 percent in 1991. As in the rest of Nigeria, electricity supply from the national grid is erratic; in any event, most of the Ikwerre communities are not connected to the grid, and depend on kerosene stoves and lamps or private generators for power. Local population growth coupled with the influx of people from other parts of Nigeria, pushed by pressure on land elsewhere or pulled by the economic opportunities offered by the energy sector, has put serious pressure on agricultural land.

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[65] I. C. Enyindah A Preliminary History of Oil and Gas Production in Ikwerreland, 1958-2000 Scholarly Journal of Science Research and Essay Vol. 9(2), pp. 51-57, December 2020Available online http:// www.scholarly-journals.com/RJSSHISSN 2734-2026 © 2020 Scholarly-Journals

[66] World Bank, Defining an Environmental Development Strategy, p.2-3; World Bank, World Development Report 1997, Table 1; see also, Uche Onyeagucha, Oronto Douglas, and Nick Ashton-Jones, The Human Habitat of Port Harcourt (Benin City: Environmental Rights Action, 1995). The northern state of Sokoto, however, has fewer schools per capita than Delta or the old Rivers State. Environmental Resources Managers Ltd Niger Delta Environmental Survey Final Report Phase I, Volume I, p.164.

[67] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

New roads built by the oil companies to access their facilities are swiftly followed by agricultural development and settlement. As a result of pressure on land, farmers are forced to shorten the periods during which fields are allowed to lie fallow; fertilizers are not available to the great majority of farmers. Reduced sedimentation, caused by the construction of dams, is also believed to have contributed to decreased fertility. Yields have declined as a result: in Ikwerre communities decreases in yield have often coincided with the beginning of oil production, and are usually attributed to the activities of the oil companies, though it is difficult to disentangle the different causes.[68] A quite number of Ikwerre people make a living through fishing. Fish catches in Ikwerre waters are believed to be well above sustainable levels.

Most fishing is carried out on a small-scale basis by self-employed fishermen and women using wooden canoes, rather than by commercial enterprises; however, commercial trawlers do operate offshore. The dams on the Niger and Benue Rivers and their tributaries have contributed to declining fish stocks, by reducing floods and nutrient inputs. Local fishermen complain at reduced catches in recent years, and attribute the decline to pollution from oil operations both oil spillages and other effects such as increased turbidity of the water caused by dredging or traffic of large motor-powered craft.[69] Again, lack of proper research makes it difficult to evaluate the overall contribution of hydrocarbon pollution to declining fish catch. In individual cases, however, oil spills can kill large numbers of fish in a small area. While spills in the open sea or in large creeks in tidal areas disperse fairly quickly, oil spilled in freshwater swamps or affecting fishponds in forest areas is confined to a small area. Moreover, although the effect of fish kill as a result of a spill can be mitigated by fishing elsewhere in the sea or large creeks, where access is usually open for those fishing from a particular community, the effect of a spill can destroy much of the livelihood for those affected in the freshwater swamp, where fishing areas and fishponds belong to particular families. Oil operations are major industrial activities that can cause damage to the environment and to private properties. This could arise at any stage of the operations exploration, mining, production or transportation. Compensation should be paid where damage occurs as a result of negligence on the licensee's part, or where oil leaks destroy crops, trees and other means of livelihood. The Bill lacks robust provisions for the protection of human rights and community health, environmental safety and security; protection of cultural property and heritage; use and management of dangerous substances including the impacts on indigenous peoples, and their unique cultural systems and values.

Gas flaring prohibitions are notably absent. Other absent provisions include: oil company contributions for environmental remediation or the Restoration Fund comprising of penalties and sanctions for environmental damage. Oil and natural gas extraction have produced environmental pollution at levels that affect reproductive health of indigenous populations. Accordingly, polluted drinking water from physical, chemical and heavy metals can result in serious health problems, like anemia, kidney failure, immunosuppression, neurological impairments, gastrointestinal as well as respiratory irritation, skeletal system abnormalities, liver inflammation, liver cancer, cardiovascular diseases after chronic exposure and other cancer diseases with negative health effects. These diseases types remain associated to high amounts of heavy metal elements such as lead, chromium, zinc, copper, cadmium, manganese as well as nickel etc. The companies in the areas have also impacted negatively on the natural ecosystem through destruction of farmland, aquatic live and depletion of soil nutrients which affect crop yield in the area. It is on this note that one would wonder if the oil companies in the area are really protecting the natural ecosystem and also putting the communities' livelihood into consideration.[70]

In the light of the foregoing, Ikwerre people must rise up to the occasion and claim what rightfully belong to them. They should no longer be spectators but must become active player in the oil and gas industry.

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[68] *Ibid*

[69] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

[70] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

4.0 Ikwerre Nation Becoming an Active Player not a Spectator in the Oil and Gas Industry in Nigeria

Ikwerre people should leverage on the provisions of the Petroleum Industry Act (PIA) and the constitutional provisions of the 13% area of derivation and advocate for their rights and entitlement.[71]

Even though this current 13% derivation fell short of the expectation of the stakeholders in the Niger Delta, it was accepted as a reasonable start on the journey to achieving a more equitable benefit sharing formula in this regard. The fact that 13% was not an acceptable destination—whether from a historical perspective or in light of current realities and the uniquely difficult terrain of the area development-wise—was made clear in subsequent agitations and recommendations. For instance, the subsequent "National Political Reforms Conference recommended an increase of this percentage to 15% while the Joint Committee of the National Assembly proposed an increase to 18% in the Constitutional Amendment Bill", but these efforts have not been fruitful.[72]

In agreement with the above, it is submitted that the 13% should be substantially increased to about 50% in accordance with the recommendation of the 2002 Ogomudia Report.[73] in order for oil producing communities to share equitably in the benefits from the resource with which they have been blessed, and "to keep the tenor and vision behind the development of the Niger Delta alive through the veritable principle of derivation".[74]

This call is particular germane considering the increasing price of oil at the international market. It is also an important call considering the fact that Ikwerre people have not benefited in any reasonable measure from the exploitation of their traditionally owned oil resource since the commencement of commercial oil production in the area 60 years ago. The urgency is further heightened when one remembers that crude oil is a finite resource and that already there are various speculations that commercial production of oil and gas in the region can only last a few more decades.[75]

Moreover, the 13% derivation is overdue for upward review considering that the present economic realities are vastly different from what existed in 1999. To be sure, the Constitution envisages such upward review. Apart from the proviso of Section 162(2) which explicitly states that derivation be set at "not less than" 13%, thus presupposing that the figure can be increased, Section 32(b) of Item F of the Third Schedule to the Constitution empowers the RMAFC to "review, from time to time, the revenue allocation formulae and principles in operation to ensure conformity with changing realities." (emphasis added). This has never been done; but it needs to be done as a matter of urgency.[76]

Secondly, ensuring adequate and equitable benefit sharing of proceeds from oil production as it relates to oil-bearing communities extends beyond requests for "more money" to accountability for that which has so far been, and is being, released to the various Niger Delta communities. While the request, for "more money" is justified in its own right, calls are increasingly being made, and rightly so, for relevant state governments to show how they have spent what they have received so far, and to ensure that what

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[71] CRRN 1999, S.162(2)

[72]N.S. Okogbule, (2007) The Plight of the Minority Niger Delta in Nigeria: The Poverty of Protective Legal and Institutional Mechanisms. University of Benin Law Journal, 10, 118.

[73]Ogomudia Report (2002) Report of the Special Security Committee on Oil Producing Area Vol. 1. Submitted to the President of the Federal Republic of Nigeria, Chief Olusegun Obasanjo, GCFR.

[74]Y. Omorogbe, (2016) Resource Control and Benefit Sharing in Nigeria. In: Barrera-Hernández, L., Barton, B., Godden, L. and Rønne, A., Eds., Sharing the Cost and Benefits of Energy and Resource Activity: Legal Change and Impact on Communities, Oxford University Press, Oxford, 259.
https://doi.org/10.1093/acprof:oso/9780198767954.003.0015

[75] M. Eboh, (2016) Recession: Nigeria's Oil, Gas Reserves Running Out, NNPC Warns.
http://www.vanguardngr.com/2016/10/recession-nigerias-oil-gas-reserves-running-nnpc-warns/

[76] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

is being collected at the moment is properly utilized. In fact, among many others, the actual situation of things is well captured in a 2012 report, thus: Oil producing communities in six states of the federation have raised an alarm, alleging that their state governments have either misappropriated or misapplied a whopping N7.282 trillion, being payments of the 13 per cent derivation for 13 years, leaving the oil and gas communities in hunger and abject poverty… The state governments which received this money illegally use the fund to develop their state capitals and non-oil and gas producing communities, leaving the actual oil and gas producing communities in hunger and penury.[77]

The argument further put forth by oil producing communities, which is indeed reasonable, is that the 13% derivation is not part of the normal consolidated revenue due to Niger Delta state governments or any other tier of government from the federal government; "[i]t is standing on its own to the credit of the oil and gas producing communities as a first charge on the Federation Account", and its allocation to, and administration by, the state governments is not in accordance with the letter and spirit of Section 162(2) of the Constitution [35] . In other words—and rightly so—as it applied to the Niger Delta, the "13 per cent derivation fund is a benchmark for revenue allocation to the oil and gas producing communities of Nigeria and not for the state governments" to use in building new government houses and developing the state capital at the expense of the actual oil producing communities. [78]And the fact that this 13% revenue is not part of the state's consolidated revenue from the federal government, but is mainly targeted at areas from where natural resources are derived for the benefit of the nation, must be reflected in the manner in which it is applied. Thus, measures to bring about such a situation is certainly preferred and advocated for, as bringing the administration of the funds closer to the oil producing communities would potentially help speed up their development and address the inequities, they have suffered for many years include the neglect by some of their own state governments. The establishment of the 13% derivation is largely due to the efforts and agitations of the oil producing communities, and no entity should be allowed to short-change them with respect to benefiting from the funds.[79]

4.1 How to Become Active Participant in the Oil and Gas Industry

Becoming an active participant in the industry is not a wasteful thinking, it is a deliberate plan-out strategy over time. There are laws that are quite enabling now but Ikwerre and her people must leverage on these laws to fit into the industry's set up.

This section outlines how Ikwerre will not only be spectators in the oil and gas industry but participant. These are:

1. **Creating Capacity:**
   We must develop human capacity at all levels to interface with the oil and gas industry, government and all stakeholders in the industry.
2. **Skills Set:**
   The oil and gas industry is premised on specialized skills. We must engage in developing and or encouraging our people to develop special skills set required in the industry at all levels.
3. **Advocacy:**
   We must have men and women who shall speak for us and advocate for our interest. Our Representatives in the National Assembly should take the lead while those in the State Assembly and Local Government Areas should follow the same line.
4. **Dialogue:**
   We must adopt peaceful approach in negotiating with the IOCs operating in Ikwerre so that there will be mutual understanding and respect. We further that government and the IOCs only hear

[77] E. Elebeke, (2012) Oil Communities Allege Misappropriation of 13% Derivation Funds. http://www.vanguardngr.com/2012/12/oil-communities-allege-misappropriation-of-13-derivation-funds/
[78]Premium Times (2016) Delta, Ondo Oil Communities Demand Control of Derivation Money. http://www.premiumtimesng.com/national-conference/delta-ondo-oil-communities-demand-control-derivation-money/
[79] T. Okonkwo and U. Etemire, "Oil Injustice" in Nigeria's Niger Delta Region: A Call for Responsive Governance Journal of Environmental Protection > Vol.8 No.1, January 2017

descent and vocal voices but in a civilized society in which we are, we counseled against that approach.

5. **Entrepreneurial/ Industrial Capacity:**
We must have conscious oil and gas business men ready to bid for oil wells license, ready to establish oil servicing companies and willing to own oil marketing outfits. We must be ready to corporate, partner and collaborate with the IOCs in all the industry's value chain.

6. **Education:**
We must encourage our people to be science oriented, taking up courses in engineering, petroleum, gas, climate change, nuclear energy, renewable energy, etc.

7. We must do the needful. We must bid for pipeline surveillance contract from Federal Government, State Government, IOCs and insist that the pipeline that cross our ethnic nationality must be protected by our indigenous contactors.

8. **Persuasive:**
We must persuade the Federal Government and State Government to spend the 13% oil derivation money in the oil and gas producing communities in Ikwerre land.

Clean up:

9. We must urge the Federal Government and State Government to clean up impacted oil and gas communities in Ikwerre as it is the case in Ogoni; or a similar set up such as (HUPREA) can be set up mainly for Ikwerre communities. There is need to rid Ikwerre of pollution and gas flared noting that life expectancy in Ikwerre has dropped to the lowest ebbs due to the negative impact of extractive industries.

5.0 Conclusion

From the foregoing, it is now obvious that despite the vast oil wealth derived in Ikwerre land, Ikwerre nation is regrettably faced with persistent challenges of poverty, infrastructural decay and employment dearth all over the land. Ikwerre communities are not benefiting reasonably from oil extraction activities. Visiting Ikwerre communities, you will immediately notice that these places are not different from other less endowed parts of the country. The levels of poverty, infrastructure decay and destitution are the same, or worse. The problem has been escalated by the destructive effect of oil exploitation. As a result of oil pollution, the traditional livelihood sources of the people have been compromised.

Ikwerre people can no longer make a living from fishing and farming. The major reason oil producing communities and Ikwerre communities in particular, are not benefiting from oil extraction is because policies meant to transfer benefits to the people have consistently failed to do so. There is also the lack of participation which is a major issue. In planning development activities and interventions, no agency responsible for managing community funds actually consults people of the community. This is indeed a serious issue as lack of participation also means lack of ownership. To this end therefore, Ikwerre people must rise up and claim what rightfully belong to them. They should no longer be spectators but must become active players in the oil and gas industry. Ikwerre people must not only be seen but treated as the goose that lays the golden egg.